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Citizenship rulings must be 'fair, lawful': SC

Court sets aside 27 judgments by Gauhati HC on 'foreigners', asks tribunals to adjudicate afresh

Declarations on citizenship are not sustainable if 'procedure employed is mechanical', says court

The HC had dismissed appeals against tribunals since the appellants failed to appear for hearings

Aaratrika Bhaumik
NEW DELHI

The Supreme Court on Monday held that the determination of citizenship and foreigner status must be undertaken through a "fair, lawful, and reasoned" process, as it set aside a batch of 27 Gauhati High Court judgments declaring the appellants to be foreigners, and remanded the cases to the Foreigners' Tribunals concerned for fresh adjudication.

A Bench of Justices Vikram Nath and Sandeep Mehta observed that while the state has a legitimate interest in ensuring that persons who are legally ineligible for an Indian citizenship do not obtain such a status through "false claims", the "grave consequence" of being declared a foreigner must follow a procedure that adheres to constitutional guarantees.

"A state action which is arbitrary cannot claim the protection of law merely because it is clothed in statutory form. A proceeding which may result in a person being declared a foreigner cannot be sustained if the procedure adopted is mechanical, one-sided, or devoid of application of mind," the judgment, authored by Justice Nath, said.

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>
> SUPREME COURT JUDGMENT

'Fair opportunity'

The Tribunal must examine whether the person had a "fair opportunity, whether the main grounds were disclosed, whether the evidence before it was capable of supporting the reference, and whether the conclusion follows from the material on record," it added.

The High Court had dismissed the appeals against the orders of the Foreigners' Tribunals declaring the appellants to be foreigners after noting that none of them had appeared before the tribunals despite having been served notices. It had observed that, in the absence of any written statement, documents, or evidence from the appellants, the tribunals had "no option" but to affirm the references.

The top court, however, clarified that the remand should not be construed as an affirmation of the appellants' claim to Indian citizenship.

The remand was intended solely to ensure that the serious civil consequences of being declared a foreigner flow only from an adjudication that is legally sustainable and consistent with the principles of fairness, the top court said.

Accordingly, the Bench set aside both the High Court judgments and the corresponding opinions of the Foreigners Tribunals concerned, directing the tribunals to decide the matters afresh without being influenced by their earlier findings or those of the High Court. It said the fresh adjudication must involve an independent assessment of the evidence and the rival claims in accordance with law and should, as far as possible, be completed within six months.

The court further directed that no coercive steps be taken against the appellants until the Foreigners Tribunals render fresh opinions.

The top court also directed the appellants to appear before the tribunals within four weeks.

'Big legal consequence'

Justice Nath also acknowledged that questions of citizenship and foreigner status occupy a field of "high constitutional and legal significance", particularly because a declaration that a person is a foreigner carries far more than ordinary civil consequences. Such a finding, the judge noted, may result in detention, deportation, separation from family and community, and even "statelessness".

The apex court further underlined that while Section 9 of the 1946 Act undoubtedly places the burden upon the proceedee to prove that he or she is not a foreigner, it does not absolve a Tribunal of its "obligation" to conduct a lawful adjudication so as to not proceed with a "mechanical" declaration.

The Bench also pointed out that the guarantees of equality before the law under Article 14 and the right to life and personal liberty under Article 21 of the Constitution extend to foreigners as well, and are not confined to Indian citizens.

"A person proceeded against before a Foreigners Tribunal may ultimately fail to establish Indian citizenship, but the process by which such determination is made must still satisfy the constitutional requirements", the Bench said.

The principal contention before the apex court was whether a person could be declared a foreigner through *ex parte* proceedings solely on account of non-appearance, particularly where government records were available in support of the claim to Indian citizenship.

The dispute arose from an order dated May 9, 1997, by the Illegal Migrants (Determination) Tribunal, which declared Sabitri Dey and her husband, Sambhu Dey, to be illegal migrants after they failed to appear despite summons. The petitioners contended that they had no knowledge of the proceedings and that the tribunal's conclusion rested primarily on the inquiry officer's hearsay testimony rather than reliable substantive evidence.

KEY HIGHLIGHTS:

Context of the News

- The Supreme Court set aside 27 Gauhati High Court judgments that had upheld Foreigners' Tribunal orders declaring certain persons as foreigners.
- The cases have been remanded to the respective Foreigners' Tribunals for fresh adjudication.
- The Court held that determination of citizenship/foreigner status must be fair, lawful, reasoned, and consistent with constitutional guarantees.
- It also directed that no coercive action be taken against the appellants until fresh orders are passed.

Key Points

- Section 9, Foreigners Act, 1946: Burden of proving that a person is not a foreigner lies on the proceedee.
- Despite the burden of proof, the Tribunal cannot mechanically declare a person as a foreigner merely due to non-appearance.
- Tribunals must:
  - Provide a reasonable opportunity of hearing.
  - Examine documentary and oral evidence independently.
  - Pass a reasoned (speaking) order.
- The Supreme Court reiterated that Articles 14 and 21 are available to all persons, including foreigners.
- Declaration as a foreigner may result in:
  - Detention
  - Deportation
  - Statelessness
  - Loss of civil rights and family separation
- The remand does not validate the claim of Indian citizenship; it only ensures a constitutionally valid adjudicatory process.

Static Linkages

- Articles 5–11 – Constitutional provisions relating to citizenship.
- Article 11 – Parliament's power to regulate citizenship.
- Citizenship Act, 1955.
- Foreigners Act, 1946.
- Foreigners (Tribunals) Order, 1964.
- Article 14 – Equality before law (available to all persons).
- Article 21 – Protection of life and personal liberty (available to all persons).
- Article 19 – Available only to citizens.
- Principles of Natural Justice:
  - Audi Alteram Partem (Right to be heard).
  - Reasoned/Speaking Orders.
  - Fair and unbiased adjudication.
- Maneka Gandhi v. Union of India (1978): Procedure established by law must be just, fair and reasonable.

Critical Analysis

Significance

- Reinforces Rule of Law in citizenship determination.
- Upholds procedural fairness in quasi-judicial proceedings.
- Prevents arbitrary exercise of State power.
- Protects constitutional rights of all persons.

Challenges

- Burden of proof under Section 9 is difficult for persons lacking legacy documents.
- Large pendency before Foreigners' Tribunals.
- Inconsistent standards in appreciation of evidence.
- Risk of prolonged uncertainty regarding legal status.

Way Forward

- Standardize procedures followed by Foreigners' Tribunals.
- Ensure effective legal aid for vulnerable persons.
- Digitize and preserve legacy records.
- Strengthen capacity and training of Tribunal members.
- Ensure timely disposal while adhering to principles of natural justice.

SC stays Madras HC order banning cow slaughter

The Hindu Bureau
NEW DELHI

The Supreme Court on Monday stayed a May 27 order of the Madras High Court that directed the Tamil Nadu government to enforce a State-wide prohibition on the slaughter of cows and calves.

A Bench comprising Justices Vikram Nath and Sandeep Mehta was hearing a special leave petition filed by the Tamilaga Vettri Kazhagam (TVK)-led government challenging the High Court's order on the ground that the direction was contrary to the provisions of the Tamil Nadu Animal Preservation Act, 1958, which permits the slaughter of cows over 10 years of age if a competent authority declares them unfit for work and breeding.

The State also pointed out that laws such as the Prevention of Cruelty to Animals Act, 1960; the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001; the Tamil Nadu Urban Local Bodies Act, 1998; and the Tamil Nadu Urban Local Bodies Rules, 2023, do not impose a blanket prohibition on slaughter, but instead regulates the manner and conditions under which it may be carried out.

Slaughter rules

The Madras HC had observed in its May 27 order that slaughter of animals could take place only in licensed/designated places

T.N.'s CONTENTION IN SC:

- Order amounted to 'judicial lawmaking' and was internally inconsistent
- Several existing laws regulate slaughter without any blanket ban
- Necessary steps already taken to prevent the slaughter of animals in public places

'Need for correction'

Observing that the impugned order required *prima facie* "correction", the Bench issued notice on the appeal filed by Tamil Nadu and stayed the operation of the High Court's order insofar as it directed the State to impose a complete ban on cow slaughter.

The impugned order was passed by a Division Bench of Justices G.R. Swaminathan and V. Lakshminarayanan, which had directed the Chief Secretary and the Director-General of Police/Head of Police Force to ensure that no cow or calf was slaughtered anywhere in the State either on the eve of Bakrid on May 28, 2026, or on any subsequent day.

The petition, filed by the Secretary to the State government, arraigned as respondents K. Surya, youth wing secretary of the Indu Makkal Katchi, who had moved the original writ petition before the High Court, along with the Director-General of Police and other State officials.

The Tamil Nadu government apprised the top court that the High Court's order amounted to "judicial lawmaking" and was internally inconsistent. It pointed out that while the High Court had correctly observed that slaughter could take place only in designated slaughterhouses or places notified under the law, it had simultaneously directed a complete prohibition on the slaughter of cows and calves.

The State further submitted it had already taken the necessary steps to prevent the slaughter of animals in public places and had consistently maintained that any animal sacrifice would be permitted only in enclosed spaces away from public view.

The High Court had observed that slaughter of animals could take place only in licensed slaughterhouses or places specifically designated by the competent authorities under the law.

KEY HIGHLIGHTS:

Context

- The Supreme Court stayed the Madras High Court's order directing the Tamil Nadu government to impose a State-wide ban on the slaughter of cows and calves.
- The State argued that the direction was contrary to the Tamil Nadu Animal Preservation Act, 1958, which permits slaughter of certain cattle under specified conditions.
- The case highlights issues relating to Directive Principles of State Policy (DPSPs), legislative competence, judicial review, and animal preservation laws.

Key Points

- Supreme Court Bench: Justices Vikram Nath and Sandeep Mehta.
- Stayed the High Court's direction imposing a blanket prohibition.
  - Tamil Nadu Animal Preservation Act, 1958Allows slaughter of cows above 10 years of age if certified permanently unfit for breeding or agricultural work.
- State argued that:
  - Prevention of Cruelty to Animals Act, 1960 regulates humane treatment of animals.
  - Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 prescribe standards for licensed slaughterhouses.
- The State termed the High Court's direction as judicial lawmaking, since existing law regulates rather than completely prohibits slaughter.

Static Linkages

- Article 48 – State shall organize agriculture and animal husbandry on modern and scientific lines and prohibit slaughter of cows, calves and other milch and draught cattle.
- Article 48A – Protection and improvement of environment.
- Article 51A(g) – Fundamental Duty to show compassion for living creatures.
- Article 37 – DPSPs are non-justiciable but fundamental in governance.
  - Article 246 & Seventh ScheduleState List (Entry 15): Preservation, protection and improvement of stock; prevention of animal diseases.
  - Concurrent List (Entry 17): Prevention of cruelty to animals.
- Judicial Review – Courts interpret laws but ordinarily do not legislate.

Critical Analysis

Constitutional Dimension

- Article 48 encourages cattle preservation but leaves implementation to legislation.
- Raises the issue of judicial interpretation versus judicial legislation.

Governance Issues

- Uniform enforcement of slaughterhouse regulations remains a challenge.
- Need to balance animal welfare, farmers' livelihoods, and public order.

Federal Aspect

- Livestock preservation primarily falls within the legislative domain of States.
- Different States have different cow slaughter laws based on local conditions.

Way Forward

- Strengthen enforcement of existing animal preservation laws.
- Modernize and regulate licensed slaughterhouses.
- Ensure humane treatment of animals in accordance with the Prevention of Cruelty to Animals Act.
- Respect legislative competence while maintaining judicial restraint.
- Promote scientific livestock management and cattle conservation.

Retail inflation climbs past RBI target to 4.4%

Food inflation touched 5.05% in June, the highest in the new series of the CPI. REUTERS

T.C.A. Sharad Raghavan
NEW DELHI

Inflation was driven by rising food and fuel prices amid the West Asia war and a weak monsoon

India's retail inflation has crossed the Reserve Bank of India's 4% target for the first time since January 2025, touching 4.4% in June, an 18-month-high. It stood at 3.93% in May.

Inflation, as measured by the new series of the Consumer Price Index (CPI), was driven by rising food and fuel prices amid the crisis in West Asia as well as a weaker-than-normal monsoon.

Food inflation touched 5.05% in June, the highest in the new series of the CPI.

The transport segment saw inflation rising to 4.3% in June, compared with 1.7% in May, following rise in fuel prices.

"The June CPI inflation of 4.4%, exceeding the RBI's medium-term target of 4%, reflects persistent pressures from global geopolitical uncertainties and supply chain disruptions," said Vivek Rathi, national director of research at Knight Frank India.

"On the domestic front, food inflation has remained a key driver, due to weather-related disruptions to agricultural output, and uneven monsoon distribution across certain regions," Vivek Rathi, national director of research at Knight Frank India said.

Looking ahead, Aditi Nayar, chief economist at ICRA, said retail food prices have continued to harden in July too when compared to June as well as July 2025, suggesting that inflation in this segment is likely to be even higher in July 2026.

"In addition to food items, the non-food component may also exert pressure on the headline CPI print in the month, partly owing to the pass-through of higher fuel prices into prices of other items," she added.

The other area that witnessed high inflation was the "personal care, social protection and miscellaneous goods & services" category, which saw inflation of 16.7% in June 2026, although this was the lowest since January 2026, the earliest period for which the new series has data.

Inflation in this segment was propelled by the rising prices of gold and silver in June, which was exacerbated by the higher import duties imposed on the two metals.

KEY HIGHLIGHTS:

Context

- CPI-based retail inflation rose to 4.4% in June 2026, crossing the RBI's medium-term target of 4% for the first time since January 2025.
- Inflation increased from 3.93% (May 2026).
- Rise was mainly driven by:
  - Food inflation (5.05%) due to uneven monsoon and weather-related supply disruptions.
  - Higher fuel prices amid geopolitical tensions in West Asia.
  - Rising transportation and logistics costs.

Key Points

- Headline CPI Inflation: 4.4%
- Food Inflation: 5.05% (highest under the new CPI series).
- Transport Inflation: Rose to 4.3% from 1.7% in May.
- Higher crude oil prices increased imported inflation and production costs.
- Rising prices of gold and silver pushed up inflation in miscellaneous goods and services.
- Food and fuel remain the major drivers of India's retail inflation.

Static Linkages

- Consumer Price Index (CPI) is compiled by the National Statistical Office (NSO), MoSPI.
- RBI follows the Flexible Inflation Targeting (FIT) framework (since 2016).
- Inflation Target: 4% ± 2% (range: 2%–6%).
- Legal Basis: RBI Act, 1934 (amended through the Finance Act, 2016).
  - Monetary Policy Committee (MPC):6 members (3 RBI + 3 Central Government nominees).
  - Repo Rate is the primary policy instrument.
  - Types of Inflation:Demand-pull
  - Cost-push
  - Imported inflation
  - Core inflation (excluding food & fuel)

Critical Analysis

Why Inflation Increased

- Uneven monsoon affecting food supply.
- Higher international crude oil prices.
- Supply-chain disruptions due to geopolitical conflicts.
- Increase in transportation and logistics costs.

Implications

- Reduces purchasing power, especially of poor households.
- May delay RBI's monetary easing.
- Raises input costs for industries.
- Increases fiscal pressure through subsidies and welfare spending.

Way Forward

- Strengthen agricultural supply chains and storage.
- Promote climate-resilient agriculture and irrigation.
- Reduce dependence on imported crude through renewable energy and ethanol blending.
- Improve logistics efficiency under PM Gati Shakti.
- Continue data-driven monetary policy under the FIT framework.

All Ladakh districts to get autonomous hill councils

Ladakh administration announces creation of 17 new tehsils; Chief Secretary Ashish Kundra says several rounds of talks were held with regional representatives over constitutional safeguards

Peerzada Ashiq
SRINAGAR

The Ladakh administration on Monday announced 17 new tehsils "to strengthen grassroots governance" in the Union Territory and said the Ladakh Autonomous Hill Development Council (LAHDC) Act will be extended to all seven districts of the region.

"The administration is working on an institutional framework suited to Ladakh's unique requirements and is also taking steps to extend the benefits of the Ladakh Autonomous Hill Development Council (LAHDC) Act to all seven newly created districts through appropriate legal provisions," said Ladakh Chief Secretary Ashish Kundra.

Earlier, Ladakh had only two districts of Leh and Kargil. However, five new districts of Sham, Nubra, Changthang, Zanskar and Drass were notified in April. With 17 additional tehsils, Ladakh has a total of 32 tehsils now. "These initiatives would bring government services closer to the people, reduce travel for citizens living in remote villages and strengthen infrastructure and development across regions, including Zanskar, Drass, Nubra, Changthang and Sham," said Mr. Kundra.

Governance boost: With the creation of new tehsils, the Union Territory has a total of 32 tehsils now. FILE PHOTO

He said the administration has issued posting orders for tehsildars in 17 newly created tehsils. "Four new divisions under the Public Health Engineering (PHE) and Flood Control Department, along with five new divisions under the Public Works Department (PWD) and PMGSY (Pradhan Mantri Gram Sadak Yojana), have been created to strengthen service delivery in remote areas," he added.

He said significant progress has been made in government recruitment, decentralised governance, and ongoing discussions on constitutional safeguards for Ladakh.

On the issue of constitutional safeguards, Mr. Kundra said several rounds of discussions have been held with representatives of religious organisations and civil society bodies. "The minutes of the meetings held on May 22 and July 3 have been shared in the public domain to ensure transparency. There is broad consensus on protecting Ladakh's land, culture and identity while promoting inclusive development," said Mr. Kundra.

Glaring imbalance: KDA

In July, the draft shared by a team from the Union Home Ministry in Leh suggested that the Centre was considering a customised *sui generis* model, most suitable for Ladakh, under the provisions of Article 371 for the Union Territory.

The Kargil-based civil society organisation, the Kargil Democratic Alliance (KDA), said the tehsil figures "reveal a glaring imbalance". "While the erstwhile Leh district has been allotted 12 new tehsils, the erstwhile Kargil district has received only five," said KDA leader Sajjad Kargili. He said this disparity was difficult to reconcile with objective parameters. "Kargil has a larger population and a greater number of villages than the other five newly created districts combined. Yet its administrative needs appear to have been overlooked. Even more striking is the fact that Drass has not been granted a single additional tehsil, despite its substantial population, large number of villages, and genuine administrative requirements," he said.

He said there were instances where a new tehsil was created for a single village. "It has raised serious questions about the criteria adopted for this exercise. This also shows the absence of a sense of justice from the administration and also shows discriminatory approach towards the people of Kargil and Drass," he added.

KEY HIGHLIGHTS:

Context

- The Ladakh Administration has created 17 new tehsils, increasing the total from 15 to 32, to strengthen grassroots governance and improve service delivery.
- Following the creation of five new districts (Sham, Nubra, Changthang, Zanskar and Drass) in 2026, Ladakh now has 7 districts.
- The administration has announced that the Ladakh Autonomous Hill Development Council (LAHDC) Act will be extended to all seven districts through suitable legal provisions.
- Discussions are also underway regarding constitutional safeguards for Ladakh, including a possible Article 371-based sui generis model.

Key Points

- UT Status: Ladakh became a Union Territory without a legislature on 31 October 2019 under the Jammu & Kashmir Reorganisation Act, 2019.
  - Present Administrative Structure:Districts: 7
  - Tehsils: 32
  - Objective of new tehsils:Better administrative accessibility.
  - Improved implementation of government schemes.
  - Faster delivery of public services in remote areas.
  - Administrative strengthening:New divisions under PHE, Flood Control, PWD, and PMGSY.
  - Appointment of Tehsildars in newly created tehsils.
- Issue under discussion: Constitutional safeguards for land, employment, culture and identity.

Static Linkages

- Article 239 – Administration of Union Territories by the President through the Lieutenant Governor.
- Jammu & Kashmir Reorganisation Act, 2019 – Creation of the Union Territories of Jammu & Kashmir and Ladakh.
  - LAHDCLeh LAHDC: 1995
  - Kargil LAHDC: 2003
  - Statutory bodies for decentralized governance.
- Tehsil is the basic revenue and administrative unit headed by a Tehsildar.
- Article 371 provides State-specific special provisions; Ladakh is presently not covered under Article 371.

Critical Analysis

Significance

- Improves last-mile governance in remote Himalayan regions.
- Strengthens administrative decentralisation.
- Facilitates effective implementation of welfare schemes.
- Enhances infrastructure and disaster response.

Challenges

- Allegations of regional imbalance in allocation of new tehsils.
- Demand for stronger constitutional safeguards.
- Difficult terrain and sparse population increase administrative costs.
- Need to balance development with protection of tribal identity and ecology.

Way Forward

- Ensure objective and transparent criteria for administrative reorganisation.
- Strengthen financial and functional autonomy of LAHDCs.
- Finalise constitutional safeguards through stakeholder consultation.
- Improve digital governance and connectivity in remote areas.
- Promote inclusive and balanced regional development.

Holding the Court accountable amid democratic strain

In late June this year, 23 Opposition parties wrote to the Chief Justice of India (CJI) Surya Kant raising concerns about the state of the electoral process in India's democracy. The letter reiterated the broad concern that the Special Intensive Revision (SIR) of electoral rolls is exclusionary, and that the framework is burdensome for ordinary citizens. The Opposition's letter is also a gesture of desperation and disappointment over the Supreme Court of India's refusal to interfere with the massive and continuous disenfranchisement.

The erosion of the right to vote

In *Why India Votes?* (2014), Mukulika Banerjee narrates various encounters with poor ordinary voters. Ms. Banerjee, in the book, referring to Mekhala Krishnamurty's study, cites an incident: A woman named Rukmini Bai was unable to vote in the elections for lack of proper identification documents. When Rukmini was asked why it was important for her to vote, she said, "My work is to sweep up all the grain that falls from the sacks and the weighing scales on the floor. At the end of the day, I sell what I have collected and I am allowed to keep half the money. That is my income. So you see, I understand the value of each grain of wheat. On the floor they look insignificant, just one isolated grain of wheat, but each grain that is added to the heap determines what I earn. My vote is like those grains of wheat."

For any citizen of a democracy, exercising the right to adult franchise is vital. But for those who have been marginalised from mainstream society, voting becomes a powerful political act. It reaffirms the recognition that they and their votes matter, and that they count as much as those of the privileged. This is why the long queues at polling booths, without class, caste, or income disparities, turns out to be a beautiful image of a functioning democracy.

What the SIR exercise initiated by the Election Commission of India (ECI) has done is to poke at the heart of this electoral enfranchisement. The modalities in which the ECI has invoked this process are also significant. The ECI has been successful in creating an atmosphere of anxiety for citizens, in a matter closely tied to their political identity. The right to vote is a significant facet of political expression envisaged by the Constitution. This right is now, however,

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The higher judiciary's handling of the Special Intensive Revision (SIR) of electoral rolls raises questions about judicial scrutiny and India's democratic future

submerged in an entire overarching framework consisting of documentation, inquiry into lineage, appeals and as scholar Rudraksh Lakra calls it – 'digital structural authoritarianism'.

Role of the Court

When the basic structure of a democracy is directly attacked by the executive, the kind of response by the Court – a counter-majoritarian institution – deserves serious study. When a politically aggressive state battles the powerless individual with the entire state machinery at its disposal, one looks at the Court, equipped with the constitutional tools to limit state power.

The Bihar SIR case was adjudicated by the Bench led by the CJI on May 27, 2026. However, this decision came long after the election was over. The Court also has a disappointing history of postponing the final decision in cases after the state action in question has been already operated or implemented.

Therefore, as in the cases challenging demonetisation (2016) and the abrogation of the special status of Jammu and Kashmir, by the time the legality of the SIR was decided, it had become a *fait accompli*. This is the primary failure of the Court – not determining the dispute when time is of the essence.

Second, the way in which the Court oversaw the process was problematic. Unlike the cases where executive action is under judicial scrutiny, in the Bihar SIR, the Court actively involved itself and facilitated the so-called revision that led to deletion of several lakhs of voters. By virtue of several interim orders and a multitude of directions, the Court effectively administered the process. One finds a clear judicial abetment to the electoral process making it a collaborative exercise – quite unprecedented in the country's history. The Court's nature shifted from a forum of judicial review to an administrative body.

Third, the ex-post facto endorsement. In the Bihar SIR case, it was nevertheless crucial how the Court would substantively conceptualise the dispute. This was also determinative for other State elections, particularly in Assam and West Bengal. One could frame the narrative in either of two ways: first, as a technical question concerning the competence and powers of the ECI; and second, as a question of deprivation of rights.

In formulating the questions themselves, the Court leaned towards the former rather than the latter. Barring a singular question on proportionality and legitimacy, all other issues were misidentified. This is why there is no effective deliberation on the legality of the process, particularly with regard to its vagueness and lack of reasoning. The disproportionate administrative demand for (often impossible) paperwork, rigid time limits, and the discriminatory impact on minorities, women, and the migrant population were overlooked. In the adjudicatory exercise, there was no appreciation of the social realities of illiteracy, poverty and lack of institutional access for a substantial number of voters. Ultimately, the Court decided in favour of the ECI on all the issues.

Judicial accountability

Long ago, the liberal thinker Murray Rothbard, relying on the scholar Charles Black, noted that: "the state has .... largely transformed judicial review itself from a limiting device to yet another instrument for furnishing ideological legitimacy to the government's actions." In his classic work, *The Politics of the Judiciary* (1977), J.A.G. Griffith also exposes the judiciary's natural inclination towards the political branches of the state.

The Indian Supreme Court is one of the most powerful institutions in the world. Many decisions of the Court seemingly involving legal questions are essentially political questions. Therefore, it is necessary for the political Opposition to evaluate and criticise the fundamental aberrations in the judicial realm. This is part and parcel of the function of the Opposition, in today's critical times.

Manufacturing endorsements to support continuing executive excesses is symptomatic of any authoritarian regime. It is important to recognise that India is evolving into a system in which institutions have lost neutrality, as acknowledged by the Leader of the Opposition in the Lok Sabha, Rahul Gandhi, in his speech at the recent INDIA bloc convention.

It is also becoming clearer that any radical change in the polity through the judicial process is unlikely. There is a recent global trend of expanding oppositional politics beyond conventional methods to people's movements. India's democracy must embrace such political praxis.

KEY HIGHLIGHTS:

Context

- The Special Intensive Revision (SIR) of electoral rolls undertaken by the Election Commission of India (ECI) has generated debate over voter inclusion and electoral integrity.
- Opposition parties raised concerns regarding possible disenfranchisement due to stringent documentation and verification requirements.
- The issue highlights the balance between free and fair elections and inclusive electoral participation, making it important for UPSC Polity.

Key Points

  - Special Intensive Revision (SIR):Conducted by the Election Commission under the Registration of Electors Rules, 1960.
  - Aims to ensure electoral rolls remain accurate by removing ineligible entries and including eligible voters.
- Concerns raised include:
  - Extensive documentary requirements.
  - Short timelines for verification.
  - Risk of exclusion of migrants, women, elderly persons, and economically weaker sections.
- The debate centres on balancing:
  - Purity of electoral rolls, and
  - Protection of the constitutional right to participate in elections.
- Judicial scrutiny focused largely on the powers of the ECI rather than broader questions relating to voter exclusion and proportionality.
- Electoral roll preparation is a continuous process before elections under the Representation of the People Act framework.

Static Linkages

- Universal Adult Franchise under Article 326.
- Superintendence, direction and control of elections vested in the Election Commission of India (Article 324).
- Equality before law (Article 14).
- Freedom of speech and political participation (Article 19(1)(a)—judicial interpretation).
- Representation of the People Act, 1950 (preparation of electoral rolls).
- Representation of the People Act, 1951 (conduct of elections).
- Registration of Electors Rules, 1960.
- Basic Structure Doctrine—Free and Fair Elections.
- Judicial Review as part of the Basic Structure.
- Rule of Law and Natural Justice.

Critical Analysis

Importance of SIR

- Improves accuracy of electoral rolls.
- Removes duplicate, deceased and ineligible voters.
- Enhances credibility of elections.

Concerns

- Documentation burden may exclude genuine voters.
- Migrants, elderly, women and marginalized groups are more vulnerable.
- Short verification timelines.
- Increased litigation over voter eligibility.
- Need to balance electoral purity with universal franchise.

Constitutional Issues

- Protection of voting rights.
- Procedural fairness.
- Reasonableness and proportionality of administrative actions.
- Institutional accountability of the ECI.

Way Forward

- Simplify voter verification procedures.
- Accept multiple forms of documentary evidence.
- Strengthen BLO outreach and voter awareness.
- Ensure transparent deletion and restoration procedures.
- Provide adequate time for claims and objections.
- Improve digital and offline grievance redressal.
- Periodic parliamentary review of electoral reforms.

The right path for India's nuclear power development

International sanctions were imposed on India after its peaceful nuclear test of 1974. The India-United States civil nuclear deal, which was signed in 2008, ended the restrictions on the import of uranium and of nuclear power plants, with some critical exceptions. The free import of natural uranium has enabled India to grow its nuclear programme. Negotiations with major western nuclear power plant suppliers were started but had to be given up as their plants were far too expensive.

Meera Shankar

Former Indian Ambassador to the United States

Ajay Shankar

Distinguished Fellow, TERI, and former Secretary, Department of Industrial Policy and Promotion (DIPP), Government of India

Homegrown nuclear advantage

Sanctions forced India to innovate. Every part going into India's nuclear plants was designed, developed, tested, and manufactured in India in patient partnerships between the Atomic Energy Commission (AEC) and Indian firms. The unit size of India's nuclear power plants went up from 200 MW to 500 MW. Now, 700 MW units have been developed. Four units are under construction and another 10 are being developed. India now makes the cheapest nuclear power plants in the world, costing approximately $1,700 per Kw. The South Korean plants cost more, around $2,200 per Kw, the French over $5,500 per kw, and the U.S. $15,000 per Kw. Therefore, India has the potential to become a major exporter of nuclear power plants.

With such a clear cost advantage and self-reliance, reports of plans to import nuclear power plants and technology indicate insufficient awareness of India's own capabilities and price competitiveness. The size of India's potential market for nuclear energy is so large that it would be rational for international suppliers to do whatever it takes to get a substantial share of this market. But would that be the optimum choice for India if costs are much higher or if it creates a new stream of technological vulnerability?

At this time, India has further strengthened its leadership in technology as its 500 MW commercial fast breeder reactor is getting commissioned after overcoming many difficult challenges. Today, India makes Pressurised Heavy Water Reactors (PHWR), which use natural uranium as fuel. The Light Water Reactors (LWRs) use enriched uranium as fuel and are based on uranium enrichment technology which is more widely used in the world. India should try and develop its own LWRs, specially as the Nuclear Suppliers Group waiver permanently prohibits the transfer of enrichment and reprocessing technology to India. This should not be beyond India's capabilities, given sufficient resources and a dedicated programme.

Scaling up, staying self-reliant

The government has decided that by 2047, India will develop 100 GW of nuclear power capacity. To achieve this, the sector has been opened up to new entrants from both the public and private sectors through enabling legislation that is well-crafted and investor-friendly. The price of nuclear power in India is now competitive *vis-à-vis* thermal power. The use of the proven, cost-competitive domestic technology by new entrants would be the ideal cost-effective way to scale up. A large programme has scale effects resulting in lower production costs. Further, new entrants could potentially reduce project execution costs and time. Bringing in technology streams and equipment which will give India far more expensive electricity should not merit serious consideration.

To meet the enormous dedicated power demands of artificial intelligence data centres, small modular reactors (SMRs) are being considered as a solution in the West. However, the designs remain under development, with commercial deployment yet to begin. The AEC has offered its technology for 200 MW nuclear plants to new entrants. Smaller unit sizes to suit emerging market needs can also be developed domestically in partnership between the AEC and Indian firms. The market for SMRs in India would be a bilateral contractual matter between the generator and buyer. From a regulatory perspective, there would be merit in taking the view that a foreign-designed SMR plant should have operated satisfactorily for a few years before being deployed in India. There would be little justification for an untested SMR being developed elsewhere being first deployed, experimentally, in India.

The country's nuclear future must balance growth with self-reliance and safety

Ambition needs caution

Given the critical importance of ensuring the safety of nuclear power plants, it would be prudent that new players establish themselves before scaling up. India's record on safety in its nuclear plants has been exemplary till now. This must be preserved going forward. This will be a major challenge amid rapid expansion and the entry of new players, given the prevailing industrial culture in India, where accidents at construction sites and operating industrial plants continue to occur.

A single nuclear mishap could trigger a strong public backlash, similar to the one experienced by the West after Chernobyl (1986), which led to nuclear power development coming to a virtual standstill in many western countries. It would, therefore, be prudent for new entrants to initially develop only a few plants and establish the rigorous internal safety culture required for nuclear facilities, subject to continuous external auditing. Scaling up can thereafter take place gradually, without needlessly risking safety. The goal of achieving 100 GW of capacity by 2047 could be achieved safely while also strengthening self-reliance within India and enabling the country to become a globally competitive player.

KEY HIGHLIGHTS:

Context

- India aims to achieve 100 GW of nuclear power capacity by 2047 to strengthen energy security and support its Net Zero target by 2070.
- The debate centres on whether India should prioritise indigenous nuclear technology or import foreign reactors.
- India's success in developing indigenous Pressurised Heavy Water Reactors (PHWRs) and the commissioning of the 500 MW Prototype Fast Breeder Reactor (PFBR) has renewed focus on self-reliance in the nuclear sector.

Key Points

- Pokhran-I (1974) led to international nuclear sanctions on India.
- The India–US Civil Nuclear Agreement (2008) and the NSG Waiver (2008) enabled international civilian nuclear cooperation and uranium imports.
- India continues to face restrictions on the transfer of enrichment and reprocessing (ENR) technologies.
- India has developed indigenous 220 MW, 540 MW and 700 MW PHWRs.
- The 500 MW Prototype Fast Breeder Reactor (PFBR) at Kalpakkam marks a major milestone in India's Three-Stage Nuclear Programme.
- Indigenous reactors are significantly cheaper than imported reactors, strengthening India's export potential.
- India is also exploring Small Modular Reactors (SMRs) for future energy needs, including industrial applications and data centres.
- Expansion of nuclear energy requires balancing rapid capacity addition with stringent nuclear safety standards.

Static Linkages

- Three-Stage Nuclear Power Programme (Homi J. Bhabha):Stage I – PHWRs using natural uranium.
- Stage II – Fast Breeder Reactors using plutonium.
- Stage III – Thorium-based reactors using Uranium-233.
- India possesses one of the largest thorium reserves in the world.
- Department of Atomic Energy (DAE) is responsible for nuclear energy development.
- Atomic Energy Act, 1962 provides the legal framework for peaceful uses of atomic energy.
- Atomic Energy Regulatory Board (AERB) regulates nuclear and radiation safety.
- India obtained a special NSG waiver in 2008 but is not a member of the NSG.
- Nuclear energy is an important component of India's Nationally Determined Contributions (NDCs) and long-term clean energy strategy.

Critical Analysis

Advantages

- Enhances energy security by reducing dependence on fossil fuels.
- Supports India's Net Zero 2070 commitment.
- Indigenous technology lowers capital costs and promotes Atmanirbhar Bharat.
- Strengthens strategic and technological autonomy.
- Opens opportunities for export of affordable nuclear reactors.

Challenges

- High initial capital investment and long gestation period.
- Dependence on imported uranium fuel.
- Restrictions on transfer of sensitive nuclear technologies.
- Safe disposal of radioactive waste.
- Need for robust regulatory oversight with private sector participation.
- Public concerns regarding nuclear safety after global nuclear accidents.

Way Forward

- Prioritise deployment of indigenous PHWR technology.
- Accelerate commercialisation of Fast Breeder and thorium-based reactors.
- Develop indigenous Small Modular Reactors (SMRs).
- Strengthen the independence and capacity of nuclear safety regulation.
- Expand uranium exploration and secure overseas fuel supplies.
- Promote public-private participation with strict safety standards.
- Increase investment in nuclear R&D, manufacturing and skilled manpower.
- Position India as a global supplier of cost-effective nuclear reactors.

Unsafe practices

Safety protocols should not be given short shrift in tourism and adventure

Survivor accounts of the Vietnam boat tragedy last week point to two clearly identifiable contributors. As the weather turned rough and the speedboat took a sharp turn, it tilted to the left. The passengers – all Indian tourists – sitting on the right fell to the left side. Almost all the passenger weight shifted at once, the boat lost balance and turned turtle. As it capsized, the boat captain and guide escaped through the open front door. Others who found an opening also jumped out. Those who could not leave were trapped inside the capsized boat and took in water. Rescuers pulled them ashore where first aid and resuscitation were attempted before they were moved to hospital. All this took precious time and casualties mounted as a result. Some 15 Indians are reported to have died while 17 survived. Four Vietnamese crew also survived. The Indians on the speedboat at Phú Quôc were among more than 100 employees that a mobile company had taken to Vietnam on a corporate incentive tour.

Industry data indicate that some three crore Indians visit foreign countries every year, with a significant proportion of them coming from non-metro cities. Many of the survivors at Phú Quôc were from such cities. South-East Asia has emerged as the preferred destination, with Thailand and Vietnam joining the traditional attractions of Singapore and Malaysia. Many of these new tourist spots are developing rapidly but, like India, have not fully strengthened safety-of-life practices. For instance, just as in India, pleasure boats operators may carry enough life jackets or distribute them but often do not insist that every passenger wears one. Life jackets keep people afloat with their heads above water if they end up in the sea. In Phú Quôc, passengers were reportedly given life jackets, but it is not yet confirmed whether they were all made to wear them before departure. Another basic safety feature should be ensuring that passengers remain securely strapped to their seats so that they do not shift during rough weather or sharp manoeuvres. Even small shifts in passenger weight can significantly affect the stability of a speedboat. This norm was violated in Phú Quôc. Vietnam in particular has witnessed a surge in tourism, with Indians forming a substantial share of visitors. Speedboat rides between the islets of the Phú Quôc archipelago and the main island are especially popular among Indian tourists. The Vietnamese government has promised to review safety standards on such boats and upgrade them where necessary. But Indians, aided by governments and operators, must strengthen their awareness of safety practices, especially those related to fire and water safety.

KEY HIGHLIGHTS:

Context

- A speedboat carrying Indian tourists capsized near Phú Quốc Island, Vietnam, resulting in the death of 15 Indian tourists.
- The accident occurred due to rough weather, sudden sharp manoeuvre, and simultaneous shifting of passengers, leading to loss of stability.
- The incident highlighted concerns over maritime passenger safety, tourist safety standards, and disaster preparedness.

Key Points

- Phú Quốc is Vietnam's largest island, located in the Gulf of Thailand.
- Southeast Asia (Vietnam, Thailand, Singapore, Malaysia) is a major destination for Indian outbound tourism.
- Major safety lapses reported:
  - Non-enforcement of mandatory life jacket usage.
  - Improper passenger seating/load distribution.
  - Delayed rescue and evacuation.
- The Vietnamese government has initiated a review of tourist boat safety regulations.

Static Linkages

- International Maritime Organization (IMO):UN specialized agency (1948; operational since 1959).
- Headquarters: London, United Kingdom.
- Promotes safe, secure and environmentally sound shipping.
- SOLAS Convention (1974):International Convention for the Safety of Life at Sea.
- Principal international treaty on merchant ship safety.
- International Convention on Maritime Search and Rescue (SAR), 1979Establishes international framework for maritime search and rescue.
- Indian Coast GuardEstablished under the Coast Guard Act, 1978.
- Nodal agency for maritime search and rescue in Indian waters.

- Stability of vessels depends upon:
  - Centre of gravity
  - Buoyancy
  - Proper load distribution

Critical Analysis

Challenges

- Poor enforcement of maritime safety norms.
- Inadequate safety awareness among tourists.
- Weak emergency preparedness.
- Delay in rescue operations.
- Commercial prioritization over passenger safety.

Significance

- Reinforces the importance of disaster risk reduction in tourism.
- Highlights need for international safety compliance.
- Emphasizes citizen awareness while travelling abroad.

Way Forward

- Mandatory wearing of life jackets before departure.
- Strict enforcement of vessel safety standards.
- Regular inspection and certification of tourist boats.
- Safety briefing before every voyage.
- Improved Search and Rescue (SAR) infrastructure.
- Greater awareness among Indian outbound tourists.
- Enhanced cooperation between Indian missions and host countries during emergencies.

Why policy needs to focus on gender wealth inequality

THE WORLD Inequality Report (WIR) 2026 was published in June by the World Inequality Lab, Paris School of Economics. The UN report 'Counting What Counts' was released in May. The first focuses on inequality head on. The second does so in part. Both pay some attention to gender inequality. But how? By focusing entirely on women's unequal position in the labour market. Dare we ask: What about wealth inequality? Neither report mentions women and wealth, although the WIR spends many ungendered chapters on household wealth inequality. So, what are these reports implying? That wealth is only for men while women are merely labour?

The vast body of academic research on women's economic status over the decades has focused mainly on one thing: Women's situation in the labour market. This persistent mismeasurement of women's economic status by ignoring gender inequality in wealth and assets in numerous papers, reports and policy briefs makes the main source of gendered economic inequality in much of the world invisible and ignored in policy. Work by feminist economists does not entirely escape this bias.

Why is measuring gendered inequality in wealth so important? Not just to correct serious conceptual flaws in measuring gender inequality, but also because wealth/asset ownership (a) affects women's and children's well-being in ways that employment alone does not; (b) impacts productivity and economic growth; and (c) is key to most sources of decent work and earnings. Consider each.

First, a vast body of global empirical evidence over three decades (1994-2024), starting from that cited in my 1994 book, *A Field of One's Own*, till today, shows that in the Global South if the mother owns assets, child survival, health and education outcomes are likely to be significantly better than if only the father owns assets. Gender matters beyond class. Owning immovable assets also hugely reduces women's risk of domestic violence and of poverty in case of marital breakdown.

Second, several studies, including those collated by the Food and Agriculture Organisation, show that if women have access to a productive asset like farmland and related inputs, it can greatly increase farm productivity and a country's agricultural growth rates. Third, for vast numbers of women, especially in the Global South, owning productive assets is essential for viable livelihoods since women are employed largely in the informal sector and especially in agriculture.

In India, for instance, in the Periodic Labour Force Survey 2023-24, two aspects stand out. One, some 86 per cent of all women workers and 91 per cent of rural women workers are informally employed. About 77 per cent of the latter work in agriculture. Two, 73 per cent of rural women workers are "self-employed", mostly as unpaid workers on family farms or in small business enterprises, including street vending. Hence, barely a quarter of rural women workers (and a third of all women workers) are in wage employment (regular or casual). For the rest, asset ownership is key to viable earnings: For example, land for farming, carts or stalls for street vending, and so on.

BINA AGARWAL

However, as diverse data sources (NFHS, ICRISAT, IHDS) consistently show, Indian women own land in only 12-16 per cent of rural landowning households, even though many are *de facto* farmers as mainly men out-migrate to non-farm jobs. For these women farmers, owning land, farm tools, and other assets is complementary to their ability to work and earn. The same argument applies to small businesses.

Yet, both the WIR and UN reports use average hourly earnings as the primary measure of women's economic status, ignoring their wealth/asset status, and hence greatly undercount economic gender inequalities. Also, by conflating women's "unpaid" work with domestic work hours, they fail to capture women's unpaid productive work on family farms and businesses.

Third, using the ratio of female to male hourly earnings as a measure of gender inequality, as done by both reports, is problematic. Most people don't earn by the "hour". Returns from self-employment, in particular, cannot be converted easily into "hourly" earnings. How would you measure, say, the hourly earnings of a farmer, shopkeeper, or vegetable vendor who rarely record hours worked? At the very least, the measure should be female/male annual earnings.

For reducing global wealth inequality, policies to tackle gender wealth inequality are as essential as policies to tackle household wealth inequality

Fourth, the WIR attributes women's lower (than male) employment rates globally to inadequate access to affordable childcare, transport, family leave, and hiring discrimination, again ignoring asset ownership. The impact of lower pay for women on their wealth accumulation is mentioned in passing, but as the Paris Lab has itself established, the main contributor to wealth inequality is inheritance, not earnings.

A common excuse for not measuring gender inequality in wealth is lack of data. This elides the issue. First, there is existing data on some indicators: For instance, in the Global North, pension-wealth data are available by gender in many countries, as is gender information on the richest 1 per cent. In the Global South, gendered data on land owned are available for a growing number of countries (FAO and World Bank). Second, the World Inequality Lab (Paris) actively mines data and has successfully persuaded many governments to collect/share wealth data. Even with incomplete data, some gender estimates are possible. Equally important is acknowledging that labour market analysis barely touches the surface of economic inequality by gender.

Moreover, for reducing global wealth inequality, policies to tackle gender wealth inequality are as essential as policies to tackle household wealth inequality. But the two sets of policies cannot be identical, since the former also need to grapple with intra-household inequalities.

Ignoring gender gaps in wealth and focusing only on women's labour implies that the authors of the two reports, all progressive thinkers, are fine with a world where only men yield capital while women sell their labour. Even Marx (despite his limited gender analysis) would feel uncomfortable with that scenario in the 21st century.

The writer is professor of Development Economics and Environment, GDI, University of Manchester, and former director, Institute of Economic Growth, Delhi

KEY HIGHLIGHTS:

Context

- The World Inequality Report (2026) and the UN Report – Counting What Counts (2026) primarily assess gender inequality through labour market indicators such as employment and wages.
- The reports have been criticised for not adequately accounting for gender inequality in wealth and asset ownership, which is a key determinant of long-term economic empowerment.

Key Points

- Gender inequality is measured mainly through:
  - Female Labour Force Participation Rate (FLFPR)
  - Gender wage gap
  - Employment status
- Limited focus on:
  - Land ownership
  - Property rights
  - Financial assets
  - Business ownership
  - Inheritance
  - PLFS 2023–2486% of women workers are in the informal sector.
  - 91% of rural women workers are informally employed.
  - 73% of rural women workers are self-employed or unpaid family workers.
- Surveys such as NFHS, IHDS and ICRISAT indicate women own land in only 12–16% of rural land-owning households.
- FAO studies show that improving women's access to productive assets can significantly increase agricultural productivity.
- Asset ownership improves:
  - Household resilience
  - Women's bargaining power
  - Child nutrition, education and health outcomes
  - Access to institutional credit

Static Linkages

- Article 14 – Equality before Law.
- Article 15(1) & 15(3) – Prohibition of discrimination and special provisions for women.
- Article 16 – Equality of opportunity.
- Article 39(a), (d) – Equal livelihood and equal pay.
- Article 300A – Right to Property (Legal Right).
- Hindu Succession (Amendment) Act, 2005 – Equal coparcenary rights for daughters.
- SDG 5 – Gender Equality.
- SDG Target 5.a – Equal rights to ownership and control over land and economic resources.

Critical Analysis

Significance

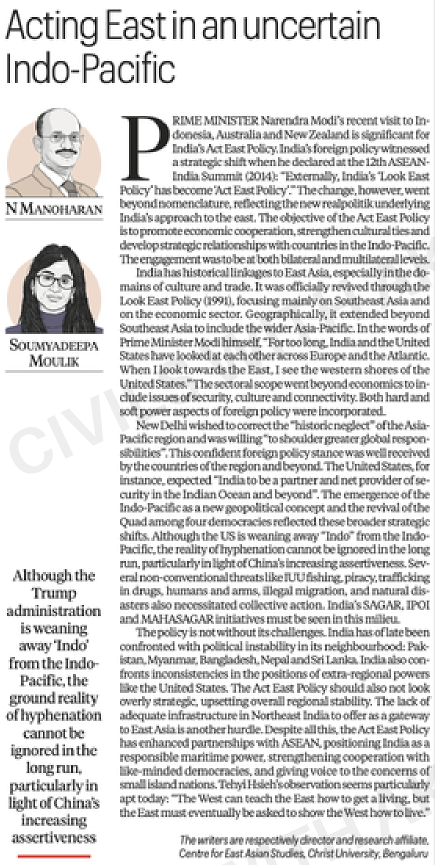
- Wealth ownership is a stronger indicator of long-term economic security than wages alone.
- Asset ownership enhances women's decision-making power and financial inclusion.
- Equal ownership of productive assets improves agricultural productivity and rural livelihoods.

Concerns

- Labour-market indicators alone underestimate gender inequality.
- Poor implementation of inheritance and property laws.
- Limited gender-disaggregated data on wealth.
- High dependence of women on informal employment.

Way Forward

- Collect gender-disaggregated wealth and asset data in national surveys.
- Ensure effective implementation of inheritance and property rights.
- Promote joint land titles and women's land ownership.
- Improve women's access to institutional credit through asset ownership.
- Integrate wealth indicators into gender equality assessments.
- Strengthen legal awareness on women's property rights.



Acting East in an uncertain Indo-Pacific

N Manoharan

Soumyadeepa Moulik

PRIME MINISTER Narendra Modi's recent visit to Indonesia, Australia and New Zealand is significant for India's Act East Policy. India's foreign policy witnessed a strategic shift when he declared at the 12th ASEAN-India Summit (2014): "Externally, India's 'Look East Policy' has become 'Act East Policy'." The change, however, went beyond nomenclature, reflecting the new realpolitik underlying India's approach to the east. The objective of the Act East Policy is to promote economic cooperation, strengthen cultural ties and develop strategic relationships with countries in the Indo-Pacific. The engagement was to be at both bilateral and multilateral levels.

India has historical linkages to East Asia, especially in the domains of culture and trade. It was officially revived through the Look East Policy (1991), focusing mainly on Southeast Asia and on the economic sector. Geographically, it extended beyond Southeast Asia to include the wider Asia-Pacific. In the words of Prime Minister Modi himself, "For too long, India and the United States have looked at each other across Europe and the Atlantic. When I look towards the East, I see the western shores of the United States." The sectoral scope went beyond economics to include issues of security, culture and connectivity. Both hard and soft power aspects of foreign policy were incorporated.

New Delhi wished to correct the "historic neglect" of the Asia-Pacific region and was willing "to shoulder greater global responsibilities". This confident foreign policy stance was well received by the countries of the region and beyond. The United States, for instance, expected "India to be a partner and net provider of security in the Indian Ocean and beyond". The emergence of the Indo-Pacific as a new geopolitical concept and the revival of the Quad among four democracies reflected these broader strategic shifts. Although the US is weaning away "Indo" from the Indo-Pacific, the reality of hyphenation cannot be ignored in the long run, particularly in light of China's increasing assertiveness. Several non-conventional threats like IUU fishing, piracy, trafficking in drugs, humans and arms, illegal migration, and natural disasters also necessitated collective action. India's SAGAR, IPOI and MAHASAGAR initiatives must be seen in this milieu.

Although the Trump administration is weaning away 'Indo' from the Indo-Pacific, the ground reality of hyphenation cannot be ignored in the long run, particularly in light of China's increasing assertiveness

The policy is not without its challenges. India has of late been confronted with political instability in its neighbourhood: Pakistan, Myanmar, Bangladesh, Nepal and Sri Lanka. India also confronts inconsistencies in the positions of extra-regional powers like the United States. The Act East Policy should also not look overly strategic, upsetting overall regional stability. The lack of adequate infrastructure in Northeast India to offer as a gateway to East Asia is another hurdle. Despite all this, the Act East Policy has enhanced partnerships with ASEAN, positioning India as a responsible maritime power, strengthening cooperation with like-minded democracies, and giving voice to the concerns of small island nations. Tehyi Hsieh's observation seems particularly apt today: "The West can teach the East how to get a living, but the East must eventually be asked to show the West how to live."

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KEY HIGHLIGHTS:

Context of the News

- Prime Minister Narendra Modi's recent visit to Southeast Asia has reaffirmed India's commitment to the Act East Policy.
- The policy, launched in 2014, has become a key pillar of India's Indo-Pacific strategy, focusing on ASEAN, maritime security, connectivity and strategic partnerships.

Key Points

What is Act East Policy?

- Announced at the 12th ASEAN-India Summit (2014).
- Upgraded version of the Look East Policy (1991).
- Objective: Enhance economic, strategic, connectivity, security and cultural engagement with ASEAN and the wider Indo-Pacific.

Major Objectives

- Strengthen India's engagement with ASEAN.
- Promote a Free, Open, Inclusive and Rules-Based Indo-Pacific (FOIP).
- Improve connectivity between Northeast India and Southeast Asia.
- Enhance maritime cooperation and regional security.
- Diversify supply chains and strengthen economic partnerships.

Important Initiatives

- SAGAR (Security and Growth for All in the Region).
- Indo-Pacific Oceans Initiative (IPOI).
- MAHASAGAR.
- Quad cooperation with Australia, Japan and the United States.
- India-Myanmar-Thailand Trilateral Highway.
- Kaladan Multi-Modal Transit Transport Project.

Importance for India

- Counters China's growing strategic influence in the Indo-Pacific.
- Enhances maritime security in the Indian Ocean Region.
- Supports development of Northeast India as India's gateway to Southeast Asia.
- Promotes resilient supply chains and economic integration.
- Strengthens India's role as a net security provider in the Indian Ocean Region.

Challenges

- Delay in connectivity projects.
- Political instability in Myanmar and neighbouring countries.
- Infrastructure deficit in Northeast India.
- China's expanding strategic and economic presence.
- Uncertainty in policies of extra-regional powers.

Static Linkages

- Look East Policy launched in 1991 under P.V. Narasimha Rao.
- ASEAN established in 1967; India became:
  - Sectoral Dialogue Partner – 1992
  - Full Dialogue Partner – 1996
  - Summit-Level Partner – 2002
  - Strategic Partner – 2012
  - Comprehensive Strategic Partnership – 2022
- ASEAN Outlook on the Indo-Pacific (AOIP) complements India's vision of an inclusive Indo-Pacific.
- Andaman & Nicobar Islands are strategically located near the Strait of Malacca, a critical Sea Line of Communication (SLOC).
- Northeast India is the land bridge connecting India with Southeast Asia.

Critical Analysis

Significance

- Strengthens India's Indo-Pacific strategy.
- Reinforces ASEAN centrality.
- Enhances maritime security cooperation.
- Promotes economic diversification and resilient supply chains.
- Expands India's strategic influence in East Asia.

Challenges

- Slow implementation of connectivity projects.
- Geopolitical competition with China.
- Political instability in neighbouring countries.
- Limited infrastructure in Northeast India.
- Balancing strategic partnerships while maintaining strategic autonomy.

Way Forward

- Fast-track connectivity projects with ASEAN.
- Improve infrastructure in Northeast India under PM Gati Shakti.
- Deepen defence and maritime cooperation with ASEAN and Quad countries.
- Enhance trade through supply-chain resilience initiatives.
- Strengthen capacity-building and disaster relief cooperation in the Indo-Pacific.
- Maintain ASEAN centrality while preserving India's strategic autonomy.

Omar is spot on, doesn't need Trump clickbait

IN 2023, in its ruling that upheld the abrogation of Article 370 in Kashmir, the Supreme Court said, "the Solicitor General of India assured this Court of the Union's commitment made on the floor of the House that the Statehood of Jammu and Kashmir would be restored in the near future upon elections being held". The BJP has often touted the drop in the local drivers of insurgency and growth in tourism as evidence of the return of normalcy in "Naya Kashmir". The high voter turnout in the peaceful 2024 elections to the Union Territory's Assembly signalled trust in the democratic framework, broke a long political standstill. In this context, J&K Chief Minister Omar Abdullah's frustration over the delay in the Centre delivering on its promise of statehood is entirely justified and appropriate.

However, Abdullah, who can be sharp and yet complex, could have framed it better. On Saturday, addressing a gathering of National Conference (NC) workers in Srinagar, he said: "Let BJP tell us whether we have to go to (US President Donald) Trump for statehood... and hold *dharna* outside the White House." Perhaps, it was a facetious remark, political clickbait. But "internationalisation" (read the US) is among the most knotty threads in the fraught history of Jammu and Kashmir. From the Truman White House pushing the formation of the United Commission for India and Pakistan (UNCIP) in 1948, to US officers assisting armed forces in PoK during the Cold War, to the barely tacit backing of separatism by US State Department officials such as Robin Raphel in the early 1990s, for the better part of a century the US and UK have sought to play a dubious role in the region. Internationalisation of Kashmir has been — and remains —Pakistan's aim over the years.

Abdullah's invocation of Trump runs counter to the grain of his tenure as CM so far, which has located Kashmir, with its distinctive history, squarely within the negotiations in a federal polity. While underscoring the curtailed powers of the elected government, he chose not to take a confrontational stance towards the Lieutenant Governor's office. In the aftermath of the horrific attack in Pahalgam by Pakistan-backed terrorists, he delivered one of the most stirring speeches of his career in the Assembly, framing the Kashmir tragedy as one of the entire country, even as he backed the Union government's moves, political and diplomatic. Over the last two years, Abdullah has been at the forefront of crafting a new political language in Kashmir. This is his greatest strength as he rightly reiterates the demand for statehood. That's why there is a need to guard against loose statements that distract attention from it.

KEY HIGHLIGHTS:

Context

- The Supreme Court (2023) upheld the abrogation of Article 370 and the constitutional validity of the Jammu and Kashmir Reorganisation Act, 2019.
- During the proceedings, the Union Government assured the Court that statehood would be restored to Jammu & Kashmir after Assembly elections at an appropriate time.
- Following the peaceful 2024 Assembly elections and high voter turnout, demands for early restoration of statehood have intensified.

Key Points

- Current Status: Jammu & Kashmir is a Union Territory with Legislature.
- Ladakh is a Union Territory without Legislature.
- Statehood restoration requires Parliamentary legislation under Article 3.
- The Lieutenant Governor (LG) exercises significant powers over:
  - Public Order
  - Police
  - All India Services (as provided under the Reorganisation Act).
- The Supreme Court did not prescribe a fixed timeline for restoration of statehood but recorded the Union's commitment.
- India consistently maintains that Jammu & Kashmir is an integral part of India, rejecting any third-party mediation or internationalisation.

Static Linkages

- Article 1 – India as a Union of States.
- Article 3 – Formation of new States and alteration of boundaries.
- Articles 239 & 239AA – Administration of Union Territories.
- Article 370 (prior to its abrogation).
- Jammu and Kashmir Reorganisation Act, 2019.
- Difference between:
  - State
  - Union Territory
  - Union Territory with Legislature.
- Cooperative Federalism.
- Union–State Relations.
- Legislative powers of Parliament over Union Territories.

Critical Analysis

Arguments for Early Statehood

- Strengthens representative democracy.
- Reinforces cooperative federalism.
- Enhances accountability of the elected government.
- Fulfils the assurance recorded by the Supreme Court.
- Promotes political stability and public confidence.

Challenges

- Security considerations in a border-sensitive region.
- Balance between national security and democratic autonomy.
- Coordination between the LG and the elected government.
- Ensuring long-term peace and effective governance.

Way Forward

- Restore statehood through the constitutional process at an appropriate time.
- Strengthen democratic institutions and local governance.
- Ensure effective Centre–UT coordination while safeguarding national security.
- Continue development, investment, and confidence-building measures.
- Address governance issues within the framework of the Constitution.

On SIR, listen to digital governance pioneer

THE GOVERNMENT and the Election Commission of India (ECI) need to carefully read criticisms of the latest round of the Special Intensive Revision (SIR) by one of the country's digital governance pioneers. In an article in this newspaper, Ram Sewak Sharma — who, as the founder director of the Unique Identification Authority of India (UIDAI), played a central role in building the infrastructure that governments now rely on for welfare delivery — amplified concerns voiced since the commencement of the SIR. The ECI has invited criticism for not balancing the legitimate imperative of updating the voter list — removing duplicate or deceased voters while ensuring that newly eligible citizens are enrolled — with the equally compelling obligation to avoid wrongful exclusion. Reports have pointed out that the burden of eligibility lies primarily, and unfairly, on the citizen. People are being asked to furnish proof of birth, residence and citizenship, when, as Sharma points out, the state itself has rarely been diligent enough to keep such records.

In Aadhaar, India has a technologically sophisticated framework for identity verification. However, as Sharma argues, by not regarding the document as credible address proof for the SIR, the state is failing to make meaningful use of a database — which also carries biometric details and proof of age — that it has created. The philosophy behind India's Digital Public Infrastructure has been to ask less, not more, of citizens. The SIR seems to be moving in the opposite direction — as Sharma writes, by "using a document-heavy method to solve a problem the country has already solved".

A procedure that carries the possibility of disenfranchisement demands the closest constitutional scrutiny. The government and the ECI, therefore, can ill afford to ignore the words of one who was part of the system not very long ago: "A republic that takes its duties seriously does not make its people prove again and again they belong." The Supreme Court — which pushed the ECI to be inclusive when the SIR process began but appeared less vigilant when the exercise was held in West Bengal — should urge the poll body to take note of Sharma's warning: "India has a DPI the world now studies. It would be perverse to declare that none of it can be trusted."

KEY HIGHLIGHTS:

Context

- The Special Intensive Revision (SIR) of electoral rolls by the Election Commission of India (ECI) has sparked debate over the extensive documentary requirements for voter verification.
- Former UIDAI founding Director Ram Sewak Sharma argued that India should leverage its Digital Public Infrastructure (DPI), particularly Aadhaar, to simplify verification while ensuring that no eligible voter is excluded.

Key Points

What is Special Intensive Revision (SIR)?

- A comprehensive revision of electoral rolls undertaken by the ECI.
- Objectives:
  - Remove duplicate, deceased and shifted voters.
  - Include all eligible new voters.
  - Improve accuracy and integrity of electoral rolls.

Issues Raised

- Heavy reliance on documentary proof of:
  - Date of birth
  - Residence
  - Citizenship
- Risk of exclusion of:
  - Migrant workers
  - Poor and vulnerable sections
  - Citizens lacking legacy documents.
- Debate over limited use of Aadhaar despite India's advanced Digital Public Infrastructure.

Election Commission's Constitutional Role

- Conduct free and fair elections.
- Maintain accurate electoral rolls.
- Ensure universal adult franchise.

Static Linkages

- Article 324 – Superintendence, direction and control of elections vested in the Election Commission of India.
- Article 326 – Elections to Lok Sabha and State Legislative Assemblies based on Universal Adult Suffrage.
- Representation of the People Act, 1950 – Preparation and revision of electoral rolls.
- Representation of the People Act, 1951 – Conduct of elections.
- Right to vote is a statutory right, whereas free and fair elections form part of the Basic Structure of the Constitution.
- Aadhaar is proof of identity, not proof of citizenship.

Critical Analysis

Advantages

- Improves credibility of electoral rolls.
- Removes duplicate and bogus entries.
- Strengthens electoral integrity.
- Ensures accurate voter database.

Concerns

- Possibility of wrongful disenfranchisement.
- Excessive documentation burden.
- May disproportionately affect vulnerable groups.
- Limited utilisation of Digital Public Infrastructure.
- Need to balance electoral integrity with inclusiveness.

Way Forward

- Ensure no eligible voter is excluded during revision.
- Adopt technology-enabled verification using legally permissible government databases.
- Strengthen grievance redressal and appeals mechanism.
- Enhance transparency in the revision process.
- Increase voter awareness and facilitation.
- Balance electoral integrity, privacy and inclusiveness.