

The Indian Express

Front Page

First tribal woman to be elected to highest post in country (Page no. 3)

(GS Paper 2, Polity and Governance)

Scripting history Thursday, **NDA candidate Droupadi Murmu became the first tribal woman** to be elected to the highest post in the country, its 15th President.

Murmu, former Governor of Jharkhand, trounced challenger and Opposition candidate Yashwant Sinha, securing 64.03 per cent of the total votes polled.

The 64-year-old will be administered the Presidential oath of office by Chief Justice of India N V Ramana at a ceremony in the Central Hall of Parliament on July 25.

Even before the results were officially announced, Sinha congratulated Murmu and hoped she would function as the “Custodian of the Constitution without fear or favour”.

President Ram Nath Kovind greeted his successor. “Heartiest congratulations and best wishes to Smt. Droupadi Murmu on being elected as the 15th President of India.

Vice-President M Venkaiah Naidu said, “Heartiest congratulations to Smt Droupadi Murmu ji on being elected as the 15th President of India! Her wide experience in public life, spirit of selfless service and deep understanding of people’s issues will greatly benefit the nation. My best wishes for a successful tenure.”

Prime Minister Narendra Modi, who along with BJP president J P Nadda called on Murmu at her residence around the time she crossed the halfway mark during the counting of votes.

Smt. Droupadi Murmu Ji’s life, her early struggles, her rich service and her exemplary success motivates each and every Indian. She has emerged as a ray of hope for our citizens, especially the poor, marginalised and the downtrodden. Smt. Droupadi Murmu Ji has been an outstanding MLA and Minister.

She had an excellent tenure as Jharkhand Governor. I am certain she will be an outstanding President who will lead from the front and strengthen India’s development journey.

In Parliament

Govt: No proposal to increase SC, HC judges’ retirement age (Page no. 7)

(GS Paper 2, Polity and Governance)

There is no proposal to increase the retirement age of Supreme Court and High Court judges, Union Minister for Law and Justice Kiren Rijiju on Thursday told Parliament.

“The Constitution (114th Amendment) Bill was introduced in 2010 to increase the retirement age of high court judges to 65. However, it was not taken up for consideration in Parliament and lapsed with the dissolution of the 15 Lok Sabha. According to Article 124(2) of the Constitution, the age of retirement for Supreme Court judges is 65. As per Article 217(1) of the Constitution, High Court judges retire at 62. Initially, the retirement age of High Court judges was 60, which was later in 1963 increased to 62 through the 114th constitutional amendment.

The idea of increasing the age of retirement for judges has been mooted for decades as a solution for dealing with mounting pendency of cases and judicial vacancies. It has also been discussed in the context of ensuring serving judges do not look for post-retirement jobs from the executive.

Article 124(7) of the Constitution bars judges of the Supreme Court from practicing before any forum, while for High Court judges, an amendment was brought in 1956 to allow practice before the Supreme Court and High Courts other than the one they served in.

In 1974, the 58th report of the Law Commission recommended bringing parity between age of retirement of judges of High Court and Supreme Court.

In 2002, Justice Venkatachaliah Report – the report of National Commission to review the working of the Constitution – also recommended that the age of retirement should be increased for judges of High Courts and Supreme Court to 65 and 68, respectively.

Attorney General for India K K Venugopal has been one of the vocal advocates of increasing tenure of the judges, and has consistently spoken about it at every farewell of Supreme Court judges since 2017.

In 2021, the Supreme Court had refused to entertain a PIL seeking uniform retirement age for judges of High Courts and the top court.

Centre rejects findings of World Press Freedom Index, questions methodology (Page no. 7) (GS Paper 2, Polity and Governance)

The Centre Thursday informed Parliament that it did not agree with the conclusions drawn by ‘Reporters Without Borders’ in the World Press Freedom Index that ranked India at 150 among 180 nations in its 2022 report.

The report described India as “one of the world’s most dangerous countries for the media” and noted that “journalists are exposed to all kinds of physical violence, including police violence, ambushes by political activists and deadly reprisals by criminal groups or corrupt local officials.”

Information and Broadcasting Minister Anurag Thakur, in a written reply in the Rajya Sabha, said the government does not agree with the conclusions drawn by the organisation for various reasons, including “very low sample size, little or no weightage to fundamentals of democracy, adoption of a methodology which is questionable and non-transparent”.

The report had also mentioned that “supporters of Hindutva, the ideology that spawned the Hindu far-right, wage all-out online attacks on any views that conflict with their thinking”.

Thakur was responding to separate questions by Leader of the Opposition in the Rajya Sabha Mallikarjun Kharge and AAP member Sanjay Singh.

The minister said the government is committed to ensure the right to freedom of speech and expression enshrined under Article 19 of the Constitution.

Contrary to the government’s comments on the matter publicly, the Centre has taken a slew of measures in the face of falling rankings across global indices such as the freedom Index.

On May 10, The Indian Express reported how the Ministry of Finance’s economic division in 2020 drafted a strategy to counter the “negative commentary” on India by global think-tanks, indices and the media amidst worries that this could lead to downgrading of sovereign rating to “junk”.

In June 2020, then Principal Economic Advisor in the Ministry of Finance, Sanjeev Sanyal, prepared a presentation — “Subjective Factors that impact India’s Sovereign Ratings: What can we do about it?” — for internal circulation within the government.

The 36-page presentation, seen by The Indian Express, noted that 18-26 per cent of a country’s sovereign rating is based on subjective factors such as assessments on governance, political stability, rule of law, corruption, press freedom and so on.

Express Network

Inform if states, UTs following orders to curb hate speech: SC to Centre (Page no. 9)

(GS Paper 2, Polity and Governance)

The Supreme Court on Thursday directed the Union Home Ministry to file a report within three weeks on whether states have complied with the court’s earlier verdicts on curbing hate speech.

As the first step, at least this information should be before us. Which states are proactive, which are not acting at all, which have acted partially.

The bench, comprising Justices A M Khanwilkar, A S Oka and J B Pardiwala, was hearing a batch of petitions seeking the top court’s intervention in curbing hate speech and rumour-mongering.

The Jamiat Ulama-i-Hind is one of the petitioners, who have sought the court’s intervention to curb hate speech in the wake of remarks by certain political leaders on the Prophet, which had sparked widespread protests.

The court was referring to earlier rulings in which, it said, it had passed “preventive, corrective and remedial” measures to deal with such situations.

In a 2018 ruling, *Tehseen Poonawala v Union of India*, the Supreme Court had condemned the “sweeping phenomenon” of lynching and mob violence in the country. It had issued several directions to the Centre and state governments to curb such violence including bringing a new law, if necessary.

In *Shakti Vahini v Union of India* verdict in 2018, in which petitioners sought the court’s intervention in curbing honour killing, the top court ruled that any attempt by khap panchayats, or any other assembly, to scuttle or prevent two consenting adults from marrying is absolutely ‘illegal’.

The bench asked the Home secretaries of states and UTs concerned to furnish the requisite information within two weeks of receiving a communication from the Union Home Secretary to ensure that the latter would be in a position to compile the necessary information and present it before the court within the specified time.

Appearing for the Centre, Additional Solicitor General K M Nataraj said they can collect information from various states and UTs as to what transpired there and what development has taken place to comply with the apex court directives. The counsel appearing for the Election Commission of India told the bench that they have been impleaded as a party in one of the petitions, which has sought direction to the Centre to examine international laws and take effective and stringent steps to control hate speech and rumour-mongering in the country,

Editorial Page

President for our time (Page no. 10) (GS Paper 2, Polity and Governance)

There is much to celebrate in the election of Droupadi Murmu as the 15th President of India in the Amrit Mahotsav year of independence. In Murmu, the country not only has a Santhal tribal woman as the head of the state but also a leader from one of the country's poorest regions.

Her rise from the tribal lands of western Odisha to become the first citizen is a glowing tribute to the success of Indian democracy.

Murmu brings with her rich experience in public life. She is a well-educated woman from the family of a village headman.

As a teacher and, later, as a people's representative — first as a councillor in the local municipal body and subsequently as a legislator and minister in the Odisha government — Murmu had brought development to a relatively backward region. She had also won the best performing legislator award.

Prime Minister Narendra Modi's knack for spotting people with unique credentials helped Murmu become the first woman governor of Jharkhand in 2015. Her tenure as the governor of an Opposition-led state was non-controversial, earning her the goodwill and support of the ruling party in the state, the JMM, in the presidential election.

In India's constitutional history of seven decades, there were a couple of occasions, mostly in the first couple of decades, when Presidents were elected unanimously.

But if there was any other presidential contest that deserved consensus, it was Murmu's election. In any case, the odds were very much against the Opposition candidate, Yashwant Sinha.

Had the Opposition demonstrated maturity, and had Sinha withdrawn from the contest even at the last minute, especially after several of the Opposition parties including the JMM, Akali Dal and Shiv Sena extended support to Murmu's candidature, it would have not only enhanced the prestige of the Opposition but also helped to improve the political climate in the country.

SC allows abortion at 24 weeks: Can't deny it to unmarried woman (Page no. 10) (GS Paper 2, Polity and Governance)

Underlining that a distinction in law between a married and an unmarried woman should have no bearing on the right to terminate a pregnancy, the Supreme Court allowed an unmarried woman whose relationship status changed during the pregnancy to terminate her 24-week foetus.

We are of the view that allowing the petitioner to suffer an unwanted pregnancy will go against the parliamentary intent and the benefits under the Act cannot be denied to her only on the basis of her being unmarried.

The distinction between a married and an unmarried woman has no nexus to the object sought to be achieved by the Parliament.

Petitioner should not be denied the benefit merely on the ground that she is an unmarried woman. The order, it would be subject to the final decision of a medical board constituted by the All India Institute of Medical Sciences, Delhi that the foetus can be aborted without any risk to the life of the woman.

The 25-year-old woman, a permanent resident of Manipur who currently resides in Delhi, moved the top court after the Delhi High Court last week declined her plea.

A two-judge bench of the Delhi High Court, comprising Chief Justice Satish Chandra Sharma and Justice Subramonium Prasad, had observed that it would **“amount to killing the child.”**

The HC bench said it cannot allow what the law prohibits – access to termination of pregnancy between 20-24 weeks for an unmarried woman on the grounds that her relationship status changed.

The woman had told the court that the pregnancy was a result of a consensual relationship, and that she wanted to terminate the pregnancy because her partner had refused to marry her. She also told the court that she feared stigmatisation as a single, unmarried woman.

The Central law on abortion, The Medical Termination of Pregnancy Act, 1971 (MTP Act), allows termination of pregnancy for all women in the first 20 weeks on the opinion of a registered medical practitioner. However, only certain categories of women are allowed termination between 20-24 weeks under certain circumstances.

Hurdles to resolution (Page no. 10)

(GS Paper 3, Economy)

Judges enjoy considerable flexibility in statutory interpretation. Traditional law and finance literature suggests that such flexibility enables judges to close the gap between the law and the market. Equally, however, such flexibility may end up widening those gaps.

This latter phenomenon played an important role in the demise of the Sick Industrial Companies (Special Provisions) Act, 1985 (SICA), as Kristin van Zwieten has illustrated through her research. The same phenomenon may now come back to haunt the Insolvency and Bankruptcy Code (IBC).

The Supreme Court recently passed an important judgment in Vidarbha Industries Power Ltd. v. Axis Bank. It held that the National Company Law Tribunal (NCLT) cannot admit an insolvency application filed by a financial creditor merely because a financial debt exists and the corporate debtor has defaulted in its repayment.

Instead, the NCLT must consider any additional grounds that the corporate debtor may raise against such admission. This interpretation could fundamentally reshape a crucial innovation in the IBC framework.

A critical element for any corporate insolvency law is the point of trigger. The law must clearly provide the grounds on which an insolvency application against a corporate debtor should be admitted.

If there is any confusion at this stage, precious time could be wasted in litigation. That would cause value destruction of the distressed business. All stakeholders collectively would suffer.

On the other hand, if the law is clear and litigation can be minimised, the distressed business could be resolved faster. Its value could be preserved. And all stakeholders collectively would benefit. Evidently, objective legal criteria for admission are critical for an effective corporate insolvency law.

The balance-sheet test is one method for determining insolvency at the point of trigger. This test, however, is vulnerable to the quality of accounting standards.

That's why the Bankruptcy Law Reforms Committee did not favour this test in the Indian context. Instead, it recommended that a filing creditor must only provide a record of the liability (debt), and evidence of default on payments by the corporate debtor.

Idea Page

Mixed bag of freebies (Page no. 11)

(GS Paper 2, Polity and Governance)

Many in India have been lamenting for quite some time the culture of political populism and “freebies”. The issue made headlines following the Prime Minister’s recent speech calling for an end to this free “revdi” (freebies) culture.

Curbing freebies may now be a policy priority. But freebies mean different things to different people. Disentangling this mixed bag is important for making policy.

Freebies typically conjure up images of free televisions distributed by the late J Jayalalithaa, free cycles distributed by Nitish Kumar or laptops distributed by Akhilesh Yadav.

While these are the most highly visible and discussed freebies, they are fiscally insignificant compared to the much larger subsidies on food, fertiliser and petroleum.

Though curbed in recent years, these “visible” subsidies in government budgets remain a major source of fiscal stress. Then there is a range of “invisible” subsidies, especially in state government budgets, not always recognised as such, but which are also very large.

Technically, a subsidy is the unrecovered cost of any service (or good) provided by the government. The deficit between the receipts and expenditure of a government department in providing a service is the unrecovered cost of providing that service, that is, a subsidy, even if not recognised as such in the budget.

Examples include the unrecovered cost of providing public education, healthcare, irrigation, power, water supply and sanitation. It will be immediately evident that not all subsidies are equally undesirable. A final category of freebies is pure cash grants for poor households. These are discussed below.

Returning to subsidies, the total volume consists of all visible subsidies plus all the invisible subsidies implicit in the provision of social and economic services.

In an exercise undertaken in 2020, the late Satadru Sikdar and I found that the volume of subsidies as a proportion of GDP comes down with rising per capita incomes, but very gradually (“Merit goods and the fiscal space for reviving

growth”, Economic & Political Weekly, February 1, 2020). The total volume of subsidies came down from 13 per cent of GDP way back in 1987-88 to a little over 10 per cent by 2015-16, almost 30 years later.

This proportion is unlikely to have changed very much today given the slow pace of change. State governments provide the bulk of these subsidies, mainly for social services like education and health.

The central government accounts for less than 30 per cent of total subsidies, provided mainly for economic services including food.

Half hearted ban (Page no. 11)

(GS Paper 3, Environment)

Effective July 1, 2022, the Union government has banned identified single-use plastics (SUPs) as mandated by the Plastic Waste Management Rules, 2021. The stated aim of this ban is to arrest plastic pollution by targeting low-utility high-littering SUPs.

Going by industry estimates, this ban would target only two-three per cent of the total plastic produced. In fact, the bulk of the problem can be traced to the plastic packaging of fast-moving consumer goods (FMCGs), which include sachets and packaging of products like chips, biscuits, and soap which the ban conspicuously excludes.

The global movement, Break Free From Plastic, in its brand audit in India in 2021, found that 70 per cent of the 1,49,985 pieces of plastic audited were marked with a clear consumer brand.

The audit found that much of the plastic pollution was caused by products from the top brands. Analysts at Kotak Institutional Equities, which has released a report on the ban, claim that the current ban will not affect the FMCGs, but the restrictions on sachets/pouches/wrappers/laminated tubes could impact their profitability.

In 2015, a report by FICCI and strategy consultants Strategy&, ‘Plastic Packaging – the sustainable and smarter choice: Why banning plastic packaging in Indian FMCG is not a viable option’, argued that banning FMCG packaging would affect the processed food industry to the tune of approximately Rs 90,000 crore per annum, amounting to 72 per cent of the industry.

The 2021 Rules treat SUPs generated by FMCG and non-FMCGs differently (except for the straws attached to packaged branded beverages).

While there is a ban on non-FMCG SUPs, companies in the FMCG category have been allowed to go scot-free, since accountability measures like extended producer responsibility (EPR) are only introduced in a diluted form, allowing for the use of these toxic materials by paying a small fee and enabling a staggering transition over three years.

Plastic is a petrochemical. In India, it is produced from crude oil that is imported and then refined domestically. Therefore, the human, environment and climate costs are not limited to the disposal of plastics but extend to their life cycle.

Explained

The Kali Bein: why it matters and efforts to clean it (Page no. 15)

(GS Paper 1, Geography)

Punjab Chief Minister Bhagwant Mann has been admitted to Delhi’s Apollo Hospital, days after he had drunk a glass of water directly from the Kali Bein, a holy rivulet in Sultanpur Lodhi.

The 165-km rivulet starts from Hoshiarpur, runs across four districts and meets the confluence of the rivers Beas and Sutlej in Kapurthala. Along its banks are around 80 villages and half a dozen small and big towns.

Waste water from there as well as industrial waste used to flow into the rivulet via a drain, turning its waters black, hence the name Kali Bein (black rivulet). Dense grass and weeds grew on the water until a cleaning project started.

The occasion was the 22nd anniversary of the cleaning project, which had started on July 16, 2000. The project has been slow for years after having made remarkable progress in the initial years. Nevertheless, when Mann drank water from it directly, it was a much cleaner Kali Bein than it was before 2000.

The Kali Bein is of great significance to Sikh religion and history, because the first Guru, Nanak Dev, is said to have got enlightenment here. When Guru Nanak Dev was staying at Sultanpur Lodhi with his sister Bebe Nanki, he would bathe in the Kali Bein. He is said to have disappeared into the waters one day, before emerging on the third day. The first thing he recited was the “Mool Mantra” of the Sikh religion.

It was started by environmentalist Baba Balbir Singh Seechewal (now AAP Rajya Sabha MP), a former Punjab Pollution Control Board (PPCB) member, with a handful of followers, without government help.

They removed weeds, treated the water and spread awareness among residents. Six years of hard work paid off when then President A P J Abdul Kalam visited the site in 2006 and praised them for their effort. The then Congress

government in Punjab then announced that it would take up the project to stop the discharge of untreated water into the rivulet.

The government identified around 73 villages in three districts releasing sewer water into the Kali Bein. The project required every village to build a large pond to collect the sewer water, which would be processed in a water treatment plant and the water then used for irrigation. The land for the ponds was to be provided by panchayats.

‘Hasta la vista’ (Page no. 15)

(Miscellaneous)

Boris Johnson, the outgoing Prime Minister of the United Kingdom, faced ‘Prime Minister’s Questions’ for the final time in the House of Commons on July 20. He was characteristically upbeat — and after thanking all those present in Parliament, he signed off with a nod to the Hollywood movie Terminator 2, **declaring with a flourish**, “hasta la vista, baby”, before walking out amid thunderous applause from Conservative MPs, many of whom had earlier called for his resignation.

“Hasta la vista”, which literally translates to “until the view”, is a Spanish farewell that means “see you later”, or “goodbye”.

The phrase, with the addition of a jaunty “baby” at the end, gained global prominence, and became entrenched in popular culture after it was famously said by Arnold Schwarzenegger in the 1991 blockbuster hit, Terminator 2: Judgment Day. In the movie, Schwarzenegger plays the T-800 Terminator, a muscled cyborg from a dystopian future that is sent back in time to protect a teenage boy, John Connor, who would later lead humans in the resistance against an all powerful malevolent artificial intelligence.

The Terminator, as he is known in the film, becomes friends with the young Connor, who teaches him the phrase “Hasta la vista, baby”.

In one of the most iconic scenes in any Hollywood action flick, the Terminator repeats the now oft-quoted phrase in deadpan fashion before shooting the chief antagonist, a more advanced cyborg, and saving the day.

Prime Minister’s Questions (PMQs), is one of the most unique features of British politics. It takes place every Wednesday when Commons is in session, and gives MPs the opportunity to question the Prime Minister directly.

With the House of Commons going into summer recess on Thursday (July 21), this was the last time that Johnson would answer MP questions as Prime Minister in his current tenure. His successor — one among Rishi Sunak and Liz Truss — will likely be announced on September 5.