

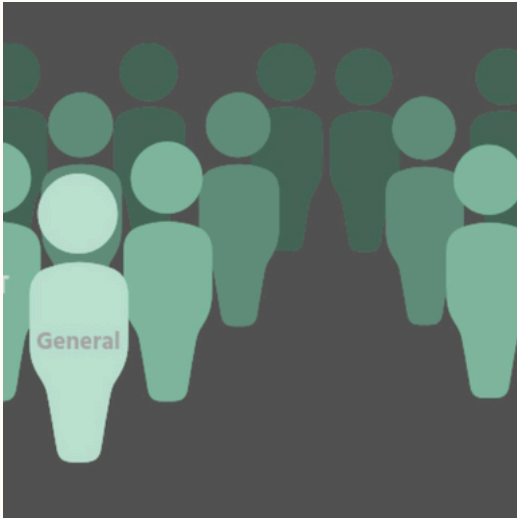
24/06/24 - 29/06/24



THE HINDU



RESERVATION QUOTA CEILING



The Patna High Court invalidated Bihar's decision to increase reservations beyond the 50% ceiling, citing lack of adequate justification for special circumstances.

The Patna High Court's recent judgment invalidates the Bihar government's decision to increase reservations for various communities in employment and education, maintaining the 50% ceiling on total reservations. The ruling struck down the enhancement of Backward Classes (BC) reservation from 12% to 18%, Extremely Backward Communities (EBC) from 18% to 25%, and Scheduled Castes and Scheduled Tribes from 16% to 20% and 1% to 2%, respectively.

This would have raised the total reservation to 65%. The court's decision aligns with judicial precedents that prohibit reservations exceeding 50%, thwarting Bihar's plan to use Caste Survey data to expand affirmative action. The court sided with petitioners arguing that 'adequate representation' doesn't equate to 'proportionate representation', as clarified in the Indra Sawhney verdict (1992). The court rejected Bihar's argument that special circumstances warranted exceeding the quota ceiling. While Indra Sawhney allowed for such an exception in "extraordinary situations," the court determined that only geographical remoteness qualifies, thus denying Bihar's claim. The court found no thorough study supporting the enhanced reservation. Despite this, denying a backward state like Bihar the ability to expand social justice programs seems unjust. Although there may be a need to reevaluate the BC or EBC list based on recent progress, blocking all attempts to increase representation of historically deprived sections purely based on the quota ceiling is questionable.

SUSTAINABLE DEVELOPMENT



Recent Supreme Court judgments emphasize a nature-centric, rights-based approach to sustainable development in the Indian Himalayan Region (IHR), addressing the conflict between economic growth and environmental conservation.

The Indian Himalayan Region (IHR), vital for India's water supply and ecosystem, faces a conflict between its development needs and the pursued economic model. Recent Supreme Court judgments highlight the need for a rights-based, nature-centric development approach in IHR, emphasizing sustainable growth for both people and nature. The Court's rulings, notably in the State of Telangana and Others vs.

Mohd. Abdul Qasim case, stress respecting natural cycles and ecosystems.

However, the current development model, including hydropower projects and road expansion, threatens the IHR's delicate environment. A National Disaster Management Authority report underscores the risks of unplanned construction, leading to disasters like floods and landslides. Additionally, recent litigation on wildlife protection, specifically concerning the Great Indian Bustard, showcases the Court's commitment to biodiversity, reinforcing conservation efforts and recognizing the interdependence of ecological health and human rights.

The Court's integration of fundamental rights with environmental sustainability advocates for a balanced approach to development, considering both immediate and long-term ecological impacts. This perspective is essential for equitable, inclusive growth, ensuring communities adapt to climate challenges. The judgments call for a holistic view, integrating legal, policy, and scientific insights to mitigate disaster impacts, emphasizing a sustainable, resilient future for the IHR.

KAVACH DEPLOYMENT



The Indian Railways' delay in implementing the Kavach safety system is due to a lack of focus, not financial constraints, despite sufficient budget allocations for full deployment within a decade.

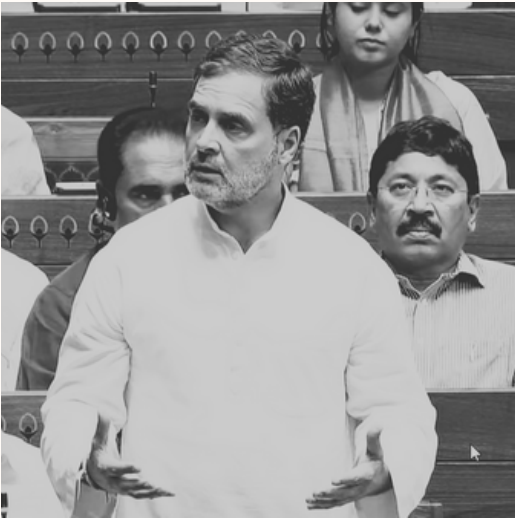
The article discusses the delay in deploying 'Kavach,' the Indian Railways' Automatic Train Protection (ATP) system, which could have potentially prevented accidents like the recent Sealdah-bound Kanchenjunga Express collision in Darjeeling. Despite the system's proven benefits in avoiding collisions, the progress of its implementation remains sluggish. Railway Minister Ashwini Vaishnaw attributes the delay to a lack of focus rather than financial constraints.

The current pace of deployment, which started in 2016, is far behind schedule, with field trials completed only by 2018-19 and limited implementation since then.

The capital expenditure budget of Indian Railways has seen substantial increases, peaking at ₹2,52,000 crore in FY25. However, even allocating less than 2% of this budget annually could ensure full deployment of Kavach across all tracks and engines within a decade. The estimated cost to cover the entire railway network with Kavach is around ₹45,000 crore, yet the yearly investment needed is approximately ₹4,500 crore. The slow progress is evident from the fact that at the current rate, it would take 46 years to cover all tracks and 100 years for all engines.

Despite the urgent need and financial feasibility, the lack of focus continues to hinder the widespread implementation of this crucial safety system.

LEADER OF THE OPPOSITION (LOP)



The 2024 election resulted in the largest Opposition in Lok Sabha's history, with over 234 seats.

The 2024 general election is historic, resulting in the largest Opposition in the Lok Sabha's history, with over 234 seats. The Opposition's size revived the debate on the Leader of the Opposition (LoP), who should have a minimum of 10% membership in the House as per Direction 121. The recognition and categorization of parliamentary parties for facilities in Parliament do not include the LoP's recognition.

The 1977 Act, defining the LoP's salary and allowances, identifies the leader of the largest

Opposition party as the Leader. This role has gained significance in forming a shadow cabinet, which critiques government policies and offers alternatives. The LoP's larger size influences Parliament's dynamics, enhancing their role in legislative debates and policy scrutiny.

The 10th Schedule, enacted later, defines party categorization based on member strength. This change makes it crucial for the Opposition's leadership to secure substantial membership. Historically, leaders like Nehru engaged with Opposition leaders for robust governance.

In 2024, the diverse Opposition comprises various ideologies, with the LoP needing to unify these groups. Despite having no official state status since 1977, the LoP is pivotal in holding the government accountable and shaping policies. The larger Opposition's presence will likely lead to more rigorous scrutiny and debate, maintaining democratic checks and balances in the House.

FISHERIES DISPUTE



The recent fishing resumption off India's eastern coast led to a Sri Lankan sailor's death and highlighted the urgent need for renewed India-Sri Lanka negotiations to address the fisheries dispute and transition Tamil Nadu fishermen to sustainable practices.

The recent resumption of fishing off India's eastern coast has resulted in the death of a Sri Lankan sailor during an operation to chase away Indian trawlers near Jaffna. The Sri Lankan Navy impounded a trawler and apprehended 10 fishermen, prompting intervention requests for their release. Efforts are ongoing to secure the early release of 34 fishermen in remand

and six serving sentences. This situation underscores the need for renewed negotiations between India and Sri Lanka to address the fisheries dispute, which has been exacerbated by the 1974 and 1976 maritime boundary agreements. While illegal crossings by Indian fishermen must cease, it is crucial to consider their livelihoods and the preservation of the marine ecosystem. Transitioning Tamil Nadu fishermen away from bottom trawling to alternative practices like deep sea fishing and marine farming is essential but challenging. The current deep sea fishing project by the Union and Tamil Nadu governments has underperformed, delivering only 61 vessels in seven years. It is suggested that the Union government align this project with a national program to increase vessel cost support, enhancing participation. Collaborative efforts between India, Sri Lanka, and local fishing communities are vital for resolving the dispute and protecting both economic and environmental interests.

GST COUNCIL MEETING



The GST Council's recent meeting led to significant reforms aimed at simplifying the tax regime and planning for future rationalization.

The Goods and Services Tax (GST) Council convened for the first time in nearly nine months, featuring 11 new State Ministers and a recalibrated NDA government. The agenda included clarifications, tweaks, forbearances, and procedural changes based on industry feedback. While deliberations on all accumulated issues could not be concluded, the Council plans to reconvene in August.

Notable outcomes include the exemption of hostel accommodation costing up to

₹20,000 per month from GST, along with railway services availed by passengers. A uniform 12% GST rate was approved for packing cartons, milk cans, and solar cookers, simplifying previous classification differences.

The Council decided to waive interest and penalties on tax dues for the first three years of GST, provided they are paid by March 2025. Pre-deposits for GST Appellate Tribunals were reduced, and a new form was introduced for correcting errors in previous returns. The anti-profiteering clause was ended, and phased biometric-based Aadhaar authentication for GST registrations was mandated.

The Council also plans to rationalize the multiple-rate GST structure from the 2021 plan. Simplifying and decluttering the seven-year-old tax regime remains a priority, with a focus on broader reforms beyond rate adjustments. The Council aims to provide a road map for exempting items like petroleum and electricity from GST, indicating potential future reforms.