

EDITORIAL HIGHLIGHTS

16-10-2026

GS 3: ECONOMY THE HINDU PAGE: 08

Out of site

People's protests are meant to be seen and heard, not hidden away

The Delhi Police's decision to denotify Jantar Mantar in the national capital as a site where protests can be organised has itself triggered a storm of protest over its sheer arbitrariness. The Delhi Police, which is under the Union Home Ministry, have told the Delhi High Court that Jantar Mantar was denotified as a protest site following a Supreme Court directive issued on October 9. The Bench headed by Chief Justice of India Surya Kant had urged the Union government to identify an alternative protest site that is spacious and open. The order was passed while hearing petitions challenging the government's decision to restrict movement within and into the city to halt the October 10 protests demanding the resignation of Chief Election Commissioner Gyanesh Kumar. Observations were also exchanged that protests in and around Jantar Mantar were a source of inconvenience for ordinary commuters. It is possible to argue that protesters cause traffic congestion and inconvenience. But those arguments are valid only as much as similar arguments that are usually raised against democracy itself. There is a reactionary view that democracy delays decision-making, elections disrupt development and economic activity, and that there should therefore be fewer elections and less politics. The BJP's push for simultaneous elections to Parliament and State Assemblies once every five years is based on the same logic, that at its heart questions the legitimacy of democracy itself. The argument against protests at Jantar Mantar does not hold water. It is antithetical to the concept of public deliberation and protest, which are central to democracy.

A centrally located site of protest is part of the urban space in most democracies, as in Washington DC and London. Public protesters are usually marginal groups who lack representation at the decision-making table. Street protest is actually an outcome of their lack of power, and an instrument for people with no other way of being heard. To keep them far away from the seat of power and render them invisible is a violent police argument against their very attempt to be heard and seen. The reason why a protester wants to be in Jantar Mantar is its proximity to the centre of power – it is located close to the Parliament complex, and the President's Estate. If, in the name of public order, they are pushed far away into the margins of the city, as is now being sought, it is equivalent to keeping them trapped in the very situation they are trying to escape. If protests can happen only far away from the seat of power, the logic can easily be extended to argue that people must stay at home and protest. That is not how a democracy works.

GS 2: INTERNATIONAL RELATIONS

THE HINDU PAGE: 08

Double standards

The U.S. must stop moralising to the Global South for trading with Russia

Last year, U.S. President Donald Trump imposed an additional 25% tariff on India over India's oil purchases from Russia. Peter Navarro, Mr. Trump's trade czar, even called Russia's invasion of Ukraine "Modi's war", saying India was funding the Russian aggression through energy deals. Last month, Mr. Trump signed the Lindsey O. Graham Sanctioning Russia and Iran Act into law, giving him the power to impose up to 100% tariffs on countries buying Russian energy, including India and China. And then, last week, Mr. Trump announced a deal to buy Russian diesel – releasing 300,000 tonnes immediately to the "American and global marketplace" followed by 5,00,000 tonnes in November. Immediately after the announcement, the Treasury Department suspended sanctions on Russian diesel exports until April 7, 2027. Mr. Trump's flip-flop is a lesson for countries such as India, which have been criticised and penalised for trading with Russia. The latest policy switch also exposes the incoherence in western strategic thinking. The West imposed sanctions on Russia's energy sector to weaken Vladimir Putin's "war machine". Four years later, the U.S. began bombing Iran. When the Iran war drove up fuel prices, Washington temporarily eased sanctions on Russian fuel before striking a deal with Moscow.

Beyond the hypocrisy and strategic folly of the U.S. decisions, Mr. Trump's diesel deal also marks the ineffectiveness of the western sanctions regime. When Russia attacked Ukraine in 2022, the West adopted a two-pronged response: weaken the Russian economy through sanctions and weaken the Russian military in Ukraine by arming Kyiv. The sanctions were a double-edged sword, hurting the Russian economy, but the curtailment of trade between Russia and Europe has also plunged European economies, particularly Germany, into deep crises. To offset the impact of the sanctions, Moscow looked east where China and India were willing to buy discounted Russian fuel. The episode also underscores the changes in the economic landscape. Mr. Trump's U-turn leaves Ukraine and Europe in a spot, at a time when Moscow is escalating its bombardment of Ukraine and testing NATO's resolve through grey-zone tactics. If Brussels thinks that prolonging the war would serve its strategic goal of bleeding Russia dry in Ukraine, it may be making a mistake, as Mr. Trump seems less interested in NATO's collective defence or in the defence of Kyiv. Instead, their focus must shift to finding a diplomatic way out. If Mr. Trump can reach a diesel deal with Mr. Putin amid the war, he should work with the warring parties, his allies in Europe and his new partner in Moscow, to secure a ceasefire and ease Russia-NATO tensions. In the meantime, the U.S. and Europe could stop moralising to the Global South for doing trade with Russia.

GS 2: INTERNATIONAL RELATIONS

THE HINDU PAGE: 08

A contested UNSC seat poses a test for India

Following the conclusion of the 81st session of the United Nations General Assembly (UNGA), held from September 8 to 28, 2026, the government must double its efforts to secure a non-permanent seat on the United Nations Security Council (UNSC) in next year's election. India's bid for the 2028-29 two-year term of the UNSC was launched by External Affairs Minister S. Jaishankar this year, with voting in the UN General Assembly (UNGA) to take place in June 2027. As a result, Mr. Jaishankar was busier than usual during UNGA week, holding nearly 90 meetings over a 10-day stay in New York. Between now and next summer, India needs at least 129 affirmative votes in the 193-member Assembly to win.

This has not been as much of an issue on the eight occasions that India has won the seat over the past eight decades, becoming the Asia-Pacific grouping's consensus choice once every decade. Even Pakistan votes for India at the UNGA in these elections, and India returns the favour. With the full backing of the 55-member group, India won a record 187 of 191 votes in 2010 and 184 of 192 votes in 2020.

The bid for a ninth term

India's ambition to win a ninth term is guided by several factors – its terms were in 1950-51, 1967-68, 1972-73, 1977-78, 1984-85, 1991-92, 2011-12 and 2021-22. Its last tenure, in 2021-22, was disrupted by the COVID-19 pandemic, and the Narendra Modi government felt it had been unable to meet all its objectives. New Delhi may want to complete these objectives, including resolutions on terrorism and United Nations reform, before the Modi government's current term ends in 2029. With India's push for permanent membership of the UNSC still elusive, the government may wish to increase the frequency of its non-permanent tenures, keeping India at the centre stage of geopolitics from the UNSC's horseshoe table.

The difference this time, however, is that when India announced its candidacy for the 2027 election, Tajikistan was already in the fray and, according to the chart drawn up for the Asia-Pacific seat, was to be the consensus choice. On the two previous occasions when India had to contest an election – in 1975 against Pakistan and in 1996 against Japan – it lost. Decisions on consensus are made informally by diplomats at the UN, sometimes decades in advance for the 55-country Asia-Pacific grouping.

Like with all the other regional groups – African, Latin American and Caribbean (GRULAC), the Western European and Others Group (WEOG), and the Eastern European Group – a different number of seats fall vacant each year. When consensus breaks down, votes within the group are split, leading to a contest in the wider UNGA. From there it is a race for every country's vote; the rule that contestants must also



Suhasini Halder

win two-thirds of the assembly, or more than 129 votes, complicates the task. Given that the course is set, the Modi government has three options, each opening a differently difficult path. The first is to battle it out against Tajikistan on the global stage; the second is to convince the Tajik government to withdraw its candidature; and the third is for India to withdraw its own. Another option – to divide the two-year term equally between the two candidates – has been tried in the past, but these cases have been countries that are evenly matched in other respects.

Battling it out

At first glance, India's advantage over Tajikistan seems glaringly obvious, given its size, economic standing and past record on the Council. However, UN insiders know that these are not the only criteria by which UNSC elections are won. To begin with, India's multiple terms on the UNSC may work against it, as there is a growing push within the UNGA to consider smaller countries that have never held council membership such as Tajikistan. In his UNGA speech, Tajik Foreign Minister Sirojiddin Muhriddin said that, more than status, his country's bid for a seat on the UNSC was about its responsibilities to the UN Charter and to "listen to all voices – large and small". This David-versus-Goliath pitch is attractive to other smaller states, especially those from the Global South that feel their lack of representation is unfair. Japan, for instance, which has served 12 terms on the UNSC, announced its candidature for the 2043 election in 2024, having previously declared its intention to contest the 2032 election.

The next important factor is how subregional blocs are likely to vote within the Asia-Pacific grouping. Tajikistan already has the endorsement of its own region, Central Asia, and possibly, by extension, that of several neighbouring countries. It also has the endorsement of the Organisation of Islamic Cooperation, a grouping of 57 member-states which would largely follow that position, although New Delhi may be able to win over some of its friends within the organisation. India is fairly confident of the votes of the Global North – the United States, Canada, Europe, Australia, New Zealand and allied countries – as well as those of Southeast Asian countries (the Association of Southeast Asian Nations or ASEAN), Caribbean nations represented by the Caribbean Community (CARICOM), and Pacific island countries (PIC). This means the battle ground that matters most is the Global South – Africa, South America and also South Asia.

The current mood among Global South countries, as reflected in a number of UNGA resolutions over the past year, has been decidedly against the big powers, the U.S. and Russia, and has been inordinately critical of Israel. During the 80th session, member-states voted overwhelmingly in favour of at least 13 resolutions

criticising Israel. The UNSC elections this year were particularly instructive. For the Asia-Pacific seat, the UNGA voted for first-timer Kyrgyzstan over the western-backed Philippines. For the WEOG, Germany, which had never lost a UNSC election, lost to Portugal and Austria, ostensibly due to its stance in support of Israel. In the election for the President of the UNGA, too, the Bangladesh Foreign Minister, Khalilur Rahman, defeated his rival from Cyprus, another western-backed candidate. While India's assertion of strategic autonomy vis-à-vis the big powers may stand it in good stead, its diplomats may have to answer questions about India's own ties with Israel in recent years, particularly following Prime Minister Narendra Modi's visit to Israel in February 2026.

Tajikistan or India bowing out

The next option, which has worked in the past, is to persuade Tajikistan to withdraw its candidature – India was able to negotiate with Kazakhstan in 2010 for the 2011-12 term, and Afghanistan in 2013 to step aside for the 2021-22 tenure. However, despite meetings between Mr. Modi and Tajik President Emomali Rahmon on the sidelines of the SCO Summit in Bishkek, and between Mr. Jaishankar and his Tajik counterpart during the UNGA session (both in September 2026), there has been no such announcement.

Even if Tajikistan decides to step aside after studying its chances, India must consider the message this would send to other Global South countries: that its second turn in a decade is more important than giving a smaller country its first opportunity to serve on the Council.

This leaves the third alternative, which would certainly make the world sit up: India could agree to step aside for Tajikistan, in order to return to the UNSC a year or two later with the full backing of the Asia-Pacific grouping. Such a move would acknowledge Tajikistan's special strategic relationship with India in the past, particularly its role in hosting an Indian Air Force base at Ayni and a medical base at Farkhor, strategically important in the Afghan conflict in the early part of this century, despite pushback from the U.S., China and even Russia. There is little evidence so far, however, that the Modi government, which announced its candidature with some fanfare, is considering backing down.

The path to securing another non-permanent seat on the UNSC next year is not easy. India's win can only be guaranteed by defeating the ambitions of its old friend and regional partner – the choice is between a Pyrrhic victory versus a tactical defeat. In the bigger war for India's rightful place as a permanent member of the UNSC – one whose voice represents the aspirations of the Global South – this is a battle that could be avoided.

suhasini.h@thehindu.co.in

It is a battle that can be avoided – the path to next year's UNSC election will not be a cakewalk, and India must consider its options

GS 3: ECONOMY (AGRICULTURE)

THE HINDU PAGE: 08

'Innovate today, nourish tomorrow' for food security

The simple yet profound theme, "Innovate today, nourish tomorrow", for World Food Day 2026, observed on October 16, reminds us that the future cannot be built with the tools of the past alone. The need to scale up innovation is urgent, as 645 million people still face hunger, while one-third of the world's population cannot afford a healthy diet.

Three interconnected factors continue to push these numbers. Climate-related risks are reducing yields and disrupting growing seasons. Economic shocks and stubborn food-price inflation are eroding purchasing power. Conflict, war and civil strife tear up harvests, displace farmers, disrupt supply chains and destroy the very institutions that protect people from hunger.

From scarcity to surplus and nutrition

Over the decades, India has emerged as a food-surplus nation and one of the world's largest producers of foodgrains, milk, pulses, fruits and vegetables. One of the decisive factors in this transformation from scarcity was the 'Green Revolution'. The introduction of high-yielding varieties, backed by expanded irrigation and assured prices, increased cereal production, which became the basis for India's public distribution and nutrition schemes.

India's abundance in food production has become the foundation of the world's largest food safety net. Under the National Food Security Act, 2013, India provides a legal entitlement to subsidised foodgrains to up to 75% of its rural population and 50% of its urban population, reaching approximately 81 crore people. Since January 2024, the government has provided these foodgrains free of cost under the Pradhan Mantri Garib Kalyan Anna Yojana, a guarantee that has been extended until 2028.

This architecture rests on the Targeted Public Distribution System, strengthened by digitised ration cards, Aadhaar seeding and the One Nation One Ration Card portability scheme, which lets migrant workers draw their foodgrain entitlements anywhere in the country.

Konda Reddy Chavva

Officer-in-Charge, Food Agriculture Organisation (FAO) Representation in India

James Marc de Sousa-Shields

Country Director and Representative, International Fund for Agricultural Development (IFAD)

Elisabeth Faure

Representative and Country Director, the World Food Programme (WFP) in India

As countries across the Global South grapple with climate change, conflict and economic uncertainty, India offers lessons that can be adapted to their needs

India's transformation in food security and nutrition is being driven by innovation. The government is focusing on technology, data and finance to make farming more resilient, resource-efficient and viable, while improving access to and the efficiency of food safety nets.

Complementing efforts

It is at this intersection that the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD) and the World Food Programme (WFP) are complementing India's efforts by providing technical expertise, developing solutions and strengthening institutional capacities.

On the farm, the FAO is supporting digital agriculture by developing advisory road maps and building the capacities of frontline extension workers. In livestock and dairy, FAO's Clean Milk Scorecard gives farmers a digital tool to assess cattle management, hygiene and milk production practices and provides actionable feedback. These tools translate technical knowledge into actionable advice, supporting better farm-level decisions and improved productivity. The FAO is also working to address food loss, a challenge with implications for nutrition, resource efficiency, climate action and farmers' incomes. Its work includes measuring losses, assessing their environmental impacts and identifying pathways to valorise them through composting, bioenergy and recycling.

On financing and investment, the IFAD focuses on the first mile of food systems, where risks are highest and private investment is thinnest. Its "financing plus" approach integrates support across the value chain – from production and market access to finance and small-scale infrastructure – and is designed to crowd in domestic public and private capital, rather than substitute for it. Every dollar IFAD has invested in India has leveraged more than three dollars in total investment. Across IFAD's global portfolio, projects with strong private-sector participation

have delivered income gains of 64%, four times higher than those without such participation. IFAD is now beginning to lend directly to the private sector to bridge this gap, and India has one of its largest pipelines of such operations in Asia and the Pacific.

On access and availability, the WFP, the world's largest humanitarian organisation and the winner of the 2020 Nobel Peace Prize, has worked in India for over 63 years. It now focuses on enhancing the efficiency of the public food distribution system through innovations such as Grain ATMs, supply chain optimisation and the incubation of solutions through the Public Services Lab at the Indian Institute of Technology Delhi. The WFP also works to improve the nutritional effectiveness of food assistance, particularly for children and pregnant women. This includes assessing food baskets, recommending dietary diversity and integrating nutrition considerations, including the incorporation of nutrient-rich millets and other nutri-cereals.

India's blueprint

India's experience is increasingly relevant beyond its borders. Its innovations have been shaped by constraints, including fragmented landholdings, monsoon-fed agriculture, multilingual populations and limited resources. As nations across the Global South face climate change, conflict and economic uncertainty, India offers principles to adapt.

The future requires us to look beyond sufficiency towards better nutrition, scalable innovations and equitable food systems built around climate-resilient and biofortified crops, nutritionally diverse diets and value chains that reward smallholders. Innovation must remain pro-smallholder and pro-woman, drawing deeply on traditional knowledge even as it embraces scientific advances.

On this World Food Day, we reaffirm our shared resolve with India: to innovate today, and in doing so, to nourish tomorrow.

GS 3: ENVIRONMENT

THE HINDU PAGE: 09

Can wildlife thrive in India without active human intervention?



Qamar Qureshi
Retd. Professor,
Wildlife
Institute of
India



Uma Ramakrishnan
Professor,
National Centre
for Biological
Sciences,
Bengaluru

PARLEY

On October 2, a three-year-old tigress was released into the Buxa Tiger Reserve in West Bengal marking the beginning of a phased programme to reintroduce tigers in the reserve and establish a viable, self-sustaining population there. Similarly, as part of Project Cheetah, cheetahs were reintroduced in Madhya Pradesh in 2022. This begs the question: can wildlife thrive in India without active human intervention? Qamar Qureshi and Uma Ramakrishnan discuss the question in a conversation moderated by Jacob Koshy. Edited excerpts:

Recently, *The Economist* provoked backlash in India with a backhanded compliment: that India had conserved its tigers despite being a largely poor country. Historically, does conservation follow countries attaining a degree of wealth? Is India an exception?

Qamar Qureshi: India's relationship with nature has evolved through three historical phases. Before British rule, India had a largely agrarian, forest-based economy in which nature was closely integrated with people's lives and livelihoods. Colonial rule fundamentally altered this relationship through new technologies, agricultural expansion and a belief that humans could overpower nature, contributing to substantial wildlife loss. After independence, India inherited a mixture of traditional and Western attitudes. Colonial rule left India impoverished and deprived forest-dwelling communities of many of their traditional rights. Despite government efforts, these communities remain dependent on forests for survival.

Uma Ramakrishnan: Biodiversity conservation is not the preserve of wealthy countries. Several relatively poor nations, including Costa Rica, Brazil, Rwanda and Colombia, have prioritised conservation as part of their development trajectories. Conservation can also generate revenue through biodiversity-related tourism, as Costa Rica demonstrates. Conservation is also driven by emotion and a philosophical concern about the destruction of nature. The modern Western conservation movement drew impetus from works such as Paul Ehrlich's *The Population Bomb* and Rachel Carson's *Silent Spring*, while conservation science developed further in the 1980s through concepts such as minimum viable population sizes and organisations such as the International Union for the Conservation of Nature.

How does conservation science in India decide which species deserve priority, given



A cheetah resting at the Kuno National Park, Madhya Pradesh in 2025. PTI

the focus on tigers and lions while vultures and caracals receive less attention?

QQ: Conservation operates through two mechanisms: hope for a better future and guilt over the destruction of nature and the extinction of species. It is also political, with science providing the evidence to support action. We must be cautious against the growing tendency to turn national parks into safari parks; this was an explicit warning made in the 1970s, when the then government launched Project Tiger. Tiger conservation is often misunderstood as focusing only on tigers. The exercise of surveying and evaluating nearly four lakh square kilometres across India, compared with the roughly one lakh square kilometres occupied by tigers, is intended to inform conservation decisions across biogeographic regions. Protecting tiger habitats also benefits other species occupying the same ecosystems. Flagship species such as the tiger attract public and political attention as well as funding; however, a rare frog threatened by a mine in Maharashtra may attract little concern. The tiger thus serves as a symbol that amplifies the conservation message.

Does the evidence show that protecting a flagship species also benefits the wider ecosystem, or do other species fail to flourish despite that protection?

UR: Protecting a flagship species such as the tiger does not necessarily benefit every ecosystem, since different habitats have distinct communities of carnivores, herbivores and birds. The tiger serves as a flagship species by attracting protection, while the scientific rationale for protecting top predators rests on their ability to regulate ecosystems – their removal has been shown to cause ecosystem disruption in several parts of the world, though not specifically in the case of tigers. Grasslands and human-dominated landscapes, for instance, may be better represented by wolves or other top predators than by tigers.



Interventionist approaches such as captive breeding and reintroduction may be necessary to prevent some species from going extinct, but their success is far from guaranteed

UMA RAMAKRISHNAN

Given historically low tiger numbers in parts of the Northeast, are active interventions such as tiger reintroductions necessary?

QQ: Conservation cannot follow a single model across India's diverse ecosystems. Wolves, for instance, are a landscape species that cannot be protected through protected areas alone. India spends roughly ₹3,500 crore annually on conservation, against a requirement of ₹9,500-₹10,000 crore. Although tiger reserves receive relatively good funding, other protected areas face significant shortfalls. India's extensive forest-management workforce is an advantage, but its colonial-era management systems are unevenly distributed, particularly in the Himalayas, deserts and Northeast. 'Active management', increasingly necessary because human activity has altered natural systems. Natural processes such as flooding sustain ecosystems in the Terai without periodic floods; landscapes such as Kaziranga, Dudhwa and Valmiki would be fundamentally different. Yet preventing floods is often a human priority, illustrating the trade-offs conservation entails.

We must also avoid conservation models that rely on fenced enclosures. Species such as the Great Indian Bustard require landscape-level protection rather than conventional protected areas. Sanctuaries that were created for bustards, including in Gujarat and Andhra Pradesh, failed to prevent their disappearance because conservation planning did not adequately account for the ecological role of grazing or the needs of local communities. In some cases, restrictions led to increases in blackbuck populations that damaged crops, antagonising people who had tolerated or protected the birds. Bustards survived in landscapes partly because of local people's support, and conservation must work with communities rather than alienate them.

Is interventionist conservation necessary now to prevent species from going extinct?

UR: Interventionist approaches such as captive breeding and reintroduction may be necessary to prevent some species from going extinct, but their success is far from guaranteed. While the

Mauritius kestrel is an example of successful reintroduction (in Mauritius), other programmes have had mixed or disappointing results.

Moreover, captive breeding requires substantial effort and investment. Some species, such as the saola of the Annamite Mountains (Vietnam and Laos), may already have dwindled to numbers too low for captive breeding, leaving their genomes as the principal record of their existence. Conservation cannot save every species, particularly when so little is known about biodiversity. India, for instance, lacks basic data on insect abundance, making it difficult to establish whether insect populations are undergoing widespread declines. Protected areas cover only about 5% of India's land, well below international recommendations, underscoring the need to safeguard larger landscapes. However, given that people have long inhabited many of these areas, conservation must adopt different models suited to different contexts. The captive breeding for the Great Indian Bustard is a necessary experiment and parallels with vulture conservation, where reintroduction efforts have revealed unexpected behavioural challenges that need to be understood.

QQ: Protecting sufficiently large areas is essential, particularly because scientists do not yet know enough about many species and ecosystems to identify every conservation priority. With India's protected areas averaging roughly 200 sq km, safeguarding larger landscapes can serve as a form of insurance against future ecological risks, even when the full benefits are not yet understood.

What changes are needed to improve conservation science and wildlife biology?

UR: India's Wildlife (Protection) Act is structured primarily as a punitive law, with research activities such as collecting samples often treated in the same way as hunting, making permits necessary even for scientific work. Despite efforts over the past two decades to explicitly facilitate research under the Act, these changes have not materialised. This disproportionately affects those without institutional privilege or the resources to navigate the system. Conservation science needs to accommodate a wider range of researchers, replacing excessive top-down control with a system that enables diverse participation.



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GS 2: POLITY

THE HINDU PAGE: 10

The debate over immunity to CEC, ECs

The SC has issued a notice to the Centre on a plea challenging Section 16 of the 2023 law, which grants CEC and ECs lifelong immunity for actions taken in discharge of official duties; the provision is more expansive than constitutional immunities provided to the President and Governors; as well as Parliamentary privileges granted to legislators

EXPLAINER

Rangarajan R.

The story so far:

The Supreme Court has recently issued notices to the Centre on a petition filed by the Association for Democratic Reforms (ADR) challenging the lifelong immunity granted to the Chief Election Commissioner and Election Commissioners (CEC and EC) for actions taken in discharge of official duties.

What is equality before the law?

Equality is a fundamental right and part of basic structure of our Constitution. Article 14 guarantees that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Equality before law is a component of the concept of 'Rule of Law' propounded by British jurist A.V. Dicey. It means that there will be absence of any special privileges in favour of any person; everyone is subject to same set of laws; and there will be no person above the law, irrespective of their status in the society. Equal protection of the law is an American concept, which implies that there will be equality of treatment under equal circumstances, both in privileges conferred and liabilities imposed by the laws.

What are constitutional immunities?

The Constitution does provide some immunities/privileges to certain offices. Article 361 provides certain immunities to the President and Governors. It states that there shall be no criminal proceedings and no process for arrest or imprisonment of President or Governor during their term of office. Even civil proceedings against President or Governor cannot be initiated except until expiration of 2 months' notice. These privileges were available to Governor General and Governors during the British



Association for Democratic Reforms has challenged the lifelong immunity provision in the SC. FILE PHOTO

rule. They have continued to exist under our Constitution to maintain the dignity of these high offices.

Article 105 and 194 provides the privileges for members of Parliament and State legislatures, which includes freedom of speech and vote. The Constitution also provides that till Parliament enacts a law to codify the privileges, the Houses and members will continue to enjoy the privileges that were enjoyed by the British House of Commons before the commencement of the Constitution. The Parliament has not enacted any law to codify privileges till date.

Diplomats and ambassadors of other nations enjoy immunity from civil and criminal jurisdiction under the Vienna convention. This is an international treaty that is applicable in more than 190 countries on a reciprocal basis.

What immunity do the CEC and ECs have?

The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and

Terms of Office) Act, 2023 (CEC & EC Act) passed in December 2023 contains Section 16 that provides that no court shall entertain or continue any civil or criminal proceedings against any current or former CEC or EC for actions taken or purported to be taken in discharge of official duties.

Why should this provision be removed?

The immunity from arrest and criminal proceedings for the President and Governors is a colonial relic that has continued in our Constitution. It must however be noted that this immunity is only during their term of office. While Parliamentary privileges are an exception to equality, they are largely confined to actions inside the Houses of the legislature and to the period when the Houses are in session. Diplomatic immunity is based on functional necessity and reciprocity, in order to facilitate the smooth functioning of diplomatic relations.

The provision granting life-long and

unconditional immunity to the CEC or ECs was not part of the original Bill that was introduced in the Parliament. Hence, there is no rationale provided for the inclusion of this clause in the 'Statement of Objects and Reasons' submitted along with the Bill at the time of introduction. This clause was added as an amendment on the day the Bill was passed in Rajya Sabha that was subsequently cleared by Lok Sabha and assented to by the President.

The Union Law Minister, while introducing this amendment had said that it was brought in to enable the CEC and ECs to discharge their functions in an unhindered and independent manner.

Equal protection of the law under Article 14 does provide for creation of separate classifications for the application of laws. However, the classification for equal protection of the laws should not be arbitrary or irrational. It must be based on intelligible and reasonable distinction. Further, the classification must have reasonable relation to the objective or purpose of the legislation.

There are various constitutional and statutory authorities who are required to discharge their functions in an independent manner. It includes judges, Comptroller and Auditor General, Public Service Commission Chairpersons and members, Lokpal and Lokayuktas, and Information Commissioners. None of these authorities enjoy such life-long and unconditional immunity for their official actions. The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 which was the earlier law that governed the terms of office of the CEC and ECs did not contain such a provision. In view of these aspects, this provision of blanket immunity under the CEC & EC Act must not remain in the statute books.

(Rangarajan R. is a former IAS officer and author of 'Courseware on Polity Simplified'. He currently trains at Officers IAS Academy. Views expressed are personal.)

THE GIST

The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Terms of Office) Act, 2023 contains Section 16 which grants the CEC and ECs lifelong immunity for actions taken in discharge of official duties

The provision was not part of the original Bill that was introduced in the Parliament. This clause was added as an amendment on the day the Bill was passed in Rajya Sabha, that was subsequently cleared by Lok Sabha and assented to by the President

GS 2: SOCIAL JUSTICE (WOMEN)

THE HINDU PAGE: 10

Advancing the women-led development model

NCW's consultation on women's access to social, economic justice calls for a rethink of women's empowerment

C.B.P. Srivastava

The story so far:

The National Commission for Women (NCW) held a consultation on women's right to property and their access to social and economic justice. The idea is to ensure that inclusive growth becomes sustainable. This is another step towards endorsing the significance of women's empowerment. However, a pertinent question remains: why have women not been empowered so far, and do we really understand the meaning of women's empowerment? Is the concept rooted in economics, or is it a serious issue of internalised patriarchal attitude?

Distributive vs. compensatory justice
Until now, women's empowerment has remained confined to welfare schemes, reservation at different stages and protection against discrimination. This may constitute the delivery of

compensatory justice, but it is not sufficient if the country intends to accelerate progress towards the goal of Viksit Bharat@2047. We need to create an environment in which the delivery of distributive justice assumes significance over compensatory justice. Though the Constitution provides for both forms of justice, it gives precedence to distributive justice to prevent the need to compensate. Following this constitutional approach, the concept of empowerment would be transformed from a welfare measure into a matter of right.

As a socialist principle, justice could be delivered through the equitable distribution of resources according to requirements, ensuring equality among equals and access to resources needed for development and growth. This concept is enshrined in the Directive Principles under Articles 38 and 39 of the Constitution, supported by Article 46. These provisions make the state accountable to ensure distribution of

resources and prevent concentration of the means of production. The Supreme Court in *Air India Statutory Corporation v. United Labour Union* (1996) held that the Preamble and Articles 38, 39, and 46 aim to establish an egalitarian social order and that distributive justice is a foundational constitutional goal to restructure the economic order. Further, the apex court in *Consumer Education and Research Centre v. Union of India* (1995) emphasised that socio-economic and distributive justice are integral components of the right to life and human dignity under Article 21 of the Constitution.

Compensatory justice, on the other hand, could be seen through different lenses. For instance, Articles 17 and 23 of the Constitution deal with abolition of untouchability and human trafficking, *begar* and forced labour respectively, which are absolute rights to prohibit discriminatory exploitation of certain groups including women and children. In criminal law, statutory compensation for

victims is provided under Section 396 of the Bharatiya Nagrik Suraksha Sanhita.

Women's property rights

The right to property is a fundamental human right, along with the rights to life and liberty, hence, it is acquired by all individuals irrespective of gender.

Property is not merely an asset; it also strengthens social status, bargaining power and a person's capabilities. This is the reason why the Constitution, through Article 300-A gives the guarantee that no person shall be deprived of his property except by the authority of law. This provision is available to both men and women equally. The idea is to ensure substantive equality leading to gender justice. The Hindu Succession Act, 1956, and particularly its 2005 amendment, gave daughters equal coparcenary rights in Hindu joint family property. Endorsing this concept the Supreme Court in *Vineeta Sharma v. Rakesh Sharma* (2020) made it clear that a daughter is a coparcener by birth and that her right does not depend upon whether the father was alive when the amendment came into force.

On the other hand, the Hindu Marriage Act, 1955 and Special Marriage Act, 1954 in addition to the laws relating to maintenance, and inheritance have progressively strengthened women's legal position regarding their right to property.

However, despite these safeguards, women are not yet considered claimants to such rights, and the gulf between

requirements and reality remains wide.

The patriarchal mindset is the biggest culprit. Other factors include a social fabric not conducive for women in terms of rights, inadequate legal awareness among women and their limited access to justice. In this backdrop, it would be more appropriate to strengthen institutional mechanism necessary to effectively implement the existing policies and laws.

Concept of women-led development

To establish substantive equality, a paradigm shift is needed from viewing women as passive beneficiaries of welfare schemes to recognising them as drivers of social and cultural transformation. Property and inheritance records should be made gender sensitive, through digitisation of land records, simplified mutation procedures and automatic recording of women's shares, reducing dependence on intermediaries. Legal literacy among women must also improve through special campaigns involving Self-Help Groups, while effective access to free legal aid would enhance their legal awareness. Finally, women who have excelled in any field should be given leadership roles to demonstrate that they can lead institutions as effectively as their male counterparts. Thus, a shift from women-based to women-led development is not only necessary but should become the new paradigm.

(C.B.P. Srivastava is president, Centre for Applied Research in Governance, Delhi)

GS 3: ECONOMY

INDIAN EXPRESS PAGE: 12

IDBI stake sale: Welcome signal, build on it

ON WEDNESDAY, the long drawn out disinvestment of IDBI Bank was finally cleared by the Cabinet Committee on Economic Affairs. The “strategic buyer”, Toronto-based Fairfax Financial Holdings, will acquire 60.72 per cent of the bank for Rs 52,878 crore. This transaction, which will be the largest FDI in the financial sector, comes on the back of signs of growing interest in the sector. Emirates NBD’s purchase of a 60 per cent holding in RBL Bank, Sumitomo Mitsui Banking Corporation acquiring 24.2 per cent of YES Bank, and Mitsubishi UFJ Financial Group picking up a stake in Shriram Finance signal increasing foreign investor appetite for high-value transactions in this segment. This is a welcome development.

In recent years, IDBI’s financial position has improved — its gross NPAs (non performing assets) stand at 2.3 per cent, while its capital adequacy ratio is at 26.92 per cent. Fairfax, which also holds 40 per cent of CSB Bank, will have to either merge CSB Bank and IDBI Bank or sell its stake in the former, considering the regulatory approach. After the conclusion of this transaction, LIC and the government will hold a 34 per cent stake in the bank. The receipts will also boost the government’s coffers, which would help offset some of the expected overshooting of its budgeted subsidy bill. So far this year, the Centre has raised Rs 55,757 crore via disinvestment (including Rs 31,514 through LIC’s offer for sale) and Rs 6,367 crore through asset monetisation. Its disinvestment target has been budgeted at Rs 80,000 crore for 2026-27. This deal will bring in much-needed foreign capital, at a time when there has been considerable concern over both foreign direct investment and portfolio flows into the country, and the pressure on the rupee. Between April and July, while gross FDI flows stood at \$43.8 billion, net FDI was considerably lower at \$13.4 billion. Alongside, in the financial year so far, foreign portfolio investors have also taken out over \$18 billion from equity markets.

Following the cabinet’s decision, the Centre should move forward on divesting its stake in other PSUs — Shipping Corporation of India Ltd, HLL Lifecare Ltd and NMDC Steel Ltd are some of those for which in-principle approval has been given, according to a report in this paper. It should not stop there. It must push ahead with a larger and more ambitious disinvestment programme.

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GS 2: INTERNATIONAL RELATIONS

INDIAN EXPRESS PAGE: 13

Structural rifts, beyond Trump



ISHAN BAKSHI

DEALING WITH Donald Trump, as even America's long-cherished alliance partners have learnt the hard way, is often an exercise in the impossible. More so when there are few points of leverage to be exploited.

Many in India have viewed Washington's recent moves as pressure tactics of a mercurial administration. They have held on to the hope that over the longer term, the convergence of strategic interests between the two countries will prevail over any short-term ruptures in the relationship. But that may no longer be the case. **The India-US relationship has taken a turn for the worse.**

There are economic and strategic reasons why there appears to have been a fundamental rethink in Washington over the relationship and why American policy appears to have shifted accordingly. **The arm-twisting over oil imports, the Russia sanctions law, which many Democrats voted for, and the attack on IT services and skilled labour mobility are all part of a broader pattern. The problem is larger. Which is why it may outlive the current administration.**

One, the US has been looking for ways to de-risk, if not decouple, from China. Beijing is no doubt the strategic threat for Washington. By looking to shift manufacturing operations to India, it was trying to build an alternative, friendlier source of production to secure supply chains. But that idea does not appear to have taken off. **India's China plus one play has not materialised so far.** With the exception of Apple and a few others, not many have shifted to the country at the level envisioned. Simply put, the Indian economy hasn't really lived up to its expectations.

Two, with the rapid development and deployment of AI, the need to outsource to Indian IT firms may well appear, at least from Washington's point of view, to be much less now. The labour cost arbitrage is only likely to whittle down further. India also remains significantly behind the technology frontier. It has no stranglehold over any chokepoint. Moreover, the inherent conflict between Make in India and the decision to favour certain Indian business houses has put off

not only domestic firms, but foreign companies (read US) as well.

Three, the US may have concluded that India simply does not have the heft that Washington expected it to acquire to counter China. It has neither the economic depth nor the strategic strength to serve as a counterweight. The chasm between the country's geopolitical aspirations and its economic capabilities has only deepened. Moreover, some of its recent strategic choices have also been at odds with Washington's interests.

All this implies that if earlier the US exercised restraint and gave India special treatment — **it was exempted from economic sanctions under CAATSA for purchasing the S-400 missile defence system from Russia — it is now far less likely to do so,** especially as its strategic and economic calculus changes, and India fails to develop any sources of leverage. Cooperation, even if pursued at times, is unlikely to lead to greater strategic coherence or convergence.

Alongside, the shift to a more transactional relationship framework under Donald Trump has meant that every action — or inaction for that matter — invites a response, which may, at times, seem disproportionate.

What India does, for instance, in the domestic economy has often much larger unappreciated consequences: You can't discriminate against big American firms and expect no backlash now, especially with a White House that is more closely aligned with big business. If India has its oligarchs, so does the US. And they can also retaliate.

And if for some reason the trade deal is not concluding, then perhaps the US administration has simply asked itself: What is there for us to lose? And even if an agreement is finalised, will it significantly alter Washington's larger calculus?

There are few indications that a future Vance/Rubio administration or a left-leaning Democratic White House would substantially change tack, elevate India's strategic importance, and accord it more weight in economic and foreign policy affairs.

In any scenario, Delhi has to protect its national interests. But it will also need to make strategic choices. **India depends on the US for tech, capital and markets, on China for critical inputs and final goods and on Russia for energy and defence imports. It needs all three.** Exhortations to nationalism will not change that reality.

The writer is senior associate editor, The Indian Express
ishan.bakshi@expressindia.com

GS 2: INTERNATIONAL RELATIONS

INDIAN EXPRESS PAGE: 12

US wants to build a new world. India must ask if it is open, fair, peaceful and just

MARCO RUBIO'S decision to visit Jamnagar and Mumbai rather than Delhi may not be intended to convey any symbolism. But it is difficult not to read it as a sign of things to come in Indo-US relations. The US Secretary of State will engage with India's largest concentration of economic power, and pay homage to the Ambanis' justly admired execution capabilities. In other contexts, this could be a refreshing development: A relationship founded on instrumentalism and pragmatism, in which corporate capital takes centre stage over conventional politics, deal-making gets priority over fixing the world. But it also signals India's diminution. India is not a partner in building a world order, or an actor whose political status has priority; it is simply an amalgam of corporate interests.

Elon Musk tweets all kinds of threatening nonsense all the time. His calling Mukesh Ambani the Prime Minister of India is one such example. But it also unwittingly reflects what the American establishment would rather deal with: Big corporate houses, and the rest be damned. America's conception of the world order is again being founded on something resembling an early 20th-century oil grab: Venezuelan oil, a possible deal with President Vladimir Putin for Russia's overseas oil assets. The political correlate of this for America is to see the world as a confederacy of oligarchs. They might compete with each other, but they are the driving force in charge.

There is some potential in this kind of relationship. Technological cooperation can

advance in some areas; the latest being IBM's proposed investment in quantum computing in Amravati. Investment flows can still be increased. Indian big corporates are likely to become more global investors. But it is not clear that this can sustain an overall relationship that has become politically, strategically and culturally more fragile.

The key pillars of the Indo-US relationship are hollowing out. The first was a bipartisan commitment in Washington to India's rise. India's rise, in this view, was itself a good thing for the world and the US, independently of whether India aligned with US interests. This commitment has waned: The transactional demands on India are higher.

Even in a post-Donald Trump regime, as Paul Staniland has recently pointed out, India may no longer be a high priority. India has always had a testier relationship on human rights and on trade with the left wing of the Democratic Party, which is in the ascendant.

The positioning of India as a bulwark against China was always an exaggerated framing. That structural reality has been around for years. It has not particularly given dividends to India over and above any other country. US attitudes to China also change. China is considered a looming threat in India. But it is also an opportunity and a reality India will have to manage on its own terms. The momentum achieved on getting the US to see Pakistan through an Indian lens has virtually collapsed, because US priorities have shifted. The US will



PRATAP BHANU MEHTA

use Pakistan or Bangladesh for its purposes, unmindful of India's vision for South Asia, a task made easier by the fact that India at the moment does not have one.

Whether the trade deal with the US is at a possible "landing point" or has "plateaued", to use the two metaphors India has used to describe the state of play, is hard to tell. There is unprecedented opacity in these negotiations. India has been wise not to rush into a deal, and hopefully it will continue to stand on firm ground. If it is an unfavourable deal, the Narendra Modi government and the US will become the object of political ire; if the deal is not accomplished, it will be a shadow that hangs over the relationship.

The US's long history of sanctions on India continues, the latest being Russia-related sanctions, while the US procures diesel from Russia. Many in the Indian establishment are still keen on defending America by evading the issue in the language of faux realism. Grow up, they say; hypocrisy is the norm in world politics. That is true. But the issue is not hypocrisy. Only our realists rationalise away genuine conflicts of interest. America has dictated the energy markets you access; it has indirectly raised the cost of your development by engaging in the most absurd war on Iran. And all we have had to offer in resistance is stony silence.

One other background cultural condition is dissipating as well. One of the most remarkable developments of the last three decades was the almost seamless integration of American and Indian elites through immigration. The idea

that America would be forever open to the levels of immigration that we saw in the last few years was implausible. At some point, that momentum had to slow down. America is within its rights to regulate immigration. But the debate over the regulation of immigration is tied to MAGA's nativism, racial supremacy, and suspicion of Indian success, all endorsed at the highest levels of the US government. India's response to JD Vance's remarks on Indian workers suggests this is no longer a technical dispute over immigration. The depleting reservoir of cultural goodwill will have downstream effects.

And finally, there is the world the US wants to build. No one grudges pride in civilisational achievements. But as Rubio's speech at Athens recently underscored, the US is seeking to convert civilisational pride into a claim to Western pre-eminence, allied to a more muscular and imperial political vision. The question for India will not be what values or interests it shares with Rubio's imagined West. It is whether this vision leaves room for the kind of open, fair, peaceful, just world order India ought to seek. Currently, the US is a rogue power, inflicting needless damage and risk on the world. Perhaps India should reevaluate the symbolism and convey to the US that, while we are open for business, we do not pay homage to this new Pax Americana. We ought to find all possible leverage to stand up to it, rather than pass over it in cowed silence.

The writer is contributing editor, The Indian Express

GS 2: POLITY

INDIAN EXPRESS PAGE: 13



SHINY VARGHESE

PROTEST SITES are not just geography; they become cultural artefacts of expression. They connect people spatially through codes of dress, song, slogan, and movement. As spaces of resistance, they bring the marginalised to the centre. It's an inversion of power, unlike in a carnival, where the dominant group is in the centre.

So, with Delhi's Jantar Mantar denoted as a protest site, the question to ask is who the dominant group wants to make invisible. As a site, it is approximately three km from India Gate. The three new venues designated by the Delhi Police — the Ram-lila Ground in central Delhi (about five km), the Burari Ground in north Delhi (about 20

km), and the CBD Ground in east Delhi (about 12 km) — are like a man chopping a tree in the woods. Nobody sees it. It's not in the face of power like Jantar Mantar is or India Gate was.

A 2022 paper from Ahmedabad's CEPT University shows how the government of the day began reclaiming Rajpath, the stretch from Parliament to India Gate, over the years. The first layer of barricades came up with the Nirbhaya protest of 2012, closer to Parliament; the second layer came with the Hathras protest and a complete closure came in 2020 with the farmers' protest.

The shrinking of protest spaces is not unique to India.

Egypt's Tahrir Square, which saw the revolution in January 2011, has today been dressed up with Nile cruises and museums. Likewise, Tiananmen Square in Beijing is now a tourist attraction, with the Tank Man

imagery only embedded in our minds. Tehran's Azadi Tower, once a site for Iran's 1979 Revolution, has today been appropriated by the state to host sanctioned rallies. There are exceptions such as London's Hyde Park and Place de la Bastille, Paris, where dissent is still a way of life.

India's massive infrastructure push has expanded public capital expenditure from Rs 2 lakh crore (2014-15) to Rs 12.2 lakh crore (2026-27), which includes bridges, highways, railways, ports and the Metro; yet there is little or no scope for public squares or spaces where people can gather. The virtual shutdown of the national Capital recently was marked by red dots on central Delhi's map to guide people to their destinations. Like pockmarks on the city's face, those red dots showed the dis-ease of discomfort of those in power.

Nobel laureate Anne Carson, in a 2024

interview that's currently doing the social media rounds, completes René Descartes' most-famous statement: "*Dubito, ergo cog-niti, ergo sum*", which reminds us how im-portant doubt is to critical thinking. In our ancient texts, the *vidushak* played a promi-nent role. But long before kings vacated their thrones, the *vidushak* was gone. No critic, no king.

Moving Jantar Mantar as a protest site is not only a way to hide from criticism but also presents to the world that democracy is merely performance; as Greek economist Yanis Varoufakis puts it, erasing people's power to act, to express and to resist. That's not becoming of a country that is set to be the world's third-largest economy.

The writer is senior associate editor, The Indian Express
shinyvarghese@expressindia.com

When protest is pushed out of sight

GS 2: POLITY

INDIAN EXPRESS PAGE: 15

• LAW

Govt's sweeping powers over OCI cardholders



DEEPTIMAN TIWARY

ACTOR IMRAN Khan, a US citizen and Overseas Citizen of India (OCI) cardholder, has been asked by the Foreigners Regional Registration Office (FRRO) to leave India by October 28, days after he joined a protest in Mumbai demanding the resignation of Chief Election Commissioner Gyanesh Kumar.

Khan was detained along with other protesters at August Kranti Maidan on October 10. Subsequently, BJP leader Kirti Somaiya complained to police that Khan, being a foreign national, had violated the law by participating in the demonstration. The complaint was forwarded to the FRRO, which issued the Leave India notice. According to police, the notice says Khan had violated immigration law by joining the protest.

Who is an OCI, and what rights does the status carry?

The OCI scheme was introduced in 2005 for certain categories of foreign nationals of Indian origin. India does not permit dual citizenship, and an OCI remains a foreign national holding the passport of another country.

The status nevertheless gives privileges unavailable to ordinary foreign nationals, most importantly a multiple-entry lifelong visa and exemption from registration with the FRRO irrespective of the duration of stay. OCI cardholders also receive parity with Indian citizens or NRIs in certain areas, including some property, educational and professional rights.

But there are restrictions. A March 2021 government notification requires OCI cardholders to obtain special permission before undertaking research, missionary or "tabligh work; mountaineering; journalistic activity; certain employment or internships in foreign diplomatic establishments; or entering protected, restricted or prohibited areas.

Significantly in Khan's case, the notification does not expressly list participation in political protests or demonstrations as an activity requiring prior permission.

OCIs also do not possess the political rights of Indian citizens. Under Section 7B of the Citizenship Act, they cannot vote or contest elections, and Article 19 rights —

• WHAT HAS HAPPENED IN PREVIOUS OCI CASES?

AATISH TASEER

The writer, during the 2019 polls, wrote the controversial 'TIME' cover article describing PM Narendra Modi as India's 'Divider in Chief'. Months later, the government cancelled his OCI status, saying he had concealed in his application that his father, Salman Taseer, was a Pakistani national. Taseer linked the action to his writing; the Centre denied that connection.

ASHOK SWAIN

The Sweden-based academic, a sharp critic of the government, was served a notice alleging "anti-India activities" in 2020; his OCI registration was eventually cancelled. A later government order said his tweets, writings and speeches spread "detrimental propaganda". The Delhi High Court first set aside the cancellation order and, in March 2025, struck down the subsequent one because the tweets



Khan is detained at the protest in Mumbai on Oct 10. AKASH PATIL

and writings had not been supplied to Swain. The government was left free to proceed afresh.

CHRISTO THOMAS PHILIP

Philip, a US citizen and doctor working in Bihar, ran into trouble over alleged missionary activity. He

was prevented from entering India and his OCI registration was subsequently cancelled. The Delhi High Court in January 2019 found that the government had not established the statutory basis for treating missionary activity as threatening sovereignty, security or public interest, and ordered his OCI restored and his entry facilitated. In 2021, the government explicitly restricted missionary activity through an OCI notification.

KHALID JAHANGIR QAZI

The US citizen of Kashmiri origin faced allegations of separatist activity. His OCI registration was cancelled in 2023 and he was separately blacklisted under the then Foreigners Act. The Delhi High Court in November 2024 set both actions aside, holding that the allegations were vague; it allowed the government to start proceedings afresh with specific allegations.

Including the constitutional guarantees of freedom of speech and peaceful assembly — are guaranteed specifically to citizens.

Can an OCI be asked to leave India for joining a protest?

The Immigration and Foreigners Act, 2025, which came into force in September 2025 and replaced the Foreigners Act, 1946, gives the government wide powers over foreign nationals — and an OCI remains a foreign national for this purpose.

There is no provision in the Act that expressly says that a foreign national cannot attend a political rally or demonstration. However, the law gives the government considerable discretion to regulate the presence, activities and conduct of foreigners in India. The FRRO notice to Khan invokes Section 72(c), read with Section 29, of the Immigration and Foreigners Act, 2025.

Section 7 empowers the government to issue orders regulating or restricting the entry, departure or continued presence of foreigners in India. Clause (c) of subsection (2), invoked against Khan, allows the government to direct that a foreigner "shall not remain in India or in any specified area

OCIs are not citizens

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therein". Section 29 goes further. It empowers the government to order the removal of a foreigner for contravention of the Act, its rules or orders made under it, or on the basis of an "adverse security report". The provision also authorises government officers to exercise reasonable powers necessary to enforce such directions.

The significance is that the statute itself does not designate "political protest" as prohibited conduct. But it gives the executive latitude to prohibit particular categories of activity through an order or direction.

Section 7 separately empowers the government to restrict a foreigner's association with specified persons, prohibit activities of a specified description and regulate conduct. However, the notice invokes the power to direct a foreigner not to remain in India, rather than the provision specifically concerning restrictions on activities.

And these are not powers exercisable only by the Union Home Ministry. A September 2025 notification delegated powers under Section 7(2) and Section 29 to FRROs and Foreigners Registration Officers.

In 2020, the Calcutta High Court quashed a Leave India Notice issued to

Actor Imran Khan, an OCI, has been told to leave India. The law does not bar foreigners from protests, but does give govt wide powers over their conduct

Polish student Kamil Siedczynski, who had participated in an anti-CAA rally in Kolkata. The government had invoked the then Foreigners Act. The court found the notice deficient and held, on the law then before it, that mere participation in a political rally was not by itself sufficient to sustain the action. The 2025 Act has since replaced that law, although it retains similarly broad executive powers over foreigners.

When can OCI registration itself be cancelled?

This is a different process governed by Section 7D of the Citizenship Act.

The government may cancel OCI registration if it was obtained through fraud, false representation or concealment of a material fact; if the person has shown "disaffection" towards the Constitution; helped an enemy during war; or, in specified circumstances, has been convicted of serious crime.

The widest ground is Section 7D(e), which permits cancellation where the government considers it necessary in the interests of the sovereignty and integrity of India, security of India, friendly relations with foreign countries, or "the general public".

The law has since been expanded to cover specified legal violations as well as certain cases involving OCI status obtained through marriage. But unlike a straightforward immigration direction, cancellation now carries an express procedural safeguard: an OCI must be given a reasonable opportunity of being heard. Courts have repeatedly examined how much latitude the broad cancellation provisions give the government.

So what can Khan do now?

Khan can make a representation to the FRRO or the Centre seeking withdrawal or reconsideration of the notice. But unlike cancellation of OCI registration under Section 7D of the Citizenship Act, where the statute expressly guarantees a reasonable opportunity of being heard, there is no comparable appeal procedure spelt out in Section 7 of the 2025 Immigration law.

His other remedy is to approach the High Court under Article 226 of the Constitution, challenging the legality of the Leave India Notice and seeking interim protection against its operation. Khan's lawyers have already approached the Bombay High Court.

The notice requires him to leave India by October 28. Unless the FRRO withdraws or modifies it, or the court grants protection, the direction remains operative and he would be required to leave by that deadline.

GS 2: INTERNATIONAL RELATIONS

INDIAN EXPRESS PAGE: 15

• SHIPPING

Why Indians keep sailing into risky waters, what kin get if they die

Purnima Sah
Mumbai, October 15

SINCE THE West Asia conflict began in February, 16 Indian seafarers have been killed in attacks on merchant ships. Thirty-three have been injured, and three are missing. All but one of the dead were on foreign-flagged vessels. Shyam Jagannathan, Director General of Shipping in the Union Ministry of Ports, Shipping and Inland Waterways, told *The Indian Express*: "In absolute numbers, foreign-flagged vessels have sustained more hits than Indian-flagged vessels. However, in terms of casualties, India has paid the highest cost."

Why are so many of the dead seafarers Indian?

Because Indians crew the world's ships. India is the second-largest supplier of seafarers after the Philippines. Its workforce grew from 1.03 lakh in 2013 to 3.23 lakh in 2025. More than nine in 10 Indian seafarers in fleets tracked by the government serve on foreign-flagged vessels. The Indian flag protects a vessel in diplomatic terms, but most Indians at sea aren't under it.

India's Directorate General of Maritime

Administration (DGMA) issues advisories, but does not ban seafarers from movement. The Strait of Hormuz, the Red Sea and the Gulf of Aden are classed as high-risk zones, and companies are told to take precautions. The one hard rule came on August 5. Under Circular 47, a shipowner or crewing agency must inform the DGMA before taking a vessel through Hormuz, and must obtain the written consent of every Indian seafarer on board.

Jagannathan's explanation for why Indians agree to go in the first place is that "some seafarers continue to accept assignments in conflict zones because shipping companies offer two to three times their normal wages, while others may be driven by financial necessity".

The government's legal position is that merchant ships have the right of innocent passage under the UN Convention on the Law of the Sea, and that seafarers, now recognised as key workers under the Merchant Shipping Act, 2025, have the right to a safe workplace.

Are Indians trapped out there?

It depends on who you ask, and how you define trapped. Jagannathan acknowl-



Limited protection

- More than nine in 10 Indian seafarers in fleets tracked by govt serve on foreign-flagged vessels.
- The Indian flag protects a vessel in diplomatic terms, but most Indians at sea aren't under it.

Commercial vessels anchored in the Strait of Hormuz off Bandar Abbas, Iran. AP

edged that vessels trying to cross Hormuz have been hit by projectiles.

The DGMA's written response says something firmer: regular crew changes are happening, and "no seafarer remains trapped or stranded on a vessel for a period exceeding their contract".

As of October 8, DGMA was tracking 38 vessels of Indian interest in the Persian Gulf, Gulf of Oman, Red Sea and Gulf of Aden: 30 Indian-flagged ships carrying 750

Indian seafarers, and eight foreign-flagged ships with cargo bound for India. They include container vessels, crude and product tankers, bulk carriers and LPG carriers.

What happens in case of death or illness?

If a seafarer dies in a war-like or high-risk zone, the Seafarers Welfare Fund Society pays Rs 10 lakh ex gratia. Members of the National Union of Seafarers of India receive another Rs 10 lakh, while members of the Maritime Union of India receive Rs 12 lakh.

On top of that, the shipowner's protection and indemnity insurer pays compensation under the crew contract.

The DGMA is a regulator, and not an employer. "We guide seafarers towards their parent companies if they wish to seek employment," Jagannathan said. Those who don't want to go back to sea get help settling wages and dues and claiming insurance. Lost documents are replaced free of charge.

Welfare Fund schemes include a Death on Board Benefit, a Survivor's Benefit and an Invalidity Benefit of Rs 6 lakh each, Rs 2 lakh for critical illness, and Rs 20,000 a month for up to 12 months for seafarers whose ships have abandoned them.