

THE PROBE

HAND IN HAND: RETURN OF THE LEGAL CRUSADE

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FROM THE EDITOR-IN-CHIEF

Dear readers,

In a world increasingly unequal and divided, giving voice to those otherwise devoid of it becomes even more imperative. The Probe was established in 2020 with a similar motive to provide a platform for the youth to have their say. In the years since, the magazine has fortunately received great love and support from readers and contributors far and wide. Each year a bright team sets out in its pursuit to materialise this ambitious dream. With a new young bunch taking the reins of this publication, it becomes important that the team sticks to the idea behind the whole errand and ultimately be accountable to the reader base and the very cause of the movement. It is you, the reader, to whom we owe everything and hope to preserve your trust and support. Special thanks to Ms. Gaurvi Saluja for an amazing cover.

In the first issue of this cycle, we explore the nuances of the legal kerfuffle over the recognition of same-sex marriage. We dive deep into the topic through moving conversations with two of the biggest luminaries of law in India- Senior Advocate Sanjay Hegde and Senior Advocate Raju Ramachandran, former Additional Solicitor General. The issue also discusses some pressing issues of the time from the unfortunate violence in Manipur to the constantly evolving nature of world economy and geopolitics. From the ghats of Banaras to Beijing's hegemonic ambitions, the issue traverses themes and perspectives. We also pay tribute to a guide, mentor and shining light for many- Professor Samarveer Singh of Hindu College, who we sadly lost earlier this year. Our prayers are with the bereaved.

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RECOGNITION OF SAME-SEX MARRIAGE



**The Return of the
Executive &
Legislatures’
Crusade Against
the Judiciary**

By Shubh Mathur

“ The Constitution also exists for the common man, the poor & the humble. For those who have businesses at stake, the butcher, the baker and the candle maker. ”

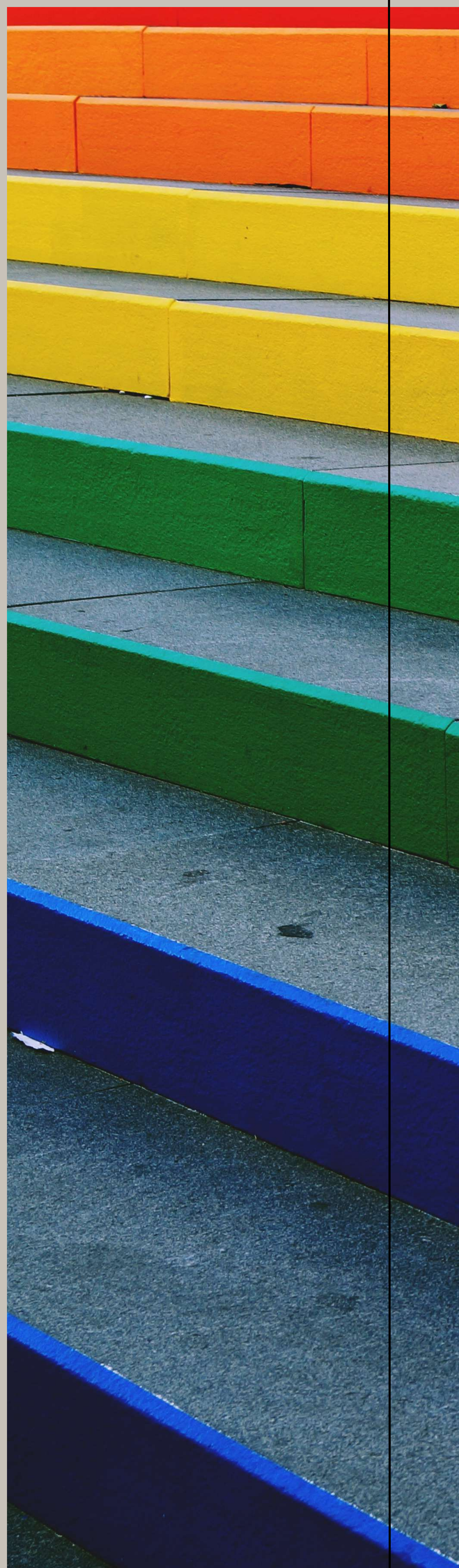
- Justice Vivian Bose, 1956

This piece contrasts the ongoing Same-Sex Marriage case with the landmark Kesavananda Bharti case. It focuses on the crossroads the Indian Judiciary is at, owing to how parliamentary intervention in judicial proceedings has played out in the past. It also discusses how historical precedents on the interpretation of the constitution have affected the chart of Indian society's evolution.

On the 15th of March 2023, the honourable Supreme Court of India led by the sitting Chief Justice of India **Dhananjaya Yeshwant Chandrachud**, directed high courts to transfer nine petitions to them. Pursuant to the order, eight petitions from the Delhi High Court and one from the Kerala High Court were transferred to the honourable Supreme Court court. These petitions were connected with similar petitions, culminating in the formation of a five-judge constitutional bench headed by CJI **D.Y. Chandrachud** and consisting of Justice **S.K. Kaul**, Justice **Ravindra Bhat**, Justice **Hima Kohli** & Justice **P.S. Narasimha**. The bench convened for the first time on 18th April 2023 at 10:45 am, to hear the first round of arguments for Supriyo a.k.a Supriya Chakraborty & Abhay Dang v. Union of India thr. Its Secretary, Ministry of Law and Justice & other connected cases, or in layman's terms the Same-Sex Marriage case.

The petitions in a nutshell stipulate the right of recognition to marry and formulate a family to be extended to people of the LGBTQIA+ community, thereby adding legitimacy to the landmark 2018 judgement of Navtej Singh Johar & Ors. versus Union of India thr. Secretary Ministry of Law and Justice. They based their demands upon a myriad of foundations including the rights to equality, dignity, personal liberty, privacy and personal autonomy, and freedom of conscience and expression alongside protection from prejudices. The gist of the petitioners' argument led by Senior Advocate Mukul Rohatgi argued they had the right to a recognised marriage union under Articles 14, 15, 19, 21 and 25 of the Indian Constitution alongside the 1954 Special Marriage Act, 1955 Hindu Marriage Act & 1969 Foreign Marriage Act. This case led to two factions of society coming into the foray; one in support, and the other against the basic dignity that human beings command. We must note that the latter faction had a heterogeneous tilt, with various intervenors from different vantage points coming into the picture.

Yet regardless of one's biases, the union's stance which is built upon the



superstructure of the legislature's dominance on such issues, cannot be overlooked. The respondents led by the presiding Solicitor General of India **Tushar Mehta** crafted their argument on the principle of legislative policy, and the unforeseeable impact a judgement could have upon already enacted laws which themselves came into effect after strenuous debates plus compromises. The union further added that it is not acceptable for a bench of 5 judges (not verbatim) to restructure the entire nation's legislative policy which was decided by representatives elected by the people (unlike the judges of the court). The Union substantiated this by quoting **Bhagwati Steel Rolling Mills v. CCE (2016)** which held that the parliament is presumed to know the law of the land. The Union went on to endorse the respondents' notion that only the lawmakers reflect India's societal values, beliefs and acceptability. The Union government's staunch view that only the legislature can decide upon recognising marriage and bestowing ancillary rights threw the issue into nationwide contention upon the fact that what are the legislature and judiciary's limitations? In **Raghunath Rai Bareja v. Punjab National Bank (2007)**, the Supreme Court decreed that the judiciary is bound to the literal interpretation of what they were delving into, while **Subramanian Swamy v. Raju (2014)** held that the judiciary could not unilaterally restructure the country's legislative policy.

This standoff gave many citizens and legal scholars flashbacks to another instance which reframed how the relationship between the executive, legislature and judiciary operates. To understand the same, one needs to turn back the clock to a bench which consisted of another Chandrachud of the Supreme Court i.e., sixteenth CJI **Yeshwant Vishnu Chandrachud**, the infamous 1973 **Kesavananda Bharati Sripadagalvaru & Ors. v. State of Kerala & Anr** judgement and the egregious court-packing episode.

Indian Judiciary & The Monk Who Bought the Constitution

Jumping straight to the Bharti judgement would result in the omission of vital context, hence it is integral to rewind the clock a few more years to 1967. In 1953 the Punjab government passed a law dubbed the **1953 Punjab Security and Land Tenures Act**, which essentially mandated that no two brothers can own more than 30 acres of land jointly. The law affected many landowners but two brothers from Jalandhar named **Henry & William Golak Nath** decided to make a move against the practice. The family filed a petition in the Supreme Court against the Punjab government under the aegis of **Article 32** of the Indian constitution, as they believed the 1953 act was depriving them of their right to hold and acquire property (which was a fundamental right until removed in 1978).

The petition resulted in a debate over the limitations of the Constitution, requiring an eleven-judge bench (the largest ever at the time) headed by CJI K.S. Rao to hear arguments for the same and decide the I.C. Golaknath and Ors. vs State of Punjab and Anrs case. The bench after strenuous arguments held that the Union's justification to amend the Constitution to their pleasure was null and void in a 6:5 judgement. This judgement went





on to establish that even though Article 368 provides a pathway to amend the Constitution, **fundamental rights cannot be curtailed under any provision.**

The judgement painted a canvas for the Union parliament to fight back, which it did in 1971 with the **24th amendment act**. The amendment restructured **Article 368** from the “procedure for amendment of the Constitution” to “the power of the parliament to amend the Constitution and procedure therefore”. This empowered the parliament to amend any provision of the Constitution, providing a de facto abrogation of the Golaknath judgement. Aware that such a decision would be challenged in the Supreme Court, the Indira Gandhi government took inspiration from **Franklin Delano Roosevelt’s** policy of “**packing the Supreme Court**” i.e., installing judges of similar mindsets to get favourable decisions. The process began in 1971 with the nomination of (alleged) key allies of the government’s ministers with the nomination of six judges namely Justices **K.K. Mathew, D.G. Palekar, Y.V. Chandrachud, M.H. Beg, A.K. Mukherjea & S.N. Dwivedi.**

It would have been in gross contempt to call some of the judges the government’s agents had it not been for instances like Justice **S.N. Dwivedi’s** farewell speech at the Allahabad High Court (right before his elevation to the SC) where it is said that he stated that his **purpose at the SC was to overturn the Golaknath judgement.** Highly uncharacteristic of a judge of the apex court of India. While judges were constantly being added, removed & transferred around in the 1970s-1980s to influence their views, the government got two more remarkable unfavourable judgements against them. Namely the **Rustom Cavasjee Cooper vs Union of India** (bank nationalization case) & **Maharajadhiraja Madhav Rao vs Union Of India** (privy purses case). Following the aforementioned setbacks, the Indira Gandhi government’s worst apprehensions recrudesced when a Hindu monk named **Kesavananda Bharati** from the state of Kerala challenged the 1963 and amended 1969 **Kerala Land Reforms Act.**

The act sanctioned the government of Kerala to seize some of the lands which belonged to a monastic religious institution, Bharti practised at. Owing to the provision present under **Article 32** of the Constitution (the right to individuals to move to the Supreme Court to seek justice when they feel that their right has been ‘unduly deprived’), Bharti moved to the Supreme Court to challenge the Keralite reforms. The patronage of **Articles 14, 19(1)(f), 25, 26 and 31** aided by **Article 32**, alongside the already simmering tension within the country resulted in a 13-judge bench being formed to hear the case, by far the largest in the history of the Supreme Court. The crux of the petitioners’ arguments relied upon the fact that the Keralite reforms plus the **24th and 25th amendments** were violative of their fundamental rights and that there are limits to the extent to which the **Constitution’s basic structure can be challenged.** The state argued that the parliament has unlimited power to amend (which it provided itself in 1971), which it must actualise to live up to its socio-economic obligations. The arguments for the case began on October

31, 1972, and lasted for a protracted 68 days ending on March 23, 1973. The justices were in charge of reviewing all angles of the arguments presented during the case in conjunction with the 24th, 25th, 26th and 29th Amendments and the Golaknath decision. The bench finally reconvened on 24th April 1973, to deliver their opinions through 11 separate judgements spread over 700+ pages. The court held in a 7:6 judgement that although the parliament has the power to amend the constitution, it is not absolute and the basic structure cannot be tampered with. The judgement catalysed the Union government's efforts to further curtail the influence of the judiciary with the foremost example being the appointment of the fourteenth CJI. A day after the judgement, the Indira Gandhi government superseded Justices Shelat, Grover & Hegde, appointing Justice A.N. Ray (who had a reputation for his pro-Congress stances) as the CJI. This show of supremacy merely a day after the Bharti judgement was because Justices Shelat, Grover and Hegde ruled in favour of the 'Basic Structure doctrine, while Justice A.N. Ray dissented.

The reaction to this began with mass criticism of the executive's influence which threatened the judiciary's independence. Alongside the same, it commenced a never-ending discussion of CJI Ray's credibility. Interestingly in an interview with American scholar George H Gadbois Jr, Ray shot back and said his critics "didn't have the standing of a school-leaving certificate" (see *Supreme Whispers* by Abhinav Chandrachud). Nevertheless, the majority of Ray's tenure was swayed by the positions of the Union government. The core illustration of the same was the *State of Uttar Pradesh v. Raj Narain* case. For context, Raj Narain was Indira Gandhi's opponent for the Raebareli constituency. Allahabad High Court's Justice **Jagmohanlal Sinha had ruled that Indira Gandhi indulged in electoral malpractices by misusing government machinery in her 1971 Raebareli election. The judgement, therefore, found Gandhi's election "null and void" and banned her from holding office for six years.**

With her allies stacked in the Supreme Court, the Indira Gandhi government immediately challenged the ruling. She was eventually exonerated on 7 November 1976 under Ray's Chief Justiceship. Although the court exonerated Gandhi, the case proceedings resulted in Raj Narain being treated as a national hero and gaining incredible traction in the polls. Fearing her position and influence, Gandhi declared a state of emergency



shaped by the resistance to her holding office during the Narain case proceedings which she dubbed "internal disturbances". The state of emergency resulted in an absolute mockery of the Constitution, with the parliament ruling almost by decree via presidential ordinances. The legislature passed contentious laws like the **42nd Amendment** often christened a "**mini-constitution**", which gave the parliament unlimited power to amend the constitution, with no limitations to the basic structure. There was no assistance from the Supreme Court since it had become a hallmark of acquiescence under the CJiship of Justices Ray and Beg, characterized with (now expressed as) woeful judgements like ***Additional District Magistrate, Jabalpur v. Shivkant Shukla* (*Habeas Corpus* case)** which allowed the government to suspend a person's right to not be unlawfully detained, in "interests of the state".

Even though the emergency crafted a dark period for democracy and defiled the trustworthiness of the highest level of its protectors, brighter times did come in 1977 and 1978 with the election of the Morarji Desai government. The first non-congress-dominated government returned many of the Constitution's features to their pre-emergency status, but not to the



on the SC's front and after winning an absolute majority in 1984, the INC feared they would lose intended level. On the judicial front, Chief Justice Y.V. Chandrachud's tenure managed to circumvent a lot of Congress-inspired judgements. One example that may be furnished is the remarkable *Minerva Mills Ltd. and Ors. vs Union Of India and Ors.* that struck down clauses 4 & 5 of the 42nd amendment, once again, limiting the government's ability to amend the constitution. Justice Chandrachud was originally seen as a "government judge" when he was nominated during the Gandhi government's court-packing chapter, and his move away from the same indicated that even if the judiciary was kicked down repetitively, it still had a spine. This was further propagated by Chandrachud's sharp opposition to the second Indira Gandhi government and the Rajiv Gandhi government.

The 1985 *Mohd. Ahmad Khan v. Shah Bano Begum And Ors* judgement where the Supreme Court (Under CJI Chandrachud) pronounced that Muslim women have the right to alimony after divorce, once again, brought the judiciary and union government at odds. The INC saw the Shah Bano judgement as a gross misjudgement

a substantial amount of support if the judgement was not nullified. To dilute the Shah Bano judgement the parliament passed the Muslim Women (Protection of Rights on Divorce) Act 1986. Accordingly, a divorced Muslim woman is entitled to reasonable and fair provisions plus maintenance from her husband during the 90-day iddat period.

It is established that there is a historical precedent that the union government may attempt to annul a judicial decision which goes against their interests, so it would not be baseless to comprehend the possibility of the same happening with the same-sex marriage case.

By the People Vs Of the People

On 12th March 2023, the Centre under the NDA government filed an affidavit before the Supreme Court, furthering a draconian interpretation of marriage. They contended that marriage between a biological man and woman is a "holy union, a sacrament and a sanskara" in India. In their words, the push for legalising same-sex marriages represents "urban elitist views for the purpose of social acceptance". The nucleus of the government's affidavit banked upon the notion that the concept of family values can only be modified by rigorous debate within the parliament as it has representatives who have been elected by people of all backgrounds. Finally, the Union ended by stating that marriage is not confined to being a private matter and that excluding same-sex marriages from the institution of marriage is not discriminatory.

The affidavit was taken into account by the petitioners and was debunked during the oral arguments. For example, Adv Rohatgi established that same-sex marriage is not an "urban elitist idea" as many of the petitioners came from **lower castes, and rural areas and were not financially fortunate**. Even **CJI Chandrachud** dug into some aspects of this issue. His day one altercation with the Solicitor General on how the notion of a man **is not absolute and not limited to genitalia** became a focal point of the proceedings.

The author can't delve into every topic of debate during the proceedings but what can be settled is that **arguments have taken every point of contention into account. Including fundamental rights, constitutional morality, anti-discrimination, individual autonomy, healthcare, adoption and**

many more. However, there is still a critical point of question on hand as it has been reiterated countless times by the government that reshaping the institution of marriage is not a matter of five people to decide, even if they represent the highest law of the land.

Aiding the same, the 34th Cabinet Minister of Law and Justice, Government of India **Kiren Rijju**, stated that although the “**Supreme Court is the apex court of the country, the country is owned by the people and that sovereignty lies with the people**” while speaking to Aaj Tak’s Sudhir Chaudhary. Although Rijju was very diligent, one cannot discount the sentiment of what he said. The proposition of abrogating a judgement from the apex court is no less than **wrecking the democratic framework of the country.**

Now looking at the state of play, two questions need to be addressed-

- Will the Union government follow in Indira Gandhi's footsteps and **use the legislature** to revoke a judgement if it comes out in favour of recognition of same-sex marriage?
- If the Supreme Court does not give a clear judgement **who** exactly do the petitioners turn to?

On the first one; it would only take conjecture to answer the same, even though the Law Minister has already suggested the parliament **might do** a Shah Bano 2.0, as according to them it would represent the opinion of the people. **Can they do it?** The BJP & NDA (at the time of writing) hold a **329-seat absolute majority** in the **Lok Sabha** and **110 seats** in the **Rajya Sabha**. The majority is ample for the Union to **pass any bill within the sphere of marriage**, with the opposition powerless to stop the same.

Will they do it? Only time and the Supreme Court’s judgement can tell. Even though, looking at recent decisions it looks highly likely.

On 11th May 2023, the Supreme Court provided another damning blow to the BJP when it decided the **Government of NCT of Delhi v. Union of India & Anr.** case and held that under article 239AA of the Constitution, the Delhi Lieutenant Governor had no authority over items on the state list and the concurrent list barring police, public order and land. To counteract the Court’s judgement, the Centre issued an ordinance on 19th May 2023, promulgating a new statutory body to handle the transfer and posting of bureaucrats. This provision also gives a veto over the matter to two senior bureaucrats. Undermining the elected Chief Minister was yet another act of kicking the apex court’s authority as the highest law of the land in the teeth.

Moving on to the second issue; the Constitution relies upon the fact that the Supreme Court is the final decision on any matter. Yet, historical precedent and present happenings as already shown in this piece would say the impression does not come into practice. What can be established is that, if the union does overturn a judgement, it will destroy all the respect and authority of the Supreme Court alongside sending the concept of the independence of the judiciary into carnage by stratifying the three pillars of government.





Where Do We Go Now?

Indian society now stands at an ever-consequential crossroads with indispensable questions all over the socio-political spectrum. Yet, we ignore an essential one; in a country which takes tremendous pride in all of its successes, when will we be self-aware and take an **equivalent amount of shame in all of our wrongdoings?**

We take pride in the evolution of tolerance in our country. Still, it is no less than **disgraceful** that there has to be a vast debate to **extend basic human rights** to people who don't identify with society's stereotypical limitations of sexuality. And the assertion that legal recognition to them is not useful nor needed, is diabolical.

The union takes pride in the state of Indian society's "**sanskara**" and despises challenges to the same. It is necessary to send them a reminder that once upon a time, abominable practices like **sati** were also seen as holy. It took legal challenges (against massive objections) to outlaw it. This is perhaps one of the most sombre examples of the brutality of conventional morality; how it denied even the most fundamental rights to marginalised groups, across the span of history.

CJI Chandrachud also added upon the value of legal recognition on day one of the proceedings by saying -

"Between the time the Navtej Johar judgement was delivered in 2018 and today, society has found a greater acceptance of same-sex relationships. Over the last five years, things have changed greatly. There is an acceptance which is evolving"

We have reached the twenty-first century and it is about time we stop governing society with age-old scriptures written by people who have justified an incomprehensible amount of atrocities based on what they think one's duty is.

The **superiority complex** among those insistent on preserving conventional morality has plagued the country through each tick of the clock, and it is deplorable that countless innocent human beings have had to make sacrifices because of that. Including the exile of the LGBTQIA+ community by terming them "**different**" and "**inferior**" with **no rationale**. No citizen of the country can look at the Supriyo case with the outlook that it is just **another Supreme Court case** which does not concern them, because if it has not been established throughout the piece, **the judgement and the reaction to the same will signify the direction this country is headed towards**. If the citizens of this wondrous nation let the sanctity and importance of the apex court be ridiculed once again, they would have been to be reminded of the horrors of 1975-1977 and how we are never far away from a repeat of them.

And none of this is a hyperbole either because, if the Supreme Court is no longer there to intervene with strict force, where will one go when the government of the people, by the people, and for the people, no longer cares for non-like-minded people? ■



DISSECTING THE LEGAL FRAMEWORK & THE LGBTQIA+ COMMUNITY WITH SENIOR ADVOCATE SANJAY HEGDE

Interviewed by Shubh Mathur & Ameya Dwivedi

Shubh -You have been at the forefront of the legal terrain for well over 30 years, and it's safe to say society has evolved significantly since you began. In your experience, how do you think the LGBTQ legal landscape has matured to inculcate the LGBTQIA+ community with prominent names like advocate Guruswamy emerging alongside the infamous recommendation of advocate Saurabh Kirpal for judgeship of the Delhi High Court?

Sr Adv Hegde -Well, the point is that both Menaka and Surabh are very good lawyers. And if any recognition comes their way, it is because they're good lawyers, not necessarily because of their sexual orientation. The fact is that previously, sexual orientation may have been seen as a black mark or a reason not to promote them to a judgeship or anything else that they could otherwise have been considered for. Now, we are evolving as a society where even we are seeking diversity, and we are aware that people from the LGBT community also deserve to

be recognised or to be participative in the whole process. And in the sharing of power, in the sharing of responsibilities for running a nation, Saurabh's recommendation has still got stuck with the government which is not inclined to process it. The court while reiterating his recommendation as a judge of the Delhi High Court has also not proceeded further to put the government in a spot by issuing a contempt notice or anything of that kind. Speaking from some experience, I don't think that now Saurabh Kirpal will probably make it, and be sworn in as a judge. However, he is not like other cases, where the governments have refused to appoint people who have been recommended by the collegium and thereafter, the lawyer concerned has withdrawn his name. Saurabh has not withdrawn his name. Primarily because he wants to be a trailblazer in this regard, sees to it that most of the objections that come against the community as such, come in his case, so that it

becomes much easier for the next case. So in fact, I do think that Saurabh has done a significant service to the cause of constitutional law itself, to the question of diversity itself by a) allowing his name to go forward, b) not only being open about it, being discussed in so many forums including this. These are all things which would have been probably unthinkable before the mass foundation judgement of the Delhi High Court, which is now nearly about 15 years old or more. And I'm pretty proud to say that the Naz Foundation judgement was co-authored by a guru of mine. Justice Muralidhar and I were juniors under the same senior. So, despite the fact that the Supreme Court initially made a mistake in overturning Justice A.P. Shah [and] Justice Muralidhar's judgement in Naz foundation, it reversed itself in Koushal. So this brings me to the point that I think it was Martin Luther King who said, that the arc of history is long, but it bends towards justice.

Ameya - Thank you for that answer, sir. My next question would be regarding the understanding of the LGBTQIA+ community in the legal context and the union government's stand on the same. The right-wing Union government has often reiterated that marriage is not confined to the private sphere making it essentially a social institution and intricate matters regarding social institutions must be left to the Parliament. But, there is a valid critique that the NDA's neglect to address the plight of the community in the past five years made the petitioners lose their faith in the union. How do you think the country should approach such a juncture?

Sr Adv Hegde - See, it's very easy to take a view and say that, you know, this is all totally archaic and things like that. There are large portions of the community of people at large who probably have never met a gay person. In fact, I think it was Justice Singhvi who while carrying the Naz Foundation appeal actually asked, "Do you know a gay person?" And so, the fact that gay people have now, at least they have had their sexuality decriminalised, itself shows to a large extent that it was an act of progress as far as this large population is concerned. Now to move from decriminalisation to marriage or even civil unions, that still is a question of should the courts take the lead or should we leave it to Parliament. Now courts, it is often said, do not make the law. The place for lawmaking is Parliament. And the supposed basis for parliamentary supremacy is after all, that it gets elected by the people, whereas courts are unelected. So should courts take the lead in what is seen by many as essentially a Parliamentary

function? Now the answer to that, to a certain extent, was given by Justice Joseph in the Election Commission judgement recently. He said that it's a fallacy to think that courts do not make the law. Courts do interpret the law, and when they do interpret the law, they, to that extent at least, make it. Even the current constitution bench which has reserved the judgement has made it clear that it is not looking into personal laws, into religion-based laws, because it does not want to go to that, it is looking at the case of special marriages under the Special Marriage Act, that whether it would be so interpreted in a manner to allow for a provision for gay marriages. Now, weddings can be a one-day event, marriages are a lifetime [thing] and there are consequences. There are several consequences. Obviously, the spouse becomes a class-one heir so, there are questions of inheritance. Now, if it was a heterosexual couple which was childless, there already is the Adoptions Act. Now, do you only interpret one section and allow for gay marriage but not allow for the necessary consequences that would flow out of a marriage, including property, the possibility of having adopted children who will then go on to inherit, or also many other provisions of the law, which would all have to be interpreted if there was a declaration that you could have a marriage under the Special Marriages Act. I would not venture to make a prediction as to which way the Supreme Court would rule. But these are real practical problems. So, there is often the question that you might interpret any one section or anyone acts in a particular way. But if you have to

interpret it in a way that it has a consequence on several other acts of Parliament, then where is the line to be drawn? Does the court not only interpret law but does it actually legislate?

Ameya - So, you talked about the problem of adoption that the queer community might face. So [building] upon that, the National Commission for Protection of Child Rights, a statutory body of the Union government, intervened in the case opposing the extension of the right to adopt for queer people. Such a limitation, if enforced, would be disastrous for queer couples as it would eliminate companionship and their lines of succession. So, do you think if a favourable judgement is given such provisions should be instilled and if not, how should the legal structure actually tackle the same?

Sr Adv Hegde - No, see, as far as the National Commission for Protection of Child Rights is concerned, it had its particular view, but I do think that the Chief Justice then actually told them irrespective of the sexuality of the parents, the children can be equally loved and equally at risk. The fact that the parents are heterosexual is no guarantee against child abuse, or the fact that the parents are homosexual is no reason to believe that they will abuse the child. So, NCPCR intervention was made for whatever political or other reasons it had. But yes, the problem about how once marriage is allowed, how would you define the family, how would succession rights be worked out, and also, in the case of a divorce, what is to happen, who is to have custody? Now, in the case of heterosexual marriages normally the mother is often given custody in the earlier years and unless there is some specific reason why

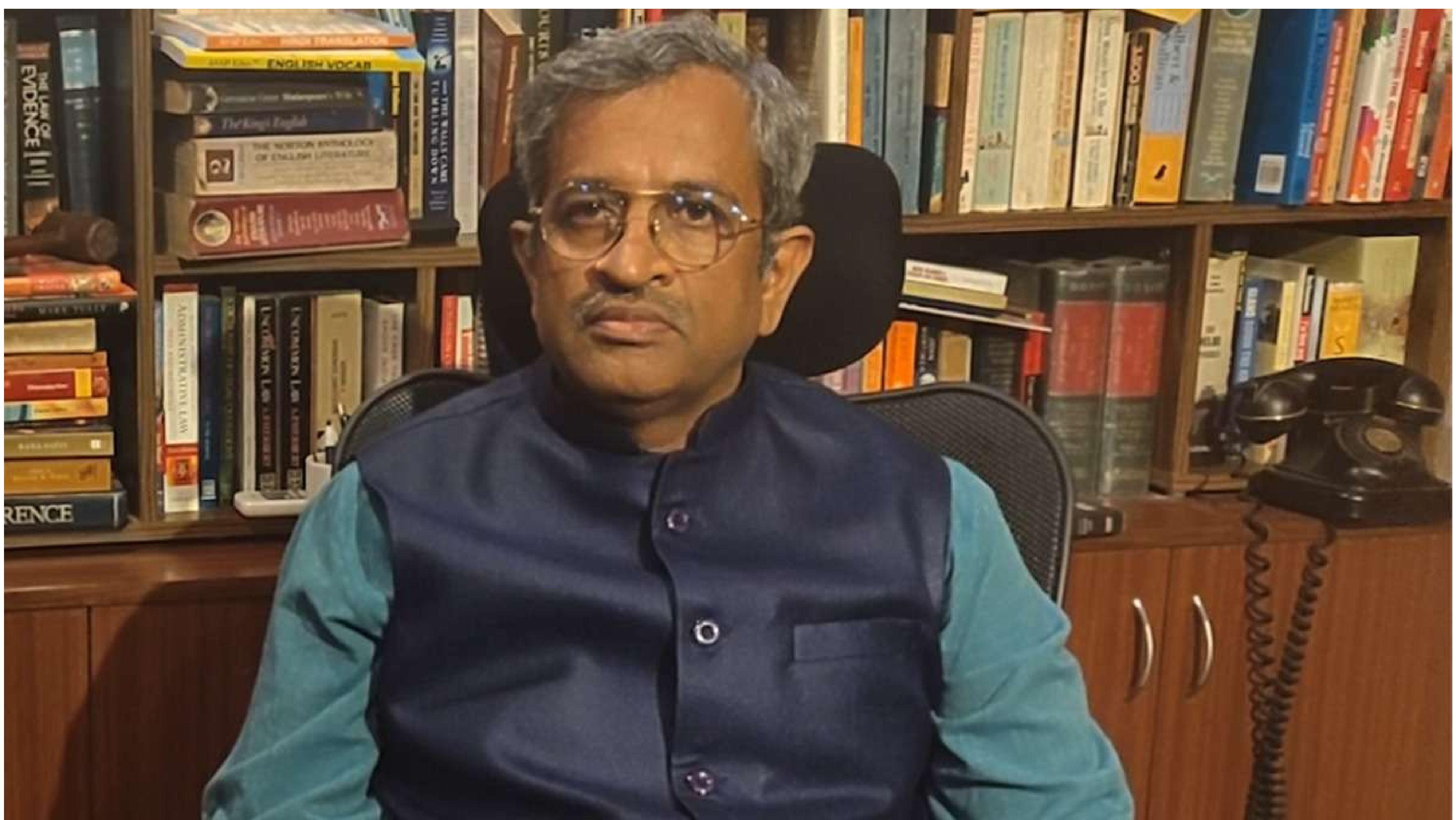
she is not given custody, only then is the father and the father's side of the family looked at. Here, which of the two people in the marriage would you grant custody to, or does it all have to be done on a case-by-case basis? So, these are many of the questions that will arise. One set of arguments is, *no, today you stick to the marriage question. Let us resolve that question. As and when further questions arise, no doubt you will have the wisdom to rule on that and the country will accept that as the law in those cases.*

Ameya - The Supreme Court in 2017 held that the right to individual privacy is an intrinsic and fundamental right under the Constitution. But the BJP's constant rejection to accept the equivalence of rights of the LGBTQIA+ community directly comes in conflict with the judgement. So, do you think the Union is overreaching and even berating the Court's position as the highest law of the land by describing same-sex marriage as a public issue?

Well, I would not confine the BJP's understanding of individual rights only to the queer community. The BJP comes from a cultural space, which tends to value responsibilities more than individual rights. The very idea that individuals have rights comes to us from the rights of man, which when translated into Marathi were read by Mahatma Phule and from Phule's writings went down onto Ambedkar and have worked its way into the Constitution. Otherwise, culturally, people did not seem to have too many rights. They had all the responsibilities, *karmanye vadhikaraste* (कर्मण्येवाधिकारस्ते). So that being the situation, I do think that the BJP comes from a space where it does not give too much of an emphasis to individual rights. And the rights of minorities, whether on religion, whether based on sexual orientation, even come further down its list of priorities.

Shubh - Thank you so far, sir. So now, there's this one very overarching thing which I have seen in your answers, which are your tendencies to put precedent and as someone who's very much into the legal intricacies, I really enjoy that. So while I'm pretty glad you're doing so, I have a few questions regarding the same. And first of all, there's been a lot of talk about the Special Marriage Act. So, the Special [Marriage] Act has had a lot of limelight during the arguments. As an esteemed legal luminary, can you explain the limitations of the same with relation to the case? And how big of an impact can the petitioners' plea to reframe the term spouse as gender-neutral, really make?

Sr Adv Hegde- This Special Marriage Act itself has a long history. And it has impacted India's constitution history as well. The Special Marriage Act came, and it came at a point of time in British rule when there were laws which defined how a Hindu marriage was to happen, how a



Senior Advocate Sanjay Hegde | Image Courtesy: ThePrint

Muslim marriage was conducted and all that. Now what would happen if people wanted to get into a marriage without necessarily having a religious connotation? And that's how the Special Marriage Act came about and then in the beginning, you needed to declare that you did not really believe in any religion and you wanted to get married under the Special Marriage Act. Now, the way this impacted our political history was when Muhammad Ali Jinnah was being pursued for marriage by Rattie Petit, who was a Parsi. And so, the Petit family was against the marriage, they even went to Court against Jinnah where Rattie Petit comes to the witness box and says no, Mr. Jinnah is not pursuing me, I am pursuing him. So, if they were to get married under the Special Marriage Act, they would have to make a declaration that both people did not believe in a religion. That would have been fatal to Mr. Jinnah's political ambitions, the Muslim League, and that's how Rattie Jinnah converted to Islam, married him. But then thereafter, I don't think she lived a particularly Islamic life and her daughter was brought up by her Parsi grandparents and married a Parsi. And from where you have Ness Wadia of the Bombay Dyeing family. So, these ideas of different kinds of people being allowed to marry and their rights and obligations being codified was what defined the Special Marriage Act. So now comes the question, whether you know, the current spouse could be rendered gender neutral, and that instead of a man and a woman marrying, two persons could marry. Well, let's see, an interpretation has been suggested to the Court, whether the court buys it, or whether the court

says no, what you are asking is really for Parliament to do. We cannot give you a declaration that your relationship can become a marriage. But some other kinds of relief may or may not be given. These questions are still at large. So it would be unwise on my part, to make a prediction as to which way the judgments will go and whether the term spouse can be read in a gender neutral manner. However, what also happens is that cases may be won or lost in a Court of law, but can equally well have the opposite effect in the general public, in the Court of public opinion. The very fact that these questions are now being raised and are reaching the people at large is an enormous social advance. I do think that the fact that all these proceedings have come out on the internet, that people have watched the arguments in Court, and snippets of them have been circulating on WhatsApp and other forwards, have all gone to make people aware that there are these possibilities. And maybe, it's not that bad an idea or that radical an idea. That itself is great progress.

Shubh - Yeah, so I think no one else could have summed it up better and some of the points you raised really sequester into what I really did want to ask after this. So I have two questions for you, which directly relate to what you just said. So the first of them was, the concept of gender has come to a hotly debated juncture. In your opinion, how important should abstract concepts be to the superior judgement? And second, I really liked how you emphasise that there are people watching the constitutional benches through the Supreme Court's portal and how it's being shared in snippets.

So one favourite snippet of mine was something that really initiated the conversation. On day one of the hearing, honourable Chief Justice of India stated that since the Navtej judgement, tolerance towards the queer community within the country has increased. Would you agree with the same, and do you think a favourable judgement would make people forget all their objections to gay marriage, 5, 10 or 20 years down the line?

Sr Adv Hegde - See, when the judgement is delivered by the Court, irrespective of whether we like it or not, we all have to follow it, that is, unless Parliament steps in and changes the legislative basis of that judgement. So, while all of us who are of the progressive variety wish that the Supreme Court were to come out with the judgement and the public at large would live by it, those of us who have been long enough in the law, also know of the other possibility where the court gives a judgement but, the people do not accept it, or Parliament then takes away its legislative basis. So, the thing is that the questions of this nature in India have progressed much faster than they have progressed elsewhere. I mean, as far as the legal process, from decriminalisation to the question of gay marriage, we're about less than a decade. Whereas if you see the position abroad, it took a long time in the US, from decriminalisation to the attacks on people like Harvey Milk and the rest in San Francisco, or to the AIDS epidemic, till Obergefell in and around 2010. So a process which took much longer in a more developed society and in a more literate society, is being, I wouldn't say fast tracked but, has seen some expedition. Courts do not have a

tested barometer of public opinion, and nor do the courts go by public opinion. It's not only in this field, in any field, if the law is stretched too far out, then there is a tendency for it to break or for it to be replaced by someone else. But at the same time, inaction is not a solution. If people had been inactive for want of legislative changes, maybe we still would have had sati going on in this country. Maybe we still would have had so many other things, like untouchability going on in this country. You must remember that, after the Constitution was drafted and came into force, Dr. Ambedkar wanted the Hindu code bill passed, and there was a lot of resistance at that point of time. There were even people who said that the Hindu code bill was being passed, specifically so that Hindu women could have the right of divorce and that would then benefit Nehru's daughter, Indira Gandhi, who did not even necessarily have a happy marriage at that point of time. So, all kinds of motives get attributed to this function of law-making. But men and women of law do not necessarily sit on their hands. You told me that I was fond of precedent, often it is said that the law advances from precedent to precedent, you go on the basis of precedents and then try to stretch it a little bit further, to make it a little bit easier for a lot more people.

Ameya - In an interview with Aaj Tak's Sudhir Chaudhary erstwhile Law Minister Kiren Rijiju contended that 5 people cannot decide the direction of the country and such topics can only be decided by an elected parliament. Many critics have suggested that this has a shade of the Shah Bano case, would you be in agreement with the same?

or is it a hyperbole in your opinion?

Sr Adv Hegde - Well the former Law Minister, bless his soul, should then explain how five people sitting in the same Supreme Court changed the face of the Ram Mandir issue. The same five people also struck down triple talaq. So it can't be that when you get favourable judgments from five people, they are the law of the land. And when you get judgments that you do not like, then they cannot make the law. I think Mr Rijiju probably needs to apply himself better to the law. He is a politician, has a law degree and has not probably worked that much in the courts.

If five people are good enough to build the Ram Mandir, five people are good enough to strike down triple talaq, then you must listen to the five people if they say two people irrespective of their birth-assigned genders have the right to marry.

Ameya -Quite an interesting answer. So where would you put the same-sex marriage topic on such a limited field of manoeuvrability?

Sr Adv Hegde- See, this is a judgement of the court on a question, based on the special marriages there as to whether same-sex marriages can be registered or not. The judgement, when it comes, will be a historic judgment even if it declines relief because it will be the judiciary examining the law as it currently stands. And saying that, we have tried our best to interpret it in a manner consistent with giving people of the LGBTQ community the right to marry.

But the answer doesn't lie in the courts, the answer lies in Parliament. I mean this was the same kind of answer they could have even given in respect of triple talaq.

So, let's not go ahead of ourselves and predict what the judgments will be. (But) irrespective of which way the judgement comes, it will be history.

Shubh - Sir, I would just like you to speculate a bit more. Do you think recognition would result in the breakdown of the legal machinery in the foreseeable future and/or how could such a situation be avoided? Because that is the crux of the respondent's argument.

Sr Adv Hegde - Well, the respondents argue that courts should not decide it is for parliament to decide. And we assert parliamentary supremacy. So, that's a perfectly legal argument. This five people can and five people can't do it, that I don't think is necessarily a good argument. Because these are the only five people who can or cannot do it. In that sense. All that these five people are doing is saying, Look, parliament you have made this law, this law can also be interpreted to mean this, and consequently, these people can get through this.

The question in itself is quite apart from the arguments of the lawyers. More attention should be paid to the question of the judges. Justice (R.S) Bhat had some probing questions. So, we cannot necessarily just predict the result based on what the lawyers have argued, what the lawyers have said, what we have liked in the arguments. (As) Often the task of writing judgments is when the mind is finally made up.

During arguments in the US Supreme Court, Chief Justice Roberts was entirely against Obamacare. In fact, in the Judicial Conference, thereafter, it was revealed there was a preliminary vote to strike it down. But when he began writing the judgement, he

realised that there was one way where it had to be upheld. And then he changed his mind. So till the last sentence is dictated, the dots are corrected. The judgement is still at large, all that we can say, with some surety about the judgement is that it has to come before October, because October is when Justice Bhat retires.

Shubh - The abstraction of the family has been mentioned often enough but what is not mentioned is how the youth of the country views the progression of family. How do you think the court should take cognizance of the same to make sure that even the young have a right in deciding the foreseeable future and we do not end up in another Naz and Navtej situation?

Sr Adv Hegde - First, how do you define the young? You can bet your life that many of the people on the bench themselves think for themselves as reasonably young. Second, I do think that the young of India have a very, very significant voice and they are the ones who will ultimately be handling whatever result the courts or the legislature gives.

But the first thing is how do the young make their voices heard? There was no particular intervention in the court proceedings and maybe if somebody had intervened and if he or she had something substantial to say, they probably would have been heard.

For the other part, I will have to go beyond the topic of same-sex marriage. The best way the young can be heard is for them to register to vote and to have a consolidated voting bloc which asks questions to those seeking the vote.

And tough questions are not only about same-sex marriage, they are about where you are going to get jobs. What is ahead for us? What have you done to see to it that in the next 15-20 years (when the young will be in the prime of their lives) you (the vote seekers) have made provisions and not simply passed time and borrowed from the future?

Courts do have their ways. One of the ways that judges and senior advocates keep in touch with what the young are thinking is by talking to the younger associates and their juniors, and they are often also seekers of wisdom from the young.

(Late) Ram Jethmalani used to quote King Solomon who said "If you want to remain young, be with the young". And as far as I can see there, the youth voice does come in but comes in indirectly.

Ameya - How would you define the union's hypocrisy that has usually been motivated by political mileage? As we have seen the INC come out in favour of the Navtej judgement and support the Supriyo petitioners but when they were in power at the union at state levels they were the opposers during both the 2009 & 2013 Naz hearings.

Sr Adv Hegde - Well, someone once said politicians will do anything to get elected, they will even occasionally tell the truth. So it's like that. They often have a different view of proceedings when they are in power. And they have a different view when they are out of power. In the US they say that a Democrat is a Republican who got arrested. And a Republican is a Democrat who got mugged.

It often happens to be a question of life experiences, and yes, political parties have their ears on

the ground. They say that look, we will echo what the voters want to hear. We will do anything to get elected.

Apart from this, there has been a great hue and cry. When the Congress manifesto was published last time, they said that they wanted to get rid of the law of sedition. But, while they were in power, they never did anything. Even though, it was Pandit Nehru who said "The sooner we get rid of it, the better". Yet, they sat over it for all those many years.

Today we have the current government, which also railed against its misuse earlier, but now its Law Commission says no, no, no, we should continue with the sedition law. So things look different to people in power. And when they lose power, that's when they rue all their missed opportunities to change the nature of the law.



Ameya -The union's now debunked stance that same-sex marriage is an urban elitist idea received widespread condemnation. Would you consider the union out of touch with its citizens and agree that politicians only care about like-minded subjects?

Sr Adv Hegde - The argument that it's a minuscule minority was there even in the Naz Foundation judgement of the Supreme Court.

It doesn't matter whether it is an urban phenomenon or a rural phenomenon. At the end of the day, it's a human phenomenon. And if you cannot reach out to the last and the least of your citizens, then you are not necessarily doing your job right.

It doesn't matter, whether you classify it as Eastern thought, Western thought or anything. Are there people in India who prefer same-sex commitments? Yes, there are. What are you going to do about them? Do they not have a right of marriage? Or do they not have a right to have at least some recognition of their relationships in a closer manner to what the others live?

Say that they have the same rights, in terms of inheritance of property, in terms of passing on the property to their loved ones, in terms of bringing up families. So how do you provide equal treatment for all? Including those who have some specific needs, can you not reasonably accommodate your law and your society to provide for them?

Shubh - In the written arguments the state argued that while all citizens have a right to an association, the state is not bound to recognise the same. Alongside, the fact that not recognising various forms of marriages, unions or relationships between individuals in society is not unlawful either. In your assessment would you consider this a violation of Article 19?

Sr Adv Hegde - See, the right to association was traditionally the right to form unions and mass associations. Do we hold that the same commitments that flow from a marriage would come within the ambit of 19? That's an interesting line of argument.

However, I think the basic constitutional value is dignity, the dignity of the individual. That is what has been instilled in the Constitution's preamble itself. And the dignity that flows from a marriage, a commitment and a relationship which is intended to have legal consequences should be available to everyone.

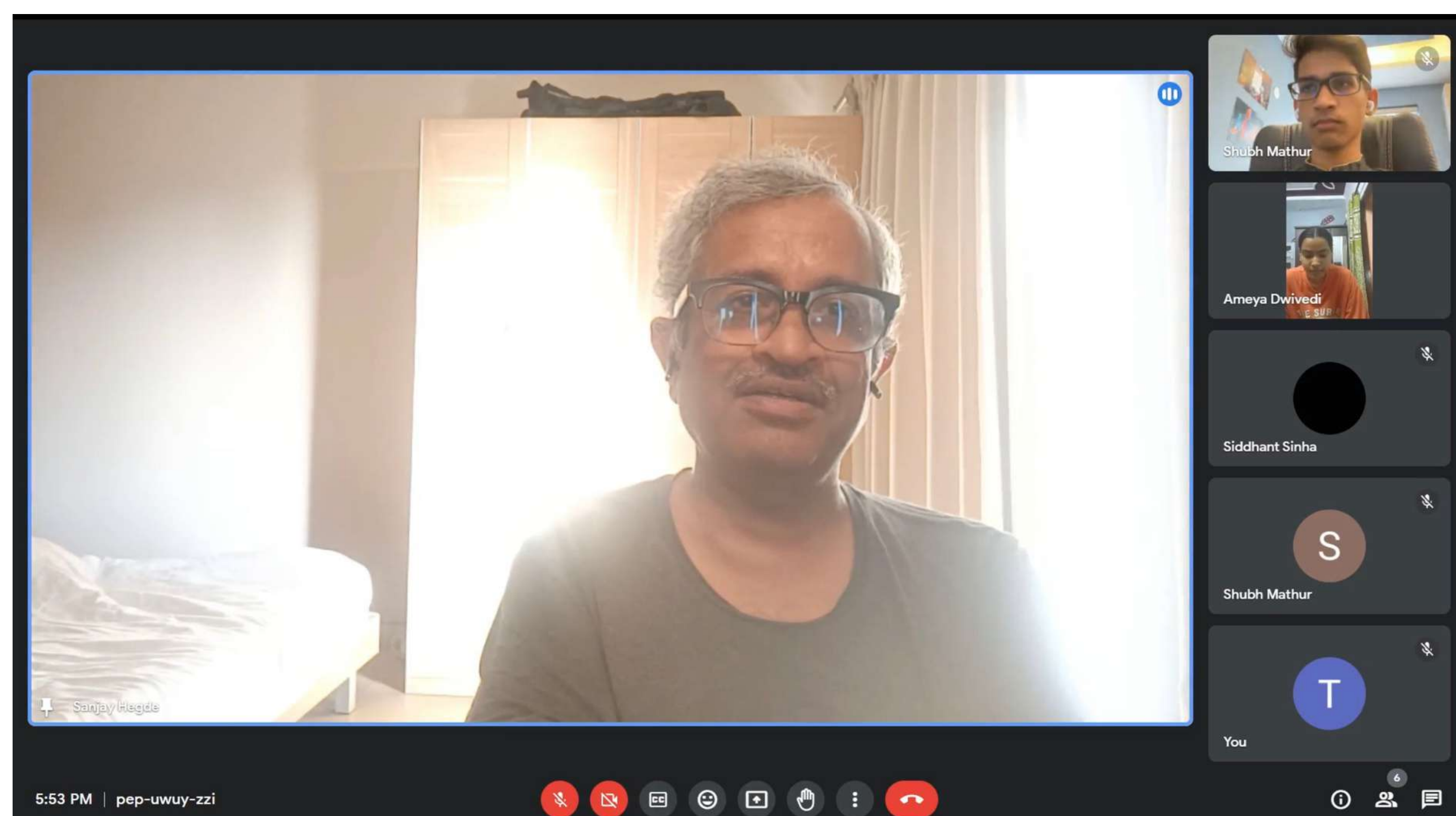
Shubh - The respondents have emphasised that the Indian family unit, which consists of a cisman and ciswoman as a husband and wife, and the children born to them, is a quintessential building block for the existence and continuance of the society. Would you agree with the sentiment and do you think procreation is the major pillar upon which society stands or do you think eventually the value of procreation would fade away and this notion should be rejected by the court?

I don't think the value of procreation has faded away. And not to the extent that the Supreme Court needs to recognise its fading. Yes, procreation is an important component of marriage. But it's not the only component.

So, let's just take a very ordinary situation when somebody needs emergency surgery, the spouse has to give consent for surgery. In a same-sex situation, if there is no recognition as a spouse, then the person can't give consent or make any of those decisions. This kind of spousal support is very important for equalising the field and conferring dignity upon every individual irrespective of their sexual orientation.

Ameya - There has been the rise of the term "cultural Marxism" within the conservative sphere on topics of recognition of the queer community. The designation has created a fresh negative outlook

"However, I think the basic constitutional value is dignity, the dignity of the individual. That is what has been instilled in the Constitution's preamble itself. And the dignity that flows from a marriage, a commitment and a relationship which is intended to have legal consequences should be available to everyone."



The Probe team in conversation with Sr Adv Hegde

towards queer people, so do you think it's bold to assume that legal protections would eradicate social stigma as pleaded by the petitioners?

Sr Adv Hegde - See, this is name-calling and lazy name-calling. We are getting into all kinds of things. And particularly because social media, if in one sense unites the world it also divides it into specific tribes, the "wokes" and the "non-wokes". Alongside many other things including George Soros-ridden conspiracies.

The basic instinct and name calling are to denigrate the other person or the other group of persons, and sometimes it is even hate speech. Often, the response to name-calling on one side is name-calling on the other. But, I do think a better response is to just ignore and let your work do your talking for you.

Let us hope that the Supreme Court judgement when it comes, takes all things into account beyond the realm of mere name-calling. And restores dignity, which was lacking in all such cases.

Shubh - The union's constant reminders of its lack of tolerance towards the queer community have been well documented. So, would you like to comment on whether the trauma for queer people looking to enter the legal world is worth it? And do you think a favourable Supriyo judgement would invigorate legal scholars?

Sr Adv Hegde -Irrespective of which way the judgement goes there is now a greater engagement with the court. And just because things are tough people do not stay away. The queer community has its struggles. But equally, the women have had their struggles and the underrepresented Dalits have had struggles.

If Ambedkar had said, "What do I do, I am a poor Mahar boy, my father was only a soldier under the British government". If he had sat on his hands would we be able to stand up? Would Indian citizens be able to stand up?

Everybody has a contribution to make, everybody has a fight to fight, a path to walk on. Walk as fast as you can and see what happens. ■

The Probe celebrates pride and the team shares some of our favourites from the same.

Books -

- We Are Totally Normal - Naomi Kanakia
- The Ministry of Utmost Happiness - Arundhati Roy
- A Life Apart - Neel Mukherjee
- A Married Woman - Manju Kapur
- The Man Who Would Be Queen - Hoshang Merchant

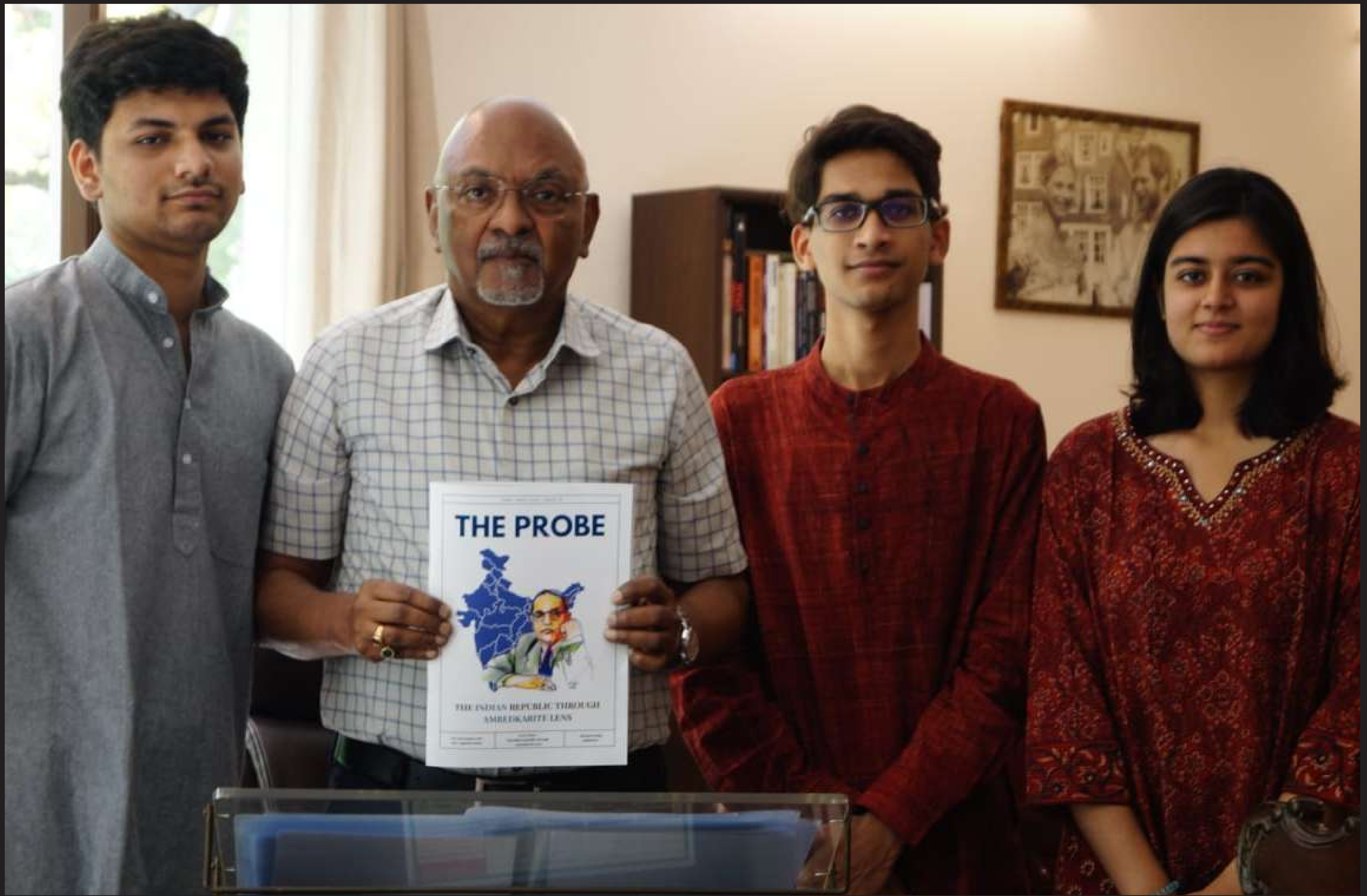
Albums -

- Goodbye Yellow Brick Road - Elton John
- Faith - George Michael
- The Immaculate Collection - Madonna
- Born This Way - Lady Gaga
- If I Could Make It Go Quiet - Girl In Red

Movies -

- Call Me By Your Name
- Moonlight
- Love Simon
- The Imitation Game
- Rocketman





The Probe team with Sr Adv Ramachandran

Picture credits: Pallavi Nair

IN CONVERSATION WITH
SENIOR ADVOCATE RAJU RAMACHANDRAN:
**THE PETITIONERS, THE BENCH &
EVERYTHING SUPRIYO**

Interviewed by Shubh Mathur, Talha Sarfraz & Vagmi Singh

Shubh: You're an alumnus of the University of Delhi, and you have mentioned that the Kesavananda Bharti judgement inspired you to pick up the law. As the Supriyo case has all the elements of the same like a government in peril among many other things. Do you think Supriyo can make an equal impact on young scholars as Bharti did on you?

Sr Adv Ramachandran : Government in peril? Why would you say that? I do not agree with your formulation.

Shubh: Basically, this was drafted around the hypocrisy of the Union government because, during both the Naaz foundation cases, the INC was in power and they opposed the decriminalisation of 377. But in Navtej in 2017, The INC was the first one who came out and supported the judgement. And now, in 2023 INC is once again supporting the Supriyo case while the sitting union government is opposed to the same.

Sr Adv Ramachandran: I think you are reading too much into this. Kesvananda Bharti was a case involving the very existence of the Constitution. And the question of Parliament's amending power, and the power of the people as represented by Parliament to determine what the Constitution should be.

As against that. The Supriyo case deals with the plea of a minority for justice, under this very constitution, invoking constitutional rights as they stand today. So Supriyo fundamental questions of constitutional change. It only involves questions of constitutional interpretation. And such questions keep coming up from time to time. It is a very, very important case. But to compare it to Kesvananda Bharti, I would say is stretching things a bit far.

Shubh: Adding onto my previous question. Bhagwati Rolling Mills v CCE (2016) held that the parliament is presumed to know the law of the land, Raghunathan Rai Bareja v Punjab National Bank (2007) decreed that the judiciary is bound to the literal interpretation of what they were delving into, Subramaniam Swamy V Raju (2014) held that the judiciary could not unilaterally restructure the country's legislative policy. With regards to the same, how do you think the judiciary should navigate the juxtaposition of marriage? And more importantly, would any judgement be open to an abrogation later on?

Sr Adv Ramachandran: First of all, since I'm a counsel in the case you can take it that I cannot be 100% objective. And so there's a practice that counsels who are involved in a particular case do not repeat the same arguments, which they stated in the court and argued

their cases again outside. Except by way of creating an awareness of the issues at work.

So as far as your question as to how the court should navigate is concerned, our position is very clear that the declared fundamental rights as further interpreted by the Supreme Court, in its interpretation of the right to privacy, the right to dignity, etc, must now logically lead to the next step of permitting and recognising same-sex marriage.

The way we have suggested is not anything business bizarre or something which the Constitution doesn't contemplate. The way out that we have suggested is reading into the provisions of the Special Marriage Act of certain expressions, certain interpretations, where husband or wife can mean spouse or partner. We have suggested recognised methods of statutory interpretation by which this can be done.

As far as your further question about abrogation is concerned, from what I understand what you mean is, do you think parliament will later reverse the judgement? Now, one doesn't know what will happen in the future. But you can't rule it out either And if such a thing happens, that's not the end of the story either.

Because any parliamentary reversal will also be challenged in court. The well-recognised test as far as validating these legislations is concerned is, does the parliamentary law directly annul? It can't. If that is the case then it will be struck down. But if the

basis of the law is changed by a parliamentary amendment, that's a well-recognised parliamentary device which, the courts have upheld.

So it remains to be seen. First, we have to await the judgement. Let's see what it does and how far it goes, then wait for the reaction and see whether Parliament brings its way to accept the judgement or whether it finds some way of trying to get over this.

Talha: What according to you can assist the legal framework to use a gender-neutral lexicon in order to be more inclusive and what effects it can have on the societal level vis-a-vis relatable representation?

Sr Adv Ramachandran: One, as I've already said, certain expressions in the Special Marriage Act are capable of interpretation

in a gender-neutral way. And that, according to us, is a legitimate method which the court can adopt. And I believe that the law can lead social change, it is not always that it is social change, which gets embodied in the law, it can be the other way around also.

So, if the court by judicial interpretation and by interpretation of fundamental rights confers this right of marriage on same-sex couples, it can lead to a greater social consciousness and acceptance. As the Chief Justice himself pointed out (on day one) in the course of the hearings, there is definitely between the time when the Navtej Johar case was decided, and now there is greater social acceptance and understanding of homosexuality. So, that is an instance of the law leading to social change. Similarly, the judicial recognition of same-sex marriage can also lead to social acceptance of same-sex marriage

Vagmi: Apart from same-sex marriages, there are different fronts wherein one is discriminated against based on one's sexual orientation. For instance, if one belongs to the LGBTQIA+ community, one cannot donate blood, adopt or serve in the military. We would like to have your opinion on these legal constraints.

Sr Adv Ramachandran: You spoke of donating blood. There is this thing which has been highlighted in the course of arguments; even taking important medical decisions on behalf of your partner. Signing a hospital consent/ICU form. All these are consequences of the binary view of it, things that have prevailed for so long. So a decision in this case. Whether the court walks the full mile as we have asked them to do by holding that the Special Marriage Act permits same-sex and added or, stops short and gives the constitutional declaration of the right to same-



sex marriage without reading it into the act. That would be the first step which would lead hopefully to changes in everything else including the examples you gave but we can be sure that this is not going to be an overnight process. And it is one has to be prepared for the long haul.

Shubh : You argued during the hearings that any favourable judgement would be incomplete unless a protocol is put into place along the lines of the Shakti Vahini protocols. Can you explain the same and the ramifications if such protocols are put into place alongside the queer context?

Sr Adv Ramachandran: This argument was in the context of the couple whom I was representing. One of whom is a Dalit and the other is an OBC. And I was pointing out to the court that unlike many of the other petitioners who have had understanding families and whose problem was with society at large. Here, couples, like my clients needed protection from their own families. And so it was essential (otherwise, the Declaration of Rights would merely remain on paper), we argued that there must be a protocol for protection. The same protocol which the Supreme Court laid down in Shakti Vahini in the context of Khap panchayats for heterosexual couples.

Change is not going to be an overnight process. And one has to be prepared for the long haul.

Couples like ours needed the same protection from the state and from the police because that is a fundamental right. The basis of the argument is that the state cannot be a passive onlooker. The Supreme Court has held that it is the duty of the state to actively facilitate the enjoyment of fundamental rights. And so, if I have the right to marry it needs to be facilitated by protecting me from those who would do their utmost to stop me from marrying the person I love.

The ramifications I think are wide and much more than what is realised if you remember the government raised, what I termed as a very unfortunate argument in the affidavit at least. That this was a phenomenon of the urban elite. Which is what the very presence of my clients before the court through this petition demonstrated. And if homosexuality is something biologically inherent, then the very fact that most of India does not live in the cities would indicate that the prevalence of homosexuality same-sex love etc is likely to be more. Not less, even if it is less known. It is something like left-handedness. So in all of India, will we have more left-handers or in Delhi Bombay etc?

Shubh: One of the pleas of the petitioner has been to make the term "spouse" gender-neutral. Yet there has been a critique that after the Chief Justice and Solicitor General's altercation on the first day of hearings regarding the uncertainty over the notion of a man or a woman, even gender neutral would not suffice. How do you think the legal language should demarcate such a juncture?

Sr Adv Ramachandran: First of all, I must caution you against using words like altercation for what is a normal courtroom debate. It's because of the live streaming of proceedings and much wider reporting of proceedings in court that used to happen earlier that every little verbal exchange gets reported blown up or modified. It doesn't happen that way. It's part of courtroom discourse, so don't for God's sake call it an altercation. I'm just cautioning against the usage of certain expressions and exaggeration of certain situations beyond what is justified. No. So, you are right that the binary one is of course, that the chief justice pointed out that no one is fully one or the other. But you have to take





small steps at a time. So the first is what we suggested in the context of 18 and 21. How do you justify that? So those who identify themselves as women 18 apply to them, and those who identify themselves as men 21 apply to them, I'm coming straight to your fluidity notion for those who don't want to call themselves he or she, but who says we or us or them, How do they fit in? My argument there was for the present, one will have to swallow that. There will still have to be this broad binary. That's a much much later stage.

Talha: In the *Supriyo versus Union of India* case, the quintessential question isn't just about marriage, but also about the bouquet of rights that the LGBTQ+ community are denied. Do you believe that granting legal recognition to their marriage is a monumental solution to their problem or are there other things that are more

indispensable and should be focused in order to combat for their rights?

Sr Adv Ramachandran: No, I think this is the fundamental point or the starting point for the recognition of other rights. Recognition of some rights without recognition of this fundamental right to marry, according to me, won't go far enough.

Vagmi: Like you pointed out that the court is basically reinterpreting the statutes. So basically, the respondents have argued that five unelected people (even if they are the protectors of the constitution) cannot decide reworking of a major social institution. Would you be inclined to agree that the judiciary is overreaching or is this the natural course of progression after the Navtej judgment?

Sr Adv Ramachandran: First to answer the last part of your question straight away, It's the natural course of progression. The judiciary is not overreaching, because this is the function given by the Constitution, to the judiciary. and that is; the protector of fundamental rights. When the Constitution says that a law in breach of a fundamental right will be void, the Constitution is automatically giving the right to declare such a law void to the judges and the Constitution, when it was framed, was conscious that it was giving this power to unelected judges. The Constitution could have created a system of elected judges, like in some US States Supreme Court, judges are elected not just nominated by the President, as in the case of the US Supreme Court and then ratified by the Senate, but judges can stand for election. However, Our Constitution has consciously not opted for that model but has clearly given this power to the superior judiciary, which is unelected. So there is no question of overreach

here. But at the same time, I think our judges are conscious of the fact which is also as it should be, that they are after all unelected. So there are certain self-imposed limitations with judges adopted because they know that they are unelected judges interpreting the constitution. It's different when the restraint comes from the judges' side which it should, but as far as the constitutional scheme is concerned, the power has been given to unelected judges.

Talha: The National Commission for Protection of Child Rights, opposes extending the right to marry and establish a family to queer Indians due to societal, cultural and religious history, consistent legislative policy, popular morality and majoritarian views. Do you think the overlap of different domains (be it cultural, social, political etc) have any bearing on the legal proceedings or judgements?

Sr Adv Ramachandran: Definitely it does because the law cannot stand in isolation. So all these perspectives would come in constitutional adjudication. But ultimately, it is for the court to decide, factoring in everything.

Shubh: Just following upon the same, there have been opinions that those against recognition are equivalent to the ones who wanted to keep practices like sati legal. Do you consider this valid equivalent?

Sr Adv Ramachandran: No, I think this is something extreme. I don't agree at all that those who are opposing same-sex marriages are similar to those who want to preserve sati. Also remember one thing, when there are important constitutional issues coming up before the court. There will always be rival viewpoints. And the two rival viewpoints need to be stated strongly. It is only then that you get good law. Good law emerges when you test strongly competing viewpoints, right? So good law doesn't come by a convenient consensus where one side says something, and the other side says yes, you are saying right (aap theekh keh rahe hai). Then that is no law. It's just a happy consensus. So, one must, and for that, maybe you need the discipline of being a lawyer to understand that there is always another point of view. So one must resist the temptation of either ridiculing, belittling or minimising the significance of an opposite point of view. One must have a healthy respect for the opposing argument and deal with it on merits to destroy it.

Shubh: On the topic of making good laws, now, this is an argument that was given conjointly by advocate Guruswami and advocate Singhvi. They argued that during the supreme hearings that after the 2015 Super SCOTUS judgement of Obergefell v Hodge which extended legal rights to marry to same-sex couples, the US legislature sat down and reworked 710 laws to incorporate same-sex couples. Do you see the judiciary having such an impact in India depending on how they rule?

Sr Adv Ramachandran: Well, that's a big if.

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Two rival viewpoints need to be stated strongly. It is only then you get good law.

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Vagmi: The petitioners chose the special marriage act specifically to challenge its gender-biased language. However, in India, most marriages take place under myriad personal laws. Do you think it is time for us to reconsider personal laws and the idea of marriage as sacrosanct as Hindu Marriage Act proposes? Further, what role article 44 would play in this?

Sr Adv Ramachandran: I don't think it is necessary or desirable, neither is the time right nor is it going to be right anywhere in the near future to move away from personal laws, all together and make marriage a purely legal arrangement. It is not going to be possible nor is it desirable to interfere or question the faith of most of the world. Or let's say a large portion of the world. Islam, of course, sees marriage as a contract as against Hinduism which sees it as a sacrament. But there is no need to interfere with a belief that so many hold that it is a sacrament as long as there is freedom to choose for same-sex couples to get married under a gender-neutral law outside personal law. That is good enough. Because personal law stemming, as it does, from religious belief and practice would embody binaries which it will be difficult and it is not required to dislodge those. As far as your last question is concerned about Article 44, we are a long way, away from that.



Talha: Adding upon her question, as the Supreme Court does not have the right to make laws, it can only set precedents. In case of recognition do you foresee an onslaught of petitions which in turn would indirectly rewrite half of the legal code if the government fails to act upon the same?

Sr Adv Ramachandran: First, I question the assumption that Supreme Court cannot make laws, but the Supreme Court does make law. There's a difference between laws and law. So, courts do make law. So, if your question is that in spite of Navtej the Parliament did not make law as it has made laws on a variety of subjects. Are you trying to ask whether if the court gives a declaration of same-sex marriage, and the state doesn't codify it, then do you see more petitions coming? It's possible because a single judgement cannot deal with every possible real-life situation. And so, if a possible judgement by the court upholding same-sex marriage doesn't translate into

actual nitty-gritty legislation, it is quite possible that there may be further petitions asking for some specifics, which we can't foresee right now.

Vagmi: Moving on, apart from legally discriminating against people belonging to LGBTQ community, there are many societal stigma attached to them. They are treated as social pariahs. Many landlords don't rent their places if they know one is not a heterosexual. Some of them are married off just to keep the family pride intact. In what ways can we bring in change outside the realm of law and make our society more inclusive?

Sr Adv Ramachandran: Now, that's a very difficult question. Changing the mindset of people is not easy. Prejudices are deeply ingrained, right? And therefore, questions like renting out a property. Now that's a private act between two parties



Talha Sarfraz, Shubh Mathur, Sr Adv Ramachandran, Vagmi Singh (From Left To Right)

Picture Credits - Pallavi Nair

So much as we may abhor the idea but how do you compel an individual landlord or landlady to give their house to someone? Just like now we're dealing with the same sex situation. It's a well-known fact that if you profess a certain religion, it's not easy to get a house in so many localities. It's very unfortunate, but unless you institutionalised house letting. And say that there will be no freedom of contract as far as this is concerned. Housing is sort of nationalised. Otherwise, the reflection of social prejudice in private acts like this is a fact of life but can only slowly create a social consciousness against it.

Shubh: How do you think the progression of society will be changed depending upon the way judgement goes? Now I know you've already said that. It's a big if. But we've seen queer collectives come up and we saw a collective of 38 law schools sending a resolution against the bar Council's resolution that 99.99% of people are against same-sex marriages. So, how would that affect the progression of society whichever side the judgement goes to?

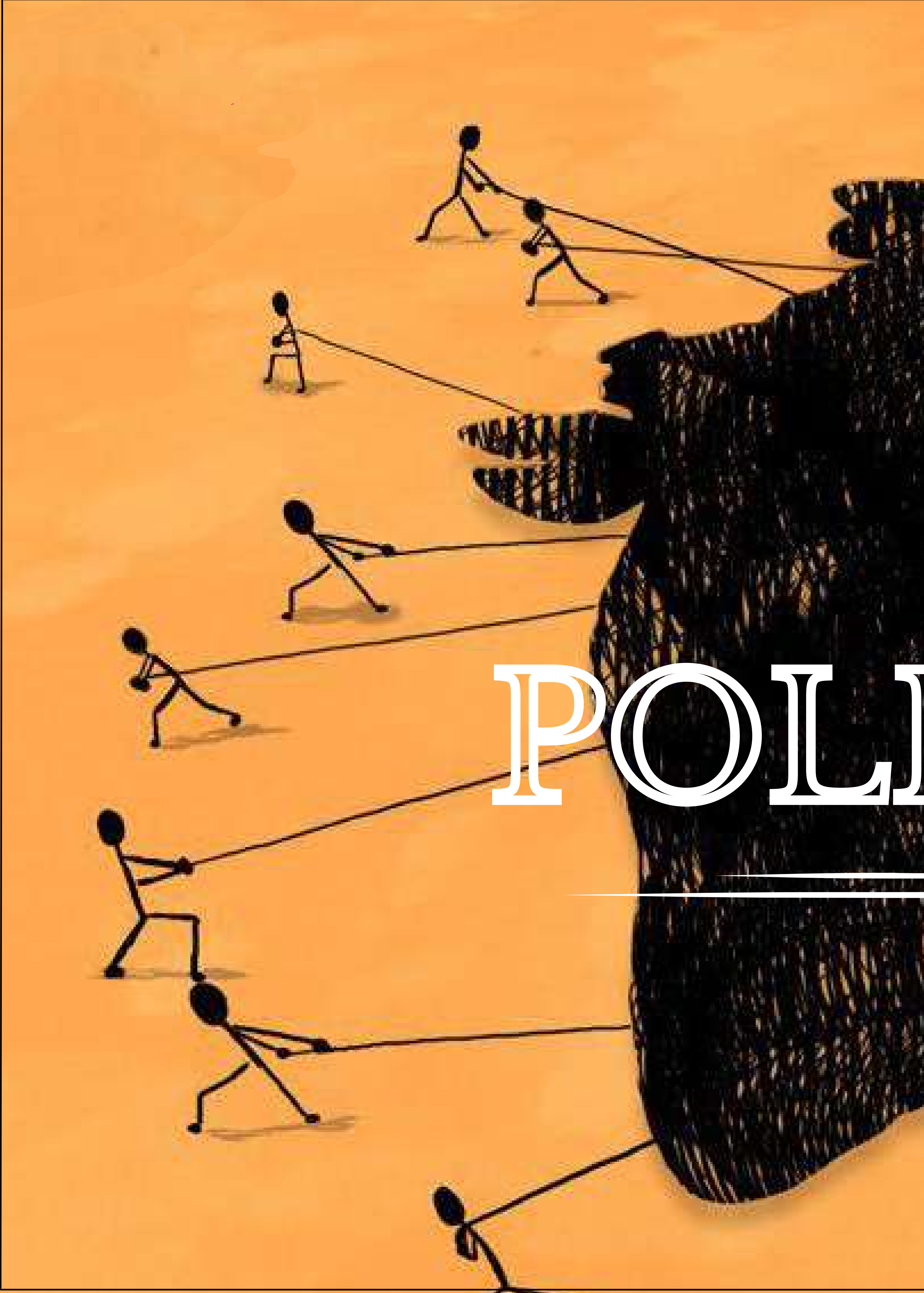
Sr Adv Ramachandran: If the judgement goes in favour of the same-sex marriage. I expect

that just as the 377 judgement has led to greater social understanding and acceptance of homosexuality, similarly, there will be, in due course, greater acceptance and understanding of same-sex marriages. And, if the judgement goes against. I'm not really sure how much against the judgement can be because as far as the right to love is concerned, I mean, it's too late in the day for anyone to say no that. The question will only be whether the court is willing to read it into the Special Marriage Act or not. So even if the court is not willing to read it into the Special Marriage Act. I don't see society hardening against same-sex marriage. ■

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The Supreme Court has held that it is the duty of the state to actively facilitate the enjoyment of fundamental rights. And so, if I have the right to marry it needs to be facilitated by protecting me from those who would do their utmost to stop me from marrying the person I love.

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POLI



TUGS



KARNATAKA ELECTIONS

By Anirudh Mehta

“देस मेरा रंगरेज़ ये बाबू
घाट-घाट यहाँ घटता जादू
राई पहाड़ है कंकर-शंकर
बात है छोटी बड़ा पतंगड़
इंडिया सर ये चीज़ धुरन्दर
रन रंगीला पर्जातंतर”

(Translation: My land is like a riot of colours, good sir. With magic happening at every river bank. Every molehill a mountain, every rock Lord Shankar. And every small issue is a big contention. India is the greatest, sir. Colourful is its democracy)

This is a song from the 2010 satire dark comedy “Peepli Live”. Elections mark a very important facet of this “रंगीला पर्जातंतर” of ours. When the world talks about the success of Indian democracy, they often talk about the fact that India conducts

the largest free and fair voting exercise in the world. Though the elections are majorly free and fair, money and muscle power are crucial in winning an election (the importance of the former gradually increasing with the passage of time). The result of Karnataka Legislative Assembly

2023 was against a party that has the greatest access to both at the moment. This alone is enough to prove the fact that with all its flaws, the Indian democracy is still evolving, and all the ‘prophets of doom’ must refrain from writing its obituary time and time again.. The article is an effort to analyse the



results of the Karnataka elections and draw some important inferences from the result. In the end, we look at the possible effects this verdict could have on the Lok Sabha elections of 2024 and the Opposition in General.

Background

The southern state of Karnataka went to the assembly elections on 10th May of 2023. The election was in the backdrop of an ever-powerful BJP at its electoral peak, in terms of area it governs, with a huge victory in the Gujarat State Assembly elections recently. The well oiled electoral machinery of the BJP though, was presented with an uphill task of campaigning for a hugely unpopular government led by CM Basavaraj Bommai. The fact that their biggest vote catcher in the state, BS Yediyurappa (the only major and credible leader they had in the state) had been sidelined by the party until very recently made the

task even more difficult. The main opposition party, the Indian National Congress, had its own issues to deal with. A party that is, according to many political commentators, in terminal decline had to revive a demotivated cadre after a slew of defeats in several elections at the hands of the BJP. The party also faced an immense lack of resources² (which becomes extremely important in Karnataka's case as it is a state where money becomes a huge player in shaping elections). Apart from the BJP and the Congress, the Janata Dal (Secular), was another important player in this election.

Identity Politics in the State

Whenever we talk about caste being an important factor in determining how the population of a state votes, the states that we usually talk about are from the Hindi heartland and most often, Uttar Pradesh and Bihar. But caste in Karnataka plays an equally

important role as it does in UP and Bihar, if not greater. The two major caste groups in the state are the Lingayats and the Vokkaligas that comprise of 14% and 11% of the population of the state respectively¹. The Lingayats were historically believed to be associated with the Congress but post the rise of BS Yediyurappa as a leader and the humiliation of several of their Lingayat Chief Ministers by the Congress Party (most notably the case of Rajiv Gandhi calling erstwhile CM Veerendra Patil "a buffoon" when the latter came to receive him at the Bengaluru Airport) pushed the Lingayats to switch to the BJP instead. A major share of the Vokkaligas, on the other hand, vote for the JD(S), a minority of them voting for the Congress, post the rise of DK Shivakumar as a political force in the state.

The Calm after the Storm

The result of the election was

announced on the 13th of May. The Indian National Congress swept the election with a wave, by the standards of Karnataka. The party won a total of 135 seats and also had the support of 2 independent MLAs in the state. The BJP, on the other hand, won 66 seats in the state down from the 104 seats that they had won last time. However, the biggest loser of this election had to be the JD(S) which won a mere 19 seats down from the 37 they had won last time. The party now faces an existential crisis in the state with the Congress preying on the Vokkaliga vote that is the base vote of the party in the state.

Post the election result there was an unusual calm that was seen on many mainstream TV news channels, as is generally the case when an opposition party wins a crucial election. The photo of Mr. Kharge and Mr. Nadda was used during election results as opposed to the usual Modi vs Rahul narrative that is usually propagated by the mainstream media. This begs the question that in a hypothetical scenario if the BJP would have won would the same imagery have been used? The reaction of the media post the BJP victory in the Gujarat elections of 2022 would help in answering the question to a certain degree.

Being Vocal for Local

A very striking feature of the Karnataka polls this year was the fact that this was an extremely localised elections with national politics having little to no effect on the result. Not only did the state vote on issues exclusive to it but, the 'Nandini vs Amul' controversy that took place during the course of election also highlights the fact that

regional aspirations had taken the centre stage and the public rejected the supposed homogenization attempts of the ruling dispensation, especially in non-Hindi speaking states. The Impact of the Nandini- Amul controversy can be gauged from the fact that the controversy had a profound impact in the milk producing districts of Belagavi, Tumkur, Hassan, Mysuru and Mandya, the top five milk-producing districts. Data shows that, of the 54 seats in these five districts, the Congress won in 32 constituencies in the 2023 polls, 18 more than their 2018 tally

Identities Beyond Caste and Religion

Another huge lesson from this election was the role of the class divide. A statistical analysis of the result will tell the readers that besides the Lingayats, Vokkaligas and a few upper caste Hindu communities, the Congress has garnered votes from every major community in the state be it Dalits, other OBC communities or Muslims. The main reason for this is postulated to be the pro-poor policies of the Siddharamaiah government from 2013-2018, price rise across the nation and the multiple guarantees that the party had to offer, which also included 200 units of free electricity to everyone in the state (taking a leaf out of the book of the AAP). This election also highlighted the



Karnataka Assembly Elections 2019

significance of another identity in Indian politics, that of the women. From the elections of Yogi Adityanath in UP, Nitish Kumar in Bihar and Mamata Bannerjee in West Bengal, we saw that the women's vote was pivotal in the victory of each of these Chief Ministers. Be it Yogi Adityanath's purported command on Law and Order, Mamata Bannerjee's social welfare schemes for women or Nitish Kumar's Alcohol Ban, all of these efforts help these politicians mobilise a lot of women support in their favour. Even in this election, there is an 11 percentage point gap between the BJP and the Congress in women's vote share against a difference of 5 percentage points in men's share.³ This shows that

women of the state have come out in large numbers and voted for the Congress.

Road to 2024

Post their victory in the state assembly elections, the first video released by the Twitter handle of the Indian National Congress had former Wayanad MP and former President Mr. Rahul Gandhi at the centre. The video supposedly thanked Mr. Gandhi for a huge victory in the Karnataka state assembly elections. The party spokespersons later clarified that the video was meant to thank Mr. Gandhi for the Success of the Bharat Jodo Yatra. However, a close look at the Twitter handle of

the party before and after the elections would confirm the effort that Congress is making to extrapolate the importance of the state in national politics in the run-up to the the Lok Sabha elections of 2024, something similar to what they did (rather unsuccessfully) post the elections of Chhattisgarh, Madhya Pradesh and Rajasthan in 2018.

Journalist Rajdeep Sardesai in his show 'Elections on my plate' went to a dairy in Bangalore where they had kept Amul Ice cream and Nandini Milk together. The shopkeeper said that he keeps Nandini Milk in his dairy but prefers Amul Ice cream over Nandini Ice Cream. In the larger scheme of things, this can be the perfect analogy for the voting pattern of the Karnataka Voter . There has been an increase in the electoral literacy of the average Indian Voter, the 2019 Odisha elections are a good example of that as the same voter voted for the BJP in Lok Sabha and for the BJD in the Vidhan Sabha elections. Karnataka also has historically voted differently in the state and the national elections. For example, in the 2018 Assembly Elections the INC won 86 out of 224 seats but could only manage to win 2 out of the 28 Lok Sabha seats in 2019. Therefore, by portraying this election to be the beginning of the end of the hegemony of the BJP would be making the same mistake as many political analysts made in 2018 after the Congress's victory in the assembly elections of Chhattisgarh, Madhya Pradesh and Rajasthan. Jubilant people in the opposition must understand that this election was fought on local issues and, thus, is not a mandate for Rahul over Modi.



However, to completely discard the significance of the elections on national politics would also be a grave error. This election has not only helped in lifting the spirits of the otherwise demotivated cadre of the party but has also helped them grab hold of a state with rich monetary resources, something they were lacking for a long time. 2023-24 is an year of elections and an early victory for the Congress marks a good start to what would be a crucial year for the future of the party as well as of the Indian opposition. According to former psephologist and political analyst Yogendra Yadav, this election provides the opposition with a template to fight against the BJP. According to him, focusing on the lowest rungs of the society, welfarism and local issues has to be used if the opposition seeks to stand a chance against the saffron party.

The verdict in Karnataka answers a lot of questions, yet leaves a lot many unanswered both for the opposition and the BJP. A victory for the Congress may momentarily lift the spirits of the party but until it finds a way to counter the Modi factor and address organisational issues that plague the party, it would fail to present the BJP with any substantial challenge in the Lok Sabha elections of 2024. The BJP on the other hand faces a peculiar issue. While it's push for 'double engine sarkar' has been a hit and miss, it must recognise the fact that both engines must work in tandem for such an arrangement to work. In Assam or UP, the BJP had popular Chief Minister faces in the party with political clout of their own. Where the CMs do not have political clout of their own is where the 'Modi Magic' begins to falter a

bit, be it Himachal Pradesh or even Haryana where the BJP could not manage to win a full majority.

The JD(S), on the other hand, has a lot to reflect upon. The fact that it is a single caste, family based party which has had no qualms over its opportunism to switch side whenever it deemed fit has been outrightly rejected by the public. The party needs to go back to the drawing board if it wants to remain relevant in the state.

Whatever happens in the near and distant future, this election has reiterated the fact that India is certainly a "चीज़ धुरन्दर". A party with so much more resources than the opposition has faced a huge loss in a state where supposedly a lot of money is required in order to even contest the elections. There can be few example better than this to highlight the vibrancy of electoral democracy in India. ■



KARNATAKA
ELECTION

ASSEMBLY ELECTIONS

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Image Credit: News 18 Network

JEWELS EXTIRPATING FROM THE BEJEWELLED LAND OF INDIA

By Yash Asati

The Jewel land of India, Manipur, is the latest fire burning on the stove of ethnic conflicts. Tribal and non-tribal communities are at daggers drawn. To save their lives, people are taking refuge in army camps and fleeing to other states as Non-Tribal Meitei and tribal Naga-Kuki are thirsty for each other's blood. This piece tackles the various questions related to the conflict, ranging from what happened in the past, to scepticism on government actions to how topographical divisions turned into a belligerent social divide.

Simmering for a long time, the fire ignited on 3rd May 2023, with a "tribal solidarity march" called by the All Tribal Students Union Of Manipur (ATSUM) across all districts of Manipur against the Manipur high court's decision which directed the state government to recommend the inclusion of Meitei community in the Schedule tribe (STs) list to the centre.

This peaceful solidarity march snowballed into a genocidal conflict between the majority (Meitei) and minority (Kuki, Naga) communities. The violence led to 100 plus deaths, hundreds hospitalised and approx, 50000 people displaced from their homes, who are now staying in relief camps and around 1700 houses including religious places vandalised. In a bid to quell the violence that was burning across the state, the Government invoked section 144 of the IPC, suspended internet services, issued shoot-on

-sight orders, and deployed the army with paramilitary forces in Manipur.

It is acerbic but inquisitive why the government is so late in acting during ethnic violence. This is the latest instance to add to a custom of government actions in ethnic unrest: first incite people, give green cards to riots and then come as a symbol of peace. Abysmally, history has backed up this custom with the Gujarat riots in 2002, the Anti-Sikh riots in 1984, the Bhagalpur riots in 1989 and Kashmir Massacre, in 1990 among many other conflicts.

The violence led to 100 plus deaths, hundreds hospitalised and approx, 50000 people displaced from their homes, who are now staying in relief camps and around 1700 houses including religious places vandalised.

Background

The solidarity march is just a spark in the flame of violence, which is the repercussion of the government, led by the majoritarian Meitei and their actions and temperament towards the minority communities living in hilly areas.

To understand the context of the ethnic unrest, it is indispensable to know about the demography and geography of Manipur.

Manipur land is divided into two parts, valleys and hills. This topographical separation where Nine hills surround an oval-shaped valley at the centre makes it a beautiful jewel of India and a major reason for conflict.

The Valley part is inhabited, mostly, by non-tribal Meitei people who majorly belong to the Hindu religion followed by Muslim. The Valley area comprises only about 10% of Manipur's total geographical area but sustains nearly 64% of the state's population. In the state assembly, it is the dominant force; 40 out of 60 MLAs come from this area.

On the other side, the Hilly area is inhabited by 33 recognized tribes, broadly classified into 'Any Naga tribes' and 'Any Kuki Tribes', who are largely Christians. It comprises 90% of the total geographical area and sustains about 35% of the total population, while only 20 MLAs represent it in the state assembly.

We can now comprehend the reasons for the conflicts are cloaked in these differences of area, population, religion and

political representation between hills and valleys. It is important to factor in that this difference between hill and valley was a result of the British's "Divide and Rule" policy.

Now it is vital to understand the demands and arguments of the non-tribal Meitei, the tribals (Naga & Kuki) and the government. The Meitei community, continuously, demands ST status as they have claimed to have ST status before the merging of Manipur with India in 1949, thereby, they demand its restoration and also fulfilling all the requisite criteria. They are also disgruntled with the fact that tribal people are allowed to purchase land in both the valley and hilly areas but they are not allowed to take land in hilly areas.

According to the Meitei people, this is leading towards squeezing land in valley areas

as people from any part of India can settle here. And unbridled settlements on limited land are ensuing overburdening of the area, thus, poor non-tribal

people are unable to even find places to live. It is also affecting the quality of life as this one-way traffic: results in pressure on public facilities and disturbs the ecological balance. The

Meitei community is also infuriated by the illegal infiltration of Chin tribals from Myanmar, who



are (allegedly) supported by Kuki tribes, as their inhabitation would disturb the demographic balance of Manipur. Thus, they want the complete eviction of these foreigners (Chins, and Kukis from Myanmar).

The tribal communities (Kuki and Naga in this instance) are against the demand of Meitei people as the Meitei are already socially, economically, politically and educationally developed. And if

they obtain ST status, they will gobble up all opportunities and benefits available with the ST demarcation, especially in government jobs (in which the Meiteis already have a lion's share). According to an economic

survey of Manipur (2020-2021), the hilly inhabitants only hold 35% of jobs in the public sector whereas valley people held 65% of jobs in the same. The apprehension is not only limited to jobs but also to land rights. So far, non-tribal Meitei are not allowed to purchase land in hilly areas but if they attain ST status, they would be able to purchase it, resulting in peril for the tribals who would be helpless to compete with them.

While the Kuki are rebutting the allegation that they sheltered infiltrators (as claimed by the Meitei). They are piqued by the government's temperament towards them due to a crackdown on their communities and with the eviction drives, run by the government who claim the areas occupied by the tribes for generations as reserved forests, protected forests and wildlife sanctuaries. They also stated that the government is not following the proper procedures while

On the aforementioned imputations, the Government claimed, based on satellite images and the previous data records, that there is an unnatural growth in the number of villages and new settlements in some districts of Manipur. According to data shared by the Manipur government, in hilly areas, in 1969, there were 1370 settlements and in 2021 this number had increased to 2244 villages.

On further examination, the epicentre of violence, Churachandpur district village numbers increased from 282 in 1969 to 544 in 2021. The government claimed based on this data that this is increasing because of the infiltration of 'Chin' tribal from Myanmar, who are sheltered by Kuki (due to belonging to the same ethnic group), in India.

The government also claimed that settlements are increasing, because of expansion in poppy cultivation, as in 2017-18 around 18,664 acres of illegal poppy cultivation were found whereas from 2013-16 only 1889 acres of illegal cultivation of poppy were recorded.

On the expansion of settlements, Kuki tribal leaders said they were expanding because of their custom, that whenever a clan grows they are permitted to settle down in a new village in the nearby areas and not because of any want to aid illegal Myanmar immigration.

These conflicts of opinion, arguments and actions by the government led to the rise of antagonism among the communities, and consequently, violence broke out.

The background which (apparently) led to the violence is established but various reasons are still cloaked in the shades of grey. So it is critical to audit these shades one by one.

Lifting the Veil

If a war breaks out, a myriad of factors work behind it. In ethnic wars, various factors initially build antagonism among communities through the thoughts of being discriminated against; some groups incite them to unite together against this discrimination, and sometimes these artificial & minuscule discriminations are described as a threat to their existence.

Further, some events occur which establish the thought of discrimination and end up culminating in the wrath of communities and triggering violence or genocidal wars. At this point, the government can choose to put a stop to the conflict yet, often choose not to intervene due to vested interests.

Paul Brass termed this an "Institutionalised Riot System", (see The production of Hindu-Muslim violence in contemporary India, 2004). According to him, the first phase is preparation, in which people are incited through speeches and acts, followed up by the second phase i.e, activation by conversion specialists with the help of criminals & goons and the last phase is explanation where government & media explain it as uncontrollable spontaneous religious.

wars and diffuses blame of violence which thereby, help in the perpetuation of violence in future. And in the end, politicians come as a symbol of peace with condolence and ex gratia

This can be seen in the Manipur case as well. It is worth noting that the shoot-on-sight order was passed in Manipur at different

times. In Churachandpur district (tribal area), the order was passed immediately on 3rd May whereas, in Imphal (valley area) the order came after a night and a day. These mistimed government actions are inadvertently or intentionally, responsible for the mistrust in the government among minorities. As they presumed violence was an "Integrationist project of state & Meiteis" to exterminate them.

The tribal people are also irked by the poor functioning of state institutions and lopsided development. In the state, funds are distributed on the basis of population, which leads to a large share going in favour of the valley, (aided by their political dominance) and hilly area inhabitants getting a low share.

This impedes the development of hilly areas and sharpens the divide between hill and valley people as on one side, valley people have better access to basic facilities like good quality drinking water, clean cooking fuel, hospitals, a higher share in industries and better employment opportunities. Whereas, hilly people are backward, illiterate, do not have access to basic facilities, few industries, low employment rate

Fredrick Barth explained that a relationship of inequality & stratification grows between ethnic groups in a territory if one group controls the means of production valued by all groups (Éthnic groups and boundaries, 1969). This can be seen as a major cause of antagonism and mistrust in the government, in the past also for the protest of Kuki of separate state or autonomy.

Paul Brass (1991) argues that the potential for ethnic nationalism exists when one ethnic group dominates another. Thus, Kuki, ethnic nationalism challenges the existing pattern of disparate distribution of economic resources and political power between Kukis, Nagas and Meitei.

Similar circumstances arise now as they did in the past, as it is not only a conquest against Meitei but, a way to demand a separate state or separate status of autonomy for the tribals. This demand is emerging vociferously, with the statements of 10 MLAs from the Manipur state assembly belonging to the Kuki-Zomi community for the 'separate administration of hilly areas'.

Two causes have been delineated i.e., previously political and economic, the third one is religious. In valley areas, majorly Hindus live whereas in tribal areas, mostly Christians reside. This devises a socio-cultural divide and, in the past hilly people were assumed as inferior by valley people. These divisions have emerged as fuel in the fire.

The vandalism of places of worship has also occurred, leading to an escalation in protest. Moreover, when the government started eviction drives, they hurt the land tribes the most as they have spiritual relationships with their homeland. They look at their land as culture, identity and livelihood resulting in them protesting substantially against the government.

Type	District	Improved drinking water source (2019-21)	Clean cooking fuel (2019-21)	Institutional birth (2019-21)	Fully vaccinated children	Stunted children (2019-21)	Public sector employees (2016)	Foreign tourists (2019-20)	Domestic tourists (2019-20)	Electricity consumption for industries (2016-17)
Hill	Senapati	64%	50%	46%	65%	27%	6.8%	2.0%	3.1%	5.8%
Hill	Churachandpur	63%	62%	73%	65%	25%	8.0%	5.7%	4.0%	1.1%
Hill	Ukhrul	51%	23%	45%	39%	27%	8.4%	1.5%	6.3%	0.1%
Hill	Chandel	69%	52%	56%	56%	34%	6.9%	0.7%	11.3%	0.1%
Hill	Tamenglong	52%	31%	58%	67%	27%	5.1%	0.2%	1.8%	0.5%
Valley	Imphal West	89%	89%	96%	74%	16%	29.4%	80.2%	42.4%	2.2%
Valley	Imphal East	90%	79%	92%	76%	18%	18.9%	8.5%	31.1%	9.5%
Valley	Thoubal	73%	75%	88%	74%	32%	9.6%	0.3%	0.0%	2.5%
Valley	Bishnupur	78%	71%	90%	67%	16%	6.9%	0.9%	0.0%	3.2%

Image source: The Hindu

Data is based on the National family health survey(2019-21), the economic survey Manipur (2020-21) and the Census of India 2011.

Furthermore, other stakeholders are also supporting the violence and working covertly, with the list including the drug mafia and industrialists. Manipur Hills have rich natural resources which are unexplored and if the Meitei community gets the status of ST this exploration and extraction of resources would begin, leading to inordinate profit.

Drug mafias are involved in this violence against the government as they resent the government's actions against poppy cultivation. Drug mafia not only includes tribals but also, kingpins from valley areas. Tribals are just used as labour, major trade is done by the valley people who have underground networks and support from local politicians.

Epilogue

It is clear that these socio-economic-cultural-political-topographical divisions, fuelled by government actions lead to a rise in hostility among the communities and the consequences for the same are bitterness among the communities, and loss of life and livelihood.

Alongside the already stated, according to the 2011 census, the concentration of people in the valley region is aggravating and they also have a very high density: Imphal West 1000/sq.km followed by Thoubal 818/sq. Km, Imphal East 638/ sq. km and Bishnupur 485/sq.km. Which is increasingly indiscriminately, giving merit to the Meitei community on the need for land reforms.

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The government ought to do these things, gradually, with consultations and the support of regional bodies. Also, if they want to give ST status to Meitei, they must consult with all tribes and allay fear by assuring their right to their land, alongside assuring them that appropriate actions will be taken to protect tribal interests & ST status to Meitei will not eat up their opportunities.

For eventual stability, peace and territorial integrity, the government should give some hilly

districts the sixth schedule status of autonomous district council; the State government must take decisions related to hilly areas with consultation and approval of the hilly areas committee. Also, the state government ought to work for the development of hilly areas.

In future, the state must also work fairly for both, if they want peace, and not under the influence of the majority as it is required to guarantee security for all and to maintain institutional trust and legitimacy which, is indispensable for holding together such a deeply divided society. Otherwise "ethnic security dilemma" (Barry Posen - security dilemma and ethnic conflict) will exist.

Ann Lander says, "Hate is like acid. It can not only destroy the vessel in which it is stored but also destroy the object on which it is poured." Thus, leave the enmity and start enjoying the magnanimity.

Concluding, the crux of all conflict must be defeated and, members of all communities should end their hostility towards others and, start a new journey of development and make the jewel of the land shine brighter. ■



MANIPUR



Photo- PTI



TOWARDS A CHINESE HEGEMONY?

By Rithanya S

On the 10th of March 2023, China brokered peace between Saudi Arabia and Iran, restoring diplomatic ties between the two countries which was fully severed in 2016, leaving the United States of America in the blind spot. Furthermore, China stepping out of its traditional role as a ‘non-interfering’ participant in global political affairs serves as a severe setback to American hegemony that has had a requisite presence in the Middle East cold war.

“China has proposed a Five-Point initiative for the Middle East, a Four-Point proposal for the Syrian conflict, and a Three-Point Vision



for the Palestine question”, says Wang Wenbin, the Chinese foreign ministry spokesperson. This agreement emphasizes non-interference in internal affairs. It will formulate a pathway for the Saudi Arabians and the Houthis to finally reconcile, to an extent, and put an end to their long-fought battle. The proxy war confrontations in the regions of Syria, Lebanon, Iraq and Yemen (for eight years) specifically, should now come to an end. It also secures certain economic benefits for Iran.

Dignitaries all over the globe consider this insignificant and incomparable to the substantial endeavours of the United States in negotiating peace in the Middle East. These are the Camp David Accord which aimed at resolving conflicts between Israel and Egypt, the Oslo Accords which focused on settling issues between Israel and the Palestine Liberation Organisation in 1993 and the recently signed Abraham Accords in 2020 which sought to normalize diplomatic relations between the states of Israel, United Arab Emirates and Bahrain.

The United States has had a problematic relationship with Iran for a long time and has had no formal diplomatic relations since 1980. The efforts of the USA to isolate Iran economically through sanctions have been apparent. On the other hand, the bilateral relationship between the US and Saudi Arabia has flourished since the 1930s in exchange for oil supplies from Saudi and defence and military protection from the USA.

The foreign policy of the People's Republic of China has extended the values of non-interference, respect for the sovereignty of others, non-aggression and peaceful co-existence as codified by Premier Zhou Enlai at the Bandung Peace Conference in 1955, though at times one does witness its 'hypocrisy', but not so explicitly. It has always distanced itself from the concerns of security in the Arab region until now. China's efforts to evade the idea of it being a counterbalance to the unbridled American hegemony have now come to a stop.



The United States, to whom this entire scheme came as a surprise and when probed into its neglect, has tried to reduce its significance to an economic one. Washington D.C. believes that they are still a necessary partner to Saudi Arabia in terms of security and strategy with foreign military sales worth hundred and ten billion Dollars.

In their defence, they argue that China was forced into acting as an arbitrator. The trade volume between the Gulf countries and China sums up to 130 billion Dollars. China also receives 36% of its energy resources from the Arabs⁵. China is also the biggest importer of oil to Iran. China was pressurised into facilitating this rapprochement between the two countries to ensure no harm came to its economic interest and to steer clear of having to choose between Saudi Arabia and Iran.

With China's interference, the efforts of the US to bring Israel and Saudi Arabia into relations to alienate Iran have failed. Israel's hope of initiating friendly relations with Saudi Arabia, now that it has re-established diplomatic ties with

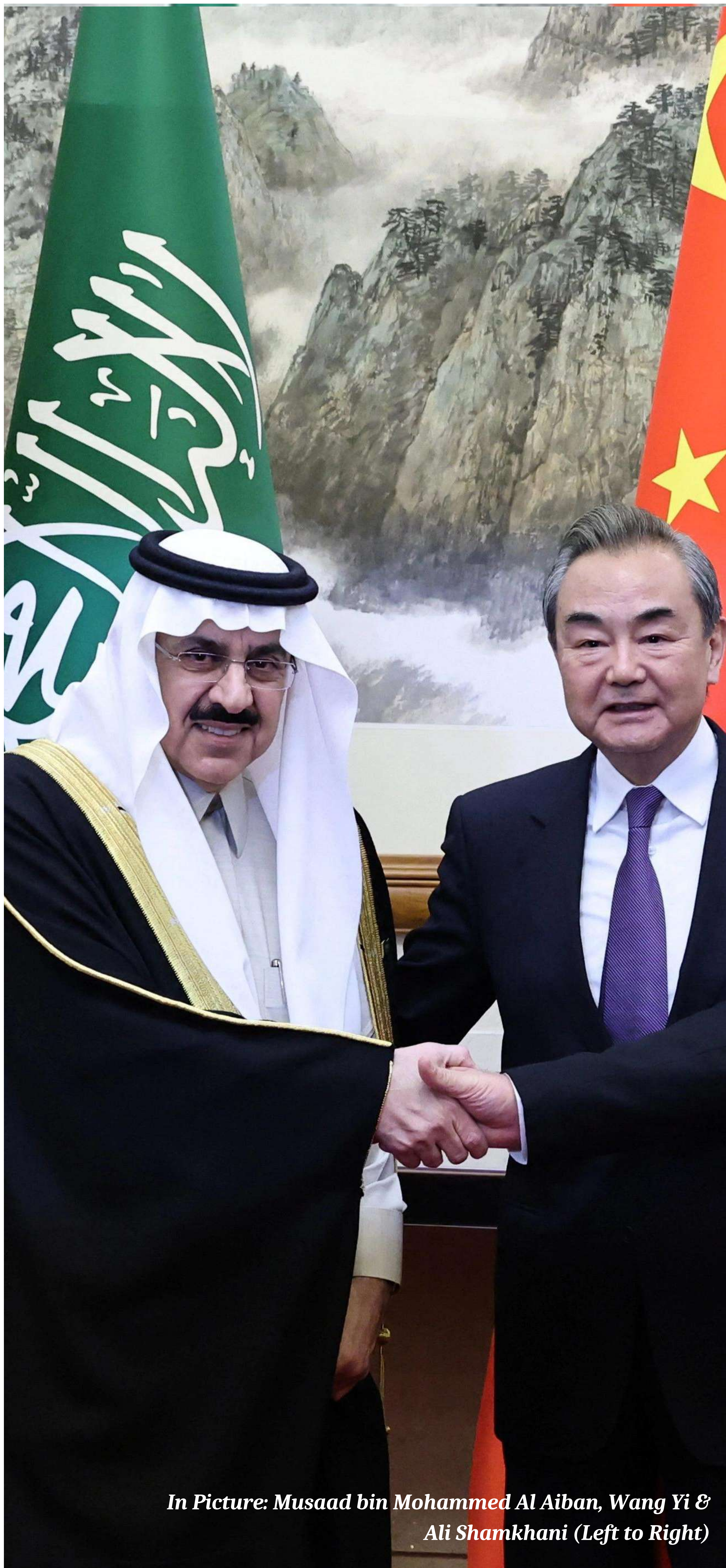
Bahrain and The United Arab Emirates (Abraham Accords), is quashed.

What the US dignitaries and analysts such as Ibrahim Fraihat (an associate professor at Doha Institute and conflict resolution specialist) refuse to acknowledge is that America's reputation of being 'The Indispensable Power' is put in question. Its position as a neutral party that was capable of mediation is being taken up by Saudi Arabia's foreign policy has now inclined towards the other side of the scale. So has Iran's. This is particularly evident in its dealing with the Biden administration and its decision to vote against the US in the UN. Iran chose to enter into an agreement with its competitor to ensure protection against a possible joint attack by the USA and Israel. With China's assistance, Iran has sought to overcome its isolation and currency crisis, the reason being the sanctions put by the United States. In return for China's support in global talks regarding Iran's nuclear limitations, Iran has agreed not to lay down any 'preconditions' on entering into talks with Saudi Arabia to restore relations, says the Gulf officials.

China's economic leverage in the Middle East and most parts of the world, provided it with the efficacy to call terms and facilitate negotiations. Unlike the USA, their rise to power is ambitious but discreet. Hillary Mann Leverette, a former U.S. diplomat and Joseph Westphal, a former U.S. Ambassador to Saudi Arabia, argue that China provided necessary conditions for rapprochement which the United States was not capable of (considering its relationship with Iran)⁶. The American sanctions and threats of military actions in the region are being replaced by the subtlety of Chinese diplomacy. China's growing influence is especially seen in the collective decision of the involved parties to either use Mandarin, Farsi, or Arabic and not 'English' as a medium of language during talks and negotiations.

With enough nuclear weapons, and like any other major power, its intention to ensure and uphold the treaties and agreements that restrict the production and usage of nuclear weapons is evident. Iran was on the verge of acquiring a nuclear potential very close to the specified limits to defend itself against possible attacks from the allied forces of the United States, Saudi Arabia and Israel. This not only justifies the preventive measures of Saudi Arabia but also that of China's interference. It is reasonable to consider that China brokered this deal in its interest (other than an economic one) to constrain the possible growth of Iran's Nuclear capability.

There is a pattern of similarity in the rise of the American Hegemony and that of the Chinese which often goes unnoticed (those who consider this development insignificant). Americans were viewed as the 'Good people' in opposition to the colonizers - the French and the British, during the 1920s. When the British captured the Ottoman Empire, medicine, food and educational missionaries came from the Americans to the Middle East. Gradually, America's monetary and military superiority allowed it to establish its stamp of control over many regions, especially in the Middle East. Just as



In Picture: Musaad bin Mohammed Al Aiban, Wang Yi & Ali Shamkhani (Left to Right)



the Americans were viewed as selfless people who came to help, the Chinese, with its economic front, are now seen as the 'Neutral moderator' facilitating rapprochements.

It did not take long for the Americans to grow from the favoured economic partner to the preferred security partner in the Gulf region. Similarly, it will not be long before the economic leverage that China has on the Gulf region turns into security leverage, for the Chinese too are looking for military bases in the region. If China succeeds in establishing military bases in the Gulf, the cold war this pact has put a halt to will resume once again. A cold war not between the Saudis and Iranians, but between the Americans and the Chinese.

China's global economic reach has been of great assistance in helping its political and diplomatic forces to be more active and influential in world political affairs. Its foreign policy of non-interference and isolation is slowly changing course into an interventionist one. It would not be long before the Chinese turned away from their aspect of impartiality and thrust global politics into its hegemony. The attempt of the Biden administration to 'Scoff' at its significance will not conceal away its anxiety, especially now that China and Russia have reaffirmed their economic cooperation for several more years.

The implementation of this pact could be debated. Reopening embassies is not a promise that ensures immediate recalibration between the two nations. But in a strategically important region where previously such a role of a negotiator was reserved for the Americans, the ability of the Chinese in enabling this rapprochement signifies its capacity to achieve what the Biden administration has failed to accomplish. By outshining The United States of America diplomatically, China has taken the first step in the path towards overthrowing the American hegemony and establishing its own. Considering China's affirmation to be more decisive in global politics in the future, there is more to come. ■

TRACING NATIONALISM IN INDIA – FRAGMENTING DEMOCRATIC QUOTIENT

By Prasangana Paul

Nationalism has arguably been the most influential force in global politics for

more than two centuries. It has played a significant role in instigating wars and revolutions and has been closely associated with the formation of new states, the fragmentation of empires, and the reconfiguration of borders. Moreover, nationalism has been utilised both to reshape existing regimes and to reinforce them. Since the conclusion of the cold war, novel and often highly potent variants of nationalism have emerged, frequently connected to cultural, ethnic, or religious self-determination. The political nature of nationalism is intricate and deeply disputed. At its most fundamental level, nations are cultural entities, consisting of individuals united by shared history, values and traditions, typically occupying a contiguous geographic region. The question of whether nationalism is a sentiment, an identity, a political doctrine, an ideology, or a social movement remains open to debate.

For more than two centuries, nationalism has been a significant factor in shaping global politics, although its precise impact has been a contentious topic.

“

Nationalism is a malleable ideology capable of adopting a diverse array of political guises. It has manifested as both progressive and regressive, democratic and authoritarian, liberating and oppressive, and aggressive and peaceful, among others.”

Nationalism rooted in expansionist tendencies is in direct opposition to the principles of equal rights and self-determination.

“

While nationalism can be a force for liberation, contemporary instances of national chauvinism tend to be expressed through policies of aggression, militarism, and war.”



In recent years, there has been a growing trend of religious nationalism in India, particularly among the Hindu majority population. This phenomenon raises questions about the normative conception of democracy, given the complex interplay of manpower and democratic principles. The destabilization of traditional authority structures creates a dynamic that involves a juxtaposition of hegemonic and subjugated forces.

Over the past few years, there has been a shift from a "people's democracy" towards a "market-oriented democracy," which has gradually become entrenched in the political system.

This has led to a situation in which the state and civil society have developed a relationship akin to that of buyer and consumer. Even in Independence Day celebrations, a significant portion of the country's population is engaged in a race to demonstrate their loyalty to the state. In this context, everything must be appropriated and displayed to prove one's worthiness in living in the nation.

The ascent of expansionist nationalism can be attributed, in part, to the Bharatiya Janata Party (BJP), a right-wing political party that has emerged as a champion of Hindu nationalism. The BJP and its affiliated organizations, such as the Rashtriya Swayamsevak Sangh (RSS), have advocated for the

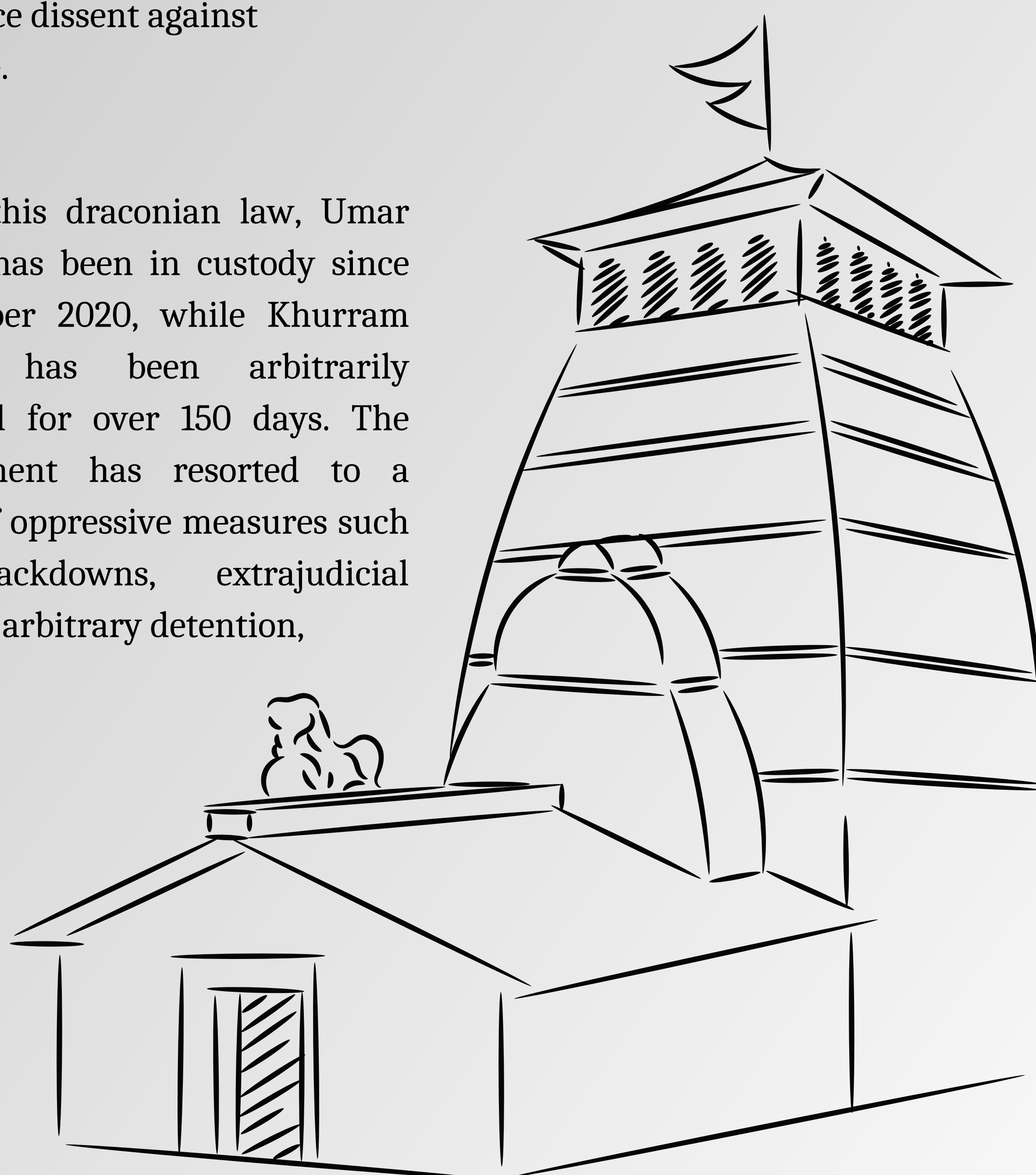
creation of a Hindu Rashtra, or Hindu nation, and have sought to establish Hindu cultural and political supremacy in India. These efforts have resulted in several controversial policies and actions, including the construction of a Hindu temple in Ayodhya and the implementation of a controversial citizenship law that marginalizes Muslims. The current state of affairs is characterized by social marginalization, institutional exclusion, and judicial repression, with the state serving as a breeding ground for popular forces that orchestrate dissent and subject dissidents to detention without due process, neglect, and even death due to a lack of essential care.

The Indian state's imposition of the UAPA is not primarily aimed at safeguarding the country's sovereignty but rather used as a tool to intimidate those who voice dissent against the state.

Under this draconian law, Umar Khalid has been in custody since September 2020, while Khurram Parvez has been arbitrarily detained for over 150 days. The government has resorted to a range of oppressive measures such as crackdowns, extrajudicial killings, arbitrary detention,

property confiscation, and misuse of laws. This has resulted in severe consequences for the families of the accused, with Saima Khan, daughter of the accused Mohammed Salim Khan, having to drop out of college and work two jobs to support her family after her father's arrest. The state's selective portrayal of the suffering of minorities has exacerbated the socio-political crisis.

We the people of India are a contract. Nationalism in modernity is a power thesis. Identity has become a commodity and we are selling it to the state to assert our jingoism. The promotion of nationalism at the expense of secularism is leading the country towards authoritarianism and intolerance. If this is how it continues one can only imagine the consequences and unrest this will cause in the fabric of "**one unified nation**". ■



ECONOMY





USA EXPORTS INFLATION

By Arnav Mangla

Printing money can have detrimental effects on an economy. Excessive money printing by a country can potentially contribute to inflation, and in extreme cases, such as when done excessively and without proper economic management, it can lead to hyperinflation and an economic crisis. In the tumultuous era of the 1920s, Germany found itself in the grips of a financial crisis and internal turmoil that would forever shape its history. As the country battled economic woes and faced the demands of striking workers, desperate measures were taken to keep the nation afloat. To meet this predicament and pay the strikers, the German government resorted to a controversial solution – printing more paper currency. The Weimar government produced around 500 billion German Marks, and millions were the figure on the notes that meant nothing. The German economy at its worst

needed 4.2 trillion German Marks to exchange for a single US dollar. The echoes of such hyperinflation resonated through history, appearing in later events. In 2020, Venezuela faced a similar plight, printing a staggering 4 trillion Bolivars, resulting in an inflation rate of 4000% by year-end. In this context, it is remarkable to note the contrasting outcome in the United States. Despite printing a substantial amount, estimated to be around 3 to 3.5 trillion dollars in 2020, the nation avoided a catastrophic hyperinflation scenario. Inflation remained relatively subdued, barely touching 9%, a testament to the country's prudent economic management and the effectiveness of its monetary policies.

As a consequence, inflation from the United States was exported to other countries, including India. This can be partly attributed to Quantitative Easing. For instance, if the USA's Federal Reserve Bank

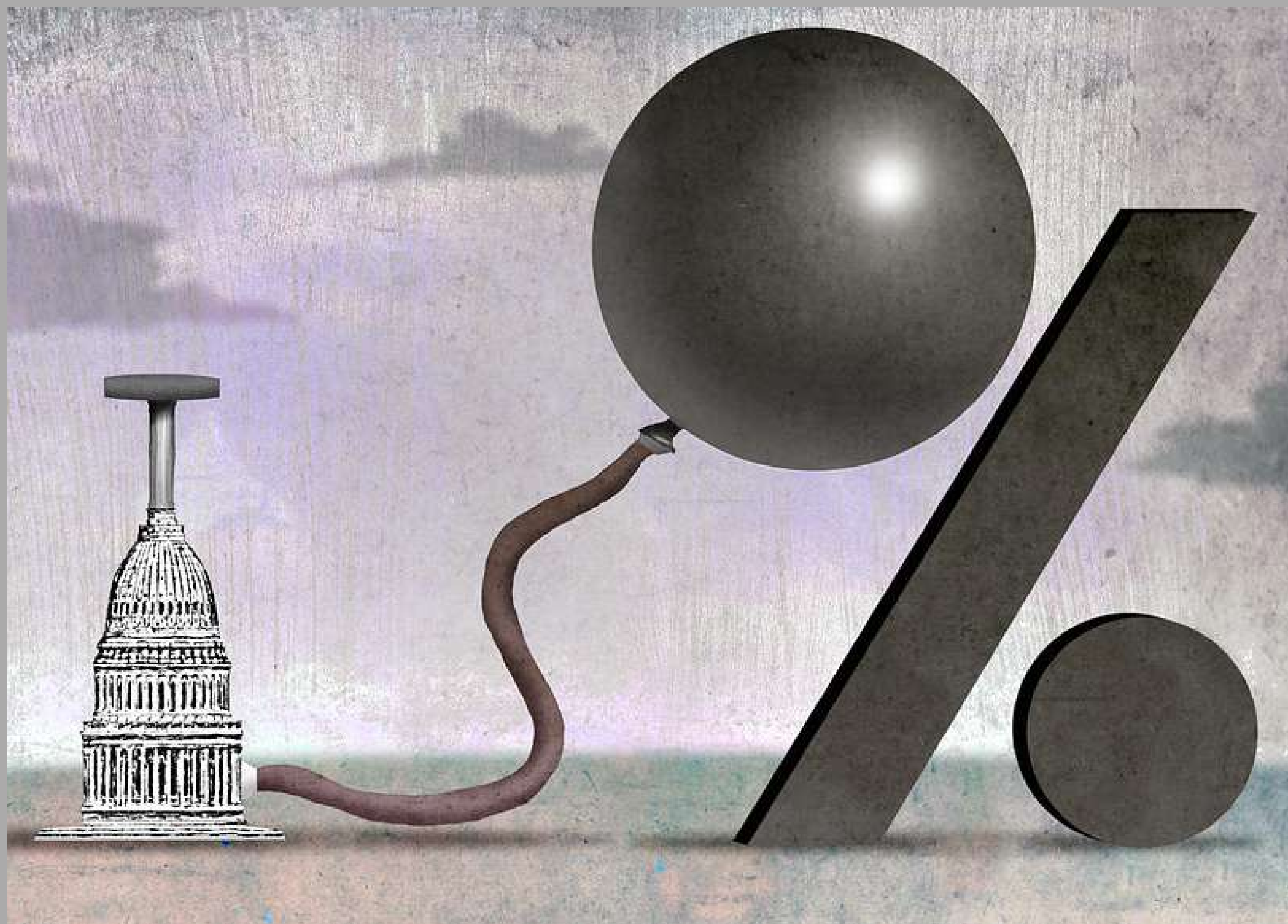
lends to Bank of America at a 5% interest rate, and Bank of America grants a home loan of \$400,000 to Mr. B at a 7% interest rate for a 20-year term, a potential increase in the central bank's interest rate to 6% would raise Mr. B's loan interest to 8%. This would result in an increased EMI for Mr. B and reduced savings. Such impacts on individuals across the USA can lead to decreased demand for non-essential goods like cars. If a car company sells a car for \$200,000, but people can only afford cars priced at \$170,000, the company may need to adjust its price. However, rising costs of raw materials may limit the company's ability to lower the price below a certain threshold, potentially stalling the economy.

To address this, the USA employs Quantitative Easing as a strategy. This involves the central bank reducing interest rates and increasing the money supply in the market to provide liquidity to

financial institutions and support overall economic growth, especially during times of crisis. During the pandemic, the interest rate set by Federal Reserve Banks fell near 0.05% and remained low for a considerable period. As a result, commercial banks also lowered their interest rates. In our example, the interest rate for Mr. B decreased to 2%, leading to a lower monthly EMI(\$2024) and increased savings(\$2577). This, in turn, improves the purchasing power of the general public, allowing them to afford higher-priced items such as cars.

The United States can indirectly impact inflation in other countries through the dominance of the US dollar and the side effects of Quantitative Easing (QE). To illustrate this, let's consider the example of BMW, which sells cars in both the US and Germany. Assuming a simplified exchange rate of $\$1 = \text{€}1$ and a free trade agreement between Germany and the US, if there is a rising demand for BMW cars in the US, the company may export more cars to meet this demand. As a result, BMW could increase the price of cars in Germany to take advantage of the better profits in the US market. This adjustment in pricing by BMW can contribute to inflationary pressures in Germany, as domestic consumers face higher prices for imported goods. This demonstrates one way in which inflation can be influenced in other countries by the economic dynamics between nations.

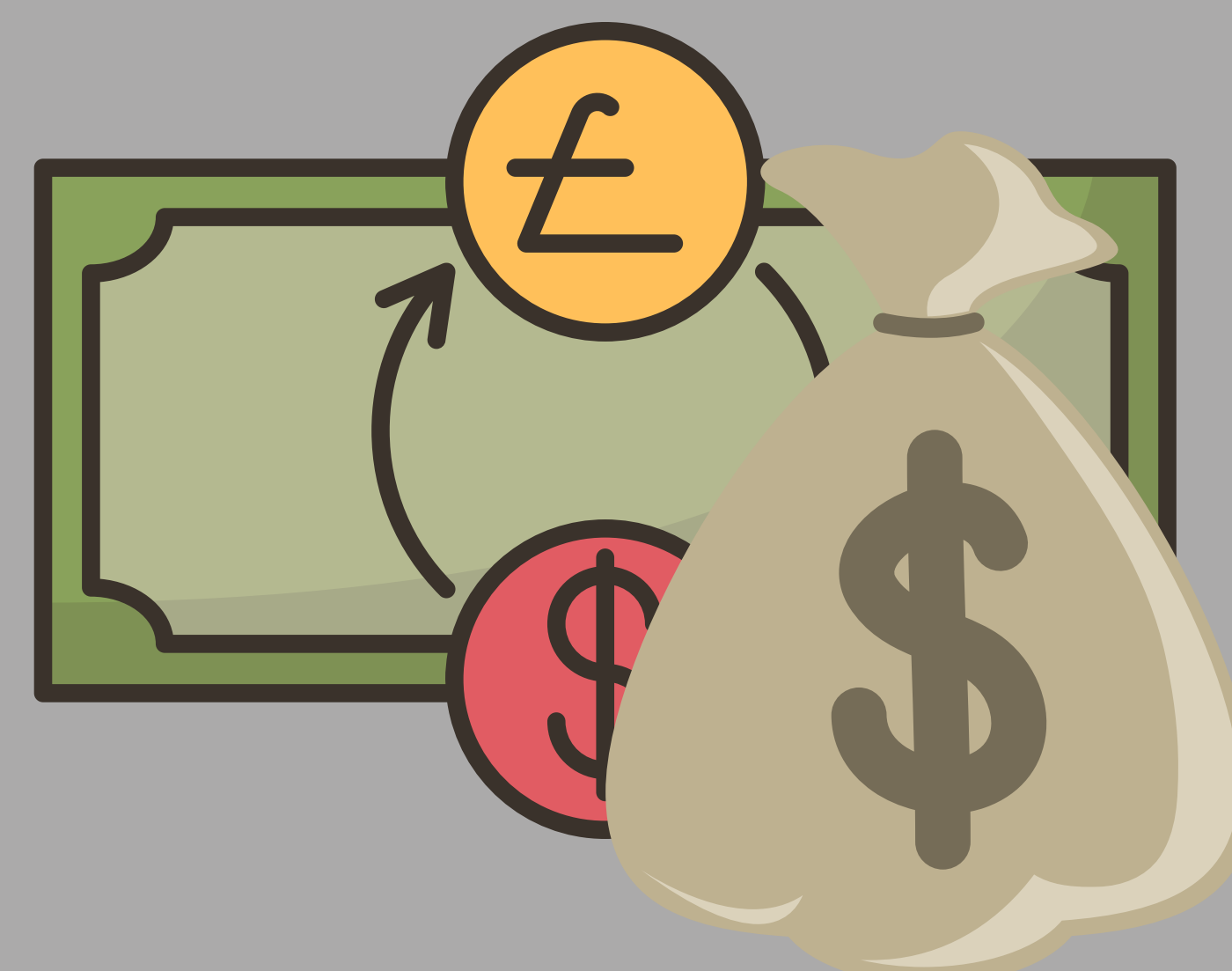
Another way in which the US can impact inflation in other countries through exchange rates. Let's continue with the BMW example. The transaction between the

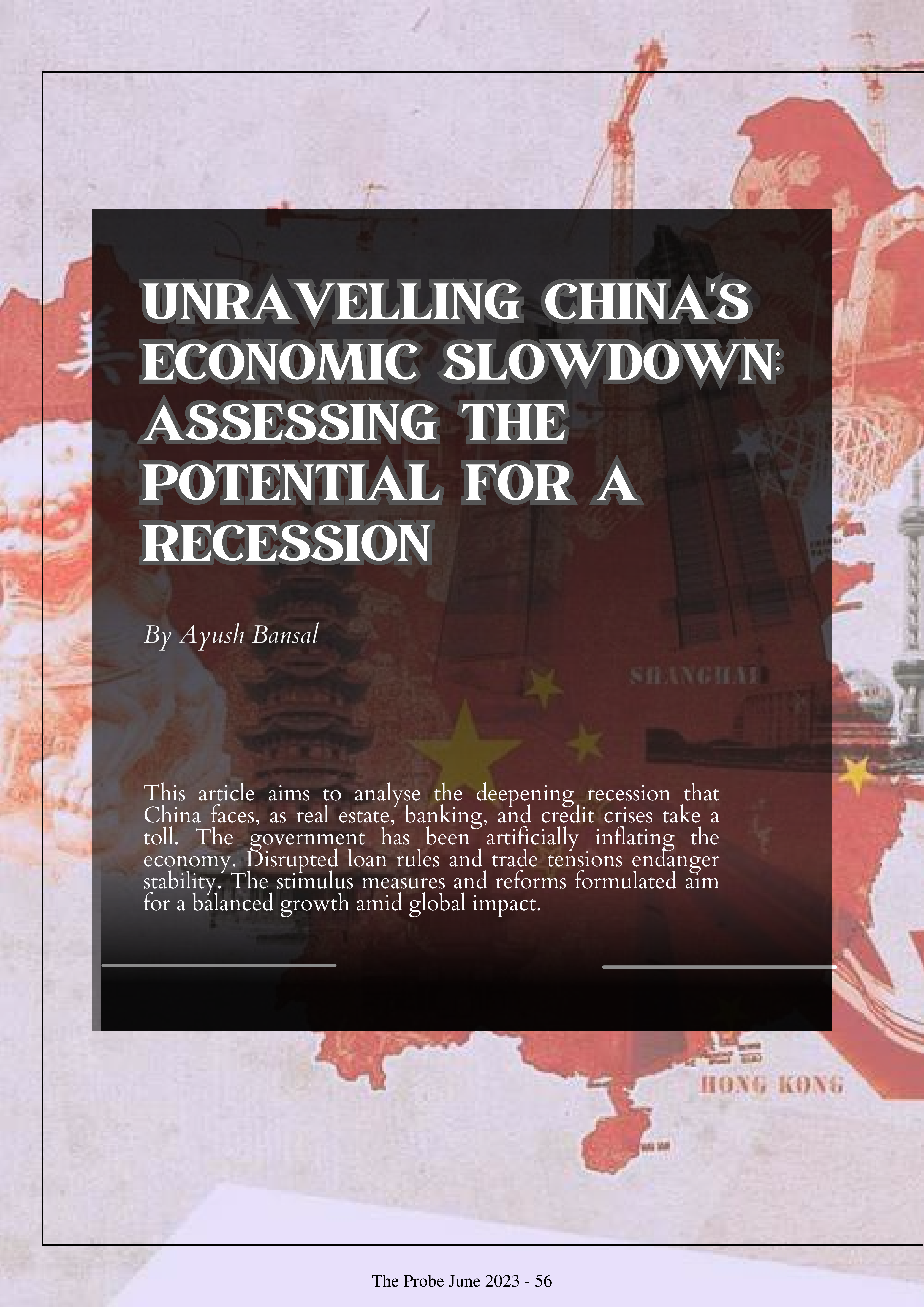


the German and US branches of BMW would involve the assistance of German and US banks. The US branch of BMW would need to buy Euros from the German bank in order to purchase cars from the German branch. Similarly, other German brands like Volkswagen and Ferrari would also engage in similar transactions, considering market conditions. As the demand for the Euro rises, the German bank may increase the exchange rate to, for example, $\$1.03 = \text{€}1$. BMW would still find this acceptable since the profit margin compensates for the exchange rate increase. Moreover, being a renowned brand, BMW can maintain stable sales. However, this could adversely affect the sales of lesser-known German brands in foreign markets. For instance, a clothing brand in Germany that lacks popularity in the US market would face challenges due to the exchange rate increase. Furthermore, this impact on sales extends beyond the US, as the US dollar serves as a global reserve currency. Consequently, the German government may opt to depreciate its currency to enhance

the competitiveness of local brands in international markets and maintain positive net exports. Currency depreciation often involves printing more money, which can lead to inflation in Germany. Similar dynamics can occur in other countries as well.

In conclusion, the global dominance of the US dollar and its role in international trade enable the United States to potentially export its inflationary pressures to other nations. This situation grants the US a certain level of influence, as it can continue to increase its money supply without immediate severe consequences. Consequently, the US holds a prominent position in the world economy, exerting significant power. ■





UNRAVELLING CHINA'S ECONOMIC SLOWDOWN: ASSESSING THE POTENTIAL FOR A RECESSION

By Ayush Bansal

This article aims to analyse the deepening recession that China faces, as real estate, banking, and credit crises take a toll. The government has been artificially inflating the economy. Disrupted loan rules and trade tensions endanger stability. The stimulus measures and reforms formulated aim for a balanced growth amid global impact.

Introduction

The second-largest economic powerhouse in the world, China has experienced an

impressive growth and development in the past few years. However, recent economic data and global changes have raised doubts about the prospect of a Chinese recession. The Chinese government tried to artificially inflate the economy. But the country continues to develop while experiencing a succession of crises, specifically the Real Estate Crisis, the Banking Crisis, and the Credit Crisis, all of which are happening at the same time. The crisis is so big that China's bank five has already crashed and its growth rate

change drastically fell to 2.992% (approx.). It also grapples with a multitude of structural challenges, encompassing an aging population, escalating labour costs and a mounting debt burden. These factors have exerted pressure on the economy, impeding productivity and hindering long-term sustainable growth. This article takes a close look at the causes of China's economic downturn, its potential ramifications, and the efforts taken by the Chinese government to mitigate the dangers involved.

Banking Sector

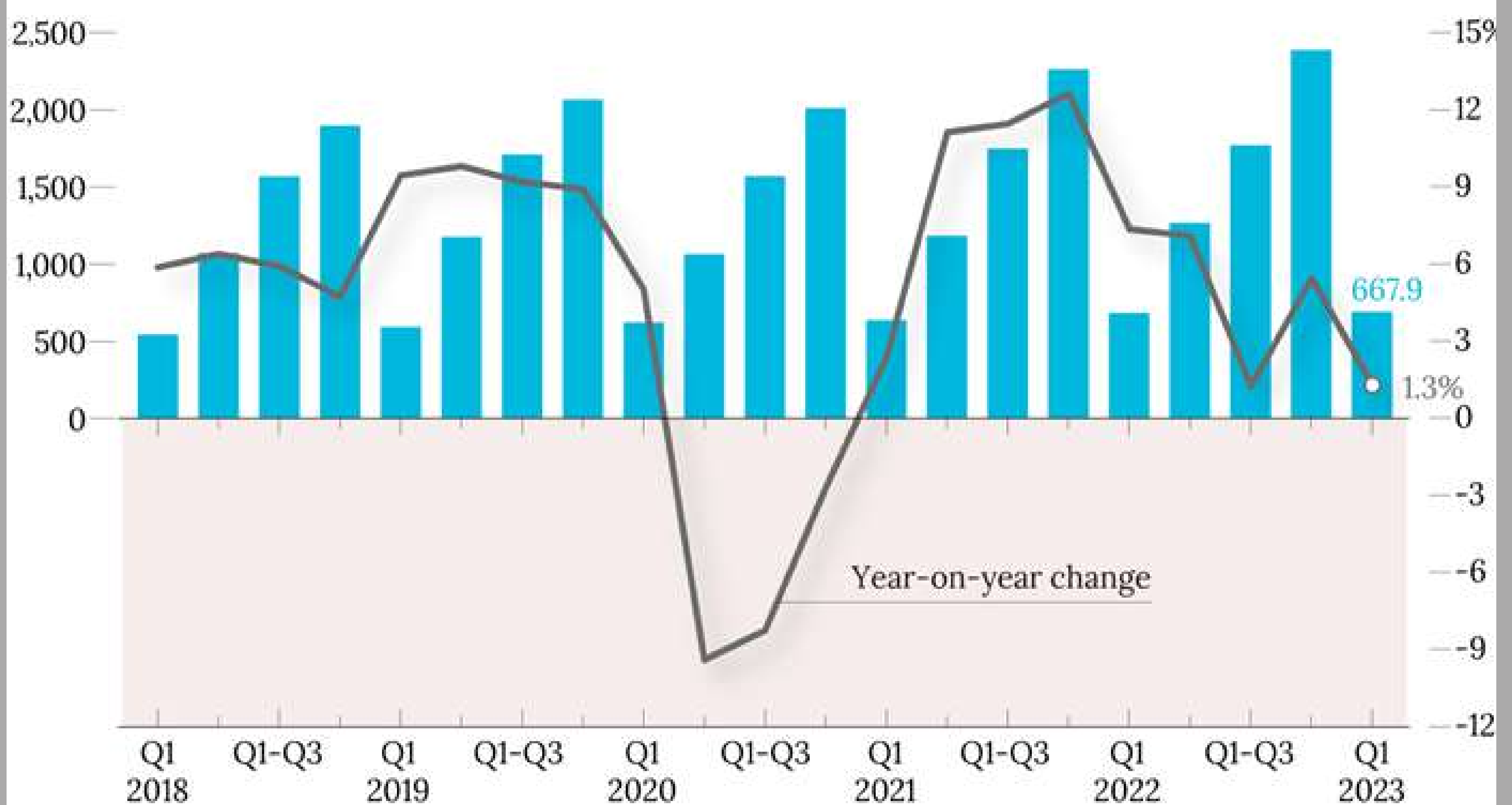
Due to the recent enforcement of rigorous rules and restrictions on the loan sanctioning process, China's banking system failed.

This resulted in the hard approval of loans to businesses, setting the stage for a difficult business cycle

Small businesses, which contribute 60% (approx.) to the total GDP value, are therefore running out of money. Moreover, the persistent trade tensions between China and the United States have exerted a substantial impact on the Chinese economy. The imposition of tariffs and trade barriers have disrupted supply chains, impeded export growth, and adversely influenced the investors confidence. China's elevated debt levels, particularly within the corporate sector, have raised apprehensions regarding financial stability. A recession could potentially trigger defaults and financial stress, thereby causing ripple effects in both domestic and international financial markets.

Chinese Banks' Net Profit Growth Slows

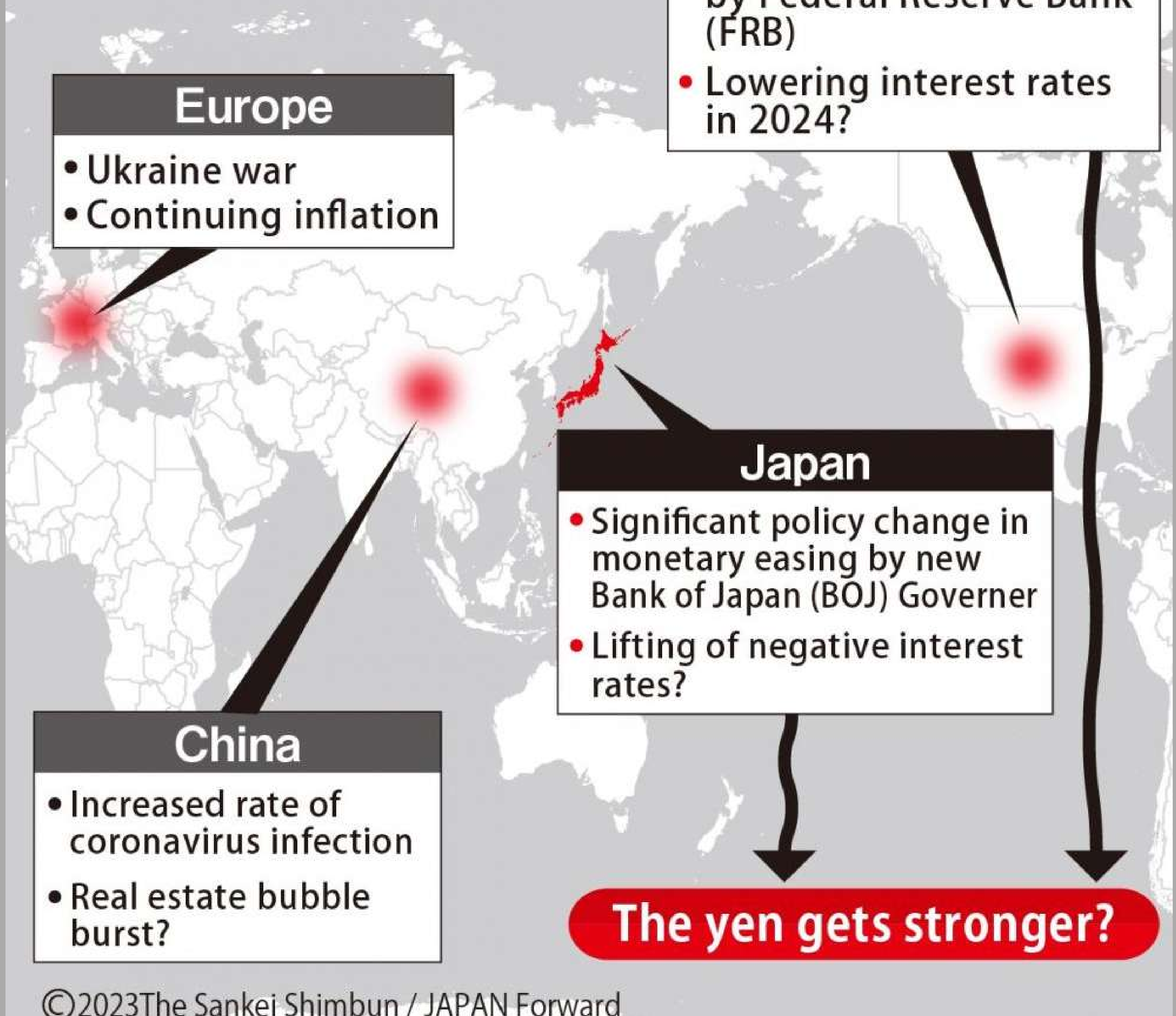
Unit: billion yuan



Sources: China Banking and Insurance Regulatory Commission, CEIC

Caixin

Risk Factors in the 2023 World Economy



unfinished projects rose, while stricter bank credit policies led to a decline in the acquisition of the completed projects. Considering China's extensive integration into the global economy, a recession within its borders would undoubtedly result in wide-reaching spillover effects on a global scale. Such effects could disrupt global supply chains, hinder the flow of international trade and adversely affect overall global economic growth.

Shadow Banking

To tackle the problem, China's banks gave unauthorized loans to business houses, with exorbitant interest rates known as shadow banking. This stimulated the economy. However, China's monetary policy limited the banks' ability to operate illegally and banned or restricted all such practices, further weakening the domestic demand. Investments and exports have been crucial to China's economic growth. However, domestic demand has displayed signs of weakening, manifested through sluggish consumption and a deceleration in the real estate market. Such circumstances obstruct the sustaining economic growth. This would further lead to an economic

downturn in China, and a surge in unemployment, particularly in sectors affected by trade tensions and structural challenges. This, in turn, may have social implications, including potential social unrest and strain on social welfare systems.

Real Estate Sector

The financial and monetary sectors have been hurt worse by discussions of China's real estate market. As a consequence of reduced credit availability within the banking sector, construction companies are offering unfinished projects at lower prices compared to the completed ones. Also, due to the Wealth effect, as the purchasing power of the general public increased, the number of

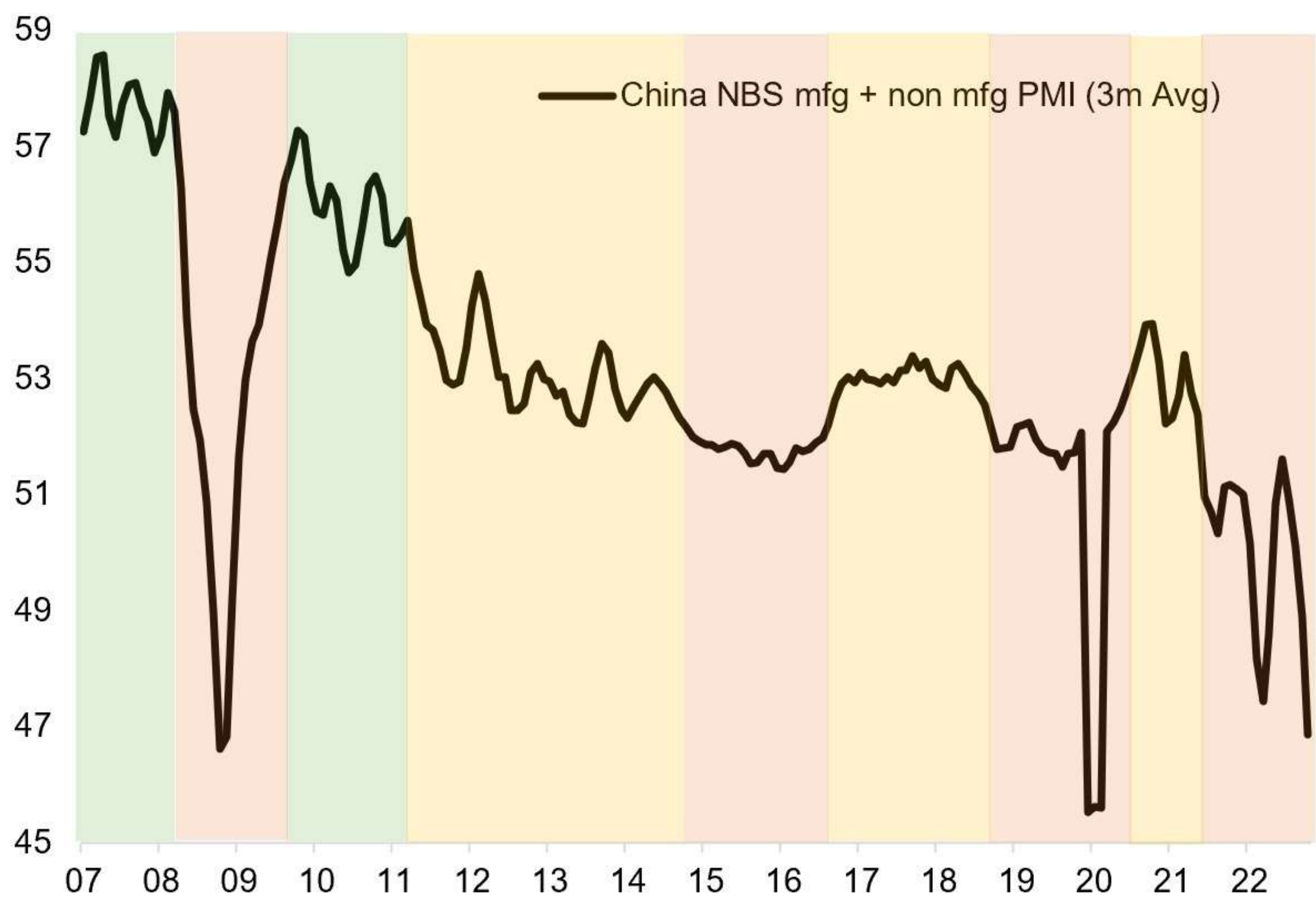
Consequently, economic growth became imperative to recognize the potential ramifications of a downturn in China's real estate sector and its subsequent implications on the global economic landscape.

Risk Factors in the Global Economy for 2023

Investors expect changes in the market as the Bank of Japan shifts its policy, attracting Japanese capital. BOJ's actions depreciated the yen and led to outflows. Rising Japanese inflation strengthens yen, impacting stock selection and prompting potential mergers. Higher rates and stronger yen trigger market revaluation, addressing undervaluation.

China business confidence

(Combination of manufacturing and non-manufacturing PMIs, smoothed 3m)



Source: Topdown Charts, Datastream, NBS

topdowncharts.com

exports resulted in a marginal decrease of 1.5% (approx.) in India's bilateral trade with China, settling at \$113.83 billion, as compared to \$115.42 billion in 2021-22.

Remarkably, the United States emerged as India's foremost trading partner in FY23, with a bilateral trade volume of \$128.55 billion, according to the provisional data. Also because of the credit crunch, the manufacturers in

Government's Actions

However, to address the economic slowdown and mitigate the risks associated with a potential recession, the Chinese government has implemented several measures.

The government has introduced targeted fiscal stimulus measures to bolster domestic demand. These measures comprise tax cuts, investments in infrastructure, and policies aimed at promoting consumption. China's central bank has made adjustments to its monetary policy, including interest rate reductions, lowered reserve requirements, and the provision of liquidity support to banks. These measures are intended to facilitate lending, stimulate investment, and uphold financial stability. The Chinese government has placed significant emphasis on the execution of necessary structural reforms to address long-standing issues and foster sustainable growth. These reforms primarily

These reforms primarily focus on reducing excess capacity, fostering innovation and technological advancements, and enhancing the business environment.

Effect on India's Economy

The ongoing banking crisis in China is expected to have an impact on the economy of India. Based on the preliminary data provided by the commerce ministry, India's exports to China experienced a significant decline of approximately 28%, amounting to 15.32 billion during the fiscal year 2022-23. Conversely, imports from China witnessed a moderate increase of 4.16%, reaching \$98.51 billion during the same period.

Consequently, the trade gap between the two nations expanded to an unprecedented level of \$83.2 billion in FY23, surpassing the previous figure of \$72.91 billion recorded in 2021-22. The decline in

China are not able to produce the desired output. The lack of supply combined with a non-transparent government could automatically make India a favourable place for foreign direct investment.

Conclusion

In conclusion, while the prospect of a Chinese recession continues to be worrisome, it is important to recognize the proactive steps and policy actions taken by the Chinese government to reduce risks and maintain economic stability. China strives to navigate these headwinds through ongoing reforms and targeted stimulus, striving to establish a balanced and sustainable trajectory of economic growth, despite the persistent hurdles brought on by current trade conflicts and structural issues. One could learn more about the potential course of China's economy in the coming years by observing the changes in the situation and by staying aware of global economic dynamics. ■

SOCIETY

3

A vibrant, abstract painting with a central figure in a blue and white garment, surrounded by yellow, green, and red elements. The style is expressive and textured, with bold colors and visible brushstrokes. The figure appears to be lying down or in a reclining position, with a head that is somewhat obscured or merged into the surrounding colors. The background is a mix of bright yellow, teal, and red, creating a dynamic and energetic composition.

CULTURE

TRAVESTY OF LIFE AND DEATH— THE CORPSE BURNING DALITS OF BANARAS

By Ananya Mishra

The contemporary city of Banaras has been traditionally known by several names, one of them as Mahashamshan, the greatest cremation ground. Intrinsically linked with the celebration of death, the source of ultimate pilgrimage (teerth) for Hindus. The article discusses the intercommunity dynamics by providing the socio-economic study of the "Dom community". Analysing the important proposition of power structures within the intergroup relational boundaries

Introduction

Death is the permanent cessation of all imperative functions: end of life, breaking down of dreams, shattering away all hopes. You realise how far removed you are from the essence of death when you climb down the stairs onto the banks of the burning ghat (Manikarnika) in the oldest city in India; navigating through a maze of funeral pyres heaped with dead bodies. Fizzling, steaming, and spitting orange embers into a pitch

-black night, and feel your heart throbbing to the metronome of bells.

Another fire blazes on Dashashwamedh Ghat, less than a kilometre away as participants of Ganga aarti raise their patras up to the sky, towards the God. A crowd of hundreds sits mesmerised; carefully observing the dexterity of hand movements. Ganga Aarti causes rising stimulation of senses ranging from the calming scent of incense wafting through the air to the blazing fire of the lamps. It brings people into a frenzy of emotions, leaving them with a lasting sense of warmth and tranquillity. Varanasi becomes a land which paradoxically celebrates both death and life.

Death as a Celebration

According to the ministry of tourism (GOI), Varanasi witnesses around 8.5 million tourists per year, a quarter of them arrive for the significant purpose of cremating the dead bodies of their loved ones. Death is the biggest attraction. As per the Hindu mythology, people who are cremated in Varanasi, achieve 'Moksha', or liberation from the cycle of life and death.

Elsewhere in India, the cremation ground is a polluted place, remotely located at the periphery of the city. However, in Varanasi, you can find them adjacent to the holy ghats, amidst the busy streets, routinely normalised by the public.



Image source: planetofhotels.com

The main keepers or caretakers of the light that ignites the pyres are the Doms. The folklore states that Doms were originally Brahmins who received the impure corpse-burning curse from Lord Shiva for stealing his wife Parvati's earring. Since that time, the Dom community has been forced by fate to perform one of the most abhorrent and despicable tasks. Another legend concerns Kalu Dom, the forefather of the current Dom Raja, who has been credited with helping Raja Harish Chandra to obtain employment while under his guidance, earning the Dom community an extraordinary level of respect. The Dom community's rulers grew to see Kalu Dom as their most enduring representative. Today, about 40 families from this community reside around the town's two main cremation grounds i.e burning ghats – Manikarnika and Harishchandra ghat.

Historical Ostracization of Doms

Doms belong to the lowest rungs of the Dalit community. Even in the twenty-first century, Doms have not received any significant assistance from the government; they continue to be marginalised by society and suffer a very miserable existence. Apart from the Dom raja, others do not have suitable living facilities. The population lives in appalling conditions with almost no access to any sanitation or health care. The social ostracization created by the upper caste gets further aggravated by the presence of 'Internal dichotomy' within the Doms.



Image source: News18.com

People from this community are tied under a stringent mechanism known as 'Paari system'. It aims at crediting the fair chance to each member of Dom community for serving the last rites. Essentially termed as a work distribution system, it provides a certain number of days to work (paari), which means chance within a year to each family. Some get 4 days, few 10 while a lot never get any opportunity. For the rest of the year, they work under the Paari (chance) of other Doms. It creates a hierarchical division, a binary, few families being more privileged vis a vis hard toiling workers who constitute the majority. Here, those who have favourable relations with the 'Dom Raja' get the maximum days, often over 100 days, therefore, becoming the 'elites'. The power dynamics within the occupational system is most visible. An ordinary worker suffers from a variety of health issues ranging from respiratory and vision disorder, owing to the unbearable heat and smoke which emanates from the burnt corpses.

An average cost to be paid as fixed by the municipal corporation of Varanasi is Rs 200. Yet they manage to receive extra contributions in the form of gifts, alms, or money from the family of the deceased. All this goes to the paari holder, alienating others as mere bonded labourers.

Conundrums within the Community

It is the Dom raja who keeps the record of the number of paari which each Dom receives and wields major influence over them. The sacred fire which is the first step towards the rites of a corpse comes from the family of Dom Raja. The family members first pay some tribute while visiting Mukti Dham (a place where sacred fire is kept alive by Raja's family). Most of the time they are coerced to choose this occupation owing to the ascribed status of their caste. Close to the area of ghats, they cannot drink the water directly through the jugs used by everyone in the shops.

Same happens with the elite Doms or Dom Raja too, the upper caste elites resist to drink or eat from their household.

Many members consider it to be their fate, normalising the exploitative system of casteism and hierarchy, considering themselves as historically chosen for the occupation. It gives them a sense of

immense pride while leading the way that provides 'Moksha' (heaven) to others. Around the narratives set by the ideological framework of 'vanity' as set by Doms, it produces two principle points.

Firstly, narrowing down the aspect of blatant casteism as a cultural myth. Creating a sense of false

consciousness and resisting them to put efforts towards demanding change for their upliftment. It legitimises the dehumanising practices such as untouchability with an even higher degree. Secondly, it blocks the class consciousness among the labourers who do not question the exploitative nature of occupation which they have been performing with immense pride.



Image source: The logical Indians

However, a lot of Doms who have a sense of pride for their work, do not wish the same for their children. Unfixed working hours, no organisational protection or social safety nets pulls them back from letting their posterity engage in the traditional occupation. Hardly do we find any textual or literary references mentioning the struggles faced by this community. Masaan, directed by Neeraj Ghevan, released back in 2015, tried to sketch the nexus between 'reality and reliability', challenging the modern notions of egalitarianism.

It wonderfully conceptualised the caste-initiated troubles and involuntary surrender to caste based instructed jobs and norms. Although it failed to set record breaking performance in the popular media, it did show a way to put up the miseries of the caste system gallantly. Dalit political parties which claim to create a homogeneous identity for Dalits have failed miserably to represent the diverse subsections within the group. The excluded sections such as Doms belong to the margins while communities like Cobblers and Pasis(Watchmen of feudal lords) have grabbed the maximum space. At the same time castes such as Dom(corpse burners), Hela(sweeper), Musahar(who make items from leaves) have been historically marginalised since they don't form a significant fraction of the vote bank.

Hence, the ostracization emanates from all the spheres of life, both sociological as well as political, along with economical deficiency of earning meagre wages.

Conclusion

To create a better future for the Dom workers as well as their families, a consciousness must be developed in their mind to tackle the hegemonized caste divide. Only after solving their hidden internal dichotomy of unjustified Paari system, they might be able to challenge the Brahmanical caste

system which has rendered them vulnerable. The corpse burning Dalits deserve equal stake both in social and political upliftment; shattering the barriers of inequality and normalised discriminatory behaviour as imposed by the masses. ■

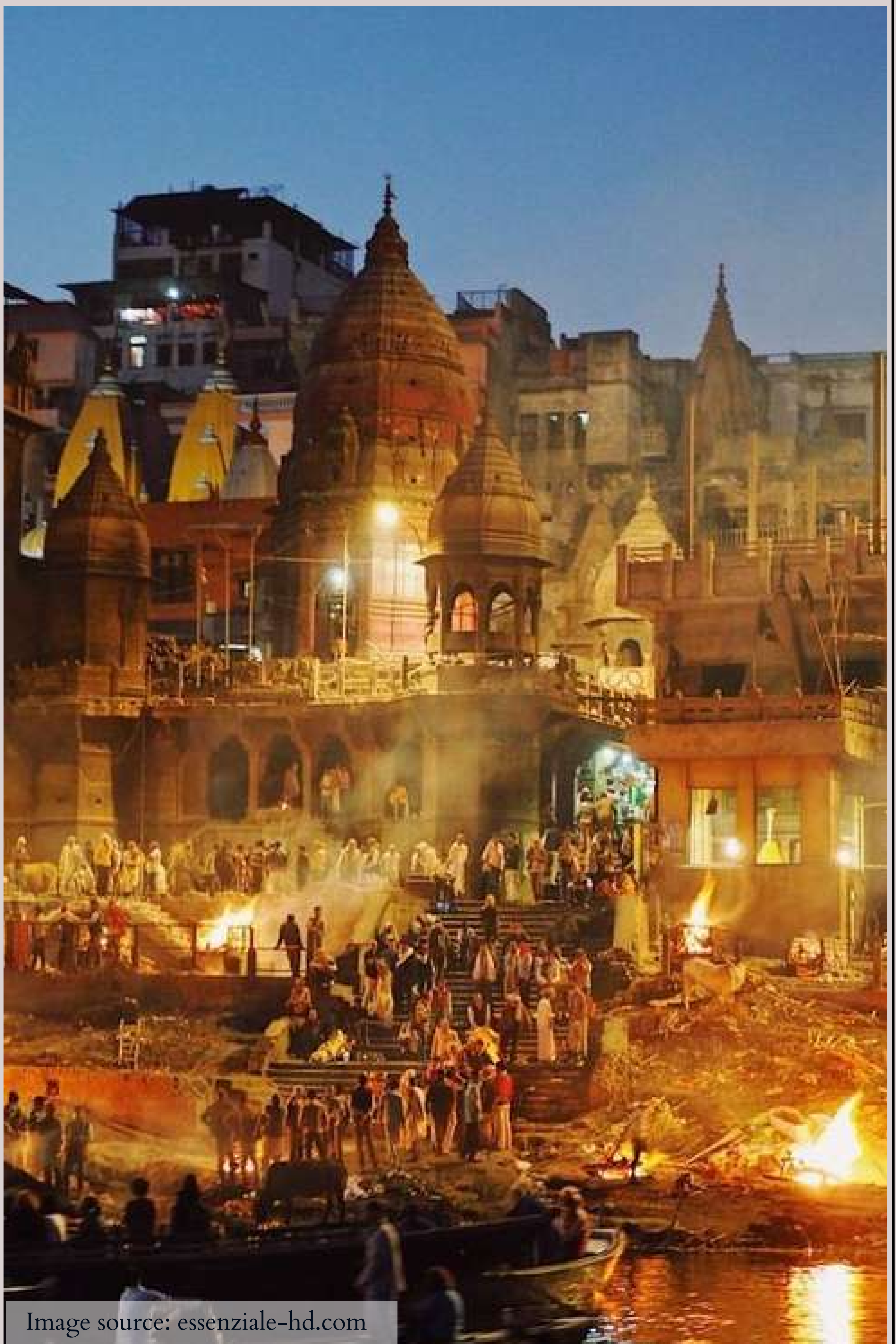


Image source: [essenziale-hd.com](https://www.essenziale-hd.com)

THE ECONOMICS AND GEOGRAPHY OF CREATIVITY

By Shashwat Gupta

This essay delves into the intricate relationship between economics, geography, and creativity, highlighting how economic factors such as resources, funding, and inequality, as well as geographic elements like climate, physical environment, and cultural dynamics, shape and influence the expression of creativity. It emphasizes the importance of understanding this interplay, to foster creative ecosystems, unleash human potential, and drive innovation and cultural enrichment.

When we gaze at the skyscrapers that dominate skyline, we see them jutting out like daggers plunged into the sky. Within these architectural behemoths lie the offices of the largest corporations, banks, and legal firms. The people who enter these vaunted edifices, work in finance, law, engineering, and countless others. They work not because it is their passion to do so, many of them would wish to be free of the chains of work, but because doing so is necessary to sustain their life. Deep inside every individual lies an unyielding desire to be free and liberated and unleash their creative potential; to pen the greatest poems ever written, to devour books and lose themselves in the pages of the most extraordinary of works, to create art so breathtaking and awe-inspiring that the world rejoices upon seeing it, and to sing melodies so hauntingly beautiful that would stir the deepest of emotions in Marcus Aurelius himself. These creative pursuits resonate with us at a visceral and spiritual level; to the very core of our being. They strive to bring out our strongest, most profound emotions and unravel the strings that bind our fragile selves.

Humans are filled with passion, eagerly waiting to be unleashed. We aspire to be creative because creativity is a fundamental and innate part of human nature, pervading our expressions and driving our innovations. Creativity encompasses our every move and existence; present in all aspects of life and all domains, spanning from the gentlest of arts to the most rigorous scientific pursuits.

Now, while it may look like creativity is a product of individual inspiration and ingenuity, this perception remains flawed and misguided. An idealist, driven by naivety, may decry and dismiss creativity as nothing but a coincidence and a chance occurrence, however, the universe is rarely so lazy. Like all things in life, Creativity is not independent, it is influenced by external factors, such as economics and geography.

This essay strives to explore the complex relationship between economics, geography, and creativity, shedding light on the nuanced interplay between these three. It highlights how economic and geographic factors can both foster and impede creativity. We can get insights into the influence of economics and how it shapes and enables creativity by considering factors such as support systems independent of personal and familial resources, the economic conditions and climate along with the inequality inherent to any place. Additionally, exploring the impact of geography on the physical environment, the social and cultural dynamics, along with access to the creative infrastructure helps uncover the geographical dimensions that influence creative expression. Through this exploration, we aim to deepen our understanding of the multifaceted forces that shape the creative impulses inherent to human beings and why they manifest where they do and provide a foundation for nurturing creative potential by recreating these factors, enabling humans to express their creativity and unique artistic visions to their maximum potential.



ECONOMICS

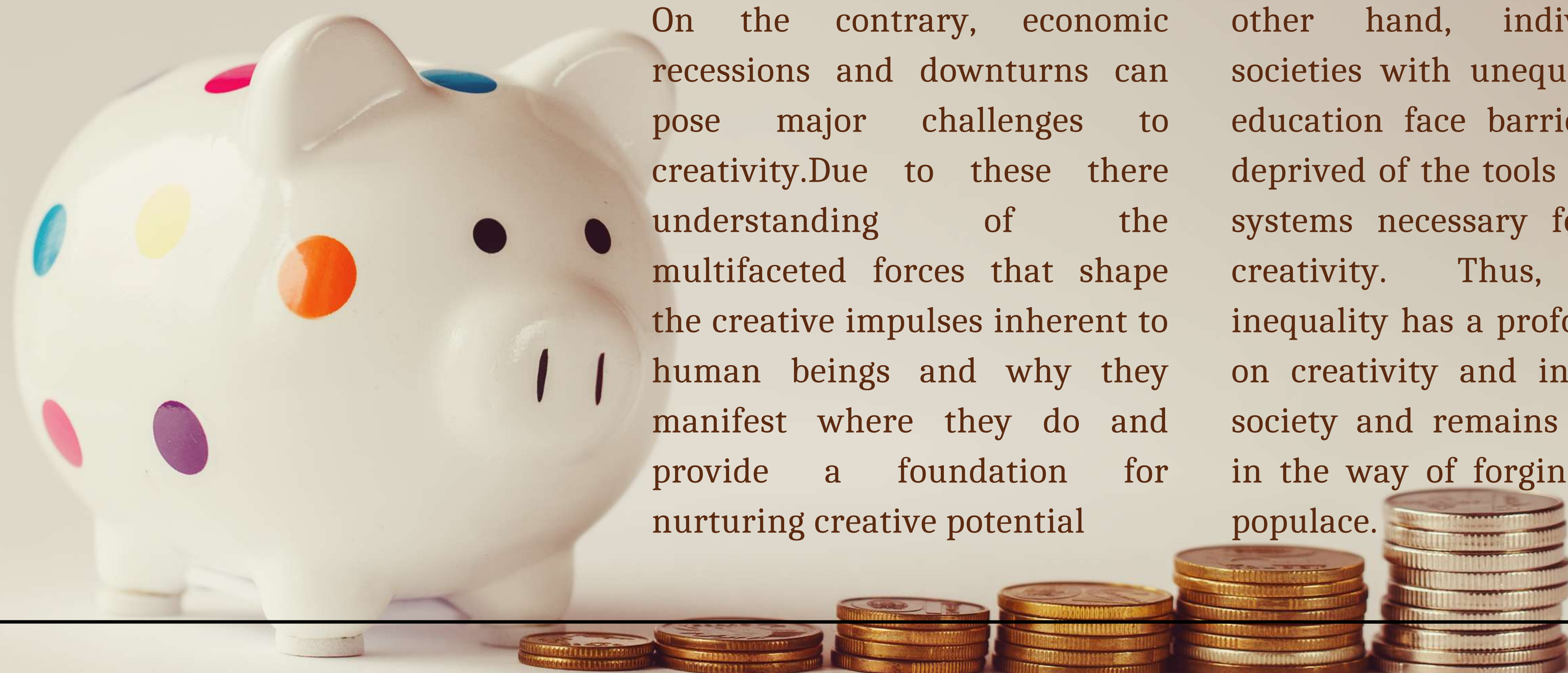
Economics plays a significant role in shaping and enabling creativity. Various factors such as support systems independent of personal and familial resources, economic conditions and climate, and the inherent inequality present in any given place have a profound impact on the ability of individuals to pursue creative endeavors and on the overall creative ecosystem.

One of the major ways through which economics influences creativity is by the availability of resources. Resources are scarce, and thus as mentioned previously, certain financial means are needed to sustain even the basic level of life. Therefore, financial resources and funding play a pivotal role in facilitating and supporting individuals and institutions in their pursuit of creative ventures. These funds and resources enable economic stability and prosperity that alleviate the concerns regarding basic needs and security, affording individuals the freedom to dedicate more time and energy to creative endeavors. For instance, artists, researchers, and entrepreneurs can secure stable housing and healthcare which allows them to focus on their pursuits and invest their money into the tools and infrastructure

required to achieve their dreams. Moreover, the existence of such support systems that extend beyond personal and familial resources is also crucial for fostering creativity, as without them only the rich would be able to pursue the creative arts. By expanding access and promoting inclusivity, these support systems help contribute towards a dynamic and thriving creative ecosystem, ensuring that talents are not lost due to financial constraints and enabling the development of open-mindedness and risk-taking necessary for creativity to flourish.

The economic conditions and climate are also crucial factors affecting creativity. During periods of economic expansion and stability, there is increased investment in the arts, cultural projects, and other creative industries due to a combination of market forces and heightened consumer demand to consume better quality content and never-before-seen experiences and products. This surge in funding and support along with favourable economic conditions helps to foster a vibrant creative ecosystem, providing resources, infrastructure, and platforms for artists, designers, musicians, writers, and innovators to thrive. On the contrary, economic recessions and downturns can pose major challenges to creativity. Due to these there understanding of the multifaceted forces that shape the creative impulses inherent to human beings and why they manifest where they do and provide a foundation for nurturing creative potential

by recreating these factors, enabling humans to express their creativity and unique artistic visions to their maximum potential. This limits the support available to creative practitioners, to a decline in the creative content being produced. People leave their pursuits in search of a stable income along with a decline in the prestige of cultural institutions such as museums and artists' workspaces. In addition to the factors already mentioned, economic inequality also has far-reaching implications for creativity within a society. Economic inequality restricts the availability of resources such as art supplies, musical instruments, or technology for the pursuit of the creative arts. Individuals who hail from lower-income backgrounds can often face struggles in obtaining these resources, which limits their ability to explore and develop their creative talents. Furthermore, economic inequality significantly affects educational opportunities, which play a key and pivotal role in fostering creativity. Quality education provides individuals with the necessary knowledge, skills, and exposure to unleash their creative potential, as they are more self-assured and do not lack the necessary skills required to become a creative hub. On the other hand, individuals in societies with unequal access to education face barriers and are deprived of the tools and support systems necessary for fostering creativity. Thus, economic inequality has a profound impact on creativity and innovation in society and remains an obstacle in the way of forging a creative populace.



GEOGRAPHY ///

Geography, whether it be physical, social, or cultural, also helps shape creativity in a significant manner. The physical environment is a pivotal element in the fostering of creativity. The climate of any place is a good indicator of creative talent. Firstly climate plays a role in influencing the cognitive abilities of a person. Extreme climate can trigger stress and lead to attempts to turn this into a tangible object. Thus more climatically demanding areas can lead to more creativity as people need an outlet along with creativity leading to the innovation needed to survive in the harsher areas. The climate also impacts the presence and diversity of bacteria and other disease-causing pathogens, resulting in varying effects on the human body as each pathogen behaves differently. These different states of the human body can either hinder or facilitate creativity under specific conditions. Illness, for example, can reduce social interaction and alter brain functioning, leading to a decrease in creative output.



However, it can also potentially enhance creativity by placing the artist in a unique state they haven't experienced before.

Physical geography also holds the power to inspire and provide resources conducive to creative expression. Natural landscapes, architectural and organic wonders along with urban centres bustling with people help evoke imaginative thinking in artists and stimulate their creative pursuits. For instance, Claude Monet was inspired by nature and how it was perceived, setting the course for impressionism in art. Even in music, from classical to modern pop, from Beethoven to Ed Sheeran, artists have always been inspired by their environment drawing upon it for their creations. Furthermore, geography also influences creativity through the interplay of social and cultural dynamics that are unique to specific locations. Every location and region is distinct and has its own identity, the community, and area being shaped by their shared history and legacy along

with the cultural traditions native to them. The cultural dynamics shape social interactions and nurture a vibrant creative community.



The diversity of perspectives and experiences inherent to any particular location enriches the creative process, which when combined with the artistic heritage of a geographic setting, gives birth to a one-of-a-kind identity that is distinct from all others. For example, the flamboyant and exuberant Carnival celebrations in Rio de Janeiro, are rooted in the city's geographical context and cultural history, and showcase the fusion of diverse artistic expressions, being a Christian celebration held in Brazil with Samba school parades, themselves an African tradition brought over by slaves. This is not the only example with Paris being a leading example. Paris has been everything, a literary haven, the birthplace of artistic movements, the fashion capital to centre for bleeding-edge political thought. It has attracted people from all over the world with the city's atmospheric streets, intellectual salons, and architecture along with its unique populace all merging to give the city's unique charm and cultural milieu. Paris continues to be a source of inspiration for contemporary writers, with literary events, bookshops, and libraries that uphold its literary legacy.

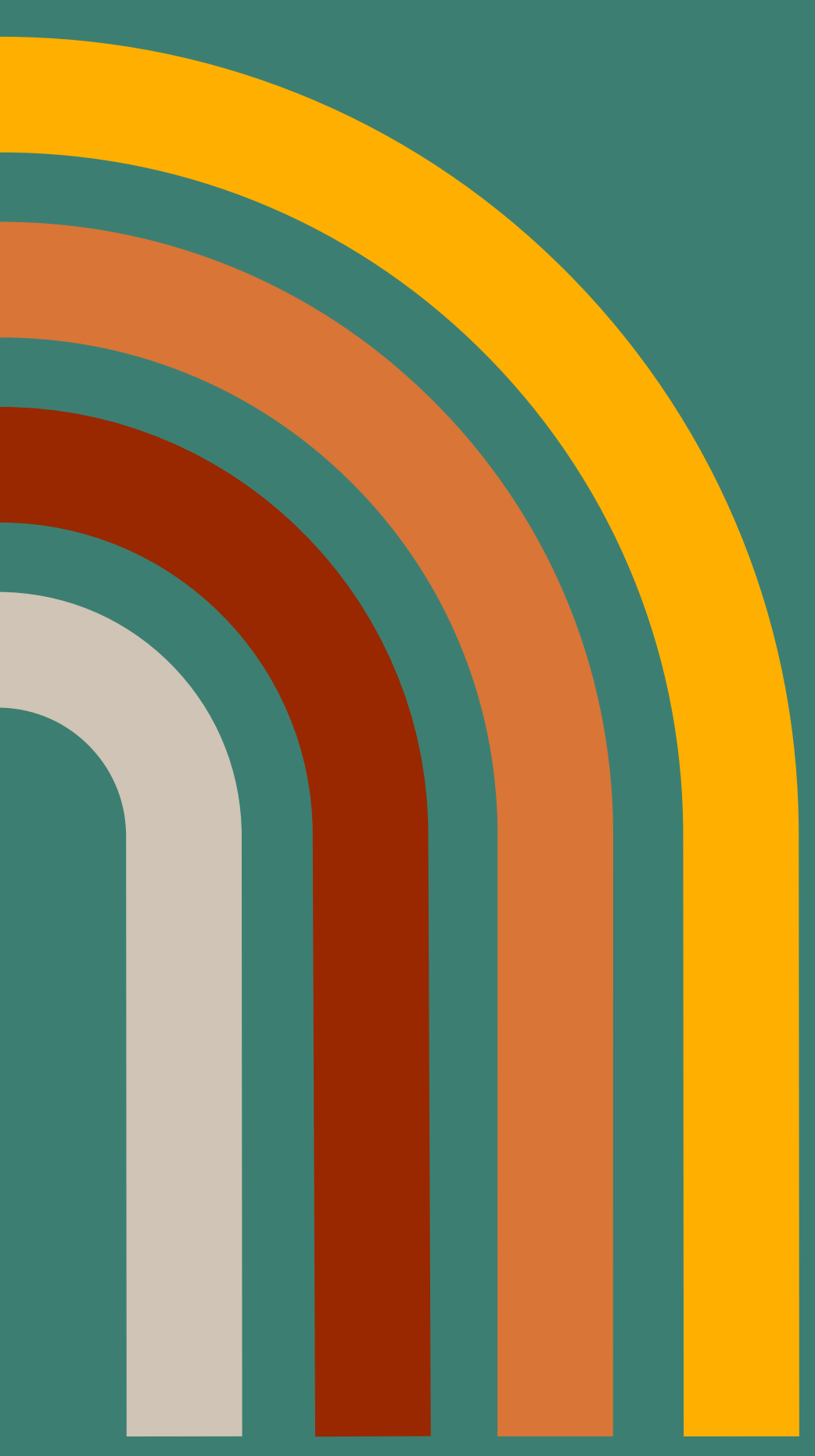
Interplay Between Economics and Geography

Economics and geography are interconnected, with both being highly intersectional fields of study. Similar to two intricately intertwined dancers, economics and geography are distinct fields that together create something unique, influencing creativity in unseen ways. Economic factors play a crucial role in dictating the spacial distribution of creativity. Regions with thriving economies and supportive policies attract creative industries, resulting in a concentrating and clustering of talent and resources. These creative hubs are often major cities, such as New York, London, Seoul, Delhi, etc., and serve as magnets for individuals seeking opportunities for their creative endeavours.

Conversely, recessions and structural changes in the economy can have an adverse and detrimental effect on creativity in specific geographic vibrancy of a location

settings. Unemployment, limited economic prospects, or even socioeconomic setbacks can lead creative individuals to migrate toward more prosperous and flourishing regions and causes a brain drain along with a decline in the creative output in the local region. This not only negatively impacts the economy but also diminishes the creative. Additionally, economic policies and urban planning play a reciprocal role in shaping the physical geography and social dynamics of a region, significantly influencing its creative potential. Effective investments in cultural infrastructure, urban revitalization, and the promotion of creative industries contribute to the growth of a thriving creative ecosystem within a geographic region. Conversely, neglecting these crucial aspects impedes the progress and development of creativity within a community, leading to fewer opportunities for creative pursuits.





Conclusion

Thus it can be concluded that the interplay between economics and geography significantly impacts creativity. Economic factors determine the availability of resources, funding, and market demand, shaping the opportunities accessible to foster creativity and develop a creative populace. Meanwhile, geography provides the physical and socio-cultural context necessary for creativity to emerge in unique ways, encompassing diverse elements and the availability of creative infrastructure.

Understanding the influence of economics and geography on creativity provides policymakers and communities with valuable insights on how to foster creative ecosystems. Promoting economic prosperity, reducing inequality, investing in cultural infrastructure, and encouraging collaboration across diverse geographic regions are vital steps toward unleashing the full potential of human creativity and pushing the boundaries of the creative arts beyond their limits. By recognizing and nurturing these interconnections, societies can unlock the transformative power of creativity, propelling innovation, social progress, and cultural enrichment. ■



Economic factors determine the availability of resources, funding, and market demand, shaping the opportunities accessible to foster creativity and develop a creative populace. Meanwhile, geography provides the physical and socio-cultural context necessary for creativity to emerge in unique ways.



POLICY &

GOVERNANCE



UNCLEANER ASPECTS OF "ENVIRONMENT FRIENDLY" EVs

Evaluating the environmental impacts
of the EV technology

By Alona Yadav

Substituting the ICEs with
BEVs would mean shifting
the site of emissions from
tailpipes to the site of
mineral mining and battery
production

Recent changes in global climatic conditions with a mercurial rise in average surface temperature is an alarming situation for policymakers and governments worldwide. Linked to this is the infamous phenomenon of global warming whose rising levels retort directly to the activities causing a continuous rise in Green House Gas (GHG) emissions.

Allegations for causing this temperature rise are levied directly against CO₂, which contributes to more than half of all Green House Gases. More pertinent is the fact that 14% of CO₂ emission arises from transportation activities and this number will rise to several million tons in the coming years. Thus, the urgent need to migrate to cleaner alternatives of transportation has caused a surge in the automobile market. The newer systems of

Electric Vehicles (EVs) use electricity to run the engine by means of a battery. (EVs) are helpful to the environment as they emit low-to-zero levels of Green House Gases (GHG) while operating, unlike Internal Combustion Engines (ICE). Vehicles with Internal Combustion Engines(ICE)derive power from the combustion of fossil fuels like diesel or petrol, thereby emitting Green House Gases while driving the vehicle. Undoubtedly, EVs produce fewer emissions than ICE but Life-cycle analysis of EVs reveals that they produce concerning amount of emissions at their various stages of production and power generation than while operation.

Many countries and organizations are promoting EVs as the most efficient way of achieving net zero emissions without weighting the social costs it imposes This raises the ethical question of whether EVs can be considered the ideal replacement for Internal Combustion Engines to reduce Green House Gas emissions and achieve net-zero-emission goals.

Global markets are seeing a transition in their sales pattern with EV sales increasing due to various incentives and policy initiatives offered by governments, to promote a coherent ecosystem for this thriving industry.



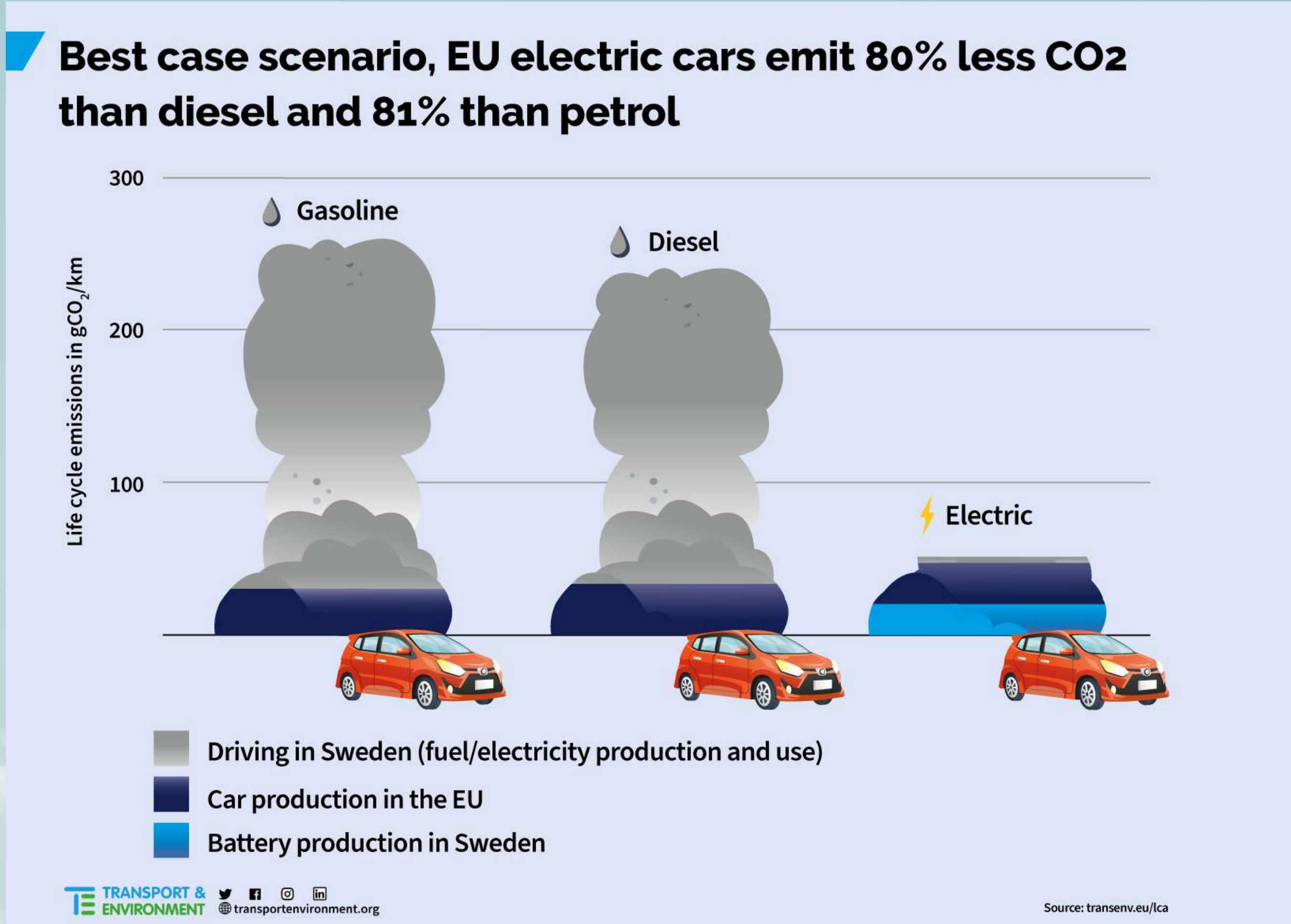
According to International Energy Agency, global EV sales are expected to rise from 3 million in 2017 to 23 million, a 666% rise by the year 2030. Even the traditional automakers are gearing up for this transition. General Motors, Ford, and Mercedes Benz have announced a complete migration from ICE to EVs by the end of 2035.

The Indian EV market is also making brisk business. Close to 0.32 million vehicles were sold in 2021, up by 168% year on year. Brands like Tata Motors and Mahindra seem to top the Indian market, making up for 80% of E- car sales in India

with preferences for Hybrid EVs over Battery EV.

In 2010, India took its first step to boost the domestic manufacturing of EVs, when the government announced an incentive worth Rs 95 Cr. Subsequently, a scheme announcing Faster Adoption and Manufacturing of Electric Vehicles (FAME) was presented in 2015 with an initial outlay of Rs 75 Cr. As a follow-up, in February 2019, the Union Cabinet cleared a Rs 10,000-crore program under the FAME-II scheme. This scheme came into force from April 1, 2019, with the objective to encourage faster adoption of electric

and hybrid vehicles by offering incentives for the purchase of electric vehicles and also by establishing necessary charging infrastructure for EVs. The government also introduced Production Linked Incentive for Advanced Chemistry Cell Battery Storage (PLI-ACC) scheme. The scheme is expected to boost India's battery infrastructure.



Various measures taken by the governments to push EVs in the market come at the cost of other hazards posed by the use of EV technology. While considering the vehicular emissions made during the working of the vehicle engine, EVs stands true to its claims of net zero release because battery operations do not produce any direct emission, unlike the ICEs. But a comparative analysis of the lifecycle emission of both EVs and ICEs shows that a sample Battery Electric vehicles (BEVs) model produces 47,655 Kg of GHG emissions, whereas the equivalent ICEs produces 61,800 Kg. This gives BEVs a 23% environmental advantage over ICEs, but it does not make them guilt free from the hefty amount of indirect emissions they produce in their lifetime.

Thus, it becomes crucial for both the consumers and various stakeholders to critically evaluate the drawbacks and loopholes

in adopting the EV ecosystem as the replacement for ICEs. To compare, the emission rates produced by both systems not just while driving, but through all chain of activities, right from mining/producing batteries to the transportation and distribution costs, helps us understand the main areas of contention. In industrial parlance, it is known as well-to-wheel emission. It covers upstream and downstream activities starting from battery manufacturing, vehicle Manufacturing, power generation and, day-to-day running of the vehicle.

Most of the Electric vehicles today, use lithium-ion batteries which typically contain 8 kg of Lithium, 35 kg of nickel, 20 kg of manganese, and 14 kg of cobalt. India imports bulk of these resources from South America's salt flats in the Andean region. Since the production of

Lithium-ion batteries is 50% more water-intensive than traditional ICEs, it puts a lot of pressure on the regional local farming activities. Mining cobalt produces hazardous tailings and slags that can leach into the environment, and studies have found high exposure in nearby communities, especially among children. BEVs generate a host of secondary environmental impacts and has 3 times greater Human Toxicity Potential. Substituting the ICEs with BEVs would mean shifting the site of emissions from tailpipes to the site of mineral mining and battery production.



Considering the social cost of manufacturing EVs and ICE vehicles, some claim that both cases emit nearly the same emissions in the process of production, as most of the body parts are shared by both the type of vehicles, like chassis systems, low voltage electricals, infotainment, seating, etc. Whereas Volvo, the Swedish automaker claims that building an EV produces 70% more emissions than ICE. This however may vary from each manufacturer and has a lot to do with the suppliers and supply chains.

The major factor that raises the overall level of GHG emissions for EVs can be attributed to the sources used for power generation. Electricity derived from coal or other Non-Renewable sources of energy emit high levels of CO₂. The Indian subcontinent is still heavily dependent on coal, which accounted for more than 70% of the total

electricity generated during 2018-2019. The contribution of greener sources of electricity makes up for only 7% of India's total 1376 TWh of electricity demand during the same period. This indicates that India's short-term power sector trend is unlikely to be consistent with a net-zero emissions trajectory. Therefore, the power generation mix must be adequately decarbonized to enable deep reductions in GHG emissions from the EV sector.

Recycling discarded e-wastes and Lithium-ion batteries is another challenge faced by many countries. The current recycling rate in many countries is less than 1%. By contrast, lead-acid batteries are recycled at a more than 99 percent rate in the United States and European Union.



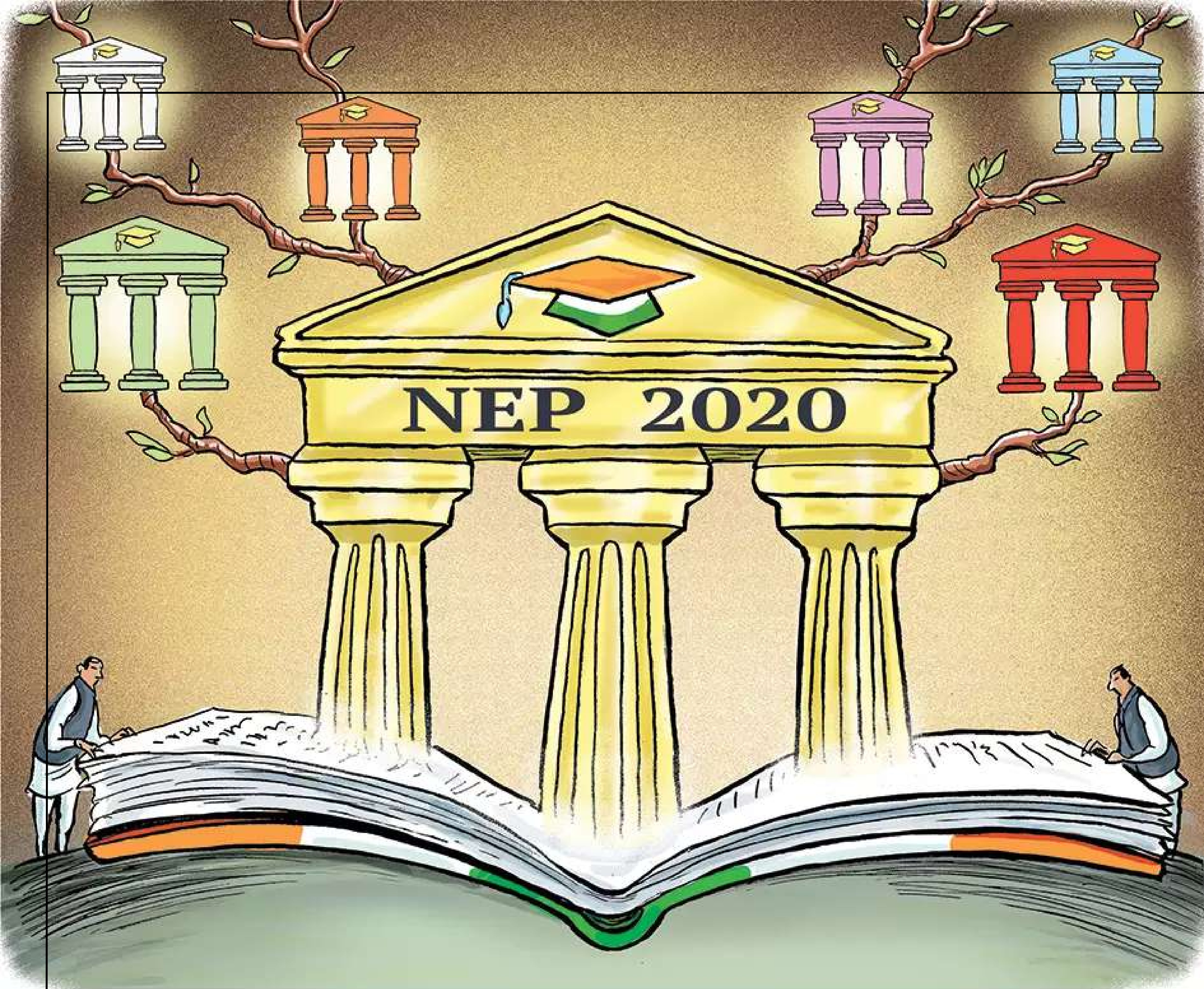
Notwithstanding the emissions produced by BEVs, they still are a better alternative to traditional ICEs. On an overall basis, Electric Vehicles' efficiency stands at 77% compared to 13% of ICEs cars. This means EVs are 6 times more efficient compared to Petrol or Diesel ICEs cars.

To improve the prospect for BEVs, India must integrate its mobility transition plan into a broader framework to ensure that implementation leads to a deep reduction in overall GHG emissions. Clean energy intake should be required for electric vehicles to run emission-free.

Moreover, energy production must be devoid of fossil fuels. Hence, strategies to electrify future passenger transport in India must involve developing energy efficient BEVs and deep decarbonization of the power sector to ensure an overall reduction in GHG emissions. ■

EV Charging





CHANGED EXAMINATION PATTERN AFTER THE NEP

By Namasya Verma & Srishti Maurya

Rat race, a term that has increasingly been associated with the Indian education system since a long time, was thought to come to an end with the introduction of the New Education Policy (NEP) in 2020. One of the crucial steps taken under the NEP was the introduction of the Common Universities Entrance Test (CUET) which was made mandatory for admission in all the central and a few private universities of the country. Some universities like the University of Delhi also introduced the FYUP i.e., the four year undergraduate programme under the NEP from 2022.

Consequently, a new batch arrived in November 2022 having taken the first CUET, and expecting a fun and happening college life. However, the changes that the policy brought about day by day were not at all anticipated or comprehensible.

Changes in Papers

The NEP firstly changed the number of papers and amount of credits that every student received in the first semester. The previous CSAS pattern having a total of four papers with two cores, one generic elective and one AEC (Ability Enhancement Course) was now changed to a total of seven papers. The NEP increased the number of core papers to three, and apart from GE and AEC, also added two additional papers called VAC (Value Addition Course) and SEC (Skill Enhancement Course), all in the first semester itself!

However, with a positive attitude, the students approached the papers with the aim of learning

something new. But, confusion stood rampant as there were no clear guidelines about the syllabus or the marks of the examination. Classes were not conducted regularly and professors were themselves not sure of the sources or ways to approach the said papers.

Assessment Patterns

As the erstwhile assessment pattern went, all papers had a maximum mark of 100, which was divided into a theory and practical component. The theory component of the paper had a weightage of 75%, while the practical marks were given out of 25. However, just one week before this batch was to sit for their practical examinations, the entire assessment pattern was changed. Now, the maximum marks for the core and GE papers are 160, while those of AEC, VAC and SEC are 80. Under the NEP FYUP assessment pattern, the theory component was allotted 90 marks while the practical and internal assessments had to be conducted for 70 marks. This was done to ensure more weightage to the practicality of the papers. However, the haste with which the entire pattern was implemented led to the students facing a lot of issues before and during the examination. Not only this, the guidelines of a few papers kept changing very frequently which created confusion among students and professors alike.

Other Difficulties Encountered

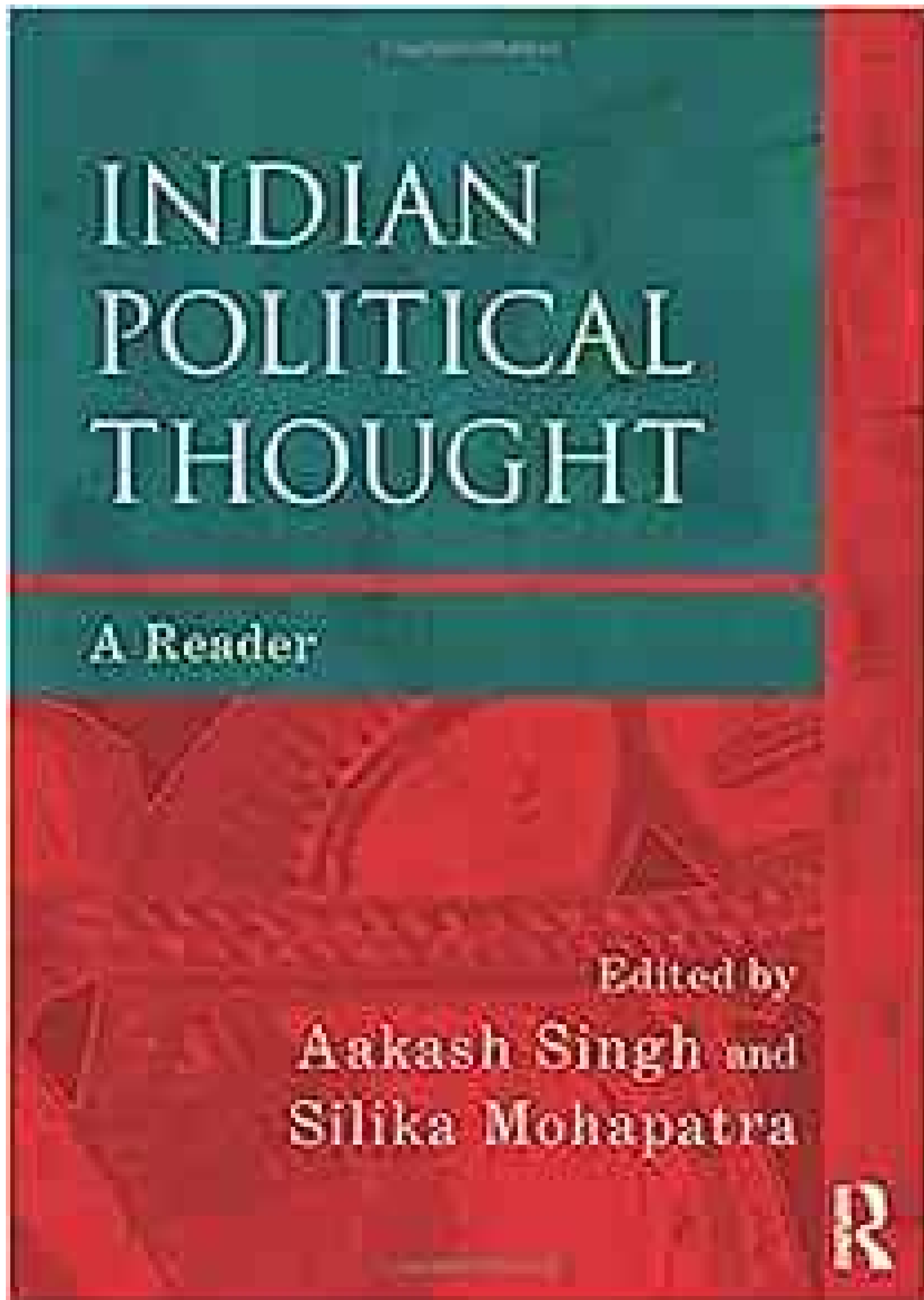
NEP FYUP brought about changes

in the AEC subjects too. Earlier students had the option of selecting English as their AEC paper for one semester. Now, they only get to choose an Indian language. Though the change was brought about to promote the different languages that people speak in different parts of the country, it failed to look out for the international students who have never spoken or heard of any of these languages. For them to grasp the entire concept and sit for an exam in three months was an almost impossible task. Also, even though the VAC and SEC options were quite diversified, the crunch of time led to an incomplete understanding of concepts.

The NEP FYUP also has a few positive aspects to it, like the provision for multiple exit points and more emphasis on practical knowledge. The policy makers want to adopt a global system of education which promotes overall development but they are still in debate, which has caused conundrum. Subject choices are to be made based on one's interest but the lack of proper guidelines makes the entire process very difficult. AEC is a great initiative of promoting proficiency in Indian languages but from the perspective of any foreign student the language barrier is still present which poses a problem. Thus, alternatives need to be adopted. The newly introduced skill and value addition courses are also beneficial for inculcating day-to-day values in students. However, the failure of the administration to first put forward a concrete plan for its implementation has currently overshadowed all the good that the New Education Policy was visioned to carry. ■

REVIEWS



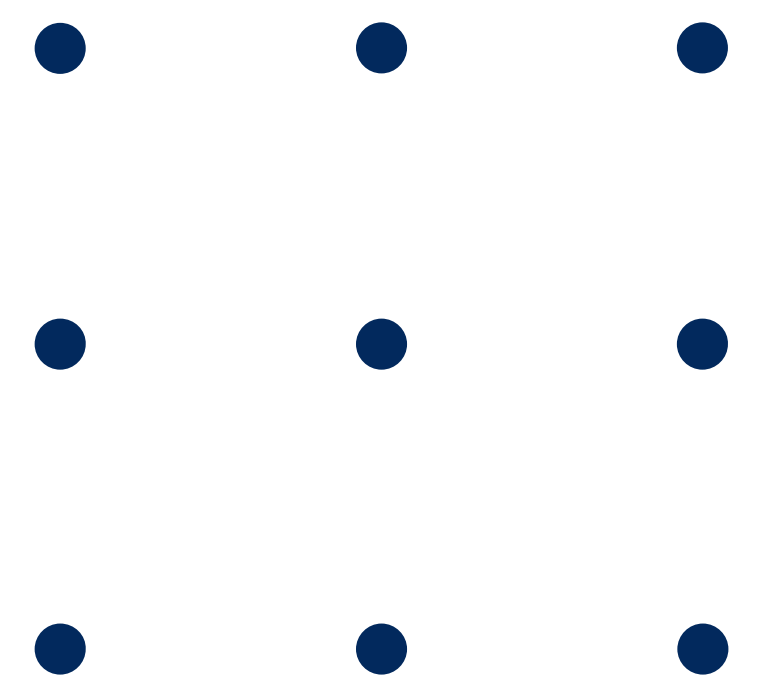


BOOK REVIEW

INDIAN POLITICAL THOUGHT BY AKASH SINGH RATHORE

*The much needed critical
evaluation of nativist Political
Theory*

By Nitin Vrihaspati



Akash Singh Rathore in his academic work 'Indian Political Thought' explores the broad contours of orientalist retelling, nationalist historiography as well as rich and varied examples of contemporary political developments to define the nature of the much sought political theory in the Indian Tradition. Rathore's main aim is to conceptualise native political thought devoid of transatlantic categories and anglicist hegemony to give a certain shape to the hazy social fabric of Indian political theory. The genesis of such an intrinsic political theory, at least in Rathore's view, relies on the lived social and economic reality of the masses and not on the

preconceived bias of the developed world. Rathore's focal intent has the concept of Swaraj as its nucleus. Exploring this multifaceted and multi-contested concept, the author divides his book into three specific components namely 'What is political theory meant to do?', 'The inadequacy of transatlantic political theory' and finally, 'Preconditions for Swaraj', each nodule relating to a specialized aspect of the Swaraj's nature.

With the wide range of congenial pedagogical methodology spread over about ten chapters, Rathore ventures into the delineation of the core of the Indian Philosophical, Political, and Historical tradition to fabricate a

nuanced nativist political theory to enlighten the masses. The duality of criticising globalists and their perception of a theory and thought as well as challenging transatlantic-orientalist brackets serve as the central reasons for the rapid consciousness of Indian political thought. The development of such a nativist approach is in direct contrast to the transatlantic-globalised framework being employed everywhere. Rathore, in this sense, is a trailblazer, igniting the path for an integrated conscious and Indianized form of political theory and, thus, circumscribing the monopoly of Anglo-American theorists. Rathore is moderately progressive towards defining the social and political

structure of Swaraj. Creating a dichotomy between thin and thick swaraj, Rathore widens the philosophical compass needed for the understanding of both of those concepts. Thin swaraj is elaborated as a mere political give-in to the concept, while thick is extensively deliberated as containing exclusivist notions of spirituality, extensive nationalism, profound commitment to anti-modernity as well as exceptional moralism.

Rathore seeks to correlate with the Rawls view that conception or cluster of ideas is not merely political but metaphysical. In this sense, it could be argued that viewing swaraj through the lens of the conception of Ideas makes it inherently a philosophical-political proposition.

Rathore's Indic framework fundamentally perceives Indian political theory as a democratic attempt that incorporates not only core elements of Indian history but also anchors the lived reality of downtrodden masses. Thus, the author strongly formulates that the Political theory of nativist tradition needs to be rescued from the hands of self-centred and increasingly irrelevant Western thinkers who globalise the whole concept as a monolithic academic postulation without paying much-needed heed to the concept's adaptability in heterogeneous communities. Rathore argues that the Western predicament of universal political thought needs to be analytically challenged to expose the deep-rooted ascendancy hindering the dynamic promulgation of the concept as a whole. Exposing the numerous fault lines of Western thinkers serves as a necessary impetus towards the realisation of a

nativist-Indic thought.

Rathore, thus, progresses toward his main argument of understanding the structure, need, and importance of Indian Political Theory. Interestingly, Rathore doesn't define Indian Political Theory as a unilateral narrative that can be explained through a singular metric. Rathore combines Indian history, political tradition, philosophical questions, and relevant developments to structure the intrinsic core of the theory. Thus, the correlation between the Indian civilization and its key features propagated and excellently defined by Gandhi to Krishnachandra Bhattacharya's attempt of formulating the earliest conception of Thin Swaraj align together to become a part of the larger mass of the theory. The most widespread lexicon of Indian-Political dialects, namely globalisation has itself been at the centre stage of impacting the Indian Political Thought. Globalisation has contradicted revivalism to influence the DNA of the nativist thought process. The recurring theme of nativist subjugation at the cost of populist western theory dictates that Rathore seeks to imply that an Indian political theory can only be built with an independent, varied, and multi-dynamic framework whose legitimacy is determined by how the theory mirrors the lived social experiences of the masses. Rathore's thesis crystallises his main idea: instead of recreating such forms of knowledge for native concerns, Indian political theory should build its independent theory. The book's second half is devoted to contemporary social and political thinkers such as John Rawls, Amartya Sen, Juergen Habermas,

and Slavoj Zizek. Rathore examines theoretical discourses such as post-secular, post-structuralist, post-colonial, and Dalit Marxist. He claims that Habermas' Eurocentric sermon on the post-secular has no relevance in modern Indian political philosophy. Rathore also delves into political theory, such as the Ambedkarian economic philosophy, which is seldom mentioned. From Bhalchandra Mungekar's study on the effects of globalisation on Dalits, he draws a fresh and essential discovery that distinguishes Brahmanism from Capitalism. In developed Western countries, extractive capitalism has 'politico-economic' concerns, whereas, in India, Brahmanism has a 'theological-political' difficulty.

The academic work after examining the fallibility within the Transatlantic - Westernised thought process advances towards illustrating the ontological preconditions of Swaraj. The final section of the printed work criticises the educated fora's attempt to reconcile a very dichotomous view between Gandhi and Ambedkar. Rathore argues that both Gandhi and Ambedkar were key proponents of two different kinds of swaraj, thick and thin respectively. It appears that the author leans slightly toward Ambedkar's conception of swaraj which relies on Dalit liberation at its core and projects the socio-economic reality of the downtrodden masses. However, Rathore still manages to explore swaraj through the lens of Guha, Kamaraj, and Rawlce and makes sense of varied clusters of concepts such as Advaita, Nationalist Revivalism, Pluralist mechanisms, all of which add up to the vital legitimacy of the concept as a whole. ■

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STANLEY KRAMER'S **Judgment at Nuremberg**

MOVIE REVIEW:
JUDGEMENT AT NUREMBERG

By Vagmi Singh

Judgement at Nuremberg is a historically significant courtroom drama film directed by Stanley Kramer. Set in post-World War II

Germany, the film delves into the complexities of war crimes trials and explores the moral implications of justice in the face of genocide. The story centres around the trials of four German judges accused of Nazi atrocities during the Holocaust.

Released at a time when the wounds of World War II were still fresh, the film courageously confronts the harrowing realities of the Holocaust and questions the responsibility of individuals in a system driven by hate and prejudice. The narrative intelligently examines the ethical dimensions of war crimes and delves into the intricacies of international law and human rights.

The film was released in 1961 and was met with critical acclaim. It earned eleven Academy Award nominations, including the Best Picture. Maximilian Schell won the Best Actor award for his portrayal of the defence attorney. Judgement at Nuremberg remains a timeless classic, not only for its exploration of justice and morality but also for its reflection on the lasting impact of war crimes on the collective consciousness of humanity.

The film features a star-studded cast. Spencer Tracy, Burt Lancaster, Richard Widmark, Marlene Dietrich, Maximilian Schell, and Judy Garland deliver powerful performances that help in highlighting the film's profound themes. The courtroom sequences

are particularly compelling, showcasing masterful dialogue and legal arguments that underscore the weight of the proceedings.

The film was released in 1961 and was met with critical acclaim. It earned eleven Academy Award nominations, including the Best Picture. Maximilian Schell won the Best Actor award for his portrayal of the defence attorney. *Judgement at Nuremberg* remains a timeless classic, not only for its exploration of justice and morality but also for its reflection on the lasting impact of war crimes on the collective consciousness of humanity.

How does the film unfold?

The story unfolds as Judge Dan Haywood (played by Spencer Tracy) an American judge, is appointed to preside over the trials of four German judges accused of committing crimes against humanity during the Nazi regime. The accused judges are Ernst Janning (Burt Lancaster), Emil Hahn (Werner Klemperer), Werner Lampe (Torben Meyer), and Friedrich Hofstetter (Martin Brandt). The prosecution is led by Colonel Tad Lawson (Richard Widmark), while defence attorney Hans Rolfe (Maximilian Schell) represents the accused.

As the trial progresses, the film delves into the complexities of the legal proceedings, exposing the deep-seated guilt, denial, and remorse of the defendants. Testimonies from the witnesses, including a Holocaust survivor

Irene Hoffman (Judy Garland), shed light on the horrors of the concentration camps and the atrocities committed by the Nazis. The courtroom becomes a battleground for conflicting ideologies, with Haywood striving to navigate the intricacies of international law, human rights, and the weight of historical responsibility.

Throughout the trial, the film also explores the broader societal context of post-war Germany. It reveals the complicity and silence of the German people during the Nazi era and the lingering scars of a nation grappling with guilt and collective memory. The characters' personal struggles reflect the broader moral dilemma faced by a society coming to terms with its dark past.

As the trial reaches its climax, Rolfe argues that the accused judges were merely following orders and should not be held individually accountable. Rolfe also quotes the American Law to prove his stance igniting a debate with which I will deal later in the review.

What does the film try to shed light on?

There are several themes that run parallel throughout the film. Firstly, it deals with anti-semitism. Secondly, it delves into the Holocaust and the war against humanity that took place. Thirdly, the film also talks about the larger question of International law and its jurisdiction. The trial depicted in the movie played a significant role in establishing the

International Criminal Court (ICC). The subsequent convictions set a precedent for the prosecution of war crimes, crimes against humanity and genocide.

Furthermore, the film also highlights the role of the United States of America in the reconstruction of Germany and the establishment of democratic institutions in the country. It is noteworthy that the film did not hesitate to highlight USA's hypocrisy in denying the human rights violations committed during World War II and cloaking it with the defence of national security. At the same time, prosecuting Nazis for the same. German Nationalism was pitted against American Nationalism. And the defence, time and again questioned as to why they both were treated with difference. Quoting Rolfe, "My country, right or wrong" was expressed by a great American patriot. It is no less true for a German patriot." It also attempts to delve into the contradictory aspects of America's political and institutional life. When one witness tries to explain that the Nazis hanged children, the camera's focus suddenly shifts to an American soldier standing on guard, a Negro. This highlights the racial discrimination in America that continued legally and socially through formal and informal sanctions.

Judgement at Nuremberg remains a timeless classic, shedding light on the darkest chapters of human history while challenging audiences to confront their own moral compasses in the quest for a more just world.

In emphasising these linkages and

the movie's overall intention to confront real and political events, there is, in fact, a certain amount of bravery. The film's determination to leave room for interpretation and to confront not just the logic of its dramatic structure but also the ultimate requirement of its subject matter

is unquestionably its greatest strength.

Judgement at Nuremberg is widely regarded as a seminal and powerful film tackling complex problems. However, it oversimplifies the complexities of the post-war period, particularly in its portrayal of the



German people as collectively guilty. Furthermore, it fails to fully explore the nuances of complicity and the range of responses among the German population during the Nazi era. Secondly, the film is predominantly white, and provides a male-centric perspective, with a limited representation of

marginalised groups such as women and people of colour. This criticism reflects the prevailing biases and limitations of the era in which the film was made.

To conclude, the film's success lies in its ability to confront uncomfortable truths, challenge

viewers' moral compasses, and stimulate conversations about the nature of justice and accountability. By examining the trials of Nazi judges and exploring the broader social context of post-war Germany, the film provides valuable insights into the aftermath of World War II and the need to confront historical wrongdoings and learn from the past. ■



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SPORTS

SPORTS



SPORTSWASHING: THE HYPOCRITICAL HYPERBOLE OF FOOTBALL

By Shubh Mathur



**FIFA WORLD CUP
Qatar 2022**



The double-edged sword of capitalism in the sporting world has created an ecosystem where the feud between the idealism inherent in the soul of sports and financial augmentation has reached an incurable juncture. This piece navigates the status quo and repercussions of the same.

“Montiel... Argentina, champions of the world. Again. At last. And the nation will tango all night long. 36 years ago since Maradona and Mexico, here finally is a nation's new throng of immortals. Scaloni will be fated, Messi will be sainted. The little boy from Rosario, Santa Fe, has just pitched up in heaven.”

These are the words of one of the most iconic voices in world sports, Peter Drury, after the 2022 FIFA World Cup final in Lusail, Qatar. The 2022 FIFA World Cup has been iconic for many reasons. However, if you look past one of the most entertaining world cups ever, the cost of the same could not have been more abominable. The Qatar world cup was plagued with vile issues one after another, including but not limited to, the deaths of 6500 migrant workers owing to Qatar's draconian “kafala” system. The story does not end there either. Qatar has been accused of blatant corruption to secure the rights to host the world cup by highly credible sources which resulted in an investigation of top FIFA officials in 2015. To understand why a 90 km wide peninsula would resort to such measures to host a tournament in which they got knocked out in the group stage after losing all three .

matches, we need to examine three instances which explain the value of this beautiful game.

The 2003 Acquisition of Chelsea FC

In June 2003, a relatively unknown (at least in the West) Russian billionaire by the name of Roman Arkadyevich Abramovich completed the buyout of the West London club Chelsea FC for a reported 140 million British Pounds. What followed was unprecedented in the world of sports. The Russian oligarch bankrolled a formidable spending spree, which included player transfers involving bigshots like Claude Makelele and Joe Cole. While Abramovich set new transfer records during this massive overhaul, his spending was not limited merely to the pitch. He also sanctioned the refurbishment of Stamford Bridge

Cobham and the surrounding areas.

All of this saw great returns as well, with Chelsea lifting multiple premier league titles alongside 2 elusive UEFA Champions League titles in 2012 & 2021. But much like any other person who has amassed such wealth, questions were raised about his track record. Roman's wealth in the media was often referred to as "blood money" owing to his close ties to Russian premiers Boris Yeltsin & Vladimir Putin. He was also accused of being a beneficiary of cronyism. It is widely claimed that Roman alongside his business partner Boris Berezovsky had won the rights to the oil company named "Sibneft" in a rigged auction, thanks to their ties to Yeltsin. In 2005 the same company was sold back to the Russian state-owned multi-energy company Gazprom for \$ 13.1 billion, netting Roman an incredible return. This further financed Chelsea's spending and gave the footballing world the first taste of "sportswashing". Sportswashing is a term used to describe the practice of individuals, groups, corporations, or governments using sports to improve reputations tarnished by wrongdoing and is often also associated with a form of propaganda.

2008 Takeover of Manchester City FC

Looking at Roman Abramovich's high-profile success and media influence, the Abu Dhabi United Group decided to enter the English footballing world by taking over Manchester City FC. Led by Mansour bin Zayed bin Sultan Al Nahyan, often referred to as Sheikh Mansour, this was the first

venture of such a kind by someone from the Middle East.

Manchester City's rise was even steeper than Chelsea including 5 premier league titles and a global brand called the City Football Group. The major issue plaguing this process has been the alleged use of the Premier League to sportswash the image of the United Arab Emirates. This allegation emerged due to widespread human rights violations in UAE, with the prevalence of atrocious punishments like flogging, abhorrent treatment of the LBGTQIA+ community and limitation of women's rights.

2011 Takeover of Paris Saint-Germain

In June 2011, Sheikh Tamim bin Hamad Al Thani the erstwhile Emir of Qatar purchased a 70% stake in the club through Qatar Sports Investment (QSI), the sports investment branch of the Qatar Investment Authority (QIA). The QIA is the sovereign wealth fund of the state of Qatar. Arguably the most consequential moment in association football, this was the first instance where a state directly bought a football club into its de facto exclusive ownership.

What followed post the takeover is as one can imagine, lavish spending on all aspects of the football club. Often highlighted by PSG's transfers in 2017 which included the 222 million euro transfer of Neymar Jr from FC Barcelona and another 180 million euro transfer of youngster Kylian Mbappe from AS Monaco. As of 2021, the QIA managed over 450

billion USD in assets, completely blowing any potential rival in terms of spending in association football out of the desert.

The Aftermath

What followed went as one would expect; widespread uproar across all strata of the football world, accusing the clubs of "financial doping". This stems from the fact that football clubs are limited to contracting and buying players only through a sustainable model as dictated by UEFA's Financial Fair Play framework. The outrage is to some extent justified as well. In 2011 Manchester City signed a deal with Etihad Airways (the national carrier of the UAE) worth a record 67.5 million British pounds per year. The deal set up a de facto state sponsorship of the club completely circumventing the FFP framework, something unprecedented and unmatched by any of football's heavyweights. PSG was not one to back down either; their deal with Qatar Airways (the national carrier of Qatar) is worth a reported 72 million USD per year. Once again adding fuel to the fire of those who oppose so-called "state-sponsored financial doping".

The Quarrel

From a sporting point of view, the case against such state-sponsored clubs makes a very strong presentation. After all, the extravagant spending wreaks complete havoc upon the football economy. A report by the CIES Football Observatory provides a well-documented account of the same as well. According to CIES, the three clubs: Chelsea, Man City and PSG comprised three of the .

four highest transfer spenders between 2010-2019. Their reported expenditure went north of 4.458 billion euros.

However, if one tries to keep their biases aside (virtually impossible for a sports fan) there is more than what initially meets the eye on this matter as well. Regardless of one's opinions on state-sponsored investment into the sport, other football clubs are not much better either. The aforementioned CIES report also mentioned FC Barcelona, Juventus FC & Manchester United FC as part of the top six highest transfer spenders, with an accumulated expenditure of north of 4.02 billion euros. The three clubs are strong contenders for having a monopoly on the sport as well since they won a combined total of seventeen out of thirty league titles they were competing for between 2010-2020.

The Hyperbole at Hand

Karl Marx in his critique of capitalism mentioned how workforces, not workers maintain power in the workplace, while also condemning the free market for being "anarchic" or ungoverned. This perfectly sums up the repercussions of a privately run football world where anyone with a load of cash on hand can uproot the system from within. Despite one's affection for it, football's modern-day status (at its highest level) of being the most influential business in the world cannot be denied, with no greater example than the lengths Qatar went to for securing the right to host the 2022 FIFA World Cup.

The nucleus of the hyperbole blossoms courtesy of the fact that

everyone wants competition and influence only in circumstances where their team dominates, creating a prominent differentiation between what's right and what one believes to be right. The blame for the modern-day status of football does not lie on the so-called "sportswashers", whose states are universally condemned after all, but rather from the lack of judgement of the system that has let them flourish. If there was a system in place which would have created a barrier for such influential and rich people to gain control of the sport, then we would not have ended up here.

Even though the German Bundesliga's 50+1 Rule is often quoted as an example for world football to follow, it does not come without its flaws either. The 50+1 decrees that the voting rights to any German club will always be split 51% to the fans and 49% to the commercial holders. On paper, it sounds like a great way to retain the fans' interest, that is, until one looks at Bayern Munich's extraordinary hold over the German Bundesliga. The decline of commercial revenue for others leaves no way for clubs to break their hold without a David vs Goliath story.

The capitalist system does not have any limitations and neither does it care for affection or ethics. The system thrives upon an influx of cash from the rich and football is not immune to it either. Even if one may oppose such a view, there is no denying that without being a successful business no sports entity succeeds. Furthermore, those who are opposed to such a view need to deal with the fact that no owner who has amassed

the wealth to own a football club is completely "clean", with examples including but not limited to -

- Arsenal FC's owners, the Kroenke family, have repeatedly ignored workers' rights to a fair minimum wage in Walmart.
- Newcastle United's recent proprietor Saudi Public Investment Fund, the sovereign wealth fund of the Kingdom of Saudi Arabia has been notorious for human rights violations.
- Manchester United's prospective bidders; a private "Nine Two foundation" from Qatar, and Sir Jim Ratcliffe's INEOS who have been under scrutiny for ecological violations. Manchester United has been put up for sale by the Glazer family, its current owners who are determined to sell off the club.
- FC Barcelona's debts in 2021 reached a jaw-dropping 1.3 billion euros and had to resort to selling its assets at an undervalued rate to raise cash since the Spanish system does not allow private ownership.

Despite a club's historicity, cash has no morals. On the flip side, the impact of such has not been completely negative either.

- In 2020 during the COVID-19 pandemic, Abramovich opened Chelsea's Millennium Hotel to NHS workers free of cost while the UK government was entangled in bureaucracy and failed to provide them with the basics.
- Sheikh Mansour's investments have created a European powerhouse with a worldwide presence, producing tonnes of

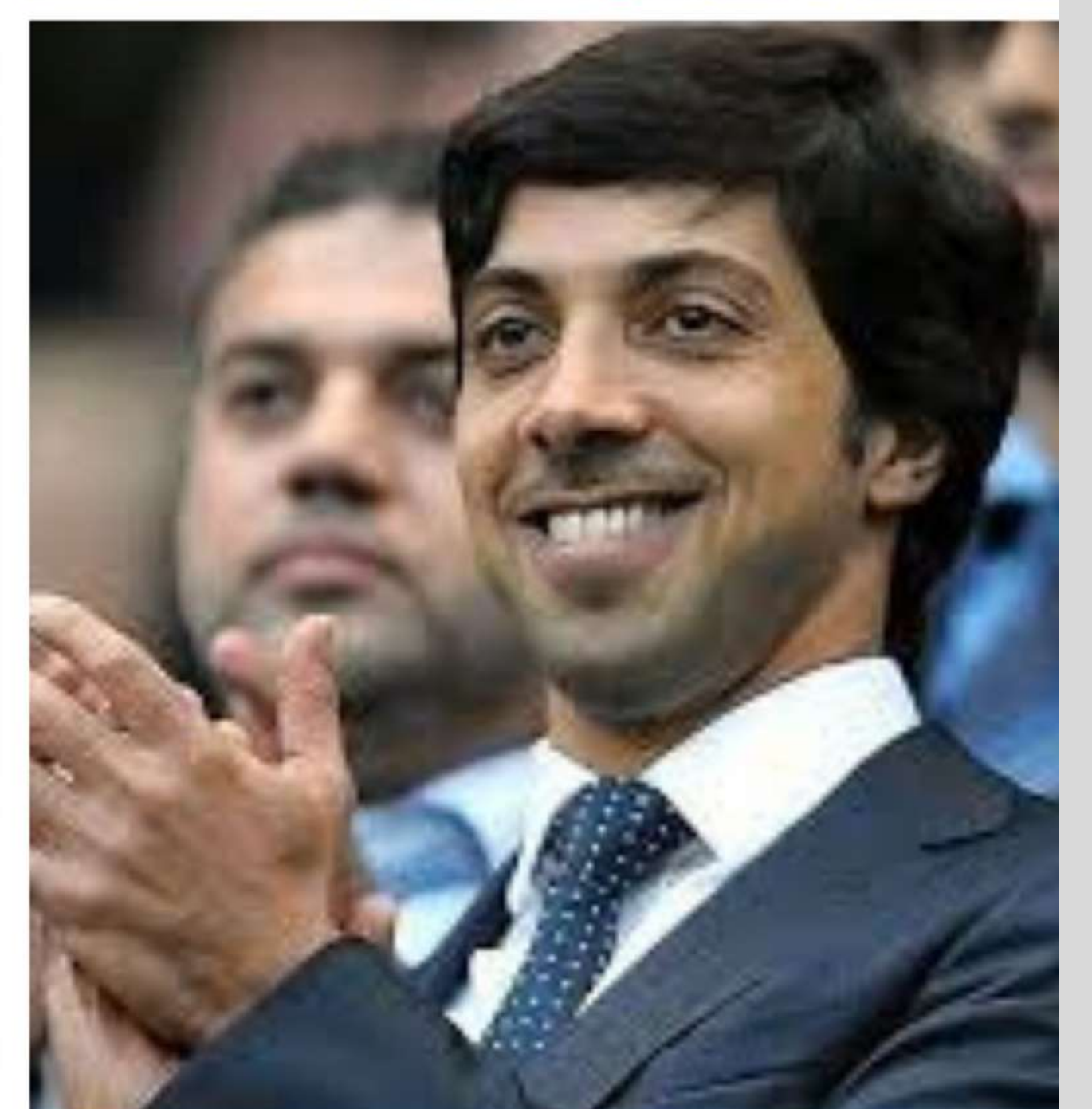
- jobs across multiple spheres; be it a desk job entailing tweeting or the refurbishment of the Etihad Stadium, the latter engaging thousands of workers.

privileges to change it for the better, football's Wonderwall will always be entwined with a hyperbole. ■

The Future of Football

The beauty of sports is that it extends far beyond what meets the eye; it is a currency of love, agony and everything that comes in between. Qatar 2022 is the perfect example of the same and how anyone will resort to incredible motion to swing its influence their way. Though the need for ethical enhancement is ever present, football won't improve merely by the expulsion of such elements, the sale of Chelsea FC by Roman Abramovich after the 2022 Russian invasion of Ukraine (due to his connections to Vladimir Putin) being an example. Rather Chelsea's sale is textbook capitalism. If one rich person is kicked out another one will come in without any hassles, once again changing the way the market perceives everything. If the beautiful game wants to improve upon the status quo, it requires much more than the removal of the rich from football; it requires a change in the entire world economy and belief systems. Until and unless society changes to a system where the rich and greedy stop exploiting the needy no sports reform will work.

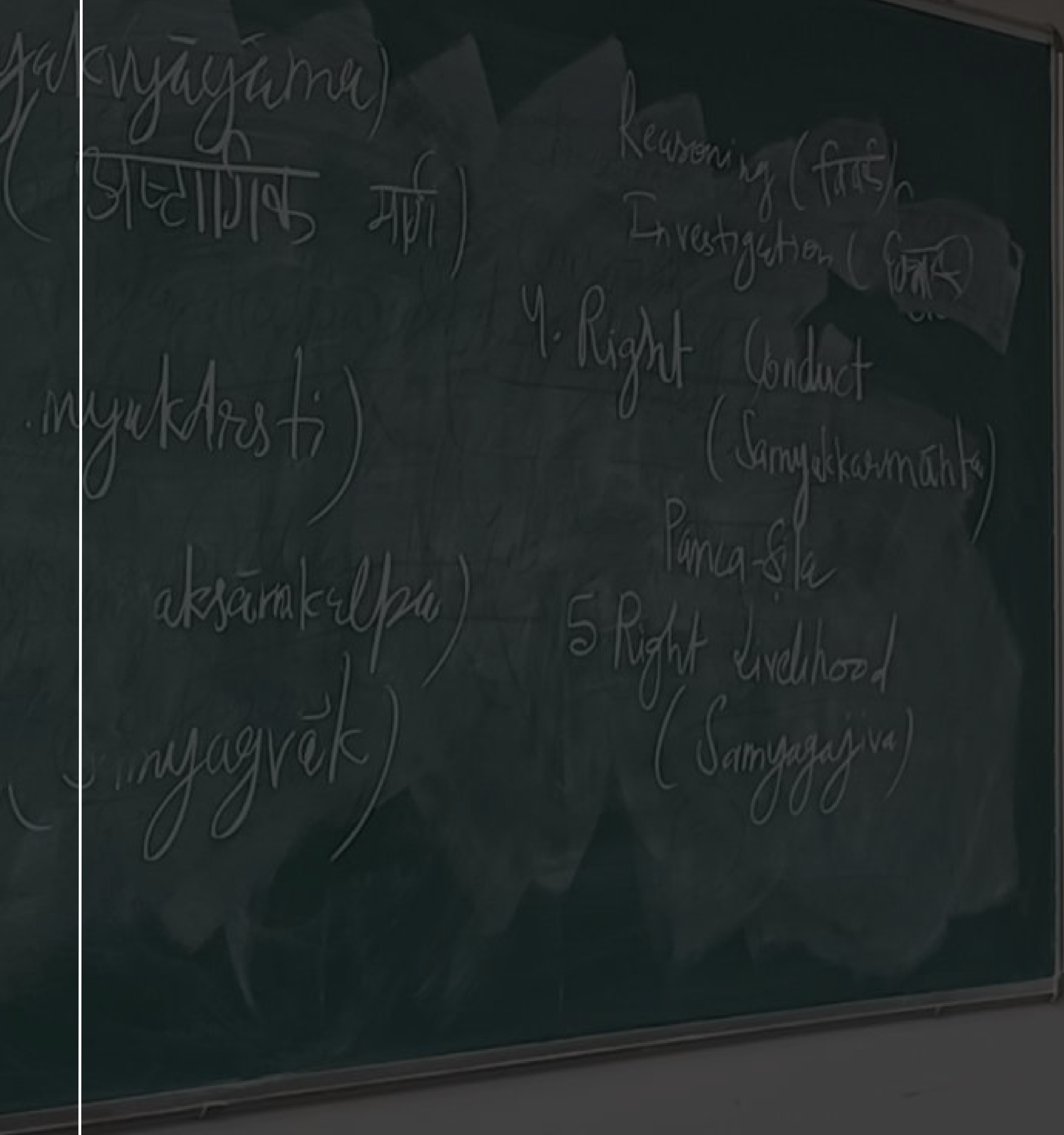
Football is much more than just a sport and its relationship with politics is not going anywhere. It will continue to be the world's most influential business, extending far beyond what we want it to be. Until we move past our happiness, look at the bigger picture and give up certain





SAMARPAN

A EULOGY TO
SAMARVEER SIR



By Pushkar Pandey

na thā kuchh to khudā thā kuchh na hotā to khudā hotā
Duboyā mujh ko hone ne na hotā maiñ to kyā hotā

- Mirza Ghalib

This piece is more than just an obituary; it's a eulogy dedicated to the late Samarveer Singh written by a student who dearly loved him, centring largely around their interactions. The writer hopes that these reminiscences will explain why Sir would be greatly missed.

Much of the grief in this world emerges from systemic failures, not individual evil. The individual agency merely manifests itself through the sheer behemoth apparatus that has evolved as a part of human endeavours. This detached approach, despite its intellectual cogency, somewhat diminishes the singular nature of each tragedy. To the victims, it is an overwhelming source of pain, consuming their minds and attention. The attempt to rationalise the source of problems and potential solutions occurs largely within the framework of logic. However, it is important that we honour and remember the individuals who suffered, for it is by honouring them one strives for a better world. And it is through

the presence of innate feelings of empathy and solidarity, distant humans come together to derive strength, as a consequence of staying united. The unfortunate demise of Samarveer Singh is the topic of this essay. The correct analytical approach is, of course, to recognise the flawed nature of ad-hoc recruitments and his demise, as an "institutional murder" (the institution being indicted here is that of precarious ad-hoc employment, which has gained tremendous traction in recent times). Most articles dealing with this issue barely touch upon the man himself, which greatly pained me. For authors who are merely sympathetic to the loss of life and more concerned about the broader systemic issues, individual tragedies are but a trifling matter. This somewhat explains the surfeit of articles that merely alluded to Sir or worse, even left him unnamed. However, for the sake of the great void that has been created in the lives of those who knew him, it is necessary to acknowledge the personal aspect of the man. I hope this article will go on to illustrate the sheer magnitude of each loss of life.

I am part of the NEP 2020 batch, the one which is often regarded as the unfortunate guinea pigs of the CBSE and the UGC. One of the ancillary courses we have to study is the Value Addition Course.

The Value Addition Course, as the name itself suggests, allows the scope for non-utilitarian courses, unlike the Skill Enhancement Course (SEC). I had an ambivalent disposition toward the educational prospects of VACs. While the panoply of papers offered had extremely alluring titles, it is well known that the Indian Education System ends up subordinating ancillary courses and their impact.

The VAC which lured me from the very beginning was "Ethics and Values in Ancient Indian Traditions" since my reading pursuits were greatly centred around Indian literature and theology during my childhood. Even today, despite my rather overt agnosticism, at times I do succumb to Pascal's wager due to this old predilection. The syllabus was interesting enough and I finally took the plunge.

Beginnings are often gratuitously exalted. Sometimes things progress so gradually, any effort to pinpoint its ad initium is often futile. This wasn't one of those cases though. Our first lesson was held in one of the rooms on the ground floor of the Old Academic Block of Hindu College. Many of us gathered there, well in advance, out of excited anticipation, as it was the first class of one of the newly added ancillary courses. The wait was over when a handsome young man with

beautiful curly hair entered the room. His outfit was debonair, reaffirmed by his gentlemanly voice and affable demeanour. He went on to greet us, introduced himself, and had all of us introduce ourselves. It was evident from the very beginning that this course would be wonderful, if not due to the curriculum, then because of the professor.

I find those particular courses most interesting where the confluence of the batch, the curriculum and the professor result in a healthy space for thought-provoking discussions. Such environs wash off one's ignorance, just like how the Triveni Sangam is said to wash off one's sins. Paramahansa Yogananda was most correct when he said that ignorance is the greatest sin. From the very beginning, we delved into an interactive pedagogy of philosophy. Our batch had students from various departments, many of whom were unaware of philosophical jargon. For them, a lucid exposition of basic philosophical terminology was taught by Sir. Thereafter, we began discussing some of the contentious aspects of ethics, such as the role of spiritualism and theism in informing one's ethics. Sir was extremely unassuming and his gentle disposition coaxed me into joining the discussion! I valiantly argued for the validity of agnosticism since no one else did, and my compulsive contrarianism propelled me into articulating my stance (given the absence of anyone else doing so). Many other topics were discussed during this class and while I could delve into them, (as they are extremely interesting) they are, however, not the objective of this article. I think

it is evident by now how Sir managed to create an open environment for respectful discussions, adhering to the ideals of what a classroom ought to be. Initially, the logistics of this course required two professors who would teach the class alternatively. The other professor taught us only one class (though it was greatly stimulating, especially the discussions on moral relativism), after which Samarveer Sir taught the rest of the classes for this semester.

The discourse went on and each class was a veritable tapestry of free-flowing discussions with apposite (and often hilarious) examples. The discussions we had after classes, despite their brevity, cut across themes, greatly broadening the discursive context of the classroom. In conjunction with this, it may be germane to point out how Sir greatly encouraged Heterodox approaches. What comes to my mind is a discussion we had on the (partially) overlapping nature of Virtue-Ethics in the Greek Tradition, and the Buddhist Ashtangika Marga. I must confess that much of what I said was rather spontaneous, perhaps because I don't remember much of it beyond the rough contours. But what I wish to highlight is that no matter how often in retrospect I may have trivialised or inordinately pondered over the analogy I had drawn, the fact that Sir treated it with love and respect is what overwhelms me.

Which other instances should I treat as milestones in tracing Sir's Journey with our batch? Sir asked some of the regular students if they would help in organising a lecture on Ancient Indian Ethics,

which was to be delivered by a senior professor of Delhi University itself. The plan never came to fruition and I'm unsure if I'll ever be able to attend a similar lecture without being haunted by the prospect of it being unfulfilled. Nevertheless, I suppose our assignment, test, and presentation are suitable landmarks for this purpose, given that it is difficult to maintain objectivity while being empathetic during the evaluation of students' works. Our assignment was to write a critical analysis on a topic called 'Rta'. A relative parochial approach to this would be to restrict oneself to largely a philological analysis, with the philosophising occurring purely within the semantic and chronological framework indicated by the term, its cognates and derivatives. However, the topic was addressed in a panoramic manner, including the analysis of conceptual descendants, notions whose occurrence is possible purely in a paradigm that functions under the axiom of Rta. After all, a critical analysis has to be much more expansive than a conventional exposition. My reminiscence about the presentation we had to make is a tad bit more personal. We had to conduct a survey for people from across different age groups, questioning them about the ethical issues. The target was to ascertain the influence of the Ancient "Indian" tradition in shaping one's ethical outlook. I have the habit of joking on my WhatsApp status, which sometimes lands me in a tight spot. I commented about 'filling the response' by age groups corresponding to my elders, due to a running joke and (mis)conception that I'm far too anachronistic and aged in compari

son to my peers. Samarveer sir used to see my statuses and saw this one as well. I went on to (jokingly) post an apology on my status, clarifying that the previous post was sarcastic. This was to see if Sir carefully read whatever I used to post, instead of just skimming through them. Sir responded that the apology was needless since he got the joke, to which I clarified that even the apology was meant to be humorous. The exchange still makes me laugh (and at this stage, tear up).

Near the end of the semester, the internal examination for the VAC paper was scheduled. About this time, we received news that a new teacher, Rimpi Ma'am, was supposed to teach us. This coincided with the reduction in Samarveer Sir's accessibility. He no longer responded to my calls or texts. We were a bit perturbed since it was rather close to the examination. On the day of the test, both Samarveer Sir and Rimpi Ma'am were present. After the test, I expressed my respects to both of them and specifically told Samarveer Sir that I hoped to see him again. I must confess that I am paraphrasing our last exchange, as I am sure it was in my intentions and actions (both explicitly and implicitly), the desire to meet again in the future. It never occurred to me that this would be our last exchange. Perhaps, I would have preserved its transcript far more firmly if I only were aware of the future. If only!

God had other plans though, for I neither saw him nor talked to him again. I messaged sir's number once to send a condolence message post his demise, which was seen promptly by someone, though I don't know who it was.

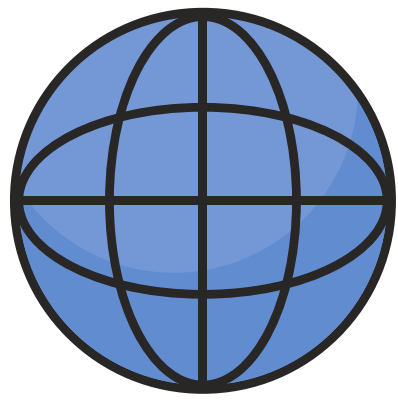
This is the first time someone I knew at a personal level committed suicide. I can't quite process the grief. I can handle it thanks to my relative distance. But to imagine what Sir was going through that necessitated his demise, and what his family is now going through, is a greatly aggravating task.

To pay tribute, there are a few things we must do. Indolence will fail to unleash the changes that we need to usher in. We must ensure that the present system which dehumanises individuals is done away with and institute better support structures for people so that no man or woman ever has to worry about financial security. Only then can we produce people who will be able to freely engage in intellectual endeavours. That is the way one morally sustains the system of specialisation in society, as opposed to the system of stratification and strife which has existed ever since the advent of civilisation. Ironically, it is also the very element that makes society uncivilised towards the vast masses. Rest in Peace Samarveer Sir, we love you. ■

Those who require assistance for overcoming suicidal thoughts may contact Sanjivini, Society for Mental Health suicide prevention helpline 011-40769002.

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