



THE DESERVING INDIA



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# THE HINDU EDITORIAL

WEEKLY COMPILATION



“ BEAT THE HEAT

08/04/24

# LARGE GATHERINGS

Political or not, must be avoided  
in summer

The India Meteorological Department (IMD) warns of increased heatwaves this year, especially affecting Andhra Pradesh, Gujarat, and Maharashtra. Heatwave conditions are defined as temperatures at least 4.5°C above normal or exceeding 45°C for two consecutive days. The recurring hotter summers are attributed to El Niño cycles, which reduce rainfall and raise temperatures. Warming temperatures exacerbate Arctic melting, drying up moisture and cloud formation, leading to dry, hot conditions. Last year, a political event in Navi Mumbai saw 12 deaths and 600 hospitalizations due to heat, revealing a disregard for public health. With upcoming elections in April and May, the Election Commission issued generic advisories, lacking specific measures for polling stations to manage heat. Suggestions to shift elections to cooler months have not gained traction. India's vast size and logistical challenges necessitate innovative approaches to elections, given worsening heatwaves and their health impacts.

# “ PERVERSE INTENT

## The CAA suffers from a narrow definition of persecution and arbitrariness

09/04/24

The Citizenship (Amendment) Act, as implemented, is flawed in its approach to granting citizenship based solely on religious persecution and to specific neighboring nations. This narrow definition excludes individuals facing persecution for other reasons and discriminates against Muslims, atheists, and agnostics. The Act's framework overlooks instances like linguistic discrimination in Sri Lanka and historical persecution in regions like East Pakistan. The Act's rules fail to align with India's constitutional ethos, as they prioritize religious reasons over broader forms of persecution, such as that experienced by Rohingya Muslims in Myanmar. The Act's provisions also contradict international standards for refugee protection, which call for non-discriminatory treatment based on race, religion, or nationality. India's adherence to the UN Refugee Convention would be questioned due to the Act's selective nature. Furthermore, the Act allows for dual citizenship, which contravenes existing laws. In light of these shortcomings, the Supreme Court should rule the Citizenship (Amendment) Act unconstitutional and halt its implementation, emphasizing its arbitrary and exclusionary approach to granting citizenship to migrants.





# “GROSS MISMANAGEMENT

10/04/24

## INDIA IS FALLING BEHIND IN EFFORTS TO CONTROL TUBERCULOSIS



India's effort to eliminate tuberculosis (TB) by 2025, as announced by Prime Minister Narendra Modi, is facing critical challenges due to recurrent drug shortages. Despite being a major producer of TB drugs, India is struggling to maintain a consistent supply of drug-sensitive and multidrug-resistant TB medications. Shortages have persisted since 2022, with interruptions in drug availability, including critical MDR-TB drugs like Delamanid, affecting treatment continuity and patient outcomes. The National TB Control Programme's recent renaming to align with the elimination goal appears superficial without addressing fundamental issues like drug supply. The Health Ministry's approach of allowing last-minute local procurement by states has exacerbated problems at the ground level. A circular issued in March 2024 acknowledges potential delays in drug supply and authorizes states to procure drugs locally for three months. Additionally, patients are now expected to purchase medicines themselves if health facilities fail to provide them for free, a burden that is particularly challenging given the socioeconomic status of most TB patients. The situation highlights systemic mismanagement and a lack of seriousness in combating TB. The failure to ensure continuous drug availability undermines efforts to diagnose, treat, and eliminate TB effectively. With less than two years remaining to achieve the elimination goal, India's response to TB control appears inadequate and far from reaching its target, casting doubt on the country's ability to address even the basic aspects of TB control.

# “ A DISTINCT RIGHT

The right to be free of climate change effects comes amid a conservation dilemma

11/04/24



The Supreme Court of India has expanded the constitutional recognition of environmental rights by asserting that protection from climate change is a distinct fundamental right. Previously, the Court had upheld the right to a clean environment under Article 21 of the Constitution, equating it with the right to life. Now, it argues that safeguarding against climate change is inherently linked to ensuring a wholesome environment. The Court highlighted the adverse impacts of climate change, such as rising temperatures, extreme weather events, food scarcity from crop failures, and disease shifts. It emphasized that environmental degradation, exacerbated by climate change, disproportionately affects vulnerable communities, violating their right to equality when faced with food and water shortages. This landmark stance emerged from a legal context involving a conflict between protecting the critically endangered Great Indian Bustard and meeting renewable energy targets. Government ministries sought modifications to earlier court orders requiring solar power lines in Bustard habitats to be undergrounded, citing technical and economic challenges. The Court has deferred to an expert committee to determine the feasibility of undergrounding power lines, acknowledging the clash between carbon reduction goals and wildlife conservation imperatives. The ruling underscores the growing imperative to reconcile conservation and development in the face of climate change. Balancing renewable energy expansion with biodiversity preservation remains challenging. The judgment underscores the urgent need for innovative solutions that simultaneously mitigate climate impacts, protect endangered species, and foster sustainable development.

# DMRC DISPUTE

## FLAGS NEED FOR ARBITRATORS TO BE MORE MINDFUL OF FACT AND LAW

The Supreme Court of India recently utilized its curative jurisdiction to overturn its own 2021 judgment, relieving the Delhi Metro Rail Corporation (DMRC) of a significant financial burden stemming from a dispute with Delhi Airport Metro Express Private Ltd. (DAMEPL). DAMEPL, the concessionaire tasked with constructing and managing the line from New Delhi railway station to the airport, terminated its operations in 2013 due to alleged defects by the DMRC, which invoked arbitration. Subsequently, an arbitral tribunal ruled in favor of DAMEPL in 2017, a decision initially upheld by a single judge of the Delhi High Court but later overturned by a Division Bench. In 2021, the Supreme Court restored the arbitral award against DMRC, with a review petition also dismissed. The Court's recent curative decision highlights the tension between finality in litigation and the pursuit of substantive justice. The ruling underscores the importance of getting both fact and law right in arbitration appeals to avoid discouraging commercial litigants from arbitration due to prolonged legal processes. The CMRS safety certificate was deemed crucial evidence, and the curative petition was deemed necessary to rectify earlier errors in setting aside the High Court Bench's view. The use of curative jurisdiction reflects the Court's commitment to preventing miscarriages of justice and ensuring fairness, even if it necessitates challenging final decisions. This case serves as a reminder of the significance of arbitrators and judges in delivering accurate and just decisions, maintaining the credibility and efficiency of arbitration as a dispute resolution mechanism in India.





# RISKY PREMISE

13/04/24

POLICYMAKERS MUST  
SIMPLIFY TRADE RULES TO

# BOOST EXPORTS

The Asian Development Bank (ADB) has revised India's GDP growth forecast for the fiscal year ending March 31, 2025, to 7%, up from 6.7%, attributing this increase to strong public and private investment, alongside expected rural economic recovery supporting consumer demand. However, the ADB's projections remain slightly lower than the National Statistical Office's estimate of 7.6% growth for the prior fiscal year. A key concern highlighted by the ADB is the potential impact of global risks like rising oil prices or sustained high interest rates in the West, particularly affecting India due to the rupee's sensitivity to these rates. Notably absent from the ADB report were comments on controversies over India's national income data integrity or concerns regarding heavy government tax influence on GDP figures. Moreover, the ADB did not address the lack of significant structural reforms in India post-COVID-19, a period during which economic reforms stalled. The ADB's optimism about a consumer spending rebound is challenged by other experts citing stretched household savings. The ADB recommends the creation of large-scale special economic zones with favorable policies to enhance exports, urging India to integrate better with global supply chains and enhance logistics infrastructure given ongoing disruptions in global trade routes. This advice underscores the importance of addressing economic challenges and leveraging global opportunities.