

Suspension of MPs, security breach not linked, says Speaker

In a letter to members, he says punitive action was for creating ruckus in House and not for raising issue; high-powered panel to review security

The Hindu Bureau
NEW DELHI

Informing members of the Lok Sabha that a "high-powered committee" will review various aspects of security in the Parliament complex to formulate an action plan to prevent a repeat of the December 13 incident, Speaker Om Birla on Saturday asserted that there was no link between the suspension of Opposition MPs and the security breach.

In a two-page letter to all members, he said the MPs were suspended not for raising the issue in the House, but for "carrying placards and creating ruckus". He added that the decision had caused him immense pain.

Mr. Birla said the report of the high-level inquiry committee, set up by the Union Home Ministry under CRPF Director-General Anish Dayal Singh, into the breach will "soon" be shared with the House.

"In addition, I have also constituted a high-powered committee which will review various aspects of security in the Parliament complex and formulate a concrete action plan to ensure that such incidents do not recur," Mr. Birla said.

On Thursday, as many 13 Lok Sabha members and one Rajya Sabha member were suspended from Parliament for disrupting the proceedings after protests from the Opposition parties, who insisted on a statement from Home Minister Amit Shah on the security breach incident.

In his letter, Mr. Birla said: "It is indeed unfortunate



It is indeed unfortunate that some honourable members and political parties are linking the decision of the House to suspend some honourable members from the service of the House to the incident, which occurred on 13th December, 2023. This is unwarranted.

OM BIRLA
Lok Sabha Speaker

One more arrested in security breach case

The Hindu Bureau
NEW DELHI

The Delhi Police on Saturday arrested Mahesh Kumawat, an associate of Lalit Jha, the alleged "mastermind" of the conspiracy behind

Wednesday's security breach in Parliament.

Mr. Kumawat has been booked under charges of conspiracy and destruction of evidence.

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'Decorum and dignity'

The Speaker said that at the time of inauguration of the new Parliament building, members had resolved not to bring placards inside the House and "create ruckus in the Well of the House". He said, "...we were unanimous that we would establish highest standards of parliamentary decorum and dignity. It was in this context that the House was compelled to take strict action of suspending Hon'ble Mem-

bers." The Speaker said that security of the Parliament House complex comes under the jurisdiction of the supreme law-making body and it is "Parliament's responsibility to formulate detailed action plan on security measures..."

Mr. Birla said that the nation had witnessed such security scare in the past as well. Without naming anyone, he also referred to the February 2014 incident when an MP from Andhra Pradesh had carried a pepper spray inside the House to oppose the creation of Telangana.

"At the time of all such incidents, the House has displayed exemplary solidarity and expressed its collective resolve against such incidents," the Speaker noted.

India and Oman in talks to sign an economic partnership agreement

The two countries sign five documents, including an agreement to prevent money laundering: Prime Minister Narendra Modi says that the presence of a large number of Indians in Oman is a living example of the healthy bilateral relations

Kallol Bhattacharjee
NEW DELHI

India and Oman are on track to sign a comprehensive economic partnership agreement, Prime Minister Narendra Modi announced on Saturday. Welcoming Sultan Haitham bin Tarik the ruler of Oman to his first state visit to India, Mr. Modi said that the presence of a large number of Indians in Oman is a living example of the healthy relation between the two countries.

"Our proximity is not just geographical and indeed reflects in our thousands of years' old trade and cultural links. This also reflects in the way, we always give priority to each other," the Prime Minister said in his speech welcoming the ruler of Oman. In a briefing after the official meeting, Foreign Secretary Vinay Mohan Kwatra said



Ceremonial reception: President Droupadi Murmu and Prime Minister Narendra Modi welcoming Sultan of Oman Haitham Bin Tariq at the Rashtrapati Bhavan on Saturday. SUSHIL KUMAR VERMA

that this is the first state visit to India by an Omani ruler in 26 years.

Sultan Haitham bin Tarik took charge in 2020 after the death of Sultan Qa-

boos, who was known for his friendly attitude to India.

The same year, Sultan Qaboos was honoured with the Gandhi Peace

Prize by India.

Bilateral discussions held at Hyderabad House included the situation in Israel and the Palestinians, Mr. Kwatra said explaining

that India is closely following the situation.

The two sides signed on five documents that included an agreement between the Financial Intelligence Unit of India and the National Centre for Financial Information (NCFI) to prevent money laundering. As a gesture to celebrate the ancient relation between India and Oman the two sides also took up a proposal by the Ministry of Culture to recreate the maritime voyage of a stitched ship which is expected to sail from Mandvi in Gujarat to Muscat during 2025-26. Mr. Modi and Sultan Haitham bin Tarik "strongly condemned terrorism in all its forms and manifestations".

They underscored the significance of fostering the universal values of peace, moderation, coexistence and tolerance," a Joint Statement said.

Sub-strain JN.1 of SARS-CoV-2 traced in Kerala woman

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Press Trust of India

NEW DELHI

A case of SARS-CoV-2 sub-variant JN. 1 has been detected in Kerala as part of an ongoing routine surveillance activity of the Indian SARS-CoV-2 Genomics Consortium (INSACOG), a senior official from the Indian Council of Medical Research said on Saturday.

The case was detected in an RT-PCR positive sample from Karakulam in Thiruvananthapuram district on December 8, Rajiv Bahl, Director-General of the ICMR, said.

The sample had tested RT-PCR positive on November 18, he added.

The 79-year-old woman had mild symptoms of influenza-like illness (ILI) and has since recovered from COVID-19.

"There has been an increasing trend of COVID-19 cases from Kerala in the past few weeks. This has been attributed to an in-

crease in the number of samples from ILI cases being referred for testing," Dr. Bahl said.

A majority of these cases are clinically mild and the patients are recovering on their own at their homes, he added.

As part of a regular exercise of the Union Health Ministry, a drill at all health facilities in the States is under way to assess their public health and hospital-preparedness measures.

This activity, which started on December 13, is being carried out under the overall supervision of the district collectors and is likely to be completed by December 18, Dr. Bahl said.

The Union Ministry is in regular touch with the Kerala Health Department and monitoring various entry points to the State.

The INSACOG is a network of genomic laboratories that has been monitoring COVID-19 in India from a genomic perspective.

Activate Windows

How will Article 370 verdict impact federalism?

What are the key aspects of the judgment and how will it affect Centre-State relations? What has the Supreme Court ruled about the President's role during President's rule? What did it say about restoring statehood to Jammu & Kashmir?

Aaratrika Bhaumik

The story so far:

In December 11, the Supreme Court unanimously upheld the power of the President to abrogate Article 370 of the Constitution, which in August 2019 led to the reorganisation of the State of Jammu and Kashmir (J&K) into two Union Territories and denuded it of its special privileges. It reasoned that Article 370 was only a 'temporary provision' to ease the accession of the then princely State to the Union at a time of internal strife and war.

What did the lead judgment say?

In the lead judgment, Chief Justice of India D.Y. Chandrachud, writing for himself, Justices B.R. Gavai and Surya Kant, pointed out that J&K had divested itself of "any element of sovereignty" after the execution of the Instrument of Accession to the Union in October 1947. Justices Sanjay Kishan Kaul and Sanjiv Khanna concurred in their opinions. Constitutional experts say the observations in the verdict will have a lasting impact on federalism, which is recognised as a basic feature of our Constitution.

What did the petitioners argue?

The petitioners had argued that the President while exercising powers under Article 356 of the Constitution cannot take actions with 'irreversible' consequences in a State during President's rule. Significant legislative alterations were made to the State during President's rule such as the repeal of its special status, the separation of Ladakh, and its conversion into a Union Territory – which meant that the Union government could unilaterally bring about such enduring changes without having to solicit the

The Supreme Court said the views of the State legislature regarding the proposed reorganisation of a State are not binding on Parliament

consent of the State legislature.

Dismissing such contentions, the Court reasoned that challenging the exercise of the President's power on the ground of irreversibility would open the way for challenging everyday administrative actions which would in effect put the administration in the State at a standstill. It, however, underscored that such exercise of power must have a reasonable nexus to the object of the Presidential Proclamation. It added that the onus was on the person challenging the actions of the President during an emergency to prima facie establish they were a "mala fide or extraneous exercise of power". Reliance was also placed on the Supreme Court's ruling in *S. R. Bommai versus Union of India* (1994) which defined the ambit of powers that can be exercised during President's rule.

Can a State be turned into a Union Territory?

The Court observed that carving out the Union Territory of Ladakh out of J&K was permissible under Article 3 of the Constitution and accordingly upheld the Jammu and Kashmir Reorganisation Act, 2019. However, owing to the assurance given by the Union government that J&K's statehood would be restored soon, the court did not go into the issue of whether the conversion of J&K into a Union Territory was valid. Importantly, the court pointed out that the views of the State legislature regarding the proposed reorganisation of the State are recommendatory and not binding on Parliament.

The Chief Justice, however, cautioned that "the necessary effect of converting a State to Union Territories which is that autonomy would be diminished, the historical context for the creation of federating units, and its impact on the principles of federalism and representative democracy" must be borne in mind. Reiterating similar concerns, Justice Sanjay Khanna stated that the conversion of a State into a Union Territory has "grave consequences" and denies the citizens of the State an elected government, and impinges on federalism. Thus, such a conversion has to be justified by giving very strong and cogent grounds.

What about the role of the State?

The Court ruled that the President while exercising powers under Article 370(3) of the Constitution can 'unilaterally' notify that Article 370 ceases to exist. It further said that there was no requirement for the President to secure the concurrence of the State government in this regard as mandated by the provisos to Article 370(1)(d).

"The principle of consultation and

collaboration underlying the provisos to Article 370(1)(d) would not be applicable where the effect of the provision is the same as Article 370(3). Since the effect of applying all the provisions of the Constitution to Jammu and Kashmir through the exercise of power under Article 370(1)(d) is the same as issuing a notification under Article 370(3) that Article 370 ceases to exist, the principle of consultation and collaboration are not required to be followed," the Chief Justice reasoned. It was also pointed out that such collaboration between the President and the State government would have been necessary if provisions of the Indian Constitution were to be applied to the State in a manner that would require amendments to the State Constitution. However, in this case, the President through Presidential Order [C.O.272] ensured a total application of the Indian Constitution to the State to the effect that the State's Constitution became inoperative.

What did the Court specify about the President's powers?

The petitioners had pointed out that the proviso to clause 3 of Article 370 makes it clear that the presidential power to abrogate Article 370 was contingent on the recommendation of the J&K Constituent Assembly. However, the Court ruled that even after the dissolution of the Constituent Assembly on January 26, 1957, the President's power to abrogate the provision by exercising powers under Article 370(3) subsists and could be exercised "unilaterally". The Chief Justice asserted that holding the power under Article 370(3) cannot be exercised after the dissolution of the Constituent Assembly would lead to "freezing of the integration" contrary to the purpose of introducing the provision. Concurring with this view, Justice Kaul emphasised that the purpose of Article 370 was to slowly bring J&K on par with the other States of India and thus the "requirement of recommendation of [the] J&K Constituent Assembly cannot be read in a manner making the larger intention redundant".

What about 'asymmetric federalism'?

The Court pointed out that unlike the Constitution of India, "there is a clear absence" in J&K's Constitution of a reference to sovereignty. Article 370 was held to be merely a "feature of asymmetric federalism" similar to other provisions in the Constitution such as Articles 371A to 371J – examples of special arrangements for different States. "If the position that Jammu and Kashmir has sovereignty by virtue of Article 370 were to be accepted, it would follow that other States which had special arrangements with the Union also possessed sovereignty. This is clearly not the case," the Chief Justice said. He added that although different States might enjoy varying degrees of autonomy, the difference, however, remains one of degree and not of kind in a federal set-up.



Set in stone: Jammu and Kashmir Rashtriya Bajrang Dal members celebrate the Supreme Court's verdict on Article 370, in Jammu on December 11. ANI

Is the world closer to phasing out fossil fuel?

What did the climate conference agree to in the Dubai Consensus? What are the challenges for the world to 'transition' away from fossil fuels and achieve net zero by 2050? What are the alternatives to coal and oil?

Jacob Koshy

The story so far:

The 28th edition of the Conference of Parties (COP) concluded in Dubai this week with 198 signatory countries agreeing that the world must "transition" away from fossil fuels in a "just, orderly and equitable manner" to achieve net zero by 2050.

Does the wording of the agreement suggest that the end of fossil fuels is near?

Far from it. The Dubai Consensus, as this agreement is called, is significant only because this is the first time since 1995, when the first ever COP was held in Berlin, that there is a formal acknowledgement that emissions from fossil fuels are the main culprit driving global warming. So far, all agreements have only spoken of the need to stem "greenhouse gas emissions." This is despite it being common knowledge that three-fourth of such emissions and 90% of carbon dioxide are the result of burning coal, oil and gas. It was only in the 26th edition of the COP, in Glasgow in 2021, that countries agreed to tackle coal – the fossil fuel

with the biggest global-warming footprint – by agreeing to "phase down" its use. It's important to keep in mind here that "phase down" and "phase out" have no meaning on their own because they do not refer to any specific year by which the use of these fuels must terminate. Large, developing countries like India and China, have protested against the singling out of coal among fossil fuels, on the grounds that they need them for lifting their masses out of poverty and providing energy security. India, while rich in coal reserves, is still an importer of the product and has limited oil and gas reserves. China is rich in both coal and gas. The United States, that derives about a fifth of its energy from coal, has usually been supportive of calls to phase out coal but being heavily dependent on oil and gas reserves, has never voiced any call to action to eliminate the latter two. However, now that all fossil fuels have been included in the Dubai Consensus, it brings parity among fuels and acknowledgement that they all need to be done away with for the world to have a chance at preventing global, average temperatures from rising further

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Can fossil fuels be immediately replaced?

Nearly two centuries of industrialisation has meant that there is a well-oiled infrastructure system to extract, process and distribute coal, oil and gas to all kinds of power plants and convert them to electricity and combustible products, ranging from petrol and diesel to plastic. Then there is the infrastructure – transmission grids and pipelines – to channel these stores of energy to houses and vehicles. Unfortunately, power from natural sources of power such as solar and wind are not as easily available, on demand, as fossil fuel: the sun because of its unavailability at night and wind due to the temperamental nature of the ocean and atmosphere. The infrastructure to store all of the energy produced this way is grossly inadequate. India's National Electricity Plan, 2022-27, plans to add nearly 87,000 MW in this

period in the form of fresh coal-fired capacity: 27,000 MW via under-construction power plants and 60,000 MW from new plants.

Oil production in the U.S. hit record levels this year. Since 2010, the number of oil barrels per day has tripled and gas production has risen two and half times in the country. At COP deliberations this year, one of the trickiest conundrums was the large presence of oil and gas manufacturers and of course, the hosting of a climate summit in a petro-state. The Dubai Consensus agreement stating that a transition from fossil fuel, while necessary, suggests that "transition fuels" could play a role in "facilitating the energy transition while ensuring energy security." Though there is no definition of what these fuels are, natural gas has been touted as one of the contenders. Even though natural gas production leads to methane emissions, estimates by the International Energy Agency proffer that in balance, switching from coal-to-gas reduces emissions by 50% when producing electricity and by 33% when providing heat. This of course invites criticism that such a framing of natural gas advantages countries which have natural production and distribution capabilities for this gas.

What does the Dubai Consensus say about methane?

Methane is a potent greenhouse gas and has several times more heat-trapping capabilities compared to carbon dioxide. It is a key component of natural gas and responsible for about a third of planetary warming just behind carbon dioxide. "Accelerating and substantially reducing non-carbon-dioxide emissions globally, including in particular methane emissions by 2030," is necessary for humanity to have a shot at keeping average temperatures from rising beyond 1.5 degree Celsius by the end of the century, the agreement notes. The Global Methane Pledge to cut methane emissions 30% of 2020 levels by 2030 was signed on by nearly 150 countries at the COP-27 summit in Egypt, last year. China and the U.S. have also agreed to address industrial methane emissions, that result from natural gas production.

India has resisted pressure to cut methane emissions on the grounds that most of its methane results from the agricultural sector. However, it has unveiled plans to make its energy production processes more efficient to reduce its release.



Ticking clock: Climate activists protest against fossil fuels during COP-28 in Dubai, UAE on December 8. REUTERS