

Governor holds no veto power over Bills: SC

Bench says if a Governor withholds assent to a Bill, it must be returned to the State Legislature 'as soon as possible'; if Assembly re-enacts it, as in the case of TN, then the Governor must give nod; court observes that the Governor would be in a position to virtually veto functioning of the legislature by simply declaring that assent is withheld

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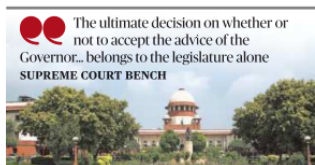
The Supreme Court has laid down the law that a Governor, in case he withholds assent to a Bill, should send it back to the State Legislature "as soon as possible" with a message to reconsider the proposed law. If the Assembly reiterates the Bill "with or without amendments", the Governor has no choice or discretion, and has to give his assent to it.

The November 10 judg-

ment released on Thursday was based on a petition filed by the Punjab government against its Governor's action to hold back crucial Bills.

Tamil Nadu's case

The verdict would be a significant boost to Tamil Nadu's case. The Tamil Nadu Assembly had returned 10 crucial Bills to Governor R.N. Ravi, who had withheld assent in the first instance. "The substantive part of Article 200 empowers the Governor to withhold assent to the Bill. In



The ultimate decision on whether or not to accept the advice of the Governor... belongs to the legislature alone
SUPREME COURT BENCH

such an event, the Governor must mandatorily follow the course of action which is indicated in the first proviso of communicating to the State Legislature 'as soon as possible' a

message warranting the reconsideration of the Bill..." a three-judge Bench, headed by Chief Justice of India D.Y. Chandrachud, held.

"The ultimate decision on whether or not to ac-

cept the advice of the Governor as contained in the message belongs to the legislature alone. That the message of the Governor does not bind the legislature is evident from the use of the expression 'if the Bill is passed again...with or without amendments'," the Bench held.

'In contravention'

The court held that a Governor who chooses to withhold a Bill without doing anything further would be acting in contravention of the Constitution. "The

Governor as the unelected Head of State would be in a position to virtually veto the functioning of the legislative domain by a duly elected legislature by simply declaring that assent is withheld without any further recourse. Such a course of action would be contrary to fundamental principles of a constitutional democracy based on a Parliamentary pattern of governance. The Governor is under Article 168 a part of the legislature and is bound by the constitutional regime," the court held.

The court held that the Bill should be sent back to the Legislature "as soon as possible" with the mandatory message. It said the expression "as soon as possible" conveyed a "constitutional imperative of expedition".

"Failure to take a call and keeping a Bill duly passed for indeterminate periods is a course of action inconsistent with that expression. Constitutional language is not surplusage," Chief Justice Chandrachud wrote in the 27-page judgment.

WHO asks China for more info on the rise in respiratory illnesses, pneumonia clusters

Associated Press
GENEVA

The World Health Organization (WHO) says it has made an official request to China for information about a potentially worrying spike in respiratory illnesses and clusters of pneumonia in children.

The WHO cited unspecified media reports and a global infectious disease monitoring service as reporting clusters of undiagnosed pneumonia in children in northern China. In a statement late on Wednesday, the WHO said it was unclear whether those

were linked to a rise in respiratory infections reported by Chinese authorities.

Close monitoring

Scientists said the situation warranted close monitoring, but were not convinced that the recent spike in respiratory illnesses in China signalled the start of a new global outbreak.

The emergence of new flu strains or other viruses capable of triggering pandemics typically starts with undiagnosed clusters of respiratory illness.

The WHO noted that authorities at China's Na-

tional Health Commission on November 13 reported an increase in respiratory diseases, which they said was due to the lifting of COVID-19 lockdown restrictions. The media, about a week later, reported clusters of undiagnosed pneumonia in children in northern China.

"It is unclear if these are associated with the overall increase in respiratory infections previously reported by Chinese authorities, or separate events," the WHO said, adding that it had requested more details from China about currently circulating viruses and



Worrying concern: The media has reported clusters of undiagnosed pneumonia in children in northern China, AP

any increased burden on hospitals, via an international legal mechanism. Dr. David Heymann of

the London School of Hygiene and Tropical Medicine said there was a likely background of seasonal

respiratory infections.

"The challenge is to discern the outbreaks and determine the cause," Dr. Heymann said in a statement, adding that genetic sequencing and isolating cases would be critical. He led WHO's response to the 2002-2003 SARS outbreak.

François Balloux of University College London said the current wave of disease in China was likely due to respiratory illnesses like flu, RSV or a bacterial infection.

He said China was probably experiencing a significant wave of childhood infections since this was the

first winter since lockdown restrictions were lifted, which likely reduced children's immunity to common bugs.

'No new pathogen'

"Unless new evidence emerges, there is no reason to suspect the emergence of a novel pathogen," Mr. Balloux said.

WHO said that northern China has reported a jump in influenza-like illnesses since mid-October compared to the previous three years. It is rare for the UN health agency to publicly ask for more detailed information from countries, as

such requests are typically made internally.

The outbreaks have swamped some hospitals in northern China, including in Beijing, and health authorities have asked the public to take children with less severe symptoms to clinics and other facilities.

The average number of patients in the internal medicine department at Beijing Children's Hospital topped 7,000 per day, exceeding the hospital's capacity, state-owned China National Radio said in an online article earlier this week.

Deceptive signals

October's foreign trade tidings present a picture that could well be misread

Last month, India's goods exports recorded only their second uptick this financial year, with a 6.2% rise. Merchandise imports grew a sharper 12.3% over last October and nearly 21% over September's tally to hit an all-time high of \$65.03 billion. The trade deficit, as a result, also hit a record \$31.5 billion. The import bill was expected to go beyond the relatively tepid trends in recent months, spurred by anticipation of festive demand for items such as jewellery and high-end electronics. But this surge, and the deficit tally, was beyond expectations, with economists describing it as 'a rude shock' thanks to 'idiosyncratic' effects. The Finance Ministry's monthly economic review asserted that merchandise exports "surprised on the upside" with the highest growth in 11 months, and that exports and imports have grown "despite fears of weak global demand".

The high imports and the likely deficit trajectory need not trigger much anxiety yet. The recent decline in oil prices should help this inelastic import bill recede from the seven-month high of \$17.7 billion. While festive and wedding demand spiked gold and silver imports to an extent, price drops in precious metals in early October also played a role as jewellers sought to ramp up stocks before prices rebounded. Similarly, not all of the bump up in electronics imports can be construed as consumption demand. That October was the last month of free imports of personal computers, laptops and servers before the 'deferred' implementation of new import 'licensing' norms, now euphemistically rephrased as an 'import management system', also triggered players into stockpiling inventories of these items. The government has been trying to rein in the import bill through such measures and a slew of quality control orders, but boosting exports is more critical to support job creation and economic growth. What is worrying is October's headline uptick in exports is a statistical kink - the shipments' value of \$33.6 billion is actually the lowest in 12 months and 6% below the 2021 tally. Global trade grew 2% month-on-month in October, but Indian exports dropped 2.6%. This is a clear sign that incremental opportunities that a slowing world is throwing up are being lost out on.

End the secrecy

India must respond meaningfully to allegations against its agents

India's decision to resume e-visas for Canadian citizens worldwide is a significant step towards restoring travel ties with Canada, which were snapped in September during the diplomatic stand-off following Canadian Prime Minister Justin Trudeau's allegations that Indian government agents had masterminded the assassination of a Khalistani leader. While India had restored certain categories of the visa last month, e-visa and tourist visas remained under suspension due to the threat to Indian diplomats from Khalistani groups. According to External Affairs Minister S. Jaishankar, the restoration of visas for Canadians was due to the "situation becoming more secure". However, the step does not necessarily mean a restoration of normal ties. After India cancelled visas for Canadians and demanded that Canada cut down its diplomatic strength by two-thirds for "parity purposes", Canada had flown out more than 40 of its diplomats and their family members and reduced its visa issuance capacity as well. With travel visas curtailed on both sides, business and investment ties too suffered, especially as Canada had already suspended talks for a Free Trade Agreement after the killing of the Khalistani leader, Hardeep Singh Nijjar. While Mr. Jaishankar and the Canadian Foreign Minister met each other in the U.S. in September, political ties have virtually shut down.

In addition, a new controversy, sparked by Washington, has emerged over a report that Indian government agencies were plotting to target another Khalistani leader, Sikhs for Justice leader Gurpatwant Singh Pannun, in the U.S. Like Nijjar, Pannun, a U.S.-Canadian dual national, is wanted in India for inciting violence against Indians and Indian diplomats, and for recently issuing a "warning" to travellers not to take "Air India" flights after November 19. This menacing statement harks back to the bombing of Air India Flight 182 out of Montreal, which killed all 329 on board, in 1985. A White House statement confirmed news reports that U.S. officials had raised the issue during Prime Minister Narendra Modi's visit to Washington in June. This indicates that the issue over Khalistani separatists is far from dying down, despite New Delhi's conversations with western partners at the 2+2 dialogues with the U.S. and Australia, respectively, and Mr. Jaishankar's recent visit to the U.K. In sharp contrast to the recent past, the government, which had rejected the Canadian allegations as "absurd and motivated", has been surprisingly accommodating of the U.S.'s allegations. The External Affairs Ministry issued a statement that said India is examining the "U.S. inputs" and would take "necessary follow-up action". While these are no doubt matters of national security, it is time the government shed some of the secrecy surrounding its dual responses and crafted its future course of action more coherently.

Deepfake alarm: challenges as AI's shadow looms over the entertainment industry

Deepfake controversy involving Indian celebrities highlights the urgent need for AI regulations and safeguards, as these technological advancements pose significant risks, influencing the demand for legal recourse, vigilance, and the development of AI-based solutions to combat such threats

Bhuvanesh Chandar

As has always been the case with any technological development, most common discussions around Artificial Intelligence (AI) centre on the direct, perceivable pros and cons it poses (thanks to sci-fi's favourite plot of robots taking over all humanity). It takes an unfortunate scapegoat to force us out of our voluntary or involuntary ignorance, look at everything that lies beyond, and acknowledge the gaping divide between those who are willing and not willing to participate in AI-related discussions.

Earlier this month, a deepfake video (a video featuring a human whose appearance was digitally altered using AI tech) surfaced featuring Rashmika Mandanna's facial likeness morphed over that of British-Indian social media personality Zara Patel. While those familiar with deepfakes could spot its eeriness immediately, Rashmika's pan-Indian popularity, the fact that she was the first Indian actor to voice out against deepfake abuse and that it got even the Prime Minister voicing out his concerns, attracted colossal media attention. The only silver lining in the controversy that erupted is that it has demanded that social media users from India pay attention to the global conversations on both AI as well as the regulation of the use of the tech in the hands of humans. For most of us, the allure of AI applications has certainly made scrolling through social media a fascinating exercise. Who would have ever thought one could listen to 'Ponmagal Vandhal' in the voice of PM Narendra Modi? '80s Rajinikanth and Silk Smitha came alive in a video tribute and in quite an eerie incident, we heard a Rajini song sung by the late S. P. Balasubrahmanyam. What grabbed the

most eyeballs was a deepfake video of the 'Kannan' song from Jailer that had Tamannaah Bhatia's face swapped with that of Simran. Both the female stars were overcome with joy, but if you are wondering why we were largely made aware of AI through entertainment media, Simran reminds us that it has always been the case. "I believe it's one way, it seems, the creators of AI are letting the world know of their presence," she says.

But there's a vital, high-risk aspect of deepfakes that makes systems established to tackle pre-existing cyber-crimes like morphing and Revenge Porn – the sadly normalised forms of cyber-attacks that female public personalities are often subjected to – seem redundant. Because the threat is no longer just a photo being morphed onto another photograph or a non-consensual upload of demeaning private media. What we are discussing is also the product of generative AI that can create something new, almost perfect renditions, with what it has been fed. The baffling rate at which generative AI is advancing makes the Rashmika controversy seem almost mild in comparison to what the future holds.

Awareness and vigilance

What we are discussing is a minute aspect in the gamut of AI – misuse of generative AI, by humans, for personal attacks. The Indian government has been vigilant in implementing measures to tackle AI-related issues since before the term became a parlance and measures combating Dark AI are being developed every millisecond globally. But what resolution exists for victims of deepfakes currently in India?

Say a deepfake video featuring your digital likeness was released online. The first step pundits advise you to do is to report the post to the social media

platforms, which are legally bound to not only address grievances relating to cybercrime but specifically in this case, remove it within 36 hours. Ashwini Vaishnaw, the Union Minister for Electronics and Information Technology and Communications, held a high-level meeting with social media platforms and professors pioneering in AI to discuss measures to tackle deepfakes.

The wait for proper legislation that directly addresses deepfakes and AI-related crimes is awaited, but meanwhile, the internet and law enthusiasts are happy to help you in guiding you with legal recourse. They say it's best for a victim to lodge a complaint with the National Cyber Crime Helpline – 1930. Avail the services of a good cyber lawyer who would explain the many provisions of Section 66 of the Information Technology Act of 2000, the Copyright Act, and other provisions under the Indian Penal Code that can provide legal remedies. If the nature of the deepfake or any morphed picture is intimate (or even if any intimate image was posted without consent), victims can avail help at the online forum stopncii.org which also promises to safeguard privacy. But is there anything else that can be done to prevent such content from reaching unaware consumers? Imagine what would happen to WhatsApp Universities if – like Facebook's and X's fact-check tools – social platforms could help sort through AI content. It might be possible for the source post but what about the media files that are duplicated and forwarded? If only we knew of a machine that could be trained to relentlessly fight any duplication.

Fighting AI with AI

AI models are being developed to counter Dark AI activities and one can only hope for more open-source tools – in the same

vein as Nightshade, which when applied can slightly tweak the digital artwork in the back end, making it hard for AI models to train themselves on – to first prevent misuse of our social media images, and second, alert consumers when they come across an AI-altered media. A simple Google search on how the tech world is combating deepfakes with AI lends many fascinating results, like Intel's deepfake detector called FakeCatcher, which is said to spot 'blood flow' in the pixels of a video (measures how much light is absorbed or reflected by blood vessels) to detect deepfakes. There have been other notable measures in providing transparency in the use of AI, like the Coalition for Content Provenance and Authenticity (C2PA), an open technical standard created by the coming together of many software companies with an aim to authenticate digital pictures.

We must not forget that in the aforementioned deepfake controversy, there were two victims – Rashmika Mandanna, and Zara Patel. It's no news that actors and social media influencers, particularly women and other marginalised genders, are forced to face the brunt of deepfakes and other cyber crimes, and there is no support system in place to guide them. Even if not for personal attacks, the recently held Hollywood strikes have proven that Indian cinema lacks a national union like SAG-AFTRA, the union for Hollywood actors, to take a stand against the potential use or abuse of AI by studios that can threaten the livelihood of actors. Simran agrees as well. "The bad side of AI is really nasty but the good side is that we all know about the worst side of it." For now, there's little we can do other than be aware of new AI tech and measures to combat Dark AI, and let legislature and human-friendly AI models do their jobs.