

No vote for veto

Supreme Court has done well to remove the veto power of Governors

In a parliamentary democracy, Governors do not have a unilateral veto over Bills passed by the legislature. This is the crux of the Supreme Court's ruling in a case arising from Punjab after Governor Banwarilal Purohit withheld assent to some Bills passed by the State Assembly on the pretext that these were adopted in an illegal session of the House. The Court's reading of the scheme of Article 200, which deals with grant of assent to Bills, is in line with the core tenet of parliamentary democracy: that an elected regime responsible to the legislature runs the State's affairs. While granting assent is a routine function, the other options – withholding assent or reserving a Bill for the President's consideration – have been subjects of controversy. There is a proviso to the Article which states that "as soon as possible", the Governor may return the Bill (if it is not a Money Bill) to the House for reconsideration, but when the Bill is passed again, with or without changes, he cannot withhold assent. The Supreme Court has now read the power to withhold assent and the proviso in conjunction, holding that whenever the Governor withholds assent, he has to send the Bill back to the legislature for reconsideration. This effectively means that the Governor either grants assents in the first instance or will be compelled to do so after the Bill's second passage.

The Court has done well to point out that Governors, in a system that requires them to function mainly on the aid and advice of the Council of Ministers, cannot withhold action on Bills and must act as soon as possible. This is a clear reprimand administered to Governors who believe they can endlessly delay action on Cabinet or legislative proposals because of the absence of a prescribed time-frame. Mr. Purohit's stand that the particular session of the Assembly was illegal – because an adjourned House was reconvened by the Speaker on his own – has been rejected. The Court has ruled that the earlier session had only been adjourned and not prorogued. The verdict should not give any further scope for controversy over the role played by Governors in the law-making process that culminates with their granting assent to Bills, and must end the tussle between elected regimes and the Centre's appointees. There is still some residual scope for controversy if, as a result of Governors being divested of the power to reject Bills unilaterally, they start referring Bills they disapprove of to the President. Such an eventuality should not be allowed to arise.

False alarm

The rise in flu cases in China is due to increased surveillance

Nearly four years after the novel SARS-CoV-2 coronavirus emerged in Wuhan, the capital of the Hubei Province in China, resulting in the deadliest pandemic that the world has faced in 100 years, the news of an outbreak of influenza-like illness in Beijing, Liaoning, and other places in China since mid-October has raised concerns about the emergence of yet another new virus. In what appears to be a replay of the early days of the COVID-19 pandemic when China showed little interest in alerting the WHO quickly, China's National Health Commission failed to report to the WHO the large number of undiagnosed pneumonia cases among children. The other striking similarities to the 2019 outbreak are the reportage of the clusters in local media and ProMED, a publicly available surveillance system for infectious diseases outbreaks, more than a month after the respiratory illnesses spiked, and the WHO becoming aware of the issue only through media reports. Finally, like in 2019, the WHO was forced to request China for detailed epidemiologic and clinical information, as well as laboratory results of pneumonia cases in children. One reason for China's reluctance to keep the global health body informed could be that the surge in respiratory illness was driven by known pathogens, including influenza and common bacterial and viral infections. On November 23, the details shared with the WHO by China indicated that the spike in cases and hospitalisations among children were due to *Mycoplasma pneumoniae* pneumonia since May, and RSV, adenovirus and influenza virus since October. While the multiple pathogens that caused illnesses in children this year are not novel nor the clinical presentations unusual, the surge in cases has occurred "earlier in the season than historically experienced". This could be because it is China's first full winter season after COVID-19 restrictions were removed in December last year.

China has claimed that the increased detection and reporting of respiratory illness in children was primarily due to enhanced outpatient and inpatient surveillance for respiratory illnesses covering a large variety of viruses and bacteria, including *Mycoplasma pneumoniae*. But this does not explain its failure to voluntarily keep the WHO informed about the unusually high number of cases last month. While China had reported a *Mycoplasma pneumoniae* pneumonia surge in October, the reasons for the current outbreaks were less clear till the WHO requested for information. China is duty-bound to keep the WHO informed in time without being asked.

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Women's Premier League auction on Dec. 9 in Mumbai

Press Trust of India

NEW DELHI

The players' auction ahead of the 2024 edition of the Women's Premier League (WPL) will be held on December 9 in Mumbai, the BCCI announced on Friday. The second edition of the WPL could take place in February-March next year.

The five franchises – Mumbai Indians, Delhi Capitals, Royal Challengers Bangalore, Gujarat Giants and UP Warriorz – had retained 60 cricketers, including 21 from overseas, ahead of the auction. A total of 29 players were released from contract from the existing squads.

List of retained and released players:

Delhi Capitals: Retained:

Alice Capsey, Arundhati Reddy, Jemimah Rodrigues, Jess Jonassen, Laura Harris, Marizanne Kapp, Meg Lanning, Minnu Mani, Poonam Yadav, Radha Yadav, Shafali Verma, Shikha Pandey, Sneha Deepthi, Taniya Bhatia, Titas Sadhu.

Released: Aparna Mondal, Jasika Akhter, Tara Norris.

Gujarat Giants: Retained:

Ashleigh Gardner, Beth Mooney, Dayalan Hemalatha, Harleen Deol, Laura Wolvaardt, Shabnam Shakil, Sneha Rana, Tanuja Kanwer. **Released:** Annabel Sutherland, Ashwani Kumari, Georgia Wareham, Hurley Gala, Kim Garth, Mansi Joshi, Monica Patel, Parulika Sisodia, Sabbineni Meghana, Sophia Dunkley, Sushma Verma.



Harmanpreet Kaur.

FILE PHOTO: EMMANUEL YOGINI

Mumbai Indians: Retained:

Amarjot Kaur, Amelia Kerr, Chloe Tryon, Harmanpreet Kaur, Hayley Matthews, Humaira Kazi, Isabelle Wong, Jintamani Kalita, Natalie Sciver, Pooja Vastrakar, Priyanka Bala, Saika Ishaque, Yastika Bhatia. **Released:** Dhara Gujjar, Heather Graham, Neelam Bisht, Sonam Yadav.

Royal Challengers Bangalore:

Retained: Asha Shobana, Disha Kasat, Ellyse Perry, Heather Knight, Indrani Roy, Kanika Ahuja, Renuka Singh, Richa Ghosh, Shreyanka Patil, Smriti Mandhana, Sophie Devine.

Released: Dani Van Nieuwerik, Erin Burns, Komal Zanzad, Megan Schutt, Poonam Khemnar, Preeti Bose, Sahana Pawar.

UP Warriorz: Retained:

Alyssa Healy, Anjali Sarvani, Deepthi Sharma, Grace Harris, Kiran Navgire, Lauren Bell, Laxmi Yadav, Parshavi Chopra, Rajeshwari Gayakwad, S. Yashasri, Shweta Sehrawat, Sophie Ecclestone, Tahliha McGrath. **Released:** Devika Vaidya, Shabnim Ismail, Shivani Shinde, Simran Shalikh.

Minnu Mani to lead India-A against England-A



Minnu Mani.

Press Trust of India

BENGALURU

Kerala cricketer C. Minnu Mani was on Friday named the India-A Women team captain for the three-match T20I series against its England counterpart, beginning in Mumbai on November 29.

The 24-year-old off-spinner is also the first cricketer from Kerala to lead an India-A Women side.

Minnu, who hails from Wayanad, a district in Northern Kerala, has played four matches for India taking five wickets.

She made her international debut during the three-match T20I series against Bangladesh at Mirpur this July.

The squad: C. Minnu Mani (captain), Kanika Ahuja, Uma Chetty, Shreyanka Patil, G. Trisha, Windy Dinesh, G. Divya, Arushi Goel, Disha Kasat, Rashi Kanojia, Mannat Kashyap, Anusha Baredy, Monica Patel, G. Kashavee, Jintamani Kalita, Prakashika Naik.

SEBI not obliged to take OCCRP findings on Adani as gospel: SC

CJI DY. Chandrachud, heading a three-judge Bench, says market regulator is bound by evidentiary requirements but adds that the court is not discrediting the reports; SEBI submits that the organisation did not share the material when asked

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Friday said that market regulator Securities and Exchange Board of India (SEBI) cannot be expected to accept as "gospel truth" foreign media reports about Organised Crime and Corruption Reporting Project (OCCRP)'s findings of alleged stock manipulation and accounting fraud against the Adani Group.

"You cannot expect a statutory regulator to take as gospel truth something that has been reported in a financial newspaper. We are not discrediting the reports, but we cannot certainly say that they are evidence for the SEBI," Chief Justice of India D.Y. Chandrachud addressed advocate Prashant Bhushan, appearing for petitioner Anamika Jaiswal.

In August, *Financial Times* and *The Guardian* had reported on the OCCRP investigation.

Mr. Bhushan asked in court "if journalists can get hold of all these details, how is it that SEBI, with its vast powers of investigation, is not able to".

"A statutory body like



The court reserved judgment on a plea to form a separate SIT to investigate the Adani-Hindenburg allegations.

SEBI is bound by evidentiary requirements... Somebody who publishes is not bound by the evidentiary standards of statutory bodies," Chief Justice Chandrachud, heading a three-judge Bench, reasoned.

Solicitor-General Tushar Mehta submitted that SEBI had not refused to take cognisance of the OCCRP report. "In fact, we wrote to them for the documents," he said. However, Mr. Mehta said the "global NGO" had refused to share the material. He claimed the documents were actually given by somebody in India and to get published abroad.

'Conflict of interest'

The court reserved judgment on a plea by Mr. Bhushan to form a separate Special Investigation Team (SIT) to investigate

the Adani-Hindenburg allegations, saying that the earlier committee headed by former Supreme Court judge, Justice A.M. Sapre, was hit by "conflict of interest". Mr. Bhushan said one of the committee members, O.P. Bhatt, a former chairman of the State Bank of India, was working as the Chairman of Greenko, a leading renewable energy company. Since March 2022, Greenko and Adani Group were working in a close partnership to provide electricity to Adani Groups' facilities in India, he submitted.

He also trained his guns on advocate Somasekhar Sundaresan, another committee member who was recently appointed an Additional Judge of the Bombay High Court. Mr. Bhushan said Mr. Sundaresan had appeared for the Ada-

ni Group in 2006 and had been on "several SEBI committees".

"Let us be fair here, Mr. Bhushan. He was only a counsel, not a retainer or a salaried employee or an in-house counsel for Adani. You have a 2006 order showing he was Adani counsel to challenge his being a Justice Sapre committee member 17 years later? Besides, he was not on a SEBI committee. He was on the Financial Sector Law reform Committee set up by the previous government," Chief Justice Chandrachud said.

The Justice Sapre Committee was constituted by the Supreme Court on March 2 to investigate the causal factors and existence, if any, of regulatory failure which led to investors losing crores due to volatility in the securities market following Hindenburg Research's report accusing the Adani Group of manipulation of share prices and account fraud.

Alert from DRI

The court also heard Mr. Bhushan's claim that SEBI had "concealed" an alert received from the Directorate of Revenue Intelligence (DRI) about "Adani

having siphoned off money and invested them in Adani-listed companies through entities based in Dubai and Mauritius".

Mr. Mehta, however, countered that DRI had closed the probe in 2017 and the issue had travelled up to the Customs Excise & Service Tax Appellate Tribunal (CESTAT) and the Supreme Court.

"Mr. Bhushan, be careful. It is easy to make allegations. We are not giving them any character certificate, but please be conscious of fairness... You are relying on a DRI communication to SEBI which had already been investigated and closed by the DRI. The matter was heard by the CESTAT. The Supreme Court had gone into it," the Chief Justice observed.

According to Mr. Bhushan, the DRI letter to the then SEBI chairperson, U.K. Sinha, on January 31, 2014, alerting that "there may be stock market manipulation being committed by the Adani Group of companies using the money siphoned off through overvaluation in the import of power equipment by Adani Group".

The court reserved its judgment on his pleas.

'Trust between India, Australia will help Indo-Pacific region'

Press Trust of India

NEW DELHI

External Affairs Minister S Jaishankar on Friday said it is the trust between like-minded partners such as India and Australia that is helping in efforts to secure a free, open, peaceful and prosperous Indo-Pacific region along with a rules-based international order.

In his virtual address at the sixth edition of the Australia-India Leadership Dialogue (AILD), Mr. Jaishankar said a driving force of the relationship is the convergence in understanding of, and approach to, the geostrategic environment, particularly in the Indo-Pacific region.

The AILD has quite aptly used the phrase 'Bridges of Bharosa (trust)' as one of its themes, he noted.

"In this complicated world, it is the *bharosa* or



S. Jaishankar

trust between like-minded partners such as India and Australia, along with others, that is helping us in our efforts to secure a free, open, peaceful and prosperous Indo-Pacific region along with a rules-based international order," Mr. Jaishankar said.

His remarks come amid China's growing assertiveness in the Indo-Pacific region.

Australian Foreign Minister Penny Wong also virtually addressed the forum.