



# 4<sup>th</sup> Sept 2025

- Role of Governor
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# ନୂଆଦିଲ୍ଲୀ ଓଡ଼ିଶା ନିବାସରେ ଓମ୍ପେଡ୍ କାଫେ, କୋରାପୁଟ କର୍ପି କାଫେ ଉଦ୍ଘାଟିତ ଓଡ଼ିଆ ସମ୍ବଦାୟଙ୍କୁ ଓଡ଼ିଶା ସହ ଯୋଡ଼ିବାରେ ସହାୟକ ହେବ: ମୁଖ୍ୟମନ୍ତ୍ରୀ

ନୂଆଦିଲ୍ଲୀ/ଭୁବନେଶ୍ୱର, ୩।୯ (ରବିନାରାୟଣ ଜେନା) ନୂଆଦିଲ୍ଲୀସ୍ଥିତ ଓଡ଼ିଶା ନିବାସରେ ରୁଧିରୀ ଏକ ଓମ୍ପେଡ୍ କାଫେ ଏବଂ କୋରାପୁଟ କର୍ପି କାଫେର ଉଦ୍ଘାଟନ ହୋଇଯାଇଛି। ଏହାକୁ ଉଦ୍ଘାଟନ କରି ମୁଖ୍ୟମନ୍ତ୍ରୀ ମୋହନ ଚରଣ ମାଝୀ କହିଛନ୍ତି, ନୂଆଦିଲ୍ଲୀରେ ଓଡ଼ିଆ ସମ୍ବଦାୟଙ୍କୁ ଓଡ଼ିଶା ସହ ଯୋଡ଼ିବାରେ ଏହା ବିଶେଷ ସହାୟକ ହେବ ଏବଂ ସେମାନେ ଓମ୍ପେଡ୍ ଦ୍ରବ୍ୟର ସ୍ୱାଦ ଉପଭୋଗ କରିପାରିବେ। ଏହି କାଫେ ଦିଲ୍ଲୀରେ ବସବାସ କରୁଥିବା ଓଡ଼ିଆ ଲୋକଙ୍କ ଆବଶ୍ୟକତା ପୂରଣ କରିବା ସହିତ ଅନ୍ୟ ଗ୍ରାହକମାନଙ୍କୁ

ମଧ୍ୟ ସେବା ଯୋଗାଇଦେବ। ମୁଖ୍ୟମନ୍ତ୍ରୀ କହିଛନ୍ତି, ଓମ୍ପେଡ୍ କାଫେକୁ ଦିଲ୍ଲୀବାସୀ ଓ ଅନ୍ୟ ରାଜ୍ୟର ଅଧିବାସୀ ଆଦର କରିବେ। ଏହାସହ କୋରାପୁଟ କର୍ପିର ଚାହିଦା ନିଶ୍ଚୟ ବୃଦ୍ଧି ପାଇବ। ଏହି ଅବସରରେ ଓଡ଼ିଶା ନିବାସରେ ଏଭଳି ପଦକ୍ଷେପ ପାଇଁ ରେସିଡେଣ୍ଟ କମିଶନର ଏବଂ ବିଭାଗୀୟ ଅଧିକାରୀଙ୍କୁ ମୁଖ୍ୟମନ୍ତ୍ରୀ ଧନ୍ୟବାଦ ଜଣାଇଛନ୍ତି। ମୁଖ୍ୟମନ୍ତ୍ରୀ ଆହୁରି କହିଛନ୍ତି, ପୁରୀ ଶ୍ରୀମନ୍ଦିରରେ ଓମ୍ପେଡ୍ ଘିଅ ବ୍ୟବହାର ହେବା ପରଠାରୁ ଏହାର ବିଶ୍ୱସନୀୟତା ବଢ଼ିଛି। ଓମ୍ପେଡ୍ ଦ୍ରାଘ୍ ତାହାର ଗୁଣବତ୍ତା, ପବିତ୍ରତା ଓ ସ୍ୱାଦ

ପାଇଁ ବେଶ୍ ପରିଚିତ। ବିଭିନ୍ନ ଓଡ଼ିଆ ସଂଗଠନ ପକ୍ଷରୁ ଦିଲ୍ଲୀ ଜଗନ୍ନାଥ ମନ୍ଦିରକୁଡ଼ିକରେ ଓମ୍ପେଡ୍ ଘିଅର ଉପଲବ୍ଧତା ପାଇଁ ମୁର୍ବୁ ପାଳିହୋଇ ଆସୁଥିଲା। ଏବେ ଦିଲ୍ଲୀ ଜଗନ୍ନାଥ ମନ୍ଦିରକୁଡ଼ିକରେ ଓମ୍ପେଡ୍ ଘିଅ ବ୍ୟବହାର କରିବାରେ କୌଣସି ସମସ୍ୟା ରହିବ ନାହିଁ। ସୁତରାଂଯୋଗ୍ୟ, ଲୋକଙ୍କ ସରକାର ରାଜ୍ୟର ଦୁଗୁଡ଼ାସୀ ଏବଂ ଦୁଗୁ ଉତ୍ପାଦକମାନଙ୍କ ସ୍ୱାର୍ଥକୁ ପ୍ରାଥମିକତା ଦେଇ ଓମ୍ପେଡ୍ରେ ସଂସ୍କାର ଆଣିଛନ୍ତି। ଦୁଗୁଡ଼ାସୀମାନେ ମୂଲ୍ୟବାଦ ଦରରେ ଓମ୍ପେଡ୍କୁ ଦୁଗୁ ବିକ୍ରି କରନ୍ତି ଏବଂ ଓମ୍ପେଡ୍ ସେହି ଦୁଗୁର ଉଚ୍ଚ ଗୁଣବତ୍ତା ରକ୍ଷାକରି ଉପଭୋକ୍ତାଙ୍କ ପାଖରେ ଦ୍ରବ୍ୟ ପହଞ୍ଚାଇପାରୁଛି। ରାଜ୍ୟ ସରକାରଙ୍କ ଦୃଢ଼ ପ୍ରତିବଦ୍ଧତା, ଦୁଗୁ ଉତ୍ପାଦକମାନଙ୍କର ସହଯୋଗ

ଏବଂ ଓମ୍ପେଡ୍ରେ ନିଷ୍ପାପର ପ୍ରୟାସ ପାଇଁ ଏହା ସମ୍ଭବ ହୋଇପାରିଛି ବୋଲି ସେ କହିଥିଲେ। ଏହି କାଫେରେ ଘିଅର ମିଳ, ଗୁଣ୍ଡଦୁଗୁ, ସାଦା ଓ ମିଠା ଦହି, ପେଡ଼ା, ଗୋଲାପ ଜାମୁ, ହଳଦୀ, ଏ-ଟୁ ଦୁଗୁ ପରି ଓମ୍ପେଡ୍ ଉତ୍ପାଦ ଉପଲବ୍ଧ ହେବ। ଓମ୍ପେଡ୍ରେ ୧୦ ପ୍ରକାରର ଆଇସକ୍ରିମ୍ ମଧ୍ୟ ଏଠାରେ ଉପଲବ୍ଧ ହେବ। ଓମ୍ପେଡ୍ ଗୁଣବତ୍ତା ରକ୍ଷାକରି ଜନସାଧାରଣଙ୍କ ପାଇଁ ଉତ୍ପାଦ ପ୍ରସ୍ତୁତ କରୁଛି। ତେଣୁ ଆଗାମୀ ଦିନରେ ଓମ୍ପେଡ୍ ଉତ୍ପାଦ ଅନ୍ୟ ରାଜ୍ୟରେ ମଧ୍ୟ ବିକ୍ରି ହେବାର ସୁଯୋଗ ସୃଷ୍ଟି କରାଯିବ। ଓମ୍ପେଡ୍ ଓଡ଼ିଶା ଗୋପାଳକଙ୍କ ନିଜସ୍ୱ ସଙ୍ଗଠନ। ଓମ୍ପେଡ୍ରେ ବୃଦ୍ଧିରେ ରାଜ୍ୟର ଗୋପାଳକମାନେ ଲାଭବାନ୍ ହେବେ।

ଗୋପାଳକଙ୍କ ଆୟକୁ ବହୁଗୁଣିତ କରିବା ଲକ୍ଷ୍ୟରେ ଆମ ସରକାର ଏକ ଯୁଗାନ୍ତକାରୀ ପଦକ୍ଷେପସ୍ୱରୂପ ମୁଖ୍ୟମନ୍ତ୍ରୀ କାମଧେନୁ ଯୋଜନା ଆରମ୍ଭ କରିଛନ୍ତି। ରାଜ୍ୟରେ ଦୁଗୁ ଉତ୍ପାଦନ ବୃଦ୍ଧି ଓ ଗୋପାଳନର ବିକାଶ ଦିଗରେ ଏପରି ଯୋଜନା ଆଗରୁ କେବେ ହୋଇ ନ ଥିଲା। ରାଜ୍ୟର ଗୋପାଳକମାନେ ମୁଖ୍ୟମନ୍ତ୍ରୀ କାମଧେନୁ ଯୋଜନାରେ ଏବେ ସଶକ୍ତ ହୋଇପାରୁଛନ୍ତି ବୋଲି ସେ କହିଥିଲେ। ଏହି କାର୍ଯ୍ୟକ୍ରମରେ ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନୁସୂଚିତ ଜାତି ଉଲ୍ଲେଖ, ସଂଖ୍ୟାଲଘୁ ଓ ପଛଆବର୍ଗ କଲ୍ୟାଣ ମନ୍ତ୍ରୀ ନିତ୍ୟାନନ୍ଦ ଗଣ୍ଡ, ମହ୍ୟ ଓ ପ୍ରାଣିସମ୍ପଦ ବିକାଶ ତଥା ଅଶ୍ରୁ, କ୍ଷୁଦ୍ର ଓ ମଧ୍ୟମ ଉଦ୍ୟୋଗ ମନ୍ତ୍ରୀ ଗୋକୁଳାନନ୍ଦ ମଲିକ ପ୍ରମୁଖ ଉପସ୍ଥିତ ଥିଲେ।



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# Governors must act 'forthwith' on Bills, States argue in SC

Governors create conflict by sitting over Bills for years together. Their doubts about the constitutionality of Bills is a bogey

**KAPIL SIBAL**  
Counsel for West Bengal



Governors have to act on the advice of the State government. Governance cannot happen in a constant state of conflict

**GOPAL SUBRAMANIAM**  
Counsel for Karnataka



West Bengal, Karnataka and Himachal Pradesh said the will of the people, which the proposed laws manifest, cannot be sacrificed on the altar of the whims and fancies of Governors. They said sitting over Bills was a quiet disguise for denying assent, but without necessarily having to return the proposed laws to the legislature for reconsideration.

The three States said that if the Centre wanted them to presume that a high constitutional authority like the Governor would act with integrity while dealing with Bills, the same courtesy must be extended to State legislatures, which also happened to be high constitutional authorities.

Appearing before a five-judge Presidential Reference Bench headed by Chief Justice of India B.R. Gavai, senior advocate Kapil Sibal, for West Bengal, said Article 200 required the Governor to return a Bill to a State Legislature "as soon as possible" in

grant assent if the legislature re-passed them. Later, once the Bills are notified as laws, citizens could test their constitutionality in court, he said.

He drew attention to Article 167, which made it the Chief Minister's duty to apprise the Governor of laws being contemplated by the State Cabinet. This was done as a part of the pre-legislative process.

The senior lawyer said the Chief Minister would meet the Governor for an informal interaction to discuss the crafting of a law and taking in suggestions. Later, once the Bill was passed by the legislature, the Governor was expected to give his assent.

Besides, Mr. Sibal pointed to the proviso of Article 254(2) of the Constitution that allowed Parliament to neutralise a repugnant State law by "adding to, amending, varying or repealing" it.

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## 'Governors must act forthwith on Bills'

Justice Surya Kant observed the proviso acted as a "second filter" on State Bills.

"But prevention is better than cure, no?" Justice Vikram Nath interjected.

Mr. Sibal replied there was a presumption of constitutionality associated with Bills passed by the legislature. References to the President by Governors were once rare instances. "Now, Governors create conflict by sitting over Bills for years together. Their doubts about the constitutionality of Bills, especially in the case of re-passed Bills, is bogey... The power given to Governors to assent, withhold assent or refer State Bills to the President under Article 200 are not discretionary choices, but constitutional routes," he responded.

Karnataka, represented by senior advocate Gopal Subramaniam, said State Legislatures cannot allow other constitutional authorities to invade upon their legislative powers. He noted that the Centre's argument that the President and Governors have wide discretionary powers was "fundamentally flawed".

"In the parliamentary form of democracy, the aid and advice of the Cabinet is central. There cannot be a dyarchy within a State. Governors have to act under the aid and advice of the State government. Governance cannot happen in a constant state of conflict or threat of conflict," Mr. Subramaniam submitted.

Advocate Anand Sharma, a former Union Minister, said neither the President nor Governors have any role in lawmaking.

case he disagreed with it.

Mr. Sibal interpreted "as soon as possible" to mean "forthwith or immediately". "Forthwith" must apply to Governors and President, who is actually the Union government, while dealing with grant of assent. Bills cannot wait," he submitted. The Governor had no business questioning the constitutionality of Bills. He was bound to grant assent if the legislature re-passed them. Later, once the Bills are notified as laws, citizens could test their constitutionality in court, he said.

**Krishnadas Rajagopal**  
NEW DELHI

States ruled by non-BJP parties argued in the Supreme Court on Wednesday that even a three-month deadline given in the *Tamil Nadu Governor* case judgment may be too long, and State Bills presented to Governors must be assented to by these "titular heads" forthwith.

West Bengal, Karnataka and Himachal Pradesh said the will of the people, which the proposed laws manifest, cannot be sacrificed on the altar of the

Uaishna CIVIL SERVICE Examination

**CIVIL SERVICE CORNER**

260224080

**C**onstitutional democracies are sustained not only by written laws but also by what the South African professor of law, Etienne Mureinik, first described as a "culture of justification". That is, the idea that every exercise of public power must be explained and defended. As Mureinik put it, "The leadership given by government rests on the cogency of the case offered in defence of its decisions, not the fear inspired by the force at its command."

Judges in India have routinely invoked this principle to demand accountability from the state. But with reports surfacing in the media of the dissent by Justice B.V. Nagarathna of the Supreme Court of India, on the Collegium's recommendation to elevate Justice Vipul M. Pancholi to the Court, it appears that this culture of justification ends at the Collegium's door. When it comes to the Court selecting its own members, the public seemingly have no right to know.

### An indictment of the system

A dissent of this kind ordinarily would represent a moment of reckoning. But the Collegium and its almost total opacity has meant that the opposition has proven not so much a failure as a futile exercise. The resolution uploaded on the Court's website, displaying the recommendation, suggests unanimity. It makes no mention of dissent. We only learnt of Justice Nagarathna's objection through reports in the media. The note that she wrote remains hidden, but we are told that her reservations were "grave." It is unclear whether the dissent was even shared with the Union government, which, within 48 hours of the recommendation, went ahead and notified the appointment.

This gulf, between what we know happened and what we are permitted to know, epitomises the flaws inherent in the system governing how we appoint members to our courts. One of India's senior-most judges may have believed there were compelling reasons why the candidate's elevation should not have gone through, yet both her reasoning and the majority's response remain unknown. No doubt the dissent might only concern a single appointment. It is possible that the other members in the Collegium had overwhelming reasons to support the proposal. But the fact that the public is told nothing at all is itself an indictment of the system – its lack of transparency, its democratic deficit, and its refusal to explain itself to the people in whose name it acts.

The Collegium has been resistant to transparency from its inception. It is a product of judge-made law. Created in the "Second Judges Case" (1993) and entrenched in the "Third Judges

Case" (1998), the system vests primacy in the five senior-most judges of the Supreme Court to appoint members of the higher judiciary. They deliberate in private, record decisions with minimal disclosure, and rarely explain their reasoning.

Beginning in 2017, the Collegium began publishing its resolutions. But these were skeletal at best and amounted to little more than formal announcements. For a short period in 2018, the Court uploaded fuller reasons for the Collegium's choices and rejections. However, the experiment was short lived, with the explanation that disclosure might damage reputations.

Justice Nagarathna's dissent reveals the cost of this retreat to secrecy. If even an objection from a serving Supreme Court judge is deemed too sensitive for the public, then we must ask whether the Collegium has not simply embraced opacity but crossed into outright rejection of accountability.

### The weak defence

The defence of keeping its reasons confidential has always rested on two claims: that openness can harm the reputation of candidates who are not selected, and that it would expose the system to political pressures. On reasonable scrutiny, both claims collapse.

No doubt, marrying transparency with reputational fairness requires careful handling. But other constitutional democracies seem to manage it better than India does. Britain's Judicial Appointments Commission, for instance, sets out its criteria openly and issues reports explaining how candidates were assessed. In South Africa, candidates for higher judicial office are interviewed by the Judicial Service Commission, and their suitability debated in public. Neither system is flawless, but both proceed from the recognition that legitimacy flows from openness. India, by contrast, persists in treating the Collegium as a private conclave. Even the existence of dissent reaches us only through leaks. If reputational harm is a genuine concern, the answer must lie in carefully structuring disclosure to mitigate it. Denying justification altogether cannot be the solution. And if political pressure is feared, then secrecy has hardly prevented it. The executive, after all, continues to delay and stonewall inconvenient Collegium recommendations. It can return a name for reconsideration or, on re-recommendation, simply keep the file pending, stopping short of issuing the presidential warrant of appointment.

The stakes here go to the heart of India's democracy. Judges chosen today will shape the outcomes of India's most urgent constitutional questions that range from issues concerning civil liberties to the limits of executive power and the

Justice Nagarathna's dissent has not halted Justice Pancholi's elevation. Indeed, it is possible that the other members of the Collegium had good reasons to support his appointment. What they were, we will never know. But the larger issue here extends beyond a single name. It concerns whether the Court is prepared to live by the very principle it seeks to impose on every other organ of the state: that every exercise of public power must be justified.

In many democracies, anxieties about unelected judges striking down laws are framed as a counter-majoritarian difficulty. How can a system be democratic if those not chosen by the people wield such authority? At first blush, the concern seems real. But it misstates what democracy truly is. Democracy is not simply majoritarian rule by numbers. Properly understood, it is something more: a partnership between citizens that secures rights and ensures that liberty and equality structure public life. Unelected judges play an essential role here, by interpreting the law and by protecting rights against majoritarian excesses.

It is for this reason that the Constitution vests extraordinary prerogative power in an unelected judiciary. Judges are meant to act as independent arbiters, to check and balance government, to protect fundamental liberties. In doing so, they do not undermine democracy but only fulfil its highest aspirations.

### The Collegium must accept reform

However, for the judiciary to retain its standing, the process by which judges are appointed must itself meet the strictest standards of accountability. The Collegium has too often withdrawn into a culture of concealment over justification. Unless it embraces reform, it risks diminishing the very legitimacy on which its authority rests. Too many opportunities for change have been spurned in the past; every step forward has been followed by two steps back, with each retreat eroding the values of transparency and integrity on which democracy depends.

A judiciary that subjects itself to the same standards of openness it demands of others will not weaken its autonomy. On the contrary, it will anchor its independence more securely in the trust and the confidence of the people.

# India's recent maritime reforms need course correction

Polity



**Abhijit Singh**

is a retired naval officer and the former Head of the Maritime Policy Initiative at the Observer Research Foundation, New Delhi

India should modernise its maritime legislation, but reform should not be at the expense of federal balance and fair competition

Council's structure and intent, where State maritime boards cannot adjust their own frameworks without central approval, as stripping coastal States of fiscal autonomy and flexibility, even while burdened with tight port management responsibilities.

The criticism is not confined to federal concerns. Experts warn that the new law introduces vague, discretionary regulatory powers that could saddle smaller operators with unmanageable compliance burdens. Equally troubling is the approach to dispute resolution: Clause 17 of the Bill bars civil courts from hearing port-related disputes, forcing parties into internal dispute resolution committees created by the very authorities they are contesting. Analysts caution that the absence of impartial, independent judicial review could deter private investment and erode trust in the regulatory system.

## The issue about ownership

The Merchant Shipping Act, 2025, is not free from flaws either. It seeks to modernise registration, ownership rules, safety standards, environmental obligations, and liability frameworks, with some admittedly notable pluses: expanding vessel definitions to cover offshore drilling units and non-displacement crafts; tightening oversight of maritime training institutes; and aligning India's liability and insurance rules with international conventions. Yet tucked into the fine print is a loophole in ownership safeguards. Under the Merchant Shipping Act, 1958, Indian-flagged vessels had to be fully Indian-owned. The new Act permits "partly" Indian ownership including by Overseas Citizens of India and foreign entities while leaving the actual thresholds to be decided later by government notification.

The law also formally recognises Bareboat Charter-Cum-Demise (BBCD) registration, intended to let Indian operators lease foreign vessels with a view to eventual ownership. While legitimate as a global financing tool, the BBCD could test India's regulatory capacity to ensure that transfers actually occur. Without clear, enforceable rules, foreign lessors may retain effective control indefinitely. Further, the Act

mandates registration of all vessels, regardless of size or propulsion, without regard to the bureaucratic burdens that this places on small operators. What is most troubling is that it hands the executive a blank cheque to dilute ownership requirements whenever convenient, raising the risk of India sliding into a flag-of-convenience jurisdiction where foreign owners control ships flying the Indian flag.

## Endangering smaller players

The final component of India's maritime reform package, the Coastal Shipping Act, ostensibly aims to clarify and strengthen cabotage rules, ensuring that only Indian-flagged vessels engage in domestic coastal trade. Though well-intentioned, it gives the Director General of Shipping sweeping discretion to licence foreign vessels on vague grounds such as "national security" or "alignment with strategic plans" – open-ended clauses that invite arbitrary or selective application. The real burdens are likely to fall on small operators, particularly in the fishing industry, who will struggle to comply with mandatory voyage and cargo reporting requirements in the absence of clear guidance on how such data will be used or protected. Members of Parliament from the Opposition have warned that the Act hands too much control to the Centre, potentially undermining local autonomy – a concern that applies equally to the centrally mandated National Coastal and Inland Shipping Strategic Plan.

None of this is to deny the need for an updated legal framework. India certainly must modernise its maritime legislation. But reform should not come at the expense of federal balance and fair competition. Ownership thresholds and licensing rules ought to be clearly specified in law, not left to executive discretion. As it stands, too many of the provisions are arbitrary – from dispute resolution that lacks judicial independence to excluding States from any meaningful role in planning. These measures may be a beginning, but without significant amendments, they risk delivering ease of doing business for the few while eroding the federal compact and weakening India's long-term maritime security.

The passage of the Indian Ports Bill, 2025 in the Rajya Sabha, on August 18, marks a pivotal moment in India's maritime legislative history. Intended to repeal and replace the Act of 1908, it comes alongside the newly enacted Coastal Shipping Act, 2025, the Carriage of Goods by Sea Bill, 2025, and the Merchant Shipping Act, 2025, a legislative package that the government hails as critical to streamlining maritime governance and bringing India's shipping regulation in line with global practices.

## Progress but with pitfalls

At first glance, these new laws represent a comprehensive attempt to modernise India's maritime governance. India's maritime regulation is fragmented and outdated, with modern shipping finance, offshore operations and international conventions long having outpaced the legal and operational frameworks in place. For India to expand its trade, attract foreign investment and enhance its maritime standing, aligning with global best practices is indeed necessary. In particular, the Indian Ports Act has been hailed as a facilitative law – one that enables ease of business, promotes sustainable port development, and brings coherence to India's otherwise disjointed regulatory environment. Even so, the Bill's passage without a serious parliamentary debate or referral to a standing committee raises questions, underlining the absence of political consensus and public scrutiny.

Notably, the Ports Act, 2025, has been criticised for centralising power at the expense of the States, diluting safeguards meant to protect Indian sovereignty. Critics point to its main feature, the Maritime State Development Council (chaired by the Union Minister of Ports) as a centralised policy-making authority with the power to direct States to follow central guidelines. Far from an illustration of cooperative federalism, they contend, the new Ports Act is an example of federal subordination, designed to ensure that States align their port development with central plans, such as Sagarmala and PM Gati Shakti regardless of their own priorities. Critics point to the Maritime State Development



# Should reservations exceed the 50% cap?

What do Articles 15 and 16 of the Constitution guarantee? How are formal and substantive equality different? Are reservations an exception to the idea of equality of opportunity or a continuation? Are reservation benefits concentrated within specific sub-castes in OBCs, SCs and STs?

## EXPLAINER

Rangarajan R.

### The story so far:

**T**he leader of the opposition in Bihar, Tejashwi Yadav, has declared that if voted to power, their alliance would increase reservation to 85%. In another development, the Supreme Court has issued notice to the Union government on a petition demanding the introduction of a 'system' similar to the 'creamy layer' for reservations among the Scheduled Castes (SC) and Scheduled Tribes (ST)

### What are constitutional provisions?

Articles 15 and 16 guarantee equality to all citizens in any action by the state (including admissions to educational institutions) and public employment respectively. In order to achieve social justice, these Articles also enable the state to make special provisions for the advancement of socially and educationally backward classes or Other Backward Classes (OBCs), SCs and STs. A brief summary of important developments with respect to reservations at the central level is provided in the Table. The reservation in the Centre at present stands as follows – OBCs (27%), SCs (15%), STs (7.5%) and for the Economically Weaker Section (EWS), 10%, resulting in a total reservation of 59.5%. The reservation percentages vary from State to State according to their demographic profile and policies.



**Moment of reckoning:** Maratha community members celebrate after the Maharashtra government accepted activist Manoj Jarange Patil's demands, including granting Marathas Kunbi caste certificates which will make them eligible for reservation benefits available to OBCs, in Mumbai, on September 2. PTI

## THE GIST

Articles 15 and 16 guarantee equality to all citizens in any action by the state (including admissions to educational institutions) and public employment respectively.

There has been a growing demand for increasing the reservation percentage beyond the judicial cap of 50% to reflect the proportion of backward classes in the population.

Right to equality of opportunity is a fundamental right and an increase in reservation up to 85% may be seen as violating such right. Nevertheless, substantive equality through affirmative action is required to uplift the underprivileged.

will result in an even more increased backlog of vacancies. There is also a fear that such backlog vacancies may be converted in the long run to unreserved seats thereby depriving the SCs and STs of their rightful share of opportunities.

**What can be the way forward?**

Right to equality of opportunity is a fundamental right and an increase in reservation up to 85% may be seen as violating such right. Nevertheless, substantive equality through affirmative action is required to uplift the underprivileged. Based on empirical data of the ensuing Census in 2027, which will also enumerate backward castes, there must be wide ranging discussions with all stakeholders to arrive at a suitable level of reservation. Equally important is to implement sub-categorisation among the OBCs as per the Rohini Commission report based on Census data. With respect to SCs and STs, as demanded in the plea before the Supreme Court, a ‘two-tier’ reservation system may be considered. Under such a scheme, priority would be given to more marginalised sections before extending it to those who are relatively well-off within those communities. These measures would ensure that benefits of reservation reach the more marginalised among the underprivileged in successive generations.

It must also be borne in mind that considering the opportunities available in the public sector and the young population of our country, any scheme of reservation would not meet the aspirations of large sections of the society. There must be sincere efforts to provide suitable skill development mechanisms that would enable our youth to be gainfully employed.

*Rangarajan. R is a former IAS officer and author of ‘Courseware on Polity Simplified’. He currently trains at Officers IAS Academy. Views expressed are personal.*

# The journey of reservations

A brief summary of important developments with respect to reservations at the central level

Year	Key development
1950 and 1951	Commencement of the Constitution and the First Amendment — enabling provisions in Articles 15 and 16 for the advancement of OBCs, SCs and STs
1982	Reservations for SCs and STs fixed at 15% and 7.5% respectively in central educational institutions and public sector undertakings
1990	The introduction of 27% reservation for OBCs in central government employment based on the recommendation of the Mandal Commission
2005	Article 15(5) inserted by the 93rd constitutional amendment that enabled reservations for OBCs, SCs and STs in educational institutions, including private ones
2019	Articles 15(6) and 16(6) inserted by the 103rd constitutional amendment which enabled up to 10% reservation for the EWS among the unreserved category in educational institutions and public employment

**What have courts ruled?**

The issue arises due to two ostensibly competing aspects of equality – formal and substantive. The Supreme Court in *Balaji versus State of Mysore* (1962) noted that reservations under Articles 15 and 16 for backward classes should be ‘within reasonable limits’ and should be adjusted with the interests of the community as a whole. The court further ruled that such special provisions for reservation should not exceed 50%. This is seen as an endorsement of formal equality where reservations are seen as an exception to equality of opportunity and hence cannot exceed 50%.

Substantive equality on the other hand is based on the belief that formal equality is not sufficient to redress the difference between groups that have enjoyed privileges in the past and groups that have been historically underprivileged and underrepresented. A seven-judge Bench in *State of Kerala versus N. M. Thomas* (1975) have broached the aspect of substantive equality. The court in this case opined that reservation for backward classes is not an exception to equality of opportunity but is an assertion and continuation of the same. However, since the 50% ceiling was not a question before the court, it did not give a binding judgment on this aspect in the case.

In the *Indra Sawhney* case (1992), a nine-judge Bench upheld the 27% reservation for OBCs. It opined that caste is a determinant of class in the Indian context. Further, in order to uphold the equality of opportunity, it reaffirmed the cap of 50% for reservation as held in the *Balaji* case, unless there are exceptional circumstances. The court also provided for the exclusion of a creamy layer within OBCs. In the *Janhit Abhiyan* case (2022), the court by a majority of 3:2 upheld the constitutional validity of the EWS reservation. It held that economic criteria could be a basis for reservation and opined that the 50% limit set in the *Indra Sawhney* case was meant for backward

classes while the EWS reservation of 10% is for a different category among unreserved communities.

**What are the competing arguments?**

Dr. B. R. Ambedkar in his Constituent Assembly speech in November 1948 justified the need to have reservations for backward communities that have been left out in the past. He also opined that reservations should be confined to a minority in order to uphold the guaranteed right of ‘equality of opportunity.’

However, there has been a growing demand for increasing the reservation percentage beyond the judicial cap of 50% to reflect the proportion of backward classes in the population. The demand for a caste census has been strong in order to have actual data about this proportion rather than mere estimates. It must also be noted that as per various government replies in Parliament, 40-50% of seats reserved for OBCs, SCs and STs in the Central government remain unfilled.

Another contentious issue relates to the concentration of reservation benefits. The Rohini Commission, set up for providing recommendations on the sub-categorisation among OBC castes, has

estimated that 97% of reserved jobs and seats in educational institutions have been garnered by just around 25% of the OBC castes/sub-castes at the central level. Close to 1,000 of around 2,600 communities under the OBC category have had zero representation in jobs and educational institutes.

A similar issue of concentration of reservation benefits persist in SC and ST categories as well. There is no exclusion of ‘creamy layer’ for these communities. In *State of Punjab versus Davinder Singh* (2024), four judges of a seven-judge Bench impressed upon the Central government the need to frame suitable policies for the exclusion of ‘creamy layer’ in SC and ST reservations. However, the Central government in a cabinet meeting in August 2024 reaffirmed that the ‘creamy layer’ does not apply to reservations for SCs and STs.

Critiques who are against the extension of a ‘creamy layer’ to SCs and STs argue that the vacancies for these communities are anyway not fully filled. Therefore, the question of a ‘creamy layer’ within such communities usurping the opportunities of even more marginalised castes does not arise. It is also likely that the exclusion of a ‘creamy layer’ based on any criteria



# SC has championed the right to dignity through multiple judgments: CJI

**The Hindu Bureau**

NEW DELHI

Chief Justice of India B.R. Gavai on Wednesday described human dignity as the “soul of the Constitution” which sources and binds together core values such as personal liberty, freedom to choose, equality and fraternity.

The Supreme Court has championed the right to dignity through multiple judgments to better the lives of women, prisoners, ordinary workers, persons with disabilities, and other marginalised and minority groups over the decades, he said.

Through its interpretations of the value of dignity, the Supreme Court has ensured that the Constitution remained a living instrument, capable of responding to evolving societal challenges while remaining faithful to its foundational values, the CJI said.

Chief Justice Gavai was delivering the keynote address at the 11th Dr. L.M. Singhvi Memorial Lecture on “Human dignity as the soul of the Constitution: judicial reflections in the 21st century”.

Lok Sabha Speaker Om Birla; senior advocate Abhishek Singhvi, MP; and Vice-Chancellor of the O.P. Jindal Global University C. Raj Kumar spoke on the occasion.

The CJI said the court had intervened to declare human digni-



Chief Justice of India B.R. Gavai

ty as a “Constitutional value that remains inviolable, even within the confines of incarceration”.

### **‘Not just physical survival’**

Thus, the court’s interventions were not limited to ensuring physical survival of the affected persons, but its verdicts had touched upon broader conditions which would enable the aggrieved and disempowered sections of society to lead a life of self-respect, freedom, and opportunity, he said.

“Human dignity is intrinsically connected to an individual’s autonomy and capacity to make decisions about their own life. It encompasses the freedom to exercise choice, personal agency, and self-determination,” Chief Justice Gavai said.

# GST Council approves two-rate tax slab effective September 22

Govt. keeps slabs at 5% and 18%; introduces 'special' 40% rate for goods such as tobacco and luxury items; removes tax on life insurance and health policies; move likely to reduce prices of daily-use goods, food items, life-saving medicines, cement

**The Hindu Bureau**  
NEW DELHI

The Goods and Services Tax (GST) Council, during its 56th meeting, decided to revamp the tax structure into a primarily two-rate system, as proposed by the Central government, Union Finance Minister Nirmala Sitharaman announced on Wednesday.

Apart from the two rates of 5% and 18%, the new GST system would also include a 40% "special rate" on sin goods such as tobacco and luxury items such as large cars, yachts, and helicopters.

The decisions will come into effect from September 22 for most items, she said. Only tobacco and tobacco-related products will move to the new structure at a



**List is out:** Finance Minister Nirmala Sitharaman speaking to the media after the GST Council meeting in New Delhi. PTI

date to be specified by the Finance Minister.

The government also calculated that the net fiscal implication of the rate cuts, based on consumption patterns in 2023-24, would be ₹48,000 crore. However, the officials clarified that the real implication would be known on the basis of current con-

sumption, and that the rate rationalisation was expected to result in a buoyancy effect, and improved compliance.

"These reforms have been carried out with a focus on the common man," Ms. Sitharaman said. "Every tax levied on the common man has gone through a rigorous looking

into, and in most cases, the rates have come down. Labour-intensive industries have been given good support. Farmers and agriculture will benefit from the decisions. Health-related sectors will also benefit."

She said common-use and middle-class items will see a reduction, with products such as hair oil, soap, shampoo, toothbrush, toothpaste, bicycle, table and kitchen ware, and other household articles being moved to 5% from either 18% or 12%. The other items moving down to the 5% rate include namkeens, sauces, pasta, instant noodles, chocolates, coffee, and butter. Twelve specified bio-pesticides, bio-menthol, and labour-intensive items such as handicrafts, marble, travertine blocks, granite blocks, and

intermediate leather goods would move from 12% to 5%. Notably, cement will move from 28% to 18%.

**No tax on Indian bread**  
The Finance Minister further said that items such as ultra-high temperature milk, paneer, and all Indian bread, including rotis, chapatis, and parathas would see their tax rate fall to 0% from the earlier 5%.

On insurance services, individual life insurance policies and individual health policies will move to 0% from 18%. A total of 33 life-saving medicines will move from 12% to 0%. The tax on electric vehicles has been retained at 5%.

**CONTINUED ON**  
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**KEY REDUCTIONS**  
» PAGE 10

## GST Council approves two-rate tax slab

Products such as air-conditioners, all TVs, dishwashers, small cars, and motorcycles of engine capacity less than or equal to 350cc would see their tax reduced from 28% to 18%. Buses, trucks and ambulances, as well as all auto parts, would also attract a GST rate of 18%. Spectacles to correct vision would move from the 28% slab to 5%.

"The long-pending inverted duty structure is being rectified for the manmade textile sector by reducing the GST rate on manmade fibre from 18% to 5% and manmade yarn from 12% to 5%," Ms. Sitharaman said. The inverted duty structure regarding the fertiliser will also be rectified, with the duty on sulphuric acid, nitric acid and ammonia being reduced from 18% to 5%.

The special rate of 40% will apply only on particular sin and super-luxury goods such as pan masala, cigarettes, gutka, chewable tobacco, zarda, unmanufactured tobacco and beedi, as well as goods such as aerated water, caffeinated beverages, mid-size or large cars, motorcycles of engines exceeding 350cc, among others.

On insurance services, individual life insurance policies and individual health policies will move to 0% from 18%.

Ms. Sitharaman said that the GST rate on pan masala, gutka, cigarettes, chewable and unmanufactured tobacco, and beedi would remain at 28%, in addition to a compensation cess. Once the Centre discharges the loans it had borrowed to compensate States, these tobacco and tobacco-related items will move to the 40% slab.

## reductions

A list of items that are set to become cheaper



DAILY ESSENTIALS	From	To
Hair oil, shampoo, toothpaste, toilet soap bar, toothbrush, shaving cream	18%	5%
Butter, ghee, cheese and dairy spreads	12%	5%
Pre-packaged namkeens, bhujia, and mixtures	12%	5%
Utensils, feeding bottles, napkins for babies, clinical diapers, sewing machines and parts	12%	5%
<b>AGRICULTURE SECTOR</b>		
Tractor tyres and parts	18%	5%
Tractors, specified bio-pesticides, micronutrients	12%	5%
Drip irrigation system and sprinklers	12%	5%
Agricultural, horticultural, and forestry machines	12%	5%
<b>HEALTHCARE SECTOR</b>		
Individual health and life insurance	18%	Nil
Thermometer	18%	5%
Medical grade oxygen, corrective spectacles	12%	5%
<b>STUDY MATERIAL</b>		
Maps, charts, and globes	12%	Nil
Pencils, sharpeners, crayons, and pastels	12%	Nil
Exercise books and notebooks	12%	Nil
<b>VEHICLES</b>		
Petrol and petrol hybrid, LPG, CNG cars (≤ 1,200 cc & 4,000 mm)	28%	18%
Diesel & diesel hybrid cars (≤ 1,500 cc & 4,000 mm)	28%	18%
3-wheeled vehicles, motorcycles (350 cc & below)	28%	18%
Motor vehicles for transport of goods	28%	18%
<b>ELECTRONIC APPLIANCES</b>		
Air conditioners	28%	18%
Television (above 32"), including LED & LCD TVs	28%	18%
Monitors, projectors, dish washing machines	28%	18%
<b>INFRASTRUCTURE MATERIAL</b>		
Cement	28%	18%

# Private sector banks play a vital role in nation-building efforts, says FM



## The Hindu Bureau

CHENNAI

Union Finance Minister Nirmala Sitharaman has said that private sector banks played a vital role in nation-building efforts.

Speaking at the 120th foundation day celebrations of City Union Bank (CUB) in Chennai on Tuesday, Ms. Sitharaman said Indian scheduled commercial banks had recorded a massive improvement in their asset quality.

"The macro stress test that we do has shown such results that the scheduled commercial banks' aggregate capital levels will continue to remain above the regulatory minimum even under adverse stress scenarios. Strong and well-capitalised banks with near-record low NPAs mean cheaper, steadier credit for households, MSMEs and in-



The macro stress test that we do has shown such results that the scheduled commercial banks' aggregate capital levels will continue to remain above the regulatory minimum even under adverse stress scenarios

**NIRMALA SITHARAMAN**  
Union Finance Minister



frastructure, lower systemic risks, and sustained confidence in India's financial system, supporting investments, job creation and growth while preserving the stability of industries even amid global downturns and uncertainties," she said.

She said the Q1 real GDP registered a growth of 7.8%, beating all estimates and showing good momentum across various sectors.

The Minister said the roll-out of GST reforms

would make the economy more open and transparent, with further reduction in compliance burden, making it easier for small businesses to thrive.

She urged banks to not only expand credit but also provide momentum for infrastructure development, ensure timely and need-based funding for MSMEs, bring the unbanked into the fold of formal banking, and meet diverse requirements where the support of banking channels was vi-

tal, with trust, technology and transparency being the guiding principles for this transformation.

Addressing the event, President Droupadi Murmu said the Indian economy was among the world's fastest-growing large economies, and the banking industry played a pivotal role in its growth story.

In his welcome address, N. Kamakodi, Managing Director and Chief Executive Officer of the CUB, recalled the 120-year legacy of the bank, which was founded in 1904, and its role to the nation-building.

During the event, a book titled *Bank on the Banks of Cauvery* was released. Tamil Nadu Governor R.N. Ravi, Minister for Social Welfare and Women Empowerment P. Geetha Jeevan, and G. Mahalingam, Non-Executive Chairman, CUB, were among those present.



# 'SEBI framework on intraday position limit will stop manipulation'

**Ashokamithran T.**  
MUMBAI

The Securities and Exchange Board of India's (SEBI) framework to increase intraday position limits of index equity derivatives at an entity level will enhance monitoring and makes manipulation difficult, experts said.

"A lower intraday cap would have constrained trading activity and hurt liquidity. The chosen limit gives market makers and institutional players the room to operate while keeping everything within clearly monitored boundaries," said Feroze Azeez, Joint CEO, Anand Rath Wealth Ltd.

"This blocks the potential for a big player to manipulate the market and makes it difficult to distort price discovery," said Yogesh Chande, a securities lawyer and partner, Shardul Amarchand Mangaldas.

The regulator also decided to monitor the position limits of single entities in real time.

"Real-time monitoring provides an accurate pic-

**'A lower intraday cap would have constrained trading activity and hurt liquidity'**

ture of the exposure and helps build trust and confidence, making the market fairer with better risk at any particular point in time on a given day," said Mr. Chande.

Moreover, the risk exposure of open interest will be calculated based on a new delta-based method, which is a more risk-weighted view of options contract.

"Delta-based approach weighs each position by its delta value, thus reflecting the true economic exposure of the market. Hence, this approach recognises the reality that not all contracts are created equal or have equal risks. The revised approach also protects retail investors and avoids exploitation of the existing framework, as it comprehends and visualises the risk involved more accurately," said Mr. Chande.

## Services PMI hits 15-year high on sharp rise in new orders

Services sector growth touched a 15-year high in August, driven by a sharp rise in new orders and output, amid substantial improvement in demand conditions, a monthly survey said on Wednesday, adding that panel members signalled greater demand from clients in Asia, Europe, the Middle East and the U.S. The HSBC India Services PMI Business Activity Index was up from 60.5 in July to 62.9 in August, indicating the steepest rate of expansion since June 2010. PTI

## India, EFTA trade pact to come into force from Oct. 1

The free trade agreement between India and four-European nation bloc EFTA, which will come into force from October 1, will have legally binding provisions, Switzerland said on Wednesday. "For the first time, India has laid down legally binding provisions on trade and sustainable development in a free trade agreement," it said in a statement. The European Free Trade Association members are Iceland, Liechtenstein, Norway, and Switzerland. PTI

## Govt. sets up panel to study manufacturing sector issues

The government has set up a committee to examine the tax and export clearance issues being faced by manufacturing units and suggest measures to further streamline the system amid high tariffs imposed by the U.S., an official said. The committee includes representatives from the finance ministry, Department for Promotion of Industry and Internal Trade (DPIIT), Department of Commerce, DGFT, and RBI. PTI

# Cabinet approves ₹1,500 cr. scheme for critical minerals recycling

**The Hindu Bureau**  
NEW DELHI

The Union Cabinet chaired by Prime Minister Narendra Modi on Wednesday approved a ₹1,500-crore incentive scheme to deve-

lop recycling capacity in the country for the separation and production of critical minerals from secondary sources.

Recycling of critical minerals entails recovery of critical minerals from

end-of-life products such as copper, lithium, nickel, cobalt and rare earth elements. The incentive would form part of the National Critical Mineral Mission (NCMM), which seeks to build domestic capacity

and supply chain resilience in critical minerals.

Set with a tenure of six years from FY2025-26 to 2030-31, e-waste, lithium-ion battery (LIB) scrap, and other stock as catalytic converters in end-of-life

vehicles would qualify as eligible feedstock.

The scheme earmarks one-third of the total outlay to small and new beneficiaries although beneficiaries may include both large and established recy-

clers. The government has specified that incentives would be accorded to eligible entities for investments in new units as well as for expansion, modernisation or diversification of existing units.

# Incessant rains, extreme cold wreak havoc on coffee heartland

**Mini Tejaswi**

BENGALURU

India's coffee heartland, comprising Chikmagaluru, Coorg and Hassan districts of Karnataka, has been pounded by incessant rains, besides extreme cold weather and lack of sunlight in more than three months, resulting in heavy damage to coffee plantations and an estimated production loss of up to 30%, according to the Karnataka Planters Association (KPA).

Arvind Rao, Chairman, Karnataka Planters' Association (KPA) said the unrelenting rains have wreaked havoc for coffee growers in the coffee heartland of the country.

"Coffee berry droppings



A black rot-affected Arabica coffee plant. BY ARRANGEMENT

and black rot disease [fungal] have become uncontrollable due to heavy rainfall. Growers are unable to spray fungicide to control the disease due to non-stop rains for months. In this scenario, we are expecting crop loss in the range of 20-30%."

Early and excessive

monsoon has hit the plantations when the blossom fruit setting itself was much below expectations this year in most coffee-growing areas, due to long-stayed summer showers during April and May, Mr. Rao explained.

Sahadev Balakrishna, Coffee Committee Chairman, United Planters' Association of South India (UPASI), said, continuous rain for over the last three months has drastically affected plantations.

"The growers were unable to take up timely plant protection measures. So the incidence of black rot, leaf rot, fruit rot, berry drop and stalk rot has increased. We expect a drop in crop as both Arabica

and Robusta have been affected. The net impact will be known after a few weeks," he added.

B. Shivakumaraswamy, Joint Director, Coffee Board confirmed that this year premature berry drop was higher than usual due to continuous rains.

As per Coffee Board's post-blossom estimate for 2025-26, the country was likely to produce 4,03,000 metric tonnes of coffee, comprising 1,18,125 (MT) of arabica and 2,84,875 (MT).

The coffee region has already received 20% excess rain compared with the annual average, and more rains are forecast throughout September, said Bose Mandanna, member, Coffee Board.

# How Majorana particles promise to shield quantum computers from noise

In our everyday world, swapping two oranges changes nothing; in the quantum world, bosons don't change their wavefunction when swapped, fermions change only by a minus sign; if you exchange two non-Abelian anyons, however, the joint quantum state changes in a deeper way

Vasudevan Mukunth

**I**n the race to make quantum computers practical, scientists have found themselves drawn to some of the strangest ideas in physics. Few are stranger – but also more promising – than the notion of using particles that are their own antiparticles to store and manipulate information. This is the concept behind Majorana particles.

In the 1930s, the Italian physicist Ettore Majorana proposed a particle that, unlike the electron or proton, would be indistinguishable from its antimatter counterpart. In most cases, matter and antimatter are exact opposites. If you bring them together, they annihilate in a flash of energy. But a Majorana particle is a perfect mirror of itself: if you turn it inside out and reverse every charge and property, you get the very same thing you started with. This is not true for electrons or protons.

For decades, this symmetry seemed the stuff of theory alone. High-energy physicists searched for Majoranas in cosmic rays and particle accelerators but

