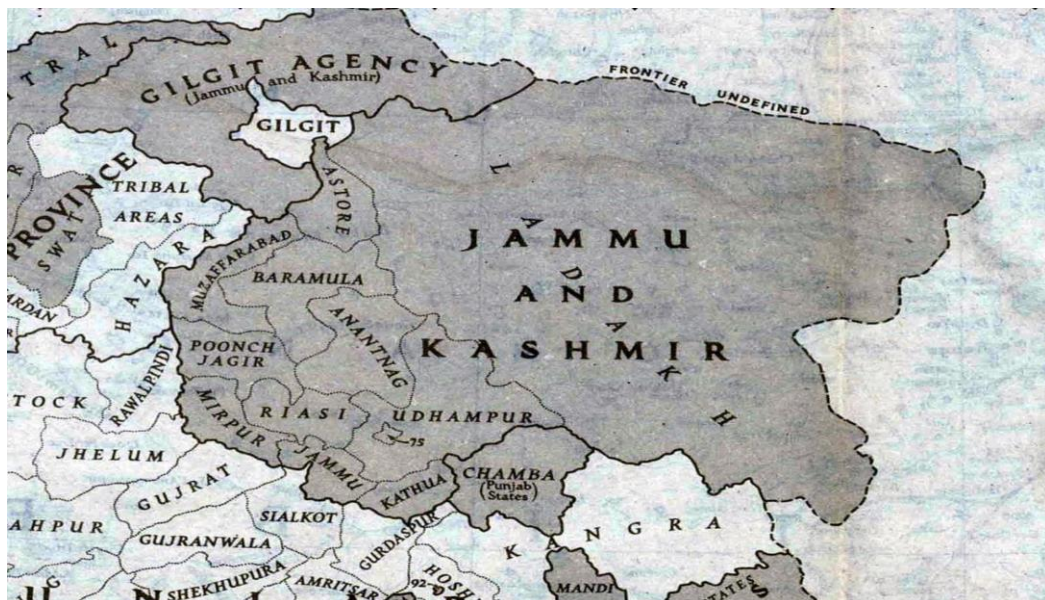


Paleri's musings: A Tale of Two UTs

By Dr Prabhakaran Paleri

Author is a strategist, researcher, academic, and author with professional experience in Indian naval, customs and coast guard services, and a non-executive corporate director in public sector undertakings. He retired as the director-general of the Indian Coast Guard in August 2006, and thereafter continued as a research scholar and academician in India and abroad. Presently he is Emeritus Professor at the Rashtriya Raksha University (RRU), Lavad, Gujarat.



Jammu, Kashmir Ladakh map produced in 1946 | Source: [Wikimedia](#)

“A nation can be destroyed only by its people and people by failed governments.”

The geostatus of Jammu, Kashmir and Ladakh (JKL) was not a problem but an opportunity gotten in 1947 to lead and govern a state and its delightfully innocent people, years under blurred identity, towards quality life and recognition. But that was not to happen for another 72 years under the barmy rush to share the booty and spoils in the gritty darkness of power politics among India's localised powerful, duly aided by cohorts of the foreign kind. It's natural in geostrategy among survival bites and pangs. The land, JKL, was nature's paradise inhabited by a mix of equally beautiful and considerate people differentially singular as humans everywhere. But incompetent governance laced with vested interests, some of them cruel and vestigial, lead to a solution: separation (till permanent), to a problem that wasn't there. The misapplied solution led the state to be constitutionally separated, an interesting case for constitutional study which in author's staccato thinking means the law devouring itself mockingly and thus making self voidable if not void, retaining enforceability. It is similar to a snake swallowing its own tail. Law is not meant to pacify somebody's needs but those of everybody under due process. It is an aspect strongly linked to behaviour. Lawmakers should know.

The decision of the elders in governance kept the trifecta state constitutionally estranged from the rest of the country to which it belonged. It happens to siblings in some families too.

India became independent on 15 August 1947 under the terrible gloom of partition on ethnic grounds. The territory of JKL acceded to the rest of the Indian Union two months later after the day of independence—16 October 1947. The territory was suzerain while under the British. Suzerainty is an imperial antiquated status that cannot reconcile with the post nineteenth-century international law. The accession provided the opportunity to bring JKL in par with other players as a progressive collectivity brimming with energy as an integral part of the Union. But that was not to happen.

The protagonists, within the system of governance in those troubled times, decided to have a separate constitution for the state comprising the regions of Jammu, Kashmir and Ladakh. Article 370 of the Constitution and the suzerainty status of the state under the British **Paramountcy** came handy to slide in Article 35-A in 1954. That was four years after the Constitution became effective. Article 35-A empowered the state's legislature to define permanent residents of the state and provide special rights and privileges to them³. Thus the state was empowered, both in the Instrument of Accession and Article 370, to decree exceptions to any extension of the Indian Constitution to the state, other than in the matter of ceded subjects. Article 35-A, therefore, was an exception authorised by Article 370, clause (1)(d) that gave the state Legislature a carte blanche to decide “permanent residents”⁴ of the State and confer on them special rights and privileges in public sector jobs, acquisition of property in the state, scholarships and other public aid and welfare. The provision mandated that no act of the legislature coming under it can be challenged for violating the Constitution or any other law of the land. That was bad for India similar to Alexander II (1818-1881) signing **Alaska** to the United States in one stroke making it vanish from the Russian map—puff...gone! Russians have never excused the Tsar since then. In India, the parliamentary route of lawmaking was bypassed when the President incorporated Article 35-A into the Constitution. The Article is void (author) because the government under Nehru, did not place it before Parliament for discussion⁵.

This made other **citizens more or less non-permanent persona non-grata** (author) in their state, a situation worse than before. That too, in a free and forward-looking country that unfortunately was on a backward surge at that moment. It was a constitutionally morphed ethnic divide masterminded by the educated leaders of the day. There was devolution of status of the unprivileged by the mordant division. That was bad and shameful. It was vehemently criticised throughout since its introduction as discriminatory. The citizens who suffered were women by losing residential status and right of property if married to a non-permanent resident, migrant workers and refugees of the horrible partition under failed and foolhardy governance driven by panic and vileness. They became lowered and victimised citizens whom nobody counted seriously. It was a blot on the country's self-esteem. The snow on the mountains and the valley was gradually turning red.

A change happened on 5 August 2019 for the people of the trifecta state. 72 agony-years later, the President of India issued a new order that made all the provisions of the Indian Constitution applicable to the state without any special provisions. This made the state sans a separate constitution. The order stipulated that it would “supersede the Constitution (Application to Jammu and Kashmir) Order, 1954,” and the article 35-A as well. In April 2018, the Supreme Court had ruled that Article 370 attained permanency⁶ since the state constituent assembly has ceased to exist. That meant it was not a temporary provision, though marked under Part XXI⁷ of the Constitution. The Indian government instead rendered Article 370 as “inoperative”⁸. The article still exists in the constitution. The trifecta state was realigned as two UTs (Jammu-Kashmir and Ladakh). It gave them identity recognition for the first time since accession. India now has 28 states and 8 UTs.

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Why Vikrant sea trial is key in the power-posturing regions of Indo-Pacific, South China Sea

By Dr. Seshadri Chari

Author is Secretary General of Forum for Integrated National Security and the former editor of 'Organiser'. Views are personal.

The US Navy successfully tested the new AGM-88G Advanced Anti-Radiation Guided Missile-Extended Range, just ten days before the Indian navy tested the Vikrant's sea-faring systems.



INS Vikrant sails for its maiden sea trials marking the 50th year of its illustrious predecessor's key role in the victory in the 1971 war, in Kochi on Wednesday | ANI Photo

It was truly a proud moment for India when its first Indigenous Aircraft Carrier, Vikrant, began her maiden sea trials on 4 August. The new Vikrant, a reincarnation of its earlier version by the same name, starts its journey in the 50th year of Bangladesh's liberation in 1971, in which INS Vikrant had played a significant role. Expected to be commissioned in 2022, Vikrant will be the second aircraft carrier after the Russian-built INS Vikramaditya, which was commissioned in 2013. The third one, INS Vishal, and India's second indigenous aircraft carrier, is likely to be delayed due to a number of factors. But one hopes the Navy will have enough freedom and budget to own that one as well, which would be around the same size as that of China's warship.

India needs to seriously consider military modernisation at a much faster pace. The current weapons procurement system needs overhauling and be decoupled from bureaucratic wrangling and the L1 tender system as has been suggested by many, including Army Chief General M.M. Naravane.

Both the Indo-Pacific and the South China Sea are increasingly becoming contentious and regions of power posturing, contest and conflict. The US has launched a massive naval and amphibious military exercise in the Indo-Pacific region along with the UK, Australia, and Japan. This is besides the Quad activities that are in progress.

Moreover, the US Navy successfully tested and validated the systems integration and the missile's propulsion system of the new AGM-88G Advanced Anti-Radiation Guided Missile-Extended Range (AARGM-ER), just ten days before the Indian Navy tested the Vikrant's sea-faring systems.

The US Navy is in the process of integrating AARGM-ER on the F/A-18E/F Super Hornet and EA-18G Growler aircraft as well as the Air Force F-35A, Marine Corps F-35B and Marine Corps F-35C aircraft. This Air Force-Navy technological coordination will enhance the US Navy's capabilities to meet surface-to-air threats, especially in the South China Sea, where the US seeks to challenge China's intrusions and claims.

Lessons for India as China builds

China, not the least to be caught off guard, already has two aircraft carriers in service. At 65,000 tons each, they are larger than India's two carriers. The first, an unfinished Russian ship, Type-001 Liaoning, was commissioned in 2012. China's indigenously built second carrier, Shandong, with a slightly modified design designated as Type-001A, was launched in 2017 and is expected to be commissioned soon. China is also building its third carrier and has plans for the design and construction of a fourth one. It is possible that the People's Liberation Army Navy (PLAN)'s next endeavour could be to switch over to nuclear-powered carriers.

China's large navy, the PLAN, has grown in size, strike capability and deployment readiness. There was a time when the PLAN was dependent on Russia for its designs and components, and was considered inferior in production quality and core capabilities. But the massive **PLAN modernisation programmes** have changed the scenario by adding destroyers, frigates and amphibious ships at an incredible rate to the existing inventory.

The lesson for India here is to start working on improving technical, technological and operational coordination between the Air Force and the Navy to effectively face the challenges in the maritime domain in the Indian Ocean and the Indo-Pacific. The Navy should seriously consider designing the third aircraft carrier, INS Vishal, on the same template as the second one with improvements in electronics and defence and aviation capabilities. Instead of cutting down the Navy's budget, the defence ministry should seriously consider adding next generation nuclear-powered attack submarines.

Why Vikrant is special

India has undoubtedly come a long way, from Shorts Sealands amphibious aircraft to INS Vikrant, which was commissioned in 1961. It was proudly taken out on courtesy port calls. (In one such state visit to Bandar Abbas, then-Shah of Iran was so impressed that he and his entire Cabinet had dinner on the deck of INS Vikrant).

What makes new INS Vikrant even more special is the thrust it gives to India's "Make in India" project, and promises to add strength to the economic stimulus programmes of the government. This complex warship, 262 meters long and 62 meters at the widest part, was designed and built in India and has about 76 per cent indigenous content. With 14 decks and 2,300 compartments, it can **accommodate** 1,700 crew including special cabins for women officers. As for the aircraft carrier part, it can accommodate up to 30 fixed wing and rotary fighter aircrafts and helicopters, including Mig-29K fighter jets and Ka-31 helicopters.

A strong Navy and a well-coordinated military mechanism supported by an equally strong economy is an absolute necessity for deterrence in the current times to effectively face the challenges of contest and competition in the Indo-Pacific and in the immediate neighbourhood. Conflicts impose a heavy cost but losing a war due to unpreparedness will be costlier.

Article first published on The print

Media Self-Regulation In India – Future Prospects

By Shri. Uday Varma

Author Varma is a former IAS Officer of 1976 batch of Madhya Pradesh Cadre. He is Science Graduate from BHU and has a Masters degree in Public Administration from Kennedy School of Government, Harvard University, USA. He retired in 2013 from the post of Secretary, Information and Broadcasting, GOI.

On June 17, 2021, the Ministry of Information and Broadcasting (MIB) has, in a major policy milestone, amended the **Cable Television Network Rules, 1994**. The new amendment offers a statutory mechanism for redressal of complaints relating to content broadcast by television channels. Self-regulatory bodies of broadcasters will now be formally recognised as regulators of digital media content on registering with the central government. This is significant as it paves the way for a formal institutional system for addressing grievances while placing accountability on broadcasters and their self-regulating bodies.

How to ensure proper Self-Regulation?

There are three basic principles that should guide any initiative on self-regulation of content. Following these is essential if the government and every other stakeholder, common citizens especially, wish to put in place an effective mechanism. The foremost principle is to have a pragmatic balance between creative freedom and a reasonable standard of commonly accepted decency and sensitivity in content. The second principle is to recognise that self-regulation inevitably shall become an outcome of compromise and will invariably be less than perfect. In all likelihood, the mechanisms of such regulation are bound to evolve and improve over time. The third principle will be to give due (neither excessive or unreasonable) importance to business interests and create a mechanism that will not stifle the growth of the sector. The industry cannot and will not forgo its bread and butter and stand united in opposition to any moves that may appear or suggest to impede or slow down a reasonable prospect of growth, notwithstanding the might of state and its attendant clout and authority.

The key to a successful way forward on self-regulation is to create systems and institutions that serve the long term interest and growth of the industry, a key requirement necessarily of which, has to be a harmoniously dignified equation with the state. The seeds that can allow the initiation and healthy evolution of such an institutional framework comprise of transparency, fairness and avowed uncompromised adherence to openness, logic and objectivity.

Institutions involved in carrying out content regulation must, without the slightest hesitation, pick the best of people to devise and implement the system so set up. The temptation to find yes men must be scrupulously eschewed and firewalled in the institutional design itself, lest it become a death knell for this incipient initiative. The basic qualifications for those who manage self-regulation should include their sound understanding of the broadcasting sector, genuine belief in freedom of expression and creativity; and high degree of sensitivity to the sentiments of common man. Such institutions will command credibility, ensure sustainability even if they occasionally seem a little inconvenient. Any teething troubles that may ensue will be transient and may not endure.

Has June 17 changed the future of Content Regulation?

MIB was prompt to flesh out the intent of its June 17 notification and has laid down the constitution of a complaint redressal mechanism. It will cover the content on traditional broadcasting mediums like TV and also internet-streamed content commonly referred to as **OTT**. The government has also recognised and notified **BCCC as the first statutory self-regulatory body**.

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One nation, one police is a reform that is long overdue

By Shri. Prakash Singh, IPS

Former Police Chief of UP, Manipur and BSF

Several state governments have passed Police Acts that are against Supreme Court verdict on police reforms. Centre too has failed to legislate a model Act

The Government of India has lately been talking of “One Nation, One Ration Card”, “One Nation, One Registry”, “One Nation, One Gas Grid”, and even “One Nation, One Election”. These ideas are laudable and would contribute to an integrated scheme in different facilities and networks across the country. Varying rules for the same facility in different regions of the country can be quite puzzling. The attempt at uniformity should, however, take cognisance of local factors and special features. As long as the regional characteristics are retained and recognised, the same system — in its broad outlines — is welcome.

In police matters, however, we are today confronted with a situation where every state is legislating a different Police Act. These Acts are being passed purportedly in compliance with the Supreme Court’s directions on police reforms given on September 22, 2006. However, an analysis of these Acts shows that the objective behind these laws is to give legislative cover to the existing arrangement and thereby circumvent the implementation of judicial directions. Eighteen states have already passed Police Acts. We are in the process of having “one nation, many police acts”. Why this dichotomy? Why has the Centre been indifferent to having a single Police Act for the entire country?

Soon after the Supreme Court’s directions on police reforms, the Police Act Drafting Committee of the Ministry of Home Affairs headed by Soli Sorabjee, a former Attorney General, came out with the Model Police Act, 2006. The Government of India should have enacted a law based on this Model Police Act with such changes as it may have found necessary, and the states should have mutatis mutandis adopted it. That would have ensured a uniform police structure across the country. That did not happen. The Centre has been dilly-dallying on passing a Model Police Act.

Several states have, in the absence of any central guidance or directive, passed their own Police Acts, blatantly violating the Supreme Court’s directions. Harish Salve filed a contempt petition against these states as the laws enacted “fall foul of the basic minimum requirements to be satisfied by the state in accordance with the constitutional guarantee as interpreted by this Hon’ble Court in the Prakash Singh case.” The petition remains pending. The Supreme Court has, for inexplicable reasons, not issued a contempt notice to any of the states for non-compliance of its directions on police reforms.

Article 252 of the Constitution gives Parliament the power to legislate for two or more states by consent and it lays down that such an Act shall apply to the consenting states and to any other states by which it is adopted through a resolution passed on that behalf by the House or, where there are two Houses, by each of the Houses of the legislature of that state. The least that the Government of India could have done was to legislate for the UTs and then prevailed upon the states where its party was in power to pass similar legislation. That way, we would have achieved some uniformity in 10 to 12 states. Enacting a similar law in the other states could have been incentivised by linking their passage with the modernisation grants made available to the states.

Unfortunately, neither the central leadership nor the state satraps displayed any such intent, let alone showed the required vision. No wonder, the archaic police structure created by the imperial power continues to haunt us and gives us harrowing moments from time to time with police not being able to meet the democratic aspirations of the people.

The Police Act legislated in 1861 applied to almost the whole of India. The colonial government was of the view that the “conditions of police service, machinery and work must be fairly uniform throughout India”. The Police Commission appointed by Lord Curzon in 1902 found that the Act V of 1861 was not applicable in the provinces of Madras and Bombay — it, therefore, recommended that the Act be enforced in these provinces as well. In due course, the states passed their own Police Regulations/Manuals, but these were essentially within the framework of the central legislation. It is a galling thought, but the British showed greater vision and far-sightedness in the matter.

Meanwhile, we are hobbling from one crisis to another. In recent times, we saw the unseemly spectacle of the Mumbai police commissioner accusing the state home minister of using the police as an instrument for extortion. In West Bengal, the police have been a mute spectator to Trinamool cadres attacking those who voted against their party. The Centre, through a fiat, gave protection to all the MLAs of the BJP. Normally, any such arrangement should have been in consultation and with the involvement of the state government. The CBI’s arrest of four senior TMC leaders may have been justified, but its timing caused serious misgivings. In retrospect, it was perhaps a mistake to have copied in the Constitution the distribution of powers between the Centre and the states from the Government of India Act of 1935. However, it would be wrong to blame the founding fathers of the Constitution for that. They could not have foreseen that, over time, policing would become so complex, politics so murky and that Centre-state relations would be under great strain.

What is the way out? The best option would be for the central and state governments to respect each other’s turf in a spirit of cooperative federalism. If that does not happen, it would perhaps be necessary to have a fresh look at the distribution of powers in the seventh schedule of the Constitution.

Significance Of Surgical Strike In Combating Hologramatic Terrorism

By Shri. Palmu C. Bhutia

Author is an independent researcher.

Surgical Strike eliminated the principle of uncertainty that India does not retaliate, said Manohar Parikkar.

Terrorism has many definitions but the most accurate definition would be, “**The calculated use of violence or threat of violence to instil fear.** Terrorism is intended to coerce or intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological”. Terrorist attacks are deliberately made dramatic to give impact to their cause. These include hijacking, kidnappings, mass shootings, car bombings, and suicide bombings. **India is among the top 10 countries** in the world affected by terrorist actions.

One of the ways terrorist organizations function is through mass media and are remarkably capable of exploiting mass media for propaganda. It is not only used to convey their messages, sponsor their causes and recruit members but also to influence political decision-making/public opinion.

When a terrorist attack is broadcasted, it produces a series of media interference waves: the hologram of terrorism. Hologramatic terrorism is a type of terrorism that infuses the action and imprints the image of its attack into the world. It might happen in a different place but it lives in us and in our nightmares, making threats and risks that may not exist appear as real. Terrorism is more efficient through the use of fear and terror than the organization itself.

Terrorists have started using **social media/ mass communication platforms** to spread their message and give more impact to their activities to collect data, information and even recruit members. Terrorism causes ripple effects that may extend beyond the immediate damage. The aftermath creates anxiety and fear about the possibility of future attacks- social, political, economic impact.

Some of the major terrorist attacks in India were: In 1993 Mumbai Serial bomb attacks, Mumbai experienced 13 explosions which killed **257 people and more than 1400 injured**. The attack was planned by Dawood Ibrahim and Tiger Memon. Indian authorities have pointed out the involvement Pakistani Intelligence Agency, (ISI). The Indian authorities believed it was an attack intended to weaken the country's economy as per the choice of locations.

The 2001 Indian Parliament Attack occurred on 13 December 2001 in which 5 terrorists infiltrated the Parliament in Delhi. The attack led to the deaths of 6 Delhi police personnel and 2 Parliament security personnel and 1 gardener. This incident triggered tensions between the 2 countries, resulting in Operation Parakram. LK Advani, the Home Minister said that the attack was executed by Lashkar-e-Taiba and Jaish-e-Mohammad.

The 2005 Delhi serial bomb blast was a series of blasts that occurred on 29th October 2005 at Sarojini Nagar, Kalkaji and Paharganj killing 67 people and more than **200 injured**.

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Nation is Indebted to: Lakshmi Menon



Lakshmi Menon, Paper Boats and Chekutty dolls

Social entrepreneur Lakshmi Menon has initiated a slew of schemes under the FriendShip campaign to help the fisherfolk of Kerala, the heroes of the 2018 floods, to stand on their own feet and be self-reliant.

Year 2018, Kerala faced unprecedented floods. The poor were the biggest sufferer Families were torn asunder, people lost their loved ones and homes, and the state saw huge destruction to both life and property.

However, people rose to challenge, more than 4000 fishermen went to flooded areas with their boat and rescued thousands of stranded people.

In just a few months, Kerala was back on her feet, thanks to this spirit, the kindness of millions, and the ability to stand united in the face of disaster.

The fisherfolk who helped in the rescue efforts went back to their coastal homes to their hardships and struggles. They were offered monetary help by govt but they declined. They said we will stand again on our own.

In such trying times, one Lakshmi Menon, artist, designer and social entrepreneur decided to do something for these brave people.

Lakshmi initiated a social campaign known as FriendShip, along with Neenu Rathin. It crowdsourced a life insurance scheme as well supported entrepreneurship opportunity for their families.

This crowdsourced insurance campaign interested ones pay a premium of Rs 24 for a policy cover of Rs 1 lakh. For this, they tied up with New India Life Assurance Company and over 20,000 people contacted and expressed their interest in the scheme, says Lakshmi.

The FriendShip campaign literally began on paper. As a symbolic representation of gratitude to the fisherfolk, Lakshmi approached schools to make 65,000 paper boats. Within two months, school students had made over two lakh boats, which was seen as an art installation in partnership with the National Institute of Oceanography.

Her fashion design side has not been left behind in this FriendShip campaign. Her collection, “Weaves & Waves of Friendship”, draws parallels to the weaves of the fabric and the waves that ravaged Kerala during floods. “Just think, the shuttle that creates the warp and the weft resembles a boat. So this is the coming together of the weaving and the fishing communities in a social fabric.” She used the Cork head of badminton shuttle to create dolls.

A few days after the floods, in between the rehabilitation endeavours by the people of Kerala, a little rag doll called Chekutty stood out as the face of the fiery floods. It was not just a doll, but a movement that galvanised the people of Kerala into action and proved nothing is impossible - you just need to have the will to move forward.

Chekutty dolls were made of soiled fabric salvaged from the textile village of Chendamangalam. “everyone said that the sarees had to be burned as they would be of no use. She bought a few from homes, washed them, and fashioned a doll called Chekutty. In Malayalam, it meant cherinna athujeevacha kutty or a little kid who survived the mud. It also translated to Chendamangalam’s kutty. The kid came with all the stains and scars, the reflection of every Malayali who battled the floods,” says Lakshmi.

Along with Co-founder Gopinath Parayil of Blue Yonder, a travel company based in Kerala, Lakshmi launched Chekutty, and in a few days, it became the emotion of the Malayali. More than 50,000 volunteers and 260 schools contributed to building Chekutty as a symbol of hope of resilience. So much so, that the doll is still in great demand and has also been given away by organisations like the World Bank as gifts at conferences.

“A psychiatrist from a Kochi hospital told me that he used Chekutty to counsel children with suicidal tendencies. He told them, ‘if she can survive all the hardships and struggles, so can you’,” adds Lakshmi.

A word about Lakshmi, she is one such determined and strong-willed individual, who walks the talk. For her marriage she drove herself to marriage venue, no pomp and show. It was one of the simplest marriage, people recall.

Our society needs many more people like Lakshmi Menon.

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