

# Top court to hear Article 143 reference on President and Governor's powers on July 22

**Krishnadas Rajagopal**  
NEW DELHI

The Supreme Court will hear on Tuesday a Presidential Reference under Article 143 of the Constitution asking if the court can “impose” timelines and prescribe the manner of conduct of Governors and the President while dealing with State Bills sent to them for assent or reserved for consideration.

A Constitution Bench comprising Chief Justice of India (CJI) B.R. Gavai and Justices Surya Kant, Vikram Nath, P.S. Narasimha, and A.S. Chandurkar will hear the matter.

Broadly, the Presidential Reference has asked whether judicial orders can dictate by what time and in what manner the President and Governors should function under Articles 200 (which covers the process of grant of assent by Governors to State Bills) and 201 (when Bills are reserved by Governors for Presidential assent) of the Constitution.

## Key question

“In the absence of any constitutionally prescribed time limit or manner of ex-

## Review questions

The reference arises from an April 8 judgment by the SC which held that a Governor could not indefinitely delay decision on a Bill

### What the reference seeks:

- The top court's opinion on the very ‘contours and scope’ of Article 142
- Validity of a two-judge Bench's judgment on ‘substantial questions of law’
- The options before a Governor when a Bill is presented to him under Article 200
- Validity of a law being in force without the assent of the Governor



ercise of powers by a Governor, can time limits be imposed and manner of exercise of powers be prescribed through judicial orders? Can judicial orders impose timelines and manner of exercise of powers by the President under Article 201,” the reference dated May 13, the last working day of former CJI Sanjiv Khanna, has asked.

The President's move to seek clarity under the top court's advisory jurisdiction arises from an April 8 judgment by a Supreme Court Bench of Justices J.B. Pardiwala and R. Mahadevan on a petition filed by the Tamil Nadu government challenging the Go-

vernor's delay in clearing 10 re-passed Bills, and his subsequent action to reserve them for consideration by the President.

The two-judge Bench had ruled that the Governor's action was illegal.

This had led to the default cancellation of the President's decision to assent to one of the 10 Bills, while rejecting seven and not considering two others.

The verdict, authored by Justice Pardiwala, had invoked Article 142 of the Constitution to deem that all 10 Bills had got assent.

**CONTINUED ON**  
» PAGE 7



# SC to hear Article 143 reference on July 22

The reference has now sought the court's opinion on the very "contours and scope" of Article 142.

"Can the Constitutional powers of the President/Governors be substituted by a judicial order exercising Article 142? Is Article 142 limited to matters of procedural law or does it extend to issuing directions contrary to or inconsistent with existing substantive or procedural provisions of the Constitution?" it asked.

Indirectly questioning the validity of the "deemed" assent, the reference has asked whether a law made by a State Legislature could even "be considered a law in force without the assent of the Governor".

"Are decisions of the Governor and the President under Articles 200 and 201, respectively, justiciable at a stage prior to even the Bill in question becoming a law? Is it permissible for the courts to undertake judicial adjudication over the contents of a Bill, in any manner, before it becomes law?" the Presidential reference queried.

It said that the "concept of deemed assent" of the President and the Governor, introduced in the judgment, was alien to the constitutional scheme, and worked to fundamentally circumscribe the power of the President and Governors. Vice-President Jagdeep Dhankar had called Article 142 a "nuclear missile against democratic forces".

In his judgment, Justice Pardiwala had explained that Article 142 was invoked only to do complete justice in public interest for the people of Tamil Nadu.

## Questions two-judge Bench ruling

The Presidential Reference has also raised questions about a two-judge Bench of the Supreme Court pronouncing judgments on substantial questions of law regarding the interpretation of the Constitution without referring it to a minimum five-judge Bench as prescribed under Article 145(3) of the Constitution.

The reference has also touched on the basics of Article 200, asking the court to clarify the constitutional options before a Governor when a Bill is presented to him under Article 200.

The April 8 judgment had clearly specified that a Governor has three choices in this situation: assent, withhold assent, or reserve a Bill for consideration by the President. The court had underscored that a Governor could not indefinitely delay a decision on a Bill as it represented the "will of the people".

# Indian fishermen's arrest lays bare uneasy Delhi-Dhaka ties

**Bangladesh authorities arrested 34 fishermen on two trawlers near Mongla port:** policymakers view this as 'absence of understanding' between India and Bangladesh after fall of the Hasina govt.

**Kallol Bhattacharjee**

NEW DELHI

**F**or the second time in the past one year, Bangladesh has detained Indian fishermen, official sources said on Saturday. The development is being viewed by policy-makers as a growing "absence of understanding" between the two sides against the backdrop of a seemingly uneasy relationship between Dhaka and New Delhi.

The latest incident took place during the intervening night of July 14 and 15 when 34 Indian fishermen on two trawlers – *FB Jhor* and *FB Ma Mangal Chandi* – were apprehended by Bangladesh authorities near the Mongla port.

"As soon as information about the incident was received, our High Commission in Bangladesh took up the matter with Bangladeshi authorities through diplomatic channels seeking immediate consular access. We are constantly pursuing the matter for fa-



**Confusing state:** Lack of visible markers at the boundary cause fishers to stray across the agreed line in the Bay of Bengal. FILE PHOTO

cilitating the safe and early return of all the fishermen along with their boats," said an official dealing with the matter.

On October 8, 2009, Bangladesh initiated an arbitration to settle the maritime boundary dispute with India, and, in 2014, a settlement was reached through the Permanent Court of Arbitration. But though the maritime boundary was decided, lack of visible markers meant fishermen often strayed across

the agreed line in the Bay of Bengal.

**Unwritten understanding** India and Bangladesh arrested 185 fishermen in the winter of 2024 as bilateral ties plummeted following the overthrow of the Sheikh Hasina government on August 5, 2024. On January 5 this year, these individuals were exchanged when 95 Indian fishermen were handed over by Bangladesh authorities to the Indian Coast Guard. In res-

ponse, India returned 90 Bangladeshi fishermen on the same day. As a matter of convention, both sides had an understanding that fishermen would have to be protected as they had no means to detect the invisible maritime boundary.

Such fishermen who crossed the boundary after the settlement of 2014 would often get detained but as part of an "unwritten understanding" supported by political leaders on both sides, these individuals would be quickly released as prolonged detention hurts economic prospects of fishermen in this region.

However, the incidents of apprehension of fishermen are being interpreted by policymakers as a sign that the earlier "unwritten understanding" regarding fishermen is no longer being respected.

The Hindu was told that Bangladesh is applying the law in a "stricter" manner which is leading to large-scale and prolonged detention of Indian fishermen.



# China begins construction of dam over Brahmaputra in Tibet

**K J M VARMA**

BEIJING, JULY 19

**CHINA ON Saturday formally started the construction of a USD 167.8 billion dam over the Brahmaputra River in Tibet, close to the Indian border in Arunachal Pradesh.**

Chinese Premier Li Qiang announced the start of the construction of the dam at a groundbreaking ceremony in the lower reaches of the Brahmaputra river, locally known as Yarlung Zangbo, at Nyingchi City, official media reported. The groundbreaking ceremony took place at the dam site of Nyingchi's Mainling hydropower station in Tibet Autonomous Region, state-run Xinhua news agency reported.

The hydropower project, regarded as the biggest infrastructure project in the world, raised concerns in the lower riparian countries, India and Bangladesh.

The project will consist of five cascade hydropower stations, with a total investment estimated at around 1.2 trillion Yuan (about USD 167.8 billion), the report said. According to a 2023 report, the hydropower station is expected to generate more than 300 billion kWh of electricity each year — enough to meet the annual needs of over 300 million people. It will primarily deliver electricity for external consumption while also addressing local demand in Tibet, which China officially refers to as Xizang.

The project was approved in December last year.

The dam is to be built at a huge gorge in the Himalayan reaches where the Brahmaputra river makes a huge U-turn to flow into Arunachal Pradesh and then to Bangladesh.

According to earlier reports, the size of the project would dwarf any other single infrastructure project on the planet, including China's own Three Gorges

**CONTINUED ON PAGE 2**



# ● China dam over Brahmaputra

dam, regarded as the largest in the world. China has already operationalised the USD 1.5 billion Zam Hydropower Station, the largest in Tibet, in 2015, which raised concerns in India.

Concerns arose in India as the dam besides empowering China to control the water flow, the size and scale of it could also enable Beijing to release large amounts of water flooding border areas in times of hostilities.

India too is building a dam over Brahmaputra in Arunachal Pradesh.

India and China established the Expert Level Mechanism (ELM) in 2006 to discuss various issues related to trans-border rivers under which China provides India with hydrological information on the Brahmaputra river and Sutlej river during the flood seasons.

Data sharing of trans-border rivers figured in the talks between India, China Special Representatives for border question, NSA Ajit Doval and Chinese Foreign Minister Wang Yi, held here on December 18 last year. **PTI**



# Pakistan extends airspace closure for Indian flights till August 24

**SUKALP SHARMA**

NEW DELHI, JULY 19

PAKISTAN HAS extended the closure of its airspace for Indian aircraft and aircraft operated by Indian airlines by a month, until August 24 early morning, according to a fresh notice to airmen (NOTAM) by Pakistan's aviation authorities.

India is also likely to extend its airspace closure to Pakistani airlines and aircraft beyond July 24, when the Indian NOTAM is also set to expire.

The new NOTAM by Pakistan came a few days before the earlier closure notice was set to expire on July 24. Except for the effective duration of airspace closure, the new NOTAM is similar to the previous notices. Pakistan airspace will be closed till 5.29 India time on August 24.

Following the April 22 Pahalgam terror attack as tensions escalated, Pakistan on April 24 shut its airspace to Indian aircraft and Indian airlines for at least a month, banning them from overflying its airspace. India closed its airspace to Pakistani aircraft and airlines on April 30. Both countries have been extending their airspace closures by issuing NOTAMs on a monthly basis.



**APPLIES TO F, M AND J VISAS**

# Embassy: Students to US should keep social media public for visa duration

**DIVYAA**

NEW DELHI, JULY 19

WITH THE new academic season in the US starting next month, all international students applying to study in the country will need to keep their social media profiles public not only while applying for a visa but also during its validity period — in effect, during their entire study course.

“All student and exchange visitor visa applicants (F, M and J visa classes) are requested to adjust the privacy settings on all of personal social media profiles to ‘public’ in order to facilitate vetting necessary to establish the applicant’s admissibility to the United States,” said a spokesperson from the US Embassy in New Delhi in response to a query from *The Indian Express*.

“Security vetting runs from

the time of each application, through adjudication of the visa, and afterwards during the validity period of every issued visa, to ensure the individual remains eligible to travel to the United States,” the spokesperson said.

Last month, the Embassy had cited “public safety and national security” in the visa process while mandating those applying to study in the US to make their

**CONTINUED ON PAGE 2**



# Students to US

social media profiles public.

The F category visa in the US refers to the F-1 student visa, meant for international students who wish to pursue academic studies at a US institution, while the M visa (M-1) is a non-immigrant visa for individuals pursuing vocational or other nonacademic studies. The J-1 enables foreign nationals to come to the US to teach, study, conduct research, or receive on the job training for periods ranging from a few weeks to several years.

In 2023-24, Indian students formed the largest cohort of international students in the US, with 3.31 lakh enrolments. In the Financial Year 2024, the US issued 4,00,737 F-1, 6,322 M-1 and

3,22,820 J-1 visas, according to State Department data.

In May, the Donald Trump administration had asked US embassies around the world to stop scheduling appointments for student visas as it expanded scrutiny of applicants' social media posts following widespread protests on campuses against Israel's bombing in Gaza.

At the time, *The Indian Express* had reported that the decision had led to anxiety among Indian students preparing to begin their studies in the US and those already enrolled in American universities. Several of these students had said they were reviewing their digital footprints to secure their academic future.

On June 18, the State Department announced the re-

sumption of student visa interviews.

Asserting that "US visa is a privilege, not a right", it had said: "We use all available information in our visa screening and vetting to identify visa applicants who are inadmissible to the US, including those who pose a threat to US national security. Under new guidance, we will conduct a comprehensive and thorough vetting, including online presence, of all student and exchange visitor applicants in the F, M and J non-immigrant classifications."

According to the Embassy, the rule is mandated for all countries and, since 2019, the US has required visa applicants to provide social media identifiers on immigrant and non-immigrant visa application forms.



# BRICS forum seeks equitable sharing of AI benefits

**The Hindu Bureau**

RIO DE JANEIRO

At the seventh plenary session of the BRICS Media and Think Tank Forum (earlier known as the 'BRICS Media Forum'), more than 250 representatives from media organisations, think tanks, government agencies and enterprises from 36 countries gathered in Rio de Janeiro to deliberate on ways to foster greater South-South cooperation, including on joint R&D and co-established standards, for a more equitable sharing of Artificial Intelligence (AI) benefits across nations.

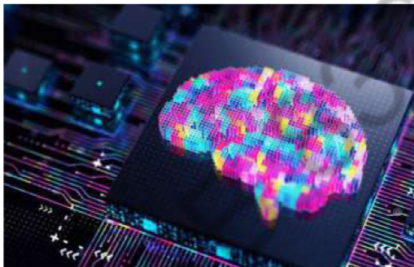
A major concern that emerged was the risks of AI capabilities being concentrated among a few actors located in a handful of countries, with several participants noting that it

could create dangerous dependencies for Global South nations.

## **'Regulatory autonomy'**

The forum, organised on July 15-17, highlighted the importance of open source development of AI as well as the need for Global South nations to work together for a greater say in the shaping of AI governance frameworks. Mr Thorsten Jelinek, Europe Director and Senior Fellow of Taihe Institute, pointed out that some amount of "regulatory autonomy" is critical to maintain the balance between multilateralism and sovereignty.

"The history of modern technology, whether it is telecommunications or the internet, has been shaped not only by innovation but also by technological, economic and institutional



The forum's statement on AI urges Global South media and think tanks to develop a multilingual and multimodal corpus. GETTY IMAGES

hierarchies and dependencies," he noted, adding that the right governance framework would encourage AI as "a moral partner" to growth and development.

The forum's lead statement on AI also called upon media organisations and think tanks in the Global South to develop a "multilingual and multi-

modal corpus". This would "lay the foundation for training large-scale AI models that serve journalism and think tank research." By "leveraging AI to translate quality content into multiple languages," it will become possible to increase "the availability of 'Global South Stories', elevate the international voice

and influence of the Global South" and showcase the diversity of Global South civilisations, it said.

Mr. Fu Hua, Executive Chairman of the Forum and president of *Xinhua News Agency*, observed that BRICS was becoming the "main channel for fostering Global South unity and self-reliance".

Noting that the BRICS countries represent vast civilisational diversity and pluralism, he urged BRICS media organisations and think tanks to prioritise and amplify stories from different parts of the Global South as a necessary corrective to the prevailing hegemonies and biases in the international media landscape.

Speaking in the context of the U.S. threat to impose additional punitive tariffs on countries wanting to

join BRICS, Mr. Wu Hailong, President of the China Public Diplomacy Association, emphasised that the BRICS grouping was not in opposition to any country but a mechanism "to seek equity and justice" in the international governance scenario. "Given that the world seems to be going back to the jungle rule of tariff turbulence, BRICS nations must cooperate more to protect their interests and oppose unilateralism," he said.

Organised by *Xinhua News Agency* in collaboration with partners from BRICS nations, the forum officially launched the 'Global South Joint Communication Partnership Program', an initiative by *Xinhua* to promote dialogue and cooperation across various sectors within the Global South.

# Cong. seeks clarity over Trump's remarks on jets

U.S. President says five jets were shot down during the India-Pakistan conflict without specifying which country suffered the losses; Congress leader says country has the right to know the truth

**The Hindu Bureau**

NEW DELHI

**T**he Congress on Saturday attacked the Centre over U.S. President Donald Trump's latest statement that "five jets were shot down" during the India-Pakistan conflict that followed Operation Sindoor in May.

Mr. Trump repeated his earlier claims about the U.S. role in the ceasefire, which the Centre has consistently denied.

In his comments made on Friday evening in Washington, Mr. Trump did not specify which country's jets were shot down.

Congress MP Rahul Gandhi, Leader of the Opposition in the Lok Sabha, indicated that his party was likely to push for answers from Prime Minister Narendra Modi on this issue in the Monsoon Session of Parliament, which begins on Monday.

"Modiji, what is the truth of the five jets? The country has a right to know," Mr. Gandhi said in a post on X.

Congress communica-



Planes were being shot out of the air...

I think five jets were shot down... India and Pakistan were going at it, and they were back and forth, and it was getting bigger and bigger, and we got it solved through trade

**DONALD TRUMP**

U.S. President



tions chief Jairam Ramesh said that this was the "24th time" Mr. Trump had claimed to have stopped the conflict with trade threats. He demanded that Mr. Modi make a "clear and categorical" statement in Parliament on the issue.

"The Prime Minister, who has had years of friendship with President Trump going back to 'Howdy Modi' in September 2019 and 'Namaste Trump' in February 2020, has to now himself make a clear and categorical statement in Parliament on what President Trump has been claiming over the past 70 days," said Mr. Ramesh.

Mr. Trump was speak-

ing at a dinner with Republican Senators at the White House when he referred to the India-Pakistan clash, amongst a list of global conflicts he claimed to have stopped.

"We're not making a trade deal if you're going to be throwing around weapons and maybe nuclear weapons," Mr. Trump said he told the leaders of both countries.

## No response from MEA

The Ministry of External Affairs did not respond to Mr. Trump's latest remarks referring to the loss of five jets. Pakistan's military had claimed to have shot down several Indian jets during

Operation Sindoor on May 7, following the terror attack in Pahalgam in Jammu and Kashmir in which 26 people were killed.

Military spokespersons have subsequently said that they could not confirm losses until the operation ends.

The Prime Minister "clearly conveyed to President Trump" that the conflict was wound down bilaterally as per established procedures, Foreign Secretary Vikram Misri said on June 17, after Mr. Trump spoke to Mr. Modi on the phone.

Earlier this week, the U.S. designated The Resistance Front, which claimed to be behind the April 22 Pahalgam terror attack, as a 'Foreign Terrorist Organisation' and 'Specially Designated Global Terrorist'.

External Affairs Minister S. Jaishankar welcomed the move and described it as "a strong affirmation of India-U.S. counter-terrorism cooperation".

**OPPN. TO QUESTION GOVT.**

» PAGE 8



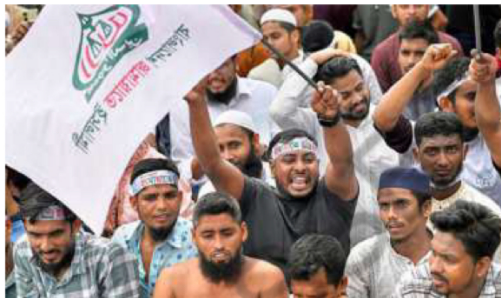
# Jamaat rallies in Dhaka ahead of next year's polls

**Associated Press**

DHAKA

Hundreds of thousands of supporters of Bangladesh's largest Islamist party rallied in the capital on Saturday to show their strength ahead of elections expected next year, as the South Asian nation stands at a crossroads after the ouster of former Prime Minister Sheikh Hasina.

An interim government headed by Nobel Peace Prize laureate Muhammad Yunus said the next election would be held in April but his administration did not rule out a possibility of



**Show of strength:** Supporters of Islamist party Jamaat-e-Islami attend a rally in Dhaka on Saturday. AP

polls in February as strongly demanded by the Bangladesh Nationalist Party and its allies.

Jamaat-e-Islami, which

had sided with Pakistan during Bangladesh's war of independence in 1971, had said earlier that it would mobilise one million peo-

ple on Saturday.

While Ms. Hasina was in power from 2009 until she was toppled in student-led protests last year and fled to India, top leaders of Jamaat-e-Islami were either executed or jailed on charges of crimes against humanity and other serious crimes in 1971.

The party on Saturday placed a seven-point demand to the administration led by Mr. Yunus to ensure a free, fair and peaceful election, the trial of all mass killings, essential reforms and proclamation and implementation of a charter involving last

year's mass uprising.

It also wants the introduction of a proportional representation system in the election.

## Islam basis

"We are here for a new Bangladesh where Islam would be the guiding principle of governance, where good and honest people will rule the country, and there will be no corruption," Iqbal Hossain, 40, said. "We will sacrifice our lives, if necessary, for this cause."

Many of the young supporters in their 20s and 30s were also present.

**MOSCOW LEAVES UKRAINIANS STRANDED AT GEORGIAN BORDER: KYIV**

# Hope for peace fades as Russia pounds Ukraine with over 300 drones overnight

Last few days have seen a surge in Russian drone attacks on Ukraine

**ASSOCIATED PRESS**

KYIV, JULY 19

RUSSIA LAUNCHED a massive attack on Ukraine overnight into Saturday with hundreds of drones, killing at least one person, part of a stepped-up bombing campaign that has dashed hopes for a breakthrough in efforts to end the more than 3-year-old war.

Ukrainian President Volodymyr Zelenskyy posted on X, saying Russia fired over 300 drones, along with more than 30 cruise missiles.

One person died when Russian forces attacked the Black Sea port city of Odesa with more than 20 drones and a missile, the city's mayor, Hennadii Trukhanov, said Saturday on Telegram, while five people were rescued when a fire broke out in a residential high-rise building.

According to Zelenskyy, six other people were wounded in the attack on Odesa, including a child, and critical infrastructure was damaged in Ukraine's northeastern Sumy region.



**A residential building burns after a Russian air attack in Odesa, in which one person was killed, on Saturday. AP**

The Ukrainian president also thanked international leaders "who understand how important it is to promptly implement our agreements" aimed at boosting Ukraine's defense capabilities, including joint weapons production, drone manufacturing, and the supply of air defense systems.

Russia has been intensifying

its long-range attacks on Ukrainian cities. It now often batters Ukraine with more drones in a single night than it did during some entire months in 2024. On July 8, Russia unleashed more than 700 drones — a record.

Reuters adds: Ukraine's foreign minister accused Russia on Saturday of deporting

Ukrainians into Georgia and leaving them stranded there without proper documents hundreds of miles from their home.

Andrii Sybiha said Russia was stepping up the expulsions of Ukrainians — many of them former prisoners — over the southern frontier, rather than sending them directly over its border

with Ukraine.

That amounted to Russia "weaponizing the deportation of Ukrainian citizens," he added on X. There was no immediate response from Moscow, which has denied accusations of mistreating or targeting civilians since its invasion of Ukraine in February 2022.



# Congo, M23 rebels pledge to sign peace deal

IMADCREIDI

DOHA, JULY 19

DEMOCRATIC REPUBLIC of Congo and the M23 rebel group pledged to sign a peace agreement by August 18, at a ceremony in Doha on Saturday, a sign of progress even as outstanding details need to be negotiated.

Representatives of both sides signed a declaration of principles laying out the new timeline, a copy of which was obtained by Reuters, at the ceremony that followed months of Qatari mediation after talks began in April.

The US, which has hosted separate talks between the governments of Congo and Rwanda, has exerted pressure to finalise a durable peace deal in Congo. President Donald Trump has made clear he hopes that would spur Western investment into a



Reuters

**Congo President Felix Tshisekedi's high representative Sumbu Sita Mambu, Qatar's Minister of State for Foreign Affairs, Mohammed bin Abdulaziz Al-Khulaifi and Benjamin Mbonimpa, who heads the M23 delegation, in Doha, Saturday.**

country rich in tantalum, gold, cobalt, copper, lithium and other minerals.

Last month, the Rwandan and Congolese foreign ministers signed a peace deal and met with US President Donald

Trump at the White House.

Trump at the time invited Congolese President Felix Tshisekedi and Rwandan President Paul Kagame to Washington to sign a package of agreements potentially includ-

ing economic deals.

Qatar's Minister of State for Foreign Affairs Mohammed bin Abdulaziz Al-Khulaifi said at a news conference Saturday's declaration "lays the groundwork for a new phase of partnership among the various components of society in the Democratic Republic of the Congo - including armed movements that have chosen to prioritise the greater national interest."

It was brought about by talks that followed a surprise meeting between Congolese President Felix Tshisekedi and his Rwandan counterpart Paul Kagame, brokered by Qatar in March, during which they called for an "immediate and unconditional" ceasefire.

Congo had previously rejected the idea of holding talks with M23, branding it a terrorist group.

REUTERS



**sy picture:** A big lotus in full bloom at the Wular lake in Bandipora district. Lotuses have bloomed again in the freshwater lake, one of the largest in the Indian subcontinent, after nearly three decades.

# Wular back in the pink