

Was a 'proper debate' held in Parliament on CEC and ECs appointment law, asks SC

Krishnadas Rajagopal

NEW DELHI

The Supreme Court on Thursday asked if there had been a "proper debate" in Parliament about the "ethos" of its 2023 judgment that took the appointment of members of the Election Commission out of the exclusive hands of the political executive, namely, "the party which not unnaturally has an interest in perpetuating itself in power".

In a 2023 judgment in *Anoop Baranwal versus Union of India*, a Constitution Bench of the court had replaced the mechanism of the President appointing the Chief Election Commissioner (CEC) and Election Commissioners (ECs) on the sole advice of the Prime Minister with a more participatory appointment process involving a three-member selection committee of the Prime Minister,



the Opposition Leader in the Lok Sabha, and the Chief Justice of India. The court had said the committee would be in place till Parliament brought in a law to replace it.

The Union government had brought in a law which reverted to the dominant role of the executive in the appointments of the CEC and ECs. Under the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act of 2023, the CJI was replaced in the

selection committee by a Union Cabinet Minister nominated by the Prime Minister.

"But was there a proper debate in Parliament about the *Anoop Baranwal* judgment? Is the ethos voiced in the judgment reflected in the Parliamentary debates... That is not clear," said Justice Dipankar Datta, heading a Bench comprising himself and Justice Satish Chandra Sharma.

Senior advocate Shadan Farasat, appearing for an intervenor, said the passing of the law had been preceded by an *en masse* suspension of Opposition MPs. "There was no proper debate in the Parliament," he said.

"A majority of the Opposition was suspended. [AI-MIM MP Asaduddin] Owaisi was the sole objector," advocate Prashant Bhushan, appearing for Association for Democratic Reforms, submitted.

Should the abortion law be amended for minor rape victims?



Dipika Jain

Executive dean & professor of law, director, Centre for Justice, Law and Society, Jindal Global Law School

PARLEY

Why are so many pregnant persons approaching the courts for terminations? Do we need to remove time limits on abortions? Do abortion laws need to be delinked from criminal laws? How can access to safe abortions for at-improved? Dipika Jain and Alka Barua discuss in a conversation moderated by Zubeda Hamid. Edited excerpts.

Can we start with an overview of abortion laws in India?

Dipika Jain: There are two sets of laws that regulate abortion in India. Sections 88 to 94 of the BNS and the Medical Termination of Pregnancy (MTP) Act, 1971. Abortion is criminalised under Section 88 of the BNS, which means that a woman who terminates her pregnancy with her consent and the doctor who terminates her pregnancy with her consent and his consent can be criminalised. In 1979, there was an exception created via the MTP Act, which created a framework for conditional rights. Abortion is legal in India based on certain circumstances and conditions. The 2022 Supreme Court judgement also elaborates on abortion rights as fundamental rights. There are three components: unmarried women are entitled to seek termination; transgender persons are also included within the legal framework; and the right to terminate a pregnancy in India is part of the decisional autonomy of a woman or a pregnant person.

Alka Barua: The law looks fairly liberal, but there isn't broad and progressive interpretation at the ground level. And there are reasons for it. One, the law places decision-making authority primarily with the doctors. So this gives scope for refusal based on personal beliefs or misunderstanding or unawareness of law. The law's implementation doesn't take into account the fact that we have a shortage of certified providers and adequately equipped facilities. And this is particularly more so now when the gestational limit has been increased and later gestational terminations are more complex and require greater skills, better facilities. As long as abortion remains linked to a criminal law, it is socially stigmatised. And many women delay care or seek unsafe pathways in such situations.

Is there a case to be made for the Supreme Court's asking for the removal of time limit



On paper: The Supreme Court, in 2022, has said that it recognises reproductive decisional autonomy as a fundamental right. GETTY IMAGES

on terminations of unwanted pregnancies in the case of minor rape victims?

DJ: The MTP Act sets out general outer limits of 24 weeks, with only two exceptions. One is substantial foetal anomalies, which has to be certified by a medical board, and the other is to save the life of the pregnant woman. In the past, the Supreme Court has, on multiple occasions, allowed termination up to 33 weeks of pregnancy in cases of foetal anomalies. [This] exposes a gap between legal categories that are right and real life, medical and social situations. So it is safe, and it is with the consent of the pregnant person, and the termination is allowed in cases of foetal anomalies, why can't terminations be allowed in other cases where late-term termination becomes important? For example, sexual assault, rape, drastic life challenges, mental health crises. In my opinion, anyone whose pregnancy is safe to terminate should be allowed to terminate it.

AB: The law has not taken into account ground-level reality. There is no need for such rigid gestational limits for terminations, particularly in cases of sexual assault survivors, minors, or adolescents, etc. One reason is, they tend to come late: because of the trauma, the stigma, the lack of awareness about their entitlements under the MTP Act; in case of minors and adolescents, they often do not even know that they have conceived till late pregnancy. Then, most do not have access to resources; they have restricted mobility. Delayed access is not out of choice but because institutions, family structures, violence prevent them from timely access. We believe that risk should be assessed clinically. If it can be safely provided based on clinical judgment, then why this inflexible statutory cut-off? The intent of the

law has to be interpreted more broadly rather than using it as a barrier to provide services.

Do healthcare providers feel they may be at risk of criminal proceedings if they proceed with abortions?

DJ: Abortion is criminalised under law. But there is also an exception, which if followed, on the basis of certain conditions, termination can be offered. However, because it is conditional and the burden of proof is on the doctor, complications arise. This is not a rights-based framework. It is a conditional, qualified framework and sets out very strict conditions. If you fall in any of these conditions, there can be chances of prosecution. We know that in 2021, a doctor in Meghalaya was put behind bars for a month after termination he did not even do. There are also other laws that complicate the criminal framework and liability, for example, the PCPNDT [and] POCSO. Why can't we move from a criminal framework to a rights-based reproductive justice healthcare framework?

AB: The reason for this is not only lack of awareness about what their obligations are, what the service seekers' entitlements are, but also lack of awareness among those who are enforcing the law at the ground level. Most service providers are worried about police involvement in cases of rape and minors. They are confused about documentation requirements. Then there are concerns about the uncertainty around pregnancies near the stipulated gestational limits. There are no clear protocols in place. All this, in addition to the fact that there is a social pressure, let's not forget that doctors belong to the same society as [that of] service-seekers. All this leads to a chilling effect. They don't want to provide services in such cases, particularly the later gestation cases.

Are there other countries that allow for abortion on a demand basis rather than on a conditional basis? Is that what a reproductive health rights framework looks like?

DJ: The Supreme Court in 2022 has said that it recognises reproductive decisional autonomy as a fundamental right. It means that the decision to terminate a pregnancy ultimately belongs to the pregnant person, not the state or the state. That's what the law is saying. Now, should that not also be the practice? If a pregnant person decides to terminate, why should the State impose so many conditions? Why can't it be

based on decisional autonomy and on demand? There are many countries that have at least early-term abortion on demand or on request, and that's exactly how our law should be.

AB: Irrespective of what the law is, our experience is [that] when a woman decides to terminate a pregnancy, she does get it terminated. If restrictions are there, you are literally pushing her towards unsafe service providers. The MTP Act came into existence to prevent unsafe abortions and maternal deaths because of that. And if that very law, because of the conditions it has included in it, is leading service seekers towards unsafe practices, then the point is lost. I [also] just wanted to distinguish between refusal on any grounds, be it ethical or professional, skill level, and denial of access. An individual service provider may decline to perform a procedure to which they have objections personally. The law says nothing against it right now. But then they should be made to refer the case, or ask someone else in the facility to provide the services.

Would a law that lifts all conditions and allows for abortion on request be in conflict with the POCSO law where the State has to look into sexual assault?

DJ: When the POCSO law was drafted, the focus was on child sexual abuse. Section 19 of the POCSO Act allows for mandatory reporting. What happens when it interacts with the MTP Act? In the MTP Act, when an adolescent or minor gets pregnant, they can seek termination. But when the adolescent walks into the hospital, the doctor has to report her mandatorily to the police. Now, what happens is, in case of a 16-year-old in a relationship with a 17-year-old boy, this 16-year-old girl will not go ahead and seek termination because she knows that the mandatory reporting will mean that the boy will be held for statutory rape. This is the problem. In 2022, the Supreme Court harmonised POCSO with the MTP Act. The court ruled that minors can access abortion services without their identities being disclosed. So to some extent, this has been addressed. However, it's not something that is working on the ground.



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UNCERTAINTY OVER GOVT FORMATION IN TAMIL NADU

Vijay goes back to Raj Bhavan, told to show majority first

TVK reaches out to others; AIADMK keeps tie-up with DMK open, shifts MLAs to resort

Arun Janardhanan
Chennai, May 7

AS ACTOR-politician Vijay's Tamilaga Vettri Kazhagam (TVK) scrambled for the final numbers needed to form a government in Tamil Nadu, its outreach to potential allies Thursday carried a distinctly new political style: WhatsApp messages from the state's newest major party to some of its oldest ideological formations.

The response from sections of CPI, CPM and VCK ranged from cautious curiosity to visible discomfort, with several senior leaders privately admitting they had never before received a government-formation invitation through a messaging app from a party seeking power in Fort St George.

The unusual outreach unfolded even as Vijay met Governor Rajendra Arlekar for a second consecutive day, this time expressing his wish to be sworn in in two days, TVK sources said.

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Banners of Vijay, whose TVK emerged as the single-largest party in the Tamil Nadu Assembly elections, in Chennai on Thursday. PTI

Questions over role of Governor: SC has upheld primacy of floor test

Apurva Vishwanath
New Delhi, May 7

TAMILNADU Governor Rajendra Arlekar's decision to delay the swearing-in of Tamilaga Vettri Kazhagam (TVK) leader Vijay as Chief Minister puts the spotlight back on the debate pitting the Governor's gubernatorial discretion against the democratic mandate of the people.

Conventionally, the single

largest party stakes its claim, is then invited to form the government, and prove its majority on the floor of the House. However, Governor Arlekar is learnt to

have asked Vijay to submit proof of support from at least 118 legislators — the majority mark in the 234-member Assembly.

TVK currently has 108 MLAs; with Congress's five-member support, the number

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Floor test

rises to 113, but still short of the majority mark of 118 MLAs.

Article 164 of the Constitution states that the Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.

To exercise this power, the Governor invites the party that has the people's mandate and stakes a claim to form the government. The Governor then fixes a time to administer the oath of office to the Chief Minister designate. A pro-tem speaker is appointed, usually the senior-most legislator of the Assembly, to administer the oath to the MLAs and conduct a floor test.

The single-largest party convention has been reiterated several times in judgments of the Supreme Court. Given the fraught political nature of the Raj Bhavan, now called Lok Bhavan, opposition parties have sought the Court's intervention in staking a claim to form the government.

The Supreme Court had, in 2017, asked the then Manohar Parrikar-led BJP government in Goa to prove its majority on the floor of the House when a dispute arose since Congress was the single-largest party. Goa

Congress Legislature Party (CLP) leader Chandrakant Kavlekar had moved the court that the Governor should not have appointed Parrikar as Chief Minister in the first place and his swearing-in should, therefore, be halted.

"During the course of hearing, we were satisfied that the instant sensitive and contentious issue raised on behalf of the petitioner, can be resolved by a simple direction, requiring the holding of a floor test at the earliest. The holding of the floor test would remove all possible ambiguities, and would result in giving the democratic process the required credibility," the SC had said.

In 2018, the Congress party and JD(S) knocked on the Supreme Court's doors at midnight after Governor Vajubhai Vala scheduled the swearing-in of BS Yediyurappa as the Karnataka CM. The Congress and JD(S) had announced a post-poll alliance though the Governor invited the BJP, the single largest party, to form the government. The Governor had also given the BJP-led government 15 days to prove its majority on the floor of the house.

However, then CJI Dipak Misra heard the case through the night but refused to stay the swearing in. A day later, the SC also advanced the floor test to 36 hours after allegations of horse-trading and locking up of MLAs in resorts were brought to the court's notice. Ultimately, the

BJP-led government failed the floor test, and the Congress-led alliance formed the government. In May 2016, involving a similar crisis in Uttarakhand as well, the SC had underlined the floor test as the "ultimate" option and directed then Congress CM Harish Rawat to prove majority on the floor of the house.

The defence by lawyers arguing for BJP Karnataka in 2018 and BJP Maharashtra in 2019 was that constitutionally, the Governor's actions were not subject to judicial review. They cited Article 361 of the Constitution, which states that any act done in exercise and performance of the powers and duties of the office of the President and Governor were immune from scrutiny by courts.

However, over the years, the Supreme Court has interpreted this provision liberally and examined actions of the Governor's exercise of discretionary powers.

Former Union Law Minister Ashwani Kumar told The Indian Express that the Governor's move to delay the swearing-in is "a graceless stratagem."

"The exercise of Constitutional prerogative by the Governor cannot be seen at odds with the spirit of the mandate and the political morality that underpins democratic politics. Constitutional conscience owes no apology to technicalities. Delaying the swearing in of Vijay is a political outrage and a constitutional heresy," he said.

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Vijay

In a parallel move, the AIADMK shifted almost all of its 47 MLAs to a luxury resort in Pudukcherry as the party sought to shore up numbers for a joint fall-back option with Dravidian arch-rival DMK. AIADMK chief Edappadi K Palaniswami is planning to have lunch with the MLAs at the resort on Friday, sources said.

The DMK, meanwhile, authorised party president M K Stalin to take “urgent decisions” to ensure a “stable” government. It is learnt that Stalin has directed his party’s MLAs to remain in Chennai until May 10.

In a sharply worded resolution, the DMK accused the Congress of abandoning their Secular Progressive Alliance immediately after benefiting from its electoral strength, calling the move a return to the party’s “old political character”.

The day’s political spotlight, however, revolved around Vijay’s meeting with the Governor, as the TVK chief once again attempted to convince Raj Bhavan that he should be invited to form the government as leader of the single largest party in the Assembly. But, according to sources, the Governor maintained that Vijay must first demonstrate majority support for his party.

It is learnt that Arlekar asked

Vijay to submit documentary proof showing support from at least 118 legislators — the majority mark in the 234-member Assembly. TVK currently has 108 MLAs. With Congress’s five-member support, the number rises to 113. But Vijay is expected to vacate one of the two constituencies he won, effectively reducing his side’s working strength and leaving the party still short of the required number.

The Governor’s insistence has disrupted TVK’s expectation that Vijay could be sworn in first and prove his majority later on the Assembly floor. Following Thursday’s meeting, senior TVK leaders and legal advisers held consultations at Vijay’s residence in Neelankarai. Some leaders suggested exploring legal options before the Madras High Court or Supreme Court while others even floated the possibility of a fresh election if government formation remained deadlocked.

The more immediate struggle, however, remained political, not legal. Over the past 24 hours, TVK intensified its outreach to parties within the DMK alliance, particularly the CPI, CPM, VCK and IUML — all with two MLAs each.

Leaders in the Left parties and VCK told *The Indian Express* that TVK’s communication largely came through WhatsApp messages rather than formal political channels.

“A party that is trying to form the government, and which is short of numbers, has not visited us or even come to our office. They merely sent invitations through WhatsApp and claimed that we were invited. How are we supposed to interpret this approach?” a Left leader said.

Another senior Left leader described the outreach as a clash between political cultures before quipping that “perhaps, this is Gen-Z coalition politics”.

Behind the unease lies a deeper anxiety within sections of the Opposition INDIA bloc in Tamil Nadu. “What happened was that TVK broke the INDI alliance with a single phone call when Congress walked away from the DMK alliance. Should they be allowed to break the Left alliance too?” the Left leader said.

The Left parties, however, stopped short of rejecting Vijay. Leaders in the CPI, CPM and VCK stressed that the single largest party should be given the first opportunity to form the government. CPI state secretary M Veerapandian said constitutional conventions and Supreme Court rulings supported allowing TVK to prove its majority on the Assembly floor after the swearing-in.

VCK chief Thol Thirumavalavan confirmed that his party had received TVK’s request and said its high-level committee would take a decision after internal consultations.

Nida Khan, accused in TCS case, arrested

The Hindu Bureau

MUMBAI

Over 40 days after a first information report was registered against her in a rape and sexual exploitation case, suspended TCS employee Nida Khan was ta-

ken into police custody in Chhatrapati Sambhajinagar late on Thursday night.

The arrest was made in a joint operation by the Nashik SIT, the Chhatrapati Sambhajinagar Crime Branch and the Chhatrapati Sambhajinagar Police

Commissioner. “Ms. Khan has been taken into custody from Chhatrapati Sambhajinagar. We are in the process of completing the legal action now,” said Assistant Commissioner of Police Sandip Mitke, who heads the Nashik Police

SIT. She would be produced in court thereafter.

Recently, a Nashik court had refused Ms. Khan’s anticipatory bail application after the prosecution claimed that she had links in Malaysia and in Malegaon.

Delhi urges Dhaka to expedite verification of 2,800 illegal immigrants

Kallol Bhattacharjee

Suhasini Haidar

NEW DELHI

The repatriation of Bangladeshi citizens who are illegally staying in India is a "core issue" in the Delhi-Dhaka relationship, the External Affairs Ministry said on Thursday.

Responding to comments from Bangladesh's new government about possible "push-ins" from the Indian side, Ministry spokesperson Randhir Jaiswal sought Dhaka's cooperation on expediting the repatriation of at least 2,862 identified illegal immigrants from Bangladesh.

"These comments must be seen in the context of the core issue of repatriation of illegal Bangladeshis from India. This requires cooperation from Bangladesh. Over 2,862 cases of

nationality verification are pending with Bangladesh, some for over five years," Mr. Jaiswal said.

India expects Bangladesh to "expedite nationality verification" of these identified individuals so that "repatriation of illegal immigrants can take place in a smooth manner," he said. "Our policy is that all illegal foreign nationals staying in India must be repatriated as per our laws, procedure and established bilateral arrangements," Mr. Jaiswal added.

The Indian response came days after Bangladesh Foreign Minister Khalilur Rahman and Home Minister Salahuddin Ahmed said Dhaka would take "appropriate measures" if attempts are made to "push-in" individuals from India across the border.

MAJOR STICKING POINTS REMAIN UNRESOLVED

US and Iran inch closer to short-term deal to end war

Reuters

Islamabad, Washington,
Dubai, May 7

THE UNITED States and Iran are edging toward a temporary agreement to halt their war, sources and officials said on Thursday, with Tehran reviewing a proposal that would stop the fighting but leave the most contentious issues unresolved.

Iran's foreign ministry spokesperson said Tehran had not yet reached a conclusion on the emerging plan, which according to the sources centres on a short-term memorandum rather than a comprehensive peace deal, underscoring deep divisions between the two sides. Hopes that even a partial deal could lead to the reopening of the Strait of Hormuz have already moved markets, with oil prices sliding again on bets that supply disruptions could ease and global stocks largely holding onto record highs.

Tehran and Washington have scaled back ambitions for a sweeping settlement as differences persist, particularly over Iran's nuclear programme - including the fate of its highly enriched uranium stockpiles and how long Tehran would halt



People raise slogans in favour of the regime in Tehran. REUTERS

nuclear work.

Instead, they are working toward a temporary arrangement set out in a one-page memo aimed at preventing a return to conflict and stabilising shipping through the strait, the sources and officials said.

"Our priority is that they announce a permanent end to war and the rest of the issues could be thrashed out once they get back to direct talks," a senior Pakistani official involved in mediation between the two sides told Reuters.

The proposed framework would unfold in three stages:

formally ending the war, resolving the crisis in the Strait of Hormuz and launching a 30-day window for negotiations on a broader agreement, according to the sources and officials.

Tehran said Foreign Minister Abbas Araqchi held a phone call on Thursday with Ishaq Dar, his counterpart in Pakistan, which has taken a leading role in mediation efforts. "We remain optimistic," Pakistan's foreign ministry spokesperson Tahir Andrabi told a briefing in Islamabad when asked how quickly a deal could come.

"A simple answer would be that we expect an agreement sooner rather than later."

US President Donald Trump - who has repeatedly played up the prospect of a breakthrough since the war began on February 28 with U.S.-Israeli strikes on Iran - has also struck an optimistic tone.

"They want to make a deal... it's very possible," he told reporters at the White House on Wednesday, adding later that "it'll be over quickly".

The proposal would formally end the conflict in which full-scale warfare was paused by a ceasefire announced on April 7. But it leaves unresolved key US demands that Iran suspend its nuclear work and reopen the Strait of Hormuz, the sources said.

In a sign of the US keeping up pressure, it imposed sanctions on Thursday on Iraq's deputy oil minister and three militia leaders over what it said was their support for Iran.

Israel said on Thursday it had killed a Hezbollah commander in an airstrike on Beirut a day earlier, the first Israeli attack on the Lebanese capital since a ceasefire there was agreed last month.

Unwinnable war

The U.S. should pursue a deal with Iran, and not take a maximalist stand

When Donald Trump announced 'Operation Project Freedom', aimed at "guiding" stranded merchant vessels out of the Strait of Hormuz, he warned that any interference from Iran would be dealt with "forcibly". Over the previous weeks, Mr. Trump had issued several ultimatums to Tehran to reopen the waterway, which it closed after the U.S. and Israel launched the war on February 28. As Iran refused to budge, Mr. Trump launched the operation to militarily reopen the strait. But it lasted barely 50 hours. Iran responded by firing at two American destroyers in the strait and attacking a UAE tanker off Oman's coast. The UAE, a close strategic partner of both the U.S. and Israel, also said it was attacked twice. With the ceasefire coming under strain amid hostilities, Mr. Trump, on Wednesday, said he was pausing the operation "at the request of Pakistan". While Mr. Trump continues to make sweeping claims about winning the war, the fact that the Strait of Hormuz remains closed – and that the operation to reopen it did not last even three days – points to a very different reality on the ground. The U.S. not only failed to achieve any of its declared objectives during the 40 days of war, but is now grappling with a crisis created by the war itself – the closure of the strait.

Unlike Mr. Trump, who has made several self-contradictory statements since the war began, Iran has remained consistent in its demands. Supreme Leader Mojtaba Khamenei said last week that Iran would "protect" its missile and nuclear capabilities and continue to exercise control over the Strait of Hormuz. Tehran appears convinced that the war has strengthened its hand and that time is on its side. Mr. Trump has made a series of miscalculations. In the first week of the war, he said he would accept nothing short of Iran's "unconditional surrender". But as the conflict dragged on, he started demanding a deal. Both sides agreed to a ceasefire on April 8, but the U.S., which imposed a blockade on Iranian ports on April 12, failed to exact any meaningful concession from Iran. Contrary to his rhetoric, he holds few strong cards in this war of attrition. If the crisis persists, it will inflict lasting damage on the U.S. and the global economy, potentially endangering Mr. Trump's presidency. If he resumes the war, Tehran will retaliate by targeting Gulf kingdoms, which would be catastrophic for the global economy. America is not winning this war. No amount of social media threats or military posturing is going to alter that reality. Washington should recognise this and pursue a deal with Iran based on accommodating mutual demands and reciprocal concessions if it wants to avoid pushing the world economy towards the precipice.

China sentences former defence ministers to death with 2-yr reprieve



Wei Fenghe (left) and Li Shangfu. REUTERS

Antoni Slodkowski

Beijing, May 7

FORMER CHINESE defence ministers Wei Fenghe and Li Shangfu were both sentenced to death with a two-year reprieve over graft charges, state news agency Xinhua reported on Thursday, underscoring the severity of the purge in the military.

The armed forces have been one of the main targets of a broad corruption crackdown ordered by President Xi Jinping after coming to power in 2012. The purges reached the elite Rocket Force, which oversees nuclear weapons as well as conventional missiles, in 2023.

Earlier this year they escalated further, resulting in the removal of the top general in the People's Liberation Army, Zhang Youxia, who was a Politburo member and was long seen as an ally of Xi.

Past reports in Xinhua said Li had been suspected of receiving "huge sums of money" in bribes as well as bribing others, and an investigation found he "did not fulfil political responsibilities" and "sought

personnel benefits for himself and others".

An investigation launched into Wei in 2023 found that he had accepted "a huge amount of money and valuables" in bribes and "helped others gain improper benefits in personnel arrangements", Xinhua reported in 2024, adding that his actions were "extremely serious in nature, with a highly detrimental impact and tremendous harm".

A death sentence with reprieve in China is typically commuted to life imprisonment if the offender commits no crimes during the period of reprieve.

After the commutation, they will be imprisoned for life without the possibility of further commutation or parole, Xinhua said.

China's ongoing military corruption purges are leaving serious deficiencies in its command structure and are likely to have hampered the readiness of its rapidly modernising armed forces, the International Institute for Strategic Studies said this year. **REUTERS**

Nepal: Case filed against ex-minister, Chinese company over graft in China-funded airport

Reuters

Kathmandu, May 7

NEPAL'S TOP graft body on Thursday filed a case against 14 individuals, including former finance minister Gyanendra Bahadur Karki and a Chinese company, over alleged tax waivers granted during the construction of the China-funded Pokhara International Airport.

The Commission for the Investigation of Abuse of Authority (CIAA) filed the case at the Special Court. Several other cases have been filed in the past for the misappropriation of billions of rupees in the project.

According to Ganesh Bahadur Adhikari, assistant spokesperson for the CIAA, the charges relate to alleged tax

exemptions granted to the Chinese contractor in violation of the original agreement during the airport construction.

The CIAA has claimed a total alleged damage of Rs 3.62 billion in the corruption case, according to officials at the CIAA.

Officials of the Chinese company China CAMC Engineering Co Ltd — which constructed the airport — and its representatives have also been named as defendants in the charge sheet.

Those charged also include former secretaries Kewal Bhandari, Maheshwar Neupane and Suresh Acharya, serving secretary Danduraj Ghimire, and then director generals of the Civil Aviation Authority of Nepal, Pradeep Adhikari and Sanjeev Gautam.