

MULTILATERAL REFORMS AS A PRIORITY IN THE G-20



Why should multilateralism be given importance in today's global order? How can the G-20 help in multilateral reform? Can multiple minilateral groupings become an alternative mode of multilateral cooperation? Why would global powers be averse to the idea of reform in multilateral institutions?

The story so far:

While assuming the G-20 presidency in December 2022, India stated that its agenda would be inclusive, ambitious, action-oriented, and decisive. New Delhi also said that its primary objectives are to build global consensus over critical development and security issues and deliver global goods. This resulted in placing multilateral reform as one of the top presidential priorities for India. Accordingly, the G-20 idea bank, Think 20, also placed multilateral reforms as one of its priorities. The T20 Task Force on 'Towards Reformed Multilateralism' (TF7) aims to construct a roadmap for 'Multilateralism 2.0'.

Why is multilateralism important?

Multilateral cooperation today, is confronting multiple crises. First, due to persistent deadlocks, multilateralism has lost the majority's trust. Second, multilateralism is facing a utility crisis, where powerful member-states think it is no longer useful for them. Moreover, increasing great-power tensions, de-globalisation, populist nationalism, the pandemic, and climate emergencies added to the hardships. This impasse led states to seek other arenas, including bilateral, plurilateral and minilateral groupings, which subsequently contributed to further polarisation of global politics. However, cooperation and multilateral reform is the need of the hour. Most of the challenges nations face today are global in nature and require global solutions. Pressing global issues such as conflicts, climate change, migration, macroeconomic instability, and cybersecurity can indeed only be solved collectively. Furthermore, disruptions such as the COVID-19 pandemic have reversed the social and economic progress that the global society made in the past couple of decades.

Why is reform difficult?

Reforming multilateralism is a difficult task for various reasons. First, multilateralism is deeply entrenched in global power politics. As a result, any action in reforming multilateral institutions and frameworks automatically transforms into a move that seeks changes in the current distribution of power. Modifications in the distribution of power in the global order are neither easy nor

normal. Moreover, it may have adverse implications if not done cautiously.

Second, the status quo powers see multilateral reforms as a zero-sum game. For instance, in the context of the Bretton Woods system, the U.S. and Europe believed reform would reduce their influence and dominance. This makes decisions about reform in these institutions, by consensus or voting, hard. Third, multilateralism appears at odds with the realities of the emerging multiplex global order. The emerging order seems more multipolar and multi-centred. Such a situation facilitates the formation of new clubs, concerts and coalitions of the like-minded, which makes the reform of older institutions and frameworks more challenging.

What can G-20 and India do?

To fix the malaise within multilateralism, G-20 needs to devise multiple solutions. Currently, the multilateralism reform narrative lives only in elite circles and some national capitals, particularly the emerging powers. Therefore, G-20 should first focus on setting proper narratives of multilateral reform. G-20 may constitute an engagement group dedicated to bring the narrative to the forefront of global discourse. India should also urge the upcoming chairs of the grouping, Brazil and South Africa, to place multilateral reforms as their presidential priorities. Since both have global high-table ambitions, it would be an easier task for India.

Many of today's problems need global solutions and global cooperation. However, we should also acknowledge the limitations of multilateral cooperation. Competing interests and the dominance of powerful states are there to stay in multilateral platforms. Therefore, while supporting multilateral cooperation, G-20 should continue encouraging minilateral groupings as a new form of multilateralism and try to transform them into multi-stakeholder partnerships. Creating networks of issue-based minilaterals, particularly in areas related to the governance of the global commons will be helpful in preventing competitive coalitions where other actors play the same game to their advantage, leading to a more fragmented world order. Multilateral reforms also require mobilising the political

will, subsequently giving concessions and conciliations. However, most reform bids have yet to take this issue seriously.

To overcome the trust, legitimacy and utility crises of multilateralism, the world requires a model, and the G-20 can be one. However, to fit the purpose, the group needs to be more inclusive without sacrificing efficiency. For example, including the African Union as a permanent member and the UN Secretary-General and General Assembly President as permanent invitees would be helpful to enhance its legitimacy.

Similarly, to address the crisis of trust and utility, G-20 should put all its

efforts into solving one or two pressing global issues and showcase it as the model of new multilateralism. Food, fuel and fertilizer security can be one such issue. On the one hand, it falls under the 'low politics' of world politics, so cooperation is more achievable. On the other, it is a global cause of concern, since it can trigger stagflation and recession across the globe. More significantly, this issue spreads across the overall priorities of India within and beyond the G-20.

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RUSHIKULYA SANDS TEEM WITH OLIVE RIDLEYS



Golden period: Olive Ridley turtles coming ashore at Rushikulya in Ganjam district of Odisha. BISWARANJAN ROUT

Beach in Odisha's Ganjam witnesses a record mass nesting of 6.37 lakh turtles this year; absence of extreme weather events made conditions favourable, says official; tagging of the turtles continues

Nearly 6.37 lakh Olive Ridley turtles have arrived for mass nesting on the Rushikulya coast this year, setting a new record for the beach in Ganjam district of Odisha.

The arrival of the turtles for laying eggs from February 23 to March 2 — which is treated as the mass nesting period — was attributed to the emergence of new beaches near the Podam- petta area, Berhampur Divisional Forest Officer Sunny Khokkar said.

Mr. Khokkar said, this year, the beaches remained unaffected as there were no extreme weather events such as cyclone and heavy rain and the turtles ascended the perfectly sloped beaches at the Rushikulya river mouth. Last year, 5.5 lakh Olive Ridley turtles came to Rushikulya for mass nesting.

"The actual number of Olive Ridelys coming to Rushikulya will go up as turtles keep coming to the coast after March 2. We are currently counting the number of turtles received during sporadic nesting witnessed after March 2," he said. The forest division has stepped up supervision to prevent turtle mortality by deploying more officials.

Turtles also arrive at Gahirmatha beach in Kendrapara district, which is known as the world's largest known rookery. Puri and Devi river mouth beaches too host Olive Ridley turtles this time around.

As part of a long-term study, researchers of the Zoological Survey of India (ZSI) continued tagging of Olive Ridley turtles at Gahirmatha, Devi river mouth and Rushikulya. "This year, we propose to tag 3,200 turtles. It is heartening to note that 150 Olive Ridley turtles which were tagged have returned to lay eggs on beaches of Odisha this year," ZSI scientist Anil Mohapatra said.

Dr. Mohapatra said two turtles tagged in Odisha were spotted in Sri Lanka and Tamil Nadu.

AUSTRALIA, INDIA IN TALKS TO UPGRADE TRADE PACT: HIGH COMMISSIONER



Ready for challenges: Defence Minister Rajnath Singh on board INS Vikrant on Monday. Special Arrangement
Constantly evolving world order has forced everyone to re-strategise, says Defence Minister at Naval Commanders' Conference on INS Vikrant

Future conflicts will be unpredictable and the constantly evolving world order has forced everyone to re-strategise, Defence Minister Rajnath Singh said on Monday, addressing the Naval Commanders' Conference, being held at sea

on board the indigenous aircraft carrier INS Vikrant. This is the first time that the conference is being held outside Delhi.

"The Navy standing firm in protecting national interests has strengthened India's position as the 'Preferred Security Partner' in the Indian Ocean region," Mr. Singh said. "Constant vigil on the northern and western borders as well as the entire coastline must be maintained. We need to be ready to deal with all future challenges."

The conference serves as a platform for Naval Commanders to discuss important security issues at the military-strategic level as well as interact with senior government functionaries through an institutionalised forum, the Navy said in a statement. This is the first edition of the conference this year.

Military modernisation

Talking of military modernisation and the emphasis on self-reliance, Mr. Singh said the defence sector had emerged as a major demand creator. "In the next five to 10 years, orders worth over \$100 billion are expected to be placed through the defence sector and it will become a major partner in the economic development of the country... If we want to see India among the top economic powers of the world by the end of Amrit Kaal, we need to take bold steps towards becoming a defence superpower," he said.

Mr. Singh later witnessed operational demonstrations which included aircraft carrier and fleet operations, weapon firings by ships and aircraft, and underway replenishment at sea. In addition, a demonstration of indigenous products, including spotter drone, remote-controlled lifebuoy and fire-fighting bot, was held.

The Chief of Defence Staff and the Chiefs of the Indian Army and the Indian Air Force would also interact with the Naval Commanders on subse-

quent days to address the convergence of the three services vis-à-vis common operational environment, and avenues of augmenting tri-service synergy and readiness, the Navy said.

During the conference, Naval Commanders would also be provided

with an update on the 'Agnipath Scheme', the Navy said. The first batch of Agniveers is scheduled to pass out from INS Chilka in March-end.

INS Vikrant, which was commissioned last September, is currently undergoing aviation trials and is expected to be operationally ready by year-end.

'RETAIL VEHICLE SALES ROSE 16% IN FEB., FESTIVALS SEEN DRIVING MARCH DEMAND'

Rewing up

Automobile sales at dealers rose last month to about 1.8 million units aided by robust demand in the wedding season, FADA said

■ Rising interest rates amid elevated inflation hurting sentiment, with overall Feb. sales still below pre-COVID levels

■ Two-wheeler sales rose 15%, three-wheelers 81%, passenger vehicles 11%, tractors 14%, and CVs 17%

■ Dealer group warns that CV sales may be hit if an El Nino leads to a weaker monsoon hitting farm output



Sales have picked up as chip shortages eased and automakers introduced new models; FADA sees changes in emission norms from April, promotional offers from automakers in the final month of the fiscal year helping boost registrations

Retail sales of vehicles in India rose 16% to about 1.8 million units in February, helped in part by strong demand during the wedding season, an industry body of automobile dealers said on Monday, adding that festivals could push the sales higher in March.

Sales have picked up in the last two months as chip shortages eased and automakers introduced new models to tap into the demand ahead of the festival and wedding seasons. However, rising interest rates amid elevated inflation are seen as a sentiment dampener, with overall sales in February still below pre-COVID levels.

Sales of two-wheelers advanced 15%, while those of three-wheelers jumped 81%, passenger vehicles 11%, tractors 14%, and commercial vehicles 17%, the Federation of Automobile Dealers Associations (FADA) said in a statement.

Changes in emission norms from April, which would see vehicle prices increase, and automakers rolling out promotional offers in the final month of the fiscal year, should help push sales higher in March, FADA added.

The industry body cited a slew of festivals for anticipated demand in March.

Auto sales numbers are keenly watched, as they are one of the key indicators to assess private consumption and

carry more than 50% weightage in calculating economic growth.

Meanwhile, the industry body warned that predictions of a return of El Nino weather conditions in the Pacific, which could mean a weaker monsoon in India and result in lower output and higher prices, may be a dampener for sales of commercial vehicles.

'ONDC TO HELP RETAIL SURVIVE LARGE E-COM FIRMS' ON-SLAUGHT'



The Open Network for Digital Commerce (ONDC), a unified payments interface-type protocol, will help small retailers survive the onslaught of large tech-based e-commerce companies, Commerce and Industry Minister Piyush Goyal said on Monday.

ONDC is an initiative of the Ministry to help small retailers expand their business and reduce the dominance of e-com giants.

It offers small retailers an opportunity to provide their services, and goods to buyers across the country through an e-commerce system, where buyers will be able to purchase the products, which are sold on any platform.

Integrate with e-com

Mr. Goyal said the effort is to encourage small companies, and start-ups to integrate into the e-commerce ecosystem.

"Like UPI democratised payment systems, ONDC will democratise benefits of e-commerce," he added.

Without naming China, he said India's imports from one geography led to a significant rise in trade deficit between 2004-14 and broke the back of Indian manufacturing.

On promoting production of high-quality goods, he said the government is working to introduce quality standards in a big way to aid local manufacturing in standing against irrational competition, raise scale of production and become more competitive.

ROLE AND REMIT

Questions arise over Court-appointed panel's remit in Adani case

It is difficult to welcome unequivocally the Supreme Court order forming a committee to look into possible regulatory failure in dealing with the allegations that the Adani Group companies flouted norms in the securities market. The Court has done well to make it clear that the committee's constitution will not divest the Securities and Exchange Board of India (SEBI) of its powers and responsibilities in continuing with its probe. In addition, it has said SEBI should also investigate the charge that the companies failed to maintain the minimum public shareholding or disclose transactions involving related parties. To the extent that it holds the regulator to its claim that it is already seized of the matter, as well as expands its remit to address squarely the allegation that funds controlled by related parties were used to manipulate stock prices, the order is quite welcome. However, a relevant question is whether a committee headed by a former Supreme Court judge is needed at all. SEBI has been asked to share its findings with the panel, but it is doubtful if the committee can avoid going into the charges on its own before it can confirm or rule out regulatory failure. The cause may have been better served if the Court had chosen to monitor SEBI's inquiry by seeking progress reports. And it may have taken the help of experts, if necessary, to assess the final outcome. The other

aspect of the panel's work — suggesting measures to strengthen the regulatory framework — could have been left to the legislature. Also, that the Court has asked for the panel's report in a sealed cover is disappointing. The fate of similar committees, the one on Pegasus, for instance, does not inspire confidence about the outcome.

The order also asks the committee to ascertain the causal factors that led to volatility in the market. The severe losses suffered by retail investors following the Hindenburg revelations should not become a red herring to divert attention from the conduct of the companies. Investor protection is one of SEBI's functions, but it is equally true that no measure can be a guarantee against market forces reacting sensitively to developments. There is an inherent and perpetual risk in stock market investments, and it is addressed from a regulatory viewpoint by various means — prescribing norms and mandating disclosures to setting upper and lower limits on daily price movement. It may be expedient for the Adani Group — and the government, which also wants this controversy to blow over soon — to highlight investor losses so that a quick exoneration is ensured by putting the blame on an alleged plot against the country and its corporate champions by an inimical short-seller; but the Court's focus should be on SEBI's conduct and independent functioning, preserving which alone can protect investors from market manipulators.

LOGICAL FORMATION

The NPP's expanded mandate should allow it to lead a stable coalition

The term "fractured mandate" aptly describes the results of the Meghalaya Assembly election. While the incumbent National People's Party led by Conrad Sangma emerged as the single largest with 26 seats (gaining seven since 2018) in the 60-member Assembly, the fact that there were seven other parties with at least two seats besides two independents presented a mandate which necessitated a deft post-election coalition. Former Chief Minister Mukul Sangma of the Trinamool Congress tried to orchestrate a new coalition without the NPP and the BJP (two seats), but his party had won only five seats, thus making such an alliance improbable. Any coalition stitched together with smaller parties would have been unstable. The BJP had come out of its alliance with the NPP and fought all 60 seats, seeking to garner votes by highlighting the corruption in the NPP-led regime, but the party promptly fell in line after the election to support the NPP. It is easy to see why the NPP prefers to align with the BJP — governments in the north-east are dependent upon central fund transfers and keeping the Union government in good humour is seen as an imperative. But for the BJP to promptly join the government after accusing it of corruption also suggests a

desperation to utilise the loaves of power to expand its base. After some intrigue, the United Democratic Party, with 11 seats, and the People's Democratic Front, with two seats, offered support to the NPP, which was also bolstered by the endorsement of two independents and the two MLAs of the Hill State People's Democratic Party, giving the coalition a comfortable majority.

While the NPP did not win an absolute majority, it managed to expand its base beyond the Garo Hills with eight victories in the Jaintia Hills and the Khasi Hills regions as well. This has allowed it to supplant the Congress as the only force with a pan-State appeal. With such a mandate, the party must focus on addressing chronic development issues in the State, which still suffers from a high poverty rate — a NITI-Aayog report listed Meghalaya as India's fifth poorest with 32.67% of the population below the poverty line. Corruption, a bane, has hampered infrastructure development; there is much illegal mining in the mineral-rich State. A renewed and expanded mandate for Conrad Sangma, but one that is dependent upon the support of other parties, should ideally keep the government on its toes as long as the coalition partners are more interested in raising policy issues rather than seeking to partake in patronage.

A 'ZEITENWENDE' IN THE INDIA-GERMANY RELATIONSHIP

It is no secret that India's relationship with Germany has traditionally lagged behind its relations with its other European partners such as France. Benign mutual neglect coupled with Germany's primary focus on China are factors, but this appears to be changing rapidly.

Chancellor Scholz's two-day visit to India, that began on February 25, 2023, significantly coincided with the first anniversary of Russia's war on Ukraine, which has been, in Mr. Scholz's own words, a *Zeitenwende* or turning point.

Indeed, the Russian invasion has been a watershed moment in Germany's security policy, resulting in the abandonment of decades of post-war pacifism towards strategic matters. This is evident in Germany's pledge to boost defence spending to 2% of GDP and provide special funding to bolster the country's military.

Russia's war and China's assertive posturing have brought into question Germany's approach of *Wandel durch Handel* (change through trade), prompting a deep rethink of its energy and trade dependencies towards diversifying economic relations. As ties with Russia and China enter uncharted waters, Europe's increasing prioritisation of values-based partnerships with like-minded countries can advance India-German cooperation. In this context, the German government's coalition agreement in 2021 refers to relations with India among its top foreign policy priorities.

Mr. Scholz's visit has built on German Foreign Minister Annalena Baerbock's visit to India in December 2022, and the 6th India-Germany Inter-governmental Consultations, a biannual format of engagement that commenced in 2011, to expand cooperation in defence, trade, clean energy,

migration, digital transformation, and the Indo-Pacific.

His visit assumes greater importance as India holds the G-20 presidency this year and seeks to avoid geopolitics hampering cooperation in the forum. Discussions on the Russia-Ukraine conflict and its global repercussions were centre stage as the war continues. Prime Minister Narendra Modi has reiterated India's commitment to contribute to any peace process.

In a departure from Germany's previous Asia policy that centred around China, Mr. Scholz first visited Japan after assuming office in 2021, and later invited Mr. Modi for the 6th Inter-Governmental Consultations to Berlin. This enhanced political outreach to Asia is part of Germany's overall strategy for the Indo-Pacific region which mentions India as a key partner. For Germany, the stability of supply chains and trade routes linking Asia to Europe assumes critical importance given its status as Europe's economic powerhouse and its reliance on exports. In an interview preceding his India visit, Mr. Scholz expressed Germany's intent to enhance its strategic involvement in the region through greater military deployment. Germany's symbolic gesture of sending its frigate *Bayern* to the Indo-Pacific in 2021, with a stopover in Mumbai (January 2022), was a demonstration of this. A recent agreement on India-Germany triangular cooperation involving development projects in third countries is also an important step in this direction.

Defence links

As New Delhi attempts to diversify from its military dependence on Russia and Berlin reassesses its long-standing arms exports policy, Germany could become an important defence partner for India. The meetings included discussions around co-development of military hardware and tech transfers, and

a deal worth \$5.2 billion where Germany would jointly build six conventional submarines in India could be underway. Besides, the first ever France-India-Germany military exercise drill is slated to take place in 2024 towards enhanced security and defence collaboration.

Yet, it is important for the two countries to set realistic expectations in the security realm. Despite their common concerns regarding stability in the Indo-Pacific, Germany does not share a border with China, India has territorial conflicts with the country. And despite the lack of German trust in China, Mr. Scholz's visit there in November 2022 demonstrated how intertwined German industry is with Chinese markets. But even while Mr. Scholz emphasises the difficulties in 'decoupling' from China, it is encouraging that Germany is drafting a new official China strategy amidst a wider national security strategy.

India and Germany also cooperate in multilateral forums, as part of the G-4 grouping pushing for United Nations Security Council reform, and as evident in Germany's invitation to Mr. Modi to attend last year's G-7 summit.

Trade and technologies

Germany is India's largest economic partner in the European Union

THE ANTI-DEFECTION LAW IS FACING CONVULSIONS

After long years of legislative meanderings, Parliament enacted the anti-defection law (10th Schedule) in 1985 to curb political defection. The volume, intensity, recklessness and uncontrolled venality seen in defections in the 1960s and thereafter almost came to a stop after this. Defections not only caused the frequent fall of governments but also caused great instability in political parties with power-seeking politicians wreaking havoc on political parties. The Supreme Court of India in its first comprehensive judgment in the Kihoto Hollohan case characterised it as a political evil and upheld the right of Parliament to curb this evil through legislative mechanism.

Years have passed and this promise of political stability seems to be ending with the anti-defection law facing convulsions in Indian legislatures, especially in the last five years. The happenings in the State of Maharashtra are an example.

Sound objectives

But before dealing with the questions of constitutional importance that have arisen in the Maharashtra Assembly, and which are presently before the Supreme Court, it is necessary to make a few general points about the scheme of the anti-defection law in India. In fact, a closer reading of this law will show that this enactment had a two-point objective. The first was to curb the act of defection by disqualifying the defecting member. The second was to protect political parties from debilitating instability. The fact is that frequent defections from even well-organised political parties leave them weak. They find themselves incapable of keeping their flock together as politicians have a tendency to abandon a sinking ship and move out in search of greener pastures. Indian democracy is based essentially on a party system where stable parties are a sine qua non of a stable democracy. Representatives elected otherwise than as members of parties cannot run a government, which is a very complex institution that demands unity of purpose, ideological clarity and cohesiveness — objectives that can only come from organised, ideologically-driven political parties. This is true of every democratic country in the world.

That this objective is the principal focus of the anti-defection law is clear from two provisions enacted in the 10th Schedule, namely the provision of a split in a political party and that of a merger of two political parties. Although 'split' has ceased to be a defence against disqualification with the deletion of paragraph three of the Schedule, a closer look at this erstwhile provision is necessary for a proper understanding of the true objective of this law. Under this paragraph, if a split occurs in a political party resulting in a faction coming into existence, and one-third of the legislators move out of the party and join that faction, those members could get an exemption from disqualification. The point to note here is that one-third of the legislators would get protection only if there was a split in the original political party. So, the split in the original political party is the pre-condition for exempting one-third of legislators from disqualification.

In other words, if there was no split in the original political party and one-third of the legislators only moved out, all of them would be liable to be disqualified. With the deletion of this paragraph, a split in the original party is no longer a defence against disqualification. Even when a political party has split, the legislators will not get any protection. That would be the impact of

(EU). Thus, trade naturally figured high on the agenda boosted by the relaunch of the India-EU free-trade agreement negotiations where the Chancellor, travelling with his high-powered business delegation, stated he would "get personally involved". Collaboration in clean energy and green technologies has emerged as the central pillar in the partnership, with the launch of a Green and Sustainable Development Partnership last year and cooperation in the area of green hydrogen. The subject of mobility and migration was also under focus given Germany's shortages of skilled manpower; where technically skilled Indians could help plug this gap. While economics comprises the bulk of the partnership, it is refreshing to witness relations steadily evolve into a more wholesome partnership.

Divergent positions on the war have not undermined India's regular political engagements with Europe and convergence in areas such as the Indo-Pacific that are cementing the strategic dimension of the partnership. An intensification of the Russia-China axis could further embolden this alignment. Against the backdrop of volatile geopolitical shifts, emerging multipolarity, and Europe's enhanced courtship of India, India's ties with Germany could be vital in shaping a new global order.

the deletion of paragraph three. But the point is that in order for the legislators to claim protection, a split in the original party was always necessary.

The merger issue

In paragraph four which protects defecting members from disqualification, the condition is merger of the original political party with another party and two-thirds of the legislators agreeing to such a merger. Here too, as in split, merger of the political party is the pre-condition to seek exemption from disqualification. One thing that becomes clear from an analysis of the omitted paragraph on split and the paragraph on merger is that the legislators do not have the freedom to bring about a split or merger as they are legally restrained by the anti-defection law. It is the original political party in both cases which takes that decision.

The argument that the Speaker cannot make a roving inquiry into the split or merger is specious as the Speaker takes the decision only after ascertaining the fact of the split. The same applies to the merger. Only a merger of the original political party provides the basis for claiming protection from disqualification under paragraph four. Of course it contains another assertion — namely, the merger will be deemed to have occurred only if two-thirds of the legislators agree to such merger. This simply means that for exempting defecting legislators from disqualification, merger is taken into account only if two-thirds of legislators have agreed to it. A merger of parties can take place outside the legislature but it has no consequence unless two-thirds of the members agree to it.

The crux of the Maharashtra case

In the Maharashtra case, interesting constitutional questions have arisen. The first question that should have been decided by the Court was on whose whip is valid. The whole issue could have been settled on that point. It is true that the breakaway group of the Members of the Legislative Assembly chose its own whip, who also reportedly issued whips to all the MLAs of the Shiv Sena. But the question as to whose whip is valid should have been decided on the basis of the explanation (a) to paragraph 2(1)(a), which says that an elected member of a House shall be deemed to belong to the political party by which he was set up as a candidate for election as such member. This explanation makes it unambiguously clear that the party which can legally issue the whip is the Shiv Sena led by Uddhav Thackeray as this is the party which set them up as candidates in the last election. It should not be forgotten that the anti-defection law was enacted to punish defectors, not to facilitate defection. The Supreme Court by allowing the Election Commission of India to go ahead and decide the petition under paragraph 15 of the symbols order has put the cart before the horse. The 10th Schedule is a constitutional law and the disqualification proceedings under it should have been given primacy over the proceedings under paragraph 15 of the symbols order which is a subordinate legislation. As it happened, the ECI gave a flawed order which has made the operation of the 10th Schedule irrelevant and complicated. The propositions made in this article can be summed up as follows: legislators have no freedom under the 10th Schedule to split or bring about a merger of their party with another. Only the original party can do that and the legislators have the choice to agree or not to agree to it. A whip can be legally issued only by the original political party which set them up as candidates in the election. The Court could have settled it as the first and foremost issue which would have done complete justice to the original political party, the Shiv Sena led by Mr. Thackeray, as in the mandate of Article 142 of the Constitution.

IS THE INTERNET AS WE KNOW IT GOING TO CHANGE?

Why is the U.S. Supreme Court interpreting Section 230 of the U.S. Communications Decency Act of 1996? What are tech companies and digital rights activists saying?

The story so far:

The Supreme Court of the United States (SCOTUS) has begun hearing two pivotal lawsuits that will for the first time ask it to interpret Section 230 of the U.S. Communications Decency Act of 1996, the law that has shielded tech companies from liabilities over decades. The lawsuits pose a long-standing question — should digital companies be held liable for the content that users post on their platforms?

What are the two lawsuits?

Both lawsuits have been brought by families of those killed in Islamic State (ISIS) terror attacks. The first lawsuit, Gonzalez versus Google, has been filed by the family of Nohemi Gonzalez, a 23-year-old American killed while studying in Paris, in the ISIS terror attacks of 2015 that killed 129 people. The family is suing YouTube-parent Google for “affirmatively recommending ISIS videos to users” through its recommendations algorithm. The Court filings say that the video-sharing platform YouTube “aided and abetted” the Islamic State in carrying out acts actionable under U.S. anti-terrorism law.

The second case, Twitter, Inc versus Taamneh, pertains to a lawsuit filed by the family of a Jordanian citizen killed in an ISIS attack on a nightclub in Istanbul, Turkey, in 2017. The lawsuit relies on the Antiterrorism Act, which allows U.S. nationals to sue anyone who “aids and abets” international terrorism “by knowingly providing substantial assistance.” The family argues that despite knowing that their platforms played an important role in ISIS’s terrorism efforts, Twitter and other tech companies failed to take action to keep ISIS content off those platforms. It also says that the platforms assisted the growth of ISIS by recommending extremist content through their algorithms.

What is Section 230?

If a person posts on Facebook that a certain individual is a fraud, according to Section 230 of the U.S Communications Decency Act, the individual cannot sue the platform, but only the person who posted it. It is essentially a “safe harbour” or “liability shield” for social media platforms or any website on the internet that hosts user-generated content, such as Reddit, Wikipedia, or Yelp.

“No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider”— these words, enshrined in Section 230, have been described by a recent book and by Lisa Blatt, Google’s lawyer in the Gonzalez case, as the “26 words that created the internet”. Another thing Section 230 does is allow interactive computer service providers to engage in content moderation, removing posts that violate their guidelines or are obscene. According to the statute, these platforms can remove content posted on them as long as it is done in “good faith”.

What are tech companies saying?

In January this year, a group of tech companies, websites, academics, users of the internet, and rights groups filed amicus curiae briefs in the Supreme Court, urging it to not change Section 230, outlining the sweeping impact such a move could have on the Internet.

Twitter argued that Section 230 allows facilitated platforms to moderate huge volumes of content and present the “most relevant” information to users. It added that the company has frequently relied on the statute to protect it from “myriad lawsuits”. Digital rights and free speech activist Evan Greer also pointed out that holding platforms liable for what their recommendation algorithms present could lead to the suppression of legitimate third-party information of political or social importance, such as those created by minority rights groups.

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