



## R.G. Kar case convict to be imprisoned for life

### POLITY & GOVERNANCE



**CONTEXT:** A sessions court in Kolkata sentenced Sanjay Roy, the convict in the rape and murder of a doctor at R.G. Kar Medical College and Hospital, to lifelong imprisonment.

Judge Anirban Das of the Sealdah Additional District and Sessions Court stated that the case did not meet the criteria for the death penalty, calling it inappropriate to grant the prosecution's request. In his 172-page judgment, he emphasized the need for a sentence that balanced the severity of the crime with justice, rehabilitation, and human dignity, while resisting public pressure. The Central Bureau of Investigation and the victim's family had sought the death penalty for Roy, a former civic police volunteer, who was convicted on January 18 for rape, causing death, and murder under the Bharatiya Nyaya Sanhita.

The order noted that Roy would undergo rigorous imprisonment for life and imposed a fine of ₹ 50,000 for offenses under Section 64 of the BNS. In case of default, he must undergo simple imprisonment for five more months. He was handed rigorous imprisonment for life and a fine of ₹ 50,000 (Section 395 of BNSS) for an offense under Section 103 (1), BNS, and if in default, simple imprisonment for five months; and rigorous imprisonment for the remainder of his life for an offense under Section 66 of BNS.

The court noted that all the sentences will run concurrently. The court also held that the convict has the right to appeal against this judgment and that he has the right to avail legal aid for filing the appeal. The court said the victim's parents would get a compensation of ₹10 lakh for the death of the victim, and ₹ 7 lakh for rape as per regulations of the National Legal Services Authority.

The court also criticised the role of the hospital authorities, and said that there were no doubts that "efforts were made to show the death as a suicidal one so that the hospital authority would not face any consequences". Observing that the pain and suffering of the parents cannot be compensated with any amount of cash, the judge wrote in the order, "At the same time I think that as the death of the victim was caused while she was on duty, the State has also the liability to pay compensation which will be in addition to the compensation ordered under Section 395 BNSS [Bharatiya Nagarik Suraksha Sanhita]".

## Trump, 47th President of the U.S., says changes will come fast

### INTERNATIONAL RELATIONS

**CONTEXT:** Donald J. Trump took oath for a second term as the United States President, announcing a raft of executive decisions.

The 47th U.S. President described January 20 as the "liberation day". Mr. Trump stormed back to the White House for the second term with a strongman persona and a vision of an all-powerful presidency with a promise to aggressively reset U.S. policies in a range of domains including immigration, tariffs, and energy. The new U.S. President listed a series of actions he would roll out immediately including declaring a national emergency at the U.S.-Mexico border, renaming the Gulf of Mexico as the Gulf of America, and taking back the Panama Canal.

### Against immigration

At the Capitol, Vice President J.D. Vance was sworn in first, taking the oath read by Supreme Court Justice Brett Kavanaugh on a Bible given to him by his great-grandmother. Mr. Trump followed moments after noon, using both a family



Bible and the one used by President Abraham Lincoln at his 1861 inauguration as Chief Justice John Roberts administered his oath.

In his inauguration speech, Mr. Trump outlined several key policy promises. He pledged to halt illegal immigration, return millions of criminal aliens to their home countries, and send troops to the southern border. He emphasized that under his leadership, the U.S. would prosper, regain global respect, and prioritize national interests. Trump promised to restore free speech by signing an executive order to stop censorship, and also targeted diversity programs and gender identity policies. He declared that the U.S. government would officially recognize only two genders and end policies aimed at social engineering race and gender in public and private life, framing these changes as a “revolution of common sense.”

Breaking tradition, the President delivered his remarks from inside the Capitol Rotunda due to the bitter cold outside. External Affairs Minister S. Jaishankar attended the inauguration ceremony as Prime Minister Narendra Modi’s special envoy. He was carrying a letter from Mr. Modi for Mr. Trump. Italian Prime Minister Giorgia Meloni sent “best wishes” to Mr. Trump for the start of his new mandate.

U.S. President Donald Trump’s administration announced its intention to withdraw from the Paris Climate Accord, rejecting global efforts to combat climate change amid escalating catastrophic weather events. Trump also declared plans to address the inflation crisis by declaring a “national energy emergency,” promoting increased oil and gas drilling, and rolling back stricter pollution standards for vehicles, criticizing them as an “electric vehicle mandate.” Critics warn that this move could encourage other major polluters like China and India to reduce their climate commitments, even as global temperatures surpass critical thresholds, emphasizing the urgency of climate action.

A cadre of billionaires and tech titans — including Mark Zuckerberg, Jeff Bezos, Tim Cook, and Sundar Pichai — were given prominent positions in the Capitol Rotunda, mingling with Mr. Trump’s incoming administrative team before the ceremony began. Also present was Elon Musk, who is expected to lead an effort to slash spending and federal employees.

## Plea calls for creation of dedicated Ministry for senior citizens

### POLITY & GOVERNANCE

**CONTEXT:** On Friday, the Supreme Court of India allowed a petitioner seeking the creation of a dedicated ministry for senior citizens in the country to make a representation before the government.

Judge Anirban Das of the Sealdah Additional District and Sessions Court stated that the case did not meet the criteria for the death penalty, calling it inappropriate to grant the prosecution’s request. In his 172-page judgment, he emphasized the need for a sentence that balanced the severity of the crime with justice, rehabilitation, and human dignity, while resisting public pressure. The Central Bureau of Investigation and the victim’s family had sought the death penalty for Roy, a former civic police volunteer, who was convicted on January 18 of rape, causing death, and murder under the Bharatiya Nyaya Sanhita.

The petition argues for the creation of a dedicated ministry or department to address the needs of the aging population, including policies, financial assistance, healthcare, and pensions. The India Ageing Report 2023 Caring for Our Elders: Institutional Responses highlights the rapid increase in the elderly population, which reached 149 million people aged 60 and above in 2022, or about 10.5 % of India’s population. The petition stresses that without focused attention, this demographic shift could have serious impacts on health, the economy, and society. It also emphasizes that senior citizens are a vulnerable group entitled to a dignified life under Article 21 of the Constitution.

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## Settle with borrowers only after exhausting all options, RBI tells ARCs

### ECONOMICS & DEVELOPMENT

**CONTEXT:** The RBI modified guidelines related to asset reconstruction companies (ARCs), envisaging that settlement with the borrower should be undertaken only after all possible ways to recover dues have been examined.

The Reserve Bank of India (RBI) has updated the 'Master Direction – Reserve Bank of India (Asset Reconstruction Companies) Directions, 2024'. The new guidelines require every Asset Reconstruction Company (ARC) to establish a board-approved policy for settling dues owed by borrowers. The policy should address key aspects such as a cut-off date for one-time settlement eligibility, permissible sacrifices for different categories of exposures, and the methodology for determining the realizable value of the security.

The RBI guidelines state that the settlement amount should ideally be paid in a lump sum. If payment is not made in one installment, the settlement proposal must be supported by an acceptable business plan, projected earnings, and cash flows of the borrower. The guidelines also outline procedures for settlements involving borrowers with accounts valued at more than ₹1 crore or less. Additionally, the net present value (NPV) of the settlement amount should generally not be less than the realizable value of the securities.

## NCLT orders Go First airline liquidation

### POLITY & GOVERNANCE

**CONTEXT:** The National Company Law Tribunal (NCLT) ordered the liquidation of budget air carrier Go First Airways two years after it shut operations and approached the court seeking voluntary insolvency.

The NCLT bench, consisting of Judicial Member Mahendra Khandelwal and Technical Member Sanjeev Ranjan, approved the liquidation application filed by the Committee of Creditors (CoC) for Go First. The airline, Go Airlines, owed a total of ₹11,463 Cr to various creditors, including ₹ 6,521 Cr to financial institutions, ₹1,202 Cr to vendors, and ₹2,660 Cr to aircraft lessors.

## Study moots inclusion of 179 groups in SC, ST, OBC lists

### POLITY & GOVERNANCE

**CONTEXT:** The Anthropological Survey of India (AnSI) and Tribal Research Institutes (TRIs) across the country in one of the largest ethnographic studies of its kind comprehensively categorised 268 denotified, semi-nomadic, and nomadic tribes that previous commissions.

A three-year study commissioned by a NITI Aayog panel recommended including 179 communities in the Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC) lists of 26 States and Union Territories. Of these, 85 communities are proposed as new additions: 46 for OBC status, 29 for SC status, and 10 for ST status. Uttar Pradesh had the highest number of new additions (19), followed by Andhra Pradesh, Tamil Nadu, Madhya Pradesh, and Rajasthan (eight each). The study also suggested correcting the categorization of nine communities and noted that many of the 268 communities were already partially categorized in State or Central lists.

### 'Report pending'

The Union Ministry of Tribal Affairs had stated in Parliament that the Social Justice Ministry received the report in August 2023. The study also found that 63 communities (over 20%) were "not traceable," meaning they had likely assimilated into larger communities, changed names, or migrated to other States/Union Territories.

The report's recommendations to add communities to the SC, ST, and OBC lists, potentially increasing their populations, come amid growing uncertainty about the next Census and whether caste will be counted. The lack of updated population data has fuelled calls for raising quota percentages. While the Social Justice Ministry awaits the final report from the NITI Aayog panel, some voices within the Development and Welfare Board for DNT, NT, and SNT communities are questioning the classification of these groups as SC, ST, or OBC. They argue that such classifications add further discrimination, suggesting that these communities should have a separate quota category or sub-quota within existing categories.



## Centre lifts ban, gives the nod for sugar export

### ECONOMICS & DEVELOPMENT

**CONTEXT:** The Union government lifted the ban on sugar exports partially, allowing industries to export one million tonnes in the 2024-25 season ending in September.

Union Food Minister Pralhad Joshi said the move would ensure price stability, benefit five crore farmer families and five lakh workers, and strengthen the sugar sector. The export ban came into effect in October 2023 to regulate domestic prices. The Food Ministry said the decision to lift the ban will ensure timely payments to farmers. The move is expected to boost liquidity for sugar mills and balance sugar availability and prices for farmers. The Food Ministry's order allows the millers to export all grades of sugar within allocated quantities. They can export sugar either directly or through traders until September 30. This timely decision will significantly aid sugar mills by enhancing financial liquidity.

## Capex quandary

### ECONOMICS & DEVELOPMENT

**CONTEXT:** Since the COVID-19 pandemic, the Centre has been using public capital expenditure on infrastructure to pump prime the economic recovery.

The government has emphasized infrastructure development as a driver of economic growth, aiming to boost demand for materials like cement and steel, create construction jobs, and generate a multiplier effect to attract private investment. In the 2024-25 Budget, Finance Minister Nirmala Sitharaman committed to ₹11.11 lakh crore in capital expenditure, or 3.4% of GDP, over five years, balancing other priorities and fiscal consolidation. However, achieving this target is unlikely due to spending restrictions in the first quarter, impacted by elections. While the private sector urges continued public capex in 2025-26, it has not reciprocated the government's calls to increase its own investments and operational expansion. Private investment plans in India have experienced a significant decline in two of the first three quarters of this year. While Q1 saw multi-year lows in private capital expenditure, and Q2 showed some recovery, Q3 witnessed a decline again, with a 1.4% drop in domestic investments compared to Q2 and a 22% drop in the value of new projects year-on-year. Factors such as weak Q2 corporate results, global uncertainties, rising costs, and dwindling demand in urban markets are affecting corporate risk-taking. Despite government efforts, private capital remains reluctant, and public expenditure has its fiscal limits.

To revive investment, the government must focus on creating favourable conditions for private capital deployment, including boosting incomes, consumption, and expediting reforms. Relying on exhortations or import-substitution incentives is insufficient, as businesses will not invest in unviable projects with weak demand. The delay in outlining promised next-generation reforms adds to the uncertainty, highlighting the need for a robust economic policy framework to stimulate investment and job creation.

## UGC's draft regulation has serious constitutional issues

### POLITY & GOVERNANCE

**CONTEXT:** The draft regulation by the University Grants Commission (UGC) on the selection and appointment of vice chancellors of universities has evoked protests by State governments.

State governments have objected to a proposed amendment by the UGC to its 2010 Regulation on vice chancellor appointments, claiming it violates federal principles in India's Constitution and have called for its withdrawal. The amendment seeks to expand eligibility criteria by allowing professionals with over 10 years of experience in industry, public administration, or public policy to qualify, alongside academicians with similar experience as professors. This draft regulation raises constitutional concerns that require careful examination, separate from political protests or potential reactions from the UGC or ruling parties.

### The objective of the UGC Act

The University Grants Commission (UGC) Act, 1956, empowers the UGC to coordinate and maintain standards in university education across India. The Act authorizes the UGC to take measures for improving teaching, research, and examinations, allocate funds to universities for development, recommend improvements, advise governments on grants, and gather and share information on university education. Under Section 26, the UGC can make regulations consistent with

the Act, particularly regarding teaching staff qualifications, minimum standards for granting degrees, and the coordination and maintenance of standards in universities.

### It is not the job of the UGC

The UGC's authority to regulate the selection and appointment of vice chancellors under the UGC Act, 1956, is questionable, as the Act lacks provisions on this matter. The Act's primary goal is to maintain educational standards and coordinate university education, focusing on teaching standards and staff qualifications. Regulations made by the UGC must align with the Act; otherwise, they are invalid as ultra vires. Vice chancellors' qualifications and selection methods fall under the jurisdiction of legislatures that establish universities, not the UGC. The Bombay High Court in *Suresh Patilkhede vs The Chancellor Universities of Maharashtra (2011)* affirmed that vice-chancellor appointments do not directly impact educational standards, confirming that the UGC lacks authority under Section 26 to regulate this area.

A constitutional question arises regarding whether UGC regulations can override State legislation. The Bombay High Court in *Suresh Patilkhede* ruled that UGC Regulations, as subordinate legislation, cannot override State laws. However, the Supreme Court in *Kalyani Mathivanan vs K.V. Jeyaraj* held that UGC Regulations have binding effect on universities, reasoning that Parliament's approval gives them force. This reasoning is contested, as Parliament only lays down rules and can amend them after they take effect, rather than formally approving them.

Under Article 254 of the Constitution, State laws repugnant to central laws are void to the extent of the conflict. However, this applies only to laws passed by legislatures and assented to by the President, not to subordinate legislation like UGC regulations. Therefore, UGC regulations cannot override State laws, as they do not qualify as "central law" under Article 254.

### A key ruling

In the *Kalyani Mathivanan* case, the Supreme Court ruled on the mandatory nature of UGC Regulation 7.3.0 regarding vice chancellors' selection. It upheld the Bombay High Court's view that this regulation is only recommendatory for universities and colleges under State legislation. This clarification may provide a resolution to the current debate over the regulation's applicability.

## Hindenburg says 'not under investigation' by the U.S. SEC

### INTERNATIONAL RELATIONS

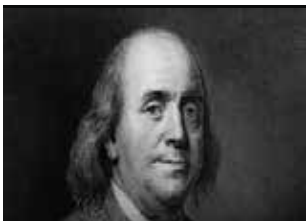
U.S. short-seller Hindenburg Research said it is not under investigation by U.S. SEC as it rubbished alleged links of its founder to a hedge fund for preparing reports targeting firms.

Hindenburg Research denied allegations that its founder, Nate Anderson, is under investigation by the U.S. SEC, countering claims from a Canadian portal citing court documents in Ontario. The lawsuit documents alleged that Moez Kassam, head of Canada's Anson hedge fund, admitted to sharing research with Anderson, implying collusion in preparing bearish reports. Such undisclosed collaboration could potentially constitute securities fraud under U.S. law. Hindenburg dismissed the report as based on an unreliable source with factual inaccuracies. Critics argue that hedge fund involvement in short-selling campaigns raises ethical concerns, as coordinated efforts may amplify stock price declines.

Short sellers profit by borrowing securities, selling them, and repurchasing them at a lower price after releasing critical reports that drive down stock values. However, hedge fund involvement raises ethical concerns, as they may place parallel bets to increase downward pressure on stock prices. Allegations suggest that Nate Anderson of Hindenburg Research collaborated with Anson Funds, publishing reports influenced by their directives, including price targets and report content.

### 'No editorial control'

The website Market Frauds claims that Nate Anderson of Hindenburg Research was not in control of the content published in his reports, but instead, he was instructed by Anson Funds on what to publish, based on email exchanges it accessed through Ontario court documents. The site also shared screenshots to support its allegations. Recently, Anderson announced the closure of Hindenburg Research, which gained attention in 2023 for publishing impactful reports about billionaire Gautam Adani's group, leading to political controversies and significant losses for the company.



*"If you invest more in your education, then you are likely to get more interest in it."*

*—Benjamin Franklin*



# One in three Indians wants to buy an electric vehicle next: report

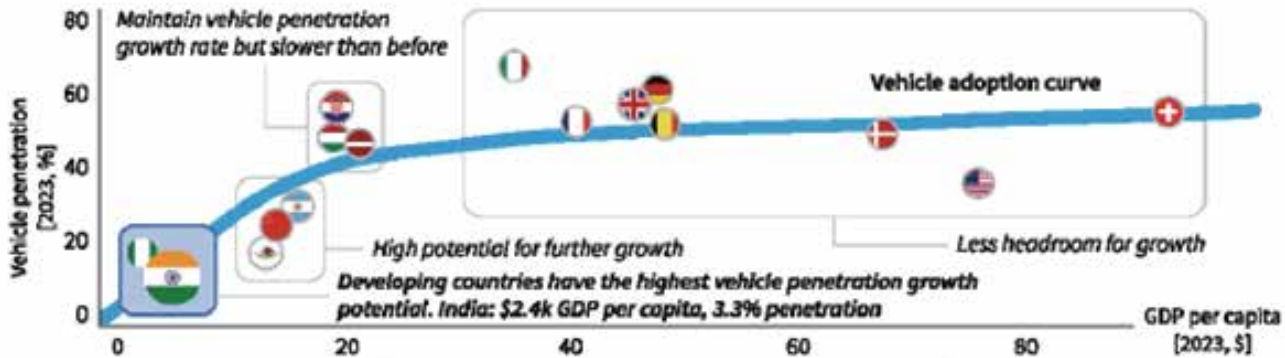
## POLITY & GOVERNANCE

### Steering towards a greener future

The data were sourced from 'Think Mobility', a research report published by BCG & Google



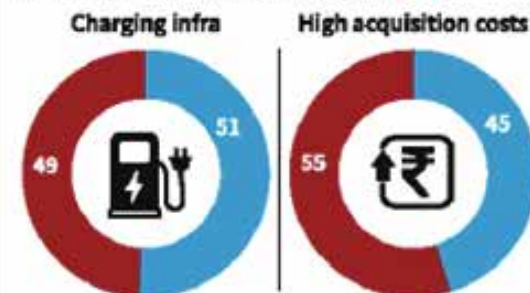
**Chart 1:** The chart plots the penetration of personal cars in 2023 versus the GDP per capita



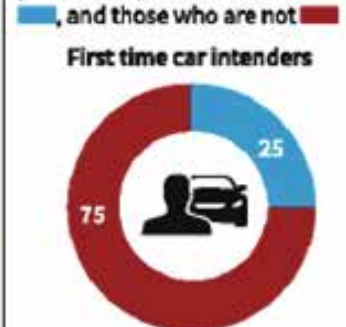
**Chart 2:** Those who consider an EV for their next car purchase



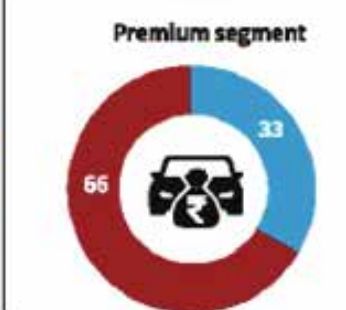
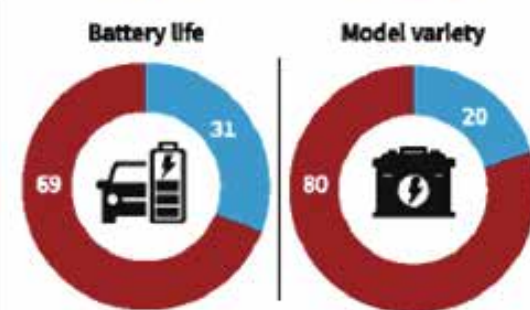
**Chart 3:** The share (%) of customers who found the following issues to be of concern while adopting electric vehicles are depicted in blue, and those who did not are depicted in red



**Chart 4:** Share (%) of consumers in various segments planning to purchase a pre-owned vehicle



Share of those who consider EV for their next bike purchase



The research leverages BCG analysis, primary research and industry sources to shed light on India's auto ecosystem and the future of mobility in India

# We need distinguished jurists as judges

## POLITY & GOVERNANCE

A critical aspect of a judicial system is the effective and timely delivery of justice. This can be achieved in the Indian judicial system only if the significant crisis of backlogs and vacancies is addressed urgently by both the judiciary and the government.

As of January 1, 2025, 371 of the 1,122 posts in High Courts across India remain vacant, with the Allahabad High Court operating at only 50% of its sanctioned strength. This staffing shortage has contributed to a significant backlog of approximately 60 lakh pending cases, eroding public trust in the judicial system. While recent improvements in the pace of Collegium recommendations and appointments have been made, they have not kept up with retirements and increasing case filings. This has led to overburdened judges, affecting both the time and depth they can dedicate to cases, highlighting the urgent need for a fully staffed judiciary.

### A game changer

Article 124(3)(c) and the now-repealed Article 217(2)(c) of the Constitution, which allow the appointment of 'distinguished jurists' to the Supreme Court and High Courts, have not been utilized, with no jurist being deemed distinguished enough for such appointments. While appointments in India typically come from the Bar or judicial services, the idea of appointing distinguished jurists could help address the judicial vacancies and backlog crisis. A vast pool of specialised knowledge, research-based critical thinking, and expertise can provide unique insights and add a hitherto missing dimension to the judiciary's understanding of complex socioeconomic and socio-legal cases. At the same time, the lack of courtroom experience, procedural knowledge, understanding of limits to exercising judicial power, and a certain degree of resistance among the status quoists within the institution are challenges that will need to be overcome as well.

### An important message

Countries like the United States, Poland, and Spain, which appoint jurists or law professors to judicial positions, have benefited from this practice. Reintroducing Article 217(2)(c) in India, allowing distinguished academics to be appointed as judges, could address the judicial backlog and enrich judicial discourse. With proper training in procedural knowledge, academics could bring fresh perspectives and bridge the gap between legal research and practical judicial work. To address the current crisis, the government should promptly act on Collegium recommendations and consider appointing distinguished jurists to fill vacancies. This could strengthen and diversify the Indian judiciary, enhancing its quality and responsiveness to modern legal challenges.

# UGC regulations or State university laws?

## POLITY & GOVERNANCE

Six of Tamil Nadu's State universities are at present without a Vice Chancellor (VC). Some of these posts have been vacant from a few months to over a year. This impasse is due to a disagreement between the Governor and the State government regarding the composition of the search committee for selecting VCs.

The dispute between the Governor, as Chancellor of State universities, and the State government centers around the inclusion of a University Grants Commission (UGC) nominee in search committees, as per UGC Regulation 7.3 of 2018. The State government opposes this, favouring the State University Acts, which do not involve the UGC. Conflicting Supreme Court rulings complicate the issue, with some supporting the Governor's stance and others backing the State government. The UGC's Draft Regulations, 2025, which are seen as undermining State autonomy, have further intensified the controversy. This has led to leadership vacuums in universities, particularly in Kerala and Punjab, resulting in administrative delays.

### A constitutional question

The dispute revolves around whether UGC regulations, framed as subordinate legislation under the UGC Act, 1956, can override the provisions of State University Acts, which are plenary laws passed by State legislatures. This raises a broader constitutional question about Centre-State relations and whether delegated legislation by the Union Government can supersede plenary State laws. The issue touches on the scope of delegated legislation and its potential impact on the separation of powers and federalism, both considered fundamental features of the Indian Constitution.

### Judicial precedents



Article 254(1) of the Constitution deals with conflicts between central and State laws, stating that in the case of a conflict on matters in the Concurrent List, the central law prevails, and the conflicting part of the State law is void. However, this applies only to plenary laws, not to delegated legislation. The Supreme Court has consistently upheld this interpretation in cases like *Ch. Tika Ramji v. State of Uttar Pradesh* (1956), *Indian Express Newspapers (Bombay) v. Union of India* (1984), and *J.K. Industries v. Union of India* (2007), which emphasize that subordinate legislation cannot override plenary State laws, and any changes to State laws require a plenary central law enacted by Parliament.

Article 254(1) of the Constitution addresses conflicts between central and State laws. It states that if a State law is repugnant to a central law on matters in the Concurrent List, the central law will prevail, and the conflicting part of the State law will be void. The plain wording of Article 254(1) indicates that it applies only to plenary laws enacted by Parliament and State legislatures, and not to delegated legislation. The Supreme Court has consistently upheld this interpretation in several landmark judgments.

### **An overreach by the UGC**

The UGC Act, 1956 does not address the appointment of Vice Chancellors (VCs), and there is no conflict between its provisions and Tamil Nadu's University Acts. The UGC's Regulation 7.3 on VCs is based on Section 26(1)(e) and (g) of the UGC Act, but these provisions do not apply to VCs, as they are not considered "teaching staff" under the Act. The UGC's powers are advisory, not mandatory, and while it can recommend standards, it cannot enforce compliance except by withholding grants. The Supreme Court, in *University of Delhi v. Raj Singh* (1994), affirmed that UGC regulations are advisory, making the UGC's regulation on VCs an overreach. The shifting nature of the UGC's stance on this matter suggests an administrative agenda rather than a focus on improving academic standards.

### **Inconsistencies in judgments**

Conflicting Supreme Court rulings have caused confusion regarding the status of UGC regulations. In several cases (*Annamalai University, State of West Bengal, Gambhirdan K. Gadhi, and Professor Sreejith P.S.*), the Court held that UGC regulations, once laid before Parliament, become part of the UGC Act and override VC appointments that conflict with them. However, in *Kalyani Mathivanan and P.J. Dharmaraj* cases, the Court ruled that UGC regulations are not mandatory for State universities unless adopted by the State. The interpretation that UGC regulations automatically become part of the parent Act upon being laid before Parliament contradicts precedents like *Chief Inspector of Mines v. Karam Chand Thapar* (1961), which affirmed that regulations retain their subordinate character. There are three procedures for laying subordinate legislation before a legislature, with the affirmative resolution procedure being the only one that can incorporate regulations into the parent Act. Courts should recognize only those regulations laid under the affirmative resolution procedure as part of the Act to prevent executive overreach.

### **What next?**

A definitive ruling by a Constitutional Bench of the Supreme Court is necessary to clarify the constitutional dispute regarding UGC regulations and State University Acts. The ruling should confirm that Article 254(1) applies only to conflicts between plenary Central and State laws, assert that delegated legislation does not automatically become part of the parent Act unless laid under the affirmative resolution procedure, and emphasize the advisory nature of UGC regulations for State universities unless adopted by the State. This clarity is crucial to restore the functioning of State universities and maintain the balance of legislative powers between the Centre and States.



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