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The Bihar Migrant Worker, A Scylla-Charybdis Moment

Context

- In Homer's *Odyssey*, King Odysseus famously faced a perilous choice, navigate close to Scylla, the six-headed monster lurking in the rocks, or Charybdis, the deadly whirlpool.
- In today's Indian democratic context, a similar dilemma confronts millions of migrant labourers whose names have been dropped from the draft electoral rolls during the **Special Intensive Revision (SIR) process initiated by the Election Commission of India (ECI)**.
- For these citizens, **exercising their fundamental right to vote has become a matter of navigating between legal definitions and political realities**, each carrying risks of disenfranchisement.

The Legal Foundation: 'Ordinarily Resident'

- The **Representation of the People (RP) Act, 1950** governs the preparation of electoral rolls in India.
- **Section 19 mandates that a person must be ordinarily resident in a constituency** to be included in its roll, a requirement designed to ensure genuine ties to the constituency and prevent fraudulent registrations.
- **Section 20 clarifies that mere ownership of property does not establish residency**, while temporary absences do not negate it.
- In 2010, **Section 20A extended voting rights to Non-Resident Indians (NRIs)** based on their passport address.
- **The ECI, under SIR, has excluded individuals marked as permanently shifted/not found** if they were absent during verification or failed to submit forms.
- This **approach collides with the lived reality of migrant labourers**, many of whom maintain strong familial and property ties to their native constituencies despite extended absences for work.
- Judicial interpretation, notably in the **Gauhati High Court's 1999 Election Commission of India vs Dr. Manmohan Singh** defines ordinarily resident as a **habitual, permanent association with a place, not a casual presence**.
- For many migrants, **this definition arguably still applies to their home constituencies**.

Migrant Labour: The Scale of the Issue

- The Periodic Labour Force Survey (2020-21) estimated that about **11% of India's population, roughly 15 crore individuals, are migrant workers**.

- Driven by economic necessity, they often relocate alone, live in **temporary accommodations, and move frequently within or across States.**
- While their bodies may be at construction sites or security posts far from home, **their political and social identities often remain anchored in their native constituencies,** where families reside and property exists.

Legal Pathways vs Political Resistance

- Legally, migrants can **register to vote in their current place of residence** under the RP Act. However, **the practical obstacles are significant.**
- **Many lack the required documentation for voter registration** in their work locations.
- Even if these hurdles are overcome, **regional political resistance often arises in in-migration States.**
- **Local parties fear that transient populations may distort electoral outcomes,** arguing that migrants lack deep familiarity with local political issues.
- This **tension creates a Catch-22: in their home constituencies,** migrants risk being removed from rolls for prolonged absence; **in their work constituencies, they face suspicion, documentation barriers, and political pushback.**
- The **result is a de facto disenfranchisement,** despite having a de jure right to vote somewhere.

The Broader Democratic Context

- The problem is not unique to migrants. **Urban voter apathy is well-documented, in many metropolitan areas, nearly half the electorate abstains** despite living within a short walk of polling stations.
- Similarly, **NRIs often cannot return home to vote** despite having that right.
- These **comparisons suggest that low participation among migrants is not grounds for excluding them** but rather a challenge to be addressed through facilitation.

The Way Forward: Towards Inclusive Solutions

- Short-term measures **could improve access for migrants without altering the fundamental legal framework.**
- **Strict enforcement of statutory holidays** on polling day for all eligible workers.
- **Expanded special transportation services,** trains, buses, and subsidised travel options — enabling interstate or intrastate return for voting.
- **Paid leave provisions** for travel and participation in elections.
- The **ECI's 2023 pilot of a Multi-Constituency Remote Electronic Voting Machine (RVM),** capable of handling up to 72 constituencies, hinted at a technological path forward.
- While **concerns from political parties stalled the initiative,** advances in secure, verifiable remote voting systems could eventually reconcile mobility with enfranchisement.
- **Parliament could amend the RP Act to explicitly protect the right of migrant labourers to choose their place of voting,** ensuring that legal interpretation aligns with economic and social realities.

Conclusion

- **Like Odysseus steering** between Scylla and Charybdis, **migrant labourers in India are caught between legal definitions and political anxieties.**
- The **law theoretically offers them two safe harbours**, their native constituency or their current place of work, yet the waves of bureaucracy and the rocks of political resistance often leave them stranded.
- **Preserving their franchise is not just a matter of technical eligibility but a commitment to the constitutional promise** of equal citizenship.
- The **challenge is to chart a course that avoids both disenfranchisement and political manipulation**, a passage narrow, but navigable with will and innovation.

The Bihar Migrant Worker, A Scylla-Charybdis Moment FAQs

Q1. What does Section 19 of the RP Act, 1950 require for inclusion in the electoral roll?

Ans. Section 19 requires that a person must be “ordinarily resident” in a constituency to be included in its electoral roll.

Q2. Why are many migrant labourers removed from the draft electoral roll during SIR?

Ans. Many migrant labourers are removed because they are marked as “permanently shifted/not found” when absent during verification or unable to submit forms.

Q3. What is one major political concern about registering migrants in in-migration States?

Ans. Some regional parties fear that migrants may not understand local political issues and could distort electoral outcomes.

Q4. What short-term step can help migrant workers vote in their home constituencies?

Ans. Providing special transportation and enforcing statutory holidays on polling day can help them return home to vote.

Q5. What long-term solution did the ECI explore for migrant voting?

Ans. The ECI piloted a Multi-Constituency Remote Electronic Voting Machine (RVM) to enable remote voting for migrants.

Source: [The Hindu](#)

World Court’s Advisory Opinion Boosts Climate Action

Context

- **Climate change has emerged as one of the most pressing existential threats** to humanity, with impacts that transcend national borders and political divides.
- In this context, **the International Court of Justice (ICJ)**, the principal judicial organ of the United Nations, **has delivered a historic advisory opinion clarifying the legal obligations of states** in combating climate change.
- While **advisory opinions are not legally binding**, they carry **significant moral and political weight**, serving as authoritative interpretations of international law.

- Precedents, such as **the United Kingdom's eventual compliance with the ICJ's opinion on the Chagos Islands**, illustrate their potential to influence state behaviour through global pressure.

Significance of ICJ's Ruling

• Affirmation of States' Duties to the Climate System

- The ICJ's opinion firmly establishes that **states have enforceable legal obligations** to protect the global climate system.
- It **aligns with the positions of other international judicial bodies**, such as the International Tribunal for the Law of the Sea (ITLOS) and the Inter-American Commission on Human Rights (IACHR), both of which have recognised states' responsibilities in addressing the climate crisis.
- Crucially, the **ICJ emphasised that these duties are not political preferences** but binding obligations that no state can ignore.
- One of the most notable aspects of the ruling is its **comprehensive interpretation of multiple climate treaties**, including the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement, in conjunction with the best available scientific consensus.
- The **court elevated the 1.5°C threshold, long considered an aspirational goal** under the Paris Agreement, to a concrete benchmark derived from subsequent scientific findings and COP decisions.
- This **effectively narrows the room for states to adopt weaker climate targets** under their Nationally Determined Contributions (NDCs).

• Narrowing Discretion and Strengthening Accountability

- The ICJ **decisively rejected the view that states possess unfettered discretion** in setting their NDCs.
- While the Paris Agreement requires countries to articulate their **highest possible ambition**, the **ruling clarifies that this phrase is not rhetorical** but a standard with legal consequences.
- States **must adopt measures reasonably capable of achieving their stated goals**, thereby transforming climate pledges from political statements into legal commitments.
- This reasoning also reinforces the principle of **common but differentiated responsibilities and respective capabilities** (CBDR-RC), a cornerstone of climate justice.

• Beyond a Self-Contained Regime

- The ruling also **rejects the argument that climate treaties form a self-contained legal system** immune from broader principles of international law.
- Instead, **the ICJ integrated climate obligations with established environmental law doctrines**, including the duty of due diligence, the duty to prevent significant harm, and the duty to cooperate.
- These **obligations arise not only from climate-specific treaties but also from the Law of the Sea Convention**, customary international law, and human rights instruments.

- **Recognition of Intersection between Climate Change and Human Rights**

- **Climate policies, the ICJ held, must respect the rights of vulnerable populations**, and ensure a just transition.
- **Withdrawal from climate treaties**, as in the case of the United States' temporary exit from the Paris Agreement, **does not nullify these obligations**.
- Moreover, **the ICJ dismissed claims that states cannot be held individually accountable** due to the difficulty of proving causation.
- **Scientific methods, it noted, can quantify each state's contribution** to global emissions, including historical responsibility.

Strategic Implications for the Global South

- This advisory opinion **carries particular significance for small island developing states**, whose survival is directly threatened by rising sea levels.
- It was their advocacy at the UN General Assembly that led to the request for the opinion.
- The **ruling provides them, and the broader Global South, with a powerful legal and diplomatic tool** to demand stronger action from major emitters.
- Beyond its symbolic victory, **the opinion has the potential to reshape climate litigation worldwide**.
- **Cases such as the *Ridhima Pandey v. Union of India* matter**, which challenges the adequacy of India's climate policies, **may now draw on this decision to argue that insufficient action** violates both human rights and binding legal duties.
- **For developing countries, the opinion strengthens the basis for insisting on equitable climate finance and technology transfer**, while resisting measures that unfairly burden their economies.

Conclusion

- The **ICJ's advisory opinion represents a pivotal moment** in the evolution of international climate law.
- **By grounding climate obligations in binding legal principles**, narrowing state discretion, and affirming the interplay between environmental protection and human rights, **the court has armed vulnerable nations and climate advocates** with new tools for accountability.
- While it remains to be seen how states will respond, **the opinion sends an unambiguous message: climate inaction is not merely a political choice**, it is a breach of legal duty.

World Court's Advisory Opinion Boosts Climate Action FAQs

Q1. What did the ICJ's advisory opinion establish about states' obligations to combat climate change?

Ans. The ICJ established that states have binding legal obligations to protect the climate system and cannot ignore these duties.

Q2. How did the ICJ interpret the Paris Agreement's temperature goal?

Ans. The ICJ held that the 1.5°C threshold is the relevant target states must work toward, based on scientific consensus and COP decisions.

Q3. What principle did the ICJ emphasise to address climate justice between developed and developing countries?

Ans. The ICJ emphasised the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC).

Q4. How did the ICJ address the argument that climate treaties form a “self-contained” regime?

Ans. The ICJ rejected this argument and linked climate obligations to general international law, environmental law, and human rights.

Q5. Why is the advisory opinion significant for small island states?

Ans. It gives them a strong legal and diplomatic tool to hold major emitters accountable and demand stronger climate action.

Source: **The Hindu**

Triple Disaster in Upper Bhagirathi Valley - A Wake-Up Call on Himalayan Climate Vulnerability and Policy Negligence

Context:

- On August 5, 2025, **three successive climate-related disasters** struck the upper Bhagirathi (Ganga) river valley in Uttarkashi district, Uttarakhand, devastating Dharali, Harshil, and nearby settlements.
- The incident underscores the **climate vulnerability of the Himalayas**, the impact of global warming on glacial systems, and the failure of governance in enforcing eco-sensitive zone regulations.

The Disasters - Sequence of Events:

- **First incident - Dharali flood (around 1:00 PM):**

- A suspected cloudburst flood (later denied by IMD) swept away houses, shops, and mela crowds.
- **Damage:** Major parts of Dharali, Kalp Kedar temple, 20-25 hotels/homestays.

- **Second incident - Downstream Harshil (around 3:00 PM):**

Flash floods in a small mountain stream valley.

- **Third incident - Harshil helipad flood (around 3:30 PM):**

Submerged key relief infrastructure.

Casualties and Response:

- The district administration reported **4 deaths and about 60 to 70 missing, including about 9 Army personnel.**

- About 100 Army personnel, assisted by the National Disaster Response Force (NDRF), State Disaster Response Force (SDRF), Indo-Tibetan Border Police (ITBP) and local police teams began prompt rescue operations.

Scientific Explanation – Geological and Climatic Triggers:

- **Dharali** lies at the base of steep slopes with deodar forests stabilising soil and blocking avalanches.
- **Presence of cirques** (“hanging glaciers”) filled with debris from past glacial retreat.
- **Five or six small streams emerge** from these cirques and rush down the slopes.
- Intense summer monsoon and rising temperatures **melt the winter snows** that quickly form massive avalanches, along with ice, rain water and the glacial moraines, as they rush down the stream valleys.
- The recent catastrophes were due to three such avalanches, all within 2.5 hours.

Policy and Governance Failures:

- In **2012**, the Union government had notified the Gaumukh to Uttarkashi watershed of the Bhagirathi as an Eco-Sensitive Zone (**BESZ**).
 - This was to **preserve its pristine areas** and **regulate infrastructural activities** in the region.
- However, there has been **poor enforcement** of regulations by Central and State governments despite Ministry of Environment, Forest and Climate Change (MoEF&CC) monitoring committee efforts.

Char Dham Highway Controversy:

- With the governments ignoring the BESZ notification, the Union Ministry of Road Transport and Highways (MoRTH) **prepared plans to widen the National Highway** in the BESZ to accommodate Gangotri’s summer tourist traffic.
- **Recommendations** (2020) of the Supreme Court directed High Powered Committee (HPC) to investigate the construction of the Char Dham highway –
 - Avoid disturbing sensitive slopes.
 - Consider **elevated riverside highways** to protect deodar forests.
- Highway authorities ignored advice, and 6,000 deodar trees marked for felling.

Ignored Warnings – Pattern of Disasters:

- Kedarnath tragedy (2013) – cloudburst & floods.
- Raunthi Gad avalanche (2021) – destroyed Tapovan-Vishnugad hydroelectric project (HEP).
- Joshimath land subsidence (2023) – cracks in ground and houses.
- Teesta Valley glacial lake outburst flood (GLOF) (2023).
- Recurring monsoon landslides and floods in Himachal.

Key Recommendations from Experts:

- Avoid hydroelectric projects (HEPs) in para-glacial zones.
- Keep human settlements and infrastructure away from flood-prone rivers/streams.

- No road widening on slopes over 30° inclination.
- Conduct **carrying capacity studies** for Himalayan towns.

Conclusion:

- The triple disaster in Uttarkashi reflects **a dangerous convergence** of climate change impacts, fragile Himalayan geology, and policy negligence.
- The repeated ignoring of scientific warnings points to an **urgent need for climate-resilient**, ecologically sensitive development that respects the carrying capacity of Himalayan ecosystems.
- Without course correction, such tragedies will only intensify.

Triple Disaster in Upper Bhagirathi Valley FAQs

Q1. What geological and climatic factors caused the August 5, 2025 Bhagirathi valley disaster?

Ans. Successive avalanches from debris-filled cirques, triggered by warming, heavy monsoon, and fragile slopes, led to flash floods.

Q2. Why was the 2012 Bhagirathi Eco-Sensitive Zone (BESZ) notification important, and what was the impact of its weak enforcement?

Ans. It aimed to protect the Gaumukh-Uttarkashi watershed, but lax enforcement enabled harmful projects like road widening.

Q3. What were the HPC's key recommendations on the Char Dham highway, and how were they ignored?

Ans. It suggested protecting slopes, conserving deodar forests, and elevated riverside roads, but authorities chose wide hill-cut roads instead.

Q4. What pattern do recent Himalayan disasters reveal for infrastructure planning?

Ans. They show the need for climate-resilient designs and strict ecological safeguards.

Q5. What policy measures can make the Himalayas more climate-resilient?

Ans. Ban HEPs in para-glacial zones, limit slope cutting, avoid floodplain settlements, and enforce eco-sensitive zone rules.

Source: **IE**

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