

Daily Editorial Analysis 21 August 2025

August 21, 2025 • vajiramandravi.com

Nuclear Laws and the Role of Opposition

Context

- **India's energy security and climate change commitments are at a crossroads**, with the government preparing to revisit one of the country's most contentious legislative debates: the **Civil Liability for Nuclear Damages Act (CLNDA), 2010, and the Atomic Energy Act (AEA), 1962**.
- The **proposed amendments, aimed at redefining liability** frameworks and opening nuclear energy to private participation, **will not only test the unity of the Opposition but also shape India's nuclear future**.

Historical Context of Nuclear Liability in India

- The roots of the **current debate go back over fifteen years**, when India, not party to existing global conventions, **sought to establish its own framework for compensating victims of nuclear accidents**.
- The **CLNDA was enacted in 2010 against the backdrop of tragedies such as the 1984 Bhopal gas leak**, the Gulf of Mexico oil spill, and the Fukushima disaster in Japan.
- These **events sharpened public and parliamentary concern** about corporate accountability.
- The **Opposition, then led by the BJP and Left parties, pushed for stringent liability** clauses that extended beyond operators to **include suppliers of nuclear reactor equipment**.
- While this addressed public fears, **it also deterred foreign suppliers, making the Act effectively unworkable**.
- **Attempts at reform over the last decade have met with little success**, with Western suppliers remaining hesitant to enter the Indian nuclear market.

Political Contours of the Debate

- The issue of liability has always been politically charged. **In 2007, the UPA government considered opening the nuclear sector to private participation**, citing recommendations from the Dr. Raja Ramanna Committee.
- However, **concerns about sovereignty, safety, and foreign influence stalled progress**.
- Today, **the BJP-led NDA government seeks to amend the CLNDA and the AEA to resolve supplier liability concerns** and to pave the way for private investment in nuclear energy.

- The **Congress, however, has raised objections**, arguing that these changes dilute accountability, compromise safety, and prioritise foreign corporate interests, **particularly those of France and the U.S., over citizens' welfare.**
- **Such accusations echo earlier controversies**, such as when the CLNDA was originally introduced in 2010 amid claims that it was timed to coincide with U.S. President Barack Obama's visit.
- **Then-Prime Minister Manmohan Singh rejected such assertions**, insisting that India needed a liability framework to prepare for future nuclear expansion.

India's Nuclear Ambitions and Energy Security

- Despite India's nuclear aspirations, **the sector's contribution to the energy mix remains modest, only about 3% of total power generation.**
- As of late 2023, **24 nuclear plants provided 8.8 GW of installed capacity**, far below earlier targets.
- The **government now envisions a steep climb to 22.48 GW by 2031-32** and an ambitious 100 GW by 2047.
- This **expansion, however, hinges on two factors**: resolving liability concerns to attract international suppliers and investors, and embracing new technologies such as small modular reactors.
- **These reactors, already the focus of global competition, promise safer, more flexible nuclear power**, but they also raise critical questions about waste management, regulation, and public trust.

Opposition, Precedents, and the National Interest

- The **Opposition's response will be decisive**. Historically, parties have reversed their stance on contentious issues once in power, often in the name of national interest.
- **The Patents Act amendment, the insurance FDI reform**, and the Land Boundary Agreement with Bangladesh all **saw initial resistance, followed by eventual bipartisan consensus.**
- A **similar shift may occur with the nuclear amendments**. The Congress and other Opposition parties must weigh the risks of supplier protection against the urgency of clean energy expansion.
- **In doing so, they must avoid reducing the debate to partisan rhetoric** and instead **engage with long-term questions: How should India balance accountability with growth?**
- What safeguards are necessary for private sector participation? And how will nuclear energy fit within the broader renewable energy transition?

The Way Forward: The Need for a Meaningful Debate

- The government, with its parliamentary majority, does not strictly need Opposition support. Yet **a genuine, broad-based debate is crucial.**
- The **stakes involve not just liability provisions but also India's trajectory toward climate goals**, technological innovation, and global energy leadership.
- As one parliamentarian once warned, **political role reversals should not entail policy reversals.**
- The **challenge before both government and Opposition is to transcend past standoffs** and to shape a nuclear policy that is pragmatic, forward-looking, and uncompromising on safety.

- **Only then can India reconcile its ambition for energy independence** with its responsibility toward its citizens and the environment.

Conclusion

- The **proposed amendments** to India's nuclear laws **highlight the enduring tension between ensuring accountability and enabling growth** in the energy sector.
- While **liability concerns must not be dismissed, a pragmatic framework is essential** to attract investment, expand nuclear capacity, and meet climate goals.
- Ultimately, **bipartisan cooperation and a future-oriented debate will be key to aligning energy security** with public safety and national interest.

Nuclear Laws and the Role of Opposition FAQs

Q1. Why was the Civil Liability for Nuclear Damages Act (CLNDA) enacted in 2010?

Ans. It was enacted to create a framework for compensating victims of nuclear accidents, as India was not part of global conventions.

Q2. What is the main concern of foreign suppliers with the CLNDA?

Ans. They are hesitant because the Act makes them liable for accidents, which discourages investment.

Q3. What energy target has India set for nuclear power by 2047?

Ans. India aims to achieve 100 GW of nuclear power capacity by 2047.

Q4. How has the Opposition historically responded to contentious laws in India?

Ans. The Opposition often resisted initially but later supported them in the national interest.

Q5. Why is a broad-based debate on nuclear reforms important today?

Ans. It is important because the reforms affect energy security, climate goals, and public safety in the long term.

Source: [The Hindu](#)

India's Democracy is Failing the Migrant Citizen

Context:

- In Bihar, democracy is silently sidelining millions of migrants. A Special Intensive Revision (SIR) of the state's electoral rolls has resulted in the deletion of nearly **5 million voters (4.4% of the total electorate)**.
 - These voters were marked as "permanently migrated" after being absent during house-to-house verification.
- For Bihar, migration is not merely economic but often a survival necessity. However, this lived reality of **circular and split-family migration** is being read by the state as an abandonment of voting rights.
- As a result, millions of vulnerable citizens risk **permanent disenfranchisement** — unable to vote either in their place of work or at home — creating a silent crisis that erodes India's democratic inclusiveness.

- This article highlights how India's democracy is failing its migrant citizens, with millions facing disenfranchisement due to rigid electoral systems, administrative exclusions, and migration-linked challenges.

Migrants and the Sedentary Citizen Problem

- India's electoral system is still built around the idea of a **sedentary citizen** — one whose life is rooted in a fixed residence.
- Voter registration depends on proof of residence and in-person verification, making it nearly impossible for migrants, who often live in rented rooms, slums, construction sites, or even pavements, to establish eligibility.
- This structural gap is reinforced by **regionalism and sub-nationalism**. Migrants are frequently seen as outsiders, job competitors, or political threats in host states.
- Rising demands for **domicile-based job quotas** and resistance to migrant enfranchisement reflect fears of altered political outcomes.
 - Consequently, migrants are discouraged from registering in destination states.
- At the same time, many are being removed from their **home-state rolls** due to absence during verification.
- This has created a **double exclusion** — migrants are neither allowed political inclusion where they live and work, nor retained in their places of origin.
- The result is a deepening crisis of disenfranchisement for millions of migrant citizens.

Study Findings: Migrant Marginalisation in Electoral Processes

- A 2015 study by Tata Institute of Social Sciences (TISS), funded by the Election Commission, confirmed that migrants remain largely excluded from electoral participation in host states.
- The study highlighted a **triple burden** faced by migrants:
 - **Administrative barriers** such as proof of residence requirements.
 - **Digital illiteracy** that prevents smooth access to online electoral services.
 - **Social exclusion** where migrants are viewed as outsiders or political threats.
- Crucially, the study found a direct correlation between high migration rates in source states and lower voter turnout.

Bihar's Special Intensive Revision (SIR) and Widening Democratic Deficit

- Instead of bridging the turnout gap, Bihar's **SIR initiative** has worsened disenfranchisement.
- Nearly 3.5 million migrants risk losing voting rights due to absenteeism during house-to-house verification.
- Bihar already had one of the lowest **average voter turnouts (53.2%)** in the last four Assembly elections.
- In contrast, **Gujarat (66.4%)** and **Karnataka (70.7%)**, with fewer outbound migrants, show significantly higher participation.

Migration Flows and Electoral Implications

- Mobile visitor location register data suggests an **annual outflow of 7 million circular migrants from Bihar**. Around **8 million migrate seasonally (June-September)**, but nearly half return for festivals such as **Durga Puja, Chhath, and Deepavali**.
- In election years, many such returning migrants find themselves **unable to vote** because their names have already been struck off the rolls.
- Without coordination between origin and destination states, this becomes **systemic disenfranchisement**.
- Migrants embody a **dual belonging**: they contribute economically in host states but remain politically tied to their origin states.
- This is now being **demonised**. The message is clear — absence at home during verification means **loss of voting rights**.

Parallel with Ration Portability Challenges

- The **‘One Nation One Ration Card’ (ONORC)** scheme illustrates the same barriers faced by migrants.
- Since its 2019 launch, uptake among Bihari migrants remains limited — only **3 lakh households** availed ration portability outside Bihar (as of May 2025).
- Key reasons include:
 - **Dual residency needs** (economic life in host states, entitlements in home states).
 - **Fear of losing benefits** if shifted.
 - **Bureaucratic hurdles** in destination states.
- Similarly, with voter IDs, migrants **retain home-state documents for security** but face exclusion where they actually live and work.

Toward Portable Voter Identity for Migrants

- The solution to migrant disenfranchisement lies in adopting **portable and flexible voter identity systems** that allow citizens to retain voting rights regardless of mobility.
- Instead of blanket deletions, the Election Commission should adopt a **cross-verification model with destination state rolls**.
- Panchayats and civil society groups must be empowered to run migrant outreach and re-registration drives.
- Replicating the **Kerala model of migration surveys** in high-migration states such as Bihar and Uttar Pradesh would ensure inclusive voter participation.
- Without such reforms, India risks witnessing the largest silent voter purge in its post-Independence history, disproportionately targeting the poor who migrate only for bread, dignity, and survival.

India’s Democracy is Failing the Migrant Citizen FAQs

Q1. Why are millions of migrants in Bihar at risk of losing voting rights?

Ans. Nearly 3.5 million migrants were marked as “permanently migrated” during electoral roll verification, leading to mass deletions and disenfranchisement in both origin and destination states.

Q2. What structural problem in India’s electoral system disadvantages migrants?

Ans. The system assumes a sedentary citizen rooted in one address. Migrants often lack fixed residence proof, making voter registration and verification extremely difficult.

Q3. What did the 2015 TISS study on migrants and elections reveal?

Ans. The study found migrants face a triple burden — administrative barriers, digital illiteracy, and social exclusion — preventing effective participation in host state elections.

Q4. How do ration portability challenges parallel voter identity issues for migrants?

Ans. Just as migrants hesitate to transfer ration entitlements due to dual residency and bureaucracy, they retain home-state voter IDs but face exclusion in host states.

Q5. What solutions are suggested to protect migrants' voting rights?

Ans. Portable voter identities, cross-verification with destination rolls, migrant surveys, and outreach via panchayats are recommended to prevent silent voter purges among migrants.

Source: TH

Criminal Law, Politics, and the Misuse of State Power in India

Context:

- Criminal law reflects the **delicate balance** between state authority and citizens' rights.
- The **recent proposals** by the Government of India **to provide a constitutional framework for the removal of ministers (including the PM and CMs) on arrest**, have **reignited debates** on misuse of investigative agencies, political corruption, and the need for systemic reforms.

Criminal Law and Discretionary Power:

- **Nature of criminal law:** It reflects the idea of state power rather than justice, as governments can criminalise or decriminalise acts depending on political needs.
- **Discretion in policing:** Police enjoy wide powers of arrest even on mere suspicion.
- **Under-trials in India:** 76% of prisoners in 2022 were under-trials, highlighting misuse of arrest powers.

Government's Recent Proposal:

- **Provisions introduced:**
 - **Article 75(5A):** Removal of Union Ministers including the PM.
 - **Article 164(4A):** Removal of State Ministers/CMs.
- **Trigger event:**
 - The government's proposal in the recently tabled Bills was seemingly necessitated by the former **Delhi CM's refusal to resign after spending weeks in jail.**
 - Then, the Delhi HC held that **there is nothing in law** envisaging a CM's resignation in such circumstances.

- **Objective:**
 - Projected as a bold move towards decriminalisation of politics.

Challenges of Investigative Agency Misuse:

- **Judicial criticism:**
 - In 2013, Justice R M Lodha famously called the Central Bureau of Investigation (CBI) a “**caged parrot speaking in the master’s voice**”.
 - On the raid at the Tamil Nadu State Marketing Corporation, CJI B R Gavai said that the Enforcement Directorate (ED) has “**crossed all limits**”.
- **Case studies:**
 - **Jharkhand CM Hemant Soren** (who resigned on his arrest) had to spend six months in custody on the allegations of a so-called land scam, before bail.
 - **Arvind Kejriwal** lost critical election campaigning time due to delayed bail.
- **Tough bail provisions:**
 - UAPA, PMLA make bail rare, converting arrests into punishment before conviction.

Political Corruption and Ethical Concerns:

- **Vohra committee (1993):** Highlighted nexus of politics, crime, and business.
- **Erosion of political ethics:** Parties embrace corrupt leaders for electoral “winnability”.
- **Judicial interventions:**
 - **Lily Thomas v. Union of India (2013):** Barred convicted political leaders from contesting elections.
 - **Jan Chaukidar case (2004):** It had even prohibited those in jail from contesting, but Parliament overturned this order.

Credibility Crisis of Enforcement Agencies:

- **ED’s track record (2014–2024):** 193 cases against politicians, but only 2 convictions.
- **Concerns raised:**
 - 71% of ED cases filed in the last 5 years.
 - SC’s anguish over low conviction rate.
- **Public perception:** Agencies appear politically motivated.

Political Context of the Recently Introduced Bills:

- **Electoral strategy:** The ruling party introduced the **130th Constitutional Amendment Bill** despite lacking 2/3rd majority.
- **Opposition stand:** Accusing ruling party of weaponising agencies.
- **Inclusion of PM:** Possibly a **symbolic** move to score political points (parallels with Lokpal Act, 2013).

Concerns with Over-Criminalisation:

- **Bharatiya Nyaya Sanhita (BNS) 2023:** Out of 358 sections, 181 prescribe over 5 years of imprisonment.

- **Risk:** Expansive criminalisation increases misuse for political purposes.
- **Judicial principle:** Bail should be the rule except in heinous crimes.

Way Forward:

- **Autonomy of agencies:** CBI, ED should be made independent with directors chosen by consensus.
- **Judicial safeguards:** Ensure bail is accessible and arrest is not misused as punishment.
- **Consensus building:** Constitutional amendments must be based on political consensus, not partisan gains.
- **Ethics in politics:** For reasons other than political expediency, strengthen institutional measures to combat corruption.

Conclusion:

- If India ensures genuine autonomy of investigative agencies, upholds bail as a rule, and builds political consensus on reforms, **criminal law can truly serve justice rather than power.**
- In the future, such measures may transform the criminal justice system into a tool for **cleansing politics of corruption while safeguarding democratic rights.**

Criminal Law, Politics, and the Misuse of State Power in India FAQs

Q1. How the discretionary powers of the police and investigating agencies affect the criminal justice system in India?

Ans. It often converts arrests into punishment and erodes public trust in the justice system.

Q2. What are the constitutional implications of the proposed Articles 75(5A) and 164(4A)?

Ans. These provisions risk misuse if investigative agencies lack independence and credibility.

Q3. What is the role of the judiciary in curbing political corruption in India?

Ans. Through landmark judgments like Lily Thomas (2013), the Supreme Court has advanced decriminalisation of politics.

Q4. What are the credibility challenges faced by enforcement agencies such as the CBI and ED?

Ans. Despite numerous cases, low conviction rates and judicial criticism of political bias undermine the credibility of these agencies.

Q5. What reforms are required to ensure that criminal law is not misused for partisan political interests?

Ans. Key reforms include granting autonomy to investigative agencies, making bail a rule, limiting over-criminalisation, and fostering cross-party consensus on constitutional amendments.

Source: **IE**