



**THE TIMES OF INDIA**

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## Wrong On Rights

*Gujarat HC misses the point on abortion.*

### TOI Editorials



A pregnant teen and her family who moved Gujarat HC for permission to terminate her seven-month pregnancy deserve empathy. The case being the teen hid her situation after sex with a 23-year-old. Now it is weeks past the 24-week threshold for abortion without court direction. The judge, astonishingly, quoted Manusmriti to say it was de facto for 17-year-olds to bear children.

The sole issue here is the girl's well-being. As it is, messy lawmaking has not only criminalised sex between consenting teens and young adults but also could soon outlaw women from marrying before 21, out of sync with reality. She is thus a "statutory rape survivor" and the 23-year-old is a "rapist". Instead

of recognising the case's delicate and fraught nature, the judge put off till June 15 the next hearing following a medical evaluation. Pushing off hearing by a full week is traumatising and only serves to affect chances of a safe abortion to which she has every right, regardless of age.

The right to privacy says it is a woman's right whether or not to carry a pregnancy to term. September last, SC specified all women, married or unmarried, have the right to safe abortion. In December 2022, Delhi HC allowed the abortion of a 33-week foetus saying "mother's choice is ultimate". If court believes she can be a mother, it should equally note her right to a safe abortion too.

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## A Short Guide To Marriage

*For freedom to marry or romance-based unions to become the norm we must first discard the purpose of 'marriage' as a union of families.*

**Dipankar Gupta, [ The writer is a sociologist. ]**

"Will you marry me?"

Ironically, the increasing use of this fetching phrase actually undermines what “marriage” has meant down the ages. This is because marriages, proper, were never supposed to unite two people in love but to link families in long-term relationships. A proper marriage, we must remember, includes grandparents, parents, siblings, and an ensemble of cousins.

Marriages today are increasingly centred around two people, which is why it is quite common to ask the question “will you marry me?” Even so, as the ideology and aura of “marriage” continues to influence us, it confounds our understanding, both at the interpersonal and legal levels, about what we can, and should, expect from couples in such a union of two.

A survey, over time and space, will reveal that marriages have always been alliances negotiated by families. Marriage practices differ vastly between, and within, patrilineal and matrilineal societies as also between, and within, hunter-gatherers and those in settled civilisations. But in all instances, families are privileged, not individuals.

The two who become spouses are just the copula that link carriages full of relations. You don’t really marry an individual, but the whole family. This is why the romantic unions of today are not really marriages but a novel social practice whose impact is yet to be fully appreciated.

In tradition, it was not central that a marriage would keep a couple happy. It was rather designed to bring families together in long-term relationships so as to increase their zones of influence, economic well-being and security, now and in the future. This necessitated that couples be heterosexual and embrace the duty to produce children; it was not really an option.

Also, as marriages were aimed at increasing the families’ reach in society, it was forbidden to marry certain categories of kin. Defying this rule would defeat the purpose of creating larger social alliances and ties. Hence, sexual liaisons, let alone marriage, with such relations were abhorred as “incest”.

Unlike what one might assume, incest aversion is not a given but a socially created sentiment that becomes instinctive, almost “natural”, over time. Each society has its own rules about this which is why families must carefully chart the marriage course. In states such as Haryana, UP and Tamil Nadu there have been several tragic instances when couples, prodded by romance, defied the prevalent incest rule.

The kinsfolk with whom marriages are disallowed differ from society to society. India alone provides many versions of this feature. For example, in some states in northern India, marriage between those who have a common great grandfather is not permitted. Elsewhere, however, cousin marriages are encouraged. Nevertheless, it is from these prohibitions that the notion of incest gains heft.

Among the seven vows in Hindu marriage, there are at least three where the couple promise to look after their elders and a fifth one to produce and take care of their own progeny. In Islam, from the early ritual of Imam Zamin among Shias right up to nikaah, the families of the bride and groom are closely involved. In Europe too, till pretty much the end of the 18th century, children were betrothed in their infancy by their parents.

This is why Roxanne, Daniel Defoe’s 18th century novel, was deemed immoral for it gave a thumbs up to romance. Courtship was ingeniously cloaked in Jane Austen for families first arranged the marriage and then inserted a dash of romance, after the fact. The scene before that was much more dire. In

Shakespeare's *Two Gentlemen of Verona*, a father locks up his daughter for she fell in love while death was the only way out for love struck Romeo and Juliet.

In other words, in tradition, the question: "Will you marry me?" was never prompted by pure romance. That is why when dating began, many moralists in 19th century US, which included some feminists too, felt that morality was at stake. Not only would such permissiveness destroy families, but if people were free to romance, there would be a rise in abortions too.

To forestall such eventualities and nip romance in the bud, the US passed the Comstock law in 1873. This legal canon, repealed only in 1973, forbade "lewd and lascivious mail" as well as information on contraception and venereal disease, even to medical students. It's hard to imagine today how the home of Hollywood was once so prude.

The growing trend of the union of two signals a huge shift in modern history and to insist that such romantic unions be still called "marriages" leads to unreal and impractical expectations. Such unions make irrelevant chunky family centric concerns around who one can marry, who can inherit and who are legitimate offspring. In fact, even the need for progeny is now a matter of choice, not duty.

Romance sits awkwardly with marriage as mutual attraction takes precedence over family making redundant certain rituals, such as the one the groom's mother's brother used to perform, in some Hindu marriages. Traditional inheritance rules too are gradually being replaced by personalised wills by a small but growing number of people. Only when all of this begins to happen can the "fundamental right" to marry be fully realised as, like other rights, this too is best expressed at the individual level.

So, ask not: "Will you marry me?" Ask instead: "Will you take me in union and let's keep out parents, cousins, aunts and uncles."

## THE ECONOMIC TIMES

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### Tiger Zinda Hai Very Much, But...

#### ET Editorials



The tiger is alive and thriving in India. Project Tiger — now National Tiger Conservation Authority (NTCA) — was launched in 1973 and had some low points. But it did bring the animal back from the brink. After 50 years of sustained efforts, India is now home to more than 3,167 tigers in 53 reserves across 18 states. This is a stable and growing population. That's the good news. The not-so-good news is, the tiger remains an endangered animal globally. India's efforts at tiger conservation must shift gears to ensure the positive trend in tiger conservation is sustained, and the benefits towards stemming biodiversity degradation are

realised.

A paradigm shift in tiger conservation is required. This means moving away from a tiger reserve-protected area approach to a landscape one. The focus must be on creating corridors for their free movement — equal protection to tigers living outside reserves, reducing chances of inbreeding and allowing tiger migration to reserve areas where populations are low. This will also address the issue of overpopulation and the carrying capacity in some reserves.

The conservation of the tiger was based on the understanding that as the top of the wildlife food chain, a strong population would result in an improved ecosystem for other wildlife and flora and fauna as well. The solid water regime in areas around the reserves has improved, as have hydrological systems. But the prevalence of invasive alien species in nearly 44% of Indian forests is a cause of concern, specifically for herbivorous wildlife, which are part of the tigers' food chain. There is also a need to address the human-tiger conflict that is prevalent in many parts, if India's tigers are to roam and roar in peace.



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## **A pragmatic approach, for better India-Nepal ties**

***A steady focus on development, as demonstrated during the Pushpa Kamal Dahal Prachanda visit, will boost bilateral ties***

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Despite daunting challenges to Nepal's democracy, governance and stability and seemingly intractable bilateral irritants, the Prime Ministers of Nepal and India have shown that a pragmatic approach and mutual sensitivity can re-energise bilateral relations.

The Prime Minister of Nepal, Pushpa Kamal Dahal Prachanda's first bilateral visit to India since assuming office in the current term is notable in this sense. Driven by challenges presented by the post-COVID-19 world, current realities as well as huge opportunities, India and Nepal were able to review the entire spectrum of the bilateral agenda covering political, economic, trade, energy, security and developmental cooperation.

### ***Realistic handling of irritants***

Prachanda deserves credit for this. He is in a weak position at home as leader of only the third largest party in Parliament, well behind K.P. Oli and Sher Bahadur Deuba, who are waiting to take over from him, not to speak of leaders from smaller parties who are being wooed by the Opposition to cause political instability. Prachanda has shown political courage and probably shrewdly calculated the costs of paying

heed to the spectrum of political noises warning him not to be soft and to extract solutions to irritants such as the 1950 Treaty, border differences, and India's reluctance to receive the report of the Eminent Persons Group (EPG) set up by the two governments. Instead, he seems to have listened to the few voices of reason and moderation, and to focus on opportunities to building a better future.

Prachanda has had stints as Prime Minister. In his very first term, as a fiery Maoist rebel-turned political leader, he did give India a few rude shocks, crossing red lines by insisting on visiting China first, or dismissing the Army chief, considered to be a palace loyalist, to which India took strong objection (there was a clear understanding that when the Maoists joined the political mainstream, there would be no interference with the Royal Nepal Army). Later, India too would give Prachanda a few shocks — sending a Prime Ministerial special envoy to urge Madheshi parties not to support Prachanda in order to save his government. But this time round, Prachanda came across as a serious, self-confident and mature statesman.

The Indian Prime Minister, too, has shown sensitivity, for example when he reassured Prachanda that differences on the border issue would be resolved to mutual satisfaction. Neither side tried to justify their official version of the border as the correct one.

### **Towards economic integration**

The visit has helped in underlining the real priorities — the “game changers” which can transform the economic landscape of the sub-region, such as hydropower projects to supply energy to India (and eventually to Bangladesh), infrastructure, access to Indian river transport, innovative tourism circuits, and better connectivity.

In the aftermath of the COVID-19 pandemic, renewed high-level commitment to bilateral cooperation on multiple fronts, with improved deliveries, was necessary. There was unprecedented cross-party consensus when the Mahākali Treaty, identifying the Pancheshwar Multipurpose Project (PMP), with power stations of equal capacity on both banks of the river, was negotiated, signed and received parliamentary ratification a few years ago, despite political changes in both countries. The finalised Detailed Project Report (DPR) will be submitted to both governments expeditiously, finances arranged and modalities of implementation concluded within one year after their approval of the DPR.

There is a new dimension of cooperation in the power sector with the transmission passage (trilateral power transaction) from Nepal to Bangladesh through India. With new power projects now under implementation or on the drawing board, and the finalisation of an agreement for long-term power trade wherein it was agreed to strive to increase the quantum of export of power from Nepal to India to 10,000 MW within a timeframe of 10 years, an era of prosperity awaits the entire sub-region.

### **Cooperation for payment, technology**

Enhancing digital financial connectivity is another crucial development. The MoU between the National Payments Corporation of India and the Nepal Clearing House Ltd. for facilitating cross-border digital payments, and the Indian offer to create a ground station and supply 300 user terminals to offer the services of the South Asia Satellite to Nepal under grant assistance are important; they would promote regional cooperation in the space sector, and space technology applications in telecommunication and broadcasting, tele-medicine, tele-education, e-governance, banking and ATM services, meteorological data transmission, disaster response and the networking of academic and research institutions.



The real challenge for Nepal is to depoliticise cooperation with India, especially in water resources cooperation, improve the quality of democracy and governance at home, and check unbridled corruption, which is alarming even by South Asian standards. For India, it may be necessary to address the perception in Nepal that it is no longer a foreign policy priority, and to give a sense of ownership, equality and credit for major forward movement in sectors such as hydropower to parties across the political spectrum, rather than only to the government of the day.

Predictably, the Opposition parties in Nepal have termed the visit a sell-out. But they should be made aware of the fact that if there continues to be a steady focus on development — as demonstrated during the Prachanda visit despite possible political instability in Kathmandu — Nepal will find India going the extra mile in meeting its needs and expectations.



## दैनिक भास्कर

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### उपभोक्ताओं के हित से जुड़े कानून मजबूत होने चाहिए

#### संपादकीय

अर्थव्यवस्था भले ही गरीबी अमीरी की खाई बढ़ाने वाली हो, लेकिन मध्यम वर्ग में भी कॉर्पोरेट दुनिया से जुड़े लाखों प्रोफेशनल्स संपन्न हुए हैं। इसकी वजह से उपभोक्ता संस्कृति का नया दौर चला है, जिसमें 15 मिनट में पिज्जा घर पर डिलीवर होने को भारत की तरक्की माना जा रहा है। लेकिन मार्केट स्ट्रेटजी के तहत मोबाइल फोन तो छोड़िए, अन्य इलेक्ट्रॉनिक प्रोडक्ट्स या गाड़ियों के मॉडल चार साल में फेज-आउट (बाजार से बाहर) कर दिए जा रहे हैं और इन उत्पादों का जीवन भी लगभग खत्म हो जा रहा है। घरेलू जरूरत के उपकरण के मेंटेनेंस का कोई कानून नहीं है। अगर उपभोक्ता के इस्तेमाल में आने वाले उपकरणों के जीवन-काल और बिक्री के बाद मेंटेनेंस पर मजबूत कानून नहीं बना या अच्छी और उत्पादक कंपनियों ने ईमानदार सेवा और सक्षम मैकेनिक रखना नहीं शुरू किए, तो आने वाले दिनों में करोड़ों नए उपभोक्ताओं की उदासीनता और अविश्वास का सामना करना पड़ सकता है। एमएसएमई सेक्टर को इससे बड़ा नुकसान हो सकता है। यह सेक्टर तभी बढ़ेगा जब लोगों की उत्पादों को खरीदने में उत्सुकता होगी और विश्वास भी। वैसे उपभोक्ता कानून के त्रि-स्तरीय फोरम हैं, लेकिन उपभोक्ता सुरक्षा कानून बनने के 37 साल बाद भी आम कस्बाई उपभोक्ता इसे जटिल और प्रभावी नहीं पाता।



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## संगोल को टहलने वाली छड़ी के रूप में स्वीकार नहीं किया जा सकता

### संपादकीय

कांग्रेस के रवैये से यह स्पष्ट है कि उसे संसद के नए भवन में स्थापित किया गया संगोल रास नहीं आ रहा है। कांग्रेस के महासचिव जयराम रमेश ने फिर से दावा किया कि इसे सत्ता हस्तांतरण के प्रतीक के रूप में माउंटबेटन को नहीं सौंपा गया था। वह इस तरह का दावा पहले भी कर चुके हैं। उनके अलावा कांग्रेस के अन्य नेता भी यह मानने को तैयार नहीं कि संगोल को सत्ता हस्तांतरण के रूप में पहले माउंटबेटन को सौंपा गया और फिर जवाहरलाल नेहरू को। अमेरिका यात्रा पर गए राहुल गांधी भी यह कह चुके हैं कि संसद के नए भवन में संगोल की स्थापना महज एक नाटक था, जो लोगों का ध्यान भटकाने के लिए किया गया। इसके पहले कांग्रेस के नेताओं ने यह अभियान छेड़ रखा था कि संसद के नए भवन का उद्घाटन राष्ट्रपति को करना चाहिए। यदि ऐसा हो जाता तो शायद कांग्रेस को संसद का नया भवन भी रास आ जाता और संगोल की स्थापना भी। जो भी हो, जयराम रमेश एक ओर यह दावा कर रहे हैं कि संगोल सत्ता हस्तांतरण का प्रतीक नहीं और दूसरी ओर यह भी स्वीकार कर रहे हैं कि उसे नेहरूजी को सौंपा गया था। अच्छा होगा कि कांग्रेस नेता यह बताएं कि उसे किन कारणों से नेहरूजी को सौंपा गया था, क्योंकि इतना तो तय है कि उसे टहलने के लिए इस्तेमाल की जानी वाली छड़ी के तौर पर तो नहीं ही जाना जाता।

जो कांग्रेस संगोल को सत्ता हस्तांतरण का प्रतीक न मानने पर इतना जोर दे रही है, उसे यह स्पष्ट करना चाहिए कि वह चलने वाली छड़ी के रूप में तब्दील होकर प्रयागराज संग्रहालय कैसे पहुंच गया? कांग्रेस की ओर से इस प्रश्न का भी उत्तर दिया जाना चाहिए कि क्या 1947 में तमिलनाडु के जिस मठ ने संगोल का निर्माण कराया, वह टहलने वाली छड़ियां बनाने के लिए जाना जाता है? आखिर कोई मठ यह काम क्यों करेगा? कांग्रेस के नेता कुछ भी दावा करें, इसकी अनदेखी नहीं की जा सकती कि तमिल साहित्य में संगोल को सत्ता हस्तांतरण के प्रतीक के तौर पर ही जाना जाता है। इसके भी प्रमाण उपलब्ध हैं कि संगोल की परंपरा चोल साम्राज्य के समय शुरू हुई थी। यह भी साफ है कि जैसे इस समय कांग्रेस को संसद के नए भवन में संगोल की स्थापना हजम नहीं हो रही है, वैसे ही 1947 में भी तमिलनाडु के कुछ नेताओं ने नेहरूजी की ओर से उसे ग्रहण करने पर सवाल उठाए गए थे। इनमें वामपंथी झुकाव वाले नेता सीएन अन्नादुरै भी थे। यह सही है कि अभी तक इसके कोई प्रमाण नहीं कि संगोल नेहरूजी को सौंपने के पहले माउंटबेटन को सौंपा गया था, लेकिन इसका यह मतलब नहीं कि उसे महज टहलने वाली छड़ी के रूप में स्वीकार कर लिया जाए।

## वाजिब आपत्ति

### संपादकीय

भारत और कनाडा के बीच सामान्य तौर पर अच्छे संबंध रहे हैं और समय-समय पर दोनों देश इसे मजबूती देने के लिए कई स्तर पर कूटनीतिक पहलकदमी भी करते रहे हैं। लेकिन यह ध्यान रखने की जरूरत है कि किसी भी स्थिति में संबंधों में मधुरता तभी बनी रह सकती है, जब दोनों पक्ष एक दूसरे के आंतरिक मामलों में नाहक दखल न दें और आपसी गरिमा का खयाल रखें। मुश्किल यह है कि पिछले कुछ समय से कनाडा में कुछ संगठनों की ओर से ऐसी गतिविधियां सामने आ रही हैं, जिन्हें वहां आयोजित किए जाने पर सरकार की ओर से कोई रोकटोक नहीं है, लेकिन उनका मकसद भारत को बदनाम करना होता है। निश्चित रूप से यह स्थिति लंबे समय तक अनदेखी करने लायक नहीं है और ऐसी हरकतों पर भारत की आपत्ति का आधार भी वाजिब है। गौरतलब है कि भारत के पंजाब में एक समय हुए 'आपरेशन ब्लू स्टार' की उनतालीसवीं बरसी यानी छह जून से कुछ दिन पहले कनाडा के ब्रैंपटन शहर में खालिस्तान समर्थकों की ओर से पांच किलोमीटर लंबी एक यात्रा निकाली गई थी। इस दौरान एक झांकी में भारत की पूर्व प्रधानमंत्री दिवंगत इंदिरा गांधी की हत्या का दृश्य दर्शाया गया था।

जाहिर है, इस तरह के प्रदर्शन की मंशा भारत को कठघरे में खड़ा करना था। लेकिन सवाल है कि अगर कनाडा भारत को एक स्वतंत्र और संप्रभु देश के रूप में स्वीकार करता है तो वहां भारत के लिहाज से अलगाववाद की भावनाओं को मजबूती देने वाली गतिविधियों के प्रति वह आंखें कैसे मूंदे रह सकता है। कनाडा में इस प्रकृति की घटनाएं लगातार सामने आई हैं। इसलिए भारत के विदेश मंत्री ने सही ही इस बात पर आपत्ति जताई और कहा कि कनाडा लगातार अलगाववादियों, चरमपंथियों और हिंसा का समर्थन करने वालों को फलने-फूलने का मौका दे रहा है और शायद इसके पीछे मकसद चुनावों में कुछ वोट हासिल करना है! बल्कि उन्होंने साफ शब्दों में यह भी कहा कि यह आपसी रिश्तों और कनाडा के लिए ठीक नहीं है। इस मसले पर विपक्षी दलों ने भी आपत्ति जताई है। यानी भारत की ओर से कनाडा के लिए यह स्पष्ट संदेश है कि अगर वह अपनी जमीन पर भारत विरोधी हरकतों पर रोक नहीं लगाता है या उन्हें नियंत्रित नहीं करता है तो इसके एवज में भारत को भी कोई स्पष्ट रुख अख्तियार करना पड़ेगा।

दरअसल अंतरराष्ट्रीय स्तर पर दो देशों के बीच सौहार्द पर आधारित संबंधों का मुख्य सूत्र यह होता है कि दोनों पक्ष एक दूसरे की संप्रभुता का सम्मान करें और नाहक ही किसी मित्र देश को कठघरे में खड़ा किए जाने वाली गतिविधियों को अपने सीमा क्षेत्र में बढ़ावा न दें। लेकिन पिछले कुछ समय से कनाडा में भारत को लक्ष्य करके जिस तरह की कुछ गतिविधियां देखी जा रही हैं, उसमें यह सवाल स्वाभाविक ही उठता है कि क्या वहां की सरकार इन सबके प्रति उदासीन है या फिर वह जानबूझ कर ऐसा होने दे रही है। इतना तय लगता है कि कनाडा में हाल में झांकी के जरिए अपना एजंडा दर्शाने वाले समूह किसी न किसी रूप में चरमपंथ का समर्थन करते हैं और ऐसे आयोजन से वे भारत के सामने असुविधाजनक स्थितियां पैदा करना चाहते हैं। यह छिपा नहीं है कि अलगाववाद के दंश ने भारत को किस तरह के घाव दिए हैं और उससे बाहर आने में देश को काफी जद्दोजहद करना पड़ा है। अगर कनाडा अपने सीमा क्षेत्र में ऐसी हरकतों



को बेकाबू छोड़ता है, तो यह उचित नहीं है। यों भी कनाडा अगर भारत की गरिमा का खयाल रखने की बात करता है तो ऐसा करते हुए उसे दिखना भी चाहिए।

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