

Higher Retirement age for Supreme Court & High Court Judges (GS Paper 2, Judiciary)

Context:

- Indian judicial system has observed many changes since independence, digitalization has been on a full spree and that has helped in the efficient delivery of justice. This is reflected in the current structure of the judicial system of India.
- One more proposal is there, which is to **increase the retirement age of the Judges of Supreme Court & High Courts from 65 to 68 years and from 62 to 65 years respectively.**
- The proposal has been put forth to avoid the post-retirement openings and less criticism.



Background:

- The Ministry was responding to the recommendation of a Parliamentary Standing Committee that increasing the age of judges would help retain the existing judges, which in turn would help in reducing both vacancy and pendency of cases in the short run.
- One more attribute of the committee was the life expectancy, which has increased in the past.

Venkatachaliah Report:

- The Venkatachaliah Report (Report of the National Commission to review the working of the Constitution, 2002) **recommended that the retirement age of the Judges of the High Court should be increased to 65 years** and that of the **Judges of the Supreme Court should be increased to 68 years.** The age should be unanimous in both the Higher and Lower Courts.
- A half-hearted attempt was made in 2010 through Constitution (114th Amendment) Bill to increase the retirement age of High Court judges to 65.
- However, it was not taken up for consideration in Parliament and **lapsed with the dissolution of the 15th Lok Sabha.**

Uniform retirement age:

- About the retirement age of the Judges, there is one more suggestion that Judges should have a uniform retirement age, i.e., 68, this was opined by the Former CJI MN Venkatachaliah reiterating his 1993 suggestion.

Present strength:

- As of now, out of total approved strength, there are 1108 judges in 25 High Courts and 32 judges in Supreme Court.

- Under Article 124 of the Constitution of India, every judge of the Supreme Court of India should be appointed by the President of India with the consultation of High Court Judges and Supreme Court Judges and what is deemed to be necessary.

How increasing retirement age will be helpful?

- The Indian courts are suffering from a huge backlog of cases and an increase in the age of the Judges can reduce the backlog. It is estimated that there are 4.7 crore cases pending across different levels of the judiciary.
- Of the, 87.4% are pending in subordinate courts, 12.4% in High Courts, while as of today there are 76,852 cases pending in Supreme Court.
- Also, when the age of the retirement of the judges is increased, it will help in **restoring the lost faith in the Indian Courts** because of the delay in the justice delivery system.
- The increase in the retirement age will be both in the public interest and the judicial interest as the **experience of the Senior Judges will lay down a great milestone in law.**
- With the **increased usage of the technology should be encouraged** to streamline the work systematically.

Hub airport flight path in India

(GS Paper 3, Infrastructure)

Context:

- Transforming one of **India's metro gateway airports into a hub airport** deserves consideration as the aviation market puts the novel coronavirus pandemic behind it and passenger demand surges.
- Today, **India is the third largest domestic aviation market in the world**, next only to the United States and China. Consumer confidence in air travel has helped the industry recover faster than anticipated. Some airports have already breached or are close to matching the traffic demand seen before the pandemic.
- Besides, in view of the surge in passenger demand, India's airport operators have planned investments upwards of ₹90,000 crore to enhance capacity over the next four years or so. To boot, the conditions are just right for building a hub airport.

What exactly is a hub airport?

- A hub airport is one **served by a multitude of airlines**, connecting several airports through non-stop flights.
- Historically, airports were designed keeping the requirements of the origin/destination passenger in mind. This meant operating separate arrival and departure terminals.
- Over time, better space-utilisation concepts led to the construction of a common passenger terminal with arrival/departure flows segregated on different floor levels. This spawned a new segment of passengers — **transit flyers**, who use the airport only to connect flights.

Concept of waves:

- A typical hub airport operates on the concept of waves. A wave of incoming flights arrives and connects with another wave of outgoing flights that departs an hour or two later.
- 'Hubbing' allows for the maximum combination of flight pairs and a wider choice of destinations and frequencies for connecting passengers.
- Importantly, while an aspiring hub looks at attracting foreign airlines to widen the number of direct point-to-point connections, it thrives on airlines nestled (based) at that airport, which dedicate more resources, aircraft, crew, manpower and infrastructure, and are enablers of growth.
- **Some global examples** are (Hub airport/Home airline): London/British Airways; Frankfurt/Lufthansa; Atlanta/Delta Airlines; Dallas/American Airlines; Singapore/Singapore Airlines; Paris/Air France; Dubai/Emirates; Chicago/United Airlines; New York/American Airlines and Delta Airlines; Hong Kong/Cathay Pacific.

How it is a win-win situation for all?

- A hub creates economies of scale for the airport and airlines alike.
- The **airport benefits from increased direct connectivity** with other airports and more revenue opportunities due to increased passenger footfalls.
- Improved passenger throughput has a knock-on effect on the wider airport ecosystem, such as **aero and non-aero service providers at the airport**, including cargo and ground handling, fuelling, retail and duty-free,

vehicle parking, aircraft maintenance repair and overhaul (MRO), and fixed-base operation (FBO) services at the airport.

- Airlines, on their part, get to serve city pairs that are otherwise economically unviable for non-stop flights.
- Frequent fliers and business travellers get greater choice and flexibility with flights, destinations, and service frequencies, as well as lower ancillary costs, such as avoiding the time and cost of an overnight stay.

A force multiplier:

- From the government’s perspective, **an airport acts as a force multiplier with economic activity, jobs and employment, investments, business, trade, commerce, tourism, culture, and benefits other sectors** of the economy.
- It is well established that the creation of one job in the aviation sector affects the creation of up to six jobs in allied sectors, such as tourism and hospitality.
- All this propels the economic and social development of the city and its inhabitants, too.

Requirements for becoming a major airport hub:

There are three basic requirements for becoming a major airport hub,

- whether domestic or international, i.e. sufficient local consumer demand;
 - good geographic location, and
 - necessary infrastructure to support high-volume traffic.
- In India’s case, the first two requirements are largely addressed and the focus is rightly on addressing the third requirement.

Factors in favour of India

India has the largest diaspora, or transnational community, at 18 million people across all six continents and regions	India is located on busy international air corridors that connect Europe, Africa, and the Middle East with Asia, making it ideal for a transit hub and alternative/diversion/stop/technical stop	Being the fifth-largest economy in nominal GDP terms and the seventh largest by land mass, India can support development of more than one hub airport	Airport business in India is largely monopolistic, with no competing airport in the same urban area	Airport development in India is a regulated business with minimum downside risk for investors	Airport tariff determination under the Airports Economic Regulatory Authority of India is a robust, fair, and transparent process
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Impediments:

- There are **capacity constraints at major airports** because of a lack of landing slots, especially during peak hours;
- the Airports Authority of India Act (AAI), 1994 constrains the AAI/airport operators from commercially exploiting available land for non-aeronautical activities;
- a ‘high cost-low fare’ operating environment and increased competition hurts airline balance sheets and financials, which hurts the growth of airports;
- India has 34 operational international airports, yet smaller international airports are either completely left out or have very limited scope in starting international flight operations;
- **rationalisation of duties and taxes**, such as bringing aviation turbine fuel under the ambit of goods and services tax, **will enable airlines to reduce costs and emerge financially stronger**, thereby benefiting airports.

Way Forward:

- There is a need to **develop inter-modal connectivity (rail/road – air) and logistics support infrastructure** (warehousing) as a part of the future airport master plans to fully exploit potential with cargo and freight; aspiring hub airports can partner with tier-2 and tier-3 airports in their catchments; airports can broaden their revenue base by developing allied service capabilities, such as cargo handling, aircraft MRO and FBO.

The textbook controversy in Karnataka

(GS Paper 2, Polity and Governance)

Why in news?

- A textbook revision committee headed by Rohith Chakrathirtha was set up in Karnataka following a memorandum submitted by the Karnataka Brahmin Mahasabha to the Primary and Secondary Education Minister B.C. Nagesh.
- The memorandum **demanded revision of Class 6 Social Science textbooks** on the ground that they “hurt the sentiments of the Brahmin community.”
- The Karnataka textbook revision committee was initially set up to revise Social Science textbooks from Classes 6 to 8. However, it was eventually given the responsibility to revise all textbooks from Classes 1 to 10.
- The revised textbooks have triggered opposition from various groups.



Why did the Karnataka State Brahmin Development Board object to certain sections in the textbooks?

- The Karnataka State Brahmin Development Board met with then Chief Minister B.S. Yediyurappa in December 2020 objecting to certain extracts in the Class 6 Social Science Part 1 textbook.
- One of the paragraphs it found objectionable was in chapter 5 **titled “The Culture of The Vedic Period”**. The paragraph stated: “Offering milk, ghee and cereals to the fire during these yagnas led to the shortage of food”.

- Furthermore, sections from paragraph 1 of chapter 7, **‘Rise of New Religions’, was found objectionable.** The paragraph under the subheading “Why did the new religions emerge?” read: “During the Vedic period, rituals like Yaga and Yagna needed animal sacrifice. This affected the food production. Apart from this, food grains, milk and ghee were offered as ‘Havisu’ and burnt in the fire which resulted in a shortage of food. People had also believed that only through these Yagnas true liberation (Mukti) was possible. But these costly rituals were conducted by reciting Sanskrit shlokas. Sanskrit was the priests’ language and common people were unable to understand it. People were in expectation of a simple path to liberation that was explained in their own language.”
- The Karnataka Brahmin Mahasabha claimed that such statements in the textbooks hurt their religious sentiments and hence should be revised.
- In September 2021, a 16-member committee headed by Mr. Chakrathirtha was set up to revise textbooks from Classes I to Class 10. The committee submitted a report in March 2022 which **sparked opposition from Dalit organisations, various writers and from two powerful communities** of Karnataka, the Veerashaiva Lingayat and Vokkaliga Sabha.
- The **revised textbooks do not contain chapters on** “The Culture of the Vedic Period”, “Rise of New Religions” and “Christianity and Islam.”

Why are Dalit organisations protesting against the revision?

- Outrage among Dalit organisations was triggered due to the **omission of certain details about Dr. B.R. Ambedkar** in chapter 5 of the Class 9 Social Science textbook titled “Our Constitution”.
- The chapter previously stated that “based on his (BR Ambedkar’s) contribution to the framing of the constitution, he is called the **‘Chief Architect of [the] Indian Constitution’.**” However, the revised textbooks only mention that **“Dr. B.R. Ambedkar was the Chairman of one of the most important committees, i.e., the Drafting Committee.”**
- Information about Ambedkar’s contribution in getting rid of untouchability in another chapter has also been tweaked.
- The revised textbook only mentions that “Jyotiba Phule, Swami Vivekananda, Dr. B.R. Ambedkar and others made immense efforts to wipe out the stigma of untouchability”. Dalit organisations have demanded that the lessons be reprinted and the omitted information about Ambedkar be reinstated.

Why are seers of the Veerashaiva-Lingayat community upset?

- Various Veerashaiva-Lingayat seers have raised objections against the revision of the content of chapter 3 of the Class 9 Social Science Part 1 textbook titled, “Religious Promoters and Social Reformers”.
- While the previous textbook stated that **“Basaveshwara was a strong opponent of the caste system and he threw away the ‘Sacred thread’ after his Upanayana (the thread ceremony) and went to Kudalasangama”**, the revised textbook has excluded this and only mentions that **“after his thread ceremony, he went to Kudalasangama”**.
- The previous textbook had also mentioned that “Basaveshwara and his disciples advocated Veerashaiva philosophy which was based on simple human values. They rejected the numerous rituals deeply rooted in Vedic religion.”
- However, the revised textbook simply states: “He reformed Veerashaivism.” This has upset the Lingayat community which wants the content revised to reflect the actual history of Basaveshwara.

What about the Vokkaligas?

- Leaders of the Vokkaliga community are raising objections against the textbook revision. They are accusing of insulting the Nada Geethe (state anthem) and being disrespectful to a well-known Kannada poet, Kuvempu, who wrote it.
- The Vokkaliga Sangha and various student organisations such as the National Students’ Union of India (NSUI) and the All India Students’ Federation (AISF) staged a protest at Freedom Park in Bengaluru demanding the dissolution of the textbook committee headed by Mr. Chakrathirtha.

Why are writers, scholars and student organisations angry?

- The removal of writings by various distinguished writers has sparked protests by scholars and student organisations from Karnataka. Class 10 Kannada textbooks have been revised and chapter 1 titled “Yuddha” by

Sara Aboobacker, chapter 4 titled “Mruga Mattu Sundari” by P. Lankesh, and chapter 6, “Vyagra Geethe” by A. N. Murthy Rao has been dropped.

- The works of these writers have been replaced by a speech of the founder of the Rashtriya Swayamsevak Sangh, K.B Hedgewar, and essays by Chakravarthy Sulibele, a right-wing ideologist, and Sanskrit scholars Bannanje Govindacharya and Shathavadhani Ganesh.

The judicial validity of the Talaq-e-Hasan mode of divorce

(GS Paper 2, Polity and Governance)

Why in news?

- A public interest litigation (PIL) seeking to invalidate Talaq-e-Hasan, the prescribed Islamic way of divorce, has been filed in the Supreme Court.

What is the PIL about?

- The petition filed by Benazir Hina, seeks to make the **prescribed Islamic way of divorce Talaq-e-Hasan unconstitutional** as it is **violative of Articles 14, 15, 21 and 25 of the Constitution**.
- Ms. Hina, who claimed to have been unilaterally divorced through the Talaq-e-Hasan mode by her husband Yousuf, also prayed that **Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937** that permits Muslims to practise unilateral divorce be declared void.
- In June, a vacation Bench of Justices A.S. Bopanna and Vikram Nath allowed a plea for urgent hearing of the matter.
- It was argued that the aggrieved lady and her child would be left without a remedy if no intervention was made. The first talaq notice was given on April 19 and the second notice was issued on May 19.
- The hearing comes almost five years after the five judge Bench had invalidated instant triple talaq in their verdict in the **Shayara Bano vs the Union of India** and others case in August 2017.
- The invalidation of instant triple talaq where the court held, “What is bad in theology is bad in law as well”, led to the enactment of the Muslim Women (Protection of Rights on Marriage) Act 2019.



What is instant triple talaq?

- In instant triple talaq a man pronounces multiple divorce in one go. It has no scope for reconciliation between the feuding couple, and often ends a marriage instantly.
- It is, as the judges held, **not mentioned anywhere in the Quran** which prescribes a code of divorce largely through Surah Baqarah, verses 226 to 237 and the opening six verses of Surah Talaq.
- Incidentally, triple talaq in this manner has been **banned in many Muslim countries**, including Egypt, Syria, Jordan, Kuwait, Iraq, Malaysia etc.

What is Talaq-e-Hasan?

- Unlike instant triple talaq, Talaq-e-Hasan is **pronounced with a gap of at least one month or one menstrual cycle**. Only a single revocable divorce takes place through the first pronouncement of Talaq-e-Hasan.

- The husband and wife are supposed to live together after this pronouncement and have the option of rapprochement. If the couple is not able to mend fences in the intervening period and the husband does not annul divorce through word or by establishing intimacy, the talaq stays valid.
- At the end of this month, the husband has to pronounce divorce for the second time. Likewise for the third time. After the second pronouncement too, the divorce is revocable, and the couple may resume their conjugal relationship anytime they so desire.
- If, however, the third pronouncement is made after at least one menstrual cycle, then irrevocable divorce takes place. Significantly, no divorce can be administered when the woman is undergoing her menstrual cycle.
- Even in the case of pregnancy, no divorce takes place. And if such a pronouncement is made, it remains in abeyance till the end of pregnancy.

Talaq-e-Hasan in Quran:

- Unlike instant triple talaq, the Quran clearly mentions the process of Talaq-e-Hasan. According to Surah Baqarah, verse 229, “Divorce can be pronounced twice; then either honourable retention or kindly release should follow...”
- Likewise the opening verse of Surah Talaq states, “O Prophet, when you divorce women, divorce them for their waiting period, and compute the waiting period accurately...Do not turn them out of the homes (during the waiting period) nor should they go away...”

Are there other options of divorce apart from the Talaq-e-Hasan?

- The third option of divorce besides Talaq-e-Hasan and the now repudiated instant triple talaq, is **Talaq-e-Ahsan**. Under this form, a single pronouncement is made. Following the pronouncement, a woman has to go through iddat or a waiting period of three months.
- During this period the divorce can be cancelled. However, failure to annul divorce during this period results in it being finalised after which a woman is independent, and free to marry another man or stay single, as she may choose.
- **Both Talaq-e-Hasan and Talaq-e-Ahsan enjoy legal validity** in almost all Muslim countries.

Khula:

- A woman too has a right to end an unsuccessful marriage through Khula. Here a woman gives something to the man in return for annulling the marriage.
- In April 2021, the **Kerala High Court held this form of divorce valid**. The court overruled a 49-year-old verdict in *K.C. Moyin vs Nafeesa and Others (1972)* that barred Muslim women from dissolving their marriage through non-judicial modes.
- There is some debate among Islamic scholars on the ways of Khula. Some hold that the man’s consent is necessary in Khula while most say that he enjoys no such privilege.