

DAILY NEWSP APER ANALYSIS

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**CHANAKYA IAS ACADEMY
SECTOR 25 CHANDIGARH**

EC discretion during SIR is not unregulated authority, says SC

Court ticks off EC for 'deviations', and says revision must be in line with norms; EC counsel says the poll body has to travel beyond prescribed limits to revise electoral rolls as long as the reasons were recorded and procedures were fair and just

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Wednesday said the Election Commission (EC) is blessed with the "widest discretions" but its "deviations" while revising electoral rolls, as in the ongoing special intensive revision (SIR) exercise, cannot be "untrammelled or unregulated" in breach of principles of natural justice and procedure prescribed under the Registration of Electors Rules of 1960.

Senior advocate Rakesh Dwivedi, for the EC, submitted that the SIR was "sustainable" under Article 324 read with Section 21(3) of the Representation of the People Act, 1950. Section 21(3) clothes the EC with a residuary power to direct a special revision of the electoral roll for any constituency or part of a constituency in "such manner as it may think fit".



"But a special revision may involve serious consequences in the civil rights of a person who is already a voter. So, why should we not expect you (the EC) to have a procedure that is transparent," Chief Justice Surya Kant, heading the Division Bench, asked the EC's counsel.

Mr. Dwivedi conceded that the EC's deviations from procedure must embrace the constitutional guarantee of equality before the law, equal protection of the laws enshrined

in Article 14, constitutional norms of transparency, and ease of voters.

He, however, contended that sub-section (3) of Section 21 of the 1950 Act allowed the EC to travel beyond the prescribed limits to revise electoral rolls as long as the reasons were recorded and the procedures were fair and just. Section 21(3) unshackled the EC, he said.

"You have the authority to deviate, but not by throwing out the Rules... Form 6 has six notified

'Bengal SIR shows discrepancies that defy science'

NEW DELHI

The Election Commission has said that many instances of "logical discrepancies" found in West Bengal's electoral roll, including two electors found with more than 200 children, defies science. » PAGE 5

documents, your SIR has 11 documents. We would call upon you to answer if you can increase or eliminate documents which are already prescribed?" Justice Joymalya Bagchi, a member of the Division Bench, asked the poll body.

Justice Bagchi drew Mr. Dwivedi's attention to clause (2) of Rule 25 of the 1960 Rules, which mandated that an intensive revision of the electoral roll would include the preparation of a fresh roll in accordance with the procedure

prescribed under Rules 4 to 23.

"Rule 25 puts the shackles on you... It cannot be that an authority, however high, can be untrammelled or unregulated..." Justice Bagchi said, leaving it hanging for Mr. Dwivedi to grasp the court's line of thought.

Mr. Dwivedi argued that sub-section (3) of Section 21 was a step up from the preceding sub-section (2) of the 1950 Act. Sub-section (2) provided the EC with the authority to hold a revision of the electoral roll before an election.

Justice Bagchi said the provision of summary revisions in the 1950 Act was a manifestation of the Parliament's wisdom, as there was constant movement/migration of the population in the early years after independence. There was a lot of flux then, he said. The Parliament knew it would take some years for the population to settle.

KEY HIGHLIGHTS

Context

- Supreme Court of India examined legality of Special Intensive Revision (SIR) of electoral rolls by Election Commission of India
- Issue: Procedural deviations during SIR affecting existing voters
- Legal framework involved:
 - Article 324
 - Section 21, Representation of the People Act, 1950
 - Registration of Electors Rules, 1960

Key Points

- EC has wide discretionary powers under Article 324
- Discretion not absolute; must follow:
 - Principles of natural justice
 - Equality before law (Article 14)
 - Statutory procedure
- Section 21(3), RP Act, 1950:
 - Allows special revision of electoral rolls
 - Does not permit bypassing statutory rules
- Rule 25(2), Registration of Electors Rules, 1960:
 - Intensive revision must follow Rules 4–23
- Court objected to:
 - Expansion of documentary proof beyond Form 6
 - Lack of procedural transparency
- Electoral roll revision affects civil rights of existing voters
- Administrative discretion subject to judicial review

Static Linkages

- Article 324: Superintendence, direction, control of elections
- Article 14: Equality before law
- Article 326: Universal adult suffrage
- RP Act, 1950: Electoral roll preparation and revision
- Registration of Electors Rules, 1960: Procedural safeguards
- Natural justice applicable to administrative actions affecting rights

Critical Analysis

Positives

- Protects voter enfranchisement
- Reinforces rule of law
- Prevents arbitrary deletion of voters
- Ensures procedural fairness

Concerns

- Over-expansive discretion risks voter exclusion
- Documentary rigidity affects migrants and urban poor
- Frequent intensive revisions cause administrative strain

Way Forward

- Strict adherence to Registration of Electors Rules
- Clear SOPs for Special Intensive Revision
- Limit documentary proof to notified documents
- Ensure notice, hearing, and reasoned orders
- Balance electoral purity with voter convenience

Multi-disciplinary team of experts to 'define' Aravallis

Krishnadas Rajagopal
NEW DELHI

The Supreme Court intends to have a team of domain experts help "define" the Aravalli Range, and draw a road map for permissible activities, including the possibility of regulated mining in one of the oldest and ecologically-sensitive mountain systems in the world.

The committee would comprise experts from "different walks of life", including environmentalists, scientists, foresters, and "special experts in regulated mining wherever the law permits", a Bench headed by the Chief Justice of India Surya Kant said on Wednesday.

The court asked Additional Solicitor-General Aishwarya Bhati and *amicus curiae*, senior advocate K. Parameshwar, to suggest names.

The experts would work "under the umbrella" of the Supreme Court, directly under the court's supervision and control, Chief Justice Kant said.

A previous Supreme Court judgment on November 20, 2025, upholding a Union government committee's definition of the Aravalli, had led to public furore and apprehensions voiced about the ecological safety of the hill range. Elevations of 100 metres or above, and hill clusters, slopes and hillocks located within 500 metres of each other, would be considered as the Aravalli, the earlier definition had said. The top court, however, ordered a stay of this judgment on

December 29, 2025, after taking up the case again, *suo motu*.

On Wednesday senior advocate Kapil Sibal, for an intervenor, questioned the very exercise of trying to define the Aravalli. "Mountains cannot be defined. The Himalayas cannot be defined. These are sub-tectonic strata. If you try to define them, you will run into problems," Mr. Sibal advised the court.

No more mining leases

The Supreme Court, while staying its own judgment on the definition of the range, had found that only 1,048 Aravalli hills out of a total 12,081 in Rajasthan alone would meet the 100-metre elevation threshold and, consequently, the lower ranges would be "stripped off" the environmental protection, exposing them to unregulated mining. The court had agreed that it would be a "significant regulatory lacuna" in safeguarding the Aravalli. "This stay shall remain in effect until the present proceedings reach a State of logical finality, ensuring that no irreversible administrative or ecological actions are taken based on the current framework," the court had ordered. It had barred fresh or renewed mining leases in the Aravalli region without prior permission of the apex court.

Chief Justice Kant on Wednesday admitted the intervention application represented by Mr. Sibal, saying this was not an adversarial litigation, and views and ideas were welcome.

- To ensure status quo—no administrative or mining actions based on a flawed definition.
- Demonstrates application of the Precautionary Principle.

Why a committee of domain experts?

- Mountains like the Aravallis are tectonic and continuous formations, not isolated hills.
- Experts can assess:
 - Geological continuity
 - Groundwater systems
 - Biodiversity and forests
 - Impact of mining
- The committee will work under Supreme Court supervision, ensuring neutrality and credibility.

Why is mining restricted during this period?

- Mining causes:
 - Loss of forest cover
 - Groundwater depletion
 - Desertification
- Court barred fresh or renewed mining leases to avoid fait accompli situations.

Why are the Aravallis important ?

- Among the oldest fold mountains in the world.
- Act as a barrier to the eastward spread of the Thar Desert.
- Crucial groundwater recharge zone for north-western India.
- Loss of Aravallis → increased heat waves, dust storms, water scarcity.

Why did some argue against "defining" the Aravallis?

- Argument: Mountains cannot be strictly defined by height.
- Geological systems are sub-tectonic and continuous.
- Over-definition may lead to legal and ecological distortions.

Constitutional & Governance Significance

- Reflects judicial activism in environmental governance.
- Balances:
 - Development needs
 - Environmental protection
- Reinforces doctrines of:
 - Public Trust Doctrine
 - Inter-generational Equity

KEY HIGHLIGHTS

Why did the Supreme Court intervene in the Aravalli issue?

- The Supreme Court of India found that an earlier definition of the Aravalli Range based mainly on height (100 metres or more) was ecologically unsafe.
- This definition would leave most Aravalli hills unprotected, allowing unregulated mining.
- Since the Aravallis are ancient geological formations, a narrow technical definition could cause irreversible environmental damage.

What problem did the earlier definition create?

- In Rajasthan, only 1,048 out of 12,081 hills met the 100-metre criterion.
- Remaining hills would lose protection despite being part of the same ecological and geological system.
- This created a regulatory vacuum (lacuna) in environmental protection.

Why did the Court stay its own judgment?

- To prevent irreversible ecological harm until a scientifically sound framework is evolved.

'Freebies' different from investing in welfare for the marginalised, says SC

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Wednesday drew a clear line between state functionaries splurging public money on irrational freebies and "investing" in welfare schemes for the marginalised sections.

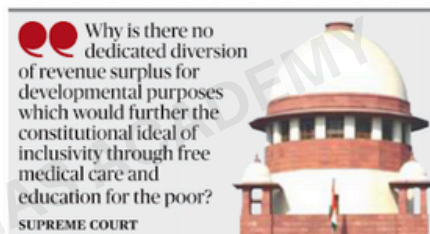
"Distribution of state largesse to individuals at a large scale is different from investing state largesse in public welfare schemes. That distinction should be kept in mind," Chief Justice Surya Kant observed orally.

The Supreme Court asked why there was no

"dedicated diversion of revenue surplus for developmental purposes which would further the constitutional ideal of inclusivity through free medical care and education for the poor and those not in the creamy layer of the society. The state has a commitment towards this end".

The Chief Justice said launching welfare schemes was an obligation the state had to achieve under the Directive Principles of State Policy in the Constitution.

The oral observations from the Bench, also comprising Justice Joymalya Bagchi, was in response to



an oral mentioning made by advocate Ashwini Kumar Upadhyay for early listing of a batch of petitions seeking a judicial declaration that irrational freebies offered by political parties to lure voters during poll time should be

considered a "corrupt practice".

Mr. Upadhyay said when the petition was filed, the nation was in debt of ₹1.5 lakh crore, which had since increased to ₹2.5 lakh crore. Every Indian was in debt, and yet the state con-

tinued to rain freebies before polls, he submitted. "This is a very, very important matter," Chief Justice Kant reacted, agreeing to list it early for hearing.

'Parasitic existence'

In January last year, a top court Bench headed by Justice (now retired) B.R. Gavai had asked whether untrammelled freebies hull the poor into a parasitic existence, depriving them of any initiative to find work, join the mainstream and contribute to national development.

The court has, in previous hearings in the case, made its anxiety plain

about parties, which form the government riding the wave created by their pre-poll promises of "free gifts", bleeding the State finances dry by actually trying to fulfil their "wild" promises of largesse using public money.

Amicus curiae, senior advocate Vijay Hansaria, had submitted that the court had to decide whether "giving freebies would be a corrupt practice under Section 123 of the Representation of the People Act, 1951 and become a ground for moving court in an election petition".

Senior advocate Arvind Datar, for the petitioner

side, had submitted that freebies ought to be considered as "expenditure defrayable by the Union or a State out of its revenues" under Article 282. Advocate Prashant Bhushan had said legitimate freebies must not be classed with discriminatory gifts.

Consistently, over the years, the court has been shifting away from its 2013 judgment in the *S. Subramaniam Balaji versus Tamil Nadu* case, which held that making promises in election manifestos did not amount to a "corrupt practice" under Section 123 of the Representation of the People Act.

KEY HIGHLIGHTS

Context / Background

- The Supreme Court of India distinguished between irrational freebies and legitimate welfare schemes.
- Observation made while considering petitions seeking to declare poll-time freebies as corrupt practice.
- Bench led by Surya Kant emphasised constitutional obligation of welfare.

Core Observations of the Court

- Distribution of largesse to individuals ≠ investment in public welfare.
- Welfare schemes for marginalised sections are constitutional obligations, not charity.
- State must prioritise healthcare and education for non-creamy layer.
- Concern over absence of dedicated revenue surplus for inclusive development.
- Judicial concern on fiscal stress due to unrestrained freebies.

Legal & Constitutional Aspects

- Welfare obligation flows from Directive Principles of State Policy (DPSP).
- Article 38: Reduce inequalities.
- Article 39(b), 39(c): Equitable distribution of resources.
- Article 41: Right to work, education, public assistance.
- Article 47: Improvement of public health.
- Article 282: Grants for public purposes by Union/States.
- Debate on Section 123, RPA 1951 (corrupt electoral practices).
- Earlier precedent: *S. Subramaniam Balaji vs State of Tamil Nadu* held manifesto promises not corrupt practice.

Issues Highlighted

- Fiscal sustainability vs populist politics.
- Risk of welfare turning into dependency ("parasitic existence").
- Electoral distortion due to competitive freebies.
- Absence of objective criteria to define "irrational freebies".

Governance & Policy Linkages

- Fiscal discipline under FRBM Act, 2003.
- Election integrity and level playing field.
- Accountability in public expenditure.
- Outcome-based welfare vs consumption-based transfers.

Way Forward (Exam-Focused)

- Define objective parameters to distinguish welfare from freebies.
- Mandatory fiscal impact statement in election manifestos.
- Strengthen role of Election Commission of India in regulating promises.
- Link welfare schemes with human capital creation.
- Ensure welfare spending aligns with long-term development goals.

Prelims Pointers

- DPSPs are non-justiciable but fundamental in governance.
- Article 282 does not imply unlimited discretionary spending.
- Corrupt practice under RPA requires statutory interpretation, not mere political morality.

Mains Value Addition

- Reflects tension between constitutional morality and electoral populism.
- Judiciary increasingly asserting role in fiscal constitutionalism.
- Reinforces concept of inclusive but responsible welfare state.

Judicial removal — tough law with a loophole

There has been much attention on 107 Members of Parliament in the Lok Sabha (the 107th Lok Sabha) having given notice of an impeachment motion in December 2025, seeking the removal of Justice G.R. Swaminathan, Judge of the Madras High Court. The motion had 13 charges against the judge which included one that the judge has been acting against secular constitutional principles and favouring lawyers of a particular community. The notice of the motion was submitted to the Speaker of the Lok Sabha, Om Birla, on December 9.



P.D.T. Achary
is former Secretary
General, Lok Sabha

of integrity or any other offence involving moral turpitude would be misbehaviour. Misconduct implies action of some degree of mens rea by the doer."

Procedures of the motion

An analysis of Articles 124(4) and (5), the Judges (Inquiry) Act, 1968 and Rules would reveal that lawmakers were extremely careful about protecting the independence of the judiciary. So, the law relating to the removal of a judge of the superior courts was made as tough as possible. The main provisions of Articles 124(4) and (5) are: "an address to be passed by each House of Parliament supported by a majority of the total membership of each House and by a majority of not less than two-thirds of the members present and voting which shall be sent to the President seeking the removal of the judge who shall thereupon pass an order removing the judge from his office." It also provides for the enactment of a law by Parliament for regulating the procedure relating to the investigation of charges against the judge and for the presentation of an address to the President seeking his removal.

This Act provides for a motion to be submitted to either the Speaker (Lok Sabha) or the Chairman (Rajya Sabha) signed by Members of either House. The Act requires not less than 100 Members of the Lok Sabha to sign the notice of motion if given to the Speaker and not less than 50 Members of the Rajya Sabha to sign the notice if given to the Chairman. The motion seeks to present an address to the President for the removal of the judge.

The Act in fact introduces a procedure under which the motion given notice is required to be admitted by the Speaker/Chairman in the first place. The Act further says that the Speaker/Chairman may even disallow the motion. Of course, he will consider materials available to him and may also consult such persons as he thinks fit before admitting or rejecting the motion. The most crucial thing about this procedure is that if the Speaker/Chairman refuses to admit the motion, no further action will be taken in the matter and the motion will lapse.

This procedure needs closer examination. The Act does not mention the conditions of admissibility of the motion, which is the case in respect of all motions and resolutions under the Rules of Procedure of the Houses of Parliament. It may be noted here that the Speaker/Chairman while admitting or disallowing the motion under this Act is not performing the duty as the Presiding Officer of the House. On the contrary, he acts as a statutory authority and thus performs a statutory Act. Still, the basic conditions of admissibility of the motion need to be spelt out. Otherwise, the action of disallowing the motion

may attract the charge of arbitrariness especially when the Speaker is performing a statutory act. It is another matter that since disallowing the motion is a statutory Act, as distinct from a legislative Act performed in the House, it can be challenged in court.

Where the law lies

As a matter of fact, the charges against a judge are thoroughly investigated by a committee appointed by the Speaker/Chairman consisting of a Judge of the Supreme Court, the Chief Justice of a High Court and a distinguished jurist. This action is taken after the motion is admitted by the Speaker/Chairman. This will be a detailed investigation done by very experienced judicial officers. So, what exactly will be the examination which the Speaker/Chairman will do at the first stage? It may be mentioned here that under the law, the preliminary examination by the Speaker/Chairman is of such crucial importance that if the notice of motion signed by as many as 100 or more Members of Parliament is disallowed without assigning any reasons, the whole exercise which is undertaken by Parliament for the impeachment of a judge under a constitutional provision becomes infructuous because the motion does not survive. This points to a serious flaw in the law. Article 124(5) does not refer to any specific motion which is required to be admitted or disallowed by the presiding officer of the House. It may be noted here that under Article 61, there is a provision for a resolution which is mandatorily to be moved, but this Article does not empower the Speaker/Chairman to refuse to admit it on any grounds.

In fact, Article 124(5) which empowers Parliament to make a law to "regulate the procedure for the presentation of an address" and for "investigation and proof of the misbehaviour or incapacity of a judge" does not leave any space for the Speaker/Chairman to refuse admission of the motion. Proof of misbehaviour is to be established through investigation which is to be done by the high-level committee appointed by the Speaker/Chairman. So, obviously, there is no ground on which a motion signed by as many as 100 Members of Parliament (MP) can be rejected at the threshold. There is no reason to think that the MPs who move a motion for impeaching a judge will do so without being serious about it. But there is every reason to think that a motion for impeaching a judge is most likely to be disallowed at the threshold if the government does not want it. Thus, the operation of a serious constitutional provision for removing an unworthy judge can be thwarted by the whims of a government.

Therefore, the provision which gives the Speaker/Chairman an option to disallow the motion needs to be revisited.

Statutory Framework

- Judges (Inquiry) Act, 1968 enacted under Article 124(5).
- Regulates:
 - Investigation of charges
 - Presentation of address to the President

Initiation of Motion

- Minimum signatories:
 - 100 Lok Sabha MPs, or
 - 50 Rajya Sabha MPs
- Motion is submitted to:
 - Speaker (Lok Sabha), or
 - Chairman (Rajya Sabha)

Role of Speaker/Chairman

- Acts as a statutory authority, not as Presiding Officer of the House.
- Has discretion to:
 - Admit, or
 - Disallow the motion
- The Act does not specify admissibility criteria.

Critical Procedural Issue

- If the motion is disallowed at the threshold:
 - No inquiry is conducted
 - Motion lapses permanently
- No requirement to:
 - Assign reasons explicitly
- Decision is justiciable (can be challenged in court).

Post-Admission Procedure

- A three-member Inquiry Committee is constituted:
 - One Supreme Court Judge
 - One Chief Justice of a High Court
 - One distinguished jurist
- Committee conducts detailed investigation and submits a report.

Final Removal Process

- Each House must pass an address with:
 - Majority of total membership, and
 - Two-thirds of members present and voting
- Address sent to the President, who issues the removal order.

Key Concerns

- Excessive discretion of Speaker/Chairman at admission stage.
- Absence of objective standards → risk of arbitrariness.
- Executive influence may block judicial accountability.
- Contradiction with the spirit of Article 124(5), which emphasises investigation.

Way Forward

- Define clear admissibility criteria in law.
- Mandate reasoned orders for rejection.
- Reduce discretionary veto at threshold.
- Balance judicial independence with constitutional accountability.

The terms and conditions

Impeachment of a judge of the Supreme Court of India is provided for in Articles 124(4) and 124(5) of the Constitution and that of a High Court judge in Articles 217(1)(b) and 218. The term 'impeachment' is not used in the Constitution which instead uses the term 'removal' in the case of judges. The term 'impeachment' is used only in the context of the removal of the President of India from office (Article 61). The procedure laid down in Article 124 for the removal of a Supreme Court judge applies to a High Court judge as well.

Article 124(5) provides that Parliament may make law to regulate the procedure for the investigation of the charges against the judge. Accordingly, Parliament enacted the Judges (Inquiry) Act in 1968 which, together with the Judges Inquiry Rules, deals with the entire procedure for the impeachment of judges.

A judge of the Supreme Court or the High Court can be removed from office on the ground of proved misbehaviour or incapacity. Misbehaviour has not been specifically defined in the Constitution. But the Court has in a number of judgments explained this term as conduct which brings dishonour to the judiciary, wilful misconduct, corruption, lack of integrity, offence involving moral turpitude, and wilful abuse of judicial office.

There have been very lofty pronouncements by the top court on the ideal conduct of judges. In *K. Venkataswami v Union of India And Others* (1991), the Court said that "...the society's demand for honesty in a judge is exacting and absolute. The standards of judicial behaviour both on and off the bench are normally extremely high. For a judge to deviate from such standards of honesty and impartiality is to betray the trust reposed on him. No excuse or no legal relativity can Condon such betrayal."

On the meaning of proven misbehaviour, the Court in *M. Krishna Swami v Union Of India and Ors* (1992) says "every act or conduct or even error of judgments or negligent acts by higher judiciary per se does not amount to misbehaviour. Wilful abuse of judicial office, wilful misconduct in the office, corruption, lack

The operation of a serious constitutional provision for removing an unworthy judge can still be thwarted

KEY HIGHLIGHTS

Judicial Removal Process

- December 2025: 107 Lok Sabha MPs submitted a notice seeking removal of a Madras High Court judge on grounds of alleged misbehaviour.
- The notice was submitted to the Speaker of the Lok Sabha as per statutory procedure.

Constitutional Provisions

- The Constitution uses the term "removal", not impeachment, for judges.
- Article 124(4) & 124(5): Removal of Supreme Court judges.
- Articles 217(1)(b) & 218: Apply the same procedure to High Court judges.
- Impeachment term is used only for the President of India (Article 61).

Grounds for Removal

- Proved misbehaviour, or
- Incapacity
- Misbehaviour is not defined in the Constitution.

Judicial Interpretation of Misbehaviour

- Includes:
 - Wilful misconduct
 - Corruption
 - Lack of integrity
 - Moral turpitude
 - Wilful abuse of judicial office
- Errors of judgment or negligence alone do not constitute misbehaviour.
- Presence of mens rea is essential.

Lowering the age of juvenility for crimes is a step back

It has been a decade since the Juvenile Justice (Care and Protection of Children) Act, 2015, or the JJ Act, came into force, altering the juvenile justice landscape by introducing the "transfer system." A Private Member's Bill introduced in Parliament in December 2025 has sought to amend the JJ Act by lowering the age threshold from 16 to 14 years for children accused of "heinous" offences. These are offences with a minimum punishment of seven years' imprisonment or more. If enacted, this will permit 14 to 15 year olds to potentially be exposed to adult criminal trial processes and prison, further eroding principles of care, rehabilitation and reintegration and prioritising retribution.

The problem with the 'transfer system'
The Indian juvenile justice is premised on the philosophy that children are developmentally different from adults, and are amenable to reform. In response to the Delhi gang rape case (2012), the JJ Act took a punitive turn, introducing the "transfer system," under which 16 to 18 year olds accused of heinous offences are subjected to a preliminary assessment by the Juvenile Justice Board (JJB) to determine whether they should be tried as adults. Their mental capacity and ability to understand consequences of the offence are assessed among other things. If transferred, the children's courts can try them as an adult or deal with them as a child.

This change was not supported either by empirical evidence or by the Parliamentary Standing Committee that had examined the Bill and found it to be contrary to domestic and international standards on juvenile justice. Evidence is now emerging that the transfer system is fraught with arbitrariness, procedural complexity and confusion. By requiring assessment of whether a child "knew the consequences" of an act or possessed the "mental capacity" to commit it, the framework shifts attention away from developmental stages and lived circumstances towards an abstract notion of blame. Besides, no tools exist that can



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determine if a child has adult-level capacities to commit a crime, or retrospectively assess their mental capacity at the time of the alleged offence. Assessments have turned on considerations bearing little relationship to developmental capacity such as whether the child knew that the act was "wrong", whether they appeared fearful and repentant during arrest, or whether they could describe the possible consequences of their actions.

Similarly placed children are exposed to starkly different outcomes, resulting from personal circumstances, assessment processes, and subjective decisions of JJBs, rather than their actual conduct. No framework, however carefully devised, can resolve the inherent inequality embedded in a process that undermines the rehabilitation objective, creates an artificial classification of children, and results in discriminatory outcomes. Expanding this mechanism to children as young as 14 risks institutionalising arbitrariness at an earlier and more vulnerable stage of childhood.

The reality of adolescent offending
The present Bill also asserts that there has been a noticeable increase in serious crimes committed by 14 to 16 year olds, and reducing the age threshold is necessary to ensure accountability and deterrence.

However, according to National Crime Records Bureau (NCRB) statistics, in 2023, 31,365 cases were registered against Children in Conflict with the Law (CICL), which constituted 0.5% of all crimes registered that year. Further, of the 40,036 CICLs apprehended in 2023, 79% (31,610) were between ages 16 to 18 years, with those aged between 12 and 16 constituting the remaining 21% (8,426). The NCRB data thus directly contradicts any claim that younger adolescents, specifically those between 14 to 16 years, are the driving force behind an increase in serious crime. The proposal also reflects a flawed understanding about how children enter the criminal justice system.

Many cases involving adolescents arise from structural vulnerability and inequalities. It bears recalling that many children in conflict with the law are simultaneously children in need of care and protection, whose contact with the justice system reflects unmet welfare obligations rather than inherent criminality. Lowering the age threshold risks drawing these children deeper into punitive processes, without improving the system's ability to distinguish between culpability and vulnerability.

Exposure to adult criminal processes carries serious consequences for children. Detention interrupts schooling and stunts cognitive development, criminal proceedings generate stigma, and prolonged engagement with the justice system creates lasting psychological strain. The process itself is punitive and traumatising, regardless of the outcome. With evidence that children are still illegally detained in police stations and placed in adult prisons, contrary to statutory safeguards, the problem that needs fixing is the systemic failure and lack of accountability to protect children in conflict with the law.

Fix the system, not the child
The Bill shifts the system decisively toward punishment at an earlier age, and diverts attention from the need for early intervention, strengthening of family, education, mental health support and systemic changes. Legislative attempts at blurring the distinction between adolescence and adulthood undermine foundational child rights principles, including best interests and equality before the law. If the goal is to respond meaningfully to serious harm, the answer lies not in withdrawing protection, but in investing in the strengthening of institutions and communities meant to support children before harm occurs. Recasting such systemic failures as justification for the harsher treatment of CICLs does not solve the problem. It merely transfers its consequences onto those who are least equipped to bear them.

Conceptual Issues

- Shifts juvenile justice from reformative to retributive.
- Introduces subjectivity and arbitrariness in assessments.
- Creates artificial classification within childhood.
- Focus moves from developmental vulnerability to blameworthiness.

Static Linkages

- Article 15(3) – Special protection for children.
- Article 39(e), 39(f) – Protection from abuse and neglect.
- Parens Patriae doctrine – State as guardian.
- UN Convention on the Rights of the Child (UNCRC) – Child-specific justice.
- Beijing Rules / Havana Rules – Against adult trials of juveniles.

Implications

- Exposure to adult justice system leads to:
 - Educational disruption
 - Psychological trauma
 - Social stigma
 - Higher recidivism
- Ignores structural causes:
 - Poverty
 - Neglect
 - Lack of welfare support

Critical Analysis

- Deterrence argument lacks empirical backing.
- Punitive approach does not reduce crime.
- Systemic failures shifted onto children.
- Undermines best interests of the child principle.

Way Forward

- Retain 18 years as absolute age threshold.
- Review or repeal transfer system.
- Strengthen:
 - JJBs and Child Welfare Committees
 - Observation and Special Homes
- Focus on:
 - Early intervention
 - Mental health support
 - Family and community-based care
- Ensure strict compliance with child protection safeguards.

KEY HIGHLIGHTS

Context

- Juvenile Justice (Care and Protection of Children) Act, 2015 introduced the transfer system for 16–18 year olds accused of heinous offences.
- Private Member's Bill (Dec 2025) proposes lowering transfer age to 14 years.
- Heinous offences: Minimum punishment \geq 7 years.
- Proposal allows 14–15 year olds to face adult criminal trials.

Key Facts

- Transfer decision made by Juvenile Justice Board (JJB) via preliminary assessment.
- Assessment includes:
 - Mental capacity
 - Ability to understand consequences
 - Circumstances of offence
- Parliamentary Standing Committee (2015): Opposed transfer system.
- No scientific tools to assess adult-like criminal capacity in children.

Data

- National Crime Records Bureau (Crime in India 2023):
 - CICL cases: 0.5% of total crimes.
 - 79% CICLs aged 16–18.
 - Only 21% aged 12–16.
- Data contradicts claim of crime surge among 14–16 age group.

Meaningless formality

The conduct of Governors has undermined their constitutional role

The actions of Tamil Nadu Governor R.N. Ravi and his Kerala counterpart Rajendra Vishwanath Arlekar during their customary Legislative Assembly addresses on January 20 came as no surprise to those who have followed the conduct of Governors in non BJP-ruled States. In Chennai, Mr. Ravi declined to read the speech, which, his office said, had “unsubstantiated claims and misleading statements” to justify his walk out. In the past three years, the Governor has either digressed from the prepared speech or refused to read it out before walking out. In Thiruvananthapuram, Kerala Chief Minister Pinarayi Vijayan corrected the policy address made by the Governor, who, according to Mr. Vijayan, had skipped portions, as cleared by the Cabinet, and made additions. As long-serving Governors, Mr. Ravi and Mr. Arlekar should be aware that it is a time-honoured constitutional convention for a Governor to read out the exact text of the speech or special address which informs the State of the policies of an elected government. There has never been an incident of the British monarch departing from the official speech; and the Indian system is based on the Westminster model of parliamentary democracy. Yet, they have chosen to violate the convention even though they have no option but to function as “mouthpieces”, to quote former President R. Venkataraman, of the State governments. Mr. Ravi’s penchant is to court controversies but Mr. Arlekar did not repeat what he did last year, when he stuck to the script, striking an officially punctilious tone.

Apparently tired of Mr. Ravi’s repeated violations of the convention, Tamil Nadu Chief Minister M.K. Stalin has favoured a constitutional amendment to do away with the practice of commencing the first Assembly session of the year with the Governor’s address. Articles 87 and 176 of the Constitution require the President and Governors to make special addresses to Parliament and State legislatures, in the new year. About 35 years ago, President Venkataraman had repeatedly recommended to Prime Ministers Rajiv Gandhi and Chandra Shekhar that the practice be deleted through an amendment as he called it a “British anachronism” and a “meaningless formality”. This suggestion should be viewed in line with the thinking of the regime at the Centre, which seems to have taken upon itself the task of repealing “outdated colonial laws”. The language of the two Articles was borrowed from the rules of the House of Commons. Nothing would be lost if the Articles are scrapped, as the President and the Governors still retain their right to address the legislature under Articles 86 and 175. Importantly, Governors should not assume powers and functions that are not envisaged under the Constitution and should set an example of respecting the letter and spirit of the Constitution.

KEY HIGHLIGHTS

Context / Current Issue

- Governors of Tamil Nadu and Kerala deviated from the Cabinet-approved Governor’s address to State Legislatures (Jan 20).
- Tamil Nadu Governor refused to read the speech; Kerala Governor allegedly omitted and added portions.
- Chief Ministers objected, citing violation of constitutional convention.
- Demand raised for constitutional amendment to abolish mandatory Governor’s address.

Constitutional Provisions

- Article 176: Governor shall address State Legislature at the beginning of the first session each year.
- Article 175: Governor may address or send messages to the House(s).
- Article 163: Governor acts on aid and advice of Council of Ministers (except discretionary matters).
- Article 86 / 87: Similar provisions for President and Parliament.

Constitutional Convention

- Governor must read exact Cabinet-approved text.
- Address reflects policies of elected government, not Governor’s views.
- Derived from Westminster model of parliamentary democracy.
- Conventions are non-justiciable but binding for constitutional functioning.

Issues Highlighted

- Politicisation of Governor’s office.
- Erosion of constitutional morality and neutrality.
- Federal tensions between Centre and Opposition-ruled States.
- Repeated deviation converts nominal head into political actor.

Reform Debate

- Former President R. Venkataraman: Governor/President’s address is a “British anachronism”.
- Articles 87 and 176 can be repealed without affecting Articles 86 and 175.
- Government’s stated objective of repealing outdated colonial practices strengthens reform argument.

Federalism Angle

- Governor is a link between Centre and State, not a parallel authority.
- Misuse undermines cooperative federalism.
- Assembly floor disputes weaken legislative dignity.

Way Forward

- Strict adherence to aid and advice principle.
- Codification of conventions on Governor’s conduct.
- Implement Sarkaria & Punchhi Commission recommendations.
- Consider constitutional amendment to modify/remove Article 176.
- Depoliticised and consultative Governor appointment process.
- Emphasis on constitutional restraint and institutional propriety.

Prelims Takeaways

- Governor has no discretion in policy address content.
- Address is procedural, not policy-making.
- Conventions are essential to parliamentary democracy.

Mains Value Addition

- Illustrates tension between constitutional text vs constitutional morality.
- Case study on misuse of office and federal imbalance.
- Relevant for questions on Governors, Centre–State relations, and democratic conventions.

Building bridges

The benefits of cross-border CBDC payments could outweigh costs

The RBI's reported moves towards encouraging India's BRICS partners to link their digital currencies with the RBI's own Central Bank Digital Currency (CBDC) are sensible but one that could pose some risks. According to news reports, the RBI has recommended to the Centre that a proposal connecting the CBDCs of the BRICS countries be made part of the agenda for the 2026 BRICS summit in India. This is a natural progression of India's push during its presidency of the G-20 in 2023 for international cooperation and standardisation on cryptocurrencies. The RBI has historically been extremely conservative about private cryptocurrencies, repeatedly calling for a ban, and progressive about CBDCs, arguing that they have multiple uses. Its stance seems largely correct – it recognises the evident risks of cryptocurrencies as assets to invest in, but sees the advantages of the blockchain as the backbone of payments infrastructure. While a ban on private cryptocurrencies seems extreme, their widespread adoption does expose the public to extreme volatility, fraud potential, and an erosion of wealth. CBDCs have the advantage of a sovereign guarantee and are also not interest-bearing. They are not only safe but will also not attract people looking to make returns. That said, India in particular has little use for a domestic CBDC. As digital payments go, the UPI infrastructure has proven to be excellent but has also far too big a headstart for CBDC to overcome. This is why the RBI's attempts to use CBDCs for international payments are a sensible approach.

Cross-border payments are a significant channel for black and laundered money. Any attempts to bring further transparency to such flows are welcome. Blockchains are excellent instruments for this purpose. They form transparent and immutable records of transactions and can be coded to provide relevant details such as the points of origin and destination. A BRICS agreement on such a payment infrastructure could further mandate that payments be linked to national identity numbers or tax departments. CBDC payments would also help ease some of India's stickier international payments issues. Payments to Russia and Iran, for example, will become easier since the SWIFT network is not available to either country. On the other hand, exactly such payments and the related move away from the dollar will inevitably anger President Donald Trump. He has already warned of additional tariffs on BRICS countries should they move away from the dollar. That said, with 50% tariffs in place, India needs to see whether incremental tariffs will actually hurt. The benefits of cross-border CBDC payments could still outweigh the costs.

KEY HIGHLIGHTS

Context

- RBI proposed linking CBDCs of BRICS countries for cross-border payments.
- Proposal likely to be discussed at 2026 BRICS Summit (India host).
- Continuation of India's G20 (2023) push on digital finance standardisation.
- RBI supports CBDCs; opposes private cryptocurrencies.

Key Points

- CBDC: Sovereign digital legal tender issued by central bank (RBI).
- e₹ (Digital Rupee): Retail and Wholesale pilots underway.
- Non-interest bearing instrument.
- Blockchain/DLT based payment infrastructure.
- Focus on cross-border payments, not domestic retail use.
- UPI dominance limits domestic CBDC adoption.
- Cross-border CBDCs may bypass SWIFT.

- Useful for payments with sanctioned countries (Russia, Iran).
- Supports de-dollarisation trends within BRICS.
- Potential US backlash via tariffs.

Static Linkages

- Money functions: Medium of exchange; unit of account.
- RBI Act, 1934: Currency issuance authority.
- Blockchain: Distributed ledger, immutability.
- Balance of Payments: Settlement of international transactions.
- Bretton Woods legacy: Dollar centrality.

Critical Analysis

Positives

- Enhances transparency in cross-border flows.
- Reduces cost and time of remittances.
- Limits illicit money and laundering.
- Strengthens financial sovereignty.
- Enables trade continuity under sanctions.

Negatives

- Geopolitical retaliation risks.
- Privacy and data protection concerns.
- Interoperability challenges.
- Limited domestic utility in India.
- Risk of financial fragmentation.

Way Forward

- Start with wholesale CBDC corridors.
- Common BRICS standards for AML/CFT.
- Strong data protection safeguards.
- Use only for trade settlement initially.
- Align with BIS and IMF frameworks.

Trump

Trump said he wanted immediate negotiations on a US acquisition of Greenland, which is a Danish territory, and warned: "They have a choice. You can say yes, and we will be very appreciative, or you can say no, and we will remember."

US stocks staged a modest recovery after the sharpest equities selloff in three months, with the S&P 500 up about 1% after Wednesday's remarks by Trump, who attributed the prior dip in markets to his comments on Greenland.

Rather than focusing on the economic message his aides had previewed, Trump delivered more than an hour of scolding and threats aimed at countries already unnerved by his push to seize territory from Denmark, which is a longtime US NATO ally.

He chastised Europeans on issues ranging from wind power and the environment to immigration and geopolitics, while casting himself as a defender of Western values. And while he took the threat of force off the table for Greenland, Trump bragged about US military might, citing recent operations such as the shock ousting of Venezuela's Nicolas Maduro earlier this month.

(Agencies add: Trump said the US had effectively saved Europe during World War II and even declared of NATO: "It's a very small ask compared to what

• Going to have a good deal: Trump on India

US PRESIDENT Donald Trump said Wednesday that the US will have a "good deal" with India on bilateral trade. Asked by Moneycontrol in Davos for an update on the India-US trade deal talks, Trump said, "I have great respect for your Prime Minister. He's a fantastic man and a friend of mine. We are going to have a good deal." — ENS

"I settled eight other wars. India, Pakistan... Armenia, Azerbaijan. Putin said, I can't believe you settled that one."

When America booms the whole world booms... You all follow us down and you follow us up. — DONALD TRUMP, U.S. PRESIDENT

we have given them for many, many decades."

"After the war, which we won... without us, right now, you'd all be speaking German, and a little Japanese perhaps... we gave Greenland back to Denmark, how stupid were we to do that," he said.)

Calling Denmark "ungrateful," the Republican US President played down the territorial dispute as a "small ask" over a "piece of ice" and said an acquisition would be no threat to the NATO alliance, which includes Denmark and the United States.

Trump said Greenland is crucial to the "Golden Dome" missile-defense system and urged immediate negotiations.

"No nation or group of nations is in any position to be able to secure Greenland other than the United States," said Trump, who on four occasions mistakenly re-

ferred to Greenland as Iceland, another NATO member state.

"It's clear from this speech that the President's ambition is intact," Denmark's Foreign Minister Lars Løkke Rasmussen told reporters in Copenhagen, adding: "In isolation, it's positive that the President says what he does regarding the military, but that does not make the problem go away".

Trump, who marked the end of a turbulent first year in office on Tuesday, is set to overshadow the agenda of the WEF, where global elites chew over economic and political trends. NATO leaders have warned that Trump's Greenland strategy could upend the alliance, while the leaders of Denmark and Greenland have offered a wide array of ways for a greater US presence on the strategic island territory of 57,000 people.

His threat at the weekend to

impose rising tariffs on eight European countries, including NATO allies, if they do not support his acquisition of the Arctic island has rattled politicians in Europe and jolted markets. The European Parliament is suspending its work on the European Union's trade deal with the United States in protest at Trump's Greenland demands.

"We want a piece of ice for world protection, and they won't give it," Trump said in his speech to a hall filled with what he called "so many friends, a few enemies."

Trump also used his speech to settle scores on other grievances. He rounded on Britain over extracting insufficient oil from the North Sea, Switzerland over its trade surplus in goods with the US, France over its pharmaceutical policy, Canada for what he saw as its ingratitude and NATO for its unwillingness to bend to US interests.

He chided Canadian PM Mark Carney after the latter delivered a rousing address on a "rupture" in the international rules-based order. "They should be grateful to us, Canada. Canada lives because of the United States. Remember that, Mark, the next time you make your statements," Trump said.

Several European policymakers who were in the room declined to comment on Trump's remarks. However, Swedish Deputy Prime Minister Ebba Busch said: "This once again proves the EU needs to toughen up, we need to hold the line." — REUTERS

KEY HIGHLIGHTS

Context / Background

- Donald Trump reiterated US demand for control over Greenland at the World Economic Forum.
- Ruled out use of military force but hinted at economic pressure (tariffs).
- Greenland is an autonomous territory under Denmark, a NATO ally.
- Issue has geopolitical, security, and international law implications.

Key Facts

- Greenland lies in the Arctic region; population ~57,000.
- Hosts critical US military infrastructure (Thule Air Base).
- Strategic for missile early-warning systems and Arctic surveillance.
- Arctic gaining importance due to climate change and new sea routes.
- Tariff threats raised concerns in Europe and global markets.

Static Linkages

- NCERT Geography: Arctic region—resource-rich, climatically sensitive.
- International Law: Self-determination principle; territorial acquisition requires consent.
- NATO Charter: Respect for sovereignty of member states.
- IR Theory: Realism and geopolitics—control of strategic locations.

Critical Analysis

- Strategic advantage for US in Arctic security and missile defence.
- Risks undermining rules-based international order.
- Potential strain on NATO cohesion.
- Economic coercion via tariffs may escalate trade tensions.

Way Forward

- Strengthen multilateral Arctic governance mechanisms.
- Enhance cooperation without sovereignty claims.
- Uphold international law and self-determination.
- Separate trade negotiations from security disputes.

I-PAC

records of the Registrar of Companies (ROC) in August 2018, three years prior to the declared transaction. All its six listed shareholders denied knowledge of any dealing with I-PAC or providing it a loan.

According to ROC filings scrutinised by *The Indian Express*, the I-PAC, in a document dated December 17, 2021, attached a "list of creditors" and declared it had received Rs 13.50 crore in the form of an "unsecured loan" from a company called 'Ramasetu Infrastructure India (P) Limited'. The lender address provided in the I-PAC document was '3rd Floor, Ashoka Plaza, Delhi Road, Rohtak, Haryana'.

A visit to the address in Rohtak revealed that no such company operated from the premises. Moreover, a search of ROC records showed that no company by the name 'Ramasetu Infrastructure India (P) Limited' had ever been incorporated.

What does exist in official records is a similarly named entity called 'Ramasetu Infrastructure India Private Limited', incorporated in October 2013 at the same Rohtak address. That com-

pany, however, was struck off by the ROC on August 8, 2018, three years before I-PAC's declaration of the loan.

In another declaration on June 27, 2025, the I-PAC said it had "repaid" Rs 1 crore of the Rs 13.50 crore loan in 2024-25 and there was an outstanding amount of Rs 12.50 crore.

The Indian Express sent queries to I-PAC co-founder and director Pratik Jain via email and mobile phone, seeking comments on the source of the loan and the identity of the lender. He did not respond. Queries were also sent to I-PAC's Faridabad-based Chartered Accountant Poonam Chaudhary, but she declined to comment. One of her associates said, "We have forwarded your queries to Mr. Jain. He himself may reply." The I-PAC's Company Secretary Taruna Kalra, also Faridabad-based, too declined comment.

According to ROC documents, Ramasetu Infrastructure India Private Limited was dissolved under Section 248 (1) of the Companies Act, 2013, which allows the Registrar to strike off companies that have failed to commence business, have ceased operations for two consecutive years, or have not fulfilled statutory requirements.

In the ROC records, incorporation documents are available

for only the 'Ramasetu Infrastructure India Private Limited', not the 'Ramasetu Infrastructure India (P) Limited' declared by I-PAC.

In the ROC documents, there is a rent agreement between Ramasetu Infrastructure India Private Limited and Sunil Goel (and others of Ashoka Plaza in Rohtak) dated October 8, 2013 for renting the 3rd floor premises of Ashoka Plaza. Sunil Goel told *The Indian Express*, "I don't remember anything now." Satvir, Goel's manager at Ashoka Plaza, said he had been there for more than six years and there was no such company called Ramasetu or Ramasetu Infrastructure India Private Limited there.

Six individuals were listed as shareholders when Ramasetu Infrastructure India Private Limited was incorporated: Vikram Munjal (Rohtak); Sandeep Rana (Hisar); Vijender (Jind); Baljit Jangra (Hisar); Pradeep Kumar (Hisar); and Jagbir Singh (Sonapat).

All six shareholders told *The Indian Express* that the company was wound up within a few years after its incorporation, and denied knowledge of any loan to the I-PAC. Sandeep Rana, now employed in the private sector in Gurugram, said, "We opened the firm but did not do any business and it was dis-

solved soon. I am not aware of any such transaction."

Vijender, who runs a YouTube channel in Jind, said the company was formed for land dealings but abandoned after an initial deal went wrong. "We decided to dissolve the firm. I don't know anything about this transaction. I am not even in touch with other shareholders," he said. Vikram Munjal, an advocate and property broker in Rohtak, too said: "We dissolved the company. I am not aware of any such transaction."

Pradeep Kumar, Jagbir Singh and Baljit Jangra also said they had no knowledge of any dealings with the I-PAC after the company's closure.

The Indian Express also scrutinised documents filed before the ROC by eight companies with similar names. In their filings for 2021 and later, none declared any transaction of Rs 13.50 crore, the loan secured by I-PAC according to its December 2021 declaration.

The ROC filings show that I-PAC was incorporated on April 13, 2015, in Patna and shifted its registered office to Kolkata in February 2022. The company's directors and shareholders — Pratik Jain, Rishiraj Singh and Vinesh Chandel — have remained unchanged since its incorporation.

KEY HIGHLIGHTS

Context of the News

- Indian Political Action Committee (I-PAC), a political consultancy firm, disclosed receipt of an unsecured loan of ₹13.50 crore in 2021 in Registrar of Companies (ROC) filings.
- The declared lender company was found to be non-existent in official records.
- A similarly named company at the same address had been struck off in 2018, prior to the alleged transaction.
- The issue raises concerns related to corporate governance, financial transparency, and regulatory oversight.

Key Points

- I-PAC declared receipt of ₹13.50 crore as an unsecured loan in December 2021.
- The lender named "Ramasetu Infrastructure India (P) Limited" was never incorporated as per ROC data.
- A similarly named entity "Ramasetu Infrastructure India Private Limited" existed earlier.
- This company was incorporated in October 2013 and struck off in August 2018.
- Striking off was done under Section 248(1) of the Companies Act, 2013.
- All six shareholders of the struck-off company denied any knowledge of lending to I-PAC.
- No ROC filings of similarly named companies show any transaction of ₹13.50 crore.
- I-PAC later declared repayment of ₹1 crore in FY 2024-25.
- Outstanding amount declared: ₹12.50 crore.
- I-PAC was incorporated in 2015 and shifted its registered office in 2022.

Static Linkages

- Registrar of Companies under Ministry of Corporate Affairs
- Companies Act, 2013
- Section 248 – striking off companies
- Concept of unsecured loans
- Corporate disclosure and compliance norms
- Role of statutory audits
- Shell and defunct companies

Critical Analysis

- Indicates gaps in verification mechanisms of corporate filings.
- Highlights risks associated with shell or defunct entities.
- Undermines confidence in statutory disclosure systems.
- Raises ethical concerns regarding financial transparency of politically linked entities.
- Points to limited accountability of intermediaries like auditors and company secretaries.

Way Forward

- Strengthen digital verification of lender identities in ROC filings.
- Mandatory cross-checking with struck-off company database.
- Enhance accountability of auditors and company secretaries.
- Improve inter-agency coordination among MCA, tax authorities, and enforcement agencies.
- Impose stricter penalties for misreporting in statutory disclosures.

Amid cable newsification, journalism must reclaim its role as check on power



THAROORTHINK
BY SHASHI THAROOR

In a recent *Financial Times* article, James Murdoch, scion of media baron Rupert Murdoch, lamented what he called "the cable newsification of everything." His phrase captures a global malaise that has spread far beyond the studios of Fox, CNN, or MSNBC. "The incentives of cable news—conflict, outrage, and spectacle—have colonised the wider information ecosystem," Murdoch wrote, warning that this dynamic erodes trust and rewards polarisation. It is a diagnosis that applies, sadly, particularly to India, where television debates have become nightly gladiatorial contests, social media amplifies their shrillest echoes, and even the once sober world of print journalism occasionally feels compelled to mirror their tone.

Murdoch's central point is that cable news has become less about informing and more about inflaming. This is so true in India. The endless churn of "breaking news" banners, the performative anger of anchors claiming "the nation wants to know", the reduction of complex issues into shouting matches—all of this has seeped into politics, business, and culture. News shows are spectacles of outrage, and the more divisive the content, the more attention it garners. In India, this model has been embraced with gusto. Our primetime debates are less Socratic inquiry than verbal wrestling matches, where decibel levels matter more than facts, and the an-

chor's role is closer to that of a ringmaster than a moderator.

India's television news channels have perfected their own formula for this phenomenon. Each evening, viewers are treated to a debate in which 10 talking heads shout past each other, while the anchor interrupts to deliver his thunderous verdict (since his mind has already been made up before he invited them onto his programme to validate his prejudices). Nuance is drowned out by noise; complexity is sacrificed to confrontation. The format rewards those who can deliver the sharpest soundbite, not the most thoughtful analysis. Politicians, and even academics are drawn into this circus, knowing that a viral clip can matter more than a reasoned argument.

The contagion does not stop at television. Social media platforms amplify these spectacles, slicing them into shareable clips that ricochet across WhatsApp groups and Twitter feeds. The result is a feedback loop: Television produces outrage, social media magnifies it, and politicians respond to it, further feeding the cycle. As Murdoch put it, "the style of cable news has become the template for all content to mirror." In India, it has become the template for politics itself.

What is particularly worrying is that even mainstream print media, once the bastion of sobriety and fact-checking, has begun to feel the pressure. Editors know that by the time their morning paper reaches readers, the public has already been exposed to the television version of events the previous evening. The temptation to echo that narrative, rather than challenge it, is strong. Headlines grow more sensational, analysis more partisan, and the careful verification that distinguished print from television is sometimes sacrificed in the race

to remain relevant.

This is a profound shift. For some years, India's print media prided itself on being the antidote to television's superficiality. Newspapers offered context, depth, and a measure of restraint. They were the place where readers could turn for sober reflection after the noise of the nightly news. But as Murdoch warns, "when everything is framed as urgent and adversarial, audiences grow cynical and disengaged." If print, too, succumbs to this framing, the public will be left with little refuge from the cacophony.

The consequences are serious. First, trust in journalism erodes. When every story is presented as a crisis, when every headline screams for attention, readers begin to doubt the credibility of the messenger. Second, polarisation deepens. Outrage-driven journalism rewards extremes, marginalises moderation, and leaves little room for compromise. Third, democracy suffers. A public fed on spectacle rather than substance, triviality and titillation rather than investigation and introspection, cannot engage meaningfully with policy, governance, or civic responsibility.

Murdoch's warning resonates here: "The constant churn of sensationalism undermines public trust in institutions." In India, where institutions are already under strain, the erosion of trust in journalism is particularly dangerous. A democracy needs a press that informs, not inflames; that challenges power, not parrots it; that seeks truth, not just "clicks."

What, then, is to be done? The answer is not to abandon television or social media, but to reclaim journalism's core values on screen. We need anchors who moderate rather than hector, debates that illuminate rather than obfuscate, and newspapers that resist the temptation to echo

last night's shouting match. We need editors who prioritise verification over virality, and reporters who pursue context over conflict.

This is not a nostalgic plea for a return to some imagined golden age when we actually believed everything that Doordarshan had to tell us. It is a recognition that journalism must adapt to today's frenetic-paced world without losing its soul. The tools of modern communication—television, social media, digital platforms—are here to stay. But they must be harnessed to serve the public interest, not the outrage economy. Indian telecasters must resist the nightly temptation to turn every issue into a shouting match, and instead invest in investigative reporting, explanatory journalism, and thoughtful commentary. India has a great tradition of journalism that challenged power and informed the public. From the nationalist press that defied colonial censorship under the Raj to the newspapers that resisted the Emergency and flourished after it, our media has often risen to the occasion, as this newspaper exemplifies. That spirit seems dormant today, and must be rekindled. Journalism must reclaim its role as a check on power and a source of truth. It must prioritise depth over decibels, objectivity over outrage, context over conflict. The public deserves better, and our democracy demands it.

Murdoch's warning should be heeded: The business model must not corrode trust and distort discourse. In India, where democracy is teetering, we need journalism that rises above the din. We need a press that informs, enlightens and empowers, not shouts or distracts. We need, in short, better journalism.

The writer, Member of Parliament for Thiruvananthapuram, Lok Sabha, won the Ramnath Goenka Award for Excellence in English Non-Fiction in 2019

The contagion does not stop at television. Social media platforms amplify these spectacles, slicing them into shareable clips that ricochet across WhatsApp groups and Twitter feeds. The result is a feedback loop

Static Conceptual Linkages

- Freedom of speech under Article 19(1)(a) interpreted to include press freedom.
- Reasonable restrictions under Article 19(2) balance liberty with public order.
- Media as the Fourth Estate: watchdog, agenda-setter, and forum for public debate.
- Deliberative democracy requires reasoned discussion, not emotional mobilisation.
- Ethics in public communication emphasised by ARC and Press Council norms.

Why It Matters for Democracy

- Erosion of Trust: Constant sensationalism reduces credibility of journalism.
- Deepening Polarisation: Extreme narratives marginalise moderate voices.
- Weak Policy Discourse: Shouting matches crowd out evidence-based debate.
- Citizen Disengagement: Overexposure to outrage leads to cynicism and apathy.
- Institutional Strain: Media spectacle undermines confidence in democratic institutions.

Critical Assessment

Advantages

- Wider reach and faster dissemination of information.
- Increased public participation in political discussion.

Limitations

- Decline in investigative and explanatory journalism.
- Commercial pressures distort editorial independence.
- Ethical boundaries between news and opinion blur.
- Media becomes an actor in politics rather than an observer.

Way Forward

- Re-emphasise verification, context, and balance in reporting.
- Promote debate formats focused on explanation, not confrontation.
- Strengthen self-regulation through media councils and ethical codes.
- Encourage media literacy to help citizens distinguish news from noise.
- Support public-interest journalism over purely commercial models.
- Use digital platforms for depth and analysis, not just speed.

KEY HIGHLIGHTS

Context

- A recent global commentary warns that the logic of cable television news—outrage, conflict, spectacle—has spread across the entire information ecosystem.
- In India, this trend is most visible in prime-time television debates, which increasingly prioritise confrontation over information.
- Social media platforms amplify such content, creating a continuous outrage cycle.
- Even print media faces pressure to adopt sensational framing to stay competitive.
- The development has implications for democratic discourse, institutional trust, and governance.

Core Issue Explained

- Journalism is shifting from its traditional role of informing citizens to mobilising emotions.
- News is treated as entertainment, not as a public good.
- Market incentives (TRPs, clicks, virality) override editorial responsibility.

Key Exam-Relevant Points

- From Information to Infotainment: News prioritises speed and drama over accuracy and depth.
- Anchor-Centric Debates: Anchors act as adjudicators rather than neutral moderators.
- Reductionism: Complex policy issues are simplified into binary conflicts.
- Attention Economy: Outrage increases viewership, encouraging extreme positions.
- Feedback Loop: TV outrage → social media virality → political signalling → more outrage.
- Print Media Spillover: Sensational headlines and partisan framing increase even in newspapers.

India cannot lead if it stays silent on Trump's bullying



AFTAB ALAM

DEAR EDITOR I disagree

A fortnightly column in which we invite readers to tell us why, when they differ with the editorial positions or news coverage of 'The Indian Express'

India's responsibilities cannot be reduced to short-term transactional calculations. Leadership entails the defence of a rules-based order

JALTE GHAR ko dekhne walon, phoos ka chhappar aapka hai/ Aag ke peeche tez hawa hai, aage muqaddar aapka hai/ Us ke qatl pe main bhi chup tha, mera number ab aaya/ Mere qatl pe aap bhi chup hain, agra number aapka hai. (O you who watch the burning house, the thatched roof of straw is yours; Behind the fire roars a fierce wind, ahead lies your fate. When he was slain, I too stayed silent — now my turn has come. At my murder you stand mute — the next number is yours.)

Nawaz Deobandi's grim warning about the "spreading fire" and the folly of the silent spectator offers a befitting frame for today's global strategic dilemma. Following the unprecedented abduction of a sitting head of state, the prospect of Greenland's acquisition has shifted from a Trumpian eccentricity to an unsettling possibility. The shockwaves hitting Europe signal a breakdown of international norms that threatens the doorstep of every sovereign nation — sooner or later.

An *Indian Express* editorial's call ("Trump's Greenland push needs a pushback from Europe", January 19) for India to "keep its head down" is not pragmatic statecraft, it is strategic self-effacement. It risks pushing India into irrelevance at a moment when its global role demands clarity and conviction. It also sits uneasily with India's aspiration to be a *vishwaguru* — an identity, as the RSS chief recently emphasised, rooted in the civilisational principles of *dharma*. As the world's fifth-largest economy and a nuclear power, India's responsibilities cannot be reduced to short-term transactional calculations. Leadership entails the defence of a rules-based order. The prescription — that Europe should "push back" against Trumpian brinkmanship while India quietly secures its deals — risks bartering our moral capital for short-term transactional gain.

This is neither an argument for abandoning strategic prudence nor for jeopardising the landmark trade agreement with the EU. Rather, it is a recognition that this diplomatic

milestone coincides with a period of profound global instability, forcing India to confront a strategic dilemma: How to pursue transformative economic partnerships while simultaneously defending the Westphalian system — the foundation of the sovereign-state order currently facing its gravest threat.

The real challenge, therefore, is not to choose between these imperatives but to design a diplomacy that integrates them. India must demonstrate that a principled stance on foundational issues such as sovereignty — exemplified by the Greenland controversy — is not an impediment to commerce. It is the bedrock of a stable, predictable international system in which trade and lasting partnerships can thrive. We must reject the false binary between values and interests. Our economic engagements are deepened and made more resilient by an unwavering commitment to a just, rules-based global order.

In a climate where the US has shown a willingness to abduct heads of state, abandon allies, and plunge regions into chaos, the Greenland crisis presents a test of systemic resilience. For India, this moment crystallises a critical strategic choice: Remain a passive spectator to the erosion of sovereignty as a normative principle, or actively shape its role as a champion of stability.

In an escalating crisis in which states' sovereignty is bartered or bullied, India cannot afford strategic silence. To do so would tacitly legitimise a world where might makes right — a world in which India's own security and strategic autonomy could one day be held hostage to the caprice of greater powers. Securing a trade deal while the global order crumbles would be a pyrrhic victory. Preserving the international system that gives such agreements meaning and longevity should be our paramount strategic task. As a civilisational state, India will ultimately be judged by its willingness to choose principle over passivity when it matters most.

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KEY HIGHLIGHTS

Context

- Renewed international debate on territorial sovereignty following claims over Greenland by Donald Trump
- Signals weakening of post-1945 rules-based international order
- Raises concerns in European Union regarding precedent of coercive geopolitics
- Indian editorial opinion suggesting strategic silence to protect economic interests
- Debate on India's role as a norm-shaping middle power

Key Points

- Sovereignty and territorial integrity are foundational principles of international relations
- Greenland issue reflects shift from consent-based diplomacy to power-based coercion
- India negotiating major trade and strategic agreements with Europe
- Strategic silence risks long-term erosion of India's normative credibility
- India is a nuclear-armed state and fifth-largest economy → systemic responsibilities
- Normalisation of territorial coercion increases global instability

Static Linkages

- Westphalian system (1648): sovereign equality, non-intervention
- UN Charter Articles 2(1) and 2(4): equality of states, prohibition on use of force
- Panchsheel principles: mutual respect for sovereignty and territorial integrity
- Strategic autonomy ≠ strategic silence
- Dharma as civilisational ethic guiding state conduct
- Realism vs Liberal Institutionalism in IR theory

Critical Analysis

Concerns

- Strategic silence legitimises coercive territorial claims
- Undermines sovereignty as a universal norm
- Weakens India's leadership credibility
- Risks future strategic vulnerability for India

Counter-Arguments

- Avoids immediate diplomatic friction
- Protects short-term economic negotiations

Assessment

- Short-term gains vs long-term systemic costs
- Norm erosion disproportionately affects middle powers

Way Forward

- Maintain principled stand on sovereignty and territorial integrity
- Decouple economic engagement from normative positions
- Use multilateral forums to reinforce rules-based order
- Coordinate with like-minded middle powers
- Project India as a stabilising and responsible global actor

Court cap on airfares is the wrong answer

ON MONDAY, a two-judge bench of the Supreme Court said that the Court would “definitely interfere” in a case related to the pricing of airline tickets. The apex court has been hearing a Public Interest Litigation seeking an independent regulatory scheme in order to ensure transparency in airfare pricing. On November 17 last year, the apex court had sought replies from the Union government, the Directorate General of Civil Aviation (DGCA), and the Airports Economic Regulatory Authority of India (AERA) on the matter. While giving more time for the Centre to respond, the SC pointed to what it called “exploitative” practices by airlines, especially during festive seasons and events such as the Kumbh, when airfares are known to soar to many times the normal rate.

On the face of it, the apex court’s observations echo the concerns of the average air traveller. It is true that airfares climb up, often suddenly, and especially around the festive season. Customers feel cheated as tickets on the same flight could have significantly different prices depending on how and when a booking is made. There is a widely shared belief that, as the PIL argues, “the state cannot remain a mute spectator to this ongoing violation of rights”. And that “inaction by the state in regulating fare algorithms, cancellation policies, service continuity, and grievance mechanisms constitutes a dereliction of its constitutional duty and calls for urgent judicial intervention”.

However, while the concerns are real, the apex court’s intervention in this matter would stoke concerns of judicial overreach, and it would also be counterproductive. The petitioner has argued that dynamic pricing by airlines should be seen as a violation of a passenger’s fundamental right and that the courts should treat airlines as essential services and order curbs on airfares. But this is about how the aviation sector is run, which is the domain of the executive and legislature. Moreover, a move to artificially fix or cap prices will actually worsen the situation on the ground. Higher prices are a signal to businesses, entrepreneurs and the government that demand for air travel is outstripping supply. Arbitrary capping through judicial diktat will further erode the profit motive for existing and potential airlines, depressing supply. The solution doesn’t lie in putting ad-hoc curbs on prices but in nudging regulation in a manner that boosts supply.

KEY HIGHLIGHTS

Context

- A two-judge Bench of the Supreme Court of India is hearing a PIL seeking regulation and transparency in airline fare pricing.
- Notices issued to Union Government, Directorate General of Civil Aviation (DGCA) and Airports Economic Regulatory Authority of India (AERA).
- Court flagged “exploitative” airfare surges during peak demand (festivals, Kumbh).

Key Facts

- India follows a market-determined airfare regime; no statutory fare caps.
- Dynamic pricing adjusts fares based on demand, booking time, seat inventory.
- DGCA regulates safety, consumer advisories, grievance mechanisms, not fare fixation.
- AERA regulates airport tariffs (PSF, landing, parking), not airline ticket prices.

Static Linkages

- Separation of powers and judicial restraint.
- Demand–supply mechanism and price signals in a market economy.
- Role of independent regulators vs. price controls.

- Consumer protection and grievance redressal frameworks.
- Infrastructure capacity constraints and competition.

Constitutional / Governance Dimensions

- Policy decisions on sectoral pricing fall under executive–legislative domain.
- Excessive judicial intervention risks judicial overreach.
- State obligation lies in regulatory oversight, not micromanagement of prices.

Economic Implications

- High prices indicate demand outstripping supply.
- Artificial fare caps can:
 - Reduce profitability of airlines.
 - Discourage capacity expansion and new entrants.
 - Worsen shortages during peak demand.

Stakeholder Perspectives

- Passengers: seek affordability, transparency, predictability.
- Airlines: require pricing freedom due to thin margins and volatility.
- Government/Regulators: balance consumer interest with sector growth.

Way Forward

- Strengthen fare transparency norms (clear breakup, algorithm disclosure).
- Improve consumer grievance redressal and enforcement through DGCA.
- Encourage capacity addition (airport infrastructure, slots, fleet expansion).
- Promote competition rather than impose price caps.
- Event-specific coordination (temporary capacity augmentation during mega events).

Water bankruptcy calls for water accounting

OVER THE past two decades, a growing body of scholarly research has documented the risks to water security posed by pollution and unsustainable patterns of use. According to a UN report, released earlier this week, climate change has exacerbated the crisis. Rising temperatures disrupt rainfall patterns, and the water cycle and retreating glaciers make river flows erratic, creating “whiplashes” between floods and extremely dry weather. Droughts, shortages, and pollution episodes that once looked like temporary shocks are becoming chronic in many places, signalling a crisis described by the report as “water bankruptcy”. The study, also titled *Global Water Bankruptcy*, points out that not all basins and countries are equally affected. But it rightly underlines that “basins are interconnected through trade, migration, weather, and other key elements of nature. Water bankruptcy in one area will put more pressure on others and can increase local and international tensions.”

Climate-induced precipitation vagaries are, in fact, one of the major features of the current winter in the Himalaya. Uttarakhand, Himachal Pradesh and Jammu and Kashmir are facing a snow drought. Meteorologists have ascribed the dry season to the weakening of the western disturbances. The latter part of the season may well be less dry. But the benefits of snowfall in late January or early February are likely to be far fewer. Late snow melts quickly, preventing soils from deriving the maximum benefit of its moisture-replenishing quality. Early snow, in contrast, melts slowly, providing a steady supply of water to rivers. As an IIT-Mandi study pointed out last year, the erratic precipitation — it has intensified in the past five years — has spinoffs on agriculture, hydropower, and the timing of river flows.

Water management initiatives in most parts of the world, including India, have traditionally focused on providing a steady supply to households, farmers and industry. Today, there are more conversations on recharging aquifers, harvesting rainwater and water-efficient crops compared to two decades ago. Even then, initiatives on prudent use play second fiddle to supply-side measures. The UN report makes a case for transparent water accounting, protection of aquifers, and enforceable limits on extraction, along with ensuring equity in water distribution.

KEY HIGHLIGHTS

Context

- Recent UN report terms the global freshwater crisis as “water bankruptcy”.
- Climate change has intensified hydrological extremes: floods, droughts, erratic river flows.
- Himalayan region (Uttarakhand, Himachal Pradesh, J&K) witnessing snow drought due to weak western disturbances.
- Reduced early snowfall affecting agriculture, hydropower, and perennial rivers.
- IIT Mandi study highlights increased precipitation variability in last 5 years.

Key Points

- Water bankruptcy: Persistent gap between water demand and sustainable supply.
- Climate change impacts:
 - Rising temperatures disrupt rainfall patterns.
 - Glacier retreat causes unstable river discharge.
 - Increased frequency of flood-drought “whiplash”.
- Early vs late snowfall:
 - Early snowfall → slow melt → sustained soil moisture & river recharge.

- Late snowfall → rapid melt → limited hydrological benefit.
- Water stress is structural, not episodic.
- River basins are interconnected via trade, migration, climate systems.
- Water crisis can trigger local, inter-state, and international tensions.

Static Conceptual Linkages

- Hydrological cycle and climate forcing.
- Cryosphere’s role in perennial river systems.
- Groundwater as a common-pool resource.
- Tragedy of commons in aquifer over-extraction.
- Virtual water trade and inter-basin dependency.
- Sustainable development: intergenerational equity.

Critical Analysis

Strengths / Positives

- Increased focus on rainwater harvesting and aquifer recharge.
- Growing scientific understanding of climate-water linkages.
- Policy discourse shifting towards sustainability.

Limitations / Challenges

- Dominance of supply-side solutions (dams, transfers).
- Weak regulation of groundwater extraction.
- Absence of transparent water accounting.
- Regional inequities in water access.
- Climate change magnifies existing vulnerabilities.

Way Forward

- Shift to demand-side water governance.
- Basin-level and aquifer-level water accounting.
- Enforce legal caps on groundwater extraction.
- Protect aquifers as ecological assets.
- Promote water-efficient crops and micro-irrigation.
- Integrate climate projections into water planning.
- Strengthen cooperative federalism in river management.