

DIA, DEOGHAR IAS ACADEMY

Daily News Feed

D.N.F

25.01.2025

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Foundational values, the journey of the Indian state

In the 75th anniversary of the coming into effect of the Constitution of India, it is imperative to evaluate the journey of the Indian state from the perspective of its foundational values before we plan the course ahead. After nearly three years of debate and deliberation, the Constituent Assembly of the newly independent India adopted its founding document, the Constitution of India. Two months thereafter, the Republic officially came into force with the Constitution being given effect to. When Dr. B.R. Ambedkar delivered the closing address to the Constituent Assembly on November 25, 1949, he characterised the complex challenges ahead. He anxiously wondered whether Indians would place "the country above their creed". Today, we realise that the words from the closing address carry meaningful lessons for the next 75 years and propel us to guard the Constitution.

The federal republic

Many of the constitutional issues that have been keenly debated in recent times have been around the interpretation of India's federal structure. Tussles between State governments and some of the State Governors have made their way to the Supreme Court of India. Pitched battles are being fought within and outside Parliament on the issue of simultaneous elections. The neglect of 'regional languages' such as Tamil, Kannada, Bengali, Marathi and so on is being argued from the vanguard of multilingual equality and State autonomy. Fiscal federalism has been a major sticking point for States that are suffering under the dual regime of the Finance Commission and the Goods and Services Tax Act. The next delimitation exercise, which will determine the democratic future of India, is set to result in a showdown between the Union and States that have controlled their population.

It is strange that given how integral federalism has been to the constitutional discourse over the last 50 years or so, the word 'federal' is nowhere to be found in the text of the Constitution.



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Rather than reinventing the wheel of the Constitution, there has to be a strong defence of India's democratic principles

Criticism of the Constitution in the early days, and one that was well anticipated by Dr. Ambedkar, was that the document is anti-federal and tilts the balance in favour of the Union. Addressing this complaint while speaking in 1949, Dr. Ambedkar explained that the 'Centre and the States are co-equal' in matters of legislative and executive authority. He clarified to the Constituent Assembly that the overriding powers for the Union are only placed "to be used in an emergency". As such, the regular conduct of democratic business in India is within a federal framework and not to be mistaken for a unitary one. On this count, constitutional courts have confirmed the proposition by ear-marking federalism to be a part of the basic structure of the Constitution, beginning with the judgment in *S.R. Bommai vs Union of India* (1994) and continuing to the *Government of NCT of Delhi vs Union of India* (2024).

An unequal democracy

Another question of contemporary interest is on whether and how India has matured over the 75 years, into a social democracy that is guided by the constitutional values of liberty, equality and fraternity. The argument put forth by many critics of the government is that it has become a police state. The offence of sedition along with stringent special statutes such as the Unlawful Activities (Prevention) Act and the Prevention of Money Laundering Act supplement this position. Similarly, whether the country has been able to achieve a degree of equality among various cohorts, and whether it is truly democratic are questions that merit introspection.

With tremendous foresight, Dr. Ambedkar explained that the country must strive to remove social and economic inequality before they become a threat to democracy itself. He went on to underline the importance of fraternity for the fledgling republic. Terming the idea of an Indian nation as a delusion, Dr. Ambedkar asked how

people divided into several thousands of castes can be a nation.

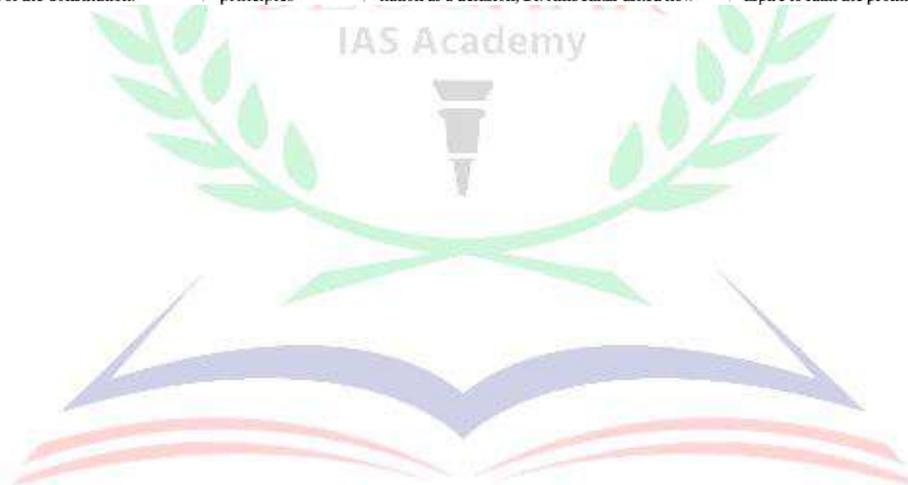
Seventy-five years hence, can we fairly claim to have fostered fraternal feelings through social and political movements? Have we succeeded to some degree in neutralising the significance of caste in determining merit and success in society? The answers must be in the negative. But, that does not necessarily imply that the Constitution has failed. It is an indication of how much farther the country must travel.

The need for constitutional guardians

Of late, there has been some noise about revamping the Constitution, as the accusation is that it has evolved from an European colonial perspective. It has become a common trope among the social right to suggest replacement of the present-day Constitution with an 'Indic' constitutional document drawing from Hindu *dharma* concepts – there can be no greater insult to the combined intellect of the Constituent Assembly than this. There can be no greater disservice than this to the three years of the Constituent Assembly and the 75 years of nation-building that have made India what it is today.

Rather than reinventing the wheel of the Constitution, the country must respond to Dr. Ambedkar's calls to defend our democratic principles and preserve the Constitution. For it is not the document that makes the nation but the people who are called to govern.

What is required today is clear-headed guidance on the future of our constitutional philosophy. In Plato's *Republic*, he argues the case for a class of guardians who are philosopher-kings. India today needs guardians who can place the country above their creed more than ever: they need to be guardians in the form of judges, bureaucrats, politicians, activists, journalists and citizens. Only then can we truly aspire to fulfil the promise of the Constitution.



At 75, constitutional justice and personal liberty

As we mark 75 years of the Constitution of India, I urge everyone to remember the ways in which the core values of the Constitution flounder in a deep ethical and moral crisis, trapped as we are in reductionist, mechanical readings of the constitutional value of personal liberty and human dignity. In the midst of the celebration, we need to step back and take a sober look at the right to personal liberty, which is a core constituent of an idea of justice.

Reinstating dissent as constitutional ethic

The Supreme Court of India reinstated Justice S. Fazl Ali's dissenting opinion in *A.K. Gopalan vs State of Madras*, unanimously in *Puttaswamy vs Union of India* (2017), a case about the fundamental right to privacy. The preventive detention of the communist leader, A.K. Gopalan, by the government of independent India and the Supreme Court's majority ruling on constitutional interpretation in that case, in the inaugural year of the Constitution, (1950), have now been effectively declared as a judicial wrong. The resurrection of this dissent (which, in effect, upheld Gopalan's right to political dissent) and two later ones (all three on the question of personal liberty), saw the majority judgments truncating liberty as being flawed from the standpoint of constitutional ethics. Within a broader framing of justice, the technicalities of the interpretation of a fundamental right were seen as inseparable from the centrality of personal liberty to constitutional ethics.

It can scarcely be forgotten that Article 21 (the right to life and personal liberty) is 'designed to assure the dignity of the individual as a most cherished human value which ensures the means of full development and evolution of a human being' (Justice R.F. Nariman in *Puttaswamy*, paragraph 42). How and on what basis might we piece together memories that render the Constitution 'workable', 'flexible' and 'strong' (in the words of Dr. B.R. Ambedkar)? How may we discover pathways through which the Preamble lights up ways to 'hold the country together' at a time when the dominant political discourse reduces and degrades politics to the fractured banality of shards – such as the 'tukde tukde' narratives?

Preventive detention, arbitrary arrests, denial of fair trial through the impunity that is guaranteed statutorily in anti-terror laws, and demicidal-domicidal violence enact 'rituals of



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In the midst of marking 75 years of the Constitution of India, India needs to take a sober look at the right to personal liberty being a core constituent of an idea of justice

humiliation' – to use Sunder Boopalan's words – and impose indescribable wrongs on conscientious resisters in India today. I posit a juxtaposition that is instructive – there is the case of A.K. Gopalan (1950) challenging the inauguration of constitutional contradictions and being detained at one end, and Umar Khalid, Sharjeel Imam, Gulfisha Fatima and several other anti-Citizenship (Amendment) Act (CAA) resisters in prison (2025) challenging the CAA 2019 and living with bulldozers, dispossessions and the partisan prison complex, at the other end.

By 2017, when the Puttaswamy judgment came, preventive detention and prolonged custody without bail had proliferated under the aegis of constitutional courts; there was an escalation in arrests and the prolonged detention of dissenters under the spiralling list of laws (State and central) that, by now, authorised detention and custody with scant regulations. Over the years, the process has become the punishment. We witness young and spirited dissenters who courageously challenged the CAA 2019, now trapped in the talons of anti-terror laws. There is an impenetrable opacity of procedure and an endless deferment of decisions on the vital issue of personal liberty.

Dissent is criminalised even while dissent is reinstated; this is the deep paradox of our times that courts must reflect on in the 75th year of the Constitution.

A.K. Gopalan and today's resisters

In his memoir, *In the Cause of the People: Reminiscences* (1973), A.K. Gopalan gives us a fine-grained account of his imprisonment along with several others 'by Indians', and of the numerous trials he faced and the petitions he filed to secure liberty from British courts and Indian courts thereafter, but to no avail. Deciding to celebrate Independence day in jail on August 15, 1947, he led a small procession in jail and hoisted the national flag. He was arrested for this 'crime' on a treason charge for stirring enmity against the emperor under Section 124A, and produced before the ADM Calicut in independent India (p. 274).

He filed affidavits and wrote letters to the court 'as a matter of course' and was unwilling to 'remain quiescent'. Gopalan himself argued in another writ petition filed in Madras, in a hearing that saw large crowds: 'The court set me free on

the last day of the hearing. I was re-arrested after release at the door of the court and escorted once more to Cuddalore jail. I filed another writ petition which was heard two days after my re-arrest. The court released me again. The judges specially ordered the police not to touch me. The police did not dare to disregard this injunction. I had been imprisoned in December 1947 and released in 1951. Four years in jail!'

This account has a familiar contemporary ring to it. The anti-CAA resisters have spent roughly four years in custody, but the difference is that the courts have not yet moved with a sense of urgency to set them free. The Preventive Detention Act, 1950, belonged to free India's 'rule of law' regime.

K.G. Kannabiran, while reflecting on the travails of civil libertarian lawyers and their petitioners in courts over five decades, observed that the Gopalan judgment "is our own. It is the first 'Indian-made foreign judgement'" which upheld an Indian-made colonial law. To this, 75 years later, we have now added more Indian-made colonial laws. But will the courts hold the Puttaswamy view of dissent and dignity in place and extend their reach as constitutional values that further the cause of personal liberty as the ultimate expression of justice under the Constitution?

No room for retrospective regret

The case of the 16 arrests made in the Bhima Koregaon case (writers, intellectuals, cultural activists, poets, performers, teachers), the 19 arrests made in the Delhi riots case of anti-CAA protesters (most of them community leaders and student leaders and activists, of whom 17 are Muslim), and the anticipation of violence, arrest and domicile as a 'clear and present danger' confronted especially by Muslims who dare to challenge unlawful state action, must make us pause. They call for a slew of interventions by constitutional courts in the exercise of 'creative constitutionalism' (to use Professor Upendra Baxi's phrase) in the cause of the right to personal liberty as justice. This is needed so that India does not end up waiting 'another seven decades and four generations' to discover that we were again on the wrong side of the Constitution. Or that we understood and worked the Constitution in its seventh decade in ways that negated its ethical spirit, instead of upholding and furthering the idea of justice embedded within.



Odisha tops NITI fiscal health index, Chhattisgarh next best

Punjab, Andhra Pradesh, West Bengal, and Kerala were the worst-performing States, as per the Niti Aayog report, while Maharashtra, U.P., Telangana, M.P., Karnataka were in 'front-runners' category

Press Trust of India
NEW DELHI

Mineral-rich Odisha, Chhattisgarh, Goa, and Jharkhand have emerged as top-performing 'achievers' among the States listed in NITI Aayog's first Fiscal Health Index (FHI) report released on Friday.

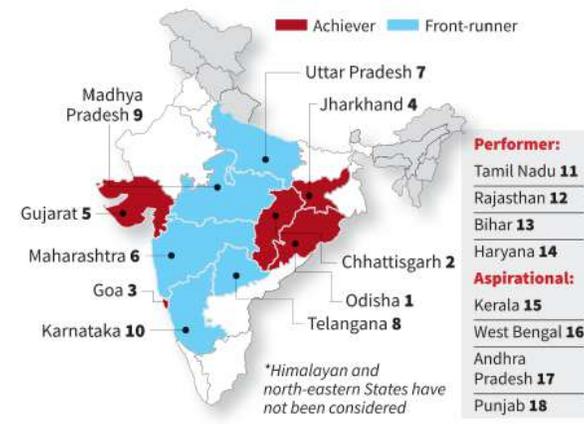
The report titled "Fiscal Health Index 2025" ranked States for 2022-23, covering 18 major States that drive the Indian economy in terms of their contribution to India's GDP, demography, total public expenditure, revenues, and overall fiscal stability.

According to the report, Punjab, Andhra Pradesh, West Bengal, and Kerala were the worst-performing States in the Fiscal Health Index (FHI), each facing significant fiscal challenges, and listed under "aspirational" category.

The report aims to evolve an understanding of the fiscal health of States and it has listed Maharashtra, Uttar Pradesh, Telangana, Madhya Pradesh, Karnataka under the "front-runners" category. Tamil Nadu, Bihar, Rajas-

Fine balance

Analysis in the Niti Aayog's report on the fiscal health index for FY23 highlights that strong revenue mobilisation, effective expenditure management, and prudent fiscal practices are critical determinants of success



than, and Haryana were classified as performers.

As per the report, released by 16th Finance Commission Chairman Arvind Panagariya, Odisha excelled in fiscal health, with the highest overall index score of 67.8.

Referring to top five achiever States, NITI Aayog said these States have higher capital outlay of up to 4% of Gross State Domestic Product (GSDP), effective mobilisation of non-tax revenue, are revenue sur-

plus, and have low interest payments which is up to 7% of revenue receipts.

The government think tank said the front-runner States reported high total developmental expenditure up to 73%, witnessed consistent growth in own tax revenue, had balanced fiscal management and improved debt sustainability with debt-to-GSDP ratio of 24%.

The report noted that the aspirational States of Kerala, West Bengal, And-

hra Pradesh and Punjab are struggling to meet the fiscal and revenue deficit targets, have low revenue mobilisation, witnessing a growing debt burden with debt sustainability a concern in these States.

As per the report, Odisha tops the debt index (99.0) and debt sustainability (64.0) rankings with better than average scores under quality of expenditure and revenue mobilisation. Odisha has maintained low fiscal deficits, a good debt profile, and an above average capital outlay/GSDP ratio.

While Kerala and Punjab struggle with low quality of expenditure and debt sustainability, the report said, West Bengal faces revenue mobilisation and debt index issues. Andhra Pradesh has high fiscal deficit and Haryana has a poor debt profile, it said.

According to the report, Odisha, Goa, Karnataka, Maharashtra, and Chhattisgarh scored the highest average FHI score for 2014-15 to 2021-22 period. The data used to calculate the Fiscal Health Index were sourced from the Comptroller and Auditor General (CAG).

Need to tackle the issue of 'social media pollution', says CEC

The Hindu Bureau

NEW DELHI

Observing that social media platforms were not blocking or labelling easily detectable fakes, Chief Election Commissioner (CEC) Rajiv Kumar on Friday said that there was a need for a Graded Response Action Plan (GRAP) to curb "social media pollution" just like in case of air pollution.

"If we have environmental pollution outside, equally serious social media pollution we have inside. It needs anti-pollution measures," Mr. Kumar said in his valedictory address at an international conference of election management bodies of 13 countries.

He said "Delhi Declaration 2025", reflecting collective commitment to uphold principles of free, fair, and inclusive elections, was adopted.

Asserting that social media companies need to introspect before it is "too late", Mr. Kumar said, "Let the social media platforms not be clouded by the shadows of fake, unverified and misleading narratives, disruptive by design."

He said that algorithms were designed in a way that repeatedly presented content aligned with existing views, reinforcing a perspective without exposing the person to the other side of the argument. Algorithms can prevent that, especially in case of detectable fakes, he said.



Pralay, India's first quasi-ballistic missile, to be showcased at Republic Day parade

Dinakar Peri
NEW DELHI

The Defence Research and Development Organisation (DRDO) is set to showcase "Pralay", an indigenous short-range quasi-ballistic missile, at the Republic Day parade in New Delhi on Sunday.

Meant for the Army and the Air Force, Pralay is the first ballistic missile in India's arsenal for conventional strikes. The Army's Battle Surveillance System "Sanjay" will also be part of the parade.

With a range of 400 kilometres, Pralay adds to the BrahMos and Parahar missiles already in the inventory, giving the Indian military an option for stand-off



The Pralay Weapon System on display during the full dress rehearsal for the Republic Day parade in New Delhi on Thursday. PTI

missile strikes across the border. It is meant for deployment along both the Line of Control (LoC) and the Line of Actual Control (LAC).

The development trials of Pralay are over and it is

now complete, officials said, noting that the Defence Ministry had already accorded the Acceptance of Necessity for its induction. The system features a twin launcher configuration mounted on an Ashok

Leyland 12x12 high-mobility vehicle as seen during the ongoing rehearsals for the Republic Day parade.

In 2023, the Defence Acquisition Council (DAC) approved procurement of the Pralay tactical ballistic missiles with a range of 400 km and Nirbhay long-range subsonic land attack cruise missiles with a range of 1,000 km, both of which will give a long-range conventional strike option for the Indian military. Put together, a few hundred missiles were approved for procurement by the DAC.

A new derivative of Nirbhay, which has been under development for over a decade now, has been flight-tested recently and trials are under way.



Jitendra Pal Singh named India's Ambassador to Israel

Envoy is set to assume office in Tel Aviv as ceasefire pact between Israel and Hamas in Gaza gets under way; taking over from Sanjeev Singla, he will oversee revival of trade and defence ties

Suhasini Haidar
NEW DELHI

India has named Jitendra Pal Singh – currently the point-person for Iran and Pakistan as well as the Special Envoy to Afghanistan – as its next Ambassador to Israel.

Mr. Singh has held a number of important designations at the Ministry of External Affairs (MEA) over the past few years. He assisted External Affairs Minister S. Jaishankar as the Joint Secretary in the Minister's office, and has also headed the important Iran-Pakistan-Afghanistan (IPA) desk at the MEA.

He will take over as Indian Ambassador in Tel Aviv 'shortly', the MEA said. This change of guard comes at a crucial time, during the Israel-Hamas ceasefire in Gaza. India's previous envoy to Israel, Sanjeev Singla, has been appointed as Ambassador to Paris.

Critical time

On Saturday, the Israeli forces and Hamas are due to conduct their second exchange of hostages and prisoners. This is part of a three-phase, three-month ceasefire that began on January 19, which has already



Key diplomat: Jitendra Pal Singh with Taliban Foreign Minister Amir Khan Muttaqi in Kabul during a previous assignment. FILE PHOTO

seen the exchange of three Israeli women by Hamas and 90 Palestinian women and children detained by Israel.

India has welcomed the ceasefire, and Palestinian diplomats have expressed the hope that India will be involved in the future reconstruction process in Gaza. Mr. Singh's tenure in Tel Aviv is expected to be important in terms of bilateral defence and trade ties, but also because a growing number of Indian workers are being sent to work on projects in Israel. If the ceasefire holds, New Delhi also hopes to revive multilateral engagements like the I2U2 with Israel-U.S.-UAE and the India-Middle East-Europe Economic Corridor, both of which have been virtually shelved

since the October 7, 2023, terror attacks in Israel by Hamas and the conflict that has followed, taking nearly 50,000 lives.

Steered Iran, Pak. ties

Mr. Singh's assignments during this time have included balancing India's relationship with Iran along with its ties with Israel during the standoff and exchange of missiles in 2024. He was also responsible for ensuring high-level engagements between India and Iran during a year in which Iran lost its President Ebrahim Raisi and Foreign Minister Amir Abdollahian, and inaugurated the new President Masoud Pezeshkian after an election. In addition, Mr. Singh – who served as Deputy High Commission-

er to Pakistan between 2014 and 2019 – has managed tense ties with Pakistan for a decade, including a brief détente as Mr. Jaishankar travelled to Islamabad for the Shanghai Cooperation Organization Heads of Government meeting, the first such visit in nearly a decade.

In Islamabad, Mr. Singh was present when Prime Minister Narendra Modi travelled to Lahore in 2015, and then handled the fallout of the Pathankot and Uri terror attacks, as well as the Kulbhushan Jadhav case. During his tenure as Joint Secretary (IPA), India and Pakistan clashed over the Pulwama attacks, and cancelled trade ties and recalled High Commissioners after the Kashmir reorganisation in 2019. Mr. Singh also oversaw talks to build the Kartarpur corridor for pilgrims.

Mr. Singh, who has steered India's tenuous engagement with the Taliban government for the past few years, attended the Doha talks that led to a U.S.-Taliban agreement. Following the Taliban takeover of Afghanistan in 2021, he is credited with negotiating the re-opening of the Indian "technical mission" in Kabul.

India, Indonesia set to discuss Myanmar conflict during talks



Union External Affairs Minister S. Jaishankar with Indonesian President Prabowo Subianto in New Delhi. PTI

Kallol Bhattacharjee
NEW DELHI

The raging conflict in Myanmar will feature prominently in discussions between visiting Indonesian President Prabowo Subianto and Prime Minister Narendra Modi during the weekend, sources said. Mr. Subianto, who will be the chief guest at the Republic Day celebrations, began his official meetings by calling on External Affairs Minister S. Jaishankar and meeting industry bigwigs on Friday.

The inclusion of the prevailing scenario in Myanmar in the official agenda is significant as both India and Indonesia have been trying to stitch up a dialogue process among various domestic stakeholders in the conflict-torn southeast Asian country. Sources further mentioned that the two sides will discuss several "regional issues including the tension around the South China Sea" during the official talks that will be held in Hyderabad House on Saturday.

Facilitating dialogue

India recently hosted a number of ethnic armed organisations from Myanmar as well as members of the exiled National Unity Government. India hosted

them at the Indian Council of World Affairs, soon after Indonesia also hosted such groups. The chain of engagements indicated that both the countries are trying to establish dialogue between the military junta in Nay Pyi Taw and the ethnic armed organisations that have captured large amounts of territory of Myanmar, including vast tracts of land near its borders with India's north-eastern States.

The situation in Myanmar has escalated over the last year, with the military junta losing control over areas in Chin state, Rakhine, and the Sagaing region.

The Myanmar issue has been on the table of the ASEAN since the military coup of February 2021 and it is understood that the Indonesian president will continue the discussion on "regional issues" in Malaysia, which is his next destination after India. "Close cooperation with friendly countries has always been our priority to build a stronger and more prosperous region together," Mr. Subianto said on Thursday.

On Friday, the visiting President met with industry bigwigs including Gautam Adani of the Adani group, representatives of the Tatas, and the telecom majors.



