

The Hindu Important News Articles & Editorial For UPSC CSE

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In response to a deadly **terror attack in Pahalgam (J&K)** which left **26 civilians dead**, the Government of India has initiated a **five-pronged diplomatic and strategic response** targeting Pakistan, believed to be the origin of the cross-border terrorism involved.

Terror-hit India pauses Indus pact with Pak.

India responds to Pahalgam attack that left 26 dead, announces measures against Pakistan

Kallol Bhattacharjee
NEW DELHI

India will hold the 1960 Indus Waters Treaty with Pakistan "in abeyance with immediate effect", Foreign Secretary Vikram Misri announced on Wednesday. It is part of the five-pronged response that was decided upon after Prime Minister Narendra Modi chaired a meeting of the Cabinet Committee on Security (CCS) in the aftermath of the terror strike in Pahalgam that left 26 dead.

Following the meeting, Union Home Minister Amit Shah reached out to all political parties for an all-party meeting on Thursday.

The CCS took note of the "cross-border linkages" of the terror attack in Pahalgam, Mr. Misri said adding, "The Indus Waters Treaty of 1960 will be held in abeyance with immediate effect, until Pakistan credi-

bly and irrevocably abjures its support for cross-border terrorism."

A decision was also taken to close the Integrated Check Post in Attari with "immediate effect". "Those who have crossed over with valid endorsements may return through that route before May 1," Mr. Misri said, indicating that Pakistan nationals holding Indian visas will have to return by that date.

Visas deemed

He further announced that Pakistan nationals will not be permitted to travel to India under the SAARC Visa Exemption Scheme (SVES).

"Any SVES visas issued in the past to Pakistani nationals are deemed cancelled. Any Pakistani national currently in India under SVES visa has 48 hours to leave India," he said.

The CCS also declared



Stern review: Prime Minister Narendra Modi chairs a meeting of the Cabinet Committee on Security, in New Delhi on Wednesday. ANI

military advisers in the Pakistani High Commission here as *persona non grata*.

"They have a week to leave India. India will be withdrawing its own defence, Navy, Air advisers from the Indian High Commission in Islamabad. These posts in the respective High Commissions are deemed annulled. Five

support staff of the Service Advisers will also be withdrawn from both High Commissions," he said, adding that the strength of the Indian mission in Islamabad and the Pakistani mission in New Delhi "will be brought down to 30 from the present 55 through further reductions, to be effected by 1

2 Kashmiris suspected to be among the attackers

Vijaita Singh
Peerzada Ashiq
NEW DELHI/PAHALGAM

Two Kashmiri men are suspected to have been among the group of six or seven armed terrorists who killed 26 tourists at Pahalgam meadow of Jammu and Kashmir on Tuesday afternoon, a

government source told *The Hindu*.

The two Kashmiri militants were identified as Adil Guri of Anantnag and Ahsan from Pulwama district in south Kashmir. Both went to Pakistan in 2018.

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May 2025."

Foreign Secretary Misri declared that the CCS "reviewed the overall security situation" after the terror strike in Pahalgam and "directed all forces to maintain high vigil."

"It resolved that the perpetrators of the attack will be brought to justice and their sponsors held to ac-

count. As with the recent extradition of Tahawwur Rana, India will be unrelenting in the pursuit of those who have committed acts of terror or conspired to make them possible," Mr. Misri said.

Meetings convened

The government has convened an all party meeting

on Thursday in the aftermath of the terror attack.

Government sources shared with *The Hindu* that Mr. Shah and Mr. Rajnath are reaching out to leaders of various political parties for the same.

The outreach came soon after the CCS met in the Prime Minister's residence at 7 Lok Kalyan Marg as the Government tried getting all parties on board, with political parties across the board expressing condemnation of the attack and emphasising a unified front with the government over the issue.

Leader of the Opposition in the Lok Sabha Rahul Gandhi had spoken to Mr. Shah, expressing concern, while parties like the Nationalist Congress Party had asked that the government call for all party meet.

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Key Developments:

1. Indus Waters Treaty Held in Abeyance

- **Treaty Background:** The **Indus Waters Treaty (1960)**, brokered by the World Bank, allocates usage of the six rivers of the Indus Basin between India and Pakistan.
- **Current Action:** India has **suspended the implementation** of the treaty.
- **Reason Stated:** Until Pakistan "**credibly and irrevocably abjures**" **cross-border terrorism**.
- **Significance:**
 - Marks a **serious shift in India's diplomatic stance**; the treaty has withstood multiple wars.
 - Could have **geopolitical ramifications** and invite international attention.

2. Diplomatic Downgrade and Persona Non Grata Declaration

- **Military Advisers** in the Pakistani High Commission in New Delhi declared **persona non grata**.
- Indian defence personnel to be **withdrawn from Islamabad**.
- Missions on both sides to be reduced from **55 to 30 staff members**.
- Signifies **severe diplomatic de-escalation**.

3. Visa and Travel Restrictions

- **Closure of Attari Check Post**: With immediate effect.
- **SAARC Visa Exemption Scheme (SVES)**:
 - Cancelled for Pakistani nationals.
 - All existing SVES holders from Pakistan told to leave India within **48 hours**.
- **Pakistani nationals holding Indian visas** must return by **May 1, 2025**.

4. Internal Political Consensus

- **Cabinet Committee on Security (CCS)** met under the PM's leadership.
- **All-party meeting convened**, signalling:
 - An attempt to create **domestic political consensus**.
 - Recognition that **national security overrides partisanship**.

5. Assurance of Accountability

- **India's commitment to justice**:
 - Cited the **recent extradition of Tahawwur Rana** (2008 Mumbai attacks conspirator).
 - Vowed to pursue **perpetrators and their sponsors relentlessly**.

Critical Evaluation:

Positive Aspects

- **Diplomatic deterrence** without immediate military escalation.
- Builds **internal political unity** through multiparty consultation.
- Demonstrates a **strategic, multi-sectoral approach** rather than emotional retaliation.

Challenges and Risks

- May **invite international mediation or criticism** under international water law.

Daily News Analysis

- Risks **retaliatory actions** or **further deterioration** in bilateral ties.
- Impacts **people-to-people ties** and **track II diplomacy**, especially under SAARC.

Way Forward:

- Leverage **international forums** to expose terror networks.
- Maintain **water resource resilience** in domestic and border regions.
- Ensure **counterterrorism diplomacy** is balanced with **regional stability considerations**.

UPSC Mains Practice Question

Ques :Critically analyze India's decision to suspend the Indus Waters Treaty with Pakistan in response to the recent terror attack in Pahalgam. Do such actions align with India's strategic interests and international obligations?(250 Words)



Galaxy Involved: NGC 1052-DF2 (an ultra-diffuse galaxy)

- **Issue:** Observed to be **deficient in dark matter**, which is **unusual** as dark matter is essential in current models of galaxy formation.
- **Institute Involved:** Indian Institute of Astrophysics (IIA), Bengaluru
- **Published in:** *Astronomy & Astrophysics* journal

Indian astronomers throw light on curious case of missing dark matter in a distant galaxy

The Hindu Bureau
BENGALURU

Astronomers at the Indian Institute of Astrophysics (IIA) have found the reason for the strange deficiency of dark matter in the distant galaxy NGC 1052-DF2. Dark matter is a critical component of galaxy formation.

According to the Department of Science and Technology, earlier models have shown that the Ultra-diffuse galaxy (UDG) NGC 1052-DF2 is deficient in dark matter, which con-

flicts with the standard galaxy formation and evolution models.

It said that previous studies of NGC 1052-DF2 predict a total 'dynamical mass' within the spatial extent of the galaxy to be less than 340 million solar masses, which is comparable to the estimated mass of the stars of 200 million solar masses. "This surprising result implies that within the observed extent of the galaxy, the mass is mostly composed of primarily stars that we are familiar with, and that dark matter is sig-



A NASA file photo of galaxy NGC 1052-DF2. REUTERS

nificantly less than expected as compared to spiral galaxies like the Milky Way. This contradicts the established paradigm about

dark matter, which is needed to explain hierarchical structure formation in the Universe," the department said.

New learnings

"We find that NGC 1052-DF2 poses interesting questions regarding the formation of galaxies with minimal dark matter content, the astrophysical processes regulating the formation of such galaxies, as well as the potential nature of dark matter itself," said astronomer K. Aditya, whose research was pu-

blished in the journal *Astronomy & Astrophysics*.

To shed light on this problem and to resolve the discrepancies in the mass estimation of NGC 1052-DF2, Mr. Aditya constructed models using the stellar density as an input parameter and constrained the parameters corresponding to the dark matter halo. "We find that mass models with a "cuspy" (higher density in the central regions) dark matter halo are comparable to models with no dark matter," he said.

What is Dark Matter?

- Invisible mass that **does not emit, absorb or reflect light**.
- Makes up about **27% of the universe's mass-energy**.
- Explains **galactic rotation curves** and **large-scale structure formation** in cosmology.

Key Findings:

- Earlier studies: Galaxy has a **total dynamical mass < 340 million solar masses**, of which **~200 million solar masses** are accounted for by visible stars.
- **Implication:** Little or no dark matter present in observed region — **contrary to standard cosmological models**.

Daily News Analysis

- Indian study showed:
 - Models with **cuspy dark matter halo** (denser in center) give **similar results to no-dark matter models**.

Why is it Important?

- Challenges existing **dark matter-based models** of galaxy formation.
- Opens discussion on:
 - Formation of galaxies with minimal dark matter**
 - Astrophysical processes** behind such anomalies
 - Nature of dark matter** itself

Some facts:

Topic	Key Pointers
• Dark Matter	• Non-luminous, interacts via gravity only
• Galaxy	• A massive system of stars, interstellar gas, dust
• NGC 1052-DF2	• Ultra-diffuse galaxy showing minimal dark matter
• Ultra-Diffuse Galaxies	• Low surface brightness, low star density
• Cuspy Dark Matter Halo	• Higher dark matter density in central region

UPSC Prelims Practice Question

Ques :With reference to dark matter, consider the following statements:

- It interacts with light, which makes it visible in telescopic observations.
- It plays a key role in explaining galaxy rotation curves and cosmic structure formation.
- Recent research has confirmed the presence of high dark matter concentration in NGC 1052-DF2.

Which of the above is/are correct?

- A. 1 and 2 only
- B. 2 only
- C. 2 and 3 only

D. 1, 2 and 3

Ans : b)



The joint statement was released following **Prime Minister Modi's official visit to Saudi Arabia**, cut short due to the **Pahalgam terror attack**. Despite the shortened visit, significant progress was made in key strategic sectors, particularly **energy, climate change, and digital cooperation**.

India, Saudi agree to enhance stability of global oil markets

Press Trust of India
NEW DELHI

India has agreed to work with Saudi Arabia to enhance the stability of global oil markets and to balance global energy market dynamics, according to a joint statement issued on Wednesday.

The statement came after the conclusion of Prime Minister Narendra Modi's visit to Saudi Arabia which was cut short following the terror attack in Kashmir's Pahalgam, where terrorists killed 26 people, mostly tourists.

"The Indian side agreed to work with the kingdom to enhance the stability of global oil markets and to balance global energy market dynamics. They emphasised the need to ensure security of supply for all energy sources in global markets. They agreed on the importance of enhancing cooperation in several areas in the energy sector, including the supply of crude oil and its derivatives," the joint statement said.

"The two sides also acknowledged the need to work on developing supply chains and projects linked to the energy sector, enabling cooperation between companies, enhancing

Both sides stressed on cooperation in technology, including in emerging domains such as artificial intelligence

cooperation in the field of energy efficiency and rationalising energy consumption in the buildings, industry, and transportation sectors, and raising awareness of its importance," the statement said.

On climate change, both sides reaffirmed the importance of adhering to the principles of the United Nations Framework Convention on Climate Change and the Paris Agreement and the need to develop and implement climate agreements with a focus on emissions.

Both sides underscored the importance of cooperation in technology including in emerging domains such as artificial intelligence and cybersecurity.

They also expressed satisfaction on signing of the MoU between the Telecom Regulatory Authority of India and Communications, Space and Technology Commission of Saudi Arabia for cooperation in regulatory and digital sectors, a statement said.

Key Outcomes of the India-Saudi Meeting:

1. Energy Cooperation and Oil Market Stability

- India and Saudi Arabia agreed to:
 - **Enhance the stability** of global oil markets.
 - Balance **global energy dynamics** amid fluctuating demand and supply.
 - Ensure **security of supply** across all energy sources (oil, gas, renewables).
 - Strengthen ties in:
 - **Crude oil and derivative supply**
 - **Energy efficiency** in buildings, transport, and industry.
 - **Energy consumption rationalisation** and public awareness.
 - **Supply chain resilience** for energy infrastructure.

2. Climate Commitments

- Both nations reaffirmed:
 - Commitment to the **UNFCCC** and **Paris Agreement** principles.
 - Need to **develop and implement effective emission-focused agreements**.
 - Support for **sustainable development** while balancing national interests.

3. Technology and Digital Cooperation

- **Emerging technologies focus:** Cooperation in **AI, cybersecurity**, and digital infrastructure.
- Signing of **MoU between TRAI (India) and CSTC (Saudi Arabia)**:
 - Regulatory and digital infrastructure collaboration.
 - Opens pathways for **tech standardization and joint innovation**.

India-West Asia Relations

- **Strategic Energy Security Partnership:**
 - Saudi Arabia is **India's 4th largest oil supplier**.
 - Enhanced cooperation bolsters **energy resilience** in light of geopolitical tensions (e.g., Russia-Ukraine war, Red Sea instability).
- Deepening economic, digital, and regulatory ties reflects India's **multi-dimensional engagement with Gulf nations**.

Bilateral & Regional Stability

- A stable India-Saudi relationship strengthens India's position in the **GCC** and the broader **West Asian strategic calculus**.

Energy Security

- Highlights India's proactive steps in:
 - **Diversifying energy imports.**
 - Enhancing **efficiency and sustainability.**
 - Aligning national interests with **global energy transition goals.**

Climate Change Diplomacy

- India upholds its **climate leadership** credentials.
- Collaboration under UNFCCC/Paris Agreement ensures India balances **development needs and climate responsibilities.**

Technology Cooperation

- MoU reflects India's interest in **emerging technologies and cyber-sovereignty.**
- Critical for India's aspirations of becoming a **digital economy powerhouse.**

Critical Perspectives:

Positive Aspects

- Strengthens **strategic energy partnerships** in an unpredictable global oil market.
- Facilitates **climate-aligned development cooperation** with an oil-rich nation.
- Reflects India's rise as a **responsible global actor** shaping energy and digital narratives.

Challenges & Cautions

- Need to reconcile **fossil fuel cooperation** with **climate goals.**
- Dependence on external suppliers highlights the importance of **energy diversification.**
- Long-term MoUs need **timely implementation** to realize actual benefits.

Conclusion / Way Forward:

India-Saudi Arabia ties are maturing beyond hydrocarbons into **multi-sectoral cooperation**—energy, climate, and technology. India must leverage this partnership to:

- Secure **energy and digital sovereignty.**
- Promote **sustainable practices.**

Daily News Analysis

- Anchor itself in **West Asia's strategic matrix** as a stable and forward-looking partner.

UPSC Mains Practice Question

Ques : *India–Saudi Arabia bilateral cooperation is gradually expanding beyond traditional oil trade to include technology and climate partnerships. Discuss the strategic significance of this development in light of India's energy security and environmental commitments. (250 words)*



India is witnessing **increasingly severe and frequent heatwaves**. Informal workers — particularly in urban areas — face **occupational health risks, income insecurity, and lack of basic cooling infrastructure**. Climate and labour rights experts are calling for legal and policy recognition of a “**right to cool**” as part of **constitutional guarantees under Article 21 (Right to Life)**.

Key Issues Highlighted:

1. Impact of Heatwaves on Informal Workers

- Over **80% of Delhi's workforce** is informal.
- Includes **street vendors, construction workers, ragpickers**, etc.
- Health risks include **heatstroke, dehydration, kidney damage**.
- Severe **income loss**: 61% of street vendors lost >40% of daily income during peak heat periods.

2. Gendered Impact

- **82% of working women** in India are in informal jobs.
- Women disproportionately affected due to:
 - Lack of **private or safe cooling spaces**.
 - Increased **exposure during care responsibilities**.

3. Demand for 'Right to Cool'

- Advocated as an **extension of the Right to Life (Article 21)**.
- Calls for:
 - **Shaded public infrastructure** (e.g., bus stops)
 - **Cooling shelters**, especially during red-alert heatwave days.
 - **Paid heat leave** and workplace cooling access.
 - **Free water ATMs** at labour hubs.

4. Urban Planning & Climate Resilience

- Emphasis on **gender-responsive urban planning**.



Climate experts have proposed urgent measures, including paid heat leave. THULASI KAKKAT

Experts seek 'right to cool' for informal sector workers

Press Trust of India
NEW DELHI

Climate experts have proposed urgent measures, including paid heat leave, free water ATMs at labour hubs and legal recognition for the 'right to cool', to protect India's informal workforce during the extreme summer months.

More than 80% of Delhi's workers, including street vendors, construction labourers and ragpickers, face severe health risks and income loss due to extreme heat. The women among them are disproportionately affected, the experts said. Amruta, a campaigner at Greenpeace India, highlighted that heat waves were no longer just weather events but disasters for those without shelter, water or rest spaces.

A 2024 report found that 61% of street vendors lost more than 40% of their daily income during extreme heat while 75% lacked access to cooling infrastructure near workplaces

A Greenpeace India report last year found that 61% of street vendors lost more than 40% of their daily income during extreme heat while 75% lacked access to cooling infrastructure near workplaces.

Hisham Mundol, chief advisor at Environmental Defense Fund - India, said informal workers bore the brunt of heat waves and rising cases of dehydration, heatstroke and chronic illnesses such as kidney damage underscored the urgent need for intervention.

The India Meteorological Department (IMD) has predicted above-normal maximum temperatures for large parts of northwest, central, and eastern India between April and June. In its seasonal outlook, the IMD warned that the number of heatwave days this summer might be significantly higher than usual, especially over Rajasthan, Gujarat, Punjab, Haryana, Delhi, Uttar Pradesh and western Madhya Pradesh.

With 82% of working women in India engaged in informal labour, gender-responsive urban planning is critical.

Mr. Mundol said urban planning needed to be improved universally but it was also true that the circumstances of women impacted them uniquely. "Better facilities for all such as shelters, drinking water and other public facilities are needed and sensitive thought has to be applied to make sure they are equally accessible and welcoming for women," he said.

While the India Cooling Action Plan (2019) acknowledged cooling as a developmental need, the experts said it fell short in ensuring equitable access.

"Cooling disparities must be addressed as a basic right. A 'right to cool' under Article 21 would mandate shaded bus stops, cooling shelters, and thermal comfort for all," Ms. Amruta said.

Mr. Mundol laid stress on the need for city-level heat action plans with enforceable measures – non-negotiable paid time off, water stations and cooling shelters on red-alert days.

The experts proposed several immediate solutions to mitigate the impact of extreme heat on vulnerable populations. These include installing shaded canopies made of heat-reflective materials in high-traffic areas, setting up free water ATMs near labour hubs to ensure hydration, and deploying mobile cooling stations equipped with fans and basic first-aid facilities.

Daily News Analysis

- Need for **city-level Heat Action Plans (HAPs)** with enforceable norms.

Right to Life & Livelihood (Article 21)

- 'Right to Cool' interpreted as **extension of thermal comfort and safe working conditions**.
- Aligns with **Directive Principles of State Policy (Articles 39, 42)** for just and humane working conditions.

Urban Governance & Vulnerable Sections

- Lack of inclusive urban planning reflects **governance gaps**.
- Highlights the **neglect of informal sector needs** in policymaking.

Heatwaves as Disasters

- IMD forecasts indicate **increasing frequency of heatwaves**.
- Heatwaves now qualify as **climate-induced natural disasters**.
- Urgent need to **mainstream heat-risk mitigation** into disaster preparedness.

India Cooling Action Plan (ICAP) – Gaps Identified

- ICAP (2019) acknowledges cooling as a developmental need but:
 - Lacks **equity lens**.
 - No enforceable **access rights for vulnerable groups**.

Critical Evaluation:

Positive Aspects of Expert Recommendations

- Integrates **climate justice** with **social protection**.
- Recognizes **informal workers as frontline climate victims**.
- Emphasizes **right-based approach** over welfare charity.

Challenges and Gaps

- No legal framework for **paid heat leave** in informal economy.
- Poor implementation and funding of **urban HAPs**.
- Public infrastructure not designed for **climate adaptation** (no shade, water, rest areas).
- **Gender-insensitive infrastructure** remains a blind spot.

Way Forward:

- Legally recognize **"thermal comfort" as a public right** under environmental health.
- Strengthen **Heat Action Plans** with enforceable and locally funded mandates.
- Mandate **urban cooling infrastructure** (e.g., shaded streets, green roofs).
- Include **women and informal sector voices** in urban planning processes.
- Expand **India Cooling Action Plan** with **rights-based, equity-driven frameworks**.

UPSC Mains Practice Question

Ques :Extreme heat events are no longer mere weather phenomena but pose a serious challenge to public health and livelihoods, especially for informal sector workers. Discuss the need for a 'right to cool' and suggest policy measures to ensure climate justice in urban India. (250 words)



In News : Sunrise Industry

Finance Minister Nirmala Sitharaman recently said India plans to increase the share of the manufacturing sector from 12% to 23% over the next two decades helped by sunrise sectors.

About Sunrise Industries

- Sunrise industry is a term frequently used for a sector that is developing and poised for rapid growth.
- Typically, such industries register high growth rates and have numerous start-ups and plenty of funding.
- Sunrise industry examples include the alternative energy industry highlighted in 2003 and 2007, the social media and cloud computing industries of 2011 and 2012, and blockchain industries established from 2013 to 2017.
- Other sunrise industries include information technology and clean energy.
- A sunrise industry often has a high degree of innovation, and its rapid emergence may threaten a competing industry sector already in decline.
- The competing industry sector is commonly referred to as a sunset industry.
- Life Cycle of a Sunrise Industry:
 - As an industry grows and matures, it may pass from the sunrise phase to maturity and, finally, the sunset stage.
 - The compact-disc industry is an example of such a transition.
 - It was a sunrise industry in the 1990s when compact discs replaced vinyl records and cassette tapes, but the rapid adoption of digital media in the 21st century saw the industry move into the sunset phase.

UPSC Prelims Practice Question

Ques : Which of the following best describes a sunrise industry?

- A. An industry that is declining due to lack of innovation.
- B. An industry that is poised for rapid growth and innovation.
- C. An industry that receives no government support.
- D. An industry dominated by public sector enterprises.

Ans : B)

Page : 10 Editorial Analysis

Is India witnessing judicial despotism?

A series of judgments in recent times has had several parties questioning the powers and motives of the Supreme Court; while such criticism of the judiciary is not new, the top court has not yet crossed the Lakshman Rekha

LETTER AND SPIRIT

Faizan Mustafa

The term 'judicial review' has not been used in our constitution but it can easily be inferred from Article 13, which says any law in contravention of the constitution shall be void. In fact, even this provision was inserted out of abundant caution, as even in its absence, such a power could have been exercised by the constitutional courts. High Courts under Article 226 and the Supreme Court under Article 32 look at the violation of rights.

Judicial review being an essential component of rule of law is part of our constitution's basic structure. Though 'judicial activism' and 'judicial review' are considered distinct, basically both are two sides of the same coin. Indeed, the judicial whistle should ideally be blown in extreme situations for a limited purpose, as the judiciary has no business taking over the governance of the country in its hands.

To overcome the crises of legitimacy for its pro-government decisions during the Emergency, the Supreme Court revolutionised the doctrine of *locus standi* and initiated the Public Interest Litigation. However, has the Supreme Court really become a nuclear missile, with its judges having no accountability? Are we in the midst of civil or religious war and Justice Sanjiv Khanna, in his short tenure as Chief Justice of India (CJI), is to be blamed for this? Is judicial review anti-democratic?

Has the court misused its powers under Article 142 (which provides for "complete justice")? If no more asks petitioners what right of theirs has been violated but rather whose right has been violated. In the process, it has helped the prisoners who were blinded by needles being pierced in their eyes; paying compensation for the custodial deaths and upholding rights of workers etc.

The case for complete justice

In the constitutional law debates, there have always been lovers and haters of judicial review. At times, they do change their stand depending upon whether they are in government or opposition. Thus, Congress leaders when in power were against the judicial review but are its strongest votary today.

However, to term Article 142 as nuclear missile is too strong a statement and is basically criticism of the constitution and should have been avoided by the Vice-President of India, who himself being a senior advocate is familiar with the seminal contribution of the Supreme Court in saving our democracy. This provision was used in the Babri judgment, in issuing guidelines on mob lynching and in granting divorces in failed marriages on the ground of 'irretrievable breakdown'. True, the court should not use this power too often.

The Supreme Court has neither used judicial activism nor its constitutional power under Article 142 as an unguided missile. As a repository of people's trust in it, it has, barring few exceptions, lived up to their expectations and not betrayed their trust. Had the court ordered restoration of the Babri mosque, probably there would have been a situation of religious war but looking at the sentiments of the millions of people, the court preferred peace over justice.

Similarly, a judgment against the abrogation of Article 370 may have created a law and order situation in



Boundaries and limits: Though 'judicial activism' and 'judicial review' are considered distinct, they are two sides of the same coin. AMAN RAJ

Kashmir. CJI Sanjiv Khanna's interpretation of the proviso of Article 370 has been severely criticised and the court's refusal to determine the constitutionality of a State being downgraded to a Union Territory was not liked by the constitutional law experts.

The democracy debate

True, Opposition is well within its right to criticise the Vice-President but it must remember its tallest leader, Pandit Jawaharlal Nehru, too had spoken in almost identical language in the Constituent Assembly on September 10, 1949: "Within limits no judge and no Supreme Court can make itself a third chamber. No Supreme Court and no judiciary can stand in judgment over the sovereign will of Parliament. If we go wrong here and there, it can point it out, but in the ultimate analysis where, the future of the community is concerned, no judiciary can come in the way. And if it comes in the way, ultimately, the whole constitution is a creature of Parliament."

He went on to observe on the possibility of picking up pro-government judges: "If courts proved obstructive, one method of overcoming hurdle is... the executive which is the appointing authority of judges begin to appoint judges of its own liking for getting decisions in its own favor." His daughter, as a strong Prime Minister, gave full effect to this policy by twice indulging in the supersession of judges. It is a different story that even the collegium routinely indulges in supersession in the name of diversity and merit.

The greatest criticism against the judicial review is in the name of democracy, as unelected judges ideally should not have power to quash laws passed by democratically elected governments. Of course, the government would be formed based on the majority in popular House, yet the constitution does not permit it to become majoritarian. Similarly, the Governor or the President cannot exercise their discretionary powers arbitrarily in assenting Bills because they too should respect the will of the democratically elected State Assemblies.

In fact, most scholars reject this democratic objection in cases of judicial review on questions pertaining to federal provisions, legislative procedure or fundamental rights, as democracy can be

the best means of resolving political disputes except in issues of fundamental rights and preservation of constitutional supremacy. Unlike the United Kingdom, we do not have the supremacy of the Parliament but the supremacy of the constitution. Our parliamentarians must keep it in mind. The Vice-President too should not assert supremacy of the Parliament.

Judiciary vs the government

Generally, the Supreme Court upholds the decisions of the government and the laws enacted by the Legislature. The quashing of laws or striking down of governmental decisions happens once in a blue moon. The Supreme Court has a duty to speak against the misgovernment; if it fails to do so, it would be failing in its constitutional duty of protecting the constitution and upholding people's rights.

To say that Parliament be shut down as the court itself is making laws too is an unfair criticism. As a matter of fact, lately, the liberals have been saying that our judiciary has become more executive-minded than the executive itself. In most cases during the Modi government, the Supreme Court has gone with the government. It upheld demonetisation; it refused to recognise same sex marriages; it approved the Rafale deal; saved the BJP-Shiv Sena(S) government in Maharashtra; insisted on the National Register of Citizens for Assam; did almost nothing in the Pegasus surveillance matter; declared 'triple talak' as void; freely used sealed covers; did not agree even for a CBI probe in Judge Loya's death; made bail conditions more stringent under Unlawful Activities (Prevention) Act and for over five years, did not grant bail even to student leaders; did not hear petitions against Electronic Voting Machines (EVM) and the Citizenship (Amendment) Act, 2019.

The only big setbacks for the government were in cases against the electoral bond scheme, National Judicial Appointments Commission (NJAC), and President's rule in Arunachal Pradesh. In the recent verdict on Tamil Nadu Government's petition against its Governor, the court has merely interpreted the expression 'as soon as possible' in Article 200. The only problematic part that may qualify as judicial activism is the suggestion to

President to seek the court's advisory opinion if a State law looks patently unconstitutional; the court has said "it would be prudent" (Paragraph 434). This too was to save the President from the allegations of bias, arbitrariness and *mala fide*.

Need for fair criticism

Let us be fair to our judges. Fair criticism is welcome but attributing motives to judges or blaming them either for the violation of separation of powers or civil war is not acceptable. Our judges do deserve respect as they have too much of work due to poor judge-population ratio. The current CJI has not given any significant judgment. Aware of religious sensitivities, he merely tried to maintain peace through his observations on the Places of Worship Act. There is no stay as of now even on the The Waqf (Amendment) Act, 2025. Cannot he even ask questions anymore?

All three organs of the government must remain within their allotted spheres. Holders of these organs do take an oath to bear true faith and allegiance to the constitution. A Governor who refuses to sign Bills validly passed by the Assembly for years together basically was in violation of his own oath.

In Supreme Court Bar Association (1998), the Supreme Court had observed that the powers under Article 142 being curative do not authorise the court to supplant substantive law. It cannot build a new edifice where none existed earlier. It cannot make any order which is inconsistent with the constitution or statutory law. The judgment in the Tamil Nadu Government's suit has strengthened, not weakened, democracy and federalism. Justice J.B. Pardiwala has not gone against any provision of the constitution. He has indeed saved the constitution from the despotism of unelected Governors and prevented Governors from becoming "super constitutional figure" (Paragraph 317).

Justice Krishna Iyer in *Maru Ram v. Union of India* (1981) has held that "no legal power can run unruly like John Gilpin on the horse but must keep sensibly to a steady course". He also observed that no constitutional power can be vulgarised by the personal vanity of the men in authority.

The constitutional fiction of political questions beyond judicial remit cannot tie the hands of judges in exceptional situations like the one in Tamil Nadu. Its Governor's action being found *mala fide* warranted such timelines. The timelines suggested by the court do not amount to amendment of the constitution at all. No court in future is going to initiate contempt proceedings against the President or even the Governors for not strictly complying with these timelines. If there is undue delay without any reason, timelines can be used to evaluate arbitrary or non-arbitrary nature of the Governor's action/inaction.

In *Qaiser e Hind* (2001), Justice Dorairajan had observed that "the assent of the President envisaged under Article 254(2) is neither an idle or empty formality nor an automatic event" (Paragraph 73). It is an exercise of constitutional power. The Indian President too is under the constitution and not above it. Her actions too are amenable to judicial review. Even the Supreme Court is not supreme despite its nomenclature; it too must work under and within the constitutional limits.

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THE GIST

Judicial review is an essential part of our constitution's basic structure, but it has had lovers and haters — depending upon whether they are in government or Opposition. While the court should not often use its powers to provide "complete justice", calling Article 142 a nuclear missile turns into criticism of the constitution itself.

The greatest criticism against the judicial review is in the name of democracy, as unelected judges ideally should not have power to quash laws passed by democratically elected governments. However, quashing of laws or striking down of governmental decisions happens once in a blue moon. In most cases during the Modi government, the SC has gone with the government.

All three organs of the government must remain within their allotted spheres. Holders of these organs do take an oath to bear true faith and allegiance to the constitution.

Paper 02 : Indian Polity

UPSC Mains Practice Question: Examine the constitutional validity and limits of the Supreme Court's powers under Article 142 in maintaining the balance of power between the three organs of government. (250 words)

Context :

Recent judicial pronouncements—especially under **Article 142**—have reignited debates about **judicial activism**, **judicial review**, and the **separation of powers**. While some see the courts as guardians of constitutional morality, others fear the **encroachment on the powers of the legislature and executive**.

Core Concepts Explained:**Judicial Review vs Judicial Activism**

- **Judicial Review:** Power of courts to invalidate laws and executive actions inconsistent with the Constitution (inferred from **Article 13**, **Article 32**, and **Article 226**).
- **Judicial Activism:** When courts go beyond legal interpretation to **actively shape policy outcomes**—often controversial.

Key Insight: Both are essential tools, but judicial activism should be **restrained and invoked in exceptional circumstances**.

Issues Raised in the Article:**1. Article 142 – 'Complete Justice'**

- Used in:
 - **Babri Masjid verdict**
 - **Mob lynching guidelines**
 - **Divorces under irretrievable breakdown**
- Critics call it a "nuclear missile" of the judiciary.

Daily News Analysis

- But it is **curative**, not a tool for rewriting substantive law (as held in *SC Bar Assn. v. Union of India, 1998*).

2. Allegation of Judicial Despotism

- **No consistent overreach**—in most cases, **SC decisions have aligned with government policies** (e.g., Demonetisation, NRC, Rafale, Triple Talaq).
- **Exceptions** where court acted independently:
 - **Electoral bonds** struck down
 - **NJAC** declared unconstitutional
 - **Presidential Rule in Arunachal** overturned

3. Judiciary vs Legislature/Executive

- **CJI Sanjiv Khanna** criticized for remarks on Article 370 & Places of Worship Act.
- Verdict on **Tamil Nadu Governor's inaction** praised for **protecting federalism**, not overreach.
- Constitution places **Parliament under supremacy of the Constitution**, not above it.

4. Democracy and Judicial Review

- **Critics argue:** unelected judges should not override elected governments.
- **Counter:** Fundamental rights and constitutional supremacy must be upheld against **majoritarian excesses**.
- **India follows constitutional supremacy**, unlike **UK's parliamentary supremacy**.

5. Role of the Governor and President

- Governors must act within constitutional duties—not act as **"super constitutional figures."**
- The **President's assent** under Article 254(2) is **not ceremonial**—judicially reviewable (*Qaiser-e-Hind case, 2001*).

Critical Analysis:

Positive Aspects

- Judiciary has **preserved democracy** (e.g., during Emergency, NJAC case).
- Provided justice in **custodial deaths, bonded labour, environment cases**.
- Guarded against **executive arbitrariness** when others failed.

Concerns & Cautions

- Frequent use of **Article 142** may appear arbitrary if not transparently reasoned.
- Courts must **avoid entering the policy domain** unless rights are at stake.
- Growing perception of **executive-aligned judiciary** weakens credibility.

Way Forward:

- **Respect institutional boundaries:** All three organs must remain within their constitutional limits.
- Strengthen **judicial accountability** mechanisms without undermining independence.
- Encourage **fair, constructive criticism**, not political attacks on judiciary.
- **Public trust** in judiciary must be preserved through **reasoned judgments** and transparency.

