

DAILY PT POINTERS

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The nature of dissent in the Indian judiciary

The dissents of the U.S. Supreme Court are largely based on the political inclination of judges, who are direct appointees of the President, confirmed by the Senate. Indian judicial dissents have, however, varied from political, to social to purely intellectual disagreements

LETTER & SPIRIT

Shivani Vij

Dissent is an important facet of a true democracy. While this is true for citizens in the republic, or parliamentarians in the legislature, it is also true for judges of a constitutional court. India and the U.S. are two strong democracies with opinionated judiciaries. Though dissents in the Indian Supreme Court (SC) are as powerful as the U.S. Supreme Court (SCOTUS), their reasons differ.

The dissents of SCOTUS are largely based on the political inclination of judges, who are direct appointees of the President, confirmed by the Senate. Justice Stephen Breyer, for instance, an



for the courts to determine its constitutionality, since it is only the legislature that can intervene in socially unacceptable practices in different religions.

The decision in *Aishat Shifa* (2022) also displayed a discordant understanding of religion. This case did not have a dissent but had two separate opinions. The question was whether the State could prohibit Muslim girls from wearing a hijab to school by enforcing a universal dress code. Justice Hemant Gupta was of the view that secularism permitted the State to do so since religion was a private affair, which had no space in classrooms of a State-run school. Justice Dhulia, on the other hand, disagreed and considered 'diversity', 'plurality' and 'tolerance' as values underpinning the Constitution. This disagreement stemmed from

THE GIST

▼ Unlike the U.S., Indian judges are not appointees of the ruling party and are selected through a collegium of senior judges.

▼ In *Shayara Bano* (2017), the SC dealt with the constitutionality of the 'triple talaq' as a form of divorce among the Sunnis in Islam. Justices J.S. Khehar and Abdul Nazeer dissented with the majority, which struck down triple talaq for violating the rights of life of Muslim women.

- Dissent is essential in both Indian and U.S. democracies, reflecting opinionated judiciaries in their supreme courts.

SCOTUS Dissents: Often politically inclined due to presidential appointments and Senate confirmations.

- Indian SC Dissents
- Political Dissent: Indian judges are selected through a collegium, not politically appointed.

Example: Justice H.R. Khanna's dissent in ADM Jabalpur (1976) opposed the suspension of fundamental rights during a national emergency

- Social Dissent: Reflects different social understandings or implications of legal issues.

Example: Justices J.S. Khehar and Abdul Nazeer dissented in *Shayara Bano* (2017), supporting triple talaq as integral to Sunni personal law.

- Intellectual Critique: Based on constitutional interpretation.

Example: Justice B.V. Nagarathna's dissent in *Lalta Prasad Vaish* (2024) on the taxation of industrial alcohol, interpreting 'intoxicating liquor' differently from the majority.

The Hindu-GS2(IR)-Page 12

Quad members vow to work vigorously towards a free, open, and stable Indo-Pacific

Press Trust of India
NEW DELHI

India and other Quad member-nations on Tuesday reaffirmed the grouping's steadfast commitment to work towards a free, open, and peaceful Indo-Pacific amid China's increasing military muscle-flexing in the region.

Foreign Ministers of the member nations of the grouping made the pledge in a joint statement commemorating the 20th anniversary of "Quad cooperation".

India, the U.S., Australia and Japan came together 20 years ago to extend assistance in response to the 2004 Indian Ocean earthquake and tsunami, and that coalition subsequently took the form of the Quad.



We reaffirm our unwavering support for ASEAN's centrality and unity as well as mainstreaming and implementation of the ASEAN Outlook on the Indo-Pacific

QUAD FOREIGN MINISTERS
In a statement

ing some of the most pressing needs and challenges of the Indo-Pacific region, including in areas of maritime security, infrastructure and connectivity.

India is scheduled to host the next Quad Summit likely in the second half of 2025.

The Foreign Ministers of the four nations said the Quad would work together

"As four partners, we share a vision of a free and open Indo-Pacific that is peaceful, stable and prosperous, underpinned by effective regional institutions," the joint statement said.

The Quad Foreign Ministers also talked about the centrality of 10-nation grouping Association of Southeast Asian Nations (ASEAN) in the Indo-Pacific. "We reaffirm our unwavering support for ASEAN's centrality and unity as well as mainstreaming and implementation of the ASEAN Outlook on the Indo-Pacific," the Ministers said.

"We respect Pacific-led regional architecture, foremost the Pacific Islands Forum. We are also steadfast in our support for the Indian Ocean Rim Associa-

- India and other Quad member-nations reaffirmed the grouping's steadfast commitment to work towards a free, open, and peaceful Indo-Pacific amid China's increasing military muscle-flexing in the region.
- India, the U.S., Australia and Japan came together 20 years ago to extend assistance in response to the 2004 Indian Ocean earthquake and tsunami, and that coalition subsequently took the form of the Quad.
- In the last few years, the Quad has rolled out a number of initiatives addressing some of the most pressing needs and challenges of the Indo-Pacific region, including in areas of maritime security, infrastructure and connectivity.
- India is scheduled to host the next Quad Summit likely in the second half of 2025.
- The Quad Foreign Ministers also talked about the centrality of 10-nation grouping Association of Southeast Asian Nations (ASEAN) in the Indo-Pacific.

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10 payloads of ISRO's POEM-4 module deployed successfully

Hemanth C.S.
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The Indian National Space Promotion and Authorization Centre (IN-SPACe) on Tuesday said that it had facilitated the successful establishment and operationalisation of 10 hosted payloads from non-government entities (NGEs) on



- The Indian National Space Promotion and Authorization Centre (IN-SPACe) announced the successful operationalisation of 10 hosted payloads from non-government entities (NGEs) on the POEM-4 module of the PSLV-C60/SpaDeX mission launched by ISRO.
- This mission conducted in-orbit scientific experiments at an altitude of 350 km.
- IN-SPACe, an autonomous nodal agency under the Department of Space, promotes NGE participation in space activities, reducing entry barriers for startups, academic institutions, and research organizations.

HEADLINES OF THE DAY



PIB –GS3(Economy)-

Ministry of Commerce & Industry



INDEX OF EIGHT CORE INDUSTRIES (BASE: 2011-12=100) FOR NOVEMBER, 2024

Posted On: 31 DEC 2024 8:36PM by PIB Delhi

- The combined Index of Eight Core Industries (ICI) increased by 4.3 per cent (provisional) in November, 2024 as compared to the Index in November, 2023. The production of Cement, Coal, Steel, Electricity, Refinery Products and Fertilizers recorded positive growth in November 2024.
- The ICI measures the combined and individual performance of production of eight core industries viz. Coal, Crude Oil, Natural Gas, Refinery Products, Fertilizers, Steel, Cement and Electricity. The Eight Core Industries comprise 40.27 percent of the weight of items included in the Index of Industrial Production (IIP)

HEADLINES OF THE DAY

Air-Governance (GSII)

India's Legal Reforms In 2024: Modernizing Laws Across Key Sectors



- 2024 significant legislative reforms were introduced or enacted to modernise India's legal framework and align it with global standards. These reforms aim to catalyse various sectors, including shipbuilding, banking, railways, aviation, and others. The year 2024 witnessed the passage of bills that replaced century-old laws, such as the New Bharatiya Criminal Laws, the Vayuyan Vidheyak Bill replacing the Aircraft Act of 1934, and the Carriage of Goods by Sea Bill replacing the century-old Carriage of Goods by Sea Act of 1925.
- The Bharatiya Nyaya Sanhita replaced the Indian Penal Code, which included outdated provisions such as the sedition law. The Bharatiya Sakshya Adhinyam replaces the Indian Evidence Act and modernises evidence handling, including provisions for electronic evidence. The Bharatiya Nagarik Suraksha Sanhita replaces the Code of Criminal Procedure and introduces changes in police custody durations and procedures for handling suspects.

HEADLINES OF THE DAY

Air-Governance(GSII)

India's First Glass Bridge Over Sea Inaugurated In Kanyakumari



- In Tamil Nadu, the iconic tourist destination Kanyakumari had added another jewel to its crown. India's first glass bridge over sea was inaugurated here yesterday. Tamil Nadu Chief minister MK Stalin unveiled the classic glass bridge that connects the 133 ft tall Saint Tiruvalluvar statue and the Vivekananda rock Memorial.
- The bridge would allow the tourists to enjoy a breezy walk between the landmarks while seeing through the wavy sea underneath. Constructed at 37 crores, the 77 metres bridge was inaugurated as part of silver jubilee celebration of the Tiruvalluvar statue, now renamed as statue of Wisdom by the state government.

HEADLINES OF THE DAY

DD News-Geography(GSI)

Iran Rejects Involvement In Escalating Red Sea Tension



- **IRAN REJECTS INVOLVEMENT IN ESCALATING RED SEA TENSION**
- The Red Sea is a semi-enclosed inlet of the Indian Ocean, located between Africa and Asia. It connects to the Arabian Sea and the Indian Ocean through the Gulf of Aden and the Bab el Mandeb Strait. The eastern borders of the Red Sea are formed by Yemen and Saudi Arabia, while the northern and western borders are shared by Egypt, Sudan, Eritrea, and Djibouti.

HEADLINES OF THE DAY

DD News-Economy(GSIII)

India Targets \$1 Billion Banana Exports As Sea Route Trial Proves Successful



- India has achieved a tenfold increase in banana exports over the past decade and aims to reach \$1 billion in exports within the next five years, according to the Agricultural and Processed Food Products Export Development Authority (APEDA).
- The surge in exports follows the successful trial shipments to the Netherlands via sea routes, which are expected to open new markets. Russia is anticipated to emerge as a significant importer of Indian bananas
- . The government's initiatives, including financial support, modern farming techniques, and improved infrastructure, have been instrumental in transforming India into a prominent banana exporter. States like Uttar Pradesh have also stepped up efforts, designating banana cultivation as a priority under the One District One Product (ODOP) initiative in Kushinagar.