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Restoring the 'Menace' of Unfettered Discretion

Context

- The issue of gubernatorial assent to State legislation has long strained India's federal structure, particularly in States governed by parties opposed to the Union government.
- In April 2025, the Supreme Court appeared to decisively correct this imbalance in *State of Tamil Nadu vs Governor of Tamil Nadu* by imposing **definitive timelines on Governors** and allowing courts to treat **unexplained inaction as deemed assent**.
- This intervention reaffirmed **democratic accountability and legislative supremacy**.
- However, the subsequent advisory opinion in Special Reference No. 1 of 2025 significantly diluted these safeguards, raising serious concerns about executive overreach and constitutional regression.

The April Verdict and Advisory Opinion

• The April Verdict: Restoring Democratic Accountability

- The April judgment was widely regarded as a **democracy-affirming correction** to the persistent misuse of gubernatorial powers.
- Governors had routinely delayed assent to Bills, resulting in **policy paralysis and procedural limbo**.
- By imposing **clear timelines** and recognising **deemed assent as a judicial remedy**, the Court transformed Article 200 into a mechanism of **constitutional discipline**.
- Importantly, the judgment clarified that the Governor's role is procedural rather than veto-like.
- By limiting prolonged silence and obstruction, it ensured that **unelected constitutional functionaries could not dominate elected legislatures**, thereby restoring balance in Centre-State relations and reinforcing the primacy of democratic institutions.

• The Advisory Opinion: A Course Reversal in Disguise

- This clarity was short-lived. In Special Reference No. 1 of 2025, a Constitution Bench rejected **judicially imposed timelines** as lacking textual support and declared deemed assent incompatible with the constitutional scheme.
- The Court endorsed a broad **elasticity in the discretionary powers of Governors and the President**, legitimising delays in assent.
- Although advisory in nature, the opinion carries **immense persuasive authority**.

- It effectively neutralises the April verdict by converting what was previously condemned as obstruction into **constitutionally permissible discretion**, once again exposing States to indefinite executive inaction.

The Illusion of Constitutional Dialogue

- A central justification offered is the notion of **constitutional dialogue** under Article 200.
- The Court presents assent and reconsideration as a communicative process between constitutional actors. However, dialogue without timely response is ineffective.
- The primary grievance against Governors has been their **strategic silence**, which converts dialogue into deadlock.
- The April judgment addressed this problem by foreclosing prolonged inaction.
- In contrast, the Reference opinion affords **leniency to motivated silence**, limiting judicial relief to mere directions to decide.
- By removing timelines and the threat of deemed assent, silence itself becomes **a tool of political control**.

The Troubling Aspect of Reference Opinion: Diluting the Binding Nature of Re-enacted Bills

- The most troubling aspect of the Reference opinion lies in its interpretation of the **first proviso to Article 200**.
- The constitutional text clearly provides that once a legislature re-enacts a Bill, the Governor **must assent**.
- The April judgment reinforced this binding nature.
- The Reference opinion undermines this safeguard by allowing Governors to refer even reconsidered and re-enacted Bills to the President in all circumstances.
- This negates the finality of legislative reiteration and creates a **constitutional black hole** where Bills can be indefinitely stalled.
- The principle that **what cannot be done directly cannot be done indirectly** is effectively abandoned.

Checks, Balances, and a False Equivalence

- The Court invokes **checks and balances** to justify expanded gubernatorial discretion, citing concerns that legislatures may enact unconstitutional or repugnant laws.
- This reasoning rests on a **false equivalence**. Legislative excesses are always subject to **judicial review**, whereas denial or delay of assent has no effective remedy.
- Elevating the Governor's procedural role into a quasi-judicial safeguard misconstrues constitutional design.
- Assent is a formal step in law-making, not a preliminary judicial review.
- Treating it as such transforms a procedural check into a **substantive veto**, distorting institutional balance.

Conclusion

- Taken together, the two decisions reveal a **retreat from principled constitutional restraint**.

- While State of Tamil Nadu imposed necessary limits on gubernatorial power, Special Reference No. 1 of 2025 dismantles those limits under the guise of textual fidelity and dialogue.
- The outcome is a **renewed empowerment of unelected Governors**, a weakening of **State legislative authority**, and an unwanted tilt towards Union dominance.
- Whether binding or not, the advisory opinion marks a moment of **constitutional retrogression**, normalising legislative paralysis and undermining the federal balance essential to India's democracy.

Restoring the 'Menace' of Unfettered Discretion FAQs

Q1. What was the key outcome of the April 2025 Supreme Court judgment on gubernatorial assent?

Ans. The judgment imposed definitive timelines on Governors and allowed unexplained inaction to be treated as deemed assent.

Q2. Why was the April verdict seen as democracy-affirming?

Ans. It protected legislative supremacy by preventing unelected Governors from indefinitely delaying Bills passed by elected legislatures.

Q3. How did Special Reference No. 1 of 2025 alter the earlier position?

Ans. It rejected judicial timelines and deemed assent, thereby restoring wide discretionary power to Governors.

Q4. What is problematic about the Court's idea of "constitutional dialogue"?

Ans. It ignores that prolonged silence by Governors undermines dialogue and enables legislative obstruction.

Q5. Why is allowing Governors to refer re-enacted Bills to the President controversial?

Ans. It negates the binding nature of legislative reiteration and allows Bills to be stalled indefinitely.

Source: **The Hindu**

The Oman Visit is More Than a Routine Diplomatic Trip

Context

- Prime Minister Narendra Modi's visit to Oman, as part of a three-nation tour to Jordan and Ethiopia, comes at a critical moment marked by regional uncertainty, energy transitions, tariff tensions, and evolving connectivity corridors.
- Taking place amid fragile peace following the Gaza ceasefire, the visit also commemorates **70 years** of India-Oman diplomatic relations.
- This is Mr. Modi's second visit to Oman after 2018, following Sultan Haitham bin Tarik's visit to India in December 2023, underscoring renewed momentum in bilateral ties.
- This article highlights why PM Modi's visit to Oman is strategically significant, as it deepens India's oldest Gulf partnership amid regional instability, energy transitions, connectivity initiatives, and shifting geopolitical equations.

Oman as a Trusted and Balancing Partner

- Oman's importance to India goes beyond geography or history.
- At a time when much of West Asia was ambivalent toward India, Oman consistently maintained open and friendly ties.
- Its foreign policy, rooted in moderation, mediation, and deliberate neutrality, has made it a rare island of stability in a conflict-prone region.

- **A Strategic Pillar of India's West Asia Policy**

- Oman is a key pillar of India's West Asia engagement.
- The relationship acquired a strategic dimension with the India-Oman **Strategic Partnership Agreement** in 2008, and Oman's invitation as a guest nation during India's G-20 Presidency in 2023 reflected this growing trust.

- **Deep Defence and Security Cooperation**

- Defence ties are central to the partnership and are guided by a 2005 MoU on military cooperation.
- Oman is the first Gulf country with which India conducts joint exercises involving all three defence services.
- Since 2012-13, Indian naval ships have operated in the Gulf of Oman for anti-piracy missions, supported by Omani overflight and transit facilities.
- The **Duqm Port logistics agreement** (2018) provides critical operational support to the Indian Navy and enhances India's maritime presence amid rising Chinese naval activity.

- **Growing Economic and Investment Links**

- Economic engagement has expanded steadily, with bilateral trade reaching \$10.6 billion in FY 2024-25.
- Omani FDI inflows into India total \$605.57 million since 2000.
- The Oman-India Joint Investment Fund (OIJIF) has invested about \$600 million in India, reinforcing long-term economic cooperation.

- **Fintech and Digital Public Infrastructure Cooperation**

- Fintech has emerged as a new area of convergence.
- In 2022, Oman and India linked their payment systems through an MoU between the Central Bank of Oman and NPCI, leading to the launch of the **RuPay debit card** in Oman.
- This marks a significant extension of India's Digital Public Infrastructure (DPI) globally.

Expanding the India-Oman Partnership

- The visit provides an opportunity not only to review longstanding ties but also to set new benchmarks in bilateral cooperation across trade, defence, energy, connectivity, and technology.

- **Trade and Economic Integration**

- A key outcome could be the signing of the India-Oman Comprehensive Economic Partnership Agreement (CEPA), making Oman the second West Asian country after the UAE to conclude such an agreement with India.
- CEPA would help India diversify trade amid rising global tariff pressures, particularly from the United States.

• **Connectivity and Strategic Corridors**

- Connectivity is central to discussions, with Oman expected to play a significant role in the India-Middle East-Europe Economic Corridor (IMEC) announced at the G-20 Summit in 2023, enhancing India's access to regional and global markets.

• **Energy and Green Transition Cooperation**

- Energy cooperation is likely to expand beyond hydrocarbons to include green hydrogen, renewable energy, and critical minerals.
- Talks may also explore Oman holding strategic petroleum reserves in India, similar to arrangements with the UAE.

• **Defence and Maritime Security**

- Defence ties may see a further boost through joint production facilities, potential supply of Tejas fighter aircraft, naval patrol vessels, radar systems, and Jaguar aircraft spare parts.
- Counter-terrorism and anti-piracy cooperation are also expected to deepen.

• **Emerging Areas: Space and Technology**

- Strategic engagement could extend to space cooperation, building on an agreement signed during Prime Minister Modi's 2018 visit, reflecting growing trust in advanced and high-technology domains.

Strengthening People-Centric and Strategic Ties

- India and Oman are likely to deepen cooperation in education and health, with proposals to establish offshore campuses of leading Indian institutions such as IITs and IIMs in Oman.
- More than a routine diplomatic engagement, the visit reaffirms India's oldest strategic partnership in the Gulf at a time of regional transformation.
- As India expands its economic and strategic presence in its extended neighbourhood, Oman remains a key partner, with potential breakthroughs across CEPA, green energy, connectivity, defence, education, and health, setting new benchmarks in bilateral relations.

The Oman Visit is More Than a Routine Diplomatic Trip FAQs

Q1. Why is Prime Minister Modi's Oman visit strategically important?

Ans. The visit coincides with regional uncertainty, energy transitions, and connectivity initiatives, while marking 70 years of diplomatic ties and reinforcing Oman's role in India's West Asia strategy.

Q2. How does Oman act as a balancing partner for India in West Asia?

Ans. Oman's policy of neutrality, mediation, and moderation has ensured stability in a conflict-prone region, making it a trusted and reliable partner for India.

Q3. What are the key pillars of India-Oman defence cooperation?

Ans. Defence ties include joint exercises across all services, naval cooperation, anti-piracy missions, and logistics access at Duqm Port, enhancing India's maritime presence.

Q4. What economic initiatives may emerge from the visit?

Ans. The signing of an India-Oman CEPA could boost trade diversification, investment flows, and economic integration amid global tariff pressures and supply-chain shifts.

Q5. Which emerging areas can further strengthen bilateral ties?

Ans. Green energy, IMEC connectivity, space cooperation, fintech, education, and health—such as IIT and IIM offshore campuses—offer new avenues for deepening India-Oman relations.

Source: TH

From Universal Health Coverage to Universal Healthcare - Reclaiming the Primary Care Path

Context

- **December 12** is observed as Universal Health Coverage (**UHC**) Day, highlighting the global commitment to ensuring access to essential health services without financial hardship.
- The 2025 theme — “Unaffordable health costs? We’re sick of it!” — underscores growing public frustration over rising healthcare expenses and **persistent** out-of-pocket expenditure (**OOPE**).

Universal Health Coverage (UHC) vs Universal Healthcare

- **UHC:** Focuses primarily on financial risk protection, often through insurance schemes covering hospitalisation and select treatments.
- **Universal healthcare:** A broader concept ensuring equitable access to comprehensive primary healthcare, including preventive, promotive, curative, rehabilitative, and palliative care. Thus, having ‘**Right to Health**’ at its core.

Global Normative Framework

- Right to Health recognised in international covenants. For example, **Alma-Ata Declaration, 1978** (WHO) emphasised Primary Healthcare (PHC) as the foundation of health systems.
- WHO World Health Report, 2010 shifted focus towards financial reform and **insurance-based risk protection**.

- UN Resolution on UHC and SDGs institutionalised UHC as a global development goal (**SDG 3**).

Insurance-Centric UHC - Emerging Concerns

- Many countries, including India, have adopted public health insurance-led UHC.
- These schemes **focus on hospitalisation** and disease-specific packages, but often exclude outpatient care, diagnostics, and medicines.
- Evidence shows **continued OOPE** due to –
 - Services not covered or inadequately covered
 - Provider-induced demand and misuse of insurance packages
- This means, financial protection without system strengthening is inadequate.

Comparative Experience - East and Southeast Asia

- Countries like **China and South Korea** achieved near-universal insurance coverage.
- However, **fiscal burden** on the exchequer became unsustainable, and ageing populations and chronic diseases increased costs.
- China's **course correction** (2015):
 - Cost containment
 - Strengthening primary and secondary care
 - Focus on prevention, early detection, follow-up
 - Investment in human resources and population outreach
- **Lesson:** Insurance works best when anchored in a well-financed public health system with **PHC as a gatekeeper**.

Role of Public Health Systems

- **East and Southeast Asian** countries maintain strong public provisioning, and a regulated private sector.
- A robust public system must act as a **bulwark** against cost escalation, and help regulate quality and pricing.
- Yet, private sector influence on health policy remains an unresolved concern.

India's Historical Commitment and Policy Drift

- **Bhore Committee (1946):** Advocated universal healthcare through a strong public PHC system. It explicitly cautioned against introducing insurance before PHC strengthening.
- **Post-Independence reality:** Chronic underfinancing of primary healthcare, weak public provisioning, and growing dependence on private healthcare.
- **National Sample Survey (NSS):** Increasing reliance of the poor on expensive private care. Rising household indebtedness due to health expenses.

Health Reforms in India

- **National Rural Health Mission (NRHM, now NHM):** Improved access but systemic gaps persist.
- **Insurance-based interventions:**

- Rashtriya Swasthya Bima Yojana (2008)
- Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB-PMJAY)
- These institutionalised UHC discourse, but largely retained a **hospital-centric**

Covid-19 as a Turning Point

- Pandemic **exposed inequities** in insurance coverage, limitations of hospital-focused health systems.
- Renewed calls globally and in India to move from UHC to Universal Healthcare, address social determinants of health.

Challenges and Way Forward

- **Overemphasis on financial protection over service provision:** Integrate insurance schemes within a robust public health system. Focus on prevention and health promotion, early diagnosis and continuity of care.
- **Weak primary and secondary healthcare infrastructure:** Strengthen comprehensive primary healthcare as the **first point of care**.
- **High out-of-pocket expenditure:** Regulate private sector, reorient policy from coverage for illness to care for health. Regulatory reforms focussing on social determinants of health (nutrition, sanitation, housing).
- **Inadequate public health spending:** Increase public investment in health (especially PHC).

Conclusion

- Universal Health Coverage, when reduced to insurance-based financial protection, risks missing the core objective of health equity.
- India's experience — reinforced by global evidence and the Covid-19 pandemic — highlights the urgency of transitioning towards universal healthcare rooted in strong primary care systems.
- **Reclaiming the Alma-Ata vision** through sustained public investment is essential to make healthcare truly affordable, accessible, and equitable.

From Universal Health Coverage to Universal Healthcare FAQs

Q1. What is the difference between UHC and Universal Healthcare?

Ans. UHC focuses on financial risk protection through insurance, whereas universal healthcare ensures equitable access to comprehensive primary care.

Q2. How has an insurance-centric approach to UHC failed to adequately protect households from health expenditure?

Ans. Insurance schemes often exclude outpatient care, diagnostics and medicines, leading to continued out-of-pocket expenditure and provider-induced costs.

Q3. What lessons can India draw from East Asian countries in implementing universal health coverage?

Ans. East Asian experiences show that UHC works best when embedded in a well-financed public health system with strong primary and secondary care acting as gatekeepers.

Q4. What is the relevance of the Bhore Committee's recommendations?

Ans. The Bhore Committee emphasised on strengthening primary healthcare before introducing insurance.

Q5. Why did the Covid-19 pandemic strengthen the argument for shifting from UHC to universal healthcare?

Ans. Covid-19 exposed inequities and limitations of hospital-centric insurance models, highlighting the need for comprehensive primary healthcare.

Source: IE

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