

Daily Editorial Analysis 20 January 2026

January 20, 2026 • vajiramandravi.com

Calling Out the ED's Actions, the Media Trials

Context

- The episode involving film-producer Akash Bhaskaran and the Directorate of Enforcement (ED) in 2024–25 illustrates a conflict between investigative power and judicial scrutiny.
- Raids on Bhaskaran's home were accompanied by leaks, allegations of a ₹1000-crore scam, and media spectacle built around seized devices and purported messages.
- Hashtags and memes amplified accusations long before any formal establishment of wrongdoing.
- When challenged in court, the raids were deemed illegal, all proceedings were stayed, and the ED issued an unconditional apology.
- The Supreme Court later halted broader action, warning that the ED was violating **federal principles** and crossing all limits

The Inversion of Legal Process

- The Prevention of Money Laundering Act (PMLA) mandates that offenses be **derivative**, requiring an identifiable predicate crime that generates illicit proceeds.
- Recent enforcement patterns reveal a reversed sequence: accusations of **money laundering** arise first, followed by attempts to locate an underlying offense to justify prior action.
- This inversion expands discretionary power and collapses the distinction between suspicion and proof.
- The PMLA equips the ED with sweeping authority. Under its provisions, individuals may be summoned without knowing whether they are witnesses or accused; properties may be attached provisionally; and arrests may occur without warrant under subjective reason to believe.
- Bail restrictions invert the **presumption of innocence**, compelling the accused to demonstrate non-culpability.
- These powers were originally justified in contexts such as **terror financing**, drug trafficking, and **organised crime**, yet their increasing use against political actors, state ministers, and private citizens has altered their institutional character.

Media Performance and the Construction of Guilt

- Media outlets frequently act as accelerants, amplifying raids and leaks into spectacles of pre-judgment.
- In the Bhaskaran case, visuals of seized devices, **WhatsApp chats**, and alleged luxury goods circulated widely.

- Private news channels and online creators produced an environment in which allegations gained the status of fact without verification.
- Sensational reporting, particularly when derived from leaks, transforms investigatory acts into public indictments.
- This pattern contributes to **media trials**, reputational punishment, and political pressure irrespective of judicial outcome. Retractions rarely follow and exonerations seldom receive equal coverage.
- Citizens are left consuming narratives that blend **investigation**, accusation, and entertainment in ways that weaken the **rule of law** and degrade standards of verification.

Institutional Misuse, Selectivity, and Credibility Crisis

- Multiple ED officers have been arrested on charges of extortion and bribery, including cases in Rajasthan, Tamil Nadu, Mumbai, and Odisha.
- Suspension orders and brief press releases have followed, but no structural reform has emerged.
- Such incidents erode claims of **moral authority** and enable judicial doubt regarding whether the PMLA is used to secure convictions or to prolong incarceration.
- Political selectivity further fuels distrust. High-profile raids on West Bengal Chief Minister Mamata Banerjee, I-PAC offices, and Tamil Nadu Minister K.N. Nehru coincided with electoral or political tensions.
- Letters alleging scams were leaked to the press before adjudication, shaping public opinion and inducing **reputational damage**. Critics argue that such tactics convert anti-corruption enforcement into **political theatre**, stressing optics over evidence.
- The agency's invocation of **Article 32** in the Supreme Court, even as it is accused of arbitrary conduct, underscores a double standard.

Democratic Stakes and Constitutional Guardrails

- Robust anti-corruption enforcement remains essential to the integrity of financial markets.
- However, when coercive power becomes **arbitrary**, it threatens democratic norms. The ED's trajectory shows how extraordinary powers, if unchecked, can mutate into a form of **state overreach**.
- Each baseless case normalises weakened procedural safeguards; each media spectacle corrodes public trust in institutions; each selective investigation invites retaliation rather than reform.
- Courts currently represent the primary check on excess. The Supreme Court's review of the Vijay Madanlal Choudhary judgment will determine whether PMLA powers require recalibration.
- Yet episodic interventions cannot replace durable institutional guardrails.

Conclusion

- An effective framework for combating financial crime must balance investigative authority with constitutional restraint.
- When agencies exercise **extraordinary powers** without transparency, judicial oversight becomes the last defence against arbitrary state action.
- Media sensationalism and political selectivity further erode public confidence, weakening both institutions and democratic culture.

- Restoring equilibrium requires reforms that defend accountability without sacrificing the **rule of law**.

Calling Out the ED's Actions, the Media Trials FAQs

Q1. What legal issue is central to concerns about the ED's functioning?

Ans. The central legal issue concerns the inversion of due process under the PMLA and the erosion of the presumption of innocence.

Q2. How did the courts respond to the Bhaskaran case?

Ans. The courts held the raids to be illegal, stayed further proceedings, and compelled the ED to return seized materials.

Q3. What role did the media play in the controversy?

Ans. The media amplified allegations through unverified leaks and sensational coverage, shaping public opinion before judicial review.

Q4. Why has the ED's credibility come under scrutiny?

Ans. The ED's credibility has been damaged by allegations of political selectivity and corruption among its own officers.

Q5. What is required to restore balance in anti-corruption enforcement?

Ans. Restoring balance requires legal reform, judicial oversight, accountable media practices, and adherence to constitutional limits.

Source: **The Hindu**

In A Changing World, It is Small Tables, Big Dividends

Context

- India's decision to host the **European Union's institutional leadership** as **chief guests** at the 2026 Republic Day parade signals a shift beyond symbolism toward bloc-level engagement.
- As bilateral diplomacy grows more complex—marked by persistent neighbourhood challenges and friction with major powers like the US and China—India's strategic openings may lie elsewhere.
- The coming year presents “**diplomatic white spaces**”: global issues that demand coordination but lack credible leadership.
- By building coalitions and focusing on priorities it can sustain, India can help shape rules and deliver global public goods in these leadership gaps.
- This article highlights how India's diplomacy in 2026 is shifting from headline bilateralism to leveraging “diplomatic white spaces”, where leadership gaps exist and small, focused coalitions can deliver results that large forums increasingly cannot.

Europe as India's First Diplomatic Test

- The presence of **Ursula von der Leyen** and **António Luís Santos da Costa** at the 2026 Republic Day parade signals renewed momentum in India-EU ties.
 - Ursula von der Leyen currently serves as the President of the European Commission.
 - António Luís Santos da Costa currently serves as the President of the European Council.
- The focus is the long-pending **India-EU Free Trade Agreement**, where engagement must be with the European Union as a whole, not just individual capitals.
- This partnership goes beyond **tariffs**. It involves rules on market access, data protection, competition, and sustainability.
- If India treats the deal as a way to reduce risks, it gains better access to European markets, a place in new global value chains, and some protection from US trade pressures.
- However, stricter compliance costs for Indian firms are inevitable. The opportunity exists because Europe wants to cut dependence on China and manage uncertainty from the US. India must act fast, as such diplomatic windows do not stay open for long.

BRICS: A Political Test for India

- **BRICS** in 2026 is larger but less focused. New members want different outcomes at different speeds.
- This raises a basic question: what should BRICS do, and can India help give it direction?
- Many members seek a stronger Global South voice and fairer development finance. But the group's purpose is contested.
- As chair in 2026, India can push BRICS toward practical results by using **New Development Bank** guarantees and tools that turn statements into action.
- India must also manage risks. U.S. tariff threats against countries seen as aligning with BRICS raise costs.
- India gains little from **anti-West rhetoric** or **de-dollarisation** drives that could deter Western capital and technology. Reform, not rejection, should be India's line.

The Quad: Turning Capability into Public Goods

- The **Quad** is another diplomatic white space. If India hosts a Quad leaders' summit, it could welcome Donald Trump, adding political weight and higher expectations.
- The Quad's work on maritime awareness and resilient ports matters to Indian Ocean countries that want help without being pulled into rivalries. India can add value by turning Quad capabilities into shared services others can use.
 - India's rapid response during **Operation Sagar Bandhu** after Cyclone Ditwah in Sri Lanka showed how flexible assets can deliver help without drama.
- Success will depend on the U.S. managing trade disputes without harming wider cooperation.

Limits of Big Forums

- Large global forums face strain. The **United Nations** remains vital for legitimacy but is weak at delivery when major powers disagree. Real outcomes are shifting to smaller coalitions that can act.
- The **G20** shows similar stress. Political disputes and agenda narrowing risk sidelining Global South priorities and reducing inclusiveness.

The Big Picture for 2026

- India's momentum in 2026 will come from filling leadership gaps.
- Europe is about standards, BRICS about practical delivery, and the Quad about public goods.
- Turning these white spaces into working arrangements is India's real opportunity.

India's Strategic Choice in a Fragmented World

- The **AI Impact Summit** in Delhi in February 2026 offers India a chance to bring governments, companies, and researchers together where interests overlap.
- As the US experiments with new forums, including a proposed "Board of Peace," India will need to be selective about where it invests diplomatic energy.
- An invitation for India to join **Pax Silica**, a US-led group focused on AI and semiconductor supply chains, shows how quickly new platforms are emerging.
- In a divided world, influence will not come from the biggest forums but from smaller, workable coalitions. India's strength in 2026 will lie in choosing the right tables—and making them deliver results.

In A Changing World, It is Small Tables, Big Dividends FAQs

Q1. Why is the EU's presence at India's 2026 Republic Day significant?

Ans. It signals India's move toward bloc-level diplomacy, focusing on EU-wide trade, data, and sustainability rules rather than relying only on bilateral ties.

Q2. What makes Europe a key diplomatic opportunity for India in 2026?

Ans. Europe seeks to reduce dependence on China and hedge against U.S. uncertainty, opening space for India in value chains despite higher compliance requirements.

Q3. Why is BRICS described as a political test for India?

Ans. BRICS has expanded but lost focus. As chair, India must steer it toward practical delivery while avoiding anti-West rhetoric that could hurt investment prospects.

Q4. How can India add value through the Quad?

Ans. India can turn Quad capabilities in maritime awareness and ports into shared services, helping regional states without forcing them into great-power rivalries.

Q5. Why are smaller coalitions more important than big forums today?

Ans. Large bodies like the UN and G20 struggle with divisions, while smaller coalitions can act faster, coordinate better, and deliver tangible global public goods.

Source: **TH**

Source: <https://vajiramandravi.com/current-affairs/daily-editorial-analysis-20-january-2026/>

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