

Headlines

Judicial Incursion - **Page No.1 , GS 2**

India, China at 75 - **Page No.6 , GS 2**

India's creative economy - **Page No.6 , GS 3**

Landmark agreement - **Page No.6 , GS 2**

A reminder to the President and Governors - **Page No.7 , GS 2**

SpaDeX mission - **Page No.12 , GS 3**

Tariff on steel imports - **Page No.13 , GS 3**

Text and Context - China block exports of rare earth elements

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**follow your
plan
not your
mood**

Won't directing Centre to 'protect' Bengal from violence amount to 'judicial incursion', asks SC

Page No. 1, GS 2

The Hindu Bureau

NEW DELHI

The Supreme Court on Monday answered a plea to direct the Union government to invoke emergency powers and "protect" the State of West Bengal from violence with a question on whether such a measure would amount to a judicial incursion into the domains of the Executive and Legislature.

The judge's remark from the Bench came in response to a plea by advocate Vishnu Shankar Jain to hear his application to invoke Article 355 of the Constitution, mentioning the communal violence and deaths in West Bengal during protests against the Waqf (Amendment) Act, 2025.

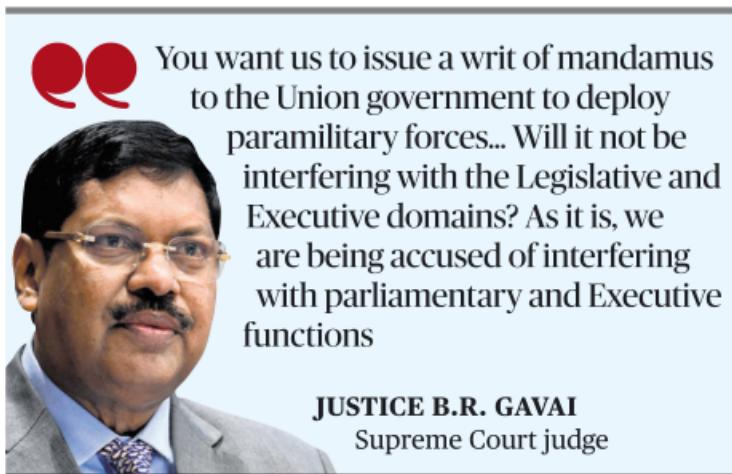
Article 355 mandates it the "duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution".

Mr. Jain pleaded for an urgent hearing of his plea on Tuesday. The court told him to file the plea.

T.N. Governor case

Justice B.R. Gavai, who has been recommended to be appointed as the next Chief Justice of India, obliquely referred to criticism about the judiciary intruding on government and parliamentary terrains following an April 8 judgment in the Tamil Nadu Governor case.

The court, in its verdict,



You want us to issue a writ of mandamus to the Union government to deploy paramilitary forces... Will it not be interfering with the Legislative and Executive domains? As it is, we are being accused of interfering with parliamentary and Executive functions

JUSTICE B.R. GAVAI
Supreme Court judge

had issued timelines to the President and Governors for clearing Bills. Vice-President Jagdeep Dhankhar had later criticised the judiciary for acting like a "super-Parliament".

"You want us to issue a writ of mandamus to the Union government to deploy paramilitary forces... Will it not be interfering

with the Legislative and Executive domains? As it is, we are being accused of interfering with parliamentary and Executive functions," Justice Gavai remarked to Mr. Jain.

Separately, Justice Gavai's Bench asked a lawyer, who made an oral mention, to get Attorney-General R. Venkatarama-

n's permission to initiate contempt of court proceedings against BJP MP Nishikant Dubey for his comments against the Supreme Court and the CJI Sanjiv Khanna against the backdrop of the April 8 judgment. Under the law, the Attorney-General has to give his consent to file a contempt petition in the Supreme Court.

Meanwhile, another Bench of the Supreme Court headed by Justice Surya Kant saw a petitioner-advocate, Shashant Shekhar Jha, withdraw his petition seeking the setting up of a Special Investigation Team and a court-monitored probe into the violence in West Bengal.

CONTINUED ON
» PAGE 10

Q



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- Article 355 mandates it the “duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution”.

Fact

- **Separation of powers is the division of the legislative, executive, and judicial functions of government.**
- **Article 50 says that states shall take steps to separate the Judiciary from the Executive.**
- **The constitutional demarcation precludes the concentration of excessive power by any branch of the government.**
- **The Indian Constitution lays down the structure and defines and determines the role and functions of every organ of the State and establishes norms for their inter-relationships and checks and balances.**

Q. Consider the following statements: (2020)

- 1. The Constitution of India defines its ‘basic structure’ in terms of federalism, secularism, fundamental rights and democracy.**
- 2. The Constitution of India provides for ‘judicial review’ to safeguard the citizens’ liberties and to preserve the ideals on which the Constitution is based.**

Which of the statements given above is/are correct?

- (a) 1 only**
- (b) 2 only**
- (c) Both 1 and 2**
- (d) Neither 1 nor 2**



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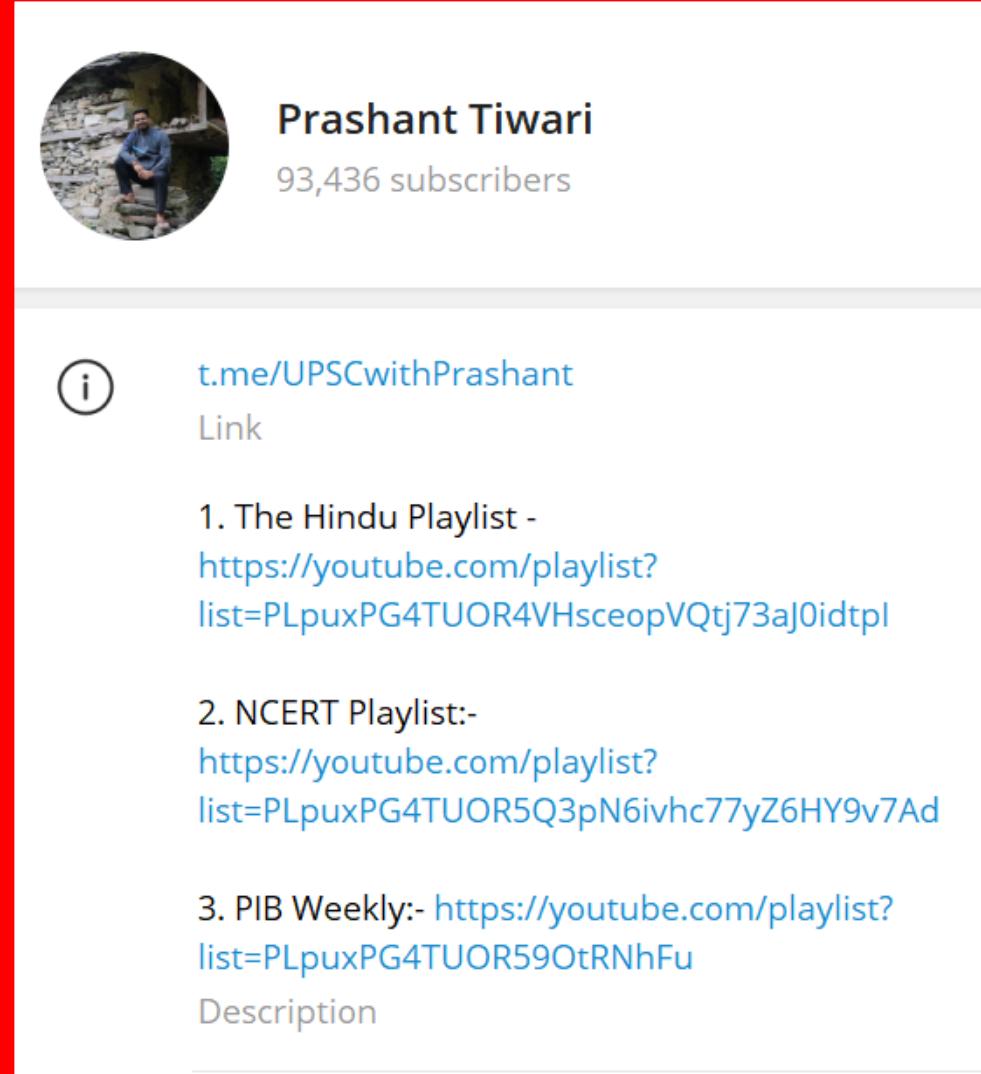
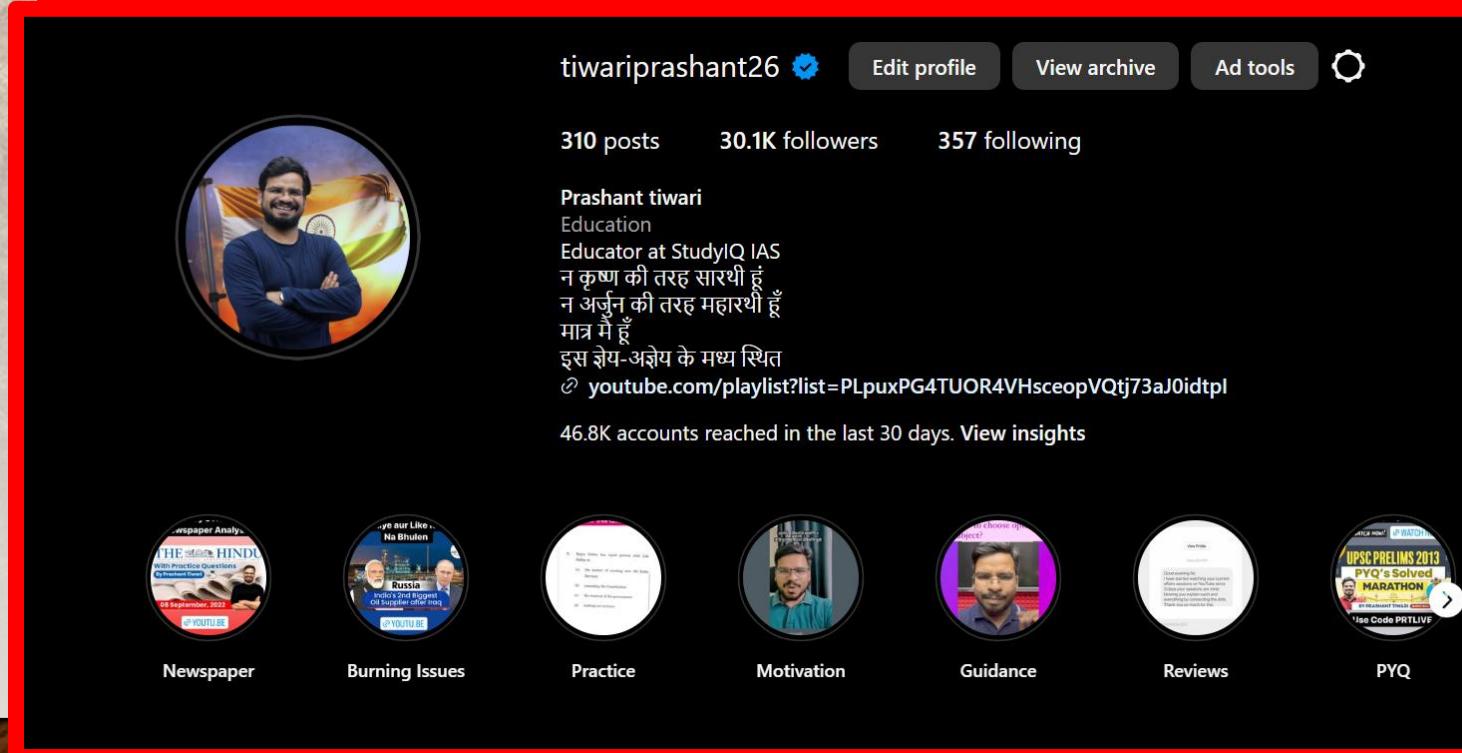
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(Prashant Tiwari)**



Two ISRO satellites dock successfully for the second time

The Hindu Bureau

BENGALURU

The Indian Space Research Organisation (ISRO) has successfully executed the second docking of the two satellites – SDX01 (Chaser) and SDX02 (Target) – that are part of the Space Docking Experiment (SpaDeX) mission, Union Minister of State for Science and Technology Jitendra Singh said on Monday.

“Glad to inform that the second docking of satellites has been accomplished successfully. As informed earlier, the PSLV-C60 / SPADEX mission was successfully launched on 30 December 2024. Thereafter the satellites were successfully docked for the first time on 16 January 2025 at 06:20 AM and successfully undocked on 13 March 2025 at 09:20 AM. Further experiments are planned in the next two weeks,” the Minister posted on X.

Docking satellites

Earlier this year, India became the fourth country after the U.S., Russia, and China to conduct the docking experiment.

The SpaDeX mission is an important project by



The ISRO has executed the second docking of the two satellites Chaser and Target.

the ISRO. It is designed to develop and demonstrate the technology needed for spacecraft rendezvous, docking, and undocking using two small satellites.

The demonstration of this technology is essential for future missions, such as sending an Indian astronaut to the moon, returning samples from the moon, and the building and operation of an Indian space station. The other aims of the mission include demonstration of the transfer of electric power between the docked spacecraft, which is essential for future applications, such as in-space robotics, composite spacecraft control, and payload operations after undocking.

Page No. 12, GS 3

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Q. With reference to *space docking*, consider the following statements:

1. It refers to the joining of two spacecraft in orbit.
2. Space docking is essential for crew transfer and module assembly in space missions.
3. Only the United States and Russia have successfully performed docking in space.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

Explanation:

- Statement 1 is correct: Space docking is the process where two spacecraft connect while in orbit.
- Statement 2 is correct: Docking is critical for crewed missions, resupply, and building space stations like the ISS.
- Statement 3 is incorrect: Besides the US and Russia, countries like China (Tiangong space station missions) have also successfully demonstrated docking technology.

India imposes 12% temporary tariff on steel imports

Page No. 13, GS 3

The move to levy the 'safeguard duty' is aimed at restricting unbridled imports, says a government notification; FinMin says tariffs will be applicable for 200 days with effect from Monday

Reuters

NEW DELHI

India imposed a 12% temporary tariff, locally known as a safeguard duty, on some steel products to stem unbridled imports, a government notification said on Monday.

India, the world's second-biggest producer of crude steel, said the tariffs would be applicable for 200 days with effect from Monday. "The safeguard duty imposed under this notification shall be effective for a period of two hundred days (unless re-



Steely resolve: New Delhi's tariffs are primarily aimed at China, which was the second-biggest exporter of steel to India. REUTERS

voked, superseded or amended earlier) from the date of publication of this notification," the Ministry of Finance said.

India's steel tariff in-

crease is its first big trade policy move since U.S. President Donald Trump imposed a wide range of duties on countries in April.

New Delhi's tariffs are

primarily aimed at China, which was the second-biggest exporter of steel to India behind South Korea in 2024/25. India was a net importer of finished steel for the second consecutive year in the 2024/25 fiscal year, with shipments reaching a nine-year high of 9.5 million metric tons, according to provisional government data.

Welcoming the move, T. V. Narendran, CEO & MD, Tata Steel said, "This is a critical step in addressing the surge of unfairly priced imports to India."

(With inputs from Lalatendu Mishra in Mumbai)



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Why did China block exports of rare earth elements?

What are rare earth elements? Why did China restrict their imports? How do the restrictions impact India?

Aroon Deep

The story so far:

Amid the ongoing U.S.-China trade war, Chinese authorities have reportedly imposed export controls on rare earth elements (REEs) and magnets that are needed in a range of manufacturing activities, from semiconductor fabrication units to defence equipment. This has been one of the more recent salvos in the trade war between the two countries, but the export restrictions apply to any Chinese refinery that can export refined rare earths outside the country.

What are rare earth elements?

Rare earth elements are a series of 17 substances that are present in the earth's crust. Unlike what the name may indicate, rare earths occur plentifully in nature, but the rarity comes from the ability to isolate them chemically and make them usable in industrial applications. Heavy and light rare earths occur naturally in several

countries, such as India, China, Myanmar, Japan, Australia and North Korea.

China's curbs target dysprosium, gadolinium, lutetium, samarium, scandium, terbium, and yttrium, seven of the 17 elements classified as REEs.

Dysprosium's so-called magnetic susceptibility makes it ideal for use in hard disks and car motors; gadolinium is used in nuclear reactors for shielding and in some medical equipment; lutetium and compounds with it are used in PET scanners and in petroleum refineries; samarium is used in powerful magnets in personal electronics; scandium-aluminium alloys are used in fighter aircraft; terbium is used in lighting for personal electronics; and yttrium is used in cancer treatments and superconductors.

What are China's export restrictions?

Practically all heavy REEs used all over the world are refined in China. From personal electronics to defence, therefore, Beijing has enormous leverage

over the entire world for a range of supply chains for critical raw and intermediate materials. The export restrictions don't appear to amount to an outright ban, but could interrupt supplies to countries for a few weeks as refiners work through the process of getting permits.

What is the impact on India?

Indian supply chains may not be immediately impacted by REE export restrictions in China. While the government has taken steps to boost domestic production of semiconductors and defence equipment, the more advanced stages of manufacturing typically happen abroad in countries like China itself, and Japan. The latter country has already taken steps to insulate itself from REE supply shocks, by building a months-long stockpile.

India has recognised the importance of REE production, as it is estimated to have 6% of their total deposits. Mining and refining activities tend to present great environmental strain, which have been

factors in India's practically non-existent capabilities in those activities.

India has light REE extraction capabilities through the state-owned Indian Rare Earths Ltd, such as monazite extraction from beach sand in Kerala.

India imports a limited quantity of REEs. In a response to the Lok Sabha earlier in April, the Ministry of Mines said 2,270 tonnes of REEs were imported in 2023-24. As such, the country's strategy depends on both boosting domestic production and imports.

What is the government's plan?

"As a policy framework for utilizing critical minerals, including rare earth metals, the National Critical Mineral Mission (NCMM) has been launched, which is India's strategic initiative to secure critical mineral supply chain by increasing domestic critical minerals production and foreign supply sources," the Ministry said in Parliament.

Critical minerals are a larger umbrella under which REEs fall.

"China's restrictions on certain critical minerals, the Russia-Ukraine War, and other issues highlight the fragility of critical mineral supply and the need for diversifying sources," the Ministry of Mines said in a presentation on the NCMM in January.

Under the NCMM, the government has said it will facilitate or engage in 1,200 exploration projects, award exploratory licenses to incentivise private exploration, and auction more critical mineral blocks.

THE GIST

Amid the ongoing U.S.-China trade war, China has restricted the export of 17 rare earth elements that are essential materials in a wide range of industries — from being used in hard disks and car motors to superconductors and cancer treatment.

With practically all REEs being refined in China, this move could interrupt supply chains across many countries for a few weeks.

India may not be immediately impacted by the move; besides, the government has been working on realising the country's potential in REE extraction.

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1. Antimony	15. Nickel	iv. Neodymium	20. Rhenium
2. Beryllium	16. PGE	v. Promethium	21. Selenium
3. Bismuth	i. Platinum	vi. Samarium	22. Silicon
4. Cadmium	ii. Palladium	vii. Europium	23. Strontium
5. Cobalt	iii. Rhodium	viii. Gadolinium	24. Tantalum
6. Copper	iv. Ruthenium	ix. Terbium	25. Tellurium
7. Gallium	v. Iridium	x. Dysprosium	26. Tin
8. Germanium	vi. Osmium	xi. Holmium	27. Titanium
9. Graphite	17. Phosphorous	xii. Erbium	28. Tungsten
10. Hafnium	18. Potash	xiii. Thulium	29. Vanadium
11. Indium	19. REE	xiv. Ytterbium	30. Zirconium
12. Lithium	i. Lanthanum	xv. Lutetium	
13. Molybdenum	ii. Cerium	xvi. Scandium	
14. Niobium	iii. Praseodymium	xvii. Yttrium	

Sl. No.	Critical Mineral	Percentage (2020)	Major Import Sources (2020)
1.	Lithium	100%	Chile, Russia, China, Ireland, Belgium
2.	Cobalt	100%	China, Belgium, Netherlands, US, Japan
3.	Nickel	100%	Sweden, China, Indonesia, Japan, Philippines
4.	Vanadium	100%	Kuwait, Germany, South Africa, Brazil, Thailand
5.	Niobium	100%	Brazil, Australia, Canada, South Africa, Indonesia
6.	Germanium	100%	China, South Africa, Australia, France, US
7.	Rhenium	100%	Russia, UK, Netherlands, South Africa, China
8.	Beryllium	100%	Russia, UK, Netherlands, South Africa, China
9.	Tantalum	100%	Australia, Indonesia, South Africa, Malaysia, US
10.	Strontium	100%	China, US, Russia, Estonia, Slovenia
11.	Zirconium(zircon)	80%	Australia, Indonesia, South Africa, Malaysia, US
12.	Graphite(natural)	60%	China, Madagascar, Mozambique, Vietnam, Tanzania
13.	Manganese	50%	South Africa, Gabon, Australia, Brazil, China
14.	Chromium	2.5%	South Africa, Mozambique, Oman, Switzerland, Turkey
15.	Silicon	<1%	China, Malaysia, Norway, Bhutan, Netherlands

Table 1 The net import reliance for critical minerals of India (2020) (Source: A report on 'Unlocking Australia-India Critical Minerals Partnership Potential' by Australian Trade and Investment Commission, July 2021)

India, China at 75 – a time for strategy, not sentiment

As India and China mark 75 years of diplomatic ties, we find ourselves not merely at a commemorative milestone but also at a pivotal juncture in Asian and global geopolitics. The relationship, once rooted in idealistic visions of Asian solidarity, has become a tightrope walk across a landscape defined by contested borders, strategic rivalry and deep mistrust. Yet, it is also a relationship layered with opportunities for cooperation, economic interdependence and a shared responsibility for regional stability.

The 'China lens', the challenge

At the heart of this complex engagement is the stark reality that China is today the single most influential external factor shaping India's foreign policy. From border infrastructure to trade diversification and defence cooperation, nearly every strategic decision India makes is filtered through the "China lens". It is a structural challenge – one that requires us to balance deterrence with dialogue, sovereignty with economic interdependence, and competition with calibrated coexistence.

The 1962 war remains a traumatic marker in our bilateral history, reinforced in 2020 by the deadly Galwan Valley clash, which reopened old wounds and catalysed a shift in India's China policy. No longer can engagement paper over our fundamental differences. The Line of Actual Control (LAC) remains tense, heavily militarised and vulnerable to miscalculation. Over 60,000 troops are now permanently deployed in Eastern Ladakh, while both countries continue to fortify infrastructure on their respective sides.

Yet, military vigilance is only one piece of the puzzle. India's trade imbalance with China touched almost \$100 billion in 2024-25; yet, Beijing is one of India's largest trading partners. Despite efforts to ban Chinese apps and restrict certain investments, we remain economically entangled. Our dependence on Chinese components in sectors such as pharmaceuticals and electronics highlights a paradox: we deter at the border but depend on the marketplace. Full decoupling is neither feasible nor desirable in the short term.

This is why India's approach has evolved into what can best be described as "competitive coexistence". We seek to compete with China in defence, infrastructure and regional influence, while maintaining enough engagement given the constraints of economic decoupling. On platforms such as BRICS and the Shanghai Cooperation Organisation (SCO), India and China engage as equals. In the Quad (Australia, India, Japan, the U.S.), India partners with like-minded democracies to uphold a free and open Indo-Pacific. The key lies in maintaining agency



Nirupama Rao
is a former
Foreign Secretary

and ensuring control over potentially adversarial situations. Our neighbourhood reflects the intensity of this competition. China's growing footprint in South Asia – from the Hambantota Port in Sri Lanka to the Pokhara Airport in Nepal and large infrastructure loans in the Maldives – has challenged India's traditional role as the regional anchor. While India has responded with development aid, defence cooperation, and connectivity projects, and demonstrating its effectiveness as first-responder in times of crisis, it must now go beyond reactive diplomacy to proactive, long-term engagement that wins hearts, not just headlines.

The recent remarks made by Bangladesh's interim leader Mohammad Yunus in Beijing – highlighting India's northeast as landlocked – were diplomatically charged. Although geographically accurate, the setting and subtext have raised concerns in New Delhi. Comments such as these reinforce China's strategic framing and underline the urgency for India to close infrastructure gaps, build trust with neighbours, and present itself as an even more reliable and responsive regional partner. Influence today is as much about narratives as it is about roads and ports.

The America factor

India's position on China is further complicated by the return of Donald Trump to the White House. Mr. Trump's second term has revived unilateralism, weakened multilateralism, and sharpened U.S.-China rivalry. India may well find itself under pressure to align more closely with Washington, especially in defence cooperation and Indo-Pacific security. Yet, we must tread carefully. Strategic autonomy remains India's north star – and deeper ties with the U.S. must be balanced with the need to manage any boiling-over of antagonism with China.

Prime Minister Narendra Modi's remarks on the Lex Fridman podcast in March 2025 signalled a subtle recalibration. By evoking ancient India-China synergy and emphasising dialogue, he articulated a vision of "healthy competition" and mutual growth. While some see this as conciliatory, it is better understood as strategic storytelling – a message to Beijing that India is open to engagement, a signal to Washington of independent judgement, and a reassurance to domestic audiences of a steady hand at the helm.

China's response was positive. Foreign Ministry spokesperson Mao Ning and state media welcomed Mr. Modi's "pragmatic approach", reinforcing a rare moment of diplomatic alignment. Verification patrolling along the LAC resumed in January 2025, signalling tentative steps toward de-escalation. China has agreed to hold an early meeting of the Expert Level

Mechanism on hydrological data-sharing on rivers, and discussions are underway to reopen the Kailash Mansarovar Yatra and restart direct flights. These may appear symbolic, but they indicate that both sides are testing waters for limited rapprochement – what one might call a thaw without illusions.

However, the underlying risks remain unchanged. The planned dam by China on the Yarlung Tsangpo (the Brahmaputra) near Arunachal Pradesh has rekindled concerns about ecological security and water weaponisation. India has no water-sharing treaty with China, and transparency remains low. The potential for mismanagement – or deliberate manipulation – of water flows presents a new dimension to the bilateral equation, one where sovereignty, environment, and mis-trust intersect in volatile ways.

The framework of a China policy

India's China policy must therefore rest on four pillars: military readiness, economic diversification, diplomatic engagement, and narrative control. We must deter without provoking, trade without depending, and ensure skillful negotiation to safeguard interests. This demands sharper strategic communication, faster execution of regional projects, and a foreign policy mindset that thinks in decades, not just headlines. As India's Foreign Secretary Vikram Misri recently said, the "three mutuals" – respect, sensitivity, and interest – must guide our way forward.

In a recent op-ed in *The Straits Times* (April 10, 2025), this writer had proposed that India and China embrace a model of "competitive coexistence" – not to downplay our rivalry, but to manage it responsibly. Asia can no longer rely solely on U.S. leadership in an era of global disruption. It needs a home-grown security architecture where India and China act as custodians of stability. For that, we must build guardrails – military, diplomatic, and economic – to prevent friction from becoming fire.

As we mark 75 years of bilateral ties, let us not be bound by nostalgia or ceremony. This is a moment for strategy, not sentiment. India's goal must be clear: to define its place in a world reshaped by flux, rivalry, and shifting alliances. China will remain a structural challenge – but it is also a mirror forcing us to confront our capabilities, choices, and ambitions. In that mirror, we must see not a straitjacket, but an opportunity for India to lead.

(Adapted from the Gaston Sigur Memorial Lecture delivered by the writer at the Elliott School of International Affairs, George Washington University, Washington DC, on April 15, 2025)

Page No. 6, GS 2

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New pathways for India's creative economy

Page No. 6, GS 3

Few countries have a unique history of innovations and creativity that changed the world. Yet, India's tryst with creativity and innovation ranges from the arts to science, from metallurgy to medicine, from astronomy and much more. As India works towards becoming a \$5 trillion economy, it needs to rejig its approach to innovations, supported by creativity at all levels.

Globally, in 2022, exports of creative services surged to \$1.4 trillion, marking a 29% increase since 2017. Creative goods exports also experienced a 19% rise, reaching \$713 billion. Collectively, the creative economy generates annual revenues exceeding \$2 trillion and supports nearly 50 million jobs worldwide.

According to the United Nations Trade and Development (UNCTAD) report on the creative economy, Creative Economy Outlook 2024, three sectors are the main contributors of the creative economy (2022): software services (41.3%), research and development (30.7%), advertising, market research and architecture (15.5%).

India's creative economy has also demonstrated significant contributions. In 2019, creative goods and services exports totalled about \$121 billion, with creative services accounting for nearly \$100 billion. The design segment alone represented 87.5% of creative goods exports, while arts and crafts contributed around 9%.

As of 2024, India's creative industry is valued at \$30 billion and employs about 8% of the country's working population. Creative exports grew by 20% in the previous year, generating more than \$11 billion.

Creativity in creative economy

While investments into traditional creative economic sectors are booming in a country such as India, we still need to explore ways of being more creative and innovative to take the economic gains to new horizons, especially at the grass-root levels. This will ensure that such creations and innovations help local people. This will be a disruptive approach to promoting local economies. Research has shown that creativity



Balakrishna
Pisupati

is the Country Head of the United Nations Environment Programme, India, and a member of Team UN India

can be segmented into four types: deliberate and emotional; deliberate and cognitive; spontaneous and emotional, and spontaneous and cognitive. Creativity can be endogenous – triggered by one's own thoughts or imagination or exogenous – that is externally induced. It can be manifested concurrently or only episodically such as in crises or extreme climate events.

A significant part of local innovations falls into deliberate and cognitive as well as the spontaneous and cognitive segments.

Creativity precedes innovation. While creativity can be individual-based, innovation can be bootstrapped but needs an institution to support its scale or formalisation.

In a country such as India, enormous creativity exists but such creativity is not translated into innovation many a time. Creators come up with ideas while innovators translate the ideas into products and services. We need investments to bridge the gap between creativity and innovation.

Pioneering work on identifying and recognising grassroots innovations by organisations such as the Grassroots Innovations Augmentation Network (GIAN) have resulted in popularising hundreds of grassroots creative ideas.

An example from Indonesia

Where does one start? Consider a pioneering creative solution, the Antrodam Project, that has been conceived by the students of Binus School in Bekasi, Indonesia.

The Antrodam Project began with one mission: to create a solution to flooding, a challenge that affects communities worldwide. Looking for ideas from the best source of inspiration, nature itself, the Binus team explored structures from the animal and plant kingdoms to find the perfect design.

Inspired by the nests of Indian Harvester ants, the students engineered a flood protection system that works with nature rather than against it. The ants have intricate tunnel systems that direct water away from their nests, keeping them safe and dry. The students were also inspired by natural structures such as 'rose petals and their

India needs investments to bridge the gap between creativity and innovation; the spotlight needs to focus on the grass-roots level

layered design to direct water; the lettuce leaf coral, with its intricate branching; the giant pill millipede which can roll into a compact shape; and the male frigate bird, known for its large, water-resistant throat pouch'.

This is sheer creative brilliance but what we now need are investments to scale up these creative ideas into an innovation at scale that can be applied elsewhere.

Take some examples of creativity from India such as the 'mitti cool clay refrigerator', pedal-operated washing machines or the amphibious bicycle. Each needs scale-up to be commercially attractive with appropriate protection for the creative idea, design and application.

Investing in creativity and innovation

It is time that India invests more in creative pursuits at all levels – grassroots to technology-intensive ideas. Grassroot innovations need more investments to ensure the proof of concept demonstrated is supported by capital investments.

The innovation and associated intellectual property protection for such innovations, including informal ones, need better protection through adjustments to Indian intellectual property protection policies and regulations.

It is also time that the government invests in 'one district one innovation' modelled after the successful initiative of "one district one product" initiative.

While the climate tech sector in India received \$2,853 million in 2023, the investments that grassroots creativity received seems to be very poor. Even if a small percentage of investments go to climate adaptation and mitigation actions that are creative and not working at the local level, India's ability to deal with climate change will be many times more.

What we need today is an ecosystem that balances creativity and innovations at all levels, backed by investments to ensure that India's ambitions to improve creative economic conditions are met.

Content.

- Few countries have a unique history of innovations and creativity that changed the world. Yet, India's tryst with creativity and innovation ranges from the arts to science, from metallurgy to medicine, from astronomy and much more. As India works towards becoming a \$5 trillion economy, it needs to rejig its approach to innovations, supported by creativity at all levels.
- Globally, in 2022, exports of creative services surged to \$1.4 trillion, marking a 29% increase since 2017. Creative goods exports also experienced a 19% rise, reaching \$713 billion. Collectively, the creative economy generates annual revenues exceeding \$2 trillion and supports nearly 50 million jobs worldwide.
- According to the United Nations Trade and Development (UNCTAD) report on the creative economy, Creative Economy Outlook 2024, three sectors are the main contributors of the creative economy (2022): software services (41.3%), research and development (30.7%), advertising, market research and architecture (15.5%).

Content.

- India's creative economy has also demonstrated significant contributions. In 2019, creative goods and services exports totalled about \$121 billion, with creative services accounting for nearly \$100 billion. The design segment alone represented 87.5% of creative goods exports, while arts and crafts contributed around 9%.
- As of 2024, India's creative industry is valued at \$30 billion and employs about 8% of the country's working population. Creative exports grew by 20% in the previous year, generating more than \$11 billion.
- In a country such as India, enormous creativity exists but such creativity is not translated into innovation many a time. Creators come up with ideas while innovators translate the ideas into products and services. We need investments to bridge the gap between creativity and innovation.

Landmark agreement

The accord on pathogen access and benefit sharing is path-breaking

After nearly three-and-a-half years and 13 rounds of meetings, member-states of the World Health Organization (WHO) have agreed on measures to prevent, prepare for and respond to pandemics. On April 16, the Intergovernmental Negotiating Body finalised a proposal for the WHO Pandemic Agreement. The draft, described as a “generational accord to make the world safer”, is now ready to be adopted next month by the World Health Assembly. Though more limited in scope than the ambitious one first proposed by WHO, it is still a remarkable achievement considering the varied priorities and compulsions for the Global North and the developing countries, especially with the U.S. not a part of WHO since January. While the developed countries balked on firm commitments to sharing diagnostics, treatments, vaccines and technology transfers, developing countries hesitated to commit to sharing pathogen samples and genome sequences without assured access to tests, treatments and vaccines developed using the shared material. The disagreements are reminiscent of how Indonesia turned the spotlight on the inequitable H5NI sample sharing mechanism in the mid-2000s in the absence of equitable and affordable access to vaccines developed using its samples.

The first article that all countries agreed upon was the commitment to protect health-care workers better. The most remarkable achievement was in getting every country to agree on the pathogen access and benefit sharing system. Developing countries that share pathogen samples and genome sequence data are guaranteed to get access to any diagnostics, vaccines or treatments that are developed using the samples/data. Negotiations on how countries will share samples and vaccines/drugs are set to continue. Pharmaceutical companies have committed to donate 10% of their production to WHO and offer up to another 10% at affordable prices. The COVID-19 pandemic brought the inequitable vaccine distribution to the fore. Many developed countries stockpiled vaccines while many developing countries, especially those in Africa, were left waiting for vaccines. The case of vaccine manufacturers sharing the technology with developing countries during a pandemic has also been sorted out. The main debate centered around the conditions under which this transfer will happen. Countries have agreed that technology transfer will be on “mutually agreed terms”, and not “voluntary” as pharma companies wanted it to be. According to the journal, *Nature*, besides “promoting equitable access to health products, the treaty underlines that countries should ‘promote and otherwise facilitate or incentivise’ the exchange of technology and know-how” that will enable developing countries to make their own vaccines.

Page No. 6, GS 2

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A reminder to the President and Governors

The Supreme Court's judgment in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025) lays down the correct constitutional position and is unassailable. However, some people have questioned the judgment. My answer to them is that the Constitution has created a parliamentary democracy.

A parliamentary system
As Dr. B.R. Ambedkar pointed out on November 4, 1948, "The Draft Constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability." He amplified this position stating, "The American form of Government is called the Presidential system of Government. What the Draft Constitution proposes is the Parliamentary system... Under the Presidential system of America, the President is the Chief head of the Executive. The administration is vested in him. Under the Draft Constitution the President occupies the same position as the King under the English Constitution. He is the head of the State but not of the Executive. He represents the Nation but does not rule the Nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which the nation's decisions are made known... The President of the Indian Union will be generally bound by the advice of his Ministers. He can do nothing contrary to their advice nor can he do anything without their advice."

This position stands affirmed in Article 52 of the Constitution which states that "there shall be a President of India" and in Article 153 which states that "there shall be a Governor for each State". Article 74 provides for "a Council of Ministers with the Prime Minister at the head to aid and advise the President" and Article 163 provides for "a Council of Ministers with the Chief Minister at the head to aid and advise the Governor".

In 1949, the draft Constitution



Dushyant Dave

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India

had proposed to include Schedule IV, which was intended to serve as an Instrument of Instruction. However, this was deleted at the instance of the Drafting Committee. The deletion was protested by the members but justified by T. T. Krishnamachari who said, "It has now been felt that the matter should be left entirely to convention rather than be put into the body of the Constitution as Schedules, in the shape of Instrument of Instructions, and there is a fairly large volume of opinion which favours that idea." Dr. Ambedkar said, "So far as our Constitution is concerned, there is no functionary created by it who can see that these instruments of Instruction are carried out faithfully by the Governor. Secondly, the discretion which we are going to leave with the Governor under this Constitution is very meagre... He has to act on the advice of the Prime Minister in the matter of the selection of Members of the Cabinet".

Earlier, while discussing Article 52, the Constituent Assembly rejected the substitution proposed to draft Article 41 (now Article 52) proposed by K.T. Shah to the following effect: "The Chief Executive and Head of the State in the Union of India shall be called the President of India." Professor Shah justified this by saying that the President represented "sovereignty of the whole people and of the State as a whole." But Dr. Ambedkar opposed this saying, "Prof. K.T. Shah uses the word 'Chief Executive and the Head of the State'. I have no doubt... that what he means is to introduce the American presidential form of executive and not the Parliamentary form of executive... contained in this Draft Constitution. If my friend Prof. Shah were to turn to the report of the Union Constitution Committee, he will see that the Drafting Committee has followed the proposals set out in the report of that Committee. The report of that Committee says that while the President is to be the head of the

executive, he is to be guided by a Council of Ministers whose advice shall be binding upon him in all actions that he is supposed to take under the power given to him by the Constitution. He is not to be the absolute supreme head... and that is the Parliamentary form of government in the United States... We have not adopted that system."

The Constitutional Bench in *Shamsher Singh v. State of Punjab* (1974) amplified this position, holding that the President is "...the Constitutional or formal head of the Union and he exercises his powers and functions conferred on him by or under the Constitution on the aid and advice of his Council of Ministers". This judgment was subsequently followed in another Constitutional Bench judgement in *Nabam Rebia v. Deputy Speaker* (2016).

A timely reminder

The President and the Governor are bound to exercise their executive power in accordance with the Constitution. Every power is coupled with the duty to exercise it for the intended purpose and within a reasonable period. If this is not done, the Writ Court has the duty to step in and require it to be so exercised.

The President under Article 60 and the Governor under Article 159 are to take constitutional oaths and affirm to the best of their ability to "preserve, protect and defend the Constitution and the law" and "devote" themselves "to the service and well-being of the people of India or the State as the case may be". How then can the President or the Governor of any State defy the Constitution and act against the will of the people? While President Droupadi Murmu maintains the decorum of the office she holds, some Governors have conducted themselves so poorly as to defile the high constitutional positions they hold. The Supreme Court has therefore given a timely reminder to the President and the Governors to respect and adhere to the Constitution and act in the interest of the people.

Page No. 7, GS 2

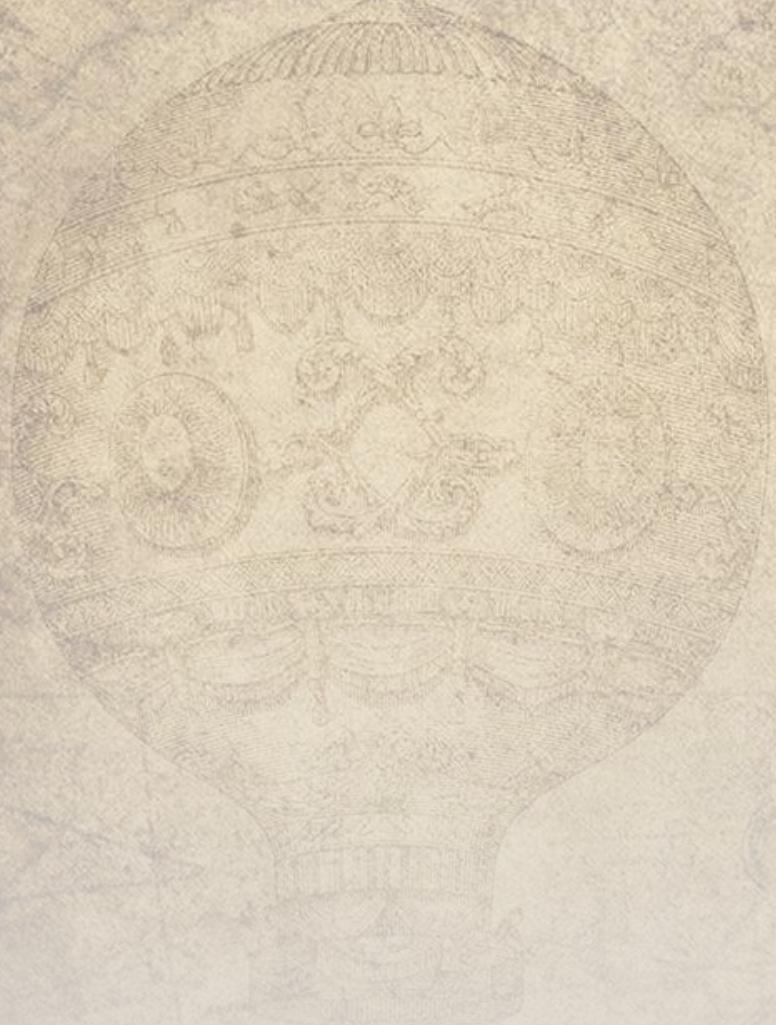
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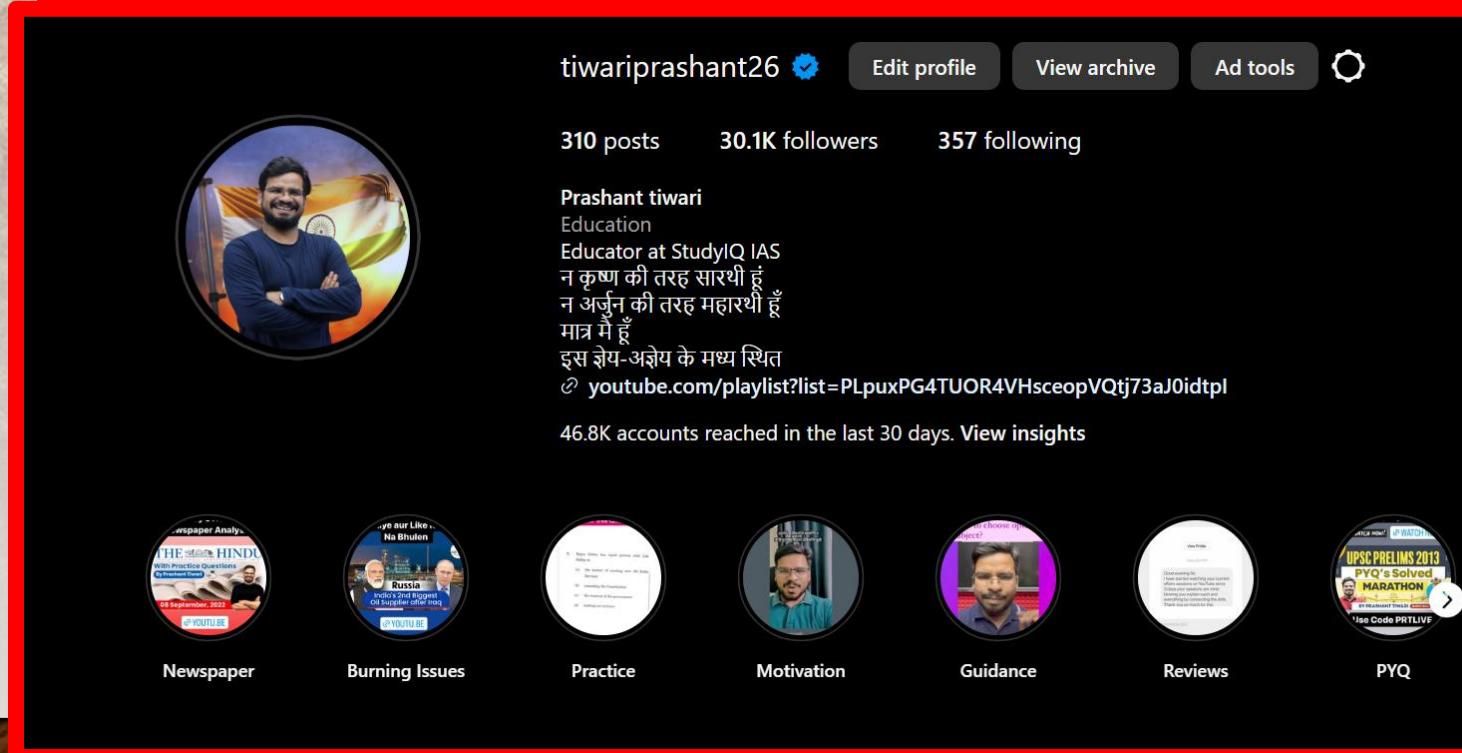
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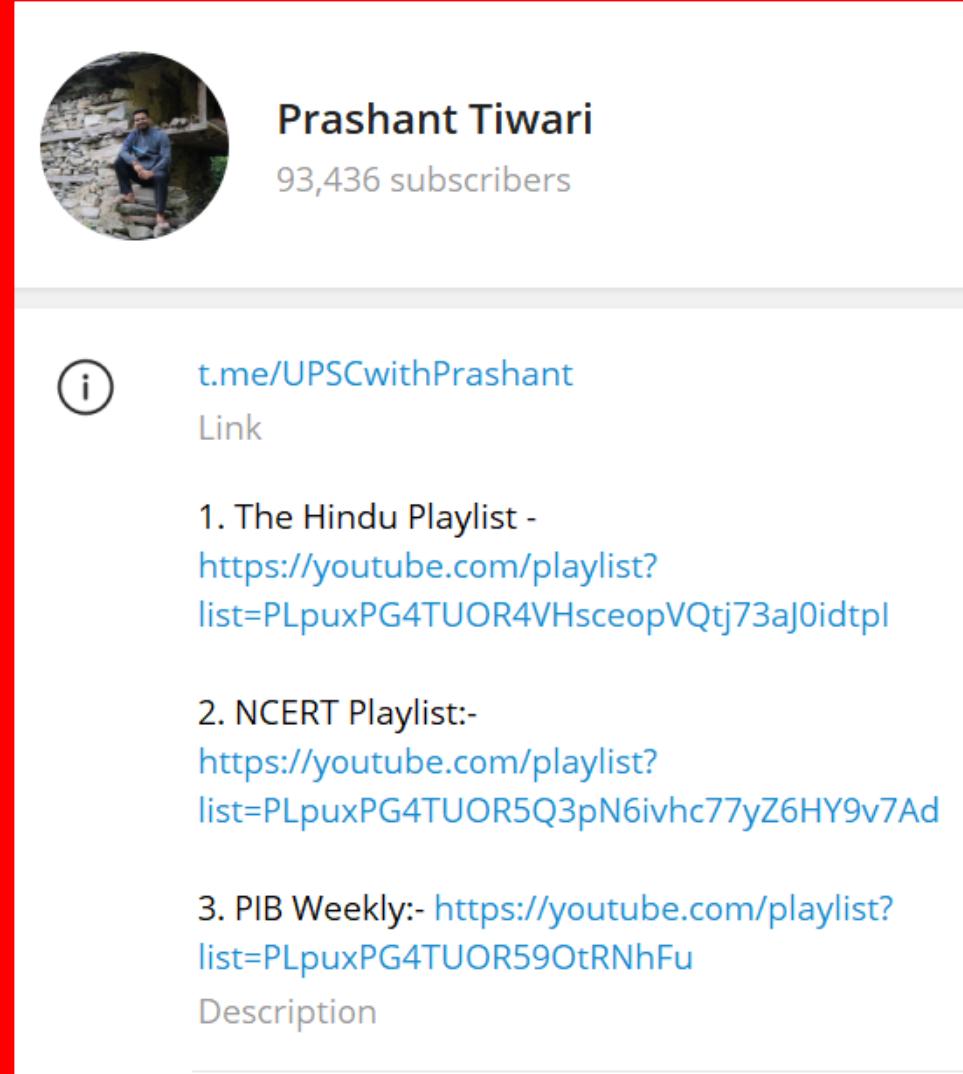
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