

## Editorial of the Day – 11.12.2025

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### 1. A Verdict That is an Abdication of Judicial Function (TH)

**General Studies 2–** Polity/Governance

**Topic–** Role of Governor– Discretionary powers, Article 200, relation with State Legislature.

A Verdict of Abdication– Timelines for Constitutional Functionaries

#### Introduction

The Supreme Court's recent judgment in the 16th Presidential Reference regarding the setting of timelines for constitutional authorities (President, Governors, Speakers) has sparked significant debate. While the Court's refusal to prescribe strict timeframes reflects judicial restraint, critics argue it constitutes an "abdication of judicial function." The central concern is that this reluctance allows constitutional silence to be weaponized, undermining the spirit of the Constitution and the doctrine of Constitutional Morality.

#### The Constitutional Context– "Silence" on Timelines

**Lack of Specificity–** The Constitution of India does not prescribe specific time limits for actions required by high authorities like the President, Governors, or Speakers of Houses.

**Open-Ended Nature–** The framers left these provisions open-ended, trusting the high constitutional functionaries to act with dispatch and responsibility.

**Judicial Restraint–** The Supreme Court's reasoning in the recent verdict adheres strictly to the text—arguing that since the Constitution does not explicitly state a timeline, the Judiciary should not infer or impose one.

#### The Anomaly of the Speaker (Anti-Defection Law)

A major critique of the "no timeline" stance is visible in the functioning of the Tenth Schedule (Anti-Defection Law).

**Quasi-Judicial Role–** Speakers function as quasi-judicial authorities when deciding disqualification petitions.

**The Loophole–** Assemblies have a fixed five-year term. However, the adjudication process for defection is open-ended.

**Consequence–** An elected member can defect and complete their entire term without facing disqualification simply because the Speaker delays the decision.

**Undermining Democracy–** This renders the anti-defection law ineffective and subverts the mandate of the electorate.

#### The Governor's Role– Weaponizing Article 200

The judgment effectively validates the growing trend of Governors delaying legislative business.

**Indefinite Delays–** Governors have increasingly withheld assent or delayed Bills passed by State Legislatures.

**The "Pocket Veto" Issue–** While Governors can return a Bill for reconsideration, they cannot constitutionally withhold assent *indefinitely*. Doing so acts as a "pocket veto," effectively neutralizing a law passed by an elected legislature.

**Separation of Powers–** The power to strike down a law as *ultra vires* belongs solely to the Constitutional Courts, not the Governor. By stalling bills, Governors are effectively usurping this judicial power.

#### Critique of the Verdict– An Irony of Interpretation

## Building Bureaucrats Since 2006

**Legitimizing Inaction-** By ruling that "no text means no timeline," the Court has unintentionally validated the partisan delays by Governors and Speakers.

**Failure of Interpretation-** The author argues the Court missed an opportunity to interpret "constitutional silence" in a way that protects the system from abuse.

**Abdication of Duty-** As the ultimate guardian of the Constitution, the Court is expected to intervene when constitutional processes are stalled, rather than hiding behind textual silence.

## The Doctrine of Constitutional Morality

The analysis invokes Dr. B.R. Ambedkar's vision to critique the judgment.

**Ambedkar's Warning (1948)-** He warned that the Constitution could be subverted not just by changing the text, but by altering administrative practices (e.g., deliberate delays). He emphasized that "Constitutional Morality" is not a natural sentiment but must be cultivated.

**Modern Application-** Recent landmark judgments (e.g., Sabarimala, LGBTQIA+ rights) have relied on Constitutional Morality to interpret the text in harmony with evolving public conscience. The current verdict is seen as a regression from this progressive trend.

**The Core Argument-** The administrative details were left out of the Constitution because the framers trusted future generations and the Courts to uphold the *spirit* of the law. The Court's refusal to set timelines betrays that trust.

## Conclusion

The Supreme Court's reluctance to evolve a timeframe for constitutional functionaries' risks normalizing the subversion of democracy through administrative delay. By failing to check the "constitutional distortion" caused by partisan Speakers and Governors, the verdict weakens the very system it is meant to protect, highlighting a significant gap in internalizing the Constitutional Morality envisioned by the founding fathers.

**Source-** <https://www.thehindu.com/opinion/op-ed/a-verdict-that-is-an-abdication-of-judicial-function/article70381516.ece>

## 2. Childcare Isn't Just a Social Safety Net. It's a Lever for Growth(IE)

**General Studies 1-** Indian Society

**Topic-** Role of Women and Women's Organizations- Challenges faced by working women, constraints on female labour force participation

**The Unavoidable Growth Lever-** Childcare as Soft Infrastructure

## Introduction

India's ambition to achieve 8-10% annual economic growth faces a significant, often overlooked hurdle- the lack of robust childcare infrastructure. Moving beyond the traditional view of childcare as a mere social safety net, this analysis argues for its recognition as critical "soft infrastructure"—an economic springboard. By addressing the productivity drag caused by women leaving the workforce due to care duties, and by fostering early human capital development, investing in childcare is a non-negotiable strategy for securing India's demographic dividend.

**The Economic Imperative-** Childcare as Infrastructure

The absence of affordable childcare is not just a family issue but a systemic economic bottleneck.

**Addressing Productivity Drag-** Millions of women are forced to scale back work hours or exit the workforce entirely due to inaccessible or unaffordable childcare. This creates a "hidden" drag on national productivity, stalling growth ambitions.

**Unlocking Female Labour Force Participation (FLFP)-** Reliable childcare enables women to take up jobs that match their skills and aspirations rather than settling for flexible but low-paying work.

## Building Bureaucrats Since 2006

**Evidence from Southern States-** States like Tamil Nadu and Telangana that invested in social infrastructure (hostels, childcare) now account for nearly three-fourths of women in manufacturing, proving the direct link between infrastructure and employment.

**Improving Job Quality-** Global evidence (e.g., Vietnam, Rio de Janeiro) demonstrates that accessible childcare does not just increase employment numbers; it shifts women into formal employment and increases productive working hours.

## Institutional and Demographic Urgency

**Institutional Anchor (NMECC)-** To treat childcare as market-shaping infrastructure, a unified approach is required.

**Proposal-** Establish a National Mission on Early Childhood Care (NMECC) to converge efforts across the Ministries of Women & Child Development (WCD), Labour, Education, Health, and Industry.

## The Demographic Deadline

**Shrinking Window-** Fertility rates are already below replacement levels in several states.

**Aging Population-** By 2050, one in five Indians is projected to be over 60.

**Risk-** Without immediate intervention, the demographic dividend risks turning into a deficit—a future workforce with poor capabilities and too few productive workers supporting an aging population.

## A Hybrid Model for the Way Forward

The proposed strategy combines physical upgrades with digital innovation to ensure holistic development for both the child and the economy.

| Component                     | Intervention Strategy                                                                                                      | Real-world Examples & Evidence                                                                                                                 |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Physical Infrastructure       | Convert existing Anganwadis/crèches into full-day facilities, focusing on industrial belts and service hubs.               | Telangana- Increased stipends to extend Anganwadi hours.<br>Tamil Nadu- Added half-time workers to double instructional time for preschoolers. |
| Human Capital Support         | Mobilize para-professionals (SHG members, local youth) to assist Anganwadi workers, reducing their burden.                 | Meghalaya- Used short-term fellowships.<br>Chandigarh- Utilized internships to bridge the gap.                                                 |
| Early Stimulation (0-3 Years) | Focus on simple parent-child interactions, recognizing that 80% of brain development happens in the first 1,000 days.      | Odisha- A study showed that weekly digital/peer learning sessions (mothers' groups) significantly improved children's cognitive skills.        |
| Digital Tools                 | Use "bite-sized" media and personalized nudges (via WhatsApp/Poshan Tracker) to turn daily routines into learning moments. | Poshan Tracker- Government leveraging this tool to provide early learning guidance directly to parents.                                        |

## Conclusion

Childcare is the "missing link" that bridges social justice with economic ambition. Treating Early Childhood Care and Education (ECCE) as essential soft infrastructure is a strategic necessity. A unified, hybrid approach involving government mandate, business innovation, and civil society outreach is required to support women's employment today while building the capabilities of the workforce of tomorrow.

**Source-** <https://indianexpress.com/article/opinion/columns/childcare-isnt-just-a-social-safety-net-its-a-lever-for-growth-10413871/>