

# PSIR & GS-2 Daily Brief

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# Article - 1 : The Constitutional problems with constitutional morality

## Bar and Bench

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### Tryst with the Constitution: The constitutional problems with constitutional morality

Ambedkar's focus was on cultivating respect for the Constitution within the society rather than articulating a legal precept.



Tryst with the Constitution: Swapnil Tripathi

Swapnil Tripathi

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**Context** Supreme Court's use of 'constitutional morality' has gone beyond Ambedkar's original meaning and may create confusion in constitutional law.

## Facts

- Different meaning of constitutional morality in cases - Manoj Naula (2014), NCT Delhi (2018) & Navtej Johar (2018).
- Articles 14, 15 and 21 - protect equality, dignity and liberty.

## Analytical Crux

A constitutional phrase cannot become a legal test unless its meaning is clear. Ambedkar used constitutional morality as a civic ideal and as a justification for a detailed constitution, not as an open-ended weapon for courts. Once judges start using it without a fixed meaning, the same concept can support opposite outcomes. That weakens certainty in constitutional law. The safer constitutional route is to rely on Part III rights instead of a vague moral formula.

## Verbatim Quotes

“Constitutional morality is not a natural sentiment. It has to be cultivated.”

– Dr. B.R. Ambedkar,  
quoted by Swapnil  
Tripathi

“Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic.”

– Dr. B.R. Ambedkar,  
quoted by Swapnil  
Tripathi

## Trump's Munir-Modi balancing will not bring back India-Pak hyphenation

PRESIDENT DONALD Trump is doing a balancing act between Prime Minister Narendra Modi and Field Marshal Asim Munir. Yes, Munir and not Prime Minister Shehbaz Sharif. On April 14, Trump had a 40-minute telephonic conversation with Modi. According to US Ambassador to India Sergio Goro, he told Modi, "I just want you to know we all love you." Also on April 14, Trump publicly hinted that the US-Iran talks would resume in the next two days and that they would be held in Pakistan. He went on to add, "You know why? Because the field marshal is doing a great job." Separately, he said Munir was fantastic.

US leaders have not only praised Munir—Trump's "favourite" field marshal—but have put him on a higher pedestal than Sharif. Certainly, in the US-Iran intermediation process, this is borne out by Munir's visiting Tehran beginning on April 15, while Sharif, accompanied by Foreign Minister Ishaq Dar, was relegated to a trip to Saudi Arabia, Qatar and Turkey, which began on the same date. The purpose of Sharif and Dar is, in all likelihood, to keep these countries briefed on the ongoing US-Iran negotiations. It is undoubtedly also to assuage any adverse sentiment in their leadership on account of the profile that Pakistan has because of its intermediary role. The real negotiating game is now being handled by Munir, who may be going to Washington. There is little doubt that if he does, much will be made of him there.

Trump's positivity towards Munir is not new. He is the only military leader who has been hosted by the US President for talks and lunch at the White House. It can be argued that in acknowledging Munir's status, Trump is only recognising the reality of Pakistan's political life. But in doing so, Trump and other US leaders are delivering brutal blows to Pakistan's ever-weakening democratic structures. That is not good for Pakistani democracy or regional harmony.

The Pakistan army has always been an out-and-out promoter of terrorism and instability in the region. This has especially been so since the early 1990s. It is now ironic that its chief, who also engineered his own rise to become Pakistan's chief of defence forces, is looked upon by the US as the principal intermediary with the Iranian clerical system. Even if Munir's contacts with the Iranian Revolutionary Guards are important for US-Iran negotiations, was it necessary for the US to publicly raise his profile and, by implication, that of the army at the cost of Pakistan's civilian leadership and elected institutions?

The US's Modi-Munir balancing act leads to a very troubling India-specific question. Is the US going to a new variant of the past India-Pakistan hyphenation? In reality, the hyphenation is a relic of history, which has no relevance or justification now. This is because India has global weight, while Pakistan has been struggling for many



VIVEK KATJU

years to maintain its macroeconomic stability. That is unlikely to come about because Pakistan has no appetite to usher in the necessary structural changes, which have to begin with reducing the role of the army. The army not only corners a large portion of state resources, but it is also Pakistan's largest, though unaccountable and inefficient, conglomerate. It will never agree to reduce its sponging on the country's resources or stop feathering the nests of its officers and men. The importance being accorded to Munir may whet the army's appetite to corner more national resources and put Pakistan's political class further on the back foot.

The current intermediation role that the US has assigned to Pakistan, and to which Iran, too, has acquiesced, will undoubtedly raise its profile and generate a measure of goodwill for it in West Asia and the larger Islamic world. However, the goodwill bump can hardly turn into a lasting economic advantage because of structural infirmities in the system. This notwithstanding, as part of the new hyphenation, Pakistan may be accorded a larger security role by the US in West

Asia and perhaps Afghanistan. Beginning in the 1970s, some of the Gulf states relied on Pakistan in the defence sector. Pakistani defence personnel served as part of their defence forces. Later, this waned, but Pakistan's involvement got a boost when Saudi Arabia entered into a strategic mutual defence agreement with it. Under this arrange-

ment, Pakistan has sent fighter aircraft to the Abdul Aziz airbase in Dhahran and troops to the country.

India has major interests in West Asia, and these demand the skilful enhancement of its security and diplomatic postures in this vital region, despite US desires. This cannot be limited to the UAE only. The UAE relationship is important, but as imponderables will emerge once the Iran war is over, Indian economic interests demand that ties be deepened with all Gulf countries. That process must begin now. External Affairs Minister S. Jaishankar has visited only the UAE. Why?

The US will seek a consolidation of India's role in the Quad (the Quadrilateral Security Dialogue comprising India, the US, Japan, and Australia) as part of its encouragement to India to play a greater role in the Indo-Pacific. The problem with this is that the US's Indo-Pacific approaches are a subset of its relations with China. It seems that Trump wants a rapprochement with Beijing. In reality, the Quad is hostage to US-China ties. In view of India's problems with China, it would be unwise to rely only on Quad-like structures to manage the Chinese challenge.

Finally, while there is the constant talk of ever-greater content in India-US ties, this country should never forget Christopher Landau's plain speaking in March in India—that the US will not make the same mistake with India as it did with China.

The writer is a former diplomat

The hyphenation has no relevance now because India has global weight, while Pakistan has been struggling for many years to maintain its macroeconomic stability

**Context** Trump's simultaneous outreach to Modi and Asim Munir may temporarily raise Pakistan's value for the U.S., but it cannot restore the old India-Pakistan hyphenation.

## Facts

- India - Pak hyphenation "a relic of history" - India has global weight, while Pakistan struggles with macroeconomic instability.
- The Pakistan army remains central to politics, resources and regional security dealings.

## Analytical Crux

Pakistan's present value to the US is tactical, not long-term or structural. Washington may use Pakistan because of Iran, West Asia and Afghanistan, but that does not ease India's much larger strategic weight. Munir's rise shows that the Pakistan army still dominates the state and weakens civilian democracy. Some diplomatic optics of hyphenation may return, but not real strategic equality. For India, the lesson is to deepen ties across the Gulf and not depend only on Quad type arrangements, because US priorities can change.

## Verbatim Quotes

"The current India - Pakistan equation is influenced by US interests in West Asia and its evolving regional priorities."

- Vivek Katju

"India has major interests in West Asia and demand the skilful enhancement of its security & diplomatic instruments in their region."

- Vivek Katju

# Article - 3 :The institutionalised sluggishness of the legal system

## The institutionalised sluggishness of the legal system

For the millions of Indians who have spent years navigating the labyrinthine corridors of our legal system, the courthouse is often a place where hope goes to languish. While high-profile cases capture the headlines and move through the docket with visible momentum, the average citizen finds himself trapped in a cycle of adjournments and procedural hurdles that can span generations. We have reached a point where the phrase "justice delayed is justice denied" is no longer a warning but a standard operating procedure.

It's time for the focus to shift away from the judge holding the gavel and towards the people standing in the dock. The urgency of judicial reform in India is not a professional concern for lawyers or a theoretical exercise for academics; it is a fundamental human rights crisis that demands a total reimagining of how the state delivers on its promise of fairness.

### The excruciating wait

The primary grievance of the common person is the sheer, suffocating weight of pendency. With over five crore cases currently clogging the arteries of our courts, the system has become its own worst enemy. For a layman, the legal process feels like a black hole where time and money disappear without a clear horizon for resolution. This backlog emboldens the lawbreaker and exhausts the law-abiding. When a land dispute takes 20 years to resolve, the winner often finds the victory hollow, having spent more on legal fees than the property was worth.

The institutionalised sluggishness of the Indian legal system has transformed the pursuit of justice into an endurance test, giving rise to the grim observation that "the process is the punishment." Unnecessary procedural bottlenecks and the culture of frequent, and often frivolous adjournments create a gravitational pull that keeps cases in limbo for decades, effectively stripping the accused of their dignity, livelihood, and social standing long before a verdict is ever reached. This systemic failure is most visible in the tragic stories of individuals charged with grave offences who are eventually acquitted, only to find their lives in ruins and their prime years spent behind bars, without compensation.

It is particularly unconscionable that those charged under stringent anti-terrorism laws, such as the Unlawful Activities (Prevention) Act (UAPA), languish in overcrowded prisons without trial and without the possibility of bail, as the *prima facie* evidence standard often makes



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Fourth-term Member of Parliament (Congress) for Thiruvananthapuram (Lok Sabha), and award-winning author of 28 books, including, most recently, 'The Sage Who Reimagined Hinduism: the Life, Lessons and Legacy of Sree Narayana Guru', and the Chairman of the Parliamentary Standing Committee for External Affairs

For a layman, the legal process feels like a black hole where time and money disappear without a clear horizon for resolution

incarceration the rule rather than the exception. To uphold the constitutional promise of liberty, the judiciary must urgently lay down clear, mandatory guidelines that fix a firm timeline – perhaps no longer than one or two years – within which the state must either commence a meaningful trial or grant the accused bail.

This transition requires a radical embrace of the 21st century. For too long, our courts have operated as if they were frozen in the colonial era, reliant on mountains of physical files, and the personal presence of litigants who must often travel hundreds of miles just to hear a new date for the hearing. The digital revolution that has transformed how we bank, shop, and communicate must now also conquer the judiciary. Artificial Intelligence (AI) and data-driven case management are not luxuries, but necessary tools to dismantle the backlog. Imagine a system where AI handles the routine administrative filing, flags delays, and even assists in legal research, allowing judges to focus their cognitive energy on the heart of the matter.

### Need for inclusivity and accessibility

However, a faster court is only half the battle; we also require a more inclusive one. Citizens' trust in the law is deeply tied to whether they see themselves reflected in the people who interpret it. The judiciary has long been criticised for being an insular "old boys' club" where the glass ceiling remains intact, with too many judges being relatives of earlier generations of judges. True reform means breaking these barriers to ensure that the Bench represents the vast and diverse tapestry of India. This is not about identity politics; it is about judicial quality. A Bench that understands the lived realities of a diverse population is a Bench that can deliver more nuanced and empathetic rulings. When a woman or a person from a historically oppressed community sits in judgment, she brings a perspective that enriches the law and makes it more responsive to the nuances of Indian society.

Beyond the composition of the Bench, there is the crushing issue of affordability. In its current form, justice is a luxury good. The cost of hiring competent counsel and the incidental expenses of long-term litigation effectively price out a significant portion of the population. India must overhaul the legal aid system, transforming it into a high-calibre institution that offers the poor a comparable quality of the representation available to the rich. If the state can provide food

and education, it must also provide the means for a citizen to defend their life and liberty.

Furthermore, the geographical centralisation of our highest courts remains a relic of the past. The idea that a litigant from south India must travel to the capital for a final appeal is an unnecessary burden. Regional Benches or a more robust system of virtual hearings for the Supreme Court would go a long way in making the highest level of justice a local reality rather than a distant dream.

Beneath these logistical changes lies the soul of the reform: the preservation of constitutional morality and judicial independence. The people need a judiciary that acts as a fearless referee, one that can hold the powerful to account without blinking. This independence is the bedrock of a functioning democracy. Yet, independence should not be confused with a lack of accountability. By opening up the process – through live-streaming of important cases and clearer criteria for judicial appointments – the court can rebuild the 'social contract' it has with the people.

### A systemic overhaul

The country must stop treating judicial reform as a series of small, incremental adjustments and start treating it as a national emergency. The current state of affairs is a slow-motion catastrophe that erodes the rule of law every day. The people are not looking for grand speeches or ceremonial promises; they are looking for a system that works, and is fast and fair. We need to move away from the adversarial culture that views every legal disagreement as a battle to the death, toward a culture of resolution. We need judges who are as comfortable with a computer screen as they are with a law book, and a legal profession that values the closing of a case more than the prolongation of a fee.

As we move towards 'Viksit Bharat' 2047, the measure of our success as a nation will not just be our GDP or our technological prowess, but how we treat the person seeking justice in our courts. If we fail to reform, we risk a future where the law is seen merely as a tool of the powerful rather than as a shield for the weak.

But if we succeed, we can create a system where the scales of justice are finally balanced, ensuring that no Indian is ever again forced to wait a lifetime for a truth that should have been delivered in a day. The time for deliberation has passed; the time for a transformation that puts the citizen first, is now.

## Context

Delay in Indian courts is no longer just an administrative problem; it has become a human rights and democracy problem.

## Verbatim Quotes

"The current state of affairs is a slow-motion catastrophe that erodes the rule of law every day."

"If we fail to reform, we risk a future where law is seen merely as a tool of the powerful rather than as a shield for the weak."

"The time for deliberation has passed; the time for a transformation that puts the citizen first is now."

– Shashi Tharoor

## Facts

- More than five crore cases are pending in Indian courts.
- Judiciary as an 'old boys club' - weak representation of women & marginalised.

## Analytical Crux

Judicial delay is a deep democratic failure, not just a court management issue. When cases drag on for years, punishment begins before judgment. Poor citizens suffer the most because delay, cost and distance all work against them. The demand is for structural reform: time-bound trials, better bail practice, technology, inclusive benches, legal aid and easier access to the Supreme Court. At the same time, speed must not weaken judicial independence. The point is rule of law matters only when ordinary citizens can get justice in time.

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