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THE CONSTITUTIONAL LIMITS ON ARREST: BALANCING STATE POWER AND PERSONAL LIBERTY

The Supreme Court, in **Vihaan Kumar v. State of Haryana (2025)**, reinforced safeguards against arbitrary arrest, holding that every arrested person must be **properly and meaningfully informed of the grounds of arrest**.

This ruling reaffirms constitutional protections under **Articles 21 and 22**, prompting a closer look at how India's legal framework balances the state's power to arrest with an individual's right to personal liberty and dignity.

The Vihaan Kumar Judgment: Key Holdings

- Failure to inform the arrested person of the grounds of arrest amounts to a violation of **Article 22(1)** and **Section 50** of the CrPC (now Section 47 of the BNSS, 2023).
- Merely informing the arrested person's relatives, or providing ambiguous records, does not satisfy the constitutional requirement — the information must be communicated directly to the arrested person in a manner they can understand.
- If the initial arrest is unconstitutional, all subsequent remand orders are also rendered illegal.
- The arrest memo must record the time of arrest, as required under **Article 22(2)** and **Section 57 of the CrPC** (now Section 58 of the BNSS).
- The police must produce the arrested person before a local magistrate within 24 hours, excluding travel time.
- The Court also condemned degrading treatment in custody, affirming the right to dignity under Article 21, and directed the state to amend procedures to prevent future violations.

Arrest vs. Detention

- **Detention:** A temporary hold for investigation purposes; the person is not charged with any offence.
- **Arrest:** Formal police custody based on probable cause of having committed an offence.
- Article 22 of the Constitution governs both arrest and detention.

- Non-cognisable offences (e.g., simple hurt, defamation): Arrest requires a warrant.
- Cognisable offences (e.g., murder, rape): Arrest can be made without a warrant.

Judicial Guidelines Against Misuse: Arnesh Kumar Case

  - Arrest should be an **exception**, not the norm, in offences punishable with less than seven years' imprisonment.
  - Police must assess the necessity of arrest under Section 41 of the CrPC (now Section 35 of the BNSS) before making one.
  - Routine arrests, made merely because the power exists, are impermissible — necessity must be demonstrably justified.
  - Allowing prosecution based on frivolous or false allegations amounts to abuse of legal process and violates principles of natural justice.

Constitutional Framework: Article 22 and Beyond

- Article 22 provides key procedural safeguards for arrested persons:
  - The right to be informed of the grounds of arrest.
  - The right to consult and be defended by a lawyer of choice as soon as possible.
  - The right to be presented before the nearest magistrate within 24 hours.
- **Preventive Detention**: Article 22 also addresses preventive detention, where these procedural safeguards do not apply.
  - India's concept of preventive detention draws from **Regulation 14-B** of the British Defence of the Realm Act, 1914, under which **non-punitive detentions** are considered preventive.
  - Such detention can continue for three months, beyond which an Advisory Board must approve any extension.

Conclusion

Through judgments like Vihaan Kumar and Arnesh Kumar, the judiciary continues to reinforce that arrest is not a routine exercise of police power but a constitutional act demanding accountability. These safeguards, rooted in Articles 21 and 22, ensure that India's democratic promise of liberty is not eclipsed by arbitrary state action.

FCRA BILL AND THE JPC ROUTE: HOW EFFECTIVE ARE PARLIAMENTARY COMMITTEES?

The Lok Sabha has referred the **Foreign Contribution (Regulation) Amendment Bill, 2026** to a Joint Parliamentary Committee (JPC), amid strong objections over provisions including the retrospective vesting of foreign-funded assets in a government-designated authority.

This has renewed debate on how much difference parliamentary committees actually make when the ruling party holds a majority within them.

Purpose of Parliamentary Committees

- Parliamentary committees exist to address a basic limitation of Parliament: the two Houses have limited time to examine an increasingly complex body of legislation and policy.
- Smaller committees can:
    - Spend considerably more time examining a Bill
    - Question officials and hear experts/stakeholders
    - Scrutinise provisions clause by clause
- The committee system is not meant to replicate the political contest on the House floor.
- As Rajya Sabha's literature describes it, the underlying philosophy is:
    - influence, not direct control;
    - advise, not command;
    - criticism, not obstruction;
    - scrutiny, not initiative;
    - accountability, not prior approval.

Types of Parliamentary Committees

- **Department-related Standing Committees**: Examine the functioning and policies of ministries on an ongoing basis.
- **Financial Committees**: Scrutinise government expenditure.
- **Select Committees**: Constituted by one House to examine a specific Bill.

- **Joint Parliamentary Committee (JPC)**: Has members from both Lok Sabha and Rajya Sabha, constituted for a specific Bill or issue.
- Committees can call for persons, papers, and records, and take evidence — but their recommendations are not binding on the government.

The Central Limitation: Ruling Party Majority

- JPC membership broadly reflects the strength of parties in Parliament.
- Since the ruling party or alliance typically has a majority in the Lok Sabha, it also holds a majority in the JPC, and the chairperson is usually from the government benches.
- Decisions are taken by **majority vote**, with the chairperson holding a casting vote in case of a tie.
- Within a committee, the Opposition can:
  - Demand specific witnesses
  - Question officials
  - Put evidence on record
  - Propose changes to the draft report
  - File a dissent note if it disagrees with the majority
- The real question, therefore, is **not whether Opposition MPs are heard, but whether they can actually change the law** — and here, the record is far less encouraging.

Why the FCRA Referral Matters?

- The government had the numbers to push the FCRA Bill through the Lok Sabha directly.
- Instead, following strong objections, it opted for a JPC — giving stakeholders a **formal forum** to place concerns on record, while the government retains the discretion to decide which concerns it is willing to accommodate.

Conclusion

JPCs rarely overturn a government's core legislative intent, but they consistently force explanation, modification, and public scrutiny — a meaningful check even within majoritarian limits. The declining use of committee scrutiny overall makes the FCRA Bill's JPC referral a notable, if modest, reaffirmation of deliberative process over numerical dominance.

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EUROPE'S AI RULES MAY BECOME INDIA'S OPPORTUNITY

- The Government of India is considering standalone legislation to govern Artificial Intelligence.
- Meanwhile, the **European Union's AI Act** — in force since August 2024 and applicable from August 2, 2026 — is already shaping the global AI supply chain.
- The Act follows a risk-based approach: **prohibiting** certain AI systems, **regulating** high-risk ones, and **applying lighter checks** for limited-risk uses.
- While Indian firms know the Act applies whenever their AI systems produce results in Europe, the more important story lies deeper than a compliance checklist.
- This article highlights how the European Union's AI Act could create new opportunities for India's technology and professional services sectors.
- It examines the compliance challenges posed by the Act's risk-based framework, particularly for India's customised and adaptive IT services, while exploring opportunities in AI compliance, conformity assessment, and skilled service exports.

The Core Mismatch: How the Act Views Software

- The Act assumes AI, once built and approved, functions like a finished, static product.
- India's tech industry has never worked this way — it thrives on continuous, client-driven customisation.
- This gap between the law's assumptions and India's actual business model is what companies need to watch closely.

Understanding the Compliance Process

- Before a "**high-risk" AI system** (used in sensitive areas like hiring or education) enters the European market, it must clear a "conformity assessment" under **Article 43** — proof of meeting standards on testing, documentation and human oversight.
- Most providers self-assess and sign their own declaration; only a narrow category, mainly certain biometric tools, needs independent verification.

- Once approved, the system can run freely — unless it undergoes a "substantial modification."
- A substantial modification means an unplanned change affecting compliance or altering the system's intended purpose, which triggers a fresh assessment.

Why This Distinction Matters for India?

- This framework favours businesses with predictable, standardised product roadmaps, since planned upgrades can be assessed upfront.
- It disadvantages businesses offering bespoke (custom-made or built to individual specifications), adaptive services — exactly the model followed by India's IT services firms and global capability centres in Bengaluru and Hyderabad.
- Crucially, a firm that substantially modifies someone else's high-risk AI system may be treated as the new "provider," inheriting all the original maker's regulatory obligations.
- For an industry built on on-demand improvement, this means unplanned adaptability could trigger unexpected regulatory burden.

The Opportunity Hidden in Compliance

- High-risk compliance is fundamentally about paperwork and proof — governance measures, technical documentation, and testing regimes carried out at scale.
- Since most providers self-assess against harmonised technical standards (still being drafted), there will be strong demand for skilled legal and technical professionals to do this work.
- India's professional services firms already support global clients on data protection, financial regulation and technical assurance — this expertise translates directly to AI Act compliance services.

Conclusion

- Europe's compliance-heavy AI regulation need not be a barrier for India — it could become a business opportunity. By building compliance expertise and leveraging the India-EU trade agreement, India could transform Europe's regulatory burden into a source of skilled service exports and deeper strategic partnership.

NITI AAYOG REPORT ON MANUFACTURING SECTOR IN INDIA

- The manufacturing sector is a key component of India's industrial base, encompassing activities that transform raw materials and intermediate goods into finished products.
- It includes sectors such as automobiles, pharmaceuticals, textiles, chemicals, electronics, machinery, food processing and metals.
- **Contribution to the Economy**
  - According to the **Economic Survey 2025-26**, manufacturing's share in India's GVA has remained broadly stable at around **17-18% in real terms**.
  - The Survey notes that manufacturing's share of **real GDP** has remained relatively steady despite fluctuations in its nominal share, while manufacturing's **gross value of output (GVO) has remained around 38%**, highlighting its substantial role in overall economic activity.
  - The latest national accounts also show that the broader **secondary sector**, comprising manufacturing, construction, electricity, gas, water supply and related utilities, accounted for **25.8% of India's GVA in 2024-25** and grew by **8.0% in real terms** during the year.
- **Employment and Industrial Base**
  - Manufacturing is also an important source of non-farm employment.
  - According to MoSPI's Sustainable Development Goals indicator framework, manufacturing accounted for **11.44% of total employment in 2023-24**, compared with **12.13% in 2017-18**.

NITI Aayog Report

- NITI Aayog has released the first volume of a study titled "Key Sectors to Position India as a Global Manufacturing Hub".
- The report uses a structured, data-driven framework to identify sectors that can drive India's ambition of becoming a global manufacturing powerhouse.

Scope of the Study

- The study shortlisted 12 sectors in which India can aspire to global leadership by 2047:
    - Electronics, Telecommunications equipment, Solar photovoltaic, Pharmaceuticals, Chemicals, Automotive, Defence and drones, Steel, Capital goods, Textiles, Food processing, Leather and footwear
- This opening volume examines four of these in depth: chemicals, textiles, telecom and network equipment, and solar photovoltaic.

Methodology

- **Phase 1**: Shortlisting sectors based on market size and growth prospects in domestic and global markets.
- **Phase 2**: A three-pronged assessment of market potential, competitiveness, and strategic relevance.
- **Phase 3**: Benchmarking best practices from top-performing manufacturing countries.
- **Phase 4**: Developing sector-specific, actionable recommendations and a roadmap.

- The assessment considered factors such as market potential, infrastructure readiness, policy support, raw material availability, technology readiness, employment potential, and India's current position in the value chain.

Significance

- It provides a structured, evidence-based framework for prioritising manufacturing sectors rather than dispersing effort across all industries.
- It shifts emphasis from subsidy-led growth to profit-led investment, recognising that sustainable manufacturing requires commercial viability.
- It highlights cluster development as a practical route to scale, addressing India's long-standing fragmentation problem.
- It flags export concentration risks, particularly in solar, where dependence on a single market creates vulnerability.
- It links manufacturing directly to employment generation for India's young workforce.

PM VISHWAKARMA SCHEME

- It is a **central sector scheme** launched **in 2023.**
- It is aimed at providing comprehensive support **to artisans and crafts people engaged in traditional trades.**
- **Objective:** Promoting the **socio-economic empowerment of artisans**, strengthening traditional crafts and ensuring sustainable livelihoods.
- The scheme provides assistance through **skill upgradation**, **modern tools, financial support, digital enablement and market linkages.**
- **Nodal Ministry:** Ministry of Micro, Small, and Medium Enterprises.
- **Time period:** Five years (FY 2023-24 to FY 2027-28).
- **Eligibility & coverage:**
  - It is available for **rural and urban artisans** and craftsmen across India.
  - It covers **18 traditional crafts** such as Boat Maker; Armourer; Blacksmith; Hammer and Tool Kit Maker; etc.
  - Aged 18+, engaged in traditional trade, no similar loans in the past 5 years.
- **Key Features of PM Vishwakarma Scheme:**
  - **Recognition:** Recognition of artisans and craftspeople through **PM Vishwakarma certificate and ID card.**
  - **Skill Upgradation:** Basic Training of **5-7 days and Advanced Training of 15 days** or more, with a stipend of Rs. 500 per day;
  - **Toolkit Incentive:** A toolkit incentive of upto Rs. 15,000 in the form of e-vouchers at the beginning of Basic Skill Training.
  - **Credit Support:** Collateral free '**Enterprise Development Loans' of upto Rs. 3 lakh** in two tranches of Rs. 1 lakh and Rs. 2 lakh at a concessional rate of interest fixed at 5%.