

# **CURRENT AFFAIRS FOR MAINS 2022**

**[Part 1]**



INDIA'S FOREIGN POLICY - 2022



- India's stance in Russia-ukraine conflict
- Diplomatic fall out of domestic issues
- Covid diplomacy



'history has lessons for an aspiring power: leverage the dominant, collaborate with the convergent, and manage the competition'  
MEA. S. Jaishankar

FOREIGN POLICY



FP is 'mini-maxing' - Shivshankar Menon

#

RUSSIA - UKRAINE CONFLICT & INDIA'S FP



India abstained from UN resolutions against Russia

Views

- India's strategic autonomy
- Russia as a reliable partner
- Defence supply
- Its a European conflict
- Policy of west
  - military support to ukraine
  - economic sanctions on Russia



India's stance - MEA. S. Jaishankar

- 1) cessation of violence
- 2) return to dialogue and diplomacy
- 3) follow international laws
- 4) respect for territorial integrity
- 5) humanitarian assistance



"Europe has to grow out of the mindset that its problem are world's problems, but world's problems aren't Europe's problems"

→ MEA. S. Jaishankar



'India's decision in such matters are made in line with national interest and country is guided by our thinking, our values, our interests'  
MEA. S. Jaishankar

# CHALLENGES

- diplomatic dilemma
- diplomatic balancing
- weaponisation
  - finance
  - trade
  - energy
  - supply chain
- Russia - china axis
- failure of UN
- global food prices & inflation
- arms race & cyber warfare



POSITIVES OF FP

- Operation Ganga
- Covid diplomacy
- Economic diplomacy
- Energy diplomacy
- Climate diplomacy
- cultural diplomacy



- Domestic development
- People centric
- India's soft power
- universal engagement

#

ENERGY DIPLOMACY

- Import dependence
- ensure energy security;
- economic and political stability

ISSUES

- rising oil prices
- Energy dilemma
- energy geopolitics vs energy economics

STEPS

- Relations with west Asia
- Energy diversification → countries & sources
- Energy from Russia
- South Asian energy cooperation
- Clean energy cooperation

# OTHER FP CHALLENGES

- 1) Chinese expansionism
- 2) Neighbourhood issues
  - Sri Lankan economic crisis
  - Taliban takeover Afghanistan
- 3) US-China strategic competition
- 4) Indo-Pacific region
- 5) Domestic political disturbances
- 6) Weakening of multilateralism
- 7) Refugee crisis
- 8) World news curated by west



"A nation that has the aspiration to become a leading power someday cannot continue with unsettled borders, an unintegrated region and under exploited opportunities. Above all it cannot be dogmatic in approaching a visibly changing global order"

MEA - S. Jaishankar



WAY FORWARD



Prof Happy mon Jacob - 5 levels of Balancing

- 1) Level 1: Balance China & USA
- 2) Level 2: West Asia
- 3) Level 3: Russia - China
- 4) Level 4: China - Pak
- 5) Level 5: Afghanistan



India's Path to Power: Strategy in a world adrift  
by Centre for Policy Research

The foundational source of India's influence in the world rests on 4 pillars

- 1) domestic economic growth
  - 2) Social inclusion
  - 3) political democracy
  - 4) liberal constitutional order
- If these integral pillars remain strong, then there is no stopping India



OTHER POINTS

- Panchasheel Principles
- Gujral Doctrine
- Neighbourhood First Policy
- SAGAR
- Viswaguru
- Vasudhaiva Kudumbakam

INDO - PACIFIC ECONOMIC FRAMEWORK (IPEF)



Launch of IPEF

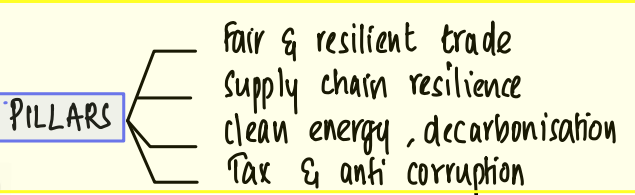


"The Russia- Ukraine war could be an economic tipping point, driving a shift from economic efficiency to security and 'globalisation to regionalisation'"  
- Christine Lagarde



IPEF

- economic bloc of 14 countries in Indo-Pacific
- India, Australia, Brunei, Fiji, Indonesia, Japan, Malaysia, New Zealand, Philippines, Vietnam, Singapore, South Korea, Thailand & the USA



SIGNIFICANCE

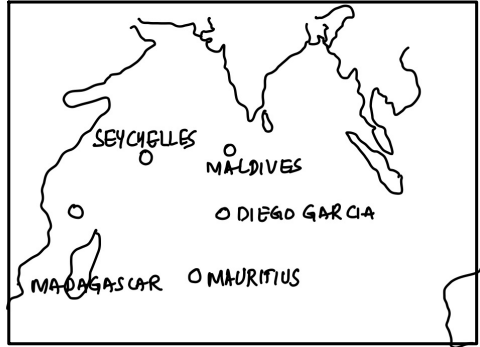
- an alternative trading arrangement
- represent 40% of global GDP
- Cornwall Consensus model
- 'friend shoring'



IMPLICATIONS FOR INDIA

POSITIVES

- geopolitical & geoeconomic importance
- economic partnership after RCEP withdrawal
- outside Chinese dominance → 'Quad plus'
- address 'weaponisation of supply chain'
- intergovernmental cooperation to prevent tax evasion
- harness AI & IR



MAP 1: Indo-Pacific

CHALLENGES

- higher standards
- No common ground - need clarity
- Cross border data flows
- Cambodia, Laos, Myanmar not part
- No progress on Blue Dot, B3W
- De-coupling China
- global inflation
- India under PwL of US & R



WAY FORWARD

- 'Atma nirbhar Bharat'
- Ease of Doing Business

EXAMPLE

1. **Operation Ganga** → evacuation of  $\approx$  20,000 Indian nationals from Ukraine  
 $\approx$  18,000 were students
2. **Covid diplomacy** → 'Vaccine maitri'  
Supply of vaccines to neighbouring countries
3. **Economic diplomacy** → IPEF  
→ Indian aid to Sri Lanka, wheat exports to Bangladesh
4. **Energy diplomacy** → India increased purchase of Russian crude  
→ 'West seti' HEP project in Nepal  
→ Study says every \$ 10 / barrel hike in oil price raises CPI by 0.49%. (RBI)
5. **Climate diplomacy** → ISA, OSOWO G,  
→ G7 package for energy transition (JETP)
6. **People centric** → Operation Ganga  
→ Operation Rahat  
→ Operation maitri etc  
→ India granted 100 visas to minorities from Afghanistan
7. **Chinese expansionism** → Galwan clash;  
Paracel, Spratley in South China Sea, '9 dash line'
8. **Domestic political disturbances** → diplomatic fall out of offensive speeches  
→ Qatar, Oman, Indonesia summons Indian envoy  
→ UAE, Maldives etc issued statements
9. **World news curated by the west** → 'Democracy report' classifies India as 'electoral autocracy';  
→ World Press Freedom Index - India was ranked 142 / 180;  
→ "one-sided narrative in international media must be countered" - MEA. S. Jaishankar

# NON - ALIGNED MOVEMENT (NAM)

- NAM was a policy of cold war era to retain the autonomy of policy between two politico-military blocs. (USA - USSR)
- Its flagship campaigns are
  - (1) de-colonisation
  - (2) nuclear disarmament
  - (3) anti-apartheid
- India was instrumental in the establishment of NAM in 1961

→ GUIDING PRINCIPLES

Peace — Independence — Development — No-alignment

# SOFT POWER OF INDIA

- According to Prof. Joseph Nye, soft power is the ability of a country to influence the behaviour of another country
- based on its culture, foreign policies, quality of life, robust institutions, media, business, people, values and governance



POSITIVES

- Hard power has limitations
- Increase global stature
- avoid hot war situations

EXAMPLE

- vaccine diplomacy - vaccine maitri
- cultural diplomacy - Buddhist tourism
- Sports, Cinema, food, Yoga, music, dance
- medical tourism - 2 million patients visit every year
- IT sector



CHALLENGES

- 1) Depleting Diplomatic capital
  - { negative media campaigns, biased reports
  - { offensive speech, 'social equilibrium'
- 2) social media campaigns
- 3) Infrastructure deficiencies eg medical tourism
- 4) challenges in attracting foreign professionals
- 5) Global soft power index 2022 - India 36th rank, China (8), UAE (17)

» WAY FORWARD

Powerful soft power, despite cultural richness, is only multiplied when we project the image of a dynamic, progressive, democratic equitable society that is a responsible stakeholder in world politics and a contributor to the global public good" - Nirupama Rao (fr. foreign sec)

STRATEGIC AUTONOMY OF INDIA



DEFENITION

SA denotes the capacity of a nation to engage with different nations and still maintain its core national interests



'its not necessary for india to join any axis. India is entitled to make its own choices which will be a balance of its values and interests'

— MEA · S. Jaishankar

# PURSUIT OF SA

- India's independence movement
- For maintaining our sovereignty and improving the well-being of our people
- Not to be forced into external issues decided by alliance

EXAMPLE

- India abstained from UN resolutions against Russia; and IAEA resolutions against Iran
- S400 deal with Russia despite CAATSA by the USA
- getting discounted oil from Russia
- Member of Quad, IPEF, I2U2, SCO
- Protecting Indian interest @ WTO



POSITIVES

- defend national interest
- focus domestic development
- 'multi-alignment' policy
- counter balance china
- balance the current geo-economic equilibrium
- confident foreign policy
- Leadership of developing countries



CHALLENGES

- Lack of defence indigenisation
- Economic slow down
- 'Domestic social equilibrium' (Dr. Man Mohan Singh)

internal

- New Cold war
- Russia - china - Pak axis
- 'Boxed up in south Asia'
- Non traditional threats
- Technology and increasing interdependence

external

WAY FORWARD

- Self reliance
  - Atma nirbhav Bharat
  - Defence indigenisation

Issue based coalition (MEA · S. Jaishankar)

multi-alignment foreign policy (Shashi Tharoor)

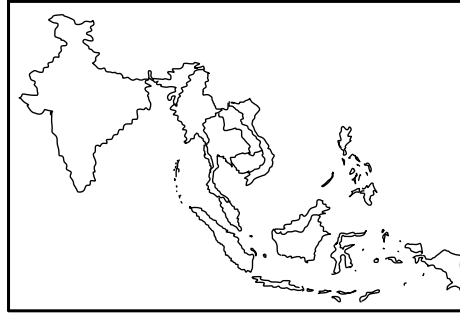
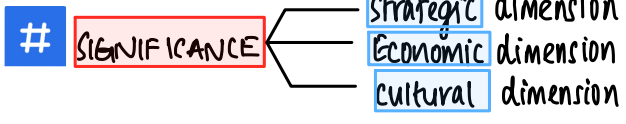
ASEAN COUNTRIES & ACT EAST POLICY



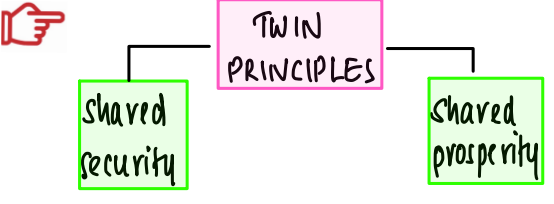
2022 - year of India - Asean friendship  
 - marks the 30 year of partnership  
 → Special India - Asean FM meeting held at Delhi June 2022



'India's Act East Policy is slowly becoming Act Indo-Pacific policy'  
 → 'Act east to Act Indo Pacific' Book by Prabir De



MAP : India - Asean

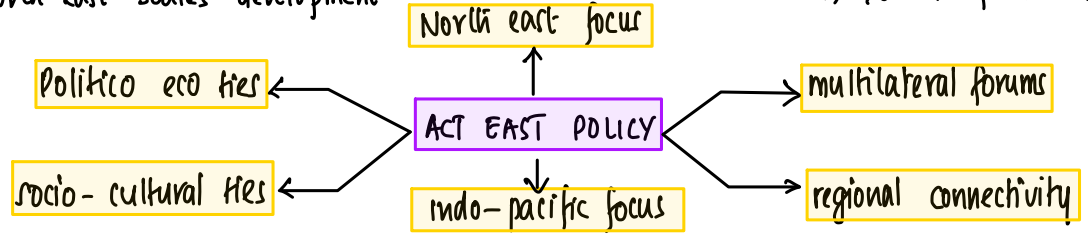


# OPPORTUNITIES

1. Geo political
  - Asean - a 10 nation grouping
  - Indo-Pacific focus
  - counter balance china
2. Commerce
  - Trade and investments
  - 'china + 1' strategy
  - 'friend shoring' - IPEF
3. Connectivity
  - connectivity Eg. IMT
  - Tourism
  - global trade and logistics hub
  - digital economy
  - north-east states development

# CHALLENGES

1. Economic
  - trade deficit
  - de-coupling china
  - protectionism
2. Strategic
  - new cold war
  - pro-china countries
  - myanmar troubles
  - south china disputes
3. Security
  - security of North east
  - organised crimes
  - 'golden triangle'
4. Diplomatic
  - domestic political issues



WAY FORWARD

- soft power
- Project Mausam
- 'Connecting the connectivities approach'
- Commitment to multilateralism



INDO - PACIFIC ECONOMIC FRAMEWORK (IPEF)



Launch of IPEF



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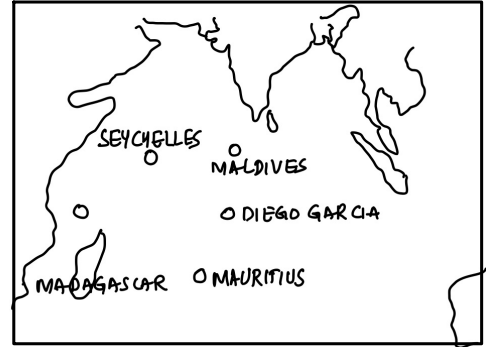
IPEF

- economic bloc of 14 countries in Indo-Pacific
- India, Australia, Brunei, Fiji, Indonesia, Japan, Malaysia, New Zealand, Philippines, Vietnam, Singapore, South Korea, Thailand & the USA



PILLARS

- Fair & resilient trade
- Supply chain resilience
- clean energy, decarbonisation
- Tax & anti corruption



MAP 1: Indo-Pacific



SIGNIFICANCE

- an alternative trading arrangement
- represent 40% of global GDP
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CHALLENGES

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POSITIVES

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WAY FORWARD

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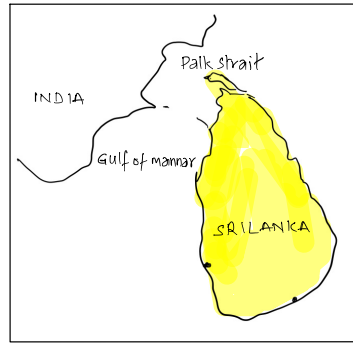
- NEWS
- Food & fuel shortage
- troops open fire to contain fuel crisis
- Govt offices, schools shut down



"India encounters a range of reactions in SL, appreciation, support, suspicion & opposition" — Rajiv Bhatia

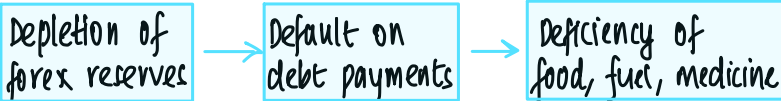
**SIGNIFICANCE**

- geostrategic location of Sri Lanka
- historical, cultural & ethnic ties
- emergent geopolitical theatre of Indo-Pacific



MAP

**# ECONOMIC CRISIS**



**# FISHERMEN ISSUE**

- fishing in territorial waters across the Palk strait
- Issues with Katchaltheevu Island
- arrest and detention of fishermen
- bottom trawling issue

**REASONS**

1. Covid impact
  - tourism sector
  - fall in exports Eg. tea, rubber, spices
  - fall in investments - decline in forex
2. Chinese role
  - debt trap diplomacy Eg. Hambantota port
3. Crisis due to policies
  - ban on chemical fertilizer
  - VAT reduction Eg. 15% to 8%
  - opposition to 'investments' Eg. ECT project by India
4. Crisis in Ukraine
  - rise in oil prices
  - food shortages

**# POLITICAL ISSUES**

- SL passed 21st amendment
- Tamil issue

**WAY FORWARD**

- Neighbourhood First Policy
- India's soft power - cultural diplomacy
- Regional platforms Eg. BIMSTEC
- SAGAR
- Commonwealth Countries Cooperation

**# IMPLICATIONS ON INDIA**

- Security and strategic interest of India
- Economic
  - disruption of exports
  - trade & investment
- Refugee crisis

**STEPS**

- Financial aid - Line of credit - currency swap
- Emergency supplies - food, medicines, - fertilizer, fuel

AFGHANISTAN



→ The UN report, (June 2022) says foreign terrorist organisations enjoys safe haven under Taliban regime

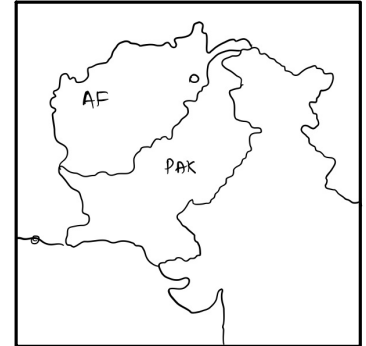


"India's vision of a sovereign, united, stable, plural and democratic Afghanistan is one that shared by a large constituency in Afghanistan, cutting across ethnic and provincial lines - Rakesh sood



SIGNIFICANCE OF AFGHANISTAN

1. geo strategic location of Afghan
2. Security of the region & India
3. "New great game"
4. economic significance - resources
5. India's developmental projects



MAP 1

# PRESENT SCENARIO

- Taliban established Islamic Emirate of Afghanistan (2021)
- weak international engagement
- inability to form inclusive govt.
- Economic turmoil
- Humanitarian crisis

# ENGAGEMENT

STRATEGIC

- Strategic Partnership Agreement 2011
- Defence relations - mi 25 attack helicopters

DEVELOPMENT PROJECTS

- >400 projects ; imp Egs - Zaranj - Delaram hwy
- Afghan Parliament building, Salma dam
- India, a major donor to Afghan;

TRADE

- bilateral trade - \$ 1.5 bn (2019-20)

PEOPLE TO PEOPLE

- Asylum to minorities - 100 e-Visas (June 22)
- Medical tourism



INDIA'S APPROACH

- Provide humanitarian assistance
- Working with other countries
- Talking to Taliban
- India's support to UNSC resolution

## # CHALLENGES

1. Security
  - Terrorism - Taliban support to ISCK)
  - Al Qaeda, Jem, LeT etc
  - Role of Pakistan - Taliban links to ISI
  - State sponsored terrorism by Pak
  - Radicalisation
2. Strategic
  - 'New great game'
  - Diminishing role for India
3. Economic
  - economic crisis in Afghan
  - Opium - drug money - organised crimes
  - Large Chinese interests
  - Lack of connectivity
4. India's development projects
  - Affecting Indian investments of > \$ 3 billion
5. Humanitarian Crisis
  - refugee crisis
  - humanitarian crisis

## » WAY AHEAD

- Neighbourhood First Policy
- Taliban needs international acceptance, support and recognition
- Taliban seeks to lift sanctions against its leaders - bring Taliban in line with the rules based order
- Afghanistan is landlocked and dependent on neighbouring countries

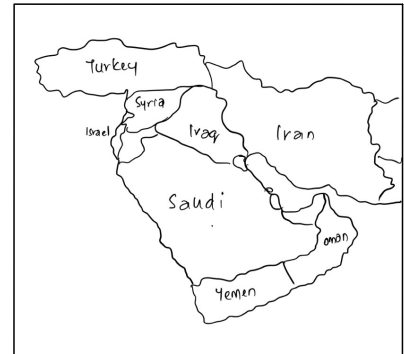
INDIA - WEST ASIA / GCC



- I2U2 Initiative
- visit of VP Venkaiah Naidu to Qatar
- diplomatic fallout of domestic issues



'Middle East is looking east'  
- Sanjaya Baru



MAP



SIGNIFICANCE

- Persian Gulf region - geo strategically located
- historical ties with India
- trade and investment
- diaspora

#

COMPLEMENTARIES



WEST ASIA

1. Economic
  - energy rich region
  - trade and investment
  - economic opportunities
  - transformation of economy
2. Security
  - regional
  - maritime
3. Strategic
4. Political



INDIA

1. Economic
  - energy deficient
  - 5th largest economy Eg. FTA with UAE
  - workers; remittances
  - India's strong service sector
2. Security
  - defence cooperation
  - India's role as 'net security provider'
3. Strategic → trilateral FP
4. Political → multilateralism, NAM

#

CHALLENGES

1. Geo-political
  - external players
  - China, Pakistan
  - the USA
  - Iran - Saudi rivalry
  - Israel - Palestine conflict
  - Division among GCC Eg Qatar & Saudi Abraham Accord
2. Security
  - Terrorism; radicalisation
  - Eg. growth of 'Muslim Brotherhood'
3. Economic
  - impact of covid
  - low wages to workers
  - Local reservation - Eg 'Kafala', 'Nitaqat'
4. Diplomatic
  - implications of domestic political issues



WAY FORWARD

- 'Diplomatic outreach'
- 'Real politik'

# 12U2

- Quadrilateral economic forum
- India, Israel, UAE, USA

↳ Objective

- expand the political & economic coopn in the middle east and Asia through
  - (a) trade
  - (b) combating climate change
  - (c) tech coopn
  - (d) maritime security

↳ Implications for India

- multilateral consultation
- Indo-Abrahamic accord
  - US strategic support
  - Israel-USA - tech
  - UAE - capital
  - India - manufacturing
- east Asian & west Asian quad

↳ Challenges

1. geo politics of Indo-pacific & west Asia
2. Chinese opposition
3. Diplomatic balancing by India

↳ Way forward

- India should reassure that non-quad countries in the region remain imp partners

DIASPORA

NEWS → domestic political issues  
→ PBD - Jan 2022

“Indian diaspora serves as a living bridge connecting India to world”  
- MOS MEA - Murali K. Jayaram

DEFINITION

→ Diaspora is a scattered population whose origin lies within a smaller geographical locale.  
→ Indian diaspora is a generic term to describe the people who migrated from India and their descendents

OLD & NEW DIASPORA

→ OLD - indenture labourers ; 'pushed out' of India  
→ NEW - migrated after 1947 ; 'push & pull' factors

POLICY

→ From 'active dissociation' to 'strategic asset'

STATISTICS


→ 18 million ; largest in the world  
→ top destinations - UAE, USA, Saudi  
→ remittances - \$ 87 bn (2021)


# SIGNIFICANCE

- soft power
- remittances
- tourism
- investments
- culture


# ROLE - WEST ASIA - GCC

1. POLITICAL

→ diplomacy  Indian expatriate community exerts considerable political & social influence (MA Yusuf Ali, Ravi Pillai, Micky Jagtiani)

 46 nurses rescued from the area controlled by ISIS (Iraq) 2014


2. ECONOMY


→ Business  MA Yusuf Ali (Lulu group), Dr Azad Moopan (Aster Healthcare)  
Ravi Pillai (RP group)

→ Banking  Dr Raghavan S (Fr CEO Doha Bank)

→ Workers → skilled and semi skilled workers  
Professionals, Doctors, Nurses

3. SOCIETY

→ cultural ties  Pluralism ; Hindu temple built in Abu Dhabi  
Celebrate Diwali, Onam, Pongal etc

→ Education & expertise  Established schools and follow CBSE  
Sunny Varkey (Gems Education)

→ media, entertainment  Fm channels in Dubai, Bahrain  
Regional news paper editions

# CONCERNS WEST ASIA

1. Political
  - no citizenship rights
- Economic
  - covid impact
- Employment
  - Kafala, nitagat
  - Sponsorship related
  - Cheap labour from Philippines, Nepal
- Human rights
  - human trafficking
- Societal
  - radicalisation

# STEPS TAKEN

Human rights

- MoU with Gulf countries for worker protection
- Operation Raahat etc
- 'Vande Bharat'

Grievance redressal

- madad portal
- Online database (emigrants, employers, agents)

Cultural

- 'Bharat ko jāniye'
- Pravasi Bharat Diwas

Employment

- Pravasi Kaushal Vikas Yojana

UAE

- 'golden visa'

» WAY FORWARD

- Overseas voting rights
- Emigration Bill 2021 - to reform the recruitment process for Indians seeking employment abroad

CONCLUSION

'The present govt went beyond demanding that the diaspora do more for India. It promised that India would do more for them as well' - C. Rajamohan



NEWS → 2022 - 70th anniversary of the establishment of diplomatic relations between India & Japan  
 ↳ PM Modi visited Japan to attend Quad summit (May 2022)

## COMPLEMENTARITIES

- ↳ democracies
- ↳ economies
- ↳ demographics
- ↳ counter China
- ↳ shared aspirations



'India and Japan are natural partners'  
 — PM Modi

## # CONVERGENCE

### 1. POLITICAL

- bipartisan consensus in relationship
- para diplomacy (EG)
- reforms in global governance reforms

### 2. STRATEGIC

- defence and security relationship
- 2+2 cooperation
- counter China's military assertiveness
- Indo-Pacific coopn; (EG) Quad
- peaceful use of nuclear energy
- counter terrorism; cyber security

### 3. ECONOMIC

- largest ODA partner of India
- major source of FDI
- Comprehensive Economic Partnership Agreement



SCRI



china+1

## # CONCERNS

### 1. COMMERCE

- Low trade - Indian exports to Japan only \$ 3.85 bn
  - no major change after CEPA
  - India's withdrawal from RCEP
- Investment - Delays (EG) Bullet train project
- Infrastructure - Delays (EG) AA-GC



### CONCLUSION

India and Japan relations are complementary and both countries must leverage each other's strengths to foster economic growth and development and balance China

### 2. STRATEGIC

- delay in deals - stalled negotiations
  - (EG) US-2 amphibious aircraft deal

RUSSIA - UKRAINE CONFLICT

NEWS → Russia - Ukraine Conflict

MAP



🔍 BACKGROUND

- Ukraine was part of USSR
- Separate country after balkanisation of USSR in 1991
- Euromaidan crisis in 2014
- Annexation of Crimea by Russia in 2014
- Separatist movement in Eastern Ukraine

# CAUSES

Strategic

- 1) Efforts to induct Ukraine into NATO
  - ↳ Ukraine - buffer state
  - ↳ Expansion of NATO in the region
- 2) Russia's access into Black Sea
- 3) Security concerns of Russia

Economic

- 1) Induct Ukraine into EU vs EEU

Other

- 2) Separatist movement in eastern Ukraine

👉 IMPLICATIONS FOR INDIA

1. Foreign policy (covered)
  - India abstained from UN resolutions against Russia
2. Strategic
  - Power blocs
  - Asian balance of power
  - Less focus on Indo-Pacific
3. Economic - 'A weaponisations'
  - rising oil prices
  - 'war induced inflation'
  - global food crisis
  - disruption of fertilizer supply
  - increased coal crisis
  - semiconductor shortage
  - Isolationism

# IMPLICATIONS

→ Geopolitical

- 1) Cold war 2.0
  - ↳ US & NATO vs Russia - China coalition

→ Security

- ↳ Troop concentration in border - Threat of war
- ↳ Allegations of 'false flag' operation by Russia
- ↳ Arms race

→ Economic

- ↳ Energy security
- ↳ Sanctions on Russia

# WHAT RUSSIA WANT

- Draft security treaty - not to induct Ukraine into NATO ; US & NATO should reduce its deployments in Central and eastern Europe
- Russia's military threat to achieve non-military goals

4. OPPORTUNITIES

- strategic opportunity - 'balancer'
- confident FP
- economic opportunities - trade & investment
- boost to agriculture sector
- energy imports

## BRICS

- NEWS → 14th BRICS Summit - June 2022
- Iran & Argentina applied to join BRICS

"Influence of BRICS has grown as it has undertaken structural changes and acted with practical steps"  
- PM Modi

### BRICS

- emerging economies - Brazil, Russia, India, China, South Africa ; esthd 2009



### OBJECTIVES

- rebalancing an international system dominated by the west'

### SIGNIFICANCE

- 42% global population
- 24% global GDP
- 16% global trade


### # COOPERATION

- Economic initiatives
  - ↳ NDB - development finance 
  - ↳ CRA - 100 bn USD 
  - ↳ customs agreement
- Development
  - ↳ reformed multilateralism
  - ↳ voice of developing countries
- Other
  - ↳ BRICS counter terrorism action plan
  - ↳ technology coop<sup>n</sup>
  - ↳ climate change

### # 14th Summit

- Theme - Foster high quality BRICS partnership, usher in a New Era for Global Development'
- Beijing declaration
  - commitment to multilateralism
  - peaceful Afghanistan
  - adopt responsible economic policies (to dupd)
  - BRICS Think Tank network for finance
- china invited 13 nations for the summit
- china announced 16<sup>bn</sup> USD more to the Global Development and South-south cooperation fund

### # CHALLENGES

- Russia- Ukraine conflict
- 'Anti us Anti Eu' grouping
- Chinese overwhelming presence
- Trust deficit
  - bilateral differences
- Lack of binding ideology
- Low intra-BRICS trade
- protectionism
- Chinese blocking for sanctions on terrorists  'Abdul makkii'
- Limited people to people relations

G7



- G7 Summit @ Germany
- India participated as invitee



"We are now living in a G-0 world, one in which no single country or bloc of countries have the potential and economic leverage or the will to drive a truly international agenda"  
 — Nouriel Roubini — US economist

G7

- world's leading industrial nations
- Canada, France, Germany, Italy, Japan, UK, USA
- estbd in 1975

- represent 40% global GDP
- 10% of global population

# G7 ACHIEVEMENTS

1. global economy
  - emerged during the financial crisis-1970s
  - Cornwall consensus G7-2021
2. global health
  - fight against AIDS, TB
3. global envt
  - clean energy → global appollo program
4. global crimes
  - FATF - combat money laundering & terror financing
5. global tax evasion
  - global minimum corporate tax

# CHALLENGES

1. outdated group - closed group
2. division among members
3. anti Russia anti china group
4. emergence of new groups (e.g.) G20

# G7 SUMMIT 2022

- Key take aways
  1. Support of Ukraine
  2. Isolate Russia - 'price cap on Russian oil'
  3. \$ 4.5b<sup>n</sup> for global food security
  4. Launched 'Partnership for Global Infrastructure and Investment (PGII)'

# G7 & INDIA

- group of democracies
- invitee to the summits - recognition
- partnership in many initiatives
- counter to 'chinese model'
- FATF - grey listing of Pakistan
- expansion of G7 - 'D-20' grouping

WAY FORWARD

- reformed multilateralism
- rules based order

## PGII

- Partnership for Global Infrastructure and Investment (PGII)
- a joint initiative by the G7

## OBJECTIVE

- To fund infrastructure projects in developing countries → mobilise \$ 600 bn by 2027
- counter to china's BRI

## POSITIVES

- Fund to build critical infrastructure
- Enhance global trade and cooperation
- Transparent model
- Alternate to chinese model - debt trap
- Multi stakeholder model

## CHALLENGES

- geo political calculations
- funding of the projects
- economic clout of china
  - BRI (2013)
- BSW - a non starter
- trust deficit of colonial powers

## # IMPLICATIONS FOR INDIA

- Countering china's BRI
- Investment (EG) '\$ 30 mn Omnivore AgriTech'
- Collaboration among democracies
- economic stability in the region

## BRI

- Belt and Road Initiative
- Comprehensive economic and infrastructure development initiative by China.
  - ↳ Land component → SREB
  - ↳ Maritime component → MSR
- >100 countries joined BRI
- projects include - road, rail, ports
  - (EG) CPEC

## CHINESE OBJECTIVES

### Strategic

- ↳ expansion of chinese influence
  - chinese marshal Plan
  - Chinese Monroe doctrine
  - chinese string of pearls
  - chinese malacca dilemma

### Economic

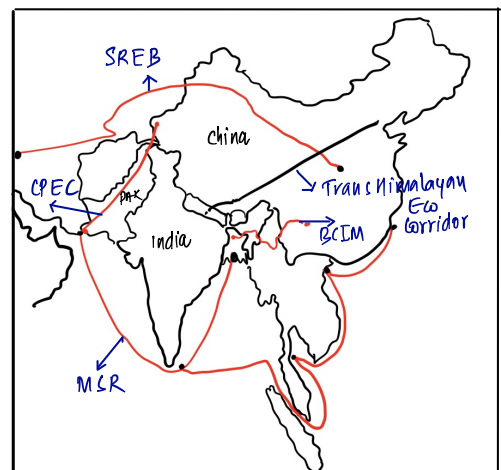
- raw material & market
- exporting chinese excess capacity

## CHINESE NEW MODEL

- Global Development Initiative (GDI)

## # INDIA'S CONCERNS

- CPEC project passes through Pok
- Debt trap diplomacy
  - (EG) Sri Lankan crisis
- economic disguise of SOP
- regional balance of power



PIC - BRI of China

UN REFORMS

NEWS → failure of the UN in preventing/resolving Russia - Ukraine conflict

'UN faces a crisis of confidence without comprehensive reforms' — PM Modi

OBJECTIVES

1. maintaining international peace & security
  2. developing friendly relations
  3. achieving international cooperation
- Article 1 (UN charter)

# ACHIEVEMENTS

1. UNGA
  - universal membership
  - decolonisation
  - human rights - UDHR
2. UNSC
  - peace keeping (EG) Sudan
  - UN sanctions (EG) UNSC 1267 committee
  - UN resolutions (EG) Resolution against Russia
3. UNESCO
  - Socio-cultural cooperation (EG) world heritage sites
4. ICJ
  - dispute resolution
5. Development
  - MDG, SDG
6. Global problems
  - Climate change
7. UN Sec Gen
  - (EG) U Thant, Kofi Annan

# UNSC

- P5 (USA, UK, France, Russia, China)
- Non permanent 10 - (EG) India

ROLE

- ↳ maintain peace & security
- ↳ Sanctions
- ↳ peace keeping mission

CHALLENGES

- veto powers to P5
- democratic deficit
- non representative (under & over rep<sup>n</sup>)
- ineffective
- crisis of confidence, legitimacy, credibility

CHALLENGES

1. Structural
  - UNSC
  - 2. NOT able to maintain peace & stability
    - conflicts involving P5 (EG)
    - principle vs power
    - civil wars (EG)
    - global terrorism
    - nuclear proliferation
  - 3. lack of international cooperation
    - global concerns (EG) climate change, cyber security, public health
  - 4. against development
    - growing inequality
    - food insecurity
    - deviation from SDG
    - protectionism

WAY FORWARD

- reformed multilateralism
- UNSC reforms
- specialised agencies to look into global challenges

# INDIAN CASE

- large democracy
- major economy
- military power
- leader of developing countries

IMPEDIMENTS TO INDIAN ENTRY

- resistance from china (P5)
- no consensus on type of reforms
- opposition from other grouping (EG) uniting for consensus
- amendment to UN charter

STEP → 64

SEDITION - SECTION 124 A IPC



3 Judge bench of the SC suspended the operation of Section 124 A IPC



"Section 124A is the prime among the political sections of IPC designed to suppress the liberty of the citizen" - Gandhiji

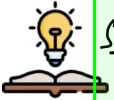
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Uttam Dutt journalist case  
AP news channel case



BACKGROUND

- brought in by British 1870
- Gandhiji, Tilak were sent to prison on charges of sedition



SEDITION: conduct or speech inciting people to rebel against the govt established by law



SECTION 124A IPC: cognisable; non bailable non compoundable offence; punishable with imprisonment with or without fine



ARGUMENTS

FOR

- curb anti national activities
- prevent disturbance to law & order
- few instances of misuse is not a ground to strike down a law
- "Sedition in liberal democracies" - argument by Anushka Singh

AGAINST

- Sedition Law creates 'chilling effect' on free speech
- vague definition under Section 124 A IPC
- authorities not following 'Kedarnath principle'
- colonial legacy
- low conviction rate



SUPREME COURT CASE

- SG Vombarkere vs UOI 2022 case. → SC suspended the operation of section 124 A IPC. The direction was issued after union Govt filed an affidavit that it had decided to re-examine the law.

ASPECTS OF SC CASE

- inline with progressive judgements
- inline with international covenant on civil and political rights
- rights of under trials

CHALLENGE

- re consideration entails legislative process

- Kedarnath vs state of Bihar, 1962. SC held that sedition charges can be imposed only if the speech is an incitement to violence or public disorder



LAW COMMISSION

- suggested reconsideration of section 124 A IPC



OTHER VIEW

'Republic of Rhetoric' book by Abhinav Chandrachud



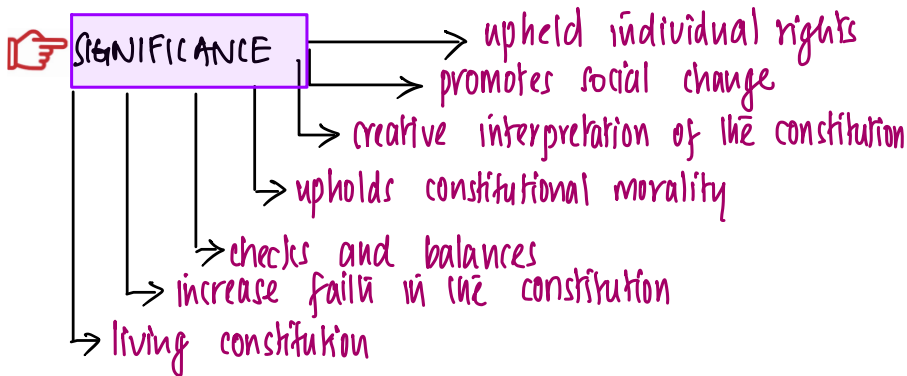
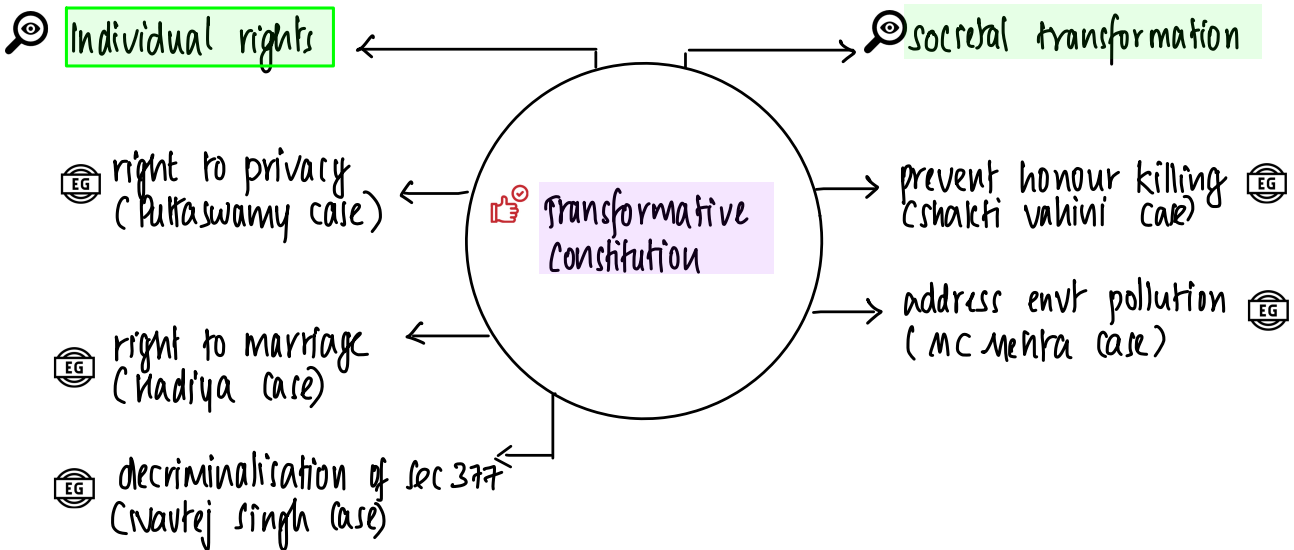
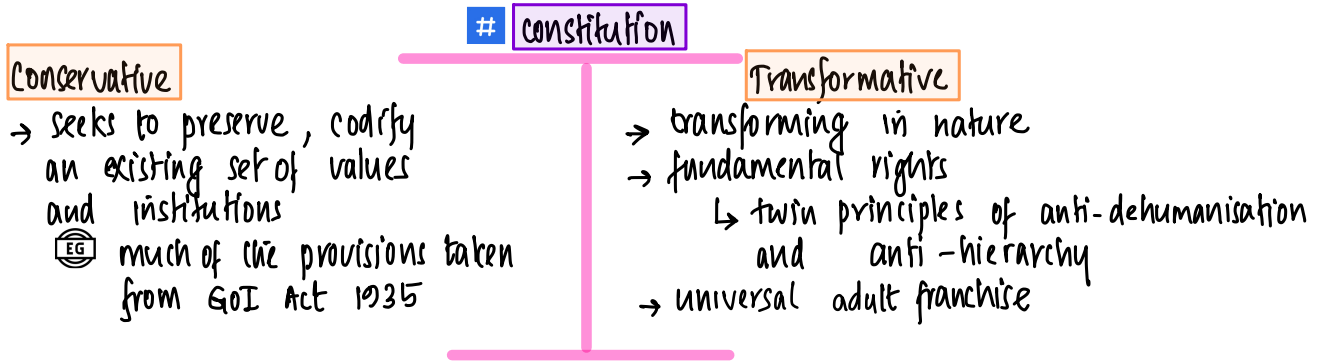
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- amendment to UN charter

STEP → 64

NEWS → 12th ministerial meeting @ Geneva (June 22)

### WTO

- estbd in 1995
- an international orgn dealing with the rules of trade between nations
- aim → rule based trade
  - level playing field
  - open trade
- ministerial conf - highest decision making body
  - consensus based approach

'The hegemony of the developed is a story of the past, and this needs to be accepted by all for the well being of WTO, whose roots are based on multilateralism and consensus' → Rahul Mazumdar - Economist

### MC 12 GENEVA PACKAGE

1. Agriculture
  - Exemption to WFP food purchase from export restrictions
2. Fisheries
  - eliminate subsidies to IUU fishing
  - prohibit subsidies that contribute to overfishing
3. Pandemic response
  - Patent waiver for vaccines
4. e-transmission
  - maintain the present moratorium
5. WTO reforms
  - revival of dispute settlement body

### # OTHER ISSUES

#### Developed vs developing nations

- unfavourable & discriminatory to developing
- Open trade favours dominant countries
- developed - using non-tariff barriers
- developed pushing 'WTO plus'
- 'developing country' status

#### Disagreements and deadlocks

- Doha round
- Subsidy and public stockholding

#### Dysfunctional dispute resolution

- DSM - inactive since 2019
- opposition by USA
- 'litigation centred orgn'

#### De globalisation

- Trade wars
- Covid intensified tensions
- increasing RTAs - RCEP, JTIP
- 'friend shoring' - IPEF

### POSITIVES

- WTO is relevant
- address vaccine inequality
- envt sustainability driven trade agreement

### CONCERNS

- 'WTO plus'
- ways to the entry of pvt sector
- 'diktat forum'

#### → Indian demands - not met

- 1) TRIPS waiver covers only vaccines (not diagnostic & therapeutic aspects)
- 2) Only 2 year transition period for developing countries on fishing subsidies
- 3) India opposed e-com moratorium
- 4) No permanent solution to public stock holding program

### # RELEVANCE OF WTO

- global trade regulation
- rule based order
- globalisation → help countries develop
- poverty reduction
- strong voice for the weak
- accountability
- dispute resolution mechanism
- contribute to peace & stability

## # REFORMS

### Rules

- 1) update the trade rules
- 2) Preserve the core principles

### Structural reforms

- 3) enhance transparency and strengthen notification requirements
- 4) agreed definition on 'developing country' status
- 5) Safeguard & strengthen 'Dispute settlement'

### Agreements

- 6) Restart negotiations on unfinished issues
- 7) Agriculture trade

### New issues

- 8) E-commerce & digital trade
- 9) Investment protection
- 10) Environmental sustainability

## HATE SPEECH



Inflammatory and provocative speeches



"Fraternity... is the principle which gives unity and solidarity to social life"  
- Dr. B.R. Ambedkar



### DEFINITION

Law Commission in its 276<sup>th</sup> report says:  
"Hate speech generally is an incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, gender, sexual orientation, religious beliefs and the like"



### REGULATION

- Article 19(1) of the Constitution gives all citizens the right to FOSE, but subject to reasonable restrictions under 19(2)
- Statutory provisions - IPC Section 153A, 295A etc



### CAUSES

- Societal
  - ↳ religious tensions
  - ↳ societal acceptance & biasness
- Political
  - ↳ vote bank politics
  - ↳ xenophobia
- Admin
  - ↳ lack of strong laws
  - ↳ weak enforcement
- Technology
  - ↳ social media
  - ↳ anonymity



### CONSEQUENCES

- violence and civil unrest
- challenges to democracy
- polarisation
- cyber bullying
- mob lynching, honour killings
- cancel culture
- affects India's image diplomatic fallout



SC in Pravasi Bhalai Sangathan v UOI defined hate speech as an effort to marginalise individuals based on their membership in a group



### COMMITTEE

- T.K. Viswanathan - Amend IPC and add Section 153C - to prohibit incitement to hatred
- Section 505 A - to prevent provocation of violence on the ground of identity

### WAY FORWARD

- Societal and political action against hate speech
- Tough policing
- Effective internet/social media regulation
- Protect and uphold constitutional values
- 'counter speech'

## SEDITION - SECTION 124 A IPC



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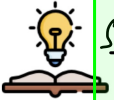


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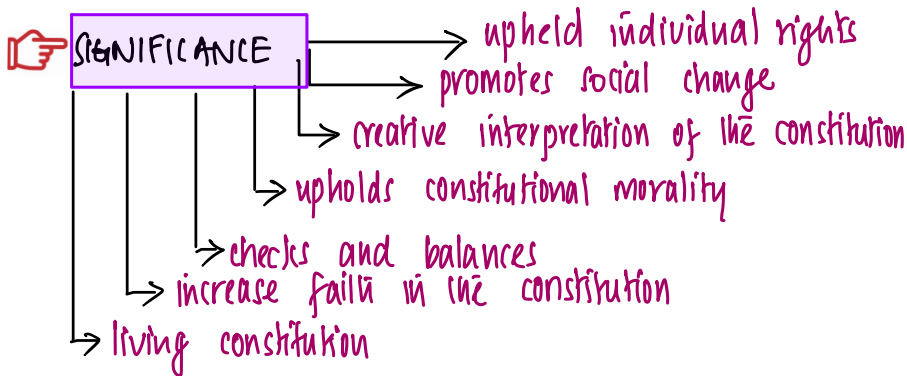
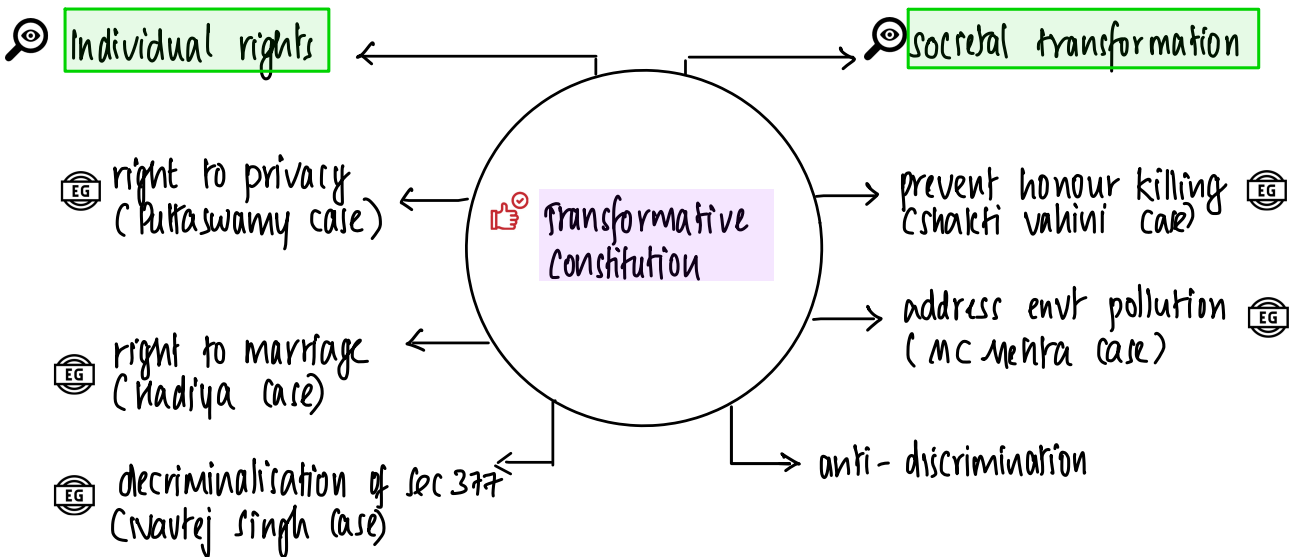
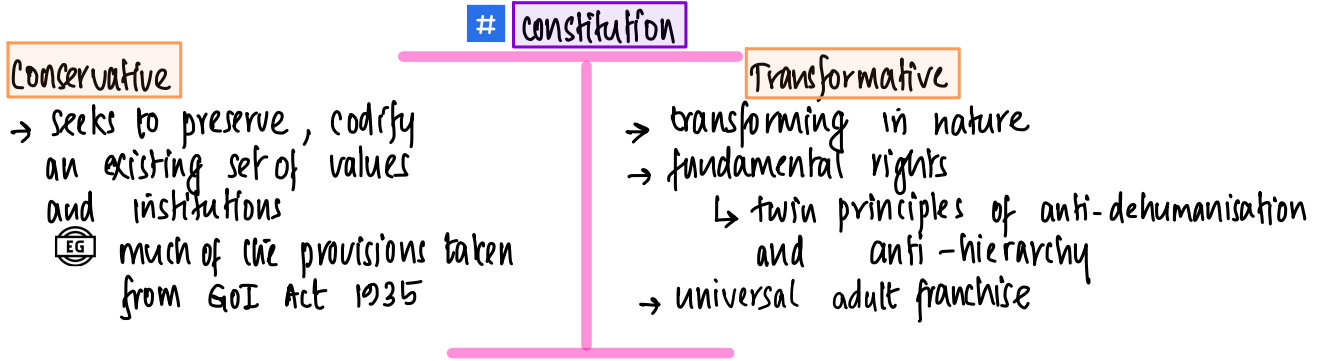
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## ANTI-TRAFFICKING BILL 2021

 → Trafficking survivors to press for the passage of the 'TIP Bill'


 'Human trafficking steals people's lives'

### TRAFFICKING

recruitment, transportation and harbouring of persons by means of force, fraud and abuse of power, or a position of vulnerability for the purpose of exploitation

### CONSTITUTION

→ Article 23  
- Prohibition of traffic in human being and forced labour

 **FACTS** → conviction rate in human trafficking cases dropped from 27.8% in 2016 to 10.6% in 2020

### # CAUSES

vulnerabilities

Socio-economic

poverty bonded labour conflicts

Legal-admin

no standalone law low conviction rate organ trade

### TRAFFICKING IN PERSONS (PREVENTION, CARE & REHABILITATION) BILL, 2021

1. Broader - definition  
- scope <sup>eg</sup> transgenders
2. Institutions - National, state, & Dt Anti-Trafficking Committees
3. Investigation - NIA
4. Punishment - min 7 yrs, max death penalty

### # ISSUES

General  
→ raid - rescue - rehabilitation model  
→ lack of fund  
→ lack of strict implementation

bill specific  
→ no community rehabilitation  
→ no differentiation between trafficked and voluntary sex workers

### POSITIVES

- Increased coverage
- better investigation
- strict punishment

### STEPS

#### Legislative

- Bonded labour abolition act, 1976
- Child labour prohibition act 1986

#### Judiciary

- directed govt to fix mini wages

#### Executive

- half way homes labour reforms

SDG 8.7

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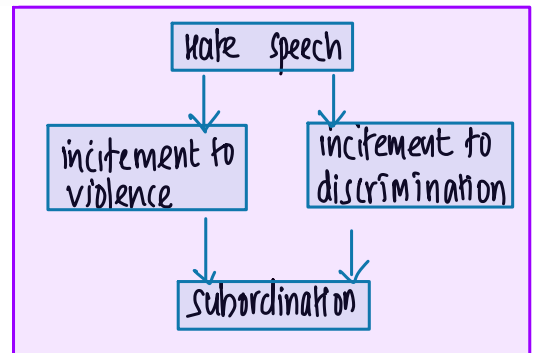
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Gautam Bhatia



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## UNIFORM CIVIL CODE



→ uttarakhand govt setup a committee to prepare a draft ucc for the state



'A unified nation does not necessarily need to have uniformity'  
- Law Commission

### UCC

- A common set of laws governing the personal matters for all citizens of the country irrespective of the religion
- Presently different laws regulate the personal matters for the adherents of the religion

### CONSTITUTION

→ Article 44 says that state shall endeavour to secure for the citizens a ucc throughout the territory of India

### ARGUMENTS

#### # FOR

- Socio-political
- National integration
  - Constitutional obligations u/a 44
  - Gender justice and social equity
  - Social reforms

- Legal-Admin
- common law - simplification
  - SC directions practice in many countries

#### # AGAINST

- Socio-political
- 3 impediments (Law ministry)
    - ↳ Conservatism
    - ↳ misconceived notions about PLs
    - ↳ Separatism
  - Protection of diversity
  - Western concept
- Legal-Admin
- No consensus
  - Sensitive issues - Law & order challenges

### IMP JUDGEMENTS

- 1) Shayara Bano vs UOI 2017 : SC declared talaq-e-bidat as unconstitutional
- 2) In Shah Bano Case (1985) & Sarla Mudgal case (1995), SC highlighted the need for ucc

### SUGGESTIONS

Law Commission Paper Family Law Reforms

- 1) Compulsory registration of marriage
- 2) uniform age of marriage (18yrs)
- 3) Codification of personal laws



Goa - only Indian state with ucc

ANTI-DEFECTION LAW

NEWS → Political developments in Maharashtra (June '22)

→ Goa (July '22)

'Aaya Ram Gaya Ram'

ADL

The purpose is to curb political defection by the legislators

CONSTITUTION

→ X schedule brought by 52AA, 1985

# CONCERNS

→ Member related  
 → use of whips  
 → no voice to individual members  
 → money power

→ Party related  
 → lack of inner party democracy  
 → allows whole sale defection  
 → politicisation of office of speaker  
 → large vs small party

→ ADL related  
 → using resignation route  
 → no time bound procedure  
 → cross disqualification

→ Democracy related  
 → undermining representative democracy  
 → undermining electoral mandate

→ governance related  
 → affects 'min govt max gov'  
 → increased disruptions in the 'House'  
 → weakening of legislative oversight

GROUND

- 1) member voluntarily gives up membership
- 2) member votes against or abstains from voting, contrary to the directions of his party and this action is not condoned by the party
- 3) Independent member joins a pol. party after election
- 4) nominated member joins a pol. party after 6 months

EXCEPTION

- 1) minimum of 2/3 of the party decides to join another party

DISQUALIFICATION

- 1) Power to disqualify lies with speaker

# NEED

- prevent horse trading & corruption
- prevent political instability
- prevent frequent changing of political parties
- members committed to the election manifesto

IMP SC CASES

1) Kinnot Holloman v Zachillu (1992); SC held that decision of speaker is subject to judicial review

2) Ravi S. Naik v UOI (1994); SC said that the question of whether one voluntarily given up the membership of a party is decided on the basis of the conduct of a member

≡ SUGGESTIONS

- Dinesh Gowami Committee - ADL should be applied to no-confidence motion
- Venkatachaliah Commission - The decision on defection should be made by the President or the Governor on the advice of the EC

➤ WAY FORWARD

- Limited use of whip
- Time bound procedure of ADL
- Period of disqualification

## FREEBIES - POPULISM



- SC notice to centre & EC
- EC says it can't stop freebies, it's voters call



### POPULISM

- In the Indian context refers to expenditure programmes aimed at subsidising a large population



### FREEBIES

Something that is given to you, without you having to pay for it, as a way of attracting your support

Integral part of manifesto

influence voters



### CONSTITUTION

Article 324 of the Constitution provides for an independent EC to ensure the conduct of free and fair elections



free water, free electricity, bicycles, laptops etc



### IMPLICATIONS

Elections - democracy

- against free & fair elections
- criminalisation of politics
- competitive populism

State Fiscal

- Weaken fiscal situations Loan waiver
- Fiscal profligacy
- redirect scarce resources
- domino effect
- opportunity cost



### MERITS

- food security
- social welfare free bicycles to girls reduced their dropout rate in TN
- benefits industries that supplies
- delivered with less corruption



### WAY FORWARD

- model code of conduct
- SC direction in 2022 - frame guidelines
- voter awareness
- role of media, NGOs



### SC

- freebies shake the root of free & fair elections to a large degree as it affects the level playing field

NATIONAL LANGUAGE



- Demand for National Language
- Hindi as the lingua-franca
- 2022-32 International decade of indigenous languages



'Language is a means and not an end'

FACTS

UN → 43% of the estimated 6000 languages spoken are endangered

Census 2011

- % Speakers of Languages
- Hindi > Bengali > Marathi > Telugu
- Only 26% of the total Hindi speakers have native Hindi as their mother tongue



TIME LINE

- Constituent Assembly debates
- Nehru's policy
- Shastri's policy
- Opposition by Tamil Nadu - protests
- 3 language formula (NEP 1968)
- Protests in Jharkhand (2022)



SIGNIFICANCE OF LANGUAGE

- forges socio-economic-cultural ties
- Knowledge passes through generations
- Access to information
- Political identity
- multilingual education based in mother tongue

# ADVANTAGES OF NL

Political

- prevent regionalism - integration

Cultural

- not to get lost in westernisation

Admin

- Uniformity in govt functioning
- Communication with people

WHY HINDI ?

- wider use and reach of Hindi
- constitutional directive

# CONSTITUTION

- Article 343(1): Hindi as official language
- Article 343(3): Continuation of English in official work
- Article 351 : development of Hindi
- VIII Schedule : 22 languages

→ Official Languages Act 1963: provide for the languages which may be used for official purposes

→ Article 29 - grants protection to and 30 linguistic minorities



CHALLENGES

- politically sensitive - electoral issue
- endanger other languages
- different dialect under Hindi
- Socio-psychological impacts

- utility of English - domination in internet
- globalisation & interconnectedness
- job prospects
- linguistic divide - digital divide

- hierarchy of languages
- Concerns of the states - federalism

 INITIATIVES

- NEP 2020 - 3 language formula
- Ek Bharat shreshth Bharat
- Tech companies
  - ↳ Google, FB etc is advancing local languages

➤ WAY FORWARD

- multilingualism and intercultural communication are growing today
- Hybrid model

 EG

- ↳ Arunachal Pradesh - >90 languages
- ↳ Bihar demands to include Bhojpuri in the VIII<sup>th</sup> schedule of the constitution

 EG

Language imposition - Pakistan & Sri Lanka  
 multilingual model - Switzerland  
 Singapore

POLITICAL FUNDING

NEWS → Increase in expenditure limit

DATA

→ Election exp - Rs 70 lakh LS (big)  
Rs 54 lakh LS (small)

→ more than 62% total income of 7 NP came from EBs  
→ According to ADR, 233 MPs in current LS are facing criminal charges

# ISSUES

Nature of elections

- FPTP
- Commercialisation of elections—money power
- political consultancies
- Criminalisation of politics
- Constant cycle of elections

funding

- anonymous funding
- money laundering (RUPPs)
- tax evasion

Political parties

- no internal regulations
- competition and electoral uncertainties
- Size of political constituencies
- not under RTI

Accountability

- failure of non-electoral mechanisms
- paid news
- Loopholes in the law

# INITIATIVE - ELECTORAL BOND

- an instrument to donate money to political parties
- It is a bearer instrument; issued by SBI. It can be purchased by any citizen or body incorporated in India; no name is attached to these bonds; it can be donated to a regd political party that secured ≥ 1% votes polled in LS/SLA elections

POSITIVES

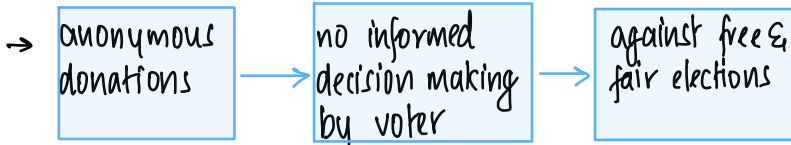
- represent clean money since it require formal banking transactions and KYC norms
- political party can encash it only through its verified accounts
- donor details are not exposed preventing any kind of harassments

SUGGESTIONS

→ National Electoral Fund fr CEC SY Quraishi

CONCERNS

→ Objections by ECI & RBI





- money power in politics
- no level playing field


OTHER STEPS

- Model Code of Conduct
- Limiting election expenditure
- Disclosure norms
- Inner party democracy
- State Funding of elections
- One candidate One constituency


ELECTORAL REFORMS - REMOTE VOTING

 → The ECi to setup a committee to explore the possibility of remote voting

 'one person, one vote. One vote one value'

 REMOTE VOTING


→ A mechanism that allows electors to vote from locations other than polling stations assigned to their regd constituencies


 CONSTITUTION

→ Art 32b

 DATA

- Nearly 300 million citizens out of a total of 900 million electors did not cast their votes in 2019 LS elections. (News reports)
- 450 million migrants (2011 census)

 POSITIVES

- Inclusiveness
- address disenfranchisement of migrants
- " geographical barriers 
- " voting apathy in urban areas
- enhance voting %

Secure the democratic rights



Compel the democratic setup to be more responsive

# CHALLENGES

- Technology - connectivities
- EVM not connected to internet
- Logistical challenges
- mapping & enrolling migrants
- voter verification
- designated polling centers
- listed as the remote voter but physically coming to the domicile centre

 SC

→ Freedom to access vote is an inalienable part of freedom of expression under 19(1)(a)

 STEP

- Linking Aadhaar with electoral ID
- Doubling remuneration of poll officials trekking to remote areas
- ETPB

 Election Amendment Act 2021

# AMENDMENTS

- 1) Section 23 CRPA, 1950) Linking Aadhaar
- 2) Section 14 (RPA, 1950) move qualifying dates
- 3) Gender neutral for service voters

 PROS


- de-duplication of electoral rolls
- more voter registration
- gender equality


➤ WAY FORWARD

- wider consultation
- pilot projects
- dynamic ballot unit
- block chain technology

## REGISTERED UNRECOGNISED POLITICAL PARTIES (RUPPS)

 EC delists 111 RUPPS


-  DATA - EC
- 3 little known political parties mobilised over Rs 1000 cr in election donations
  - 2351 RUPPS did not submit their contribution reports in 2019-20
  - 219 RUPPS availed IT exemptions ≈ Rs 609 cr (2019-20)


 LAW

→ Section 29A (RPA) - regn of pol. parties with the EC


- # ISSUES
1. contributions received by RUPPS are 100% tax exempt
  2. financial irregularities - round tripping
- ```

graph LR
    A[Shell companies] --> B[money Laundering]
    B --> C[Tax evasion]
    
```
3. No transparency - not under RTI
  4. No political activities by these RUPPS
  5. EC dont have powers to de register

 STEPS

→ delisting by ECI  111 RUPPS in June '22

- WAY FORWARD
- Power to de register by EC
  - Political parties under RTI
  - stringent norms for political party registration

 CONSTITUTION

Article 324 of the constitution provides for an independent EC to ensure the conduct of free and fair elections

Indira Gandhi v Raj Narain & Anr (1975)  
 SC held that free and fair elections which is an essential postulate of democracy and which is in turn a basic structure of the Constitution



## BAIL LAW

NEWS → SC recommendation to introduce a 'bail law'

'bail not jail' rule.

### BAIL

- Procuring the release of a person from legal custody; with some conditions
- freedom, pending trial
- 'bail is a right and not a favour' - SC
- reduce the no. of under trials

'Denial of justice lead to anarchy'  
- CSI NV Ramana

### CONSTITUTION

→ Article 20, 21, 22

### LAW

→ Section 436, 436A, 437 of the CrP

### # ISSUES

- lack of awareness
- lack of proper legal aid
- lack of money
- harms 'personal liberty'

- arrest and detention
  - indiscriminate use of laws
  - use of even struck down laws
- 66A IT Act

### Accused

### Courts

- jail not bail
- pendency of cases
- problems in lower courts

### Police

### Prisons

- under trials

### LAW

- colonial era laws
- orders not available in local languages
- rule by law

### SC

Satender Kumar Anil v CBI (2021)

SC has sought to expand the scope for the grant of early bail to those arrested without sufficient cause

### DATA

→ 3/4 prisoners are under trials  
↳ Prison Statistics India (PSI) 2020

### SC GUIDELINES

- 1) separate law for bail
- 2) avoid indiscriminate arrests
- 3) bail as a rule  
↳ Bail applications should be disposed of within 2 weeks in the normal course
- 4) States/UTs to comply with orders

### UK LAW

- general right to bail
- legal aid for defendants
- aims to reduce undertrial

JUDICIAL PENDENCY

NEWS → Pendency of cases major issue  
CJI NV Ramana (July 2022)

'Justice delayed is justice denied'

'Process is the punishment in our criminal justice system'  
- CJI NV Ramana

JUDICIAL PENDENCY

→ Judicial pendency means undecided, undetermined case by court of law. This leads to incapability of the judiciary to deliver justice on time

CONSTITUTION - Article 39A  
↳ Equal justice & Free legal aid

DATA

→ 4 crore cases subordinate courts, ~ 58 lakh cases in HC, 70,000 in SC - NIDG

SDG 16 - Peace, Justice & strong institutions

# ISSUES

DEMAND SIDE

- 1) expansive jurisdiction
- 2) excessive govt litigation
- 3) rapid socio-economic changes
- 4) lack of legislative impact assessment

SUPPLY SIDE

- 1) Criminal Justice system issues
- 2) shortage of judges - vacancies
- 3) Collegium system
- 4) weak infrastructure

# IMPACT

- pending constitutional cases
- undertrials - HR violations
- economic implications
- judicial credibility

# Increasing retirement age

- Presently 

|    |          |
|----|----------|
| SC | - 65 yrs |
| HC | - 62 yrs |
- Suggestions (NCRWC)
- uniform retirement age

SC

Mussainara Kharoon case - SC held that right to speedy trial is implicit under article 21

# Judicial Infrastructure

National Judicial Infrastructure Authority (NJIA)


- ↳ Lack of physical & digital infrastructure
- ↳ 26% trial courts complexes dont have toilet facilities for women; (16% men)
- ↳ 46% dont have basic medical facilities

REFORMS

- 1) All India Judicial Services
- 2) National Court of Appeal
- 3) Regional Benches
- 4) NJAC like mechanism
- 5) Digital Courts

GLOBAL EGs

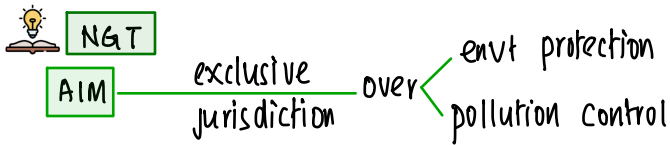
→ USA model


 SUGGESTIONS

- Appointing more judges
- Ad hoc judges
- increasing the retirement age of judges
- Improve judicial productivity
- Case management
- separate judicial & admin functions
- NJIA - National Judicial Infrastructure Authority
- Indianisation of Judiciary
  
- Alternate Dispute Resolution
- move Budgetary allocation
  
- Legislative Impact Assessment

## NATIONAL GREEN TRIBUNAL

-  → SC against 'mechanical orders' of NGT
- NGT has 'suo motu powers' - SC
-  **DATA**
- > 2200 Cases pending in NGT (as on June'22)



-  **CONSTITUTION**
- right to healthy environment is a FR u/A21

### Structure

- esthd under NGT Act 2010
- 5 zonal benches
- Chair person - ret'd Judge
- expert members

### features

- guided by the principles of natural justice
- appeal to SC in 90 days
- 6 month time period for disposal of cases

### **PROS**

- Speedy disposal of envt cases
- enforcement of 'polluter pays' principle
- experts from envt domain
- strong action against envt degradation



- Samit Mehta v UOI Case
  - ↳ 'polluter pays principle' invoked
- SBA Sangarsh Samiti case
  - ↳ invoked 'no fault liability' principle

### # **CONCERNS**

- **Structural**
  - lack of resources
  - staffing issues
  - backlogs and hasty disposals
- **Functional** → 4Ds
  - NGT passing 'mechanical and pre drafted orders' - 'SC'
  - questions about soundness of the judgements
  - delegation of adjudicatory functions
  - 'green hurdle'
  - selective adjudication

### **SC JUDGEMENT**

- SC declared that NGT's position in a unique forum endowed with suo-motu power to take up environmental issues across the country

### **WAY FORWARD**

- human resourcing
- funding
- wider jurisdiction
- more regional benches

### **SDG**

## FISCAL FEDERALISM

NEWS  
 → Mohit Minerals case  
 → GST - 5 years

Indian federalism is a dialogue between cooperative and non-cooperative federalism  
 - Supreme Court

### FISCAL FEDERALISM

The financial relations between the units of govts in a federal system

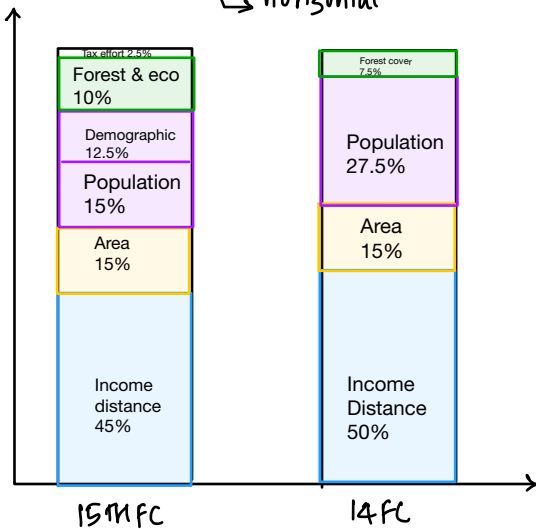
### CONSTITUTION

- Article 246A                      Article 279A                      → Article 282                      → Article 360
- Article 263                      Article 280                      → Article 293

### ISSUES

- 1) GST
- 2) ISM FC

→ devolution → Vertical - 41% + 1% (J&K)  
→ horizontal



### 5) SC VERDICT

#### Mohit Minerals case

SC held that both Parliament and the state legislatures enjoy equal power to legislate on GST and GST council's recommendations are not binding on a legislative body

→ scope for conflict between centre-state

### 6) state fiscal position

- Limitations on states borrowing (IA 293C4)
- off-budget financing by the states
- populist policies

### 7) Abolition of Planning Commission

→ institutional vacuum

- given revenue deficit grants
- FC as a temporary forum

### 3) Increasing share of cess & Surcharge

→ Data

2010-11 → 10.4%

2020-21 → 19.9%

→ actual share of states in the gross revenue of union govt is less than 35%.

### 4) Increasing Centrally sponsored scheme

- funding - shared between centre & states
- implementation - by the states
- subjects under state list
- BE 2021-22 - 23% fiscal transfer through CSS

### COMMITTEES

- 1) Rajamannar Committee - union should consult ISC on decisions that affect states
- 2) Sarkaria Commission - No of Centrally Sponsored schemes should be kept minimum - setup permanent ISC (IA 263)
- 3) Punchhi Commission - union-state consultation on concurrent subjects through ISC
- 4) NK Singh Committee - General govt debt does not exceed 60%.

## GST & SERVICES TAX

NEWS → 5 years of GST

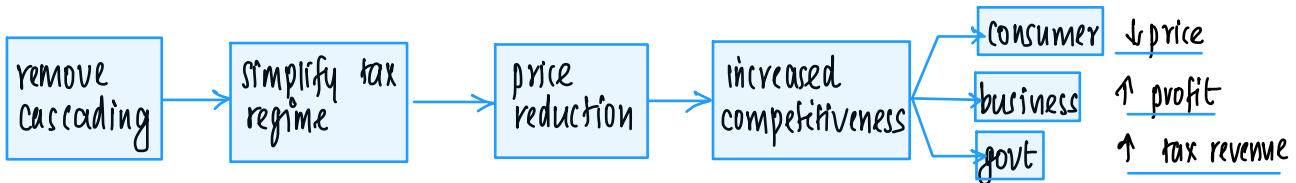
'One nation One tax One market'

### GST REGIME

- Simplified tax regime
- Destination based tax
- Value added tax
- GST compensation to states

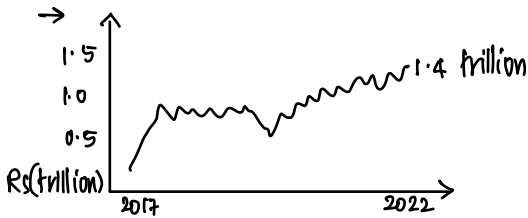
### CONSTITUTION

- 101 Amendment Act
- Articles : 246A, 269A, 279A



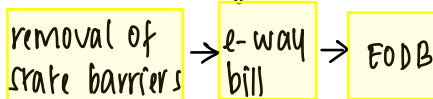
### CHANGES → 5 changes

#### 1) Tax Change



→ reg'd tax payers  
 2017: 66 lakh  
 2022: 1.38 cr

#### 2) Business change



- input tax mechanism
- formalisation
- logistic efficiency

#### 3) Behaviour change

- voluntary compliance
- proper invoicing
- regular filing

#### 4) Fiscal Federalism - change

- GST council u/A 279A
- Co-operative federalism
- GST compensation

#### 5) Technology change

- GSTN
- Single centralised regn

# ISSUES

1. Economy

- Tax revenue mobilisation - falling short of targets
- Post GST Inflation
  - EG clothings, footweares, housing, services
- inverted duty structure

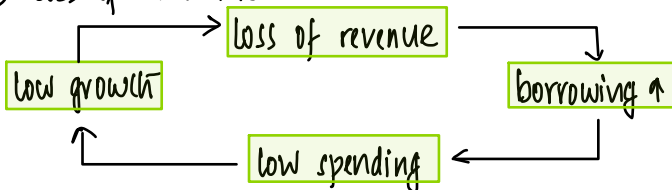
2. GST

- GST rate increase
  - EG pre packaged & labelled food items
  - EG house hold items (LED lamps)
- multiple tax slabs
  - EG 0, 5%, 12%, 18%, 28%
- exemptions
  - EG Petroleum products, alcohol, electricity etc

3. Fiscal Federalism

- GST compensation expired
  - EG states demanded extension TN, MH, KL etc

→ loss of revenue



→ Impact of SC verdict Mohit minerals case

SC held that both Parliament and the state legislatures enjoy equal power to legislate on GST and GST council's recommendations are not binding on a legislative body

4. Small business

- non GST regd companies
- increased compliance cost

≡ SUGGESTIONS

1. Report by GOM
  - ↳ Correct inverted duty structure
  - ↳ with draw exemptions
2. GOM on system reform
  - ↳ physical verification (GST registration)
  - ↳ biometric authentication
3. Arvind Subramaniam panel (2015)
  - ↳ revenue neutral rate → 15-15.5%

➤ WAY FORWARD GST 2.0

- widening of GST
- rate rationalisation - standard rate
- revenue autonomy for local bodies
- central authority to resolve disputes
- develop an 'Indian value chain'