

UPSC Syllabus Topic : GS Paper 2 Indian Polity – Structure, organization and functioning of the Judiciary.

Judicial Transfers: The Detrimental Impact of Collegium Opacity on Institutional Health

Various judges of High Courts have recently raised concerns about their abrupt transfers by the Supreme Court (SC) Collegium.

Issues with the Collegium's Transfer Procedure:

1. Lack of Transparency:

- The Collegium lacks an official procedure or a written manual, and the parameters for transfers are not public. Additionally, reasons for transfers are not communicated to the affected judges.

2. Impact on Judicial Efficiency:

- Frequent or abrupt transfers can disrupt court operations, negatively affecting the efficiency of the judicial system.

3. Lack of Constitutional Backing:

- The Collegium system is not explicitly prescribed by the Constitution. While Article 124 mentions consultation, the SC interpreted it as 'concurrence' in the Second Judges Case (1993), raising concerns about judicial overreach.

4. Lack of Checks & Balance:

- There are no external checks on the transfer process by the Executive or the Legislature.

5. Accusations of Impartiality:

- Critics argue that the system may lead to nepotism, with near relatives or associates of sitting Judges receiving preferential treatment, a phenomenon known as the 'Uncle Judges Syndrome.'

Scenarios for Collegium-Recommended Transfers:

1. Appointment and Elevation:

- Transfers are sometimes used for appointing Chief Justices or testing potential candidates for Supreme Court judgeship by assigning them to large high courts.

2. Punitive Action:

- Transfers may be used as punitive action against judges who deviate from expected or proper conduct within the judiciary, especially when questions of propriety arise.

Recommendations for Improvement:

1. Establish a Defined Procedure:

- Collaboration between the Government and Judiciary to finalize a defined procedure

for judicial transfers. The Memorandum of Procedure should include clear guidelines for transparency, criteria, disclosure of reasons for transfer, and mechanisms for raising concerns.

2. Revive the National Judicial Appointments Commission (NJAC):

- Reconsidering the National Judicial Appointments Commission as an alternative to the Collegium system, ensuring representation from the judiciary, executive, and eminent jurists. NJAC would be responsible for both appointments and transfers of judges, introducing checks and balances into the process.

UPSC Syllabus Topic : GS Paper 2- International relation– Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.

Indo-Pacific Economic Framework (IPEF) Agreement: India's Strategic Moves

Indo-Pacific Economic Framework (IPEF):

The Indo-Pacific Economic Framework (IPEF) was initiated in May 2022 by the United States, involving 13 countries, including Australia, India, and Japan. This coalition represents approximately 40% of the global GDP and 28% of world trade.

The IPEF focuses on four key areas: trade, supply chains, clean energy, and the development of a clean economy.

What sets the IPEF apart is its uniqueness in allowing member countries to choose their involvement in specific areas without requiring a commitment to all four. This flexibility distinguishes the IPEF from other international agreements.

India, specifically, has joined Pillars II to IV of the IPEF, while maintaining an observer status in Pillar I.



Key Outcomes of the 3rd IPEF Ministerial Meeting:

1. Supply Chain Agreement:

- A groundbreaking agreement signed in San Francisco, aiming to enhance the resilience and responsiveness of supply chains.

2. Clean Energy, Decarbonization, and Infrastructure:

- Commitment to accelerate clean energy technologies and decarbonize economies, aligning with the goals of the Paris Agreement for sustainable livelihoods.

3. Trade Pillar:

- Progress made toward a mutually beneficial trade outcome emphasizing strong labor standards and fair trade.

4. IPEF Critical Minerals Dialogue:

- Launch of a dialogue to strengthen IPEF critical mineral supply chains, enhancing regional economic competitiveness.

5. Financing Initiatives:

- Emphasis on mobilizing financing for supply chain resilience and sustainable development.

6. Future Meetings:

- Plans for an annual ministerial-level IPEF Council from 2024 and biennial leaders' meetings.

Challenges Facing the IPEF:

1. US Domestic Politics and Trade Barriers:

- The United States' implementation of trade subsidies and trade barriers in the name of standards poses a challenge, as it may contradict the framework's objectives.

2. Concerns about Stability:

- The past scrapping of the Trans Pacific Partnership (TPP) raises concerns about the stability and commitment of the US towards international trade agreements, including the IPEF.

3. Differing Member Interests:

- Diverse member interests may lead to conflicts, particularly on trade issues, as demonstrated by the recent failure to reach an agreement on the trade pillar during the San Francisco dialogue.

Significance of IPEF for India:

1. Counterbalancing China's Influence:

- Diversifying trade and supply chains through the IPEF helps India reduce dependency on China, strategically countering China's growing regional influence.

2. Economic Growth:

- With IPEF representing about 40% of global GDP, India gains access to significant new trade and economic opportunities.

3. Strategic Positioning:

- Participation in IPEF strengthens India's role in regional supply chains, positioning it as a reliable partner in global value chains.

4. Navigating Geopolitical Challenges:

- Involvement in IPEF aids India in managing complex geopolitical dynamics while maintaining beneficial relationships and economic interests, especially in the context of global events such as the Ukraine-Russia conflict.

UPSC Syllabus Topic : GS Paper 2 International Relations – Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.

Indo-Pacific Economic Framework (IPEF) Agreement: India's Strategic Moves

Asia-Pacific Economic Cooperation (APEC):

The Asia-Pacific Economic Cooperation (APEC) is a regional forum established in 1989 with the goal of fostering economic growth and cooperation in the Asia-Pacific region. Comprising 21 member economies, APEC represents approximately 62% of global GDP and 48% of world trade as of 2021. Operating on a voluntary basis, APEC focuses on promoting sustainable, balanced, and innovative economic growth. Unlike binding members with treaties, APEC encourages collaboration through various capacity-building projects.

India currently holds 'observer' status within APEC. Notably, APEC halted new memberships in 1997, choosing to concentrate on internal cooperation and collaboration among existing member economies.

Key highlights of APEC Summit 2023	
Location and Historical Significance	Hosted in San Francisco, California, marking 30 years since the first APEC meeting in the U.S.
Golden Gate Declaration	It is the main declaration from the summit, encompassing the broad range of commitments and visions set forth by the APEC leaders. This declaration builds upon previous APEC work and focuses on key areas such as resilience, sustainability, interconnection, innovation, and inclusion.
San Francisco Principles	These principles specifically focus on integrating inclusivity and sustainability into trade and investment policy. They are a part of the broader commitments made in the Golden Gate Declaration
Commitment to WTO Reform and Trade	Aiming for a free, open, and predictable trade environment, with a commitment to reform the WTO by 2024.
Economic Integration and Cooperation	Emphasis on market-driven regional economic integration and the Free Trade Area of the Asia-Pacific agenda.
Renewable Energy Goals	Aiming to triple renewable energy capacity by 2030, focusing on low and zero emissions technologies.
Food Security Roadmap Towards 2030	Implementing strategies for resilient, productive, and sustainable agri-food systems.
Digital Transformation and Inclusivity	Commitment to an inclusive digital ecosystem, bridging the digital divide, and enhancing digital infrastructure.

Key Outcomes of US-China Relations at the 2023 APEC Summit:

1. Resumption of Communications:

- The US and China resumed communications after almost a year, including the restoration of military communications, signaling a positive step towards improved diplomatic and security relations.

2. Shift in US Economic Strategy:

- President Biden emphasized the US's strategy to reduce economic reliance on China, indicating a significant shift in approach.

3. No Major New Agreements:

- Despite the resumed communications, no major new agreements were reached, underscoring persistent differences in global approaches and values between the two nations.

Implications of India's Absence from the 2023 APEC Summit:

1. Missed Opportunities for Regional Trade Agreements:

- India misses the chance to participate in discussions on regional trade agreements, particularly the Free Trade Area of the Asia-Pacific and the CPTPP. This absence hinders its ability to shape economic and trade policies for the Indo-Pacific region.

2. Exclusion from Strategic Dialogues:

- The absence from the Dialogue among strategic discussions between the US, China, and Japan deprives India of a platform to engage in critical geopolitical conversations in the Asia-Pacific region.

3. Impact on Economic Goals:

- India misses the opportunity to position itself as a competitive alternative to China for Foreign Direct Investment (FDI) and to actively contribute to shaping economic strategies in the region.