

UPSC Syllabus Topic :GS paper2- polity- constitutional amendment & International relation- India and its neighborhood- relations.

International Response to the Alteration of J&K's Status: Analyzing Global Reactions to the Abrogation of Article 370 and the Impact of the Supreme Court Verdict on India

In 2019, India's Parliament made a historic decision to revoke the special status of Jammu and Kashmir under Article 370, leading to the creation of two Union Territories. The recent Supreme Court verdict upholding this move has reignited international attention.

Here's a summary of global responses and the ongoing diplomatic efforts:

International Reactions after Parliament's Decision:

1. **Pakistan:** Strongly opposed India's move, refusing to recognize the Indian Constitution's authority over Jammu and Kashmir.
2. **China:** Criticized the creation of Ladakh as a Union Territory, expressing concerns about sovereignty and regional stability.
3. **Islamic Countries:** Mixed reactions, with UAE and Saudi Arabia considering it India's internal matter, while Turkey and Malaysia criticized the decision.
4. **Western Nations & EU:** Expressed concerns over potential instability and human rights issues, emphasizing the need for dialogue between India and Pakistan.
5. **Russia:** Supported India, viewing the changes as constitutional and a bilateral issue.

Supreme Court's Verdict and Subsequent International Reactions:

1. **Limited Global Reaction:** Apart from Pakistan, China, and the OIC, there were no major international responses to the Supreme Court's verdict on Article 370.
2. **Pakistan:** Continued to reject Indian constitutional authority over Jammu and Kashmir.
3. **China:** Maintained its stance on Ladakh, not acknowledging it as a Union Territory.
4. **OIC:** Urged the reversal of Article 370's abrogation.
5. **India's Response:** Dismissed OIC's statements, attributing them to Pakistan's influence and labeling Pakistan as a promoter of cross-border terrorism.

Diplomatic Efforts:

1. **UN Security Council Engagement:** The US, France, and Germany, as UNSC members, supported a bilateral resolution rather than internationalizing the issue.
2. **High-Level Diplomatic Talks:** India approached France, China, Europe, and the US, garnering support for the abrogation. The majority of these countries backed India.
3. **J&K Tours:** India conducted tours for the international diplomatic community to showcase the ground reality in Jammu and Kashmir.

Recommendations for the Future:

1. **Organize Free and Fair Elections:** Implement the Supreme Court's directive for free and fair elections in Jammu and Kashmir.
2. **Human Rights Protection:** Ensure the protection of human rights in the region to maintain international credibility.
3. **Engage with Pakistan:** Seek opportunities to reduce tensions and engage diplomatically with Pakistan.
4. **Continue Diplomatic Efforts:** Maintain a proactive diplomatic approach to communicate developments in Jammu and Kashmir to the international community.

As India navigates this complex geopolitical landscape, the focus on democratic processes, human rights, and diplomatic initiatives will be crucial for fostering regional stability and international understanding.

UPSC Syllabus Topic : GS paper 2 – Statutory, regulatory and various quasi-judicial bodies

Arbitration in India: Navigating Recent Judgments and Charting the Future

Introduction: Arbitration, a key facet of alternative dispute resolution (ADR), involves the resolution of conflicts outside the traditional court system. In India, the Arbitration and Conciliation Act, 1996, governs this process, providing a framework for fair and efficient dispute resolution.

Key Judgments:

1. **N Global Mercantile (P) Ltd vs IndonUnique Flame Ltd (5-Judge SC Bench):**
 - **Ruling:** Arbitration agreements lacking proper stamp duty were deemed unenforceable.
 - **Impact:** Courts faced complications in appointing arbitrators until correct stamp duty payment, causing delays.
2. **Recent 7-Judge SC Ruling:**
 - **Overtaken Prior Decision:** Unstamped or insufficiently stamped agreements are now enforceable.
 - **Implications:**
 - Parties can appoint technical experts as arbitrators in complex matters, facilitating cross-border transactions.
 - The role of courts is minimized, with selective involvement in specific situations.

Implications of Recent SC Rulings on Arbitration:

1. **Increased Enforceability:**
 - The recent ruling ensures enforceability of arbitration agreements, expediting the arbitration process.
2. **Reduced Judicial Intervention:**
 - Courts no longer assess stamp duty before arbitration, aligning with the principle of minimal court involvement.
3. **Enhanced Arbitration Appeal:**
 - India becomes more attractive for arbitration, potentially reducing reliance on international centers.
4. **Maintained Revenue Interests:**
 - Stamp duty and penalties remain applicable, addressing revenue department concerns without disrupting arbitration.
5. **Long-term Legal Stability:**
 - A rare 7-judge bench decision provides lasting predictability in arbitration proceedings.

Way Forward:

To bolster India's position as a global arbitration hub:

- Advocate for minimal judicial intervention and respect for arbitral autonomy.
- Ensure efficient arbitration processes appealing to both domestic and international parties.
- Regular updates to legal frameworks will strengthen India's role in global arbitration.

Terminology Used:

GIFT City (Gujarat International Finance Tec-City):

- Located in Gujarat, India, GIFT City is a financial and technology hub designed to attract businesses and financial services. It aims to compete with leading global financial centers, offering advanced infrastructure and a favorable environment for finance and tech firms.