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EDITORIAL ANALYSIS



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1. Silencing academia, weakening democratic space (THE HINDU)
2. How 'bulldozer justice' undermines the law (THE HINDU)
3. Can the WTO get back on track? (THE HINDU BUSINESSLINE)
4. Operation Sindoor & the doctrine of consequence (HINDUSTAN TIMES)



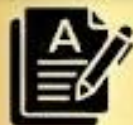
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Silencing academia, weakening democratic space

According to the Varieties of Democracy (V-Dem) Institute 2026 report, India is still classified as an “electoral autocracy”, ranking in the lower half globally. The report notes a steady decline in democratic freedoms, especially in free expression, media independence, and civil society, placing India among the “worst autocracies”. This signals a growing dismantling of institutions and norms that support accountability and pluralism, drawing increasing international scrutiny.

The Scholars at Risk Free to Think 2024 report classifies India as having “completely restricted” academic freedom. It cites declining university autonomy linked to rising political interference, and pressure on institutions. Notably, it emphasises the systematic enforcement of a Hindu nationalist agenda within higher education, with changes to curricula, limited scholarly exploration and reduced space for intellectual dissent.

This classification is not an isolated judgment. It aligns with a broader pattern of democratic erosion documented by global indices, from V-Dem to Freedom House. For Indian universities – once celebrated as arenas of critical thought and pluralistic debate – the message is unequivocal: the freedom to teach, to learn, and to question is no longer guaranteed.

What is less discussed is how shrinking academic freedom weakens democracy itself. Beyond elections, voting rights and laws, a healthy and functioning democracy depends on a strong civil society, open access to evidence-based information, and space for genuine public debate – areas now under growing pressure, especially in academia.

These freedoms are under direct strain, most visibly in academia. Universities – meant to foster inquiry and debate – face funding cuts, regulatory pressure, and growing self-censorship, eroding their autonomy. The Viksit Bharat Shiksha Adhishthan Bill proposes to further centralise control, prioritising conformity over academic freedom. As these spaces shrink, so does society’s ability to think critically and sustain a pluralistic democracy.

A disturbing pattern

According to *The Wire*, 62 academics faced punitive action (2014–26) for their opinions or political stances. Freedom of expression is penalised on campuses using service rules that define faculty as “government servants”. In *Nature* (April 2024), Yamini Aiyar cites an India Academic Freedom Network report that documents a series of disrupted events, arrests of faculty and students, and visa hurdles for foreign researchers.

The contrast with British scientist J.R.S. Haldane who became a citizen of India in the early 1960s and who openly criticised the government while working in India is striking. It highlights how space for dissent in academia has



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science, politics,
environment,
and education

sharply narrowed. Data from 2024–26 show a broad assault on academic freedom, targeting students, researchers, and faculty. Driven by political pressure, institutional failures, and social biases, these trends signal that certain topics are off limits, certain voices are dangerous, and the pursuit of knowledge must bow to political convenience.

A consistent and disturbing pattern emerges: institutions are accused of failing to act against perpetrators. Internal complaints committees, mandated to provide oversight and justice, are described by critics as “ornamental”, existing more for formal compliance than for substantive accountability. When the very bodies designed to protect students and faculty become complicit through silence or inaction, the chilling effect deepens. Trust erodes, fear takes root, and the message is unmistakable: power will be protected, and voices that challenge it will find no refuge within the walls meant to nurture free inquiry.

A worrying erosion

These actions undermine the ability of civil society and academic institutions to hold leaders accountable, eroding the very basis of a knowledge sector essential to Indian democracy. When violence goes unpunished, when caste and religious prejudice are replicated rather than challenged, when sexual predators are protected, and when dissent is criminalised, the message is unmistakable: the pursuit of knowledge must not disturb power.

India’s stance on political rights is reflected in its refusal to sign the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). Although a party to the ICCPR treaty since 1979, it does not accept the UN complaint mechanism, meaning citizens cannot seek international redress for rights violations after exhausting domestic remedies.

The contrast is striking. India’s Constitution, through Articles 14, 19, and 21, guarantees many of the same rights enshrined in the ICCPR. The Supreme Court of India has often drawn upon international human rights norms to interpret and expand fundamental rights. Yet, the government remains unwilling to subject itself to the international complaint mechanism that would allow its own citizens – particularly those from marginalised communities who face disproportionate human rights violations – to seek justice beyond domestic courts when those courts fail them.

This issue is highlighted in an insightful article by Ravi Nair, “The Umar Khalid and Sharjeel Inam case: An international campaign within the realm of possibility” (*The Leaflet*, January 7, 2026). The young academic scholars, Umar Khalid and Sharjeel Inam, have been in jail as undertrials for the last five years. On January 6, the Supreme Court rejected their bail application and barred them from applying for bail for a year, stanning many legal experts.

When journalists such as Irfan Mehraj and humanists such as Sonam Wangchuk (now released) struggle through prolonged legal battles, even for bail, some high-profile godmen accused of serious crimes have repeatedly secured parole or furlough. The contrast could not be more telling. On one side, a voice for justice, dignity, and democratic rights is treated as a threat. On the other hand, figures accused of serious crimes are granted leniency. In this asymmetry lies a disturbing truth about whose freedoms are protected and whose are quietly abandoned.

The cost of homogenisation

Why does a self-proclaimed “Mother of Democracy” prefer homogenisation of thought rather than freedom of thought? Higher education institutions have always been refuges for those who challenge orthodox thinking and work toward generating new ideas.

This is not a bug but a feature of university life. Democracies are revitalised by such encounters, even when they mean questioning majority opinion.

History offers sobering evidence: authoritarianism does not always arrive with a crash. More often, it emerges from within democracies – slowly, quietly, and with the acquiescence of those it will eventually silence. It springs not from sudden rapture, but from the gradual conditioning of publics through manufactured victimhood, cultivated fear, and the steady erosion of norms that once seemed unshakable. In this process, citizens and institutions can become complicit in the dismantling of their own freedoms, unaware that the protections being stripped away were the very foundations of the democracy they took for granted.

The decline documented in the Academic Freedom Index is not an abstract metric. It is a measure of the health of Indian democracy itself. When scholars, activists and students are silenced, when dissent is criminalised, and when political interests capture academic institutions, the foundation upon which democratic accountability rests is systematically dismantled – brick by brick, case by case, silence by silence.

The numbers tell a story. However, the true story is developing on our campuses, where voices once raised in inquiry now whisper; in our courtrooms, where justice is increasingly influenced by power; and in the silence of those who once dared to speak, a silence that grows louder each day, while the state itself becomes more bureaucratic, punitive, and regulatory.

The key question is whether institutions will continue down this path or reclaim their original purpose. For society, it is whether we choose to protect the spaces that allow critical thinking, challenge power, and help young people engage meaningfully with issues of justice and governance.

Academic
suppression
and shrinking
dissent signal a
deep
democratic
decline in India



- **Key Terms and Explanations**

- **Electoral Autocracy:** A hybrid regime where regular elections are held, but they lack the substantive qualities of a liberal democracy, such as a truly free press or an independent judiciary.

- *Example:* A country where people vote, but opposition leaders are frequently jailed or disqualified.

- **V-Dem Institute:** Based at the University of Gothenburg, the Varieties of Democracy project provides one of the world's largest datasets on democracy, measuring nuances beyond just "voting."

- **Academic Freedom:** The conviction that the freedom of inquiry by students and faculty members is essential to the mission of the academy. It includes the right to teach, study, and pursue knowledge without unreasonable interference.

- **ICCPR (International Covenant on Civil and Political Rights):** A multilateral treaty adopted by the UN. India is a party to the main treaty but hasn't signed the "First Optional Protocol," which allows individuals to petition the UN directly if their rights are violated.

- **Undertrial:** A person who is currently on trial in a court of law or who is imprisoned while awaiting trial. Prolonged "undertrial" status is often cited as a human rights concern.

- **Viksit Bharat Shiksha Adhishtan Bill:** A legislative proposal aimed at restructuring the governance of higher education, which critics argue centralizes power in the hands of the executive.

- **Main Arguments and Substantive Parts**
- The core thesis of this discourse is that **democracy is not merely a procedural exercise of voting but a substantive culture of questioning.**
- **The Nexus of Education and Democracy:** The primary argument posits that when universities—the traditional "nurseries of democracy"—are stifled, the state's ability to remain accountable diminishes. If the youth are not taught to think critically, they cannot act as informed citizens.
- **The "Mother of Democracy" Paradox:** While India celebrates its ancient democratic roots, modern indices suggest a "steady decline." The argument highlights a contradiction between official rhetoric and the ground reality of "completely restricted" academic freedom.
- **Institutional Erosion:** A significant portion of the critique focuses on the "chilling effect" created when oversight bodies (like Internal Complaints Committees or University Senates) become "ornamental" or partisan, failing to protect those who dissent.
- **Asymmetry in Justice:** By contrasting the treatment of student activists with that of high-profile religious or political figures, the discourse argues that the legal system is increasingly operating on a "selective" basis, where proximity to power dictates the level of liberty one enjoys.

- **Historical Evolution of the Issue**

- The tension between state authority and academic/civil liberty has deep roots in the Indian story:

- **Pre-Independence:** Universities like Aligarh Muslim University, BHU, and Calcutta University were hotbeds of the nationalist movement. The British frequently used "Sedition" laws to curb student activism.

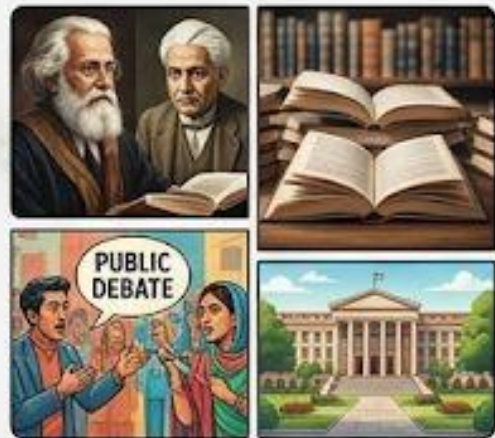
- **The Nehruvian Era:** Post-1947, a premium was placed on institutional autonomy. Figures like J.B.S. Haldane could criticize the government while contributing to national science, reflecting a robust (though not perfect) culture of dissent.

- **The Emergency (1975–77):** This remains the darkest period for Indian democracy. Fundamental rights were suspended, and universities were heavily policed. This era proved that institutional safeguards could be dismantled from within.

- **Post-Liberalization (1990s–2010s):** Expansion of private education and a shift toward "market-linked" skills began to subtly shift the university's role from a site of "critical inquiry" to a site of "human resource production."

- **The Current Phase (2014–Present):** A transition toward what global indices call "electoral autocracy," characterized by the use of service rules to silence faculty, curriculum changes, and the centralization of university administration.

ANALYZING THE STATE OF INDIAN DEMOCRACY



SUBSTANTIVE DEMOCRACY
(Freedom to Question)



Democratic Balance

ELECTION & LAW
(Procedural Democracy)



MULTIDIMENSIONAL ANALYSIS

- **SOCIAL**
Social dimension snable social moditrs; enmies sed growth and socialism.
- **POLITICAL**
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- **ECONOMIC**
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HISTORICAL TENSION




KEY TERMS & TRENDS



- **Logical and Philosophical Base**
- The philosophical conflict here is between **Statism** and **Pluralism**.
- **The Logic of Homogenization:** The current trend is based on the assumption that national progress (Viksit Bharat) requires absolute social and ideological cohesion. From this perspective, dissent is seen as "friction" or "anti-national" disruption.
- **The Philosophical Foundation of Pluralism:** Conversely, the democratic ideal is built on the *Socratic* tradition—that the "unexamined life is not worth living." It assumes that truth is not a monopoly of the state but emerges through the "marketplace of ideas."
- **The Concept of "Manufactured Victimhood":** A key psychological observation in the discourse is that authoritarianism often justifies the suppression of dissent by claiming that the majority or the state is "under threat" from a small, elite, or "subversive" minority.
- **Epistemological Integrity:** If the pursuit of knowledge must "bow to political convenience," the very basis of truth is compromised. This turns education into "indoctrination," which is the antithesis of enlightenment.



- **Multidimensional Analysis**

- **Social:** Rising self-censorship on campuses erodes the "safe space" for marginalized voices (Dalits, minorities), who often use universities as a ladder for social mobility and expression.
 - **Political:** The "centralization of control" shifts the power balance from local/academic experts to political appointees, affecting the long-term health of political pluralism.
 - **Legal:** The refusal to sign the ICCPR's Optional Protocol and the "weaponization" of bail laws highlights a widening gap between constitutional promises and procedural realities.
 - **Ethical:** The fundamental question: Is it right to prioritize "order and conformity" over "truth and liberty"?
 - **International:** India's democratic credentials are its "Soft Power." A decline in these indices weakens India's claim for a permanent seat at the UNSC or its role as a leader of the Global South.
 - **Economic:** A knowledge economy requires "Human Capital" that can innovate. If the education system produces only "conformists," India may miss the Fourth Industrial Revolution.
- 

- **Linkages with NCERTs**

- **Class 11 Political Science (Political Theory):** Chapter 2 (Freedom) and Chapter 3 (Equality). These provide the basis for understanding why "freedom to dissent" is a fundamental right.

- **Class 11 Political Science (Indian Constitution at Work):** Chapter 2 (Rights in the Indian Constitution) and Chapter 6 (Judiciary). Relevant for discussing Article 19 and the role of courts.

- **Class 12 Political Science (Politics in India Since Independence):** The chapter on "The Crisis of Democratic Order" (The Emergency) offers a direct historical parallel to current debates.

- **Class 12 Sociology (Social Change and Development in India):** Chapter on "The Constitution and Social Change."

Linkages with UPSC CSE Syllabus

GS Paper 2: Indian Constitution— historical underpinnings, evolution, features, amendments, significant provisions, and basic structure. Statutory, regulatory, and various quasi-judicial bodies. Role of civil services in a democracy.

GS Paper 4 (Ethics): Liberty and Freedom; Values in Governance; Ethical concerns in private and public institutions.

Essay Paper: Themes related to Democracy, Education, Freedom of Expression, and "Viksit Bharat."

Political Science Optional (PSIR): Concept of Democracy; Human Rights; Indian National Movement; Grassroots Democracy.

- **Way Forward**

- **Institutional Autonomy:** Restoring the independence of university senates and recruitment processes from political interference.
- **Legal Reform:** Reforming bail provisions in special laws (like UAPA) to ensure that "Bail is the rule, Jail is the exception," as repeatedly held by the Supreme Court.
- **International Engagement:** India should consider signing the First Optional Protocol of the ICCPR to demonstrate its confidence in its own human rights record.
- **Digital Literacy & Critical Thinking:** Curricula should focus on *how* to think rather than *what* to think, insulating students from "manufactured narratives."
- **Protecting Dissent:** Recognizing that faculty members are "intellectuals" first and "employees" second; their right to participate in public debate should be protected.

Previous Years' UPSC Questions (PYQs)

2021 (GS2): "The jurisdictional joints of the Constitution... are being tested." Discuss in the context of the tension between the Executive and Judiciary.

2020 (GS2): "There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of Peoples Act." (Related to electoral integrity).

2018 (GS2): "Compare and contrast the model of India's Secularism with that of the Western model." (Related to pluralism).

2017 (Essay): "Freedom of speech is the mother of all liberties."

How 'bulldozer justice' undermines the law

The sight of a five-year-old gifting a toy to Uttar Pradesh Chief Minister Yogi Adityanath on March 27 at Gorakhpur made for a tender photo moment. The Chief Minister returned the gift and asked the child to focus on her studies.

A child showing her admiration for a political leader is nothing out of the ordinary, as leaders are meant to be role models for the younger generation. But the five-year-old's choice of toy – a replica of a bulldozer – raises uncomfortable questions. The episode not only shows public approval for "bulldozer justice", it also reflects the normalisation of extrajudicial action by the state. What is arguably a problematic political symbol is now part of our everyday consciousness and holds the potential to influence impressionable minds.

The much-baited "bulldozer justice" model isn't just a negation of the concept of due process but a direct challenge to it.

Not the first time

Though "bulldozer justice" is now part of India's political lexicon, the concept of bulldozers being used as an instrument of state policy is not new. Instances of bulldozers being used to clear encroachments and demolish unauthorised houses in Old Delhi's Turkman Gate area in 1976 – when the country was under the Emergency imposed by the then Prime Minister Indira Gandhi – have been well chronicled.

However, there is a key difference in how such actions have been perceived over time. From being examined as part of the excesses of the Emergency by a judicial commission, bulldozer action is now being amplified as a symbol of the state's firmness in dealing with those who break the law. It is premised on the fact that judicial processes are cumbersome and come in the way of delivering instant retributive justice. In an era of 10-minute deliveries, government authorities



Sandeep Phukan

The image of swift destruction creates an impression of decisive leadership, but it also normalises the idea that executive authority can override legal safeguards

are not immune to the same pressure. And since the judicial process does not follow a fixed timeline, some argue that this pressure is multiplied.

The drive for 'instant' justice

The backlog of cases across all courts in India has crossed 5.5 crore, with the figure in the Supreme Court alone accounting for over 90,000 cases. The India Justice Report 2025 noted that there are only 15 judges for every million Indians, as against a 1987 Law Commission of India recommendation of 50 judges per one million. In 22 of the 25 States, the same report noted, cases pending for over three years in subordinate courts amount to 25% of all pending cases. And across 25 High Courts, the number of cases which are pending for over five years account for 5%.

The burden of proof and the long road to litigation often act as a deterrent and, therefore, common citizens prefer quick justice. And when government authorities are under constant scrutiny and quick feedback, the pressure of "instant delivery of justice" is quite high.

But what an individual prefers, even a majority of them, cannot be the state's choice. In a state governed by the rule of law, there is no place for majoritarian populism. The tenets of criminal jurisprudence consider any crime against an individual as one against society. And the state can dispense justice only in accordance with the law.

The problem with bulldozer justice lies precisely in the fact that it substitutes spectacle for procedure. Demolitions carried out immediately after an alleged offence, often before investigations are completed, blur the distinction between punishment and an extrajudicial action carried out by the state. In such cases, the state assumes the role of investigator, judge and executioner at once. This dissolution of power between the organs of the state undermines the

very principles that underpin a constitutional democracy.

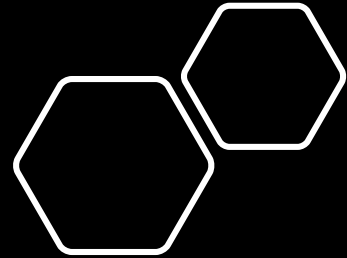
There is another aspect that is often overlooked. If the demolitions of the homes of the accused are for purported violations of land or municipal laws, it begs the question: why did the government allow such a structure in the first place? Is it an admission that a corrupt system allowed such a home to be built right before the gaze of law enforcers? But if the demolitions are meant to convey a message of zero tolerance towards crime, then it runs foul of the law. The state cannot reduce itself to the level of vigilante groups, whose main purpose of existence is to hand out "instant justice".

The image of swift destruction creates an impression of decisive leadership, but it also normalises the idea that executive authority can override legal safeguards whenever public anger demands immediate retribution. Over time, this risks weakening institutional credibility and erodes citizens' trust in lawful processes.

Strengthen institutions

The real solution to public frustration with the justice system lies not in bypassing it, but in strengthening it. Expanding judicial capacity, filling vacancies, modernising court infrastructure and improving investigative processes would address the underlying causes of delay far more effectively than theatrical displays of coercive powers. Cases involving heinous crimes must be mandatorily assigned to fast track courts that are focused on speedy disposal with frequent hearings.

However, a constitutional state derives its legitimacy not from the speed of punishment but from its unimpeachable principles and the fairness of its processes. "Bulldozer justice" may satisfy a demand for instant retribution, but it erodes the foundations of the rule of law and risks reducing the state to a vigilante group.



- **Key terms**

- **Bulldozer justice**

- Bulldozer justice refers to the use of demolition—often of homes, shops, or other structures—by the state as a swift and visible response to alleged crime, disorder, encroachment, or illegality, often before a full adjudicatory process is completed. In public discourse, it symbolizes “instant justice,” but from a constitutional perspective it is controversial because punishment cannot lawfully precede investigation, hearing, and adjudication.

- **Due process**

- Due process means that state action must follow fair, lawful, and reasoned procedure before affecting a person’s life, liberty, shelter, or property. In practical terms, it requires notice, opportunity to be heard, reasoned order, and action under a valid legal framework rather than executive impulse.

- **Rule of law**

- Rule of law means the state itself is bound by law, and power must be exercised through known legal procedures instead of arbitrary discretion. It rejects the idea that popularity, outrage, or administrative convenience can replace legal safeguards.

- **Extrajudicial action**

- Extrajudicial action refers to state action that effectively punishes or harms a person outside the adjudicatory process established by law. When demolition appears linked to accusation rather than an independent municipal process, it risks becoming an extrajudicial penalty in substance, even if presented as an administrative act.

- **Natural justice**

- Natural justice includes two foundational principles: no one should be condemned unheard, and no one should judge their own cause. In demolition matters, this means prior notice, hearing, and an impartial, reasoned administrative process before coercive action is taken.

- **Article 300A**

- Article 300A provides that no person shall be deprived of property save by authority of law. This is central to the constitutional criticism of punitive demolitions because dispossession cannot occur merely on executive command or public sentiment.

- **Separation of powers**

- Separation of powers means the legislature makes law, the executive implements it, and the judiciary adjudicates disputes. When the executive appears to act as investigator, judge, and punisher simultaneously, this balance is disturbed.

- **Main arguments and substantive parts**

- The central thesis is that visible, swift, demolition-based punishment may appear decisive, but it strikes at the heart of constitutional governance because it replaces procedure with spectacle. The issue is not merely about property destruction; it is about whether the state can punish before adjudication.
- A major supporting line of argument is that public frustration with delays in justice creates fertile ground for approval of quick executive action. This frustration is rooted in real structural weaknesses, including only about 15 judges per million people, heavy vacancies, and very high pendency.
- Another substantive point is that punitive demolition blurs the distinction between **regulation** and **retribution**. If a building is demolished immediately after an alleged offence, people reasonably infer that the act is punishment, not neutral municipal enforcement.
- The issue also exposes a contradiction in governance. If a structure was genuinely illegal under municipal or land laws, then the state must explain why it allowed the illegality to exist until a politically sensitive or criminal event occurred. This implies either regulatory failure, corruption, selective enforcement, or retrospective symbolism.
- A key constitutional argument is that the state in such cases risks becoming investigator, judge, and executioner at the same time. This concentration of coercive power undermines the institutional logic of a constitutional democracy.
- The strongest counterargument is that extraordinary criminality, organized encroachment, or prolonged judicial delay sometimes require firm and visible state action. This argument draws emotional strength from the poor speed of justice delivery, but the constitutional response is that weak institutions justify reform, not extra-legal punishment.



- **Historical evolution of the issue**

- **Pre-independence background:** Colonial governance relied heavily on coercive administrative power for order, land control, and urban regulation. The state was often seen more as an authority to discipline than as a constitutional guarantor of rights.
- **Early post-independence decades:** Independent India retained wide administrative powers over land, policing, and municipal regulation, but these powers were expected to operate within democratic constitutionalism. Demolition existed as an administrative instrument, not yet as a celebrated political symbol.
- **Emergency period as a major turning point:** The Emergency deeply shaped India's memory of executive excess. Demolition drives from that era, especially in the context of forced urban "clean-up" measures, became associated with authoritarian overreach and human rights insensitivity.
- **Post-Emergency constitutional deepening:** After the Emergency, judicial thinking increasingly emphasized fairness, non-arbitrariness, dignity, and procedural safeguards. Articles 14 and 21 acquired richer meaning, and state legitimacy became tied more closely to fair process than mere administrative power.
- **Urbanization and informal expansion phase:** Rapid migration, informal settlements, land market distortions, and weak municipal enforcement made demolition a regular tool in urban governance. However, these actions were typically justified as anti-encroachment, zoning, or land-use enforcement.
- **Shift from administration to symbolism:** In recent years, the bulldozer evolved from a machine of regulation into a symbol of "tough governance." This symbolic transformation is historically significant because it converts an administrative measure into a political message about instant justice and executive resolve.
- **Recent judicial intervention:** On 13 November 2024, the Supreme Court delivered a landmark judgment in *In Re: Directions in the matter of demolition of structures*, stressing that demolitions cannot be used as punishment and must follow notice, hearing, statutory basis, and due process safeguards. The Court also emphasized that violations of its guidelines could invite contempt and personal liability for officials.

UPSC CSE: ANALYSIS OF 'BULLDOZER JUSTICE' & THE RULE OF LAW

THE APPEAL & CAUSES



- Public Frustration with Slow Judiciary (5.5+ Crore Pending Cases)
- Demand for Retribution over Due Process
- Populist Executive Action

Historical Evolution:
(Old Delhi, 1976 → Modern States)

BULLDOZER JUSTICE vs. DUE PROCESS

DUE PROCESS



EXECUTIVE ACTION



Executive as Investigator, & Executioner

Presumption of Guilt vs. Presumption of Innocence

Collapsing Separation of Powers

RULE OF LAW

vs.

MAJORITARIAN POPULISM

MULTI-DIMENSIONAL IMPACT

SOCIAL

- Normalization of violence
- Impressionable minds

POLITICAL

Decisive leadership vs. weakening institutions

LEGAL

Articles 14, 21

ETHICAL

Collective Punishment

THE WAY FORWARD: REFORMS



Judicial Capacity Expansion



Modern Court Infrastructure



Improving Investigative Process



Fast-Track Courts

- **Logical and Philosophical Base**

- **Retributive vs. Restorative Justice**

- Retributive justice demands punishment as a response to wrong; the bulldozer spectacle satisfies a primal urge for vengeance.
- Restorative justice seeks to repair harm through fair process, rehabilitation, and dignity. Bulldozer justice is wholly retributive, without the procedural safeguards retributive systems normally require.

- **Social Contract Theory**

- Hobbes, Locke, and Rousseau argued that individuals surrender their right to private vengeance to the state in exchange for security under impartial laws.
- When the state bypasses courts, it breaks this contract, reverting to a state of nature where might determines outcomes.

- **A.V. Dicey's Rule of Law**

- “No man is punishable except for a distinct breach of law established in the ordinary legal manner before the ordinary courts.” Bulldozer demolitions violate this foundational principle by punishing without trial.

- **Kantian Deontology**

- Kant's categorical imperative demands that individuals be treated as ends in themselves, never merely as means. Demolishing a house before trial uses the accused as a tool to send a political message, treating a human being instrumentally.
- This clashes with the ethical architecture of the Indian Constitution, which places human dignity at its core.

- **Constitutionalism and Limited Government**

- Constitutionalism holds that all state power must be exercised within legal limits. Bulldozer justice bypasses those limits by collapsing executive and judicial functions, undermining the restraint that defines constitutional governance.

- **Amartya Sen's Nyaya vs. Niti**

- *Niti* refers to institutional rules; *Nyaya* is the realized justice in people's lives. Bulldozer actions may follow some administrative *niti* (municipal violations) but fail the test of *nyaya* because they destroy homes without fair hearing, creating profound injustice on the ground.

- **Multidimensional Analysis**

- **Social**

- Deepens communal fault lines when demolitions disproportionately target minority neighbourhoods, even under the colour of municipal law.
- Normalises a culture of cruelty; children playing with bulldozer toys indicates the absorption of state violence into early socialisation, reshaping societal values.
- Weakens social solidarity by framing due process as a luxury that protects the guilty, undermining collective reverence for law.

- **Political**

- Serves as a populist mobilisation tool, converting anger against crime into electoral support through visual spectacle.
- Centralises power in the executive, projecting an individual leader as the ultimate arbiter, thereby diminishing the roles of legislatures and courts in public perception.
- Short-circuits deliberative democracy: complex questions of justice are reduced to a binary of “strong action” versus “inefficiency.”

- **Legal**

- Violates Articles 14, 21, and 300A by depriving individuals of property and shelter without a fair procedure.
- Breaches the basic structure doctrine by collapsing the separation of powers — executive becomes investigator, judge, and executioner.
- Ignores established Supreme Court precedents requiring notice, hearing, and reasonable time before demolition, even of unauthorised structures.

- **Ethical**

- Pits utilitarian calculus (deterrence for many) against deontological imperatives (dignity of each individual). Constitutional morality demands that the latter prevail.
- Treats the accused as a means to a political end, violating Kant’s categorical imperative.
- Raises questions of probity: selective enforcement implies the state is complicit in the very illegality it now punishes, a profound ethical inconsistency.

- **International**

- Invites scrutiny from global human rights bodies like Human Rights Watch and Amnesty International as arbitrary demolition violates the right to adequate housing under international law.
- Weakens India’s soft power narrative as the world’s largest democracy, affecting moral standing in multilateral forums.
- May trigger investor caution if rule-of-law indicators decline, impacting economic diplomacy.

- **Economic**

- Destroys physical capital (homes, small businesses) without compensation, pushing vulnerable families into destitution and creating new welfare burdens.
- Generates demolition debris that strains municipal solid-waste systems; clean-up costs are externalised to the public exchequer.
- Undermines the formal economy by signalling that property rights can be arbitrarily extinguished, discouraging investment in housing and small enterprise among the poor.

- **Linkages with NCERTs**

- **Class 8: Social and Political Life – “Understanding Laws”**

- Explains how laws are made, the importance of due process, and the principle that no one is above the law. Bulldozer justice directly illustrates what happens when the state bypasses these processes.
- Chapter on “Judiciary” clarifies the independent role of courts; demolishing homes without trial demonstrates executive overreach into judicial functions.

- **Class 9: Democratic Politics – “What is Democracy? Why Democracy?”**

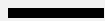
- Distinguishes democracy from authoritarianism by insisting on procedures and minority rights. Bulldozer actions as majoritarian spectacle challenge this framework.
- “Constitutional Design” chapter shows how the Constitution places checks on power; bypassing courts is a classic violation.

- **Class 11: Political Theory – “Justice”**

- Discusses distributive and procedural justice. John Rawls’ “justice as fairness” helps evaluate whether one would accept a system where their home could be razed without a hearing.
- “Rights” chapter explains that rights are trumps against majority opinion, directly relevant to why fundamental rights must prevail over populist demands.

- **Class 12: Political Science – “Crisis of the Democratic Order”**

- The Emergency chapter details Turkman Gate demolitions, linking past authoritarian excess to current bulldozer politics, showing historical continuity.
- “Challenges to Democracy” discusses communalism and the temptation of authoritarian solutions, offering a lens to understand the communal dimensions of bulldozer justice.



- **Linkages with UPSC CSE Syllabus**

- **GS Paper 1: Indian Society**

- Social empowerment, communalism, effects of globalisation on culture. The normalisation of state violence through toys and social media is a cultural shift worth examining.
- Urbanisation and slums: issues of housing rights and displacement.

- **GS Paper 2: Governance, Constitution, Polity, Social Justice**

- *Strongest links*: Separation of powers, rule of law, judicial pendency and reforms, fundamental rights (Articles 14, 21, 300A), mechanisms to protect vulnerable sections, transparency and accountability.
- Executive overreach and the role of civil services in upholding constitutional values.

- **GS Paper 3: Internal Security**

- Role of state in maintaining public order without resorting to vigilantism. Mob lynching and state responsibility are allied themes.
- Disaster management angle: debris management and environmental impact of large-scale demolitions.

- **GS Paper 4: Ethics, Integrity, and Aptitude**

- Foundational values: impartiality, compassion, tolerance, protection of the disadvantaged.
- Ethical governance: conflict between administrative convenience and constitutional conscience; probity in public life; the difference between legality and legitimacy.
- Case study potential: an administrator ordered to carry out a retaliatory demolition — ethical dilemma and response.

- **Way Forward**

- **Judicial Capacity Expansion**

- Increase sanctioned judge strength to reach the Law Commission’s target of 50 judges per million through a time-bound recruitment plan.
- Fill all existing vacancies in subordinate judiciary and high courts within a year; impose accountability for delays in the collegium system.
- Modernise court infrastructure: e-courts, digitised case records, virtual hearings, and AI-assisted case management to reduce pendency.

- **Fast-Track Courts with Mandated Timelines**

- Dedicate fast-track courts for heinous offences with a statutory mandate of day-to-day hearings and completion within a fixed period, as envisioned in the Bharatiya Nagarik Suraksha Sanhita, 2023.
- Ensure these courts have adequate support staff, forensic labs, and witness protection to prevent delays.

- **Police and Prosecutorial Reforms**

- Separate investigation from law-and-order duties to improve charge-sheet quality.
- Establish independent prosecution directorates and fill vacancies to ensure effective representation in court.
- Implement Supreme Court directions in *Prakash Singh v. Union of India* on police reforms to insulate investigations from political pressure.

- **Enforce Supreme Court Guidelines on Demolitions**

- Codify and strictly enforce the principle that no demolition shall occur without prior notice, a fair hearing, and a reasonable period to appeal.
- Initiate contempt proceedings against officials who carry out retaliatory demolitions to create a strong deterrent against bypassing due process.

- **Legal Awareness and Victim Support**

- Strengthen Legal Services Authorities to provide immediate legal aid to families facing arbitrary demolition, including emergency filing before courts.
- Conduct community legal literacy campaigns, especially in vulnerable neighbourhoods, so citizens know their rights and remedies.

- **Political Ownership of Constitutional Values**

- Leaders across the political spectrum must publicly commit that the fight against crime will be waged through legal institutions, not through extrajudicial spectacle.
- Civil society, bar associations, and media must consistently question and debate the legitimacy of bulldozer actions, keeping the conversation alive in democratic spaces.

- **Educational Interventions**

- Integrate constitutional literacy and procedural fairness into school curricula so that the next generation learns to value due process over instant retribution, replacing the symbolic power of the bulldozer toy with the deeper power of the Constitution.

- **UPSC CSE Prelims**

- **2019:** With reference to the Constitution of India, consider the following statements: 1. No person can be deprived of his property save by authority of law. (Links to Article 300A, the property rights angle)
- **2015:** The concept of 'Rule of Law' was propounded by— (A.V. Dicey, directly relevant)
- **2017:** Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty under Article 21. (Links due process and judicial interpretations)
- **2021:** Which of the following are included in the 'basic structure' of the Constitution? (Separation of powers, judicial review — bulldozer justice violates both)

- **UPSC CSE Mains**

- **GS2 (2022):** "Judicial legislation has become a tool for correcting executive inaction." Discuss with examples. Also, "Justice delayed is justice denied." Explain the challenges faced by the Indian judiciary in delivering timely justice.
- **GS2 (2021):** "The judicial systems in India and UK are facing severe backlogs. Compare the issues and suggest remedies."
- **GS2 (2020):** "Discuss the factors responsible for increasing judicial activism in India. Do you think it has contributed in securing the fundamental rights of citizens?"
- **GS2 (2018):** "Whether the Supreme Court Judgement on the right to privacy has settled the debate on the relationship between Articles 19 and 21. Comment."
- **GS2 (2017):** Discuss the role of the National Human Rights Commission in protecting the rights of the disadvantaged and suggest measures to make it more effective. (Can be linked to extrajudicial actions)
- **GS4 (2022):** What do you understand by the term 'rule of law'? How does it differ from 'rule by law'? Explain with examples.
- **GS4 (2020):** "Ethics is knowing the difference between what you have a right to do and what is right to do." — Potter Stewart. Analyse with reference to governance.

Can the WTO get back on track?

UNCERTAINTY AHEAD. The Yaounde Ministerial Conference has mired the WTO in a deeper deadlock than ever



ABHIJIT DAS

With the meeting of World Trade Organisation's General Council scheduled to be held on May 6-7, WTO members have an opportunity to pick up the pieces after the failure of the 14th Ministerial Conference (MC-14) held in Yaounde recently. While on the issue of Investment Facilitation Agreement (IFA) a pathway for breaking the deadlock might be in sight, on some other issues the developments at MC-14 may have made the task of putting the WTO back on track more difficult. These developments are discussed below.

At MC-14 India continued its resolute opposition to the inclusion of IFA as an Annex 4 plurilateral agreement at the WTO. India also signalled the possibility of taking this issue forward by undertaking multilateral negotiations on guardrails for plurilateral agreements. At MC-14 some other countries also adopted a similar approach on this issue. This holds the promise of bringing clarity and certainty on IFA and systemic issues related to plurilateral agreements.

Let us turn to issues on which developments at MC-14 may have deepened the divide among the WTO membership. First, at MC-14 it became evident that the US was interested in an outcome on just one issue — moratorium on customs duties on electronic transmissions. Unlike the past ministerial meetings where the members agreed to a two-year extension of this moratorium, at Yaounde the US insisted on a longer period of the moratorium. Almost all countries, including India, showed little appetite to resist the US demand and quickly acquiesced to a four-year moratorium. At the end, on account of the stiff opposition of Brazil and Türkiye to this unreasonable demand of the US, no decision could be taken. If the US had



TRADE AGENDA. The forthcoming meeting of the WTO General Council is likely to provide pointers on the trade body's future

confined its ambitions to what had been agreed to on this moratorium at some of the earlier ministerial conferences, a deadlock could have been avoided at Yaounde.

Second, at MC-14 the US strongly opposed the extension of the moratorium on another issue of particular interest to many developing countries: non-violation complaints related to disputes under the agreement on intellectual property rights (TRIPS Agreement). In past ministerial conferences, WTO members had agreed to two-year extension of this moratorium, which mirrored the period of extension of the moratorium on customs duties on electronic transmissions. This provided an assurance to WTO members, especially the developing countries, that they would not be used for resorting to various flexibilities under the TRIPS

Perhaps the most controversial issue is the declaration made by a group of 66 WTO members to implement the Agreement on Electronic Commerce through interim arrangements

Agreement. With the US aggressively seeking at least a four-year period of moratorium on customs duties on electronic transmissions but firmly opposing the moratorium on non-violation complaints under the TRIPS Agreement, the stage is set for another negotiating logjam.

ELECTRONIC COMMERCE

Third, and perhaps the most controversial, issue is the declaration made by a group of 66 WTO members to implement the Agreement on Electronic Commerce (AEC) through interim arrangements, with the ultimate objective of subsequently adding it as an Annex 4 plurilateral agreement at the WTO. Controversially, the AEC stipulates that even when it is implemented through the interim arrangements and is not yet part of the WTO, it will be serviced by the WTO secretariat with the Director-General of the WTO (DG) administering certain aspects of the agreement. This is highly problematic for many reasons.

First, WTO rules do not provide for the DG and the secretariat to administer even limited aspects of agreements that are outside the WTO. What is envisaged under the interim arrangements of the AEC amounts to the DG unilaterally arrogating to herself role and responsibilities going beyond the WTO

rules. Second, this development represents a surreptitious attempt by certain WTO members to curtail the role of the entire membership but expand the powers of the DG through the backdoor. Third, this would divert resources away from activities mandated by WTO rules and instead direct them towards initiatives with questionable legal status. Finally, this would take forward the attempts by some developed countries to delegitimise the WTO and push forward their agenda of WTO reform, which would further bend the organisation in line with their interests.

In conclusion, developments at the Yaounde Ministerial Conference have mired the WTO in a deeper deadlock than before. It remains to be seen whether developed countries limit their vaulting ambitions and seek to get this inter-governmental organisation back on track, or they manufacture another crisis for pushing their agenda of remoulding the WTO to further serve their interests at the cost of most developing countries. The forthcoming meeting of the WTO General Council is likely to provide pointers about the future of this organisation.

The writer is an international trade expert and author of the book 'Strategies in GATT and WTO Negotiations'. Views are personal.



- **Key Terms and Explanations**

- **Ministerial Conference (MC):** This is the highest decision-making body of the WTO, usually meeting every two years. It brings together all members to take decisions on all matters under any of the multilateral trade agreements.

- **General Council:** Acting as the WTO's highest-level decision-making body in Geneva between Ministerial Conferences, it meets regularly to carry out the functions of the WTO.

- **Plurilateral Agreements (Annex 4):** Unlike "Multilateral" agreements where all WTO members are parties, Plurilateral agreements are signed by only a subset of members. They become part of the WTO framework under Annex 4 only if there is a full consensus among all members.

- **Investment Facilitation Agreement (IFA):** A proposed agreement aimed at creating a more transparent, efficient, and predictable environment for cross-border investment. India opposes its inclusion in the WTO, arguing it bypasses the multilateral mandate.

- **Moratorium on Customs Duties on Electronic Transmissions:** Since 1998, WTO members have periodically agreed not to impose customs duties on digital products like software, emails, or digital music. Developing nations often oppose this as it leads to significant revenue loss.

- **Non-Violation Complaints (NVC):** In WTO law, a member can normally only complain if another member violates a specific rule. An NVC allows a member to complain if they feel a benefit they expected to receive is being negated by another country's policy, even if no specific rule is broken.

- **TRIPS Agreement:** The Agreement on Trade-Related Aspects of Intellectual Property Rights sets down minimum standards for many forms of intellectual property (IP) regulation.

- **Main Arguments and Substantive Parts**

- The core tension in recent trade negotiations stems from a clash between "Plurilateralism" and "Multilateralism." The article posits that the WTO is at a crossroads where the interests of the Global North and South are drifting further apart.

- **The Plurilateral Deadlock:** A significant group of members wants to integrate the Investment Facilitation Agreement (IFA) into the WTO. India and others resist this, fearing that allowing groups of countries to set rules within the WTO framework undermines the "one member, one vote" consensus-based system.

- **The Digital Divide and the Moratorium:** The US pushed for a four-year extension of the moratorium on electronic transmissions. While many acquiesced, the failure to reach a consensus (due to Brazil and Türkiye) highlights the resentment of developing nations who see this as a loss of "policy space" and tax revenue.

- **Hypocrisy in Intellectual Property:** The US is accused of a "double standard." While it demands a long-term moratorium on digital duties (benefiting its tech giants), it refuses to extend the moratorium on Non-Violation Complaints under TRIPS. This leaves developing nations vulnerable to legal challenges when they use IP flexibilities for public health or development.

- **The E-commerce Controversy:** The Agreement on Electronic Commerce (AEC) is being pushed through "interim arrangements" outside formal WTO rules but using WTO staff. Critics argue this is an "institutional capture" where the Secretariat is being used to serve a faction rather than the whole membership.



- **Historical Evolution of the Issue**

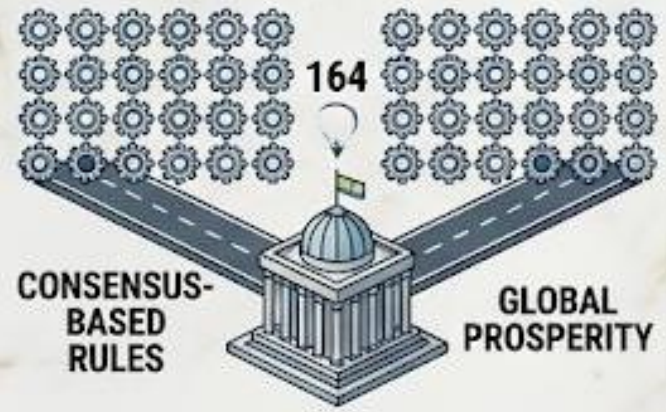
- The WTO was born out of the Marrakesh Agreement in 1995, succeeding the GATT. Its history is a pendulum swinging between liberalization and protectionism.
- **1995–2001 (The Formative Years):** The WTO established a robust dispute settlement mechanism. However, the 1999 Seattle protests signaled growing public and developing-world unease with corporate-led globalization.
- **2001 (The Doha Development Agenda):** Launched to improve the trading prospects of developing nations. It eventually stalled because developed and developing countries could not agree on agriculture and industrial tariffs.
- **2013 (Bali Ministerial):** The Trade Facilitation Agreement (TFA) was a rare success, showing that multilateral deals were still possible.
- **2017–Present (The Crisis of Multilateralism):** The US began blocking appointments to the WTO Appellate Body, effectively crippling the dispute settlement system. This period saw the rise of "Joint Statement Initiatives" (Plurilaterals) as a way for developed nations to bypass the gridlock of the Doha Round.
- **Present (MC-14 Context):** The shift toward regionalism and plurilateralism has reached a boiling point, with the WTO Secretariat increasingly caught in the crossfire of geopolitical rivalry.



ANALYSIS OF WTO DEADLOCK: KEY ISSUES FROM MC-14 YAOUNDÉ & BEYOND | FOR UPSC CSE PREPARATION.

MULTILATERALISM VS. PLURILATERALISM

MULTILATERAL PATHWAY (The Ideal)



PLURILATERAL PATHWAY (The Reality of the Deadlock)



DEEPENING DIVIDES: MORATORIUMS ON CUSTOMS DUTIES



BIG US DEMAND for 4-YEAR MORATORIUM



BRAZIL & TURKIYE: STIFF OPPOSITION

- US DOUBLE STANDARD:** Aggressive on E-commerce duties, but Opposes NVC extension on TRIPS flexibilities.

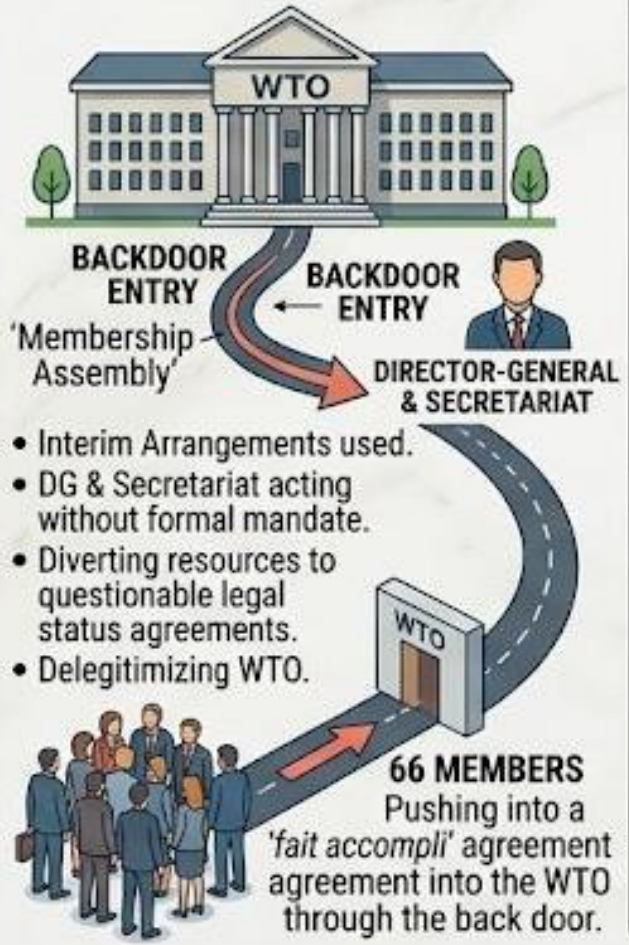
NVC (NON-VIOLATION COMPLAINTS) TRIPS agreement

	
TRIPS AGREEMENT DROPS DUTIES	E-COMMERCE CUSTOMS DUTIES

US DOUBLE STANDARD: Aggressive on E-commerce duties, but Opposes NVC extension on TRIPS flexibilities.



CONTROVERSIAL AGREEMENT ON E-COMMERCE (AEC) & INSTITUTIONAL CAPTURE



SUMMARY OF WTO STATUS & INDIA'S

STATUS

DEEPER DEADLOCK: Will Developed Nations limit ambitions and get WTO back on track, or manufacture another crisis?



INDIA

RESOLUTE OPPOSITION to IFA inclusion without consensus. Proposed **MULTILATERAL NEGOTIATIONS** on **PLURILATERAL GUARDRAILS**.

KEY UPSC RELEVANCE

- Important International Institutions.
- Effect of policies of developed & developing countries on India.
- GS Paper 2 (IR).
- Economic and Ethical Dimensions.

- **Logical and Philosophical Base**

- At its heart, this debate is a struggle between two different philosophies of international law and economic justice.

- **Sovereign Equality vs. Economic Weight:** The multilateral system is built on the Westphalian notion of sovereign equality. However, the push for plurilateralism follows a "Coalition of the Willing" logic, where those with the most economic power feel they shouldn't be held back by smaller or developing nations.

- **The "Rule of Law" Paradox:** Developed nations argue they are creating a more modern "rule of law" for the digital age. Developing nations argue that by bypassing consensus, these countries are actually destroying the very "rule of law" they claim to uphold.

- **Developmentalism vs. Neoliberalism:** The article reflects the "Developmental State" philosophy, where trade rules must allow for "policy space"—the ability of a government to intervene in the economy to protect domestic industry or public health. This clashes with the Neoliberal view that any barrier to trade or digital flow is an inefficiency.



Multidimensional Analysis

To truly understand the WTO crisis, one must look at it through multiple lenses:

Social: Trade rules affect access to medicines (TRIPS) and the digital divide. A lopsided agreement could worsen global inequality.

Political: The "North-South" divide is widening. BRICS+ and other groupings are increasingly acting as a counter-bloc to the G7 within the WTO.

Legal: The core issue is the interpretation of Annex 4 and the limits of the Director-General's mandate.

Ethical: Is it ethical for developed nations to freeze the tax-collection abilities of developing nations in the digital sphere while protecting their own intellectual property?

International: The crisis reflects a broader shift toward "minilateralism" and the decline of the post-WWII liberal world order.

Economic: At stake are billions in customs revenue and the future of the global digital economy.

- **Linkages with NCERTs**

- **Class 10 Economics, Chapter 4: Globalisation and the Indian Economy** introduces the WTO, its role in reducing trade barriers, and debates around fairness. The moratorium on e-commerce duties and TRIPS non-violation complaints are contemporary examples of how rules made at the global level can affect developing countries' policy space—exactly the tension the chapter explores through the lens of Indian farmers and industries.

- **Class 12 Political Science, Part A, Chapter 9: Globalisation** discusses the nature of globalisation, its impact on sovereignty, and resistance movements. The push to establish the AEC through interim arrangements outside WTO consensus is a classic case of a supranational institutional restructuring that can be analysed using the chapter's concepts of state sovereignty erosion and democratic deficit. The chapter also introduces the idea that globalisation benefits are unequally distributed, a theme reflected in the developing country concerns about digital trade rules.

- **Class 12 Economics, Introductory Macroeconomics (Chapter on Government Budget) and Indian Economic Development (Chapter on Indian Economy at the time of independence and after)** can be indirectly linked. The customs revenue foregone due to the e-commerce moratorium directly affects the government's budget, a theme that relates to fiscal policy. Understanding the industrial policy implications of the IFA and TRIPS connects to how post-independence India viewed the role of state intervention in building a self-reliant economy. These connections help students see that current global economic diplomacy is not an abstract elite game but an extension of the development dilemmas discussed in foundational textbooks.





- **Linkages with UPSC CSE Syllabus**
- **General Studies Paper 2 (Governance, Constitution, Polity, Social Justice and International Relations):** The most direct linkages are in the section “Bilateral, Regional and Global Groupings and agreements involving India and/or affecting India’s interests” and “Effect of policies and politics of developed and developing countries on India’s interests.” The WTO crisis, Indian stance on the IFA, e-commerce moratorium, and the AEC all fall squarely here.
- **General Studies Paper 3 (Technology, Economic Development, Biodiversity, Environment, Security and Disaster Management):** This links through the economic development and trade policy component, specifically “Indian Economy and issues relating to planning, mobilisation of resources, growth, development and employment” and “Issues relating to intellectual property rights.” The TRIPS non-violation complaint moratorium and the customs duties on electronic transmissions concern resource mobilisation and IPR.
- **General Studies Paper 4 (Ethics, Integrity, and Aptitude):** The ethical dimensions of procedural fairness, developed-developing country equity, and institutional integrity of international organisations provide excellent case study material for ethics essays and case-based questions.
- **Essay Paper:** Topics such as “Multilateralism in Crisis: A New World Order?”, “Digital Trade and the Sovereignty Dilemma,” or “Globalisation and its Discontents” can be richly furnished with the WTO’s current predicaments.

- **Way Forward**
- **Reforming the Dispute Settlement:** The immediate priority must be restoring the Appellate Body to ensure rules are enforceable.
- **Defining Plurilaterals:** WTO members should adopt India's suggestion of "guardrails"—clear rules that allow groups to move forward without disenfranchising the rest.
- **Digital Tax Compromise:** Instead of a permanent moratorium, a global minimum tax on digital services (similar to the OECD's Pillar One) could provide a middle ground for revenue-sharing.
- **Empowering the Global South:** Strengthening the technical capacity of developing nations to participate in complex digital and IP negotiations.



- **UPSC CSE 2013, GS 2:** “The WTO dispute settlement system is in flux.” Discuss the challenges to the dispute settlement mechanism and its implications for global trade governance.
- **UPSC CSE 2014, GS 2:** “The Doha Round of the WTO appears to have become a permanent impasse.” Examine the reasons and implications.
- **UPSC CSE 2015, GS 2:** “The US’s perceived reluctant approach to the WTO and its preference for mega-regional trade agreements like TPP and TTIP raised questions about the future of the multilateral trading system.” Comment.
- **UPSC CSE 2017, GS 2:** “The WTO’s Nairobi Ministerial Conference witnessed a serious impasse on issues of agriculture stockholding and special safeguard mechanisms for developing countries.” Analyse India’s stand at the conference.
- **UPSC CSE 2019, GS 2:** “Plurilateral trade agreements are becoming the new normal in global trade negotiations, sidelining the multilateral framework of the WTO.” Critically examine.
- **UPSC CSE 2020, GS 2 sketch (not actual but predictive):** “What is the ‘Moratorium on Customs Duties on Electronic Transmissions’? Discuss its implications for developing countries like India.”
- **UPSC CSE 2021, GS 3:** “Intellectual property rights and public health have been a contentious issue for developing countries. Trace the evolution of this debate in the context of the TRIPS Agreement.”
- **UPSC CSE 2022, GS 2:** “Critically evaluate the challenges faced by the WTO in promoting multilateral trade negotiations in the contemporary geopolitical scenario. How can India play a constructive role?”
- **APSC 2016, GS 2 (Assam):** “Discuss the relevance of WTO in the current global economic scenario.”
- **APSC 2019, GS 2:** “Analyse the main issues that led to the failure of the Doha Development Round.”

Operation Sindoor & the doctrine of consequence

Operation Sindoor made it clear to those behind cross-border terrorism that a major attack would not necessarily be absorbed through mourning, dossiers and diplomatic appeals — that the cost might be more direct

For years, India was asked to turn grief into restraint. After Pahalgam, it turned grief into consequence. Families had been shattered before. The nation had mourned before. Television studios had been filled with anger before. Leaders had condemned before. Foreign governments had sympathised before, and then, almost in the same breath, urged India to show restraint. A few days later, the world would move on. India would be expected to carry its grief with dignity.

In May 2025, under Prime Minister Narendra Modi, India broke that script.

Operation Sindoor matters because it sent a message. The old cycle had become intolerable. Cross-border terrorism could no longer remain a low-cost instrument for those who planned, financed or enabled it. India was not seeking war. It was restoring consequence.

The conceptual core of Sindoor was simple. Not revenge, but consequence. Revenge is emotional; consequence is colder. It asks who enabled the violence, what infrastructure sustained it, and what cost can be imposed without losing control of the crisis. Revenge seeks satisfaction; consequence seeks deterrence.

This was the logic of India's strikes on terrorist infrastructure in Pakistan and Pakistan-occupied Kashmir. The objective was not to start a war with Pakistan. It was to tell those who had treated India's caution as a permanent shield that they had made a dangerous assumption. India's desire for stability could not be exploited endlessly.

Sindoor did not abandon restraint. It redefined it. Restraint did not mean doing nothing. It meant choosing targets carefully and striking terrorist infrastructure without turning the crisis into an open-ended campaign. The aim was not reckless escalation, but controlled consequence.

Another feature of the Indian response deserves attention. It was cohesive. India did not respond only through the armed forces. It responded as a State. Military action sat alongside diplomatic signalling, legal and economic measures, and a wider campaign to explain India's case abroad.

Parliamentary engagement was especially important. It sent a broader message. This was not the anger of one party or one government alone. It was a national position against cross-border

terrorism. Legislators across political lines carried the case that terrorism cannot be excused or sanitised. It did not remove every doubt in foreign capitals or mean every country accepted every Indian claim. But it gave India's response a political depth that military action alone could not provide. Consequence was not only delivered at the border, it was explained in world capitals.

Washington's role needs to be assessed with perspective. President Donald Trump repeatedly claimed that he ended the India-Pakistan crisis. Pakistan, meanwhile, has regained some room in Washington since Operation Sindoor. There is truth in the anxiety, but not in the conclusion.

In every India-Pakistan crisis, Washington calls both sides, urges restraint and later claims influence. That is crisis diplomacy, not command authority. India's

position was that the cessation of firing came through direct military channels between the two DGMOs. More importantly, India did not stop before acting. It acted, absorbed retaliation, imposed costs and accepted an off-ramp only after the punitive purpose had been served. The US may have helped locate the exit ramp. It did not write India's opening move or determine its limits.

Pakistan's renewed usefulness to Washington should not be exaggerated. Islamabad has always known how to monetise crisis geography. It offers access and tactical convenience whenever the US needs a route into Afghanistan or a channel to Iran. That



Syed Akbaruddin



The conceptual core of Sindoor was simple. Not revenge, but consequence. Revenge is emotional; consequence is colder. #1

may give Pakistan visibility. It does not give it strategic equivalence with India. Pakistan can be useful in a crisis. India's economic weight and demographic scale make it central to any serious American strategy in the Indo-Pacific, from technology and supply chains to the Indian Ocean.

Still, India should draw one sober lesson. No external power, least of all the US, will subordinate its interests to India's preferences. Washington will engage Pakistan when Pakistan serves a purpose. That is how great powers behave. India's answer should be capability: Forces that are ready, diplomats who move fast, an economy with weight, and the confidence to work with America without depending on American approval.

The harder question is whether Sindoor deterred terrorism. The honest answer is that it did not remove the networks that recruit, fund and protect militants. But deterrence does not always mean making the threat disappear. Sometimes it means forcing the other side to think twice and risk more. Operation Sindoor restored uncertainty for those who had grown comfortable with Indian predictability. It made clear to those behind cross-border terrorism that a major attack would not necessarily be absorbed

through mourning, dossiers and diplomatic appeals. The cost might be more direct.

Sindoor does not mean India will strike after every provocation. It means India will not surrender the choice in advance. A serious doctrine of consequence is not a reflex. It preserves choice rather than replacing judgment. Sometimes the response may be military. Sometimes it may be diplomatic, financial, legal, covert, cyber or technological. The point is to make impunity harder. That requires work beyond the battlefield. It must be harder to infiltrate, harder to fund, harder to deny and harder to misrepresent the next attack. Consequence needs capability behind it.

A year later, Sindoor's measures, from putting the Indus Waters Treaty in abeyance to diplomatic downgrades, endure. Peace remains India's preference. It should remain so. But the operation also made clear that peace cannot be a bargain in which India supplies restraint while the other side supplies the next outrage.

Syed Akbaruddin served as India's Permanent Representative to the United Nations in New York and is currently dean, Kautilya School of Public Policy. The views expressed are personal

- **Key terms**

- **Deterrence**

- Deterrence means preventing hostile action by making the cost of such action unacceptably high. In simple terms, a state tries to ensure that the adversary thinks, “The gains are not worth the price.”

- **Consequence versus revenge**

- The conceptual distinction is important for UPSC answers. Revenge is emotional and satisfaction-oriented, whereas consequence is strategic, selective, and aimed at shaping future behaviour through cost imposition. This distinction is implicit in India’s official framing of the strikes as measured and non-escalatory rather than war-seeking.

- **Strategic restraint**

- Strategic restraint traditionally refers to India’s preference for avoiding reckless escalation despite provocations, especially in relation to Pakistan. In the present context, restraint is reinterpreted to mean controlled and carefully bounded retaliation rather than inaction.

- **Escalation control**

- Escalation control means using force in a limited manner so that conflict does not expand into a prolonged conventional war or a nuclear crisis. This is particularly relevant in South Asia where both India and Pakistan are nuclear powers.

- **DGMO**

- DGMO stands for Director General of Military Operations. The DGMO channel is a military communication mechanism used to manage tensions, communicate understandings, and reduce risks during crises.

- **Indus Waters Treaty in abeyance**

- India announced on 23 April 2025 that the Indus Waters Treaty of 1960 would be held in abeyance until Pakistan credibly and irrevocably abjured support for cross-border terrorism. Conceptually, this reflects the use of non-military levers in strategic signalling.

- **Statecraft**

- Statecraft refers to the coordinated use of military, diplomatic, economic, legal, technological, and informational tools to pursue national interests. A modern security response is rarely only military; it is an integrated exercise of national power.

- **Non-escalatory strike**

- A non-escalatory strike is a limited use of force designed to punish or degrade the adversary without triggering general war. India’s official language of “focused, measured, and non-escalatory” is central to this concept.

- **Main arguments**

- **Core thesis**

- The central argument is that a state facing recurring cross-border terrorism cannot remain trapped in a cycle of mourning, condemnation, and diplomatic appeals alone. The claim is that credible national security policy requires restoring consequences for those who enable terrorism while still avoiding uncontrolled war.

- **Substantive arguments**

- First, the response is framed as a shift from symbolic anger to strategic deterrence. The logic is that repeated impunity weakens deterrence and encourages future attacks.
- Second, the approach does not reject restraint; it redefines restraint as calibrated action with target selection and escalation management. This is important because restraint in strategic studies is not identical with passivity.
- Third, military action alone is insufficient; the state must act across multiple instruments. The abeyance of the Indus Waters Treaty, closure of Attari ICP, and diplomatic measures show that national response can combine kinetic and non-kinetic tools.
- Fourth, external powers may help manage exits from crises, but they do not necessarily determine a sovereign state's initial response. India's official position that cessation of firing emerged through DGMO contact supports the argument that crisis de-escalation was channelled directly through military communication.

- **Supporting evidence**

- The strongest empirical support comes from the sequence of events: Pahalgam attack on 22 April 2025, the CCS measures including Indus Treaty abeyance on 23 April, Operation Sindoor on 7 May, and DGMO-based cessation of firing on 10 May 2025. This sequence suggests a layered response rather than a single retaliatory act.

- **Possible counterarguments**

- A critical perspective would argue that deterrence against terrorism is hard to prove because non-state actors are diffuse, replaceable, and often ideologically motivated. Another criticism is that punitive action may create short-term costs but cannot by itself dismantle recruitment, financing, radicalisation, or sanctuary networks. A third concern is that any military exchange between nuclear neighbours carries escalation risks despite intentions of limited action.

- **Historical Evolution of the Issue**

- **Early Decades: Conventional Wars and No Terror Proxies**

In the first decades after independence, India-Pakistan conflict was fought through conventional wars (1947-48, 1965, 1971). Terrorism as a sustained state instrument was not yet the central feature; the Kashmir dispute and refugee crises drove overt military hostilities.

- **1980s and 1990s: Rise of Cross-Border Terrorism**

With the Punjab insurgency in the 1980s and the Kashmir militancy post-1989, Pakistan refined the use of non-state actors as a tool of sub-conventional warfare. The 1990s saw a pattern emerge: a major fidayeen attack, international condemnation, and heavy pressure on India to “exercise restraint” because of its size and the nuclear factor.

- **1999 Kargil War: Nuclear Shadow Deepens**

Kargil broke the post-1971 peace narrative but also reinforced the nuclear overhang. Both sides were now overt nuclear powers, and the world feared escalation more than ever. India’s response, though militarily successful, remained limited to its own side of the LoC.

- **Parliament Attack 2001 and Operation Parakram**

After the December 2001 attack on the Indian Parliament, India launched Operation Parakram—a massive, prolonged military mobilisation. It failed to produce a coercive result; the forces were eventually withdrawn without clear deterrence gains. The lesson drawn was that large-scale mobilisation was too slow, too expensive, and diplomatically unsustainable.

- **26/11 Mumbai 2008: Restraint at its Peak**

Despite the audacity and scale of the Mumbai attacks, the UPA government refrained from military retaliation. Instead, it relied on dossier-sharing, diplomatic isolation of Pakistan, and appeals to the international community. While global sympathy was high, the terror infrastructure remained intact, and the world moved on within weeks.

- **2016 Surgical Strikes (Uri) and 2019 Balakot Airstrike**

These marked the early seeds of a shift. For the first time, India publicly acknowledged cross-border special forces operations (surgical strikes) and, later, airstrikes deep inside Pakistani territory. Both were precise, time-bound, and kept escalation under control. However, they were still predominantly military in nature.

- **May 2025: Operation Sindoor and the Cohesive Response**

Sindoor represented a qualitative leap. It was not just a military strike but a coordinated state response involving parliamentary consensus, diplomatic activism, IWT suspension, economic measures, and a comprehensive narrative campaign. It was the culmination of decades of frustration with a world that treated South Asian terrorism as a manageable irritant rather than a structural threat.

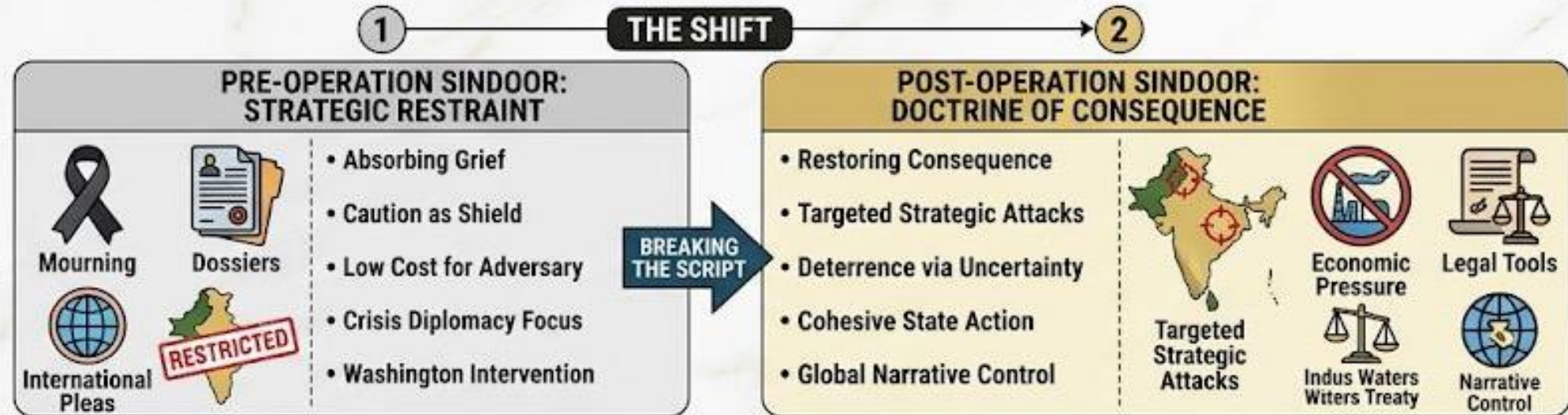


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UPSC CSE PREPARATION: ANALYSIS OF INDIA'S STRATEGIC SHIFT - FROM RESTRAINT TO THE 'DOCTRINE OF CONSEQUENCE' (OPERATION SINDOOR)



A WHOLE-OF-STATE APPROACH



DETERRENCE REDEFINED



INTERNATIONAL PERSPECTIVE



CHALLENGES & SUSTAINABILITY

- Nuclear Flashpoint Risk
- Intelligence Modernization
- Economic Resilience Needed

SYLLABUS LINKAGES



WAY FORWARD



- **Logical and Philosophical Base**

- **From Deontology to Consequentialism**

A purely deontological approach would hold that using force across a recognised border is inherently wrong, regardless of provocation. The old posture of strategic restraint leaned heavily on this logic. The new approach shifts to a more consequentialist ethical framework: a state has a prior duty to protect its citizens from repetitive slaughter, and proportionate, necessary force is morally permissible when non-military options have been exhausted.

- **Just War Tradition: Cause, Authority, Proportionality**

The doctrine draws on the “just war” criteria: a just cause (responding to a mass-casualty armed attack by non-state actors attributable to a state), legitimate authority (a democratically elected government acting with parliamentary backing), and proportionality (targeting only terrorist infrastructure, avoiding civilian harm, and stopping before an open-ended war). The intention is not revenge but restoration of credible deterrence.

- **Revenge vs. Consequence: An Ethical Distinction**

Revenge belongs to the emotional self—it seeks catharsis through inflicting pain. Consequence belongs to the rational state, which must calculate complex trade-offs: breaking impunity, managing escalation, maintaining legitimacy, and preserving long-term stability. This mirrors the difference between retributive justice (punishment for its own sake) and utilitarian deterrence in criminal law.

- **Epistemological Humility: Uncertainty as a Goal**

Traditional deterrence theory assumes a stable equilibrium where the adversary is convinced that costs outweigh benefits. Here, the objective is more modest but psychologically sharp: restore uncertainty. India acknowledges it cannot fully eliminate terror networks, but by making its response unpredictable, it forces the adversary to think twice and risk more. This is an epistemic shift—from certainty about the outcome to embracing unpredictability as a weapon.

- **Weber’s Ethic of Responsibility**

The old restraint model resembled an “ethic of conviction” (I will not use force because it is wrong). The new posture embodies Max Weber’s “ethic of responsibility,” where a political leader must weigh the foreseeable consequences of action or inaction. Not acting, if it leads to more death and emboldens the adversary, becomes ethically irresponsible.

- **The Security Dilemma and Asymmetric Warfare**

In a typical security dilemma, defensive actions by one state are misinterpreted as offensive by another. Here, the dilemma is twisted: the adversary uses the victim’s own restraint as a shield to wage low-cost war. The consequence doctrine aims to break this asymmetry, ensuring that the cost-benefit calculus of terror sponsors is no longer permanently tilted in their favour.

- **Multidimensional analysis**

- **Social dimension**

- The social impact of terrorism is not limited to deaths; it creates fear, trauma, communal suspicion, and a sense of state vulnerability. A strong state response may reassure citizens, but it must be accompanied by social healing, victim support, and preservation of internal harmony. In a diverse society like India, terror incidents often attempt to trigger social fragmentation, so resilience is as important as retaliation.

- **Political dimension**

- Politically, the issue concerns state legitimacy, leadership credibility, opposition responsibility, and the ability to build cross-party consensus on national security. Mature democracy requires neither blind militarism nor reflexive scepticism; it requires informed scrutiny. The best political outcome is one in which the state acts firmly but institutions remain stronger than rhetoric.

- **Legal dimension**

- Legally, the matter touches constitutional powers of the Union over defence, foreign affairs, treaties, and national security. It also engages international law principles of self-defence, state responsibility, attribution, and proportionality. On water diplomacy, the Indus Waters Treaty raises questions about treaty obligations, dispute resolution, and the extent of unilateral action.

- **Ethical dimension**

- Ethically, the debate centres on proportionality, civilian immunity, and the morality of force for preventing future violence. There is a duty to protect citizens, but there is also a duty to prevent avoidable escalation and collateral suffering. Ethics therefore does not simply ask whether force was used, but how, against whom, for what purpose, and with what limits.

- **International dimension**

- Internationally, the issue sits at the intersection of terrorism, South Asian stability, US crisis diplomacy, China's regional role, and the norms of counterterror response. External powers often operate through a dual logic: condemn terror, but urge restraint to preserve stability. That means India's long-term security cannot depend on moral sympathy alone; it must rest on capabilities, diplomacy, and narrative credibility.

- **Economic dimension**

- Terrorism and military crises affect tourism, investor confidence, insurance costs, border trade, and fiscal priorities. Water-related tensions can also affect agriculture, hydropower, and regional ecological security. A prudent doctrine therefore seeks to punish enablers of violence without creating chronic instability that damages India's own growth trajectory.

- **NCERT linkages**

- **History**

- Class 12, *Themes in Indian History* and post-independence context taught alongside broader understanding of Partition and nation-building.
- Class 12, *Politics in India Since Independence* is especially relevant for India-Pakistan relations, wars, regional security, and democratic state response.

- **Political Science**

- Class 11, *Political Theory*: state, sovereignty, justice, rights, equality, citizenship.
- Class 12, *Contemporary World Politics*: security, South Asia, international organisations, globalisation, and new centres of power.
- Class 12, *Politics in India Since Independence*: challenges to the nation-state, regional aspirations, conflict management.

- **Economics**

- Class 11 and 12 NCERT discussions on development, state capacity, infrastructure, and public expenditure help students understand how security and economy are interconnected.

- **Geography**

- Class 11 India physical environment and drainage systems are relevant for understanding the Indus basin and water geopolitics.
- Class 12 human geography and resources help link water-sharing, agriculture, and regional livelihoods.

- **Linkages with UPSC syllabus**

- **GS Paper II**

- This is the strongest linkage. Topics include India and its neighbourhood, bilateral relations, international treaties, pressure groups and formal/informal institutions, and policies involving the Union and states in security contexts.

- **GS Paper III**

- Also a very strong linkage. Internal security, cross-border terrorism, role of external state and non-state actors, cyber and technology dimensions, security forces, border management, and disaster-like crisis preparedness all connect directly.

- **GS Paper IV**

- Ethics links are substantial: national interest, ethical limits of force, responsibility of public officials, proportionality, leadership under crisis, and balancing security with humanity.

- **GS Paper I**

- Indirect but relevant through post-independence consolidation, communal harmony, regional identities, and social consequences of conflict.

- **Way forward**

- **Strengthen deterrence without normalising escalation**

- India should preserve strategic ambiguity while avoiding a public doctrine that mechanically promises force after every provocation. Credibility comes from capability and judgment, not slogans.
- Build layered counterterror capacity
- Improve intelligence fusion across agencies.
- Strengthen border surveillance, drones, sensors, and counter-infiltration grids.
- Deepen terror-finance monitoring, data-sharing, and digital tracking.
- Invest in cyber, forensic, and information-warfare capability.

- **Use integrated statecraft**

- Military response should remain one option within a broader framework that includes diplomacy, international legal advocacy, sanctions-related tools where possible, narrative shaping, and domestic resilience.

- **Preserve crisis communication**

- Hotlines, DGMO channels, and diplomatic backchannels are not signs of weakness; they are tools of strategic control. In a nuclear environment, communication is part of deterrence itself.

- **Secure the water dimension responsibly**

- India should pursue lawful and strategic review of water arrangements while recognising the ecological and humanitarian significance of shared river systems. Water should be treated as a strategic lever with prudence, not as an impulsive instrument.





- **Protect social cohesion**

- Terror seeks not only casualties but internal fracture. The best response combines security firmness with communal harmony, constitutional patriotism, and support for affected citizens.





- **UPSC Mains General Studies**

- **2023 (GS3):** “What are the internal security challenges being faced by India? Give an account of the role of the state and non-state actors in such challenges.” (15 marks)
 - **2022 (GS2):** “India’s neighbourhood first policy is premised on the principle of asymmetrical responsibility. Critically examine its successes and limitations.” (15 marks)
 - **2022 (GS4):** “Discuss the role of ethics and values in the conduct of international relations with special reference to India’s neighbourhood policy.” (10 marks)
 - **2021 (GS2):** “Examine the role of the United Nations in resolving India-Pakistan disputes, with special reference to terrorism.” (10 marks)
 - **2020 (GS2):** “Cross-border terrorism is a threat to the entire South Asian region. Analyse the role of multilateral institutions in combating it.” (15 marks)
 - **2019 (GS2):** “How does the Indus Waters Treaty reflect the principles of equitable and reasonable utilisation of shared water resources? Discuss in the context of recent tensions.” (15 marks)
 - **2018 (GS3):** “India’s response to cross-border terrorism has evolved from strategic restraint to proactive operational strategy. Elaborate with examples.” (15 marks)
 - **2017 (GS2):** “Discuss the changing dynamics of India-Pakistan relations in the context of the nuclear factor and cross-border terrorism.” (15 marks)
 - **2016 (GS3):** “The surgical strikes after the Uri attack represent a paradigm shift in India’s counter-terrorism policy. Comment.” (12.5 marks)
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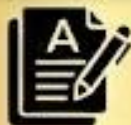
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