



The Monthly Magazine of CTAG

IN FOCUS

Article 370
Electoral Bonds
RTI Queries

Sensitization & Empowerment

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Centre for Transparency and Accountability in Governance (CTAG) empowers students, lawyers, and officials to enhance governance transparency and accountability. We promote quality research and offer free RTI training and consultation services.

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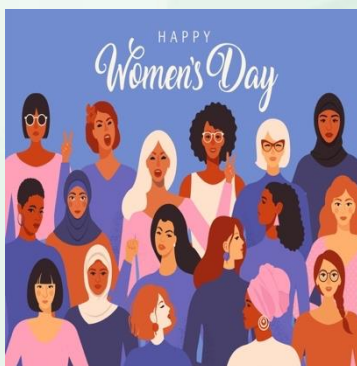
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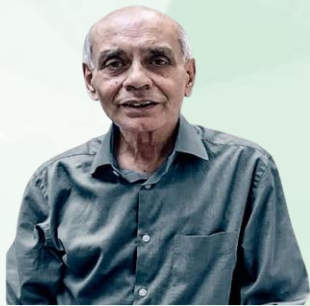
Our Mentors



Hon'ble N. Santosh Hegde, an ex-Supreme Court Judge, former SGI, & Karnataka Lokayukta.



Toby Mendel, founder of Centre for Law and Democracy & Senior Director at ARTICLE 19.



Commodore Lokesh Batra (Rtd.) served for 36 years in the Indian Navy, currently an RTI activist.



Shailesh Gandhi, only activist chosen as Central Information Commissioner (2008-2012).



Maj General Anil Verma (Rtd.) heads ADR and National Election Watch.



Venkatesh Nayak, CHRI India's Director. His journey includes Access to Information Programme.



Li Bin is Professor at Beijing Normal University & member of International Institute of Space Law (IISL).



Prof. M Sridhar Acharyulu is former Central Information Commissioner & Advisor, Mahindra University.



From the Desk of the Director



Dear All,

I am thrilled to introduce you to our exciting new venture, "TAG" – Transparency and Accountability in Governance. TAG is not just a magazine; it's a bold initiative aimed at reshaping the discourse surrounding matters of governance, policy discussion, and accountability. Our motto, "SEE" – Sensitise, Empower, Enforce, encapsulates the essence of our mission and underscores the significance of our endeavour.

At TAG, we firmly believe in the power of information and awareness to drive positive change in governance. Our aim is to Sensitise individuals and communities to the complexities of governance, making them aware of their rights and responsibilities. Through in-depth analysis, insightful articles, and thought-provoking editorials, TAG will serve as a beacon of knowledge and understanding, helping citizens engage more effectively with the political and administrative processes that shape their lives.

Empowerment is at the heart of our vision. We strive to Empower citizens by providing them with the tools, knowledge, and resources they need to actively participate in the decision-making process. We will feature success stories, best practices, and case studies from around the world to inspire individuals and communities to take action, drive change, and hold their governments accountable.

Enforcement of transparency and accountability is the cornerstone of any thriving democracy. At TAG, we are committed to highlighting instances of both exemplary and lacking governance practices. We will scrutinize policies, investigate irregularities, and foster a culture of vigilance. By shining a light on areas that demand improvement and celebrating achievements in transparency, we aim to Enforce a higher standard of governance across the board.





Our magazine will serve as a platform for open and constructive dialogue. We will bring together diverse voices, including experts, policymakers, activists, and concerned citizens, to engage in informed discussions and debates. TAG will be a trusted source of information that transcends political boundaries, fostering a united commitment to strengthening governance worldwide.

In a world where transparency and accountability are vital for the well-being of societies, TAG aspires to be a driving force behind positive change. We invite you to join us on this transformative journey, to contribute your insights, and to be part of a global community that believes in the power of SEE – Sensitise, Empower, Enforce.

Thank you for your support and enthusiasm. Together, we can make governance more transparent, accountable, and responsive to the needs of the people.

Warm regards,

Prof. (Dr.) Jeet Singh Mann

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Judgement IN RE: ARTICLE 370 OF THE Constitution

A five-judge constitution bench comprising Chief Justice of India DY Chandrachud, Justices Sanjay Kishan Kaul, Sanjiv Khanna, BR Gavai, and Surya Kant passed the judgment on December 11, has unanimously upheld the abrogation of Article 370 but directed that the statehood of Jammu and Kashmir be restored "at the earliest" and "as soon as possible".

CJI Chandrachud said: "We direct that steps shall be taken by the Election Commission of India to conduct elections to the Legislative Assembly of Jammu and Kashmir constituted under Section 14 of the Reorganisation Act by 30 September 2024.

The court also has upheld the validity of the Union Government's 2019 decision to repeal the special status of Jammu and Kashmir (J&K) under Article 370 of the Constitution. The court held that the State of J&K had no internal sovereignty and the concurrence of the State Government was not required to apply the Indian Constitution to the State of J&K. It was held that Article 370 was a temporary provision.

Important Issues before the Supreme Court are:

- Whether provisions of Article 370 are temporary or whether they acquired the status of



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- permanence?
- Whether amendment to Article 367 through the exercise of power under Article 370(1)(d) to substitute the reference to 'constituent assembly' by 'legislative assembly' is constitutionally valid?
- Whether entire Constitution of India could have been applied to J&K under Article 370(1(d))?
- Whether abrogation of Article 370 by the President invalid for lack of recommendation of J&K Constituent Assembly as mandated by the proviso to clause (3)?
- Whether the proclamation of the Governor dissolving the legislative assembly of the state constitutionally valid?
- Whether the Proclamation of Presidential rule imposed in December 2018 and subsequent extensions valid?
- Whether the J&K Reorganisation Act 2019 bifurcating the State into two Union Territories constitutionally valid?
- Whether during the tenure of proclamation under Article 356 and when the



legislative assembly of the State is dissolved, the status of J&K and its conversion into UT valid exercise of power?

The Conclusions which were the basis of the Judgment

The Bench Supreme Court has considered each question (or issue) that was examined based on the arguments and several conclusions of the Judges, forming into final 'judgement.

The points above are not by the numbers but the substantive points were answered as follows.

The Validity of President's Rule (No need to adjudicate on the validity of the President's Rule)

The court held that it need not adjudicate on the validity of the presidential proclamations announcing the President's Rule in the State since petitioners did not challenge the same. In any case, the court found that no material relief could be given as the President's Rule was withdrawn in October 2019.

Cannot be challenged (When a State is under President's Rule cannot be challenged?)

The court held that there were limitations on the power of the Union and States when the proclamation of presidential rule was in force. It stated that the scope of the power of the Union depends on the circumstances.

The court added that the exercise of power under Article 356 must have a reasonable nexus with the object of the proclamation. Further, the court stated that there were innumerable decisions taken by the Union on behalf of States. Thus, it added, "*Every decision taken by Union on behalf of State during Presidential rule not open to challenge...this will lead to the administration of state to a standstill...*"

The court rejected the argument of petitioners that the Union cannot take actions with irreversible consequences in the State during Presidential rule. Further, the argument of the petitioners that the Parliament can only make the law-making powers of the State when the Presidential rule was in force was also not accepted.

However, the court held that the exercise of the President's power after the proclamation is subject to judicial review. It was held that the power of Parliament under Article 356(1) to exercise powers on behalf of the State Assembly was not restricted to law-making powers.

The Power of Sovereignty (When it joined the Union of India, Jammu and Kashmir did not retain.)

The court stated that the Proclamation of Maharaja stated that the Constitution of India will supersede. With this, the court added that the paragraph of

Instrument of Accession ceased to exist.

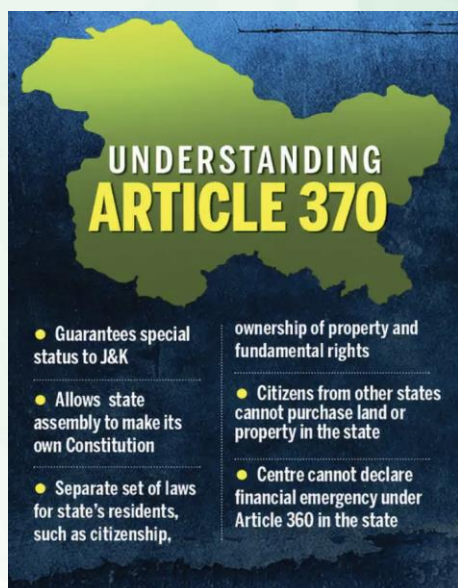
The constitutional setup did not indicate that Jammu and Kashmir retained sovereignty.

It was also stated that there was a clear absence in the Constitution of Jammu and Kashmir to the reference of sovereignty and that the State of Jammu and Kashmir became an integral part of India is evident from Articles 1 and 370 of the Constitution of India.

The CJI stated– "*All States in the country have legislative and executive power, albeit to differing degrees. Articles 371A to 371J are examples of special arrangements for different states. This is an example of asymmetric federalism.*" It added that Article 370 was a feature of asymmetric federalism and not sovereignty.

Nature of 'temporary provision' (Article 370 is a temporary provision)

The CJI, in his judgment stated that Article 370 was held to be a temporary provision on a historical reading, as per which it was a transitory and temporary provision. The court added that the power of the President under Article 370(3) to issue a notification that Article 370 ceases to exist subsists even after the dissolution of the J&K Constituent Assembly. The recommendation of the Constituent Assembly was not binding on the President. It stated that the J&K Constituent



Assembly was intended to be a temporary body. When the constituent assembly ceased to exist, the special condition for which 370 was introduced ceased to exist but the situation in the state remained and thus the article continued. The court found that holding that the power under Article 370(3) ceases to exist after the dissolution of the J&K Constituent Assembly would lead to the freezing of the process of integration. Therefore, the power under Article 370(3) did not cease after the J&K Constituent assembly ceased to exist.

Constitution of India and Concurrence of State Government (Not required to apply all provisions of the Constitution of India to J&K by Article 370(1)(d))

The CJI stated— "This court cannot sit in appeal over the decision of the President of India on whether the special circumstances under

Article 370 exist...History shows the gradual process of constitutional integration was not going on...It was not as if after 70 years Constitution of India was applied in one go. It was a culmination of the integration process." Accordingly, it was held that all provisions of the Constitution of India could be applied to J&K using Article 370(1)(d) in one go. In furtherance of the same, it was held that the exercise of Presidential Power was valid. The principle of consultation and collaboration was not required to be followed for the exercise of Presidential power and the concurrence of the State government was not required to apply all provisions of the Constitution using Article 370(1)(d). Thus, the President taking the concurrence of the Union Government was not mala fide. The views of the State legislature under Article 3 proviso were recommendatory.

Moreover, Justice SK Kaul, in his judgment, stated – "The purpose of Article 370 was to slowly bring Jammu and Kashmir on par with the other States of India. Requirement of recommendation of J&K Constituent Assembly cannot be read in a manner making the larger intention redundant."

Invalidity of CO 272 (Altering Article 367 is Ultra Vires Article 370.)

The majority judgment stated that while the change sought to be made by CO 272 appeared to be to Article 367 at the first blush, it effectively changed Article 370. The court found these changes to be substantive. The court stated that the interpretation clause could not be modified to amend an Article bypassing the amendment process. "We have therefore held that the amendments made to Article 370 by taking recourse to Article 367 as *ultra vires*," stated the court while holding that the interpretative clause could not be used to bypass the specific route for a constitutional amendment.

"Permitting such amendments by such a surreptitious method would be disastrous," stated the court. Additionally, the court stated that Article 370 could not be amended by exercise of power under Article 370(1)(d). Concurring with the view taken by the CJI in the matter, Justice SK Kaul in his judgment, stated— "Regarding the amendment of Article 370 using 367, I have said when a procedure is prescribed, it has to be followed. Amendment through the backdoor not permissible". However, the finding of this issue did not materially affect the outcome, since the Court held that the recommendation of the J&K Constituent Assembly was not required for the President

to declare Article 370 as inoperative.

Validity of J&K Reorganisation Act 2019 (Not necessary to be adjudicated upon, reorganization of Ladakh)

The court noted that the SG had submitted that the statehood of J&K would be restored and the status of UT was temporary for J&K. Given the submission made by the SG, the court stated that it did find it necessary to determine whether the reorganization of J&K into UT was valid. The reorganization of Ladakh as Union Territory was upheld as Article 3 allowed a portion of the State to be made as UT. The question of whether Parliament can convert a State into a Union Territory was left open.

Statehood of J&K (Restored it at the earliest)

The court directed that steps shall be taken by the Election Commission of India to conduct elections to the J&K assembly by September 30. Further, it stated that the restoration of statehood shall take place as soon as possible.

Most important conclusion is that 'given the submission of the Solicitor General the Union' will restore the statehood of J&K as soon as possible. This means a lot on dependence upon the system. And the Court did not adjudicate upon the validity of the reorganization of J&K into Union

Territory (UT). However, the carving out of Ladakh as UT was upheld. In the process the altering Article 367 is Ultra Vires Article 370! It also means, that this altering is the final stroke at the failing rule of law.

REVOKING ARTICLE 370



BEFORE	NOW
● Special powers exercised by J&K	● No special powers now
● Dual citizenship	● Single citizenship
● Separate flag for Jammu & Kashmir	● Tricolour will be the only flag
● Article 360 (Financial Emergency) not applicable	● Article 360 will be applicable
● No reservation for minorities such as Hindus and Sikhs	● Minorities will be eligible for 16% reservation
● Indian citizens from other states cannot buy land or property in J&K	● People from other states will now be able to purchase land or property in J&K
● RTI not applicable	● RTI will be applicable
● Duration of Legislative Assembly for 6 years	● Assembly duration in Union Territory of J&K will be for 5 years
● If a woman from J&K marries out of state, she would lose the citizenship of the state	● If a woman marries out of state or country, she will still retain all her rights and Indian citizenship
● Panchayats did not have any rights	● Panchayats will have the same rights as in other states
● Right to Education (RTE) was not applicable	● Children in the state will benefit from RTE

Institutionalization of Social Dialogue in India: L20 Declaration & Future Labour Reforms

Recently an interesting labour document of multi-national importance came to the fore. It is called as L20 Declaration. L20 was sub group of what is known as G20 (a congregation of world's 20 largest economies). Labour 20 or L20, a specialised grouping of this multinational G20 consist of all stakeholders and representatives of World of Work from Labour Minsters to Trade Unions to the employer groups. This L20 Declaration was mission and vision statement of all stakeholders of industrial relations namely Union, Business and the Government in these 20 largest economies.

L20 joint declaration with B20 (subset of G20 as Industrialist and Business sub-grouping) underlined centrality of 'Social Dialogue' to not only deal with upcoming challenges from 'world of work' but also guiding principles that are fundamental in promoting social justice, social peace, decent work and sustainable enterprises.

The centrality of 'social dialogue' to evolve public policies in relation to employment relations of world of work can be gauged from the fact that L20-G20 declaration uses 9 times the term 'social dialogue' in dealing with new forms of work. The key message of Delhi



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declaration are social justice and social peace that are also foundational values of Indian constitution. L20-B20 joint statement puts social dialogue at centre stage to attain those values.

But question arises what was the need for India as Host and agenda setter of such multinational congregation to emphasise the social dialogue as end and means of peaceful, productive and just industrial and employment relations.

In particularly in context of India, it can be safely said that as a founding member of ILO, India boast of labour movements, industrial adjudication or labour

law governance since the early days of its industrialisation in India during Colonial times of late 19th century. The State intervention to ensure labour justice, cordial industrial relations and fair employment relationship is as old as more around 150 years when the British Government first enacted the first statute to regulate young children below 7 years to work in factories owned by the Crown in 1881. The Act was called The Indian Factories Act 1881 with the object 'An act to regulate labour in factories'. India provides an exhaustive statutory and executive apparatus to contain industrial conflicts and discord and maintain productive, peaceful and harmonious



industrial and employment relationships but yet reports and data on situation of industrial relations in context of India is dismaying and far from satisfactory. The new challenges from world of work like Artificial Intelligence, continuous technological upgradation, Gig Workforce, ever increasing rate of labour migration, national or international et al keeps even Labour Law Reforms behind when it comes to conceive new challenges and problems that are arising out of employment relations in this era of World of Work.

In nutshell provisions of the Industrial Disputes Act 1947 provides prompt and comprehensive machinery to nip strikes in bud by way of active intervention, conciliation and settlement. The Industrial Laws provides pre-emptive action of conciliation officer (Labour Commissioners) to be swift and clinical in their response to contain the industrial conflict by bringing all the concerned parties to the talking table and join efforts and energy to forestall the Industrial unrest.

In case if management and workers or their representatives comes to stalemate in conciliation, The Industrial laws provides for competent bodies of Industrial Tribunals and Labour Courts presided over by the erstwhile Judges to intervene into disputes and discords of employment relations and determine through

adjudicatory process.

Yet news keep coming that indicate that all is not well with industrial life in India. All the laws, regulations, policies and means and methods of dispute prohibition and settlement is not adequate.

As on date, all these discords and conflicts continue even though there exist almost 44 Labour Laws of Central Government and many other corresponding laws of the State Governments (Labour Codes replace these plethora of laws) and a number of authorities to mediate and adjudicate over each and every aspects of employment and labour relations so that a productive, harmonious and unimpeded environment of industrial relations exists.

Following incidents and newspaper reports are pointers in illustrating the inadequacies and gaps in imagination of governance of industrial and employment relations;

- A trusted government news agency PTI reports on 1 May 2023 'The employee union of General Motors India has called for a chain hunger strike as 1,000 permanent workers of General Motors are not being employed by the new company (Hyundai) at Talegaon Unit Maharashtra India. Or it related to pay and benefits of workers as The Financial Express reports (21 September 2023) 'Trade unions call for 3-day strike in Coal India over wages or it relates to status of contractual and casual workers like TOI reports in

'Contractual employees of PRTC, Punjab Roadways end state-wide over matter of regularisation and salary hike.

- According to report of Deccan Herald (March 12, 2021) 'India lost 36.94 lakh man-days in 210 strikes and lockouts in public and private sectors in the past three years with south Indian states Kerala, Tamil Nadu and Karnataka topping the list, according to Ministry of Labour and Employment data. 'The public sector lost the highest number of man-days at 19.91 lakh between 2018 and 2020 though the number of strikes was less compared to the private sector. The private sector lost 17.03 lakh man-days. The public sector witnessed 89 strikes during this period while the private sector saw 89 strikes, the report prepared by the Ministry of Labour using the returns and clarifications received by the Labour Bureau.

- In January 2023, The National Daily the Hindu reports 'The United Forum of Bank Unions (UFBU) has called a nationwide bank strike on January 30 and 31 to demand the introduction of a five-day working week, adequate recruitment in all cadres, reverting to the old pension scheme and others.'

- The Reuters reports in October 2023 'The All India Road Transport Workers' Federation and the Tamil Nadu Urimai Kural Driver Trade Union on Monday began a two-day strike in the state



which caused severe inconvenience to the public.

The above examples are few of the many instances of industrial conflict and dispute between the management and workers that resulted over the last year due to either non-availability of mechanism to contain them or the sheer ineffectiveness of such mechanisms of social dialogue in India.

Now Question arise what is social dialogue ?

ILO defines social dialogue as ‘social dialogue includes all types of negotiation, consultation or information sharing among representatives of governments, employers and workers or between those of employers and workers on issues of common interest relating to economic and social policy.’ It is a very broad based definition involving all spectrum of joint engagement and action between workers, management and the Government. Further ILO expands the body of social dialogue as ‘Social dialogue is both a means to achieve social and economic goals and an objective in itself, as it gives people a voice and stake in their societies and workplaces. It can be bipartite, between workers and employers as “the social partners” or tripartite, including government.’

The European Commission defines social dialogue as ‘European social dialogue is a component of the European social model. It encompasses

discussions, negotiations and joint actions carried out by the European social partners. European social dialogue is at the heart of European Union governance.’

As on date there is no national definition of Social Dialogue in India though India has very clear and firm stand on the importance of social dialogue as an important and essential tool for resolving important economic and social issues, promoting industrial peace and stability and contributing to economic progress.

Following Statement by India on Agenda item 6, Point 1 - Social Dialogue and Tripartism during the 107th session of International Labour Conference 2018 recognizes the importance of meaningful social dialogue for attaining healthy industrial relations. India always emphasize the ratification of the ILO Convention No. 144 concerning tripartite consultation. The Committee on Conventions, a tripartite body, in India critically examines the gaps between the current legislative statutes in the country vis-a-vis the provisions of ILO conventions under examination for ratification by India and thus provide a road map for important ratifications.

India rallies behind its legislative framework and statute like the Industrial Disputes Act, Trade Union Act, Employee Provident Fund Act, ESIC Minimum Wages Board, Contract Labour Board and other statutory acts to illustrate

how Indian Labour laws provide for elaborate tripartite set up for effective social dialogue in the sphere of dispute settlement, occupational safety and health; wage fixing and social security in a way of tripartite consultation at various levels, establishment, industry, sectoral as well as national.’

India is also actively championing new Labour Codes that are creature of long standing demand of labour law reforms that contain several features that would go long way to formalise the institutions of social dialogue in India. I would carefully now move forward to analyse existing as well as NEW Labour Codes to institutionalise Social Dialogue in India.

Existing Legal Framework

India has robust system of labour law governance that not only ensures protection and promotion of rights of workers as to their wages, social security, safety, health and association but also provides for consultations and joint decision making while determining terms of employment and service conditions of the workers.

Industrial Disputes Act 1947 is legislation to provide for speedy and effective settlement of grievances, conflicts and disputes. The I.D Act provides for a detailed multi layered machinery of investigation and settlement of labour disputes and redress unfair practices in employment.

The Act provides for a joint body



of workers and management at the plant level to discuss and resolve technical as well as other matters of common interest. This joint body lay foundation of nascent form of social dialogue in bipartite form at shop floor level. The composition, structure and participation in this committee is ensured to elicit more and more participation from both sides and inculcate a genuine and effective social dialogue.

Grievance Redressal Committee is another major structure of social dialogue and joint decision making at plant level. This joint body of union and management is first port call to address to the grievance of an individual worker or workers before they escalate to be conflict or dispute. Under New Industrial Relations Codes, worker or workers have to necessarily raise the grievance before this joint body before they proceed on conciliation or adjudication by the third party.

The Act provides proactive, speedy and effective institution of conciliation and mediation by trained officers to contain the dispute and determine it expeditiously before it threatens routine industrial life. The onus on conciliation officer is to facilitate the parties to come to solution of the industrial controversy by using means and methodology of persuasion and communications.

The Act also allows and facilitates union and management to develop their own solutions to the industrial disputes even though

formal channel of third party intervention in the dispute is simultaneously rolling.

The Act cast in legal stone that strike cannot be resorted to unless and until formal channel of dialogue and conciliation of issues of controversies and conflict between workers and management are taken recourse to.

Industrial Adjudication as right based approach to dispute determination is provided as last resort in the Act. Once the bipartite, tripartite non-adjudicatory methods of social dialogue do not succeed to determine the dispute, the Act provides for adjudication of dispute through Industrial Tribunal and labour courts as specialised forum for labor disputes. Even when industrial discord is lying for adjudication the Act do not exclude scope and reach of social dialogue to come to a joint solution even at eleventh hour. The Act provides that management and union can settle the controversy by way of social dialogue and pray the Tribunal to formalise such settlement in its Award.

In end, it can be concluded that Industrial Dispute Act provides whole range of possibility to investigate and settle the dispute in amicable way through social dialogue.

Another poster boy statute that India relies upon in its effort to prove its commitment to the structure and process of social dialogue is Trade Union Act. The

International Convention on Right to Organise, Associate and Collective Bargaining under patronage of ILO, more eminently known as C87 and C98, have not been ratified by India. These set of convention provided fortified support to the basic requirement of free and empowered social dialogue i.e. inalienable right to associate and organise for collective interest by workers.

Still, Being in Ministry for so long, I can declaim that such handicap that arise out of non-signing is always compensated by India that Trade Union Act meets the requirements of spirit of C87 and 98 . Many a time, the Ministry replying to the International Agencies like Freedom Index or The Economist Democracy Index on their query of status of civil and political liberties of trade union to organise and agitate, mentions ILO has never adversely pointed the Trade Union Act or existing practices of registration and recognition of the Trade Union in India.

Trade Union Act certainly lay a very heavy and strong stone for protection and promotion of collective rights of workers to form unions, associate, agitate and collective bargain with employers. The Act also provide statutory recognition to the collectivises of employer. From bare minimum requirement of 7 members to form Union to outline basic documents for showing internal democracy to conferring various immunities from civil and criminal liability,



The Trade Union Act truly establish an industrial democracy in India. The Act ensures that Trade Union emerge as well organised, informed and empowered social partner in the process of social dialogue with employers.

Next big item in legal framework to establish environment of social dialogue in India is the Standing Order (Industrial Employment) Act. This Act ensures participation of workers and Union in formulation of terms and conditions of employment. The joint forum of union and management review each item in the agenda of standing order and submission for certification by the officer under Ministry of Labour and Employment.

Joint formulation of Standing Orders and involvement of Tripartism is mechanism to ensure that social dialogue is formalised in employment relations at plant level.

These three Acts are major statute that ensure formal or informal level of social dialogue in employment and industrial relations at micro and miso level in context of India.

Structure of Social Dialogue at Macro Level

In context of India, the social dialogue institutions at macro level are of two origin

- i) Customary Origin
- ii) Statutory Origin

Indian Labour Conference and Standing Labour Conference are first two primary customary

institutions of social dialogue in tripartite manner. The Ministry of Labour and its social partners i.e. business associations and union discuss and engage on each and every issues of industrial and employment relations at national level. These Conference, in past, were very significant in highlighting the emergent issues that were disturbing or have potential to disturb harmonious and peaceful industrial relations at regional or national level. The items of discussion at such conference in past would lead to appropriate law making .

Secondly there are three Standing Tripartite Committees working under patronage of Ministry of Labour relating to Plantation, Motor Transport and Sales Medical. There were constituted with specific agenda to highlight the matter of importance in these industries.

Sadly all the above institutions of social dialogue at national level has been rendered dormant for almost decades and no meetings have taking place since long.

Under Statute like ones pertaining to Building and Construction Workers, Minimum Wages, Contract Labour, Social Security Fund, several boards are constituted with a view to regulate the specified matter therein.

The composition and participations of these Boards are pre-determined in the law itself and there locale is either at national or regional level. The concerned Act has taken full care

to compose these Boards with adequate representatives of employers and workers with presence of Government official in the chair. These Boards also have independent expert members to better shape the dialogue and bring their expertise to common discussion.

These Boards do meet to discuss once and while the agenda as specified in the concerned Act and attain their objective but there roles have been merely customary and mechanical wherein the Government has the final saying. These Boards have been reduced to meet only technical requirement of the law rather adding any substantive value to the industrial and employment relations.

Labour Codes and the future of Social Dialogue in India

The Industrial Relations Code 2020 have brought level of collective bargaining and social dialogue at much high pedestal. First of all separate chapter by name Bipartite Forum has been introduced wherein Works Committee and Grievance Redressal committee have been given more role and responsibility along with authority.

Secondly the Code recognises collective Bargaining as cornerstone of peaceful and productive industrial relations. With the introduction of workers collective body to be called as negotiating union or council, the most important social partner of the process of social dialogue has been empowered and leveraged to



carry out negotiation, consultations and information sharing.

Industrial Adjudication has to be avoided before a carefully outlined process of bipartite social dialogue is not exhausted.

Whether the Codes are sufficient?: Challenges yet unmet

No doubt the Labour Codes have given a good start to reinvigorate the process of social dialogue yet challenges still remain

- Though the Government has made its commitment to process of social dialogue and international convention in this regard under ILO yet there are merely piecemeal approach towards institutionalisation of social dialogue

- Secondly The Government has not yet outlined its national policy for social dialogue that would provide much needed guidelines across region, sectors and industries to adopt the process of social dialogue

- The Codes merely protect plant or enterprise level social dialogue process but national level social dialogue are yet unattended. Suspension of ILC, SLC and Industrial Tripartite committees are not functional if the country has to make social dialogue as cornerstone of good governance and its commitment to G20 declarations.

- Collective bargaining in India is still in its premature stage wherein it is restricted to only few industries like Banking, Mining

Plantation primarily other sectors like manufacturing, service are yet surviving in blank space wherein neither they are covered under the minimum wage protection not have safety cover of collective bargaining.

- The biggest challenges before India is hardened nexus of informal sector, migrant workers and building and construction activities. Studies in this regard shows that all the aforementioned attributes are generally coincidence and workers are deprived of the benefits as due to their vulnerabilities. Migrant workers are present in informal works in overwhelming numbers. Building and construction activities run by series of petty contractor employ these migrant workers at most compromising conditions of pay and safety. The same is true for service sector and newly emerging gig economy. These workers neither organised nor have any say in the safety committees that are formed for them

Way Ahead

It is a common knowledge that economy of India is undergoing structural and rapid change. Now it is set to become Third largest economy by 2030 by international estimates. We are witnessing onslaught of technology, sophisticated organisation, new forms of works, high mobility, new value system based on achievement and wealth, contractualisation and

casualization of workforce and high degree of informalisation as cost cutting measure.

India has also decided to be more on governance than on government and voter of self-certification by employers than heavy inspector Raj. In such environment of deregulation and community driven governance it is natural that collectivises of the citizen (in our case workers) are simultaneously empowered and elevated.

If Government is shy to regulate the employment relations, then let the alternative institutions take the vacuum. Social dialogue is such stop gap arrangement that would not only empower social partners to set their own mutually agreed terms of engagement but also will fulfil goal of good governance and inclusive development. The statutory efforts of the Government must be directed towards not only seeding the saplings of social dialogue but provide are institutional and legal fertilizers to let the tree of Social India just like project of SOCIAL EUROPE.

Resolving RTI Queries by S.C. Agrawal

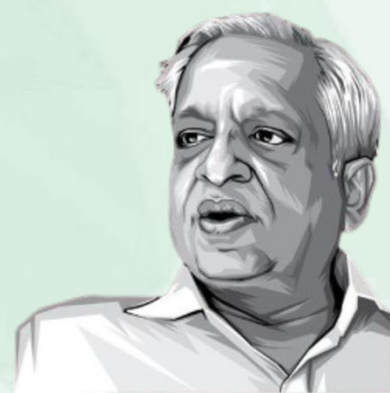
(To ask the expert, use the following form)

Q1. Hello! How much time does CIC take to dispose my second appeal under the RTI Act?
[Anonymous]

Answer: Under Section 19(3) of the RTI Act of 2005, a second appeal against a decision issued by the First Appellate Authority (FAA) under Section 19(1) must be lodged within 90 days of the expected or received judgement date. Section 19(6) requires that appeals under Section 19(1) be handled within 30 days of receipt, which can be extended to 45 days with valid reasons. However, there is no time restriction for resolving second appeals filed with the Central Information Commission (CIC) or the State Information Commission (SIC) under Section 19(3).

Q2. 1) Hi, my second appeal (filed on 10 February) is still pending with the CIC. I filed an RTI asking for comments submitted by the public on the non-personal data governance framework. As per my research, the best case scenario involves the CIC passing an order for the reconsideration of the RTI. Post reconsideration, the CPIO says no again. Two questions:
1) Is there anything I can do to expedite the consideration of my second appeal?
2) Do you have any advice on how to navigate a refusal even after the CIC sends the matter back for reconsideration? [Anonymous]

Answer: There is no way that CIC takes your petition for priority hearing. Some Commissioners however consider taking petitions of senior citizens for priority hearing. Your second query is hypothetical.



Subhash Chandra Agrawal is an RTI activist holding Guinness World Record for having written the most published letters to newspaper editors.



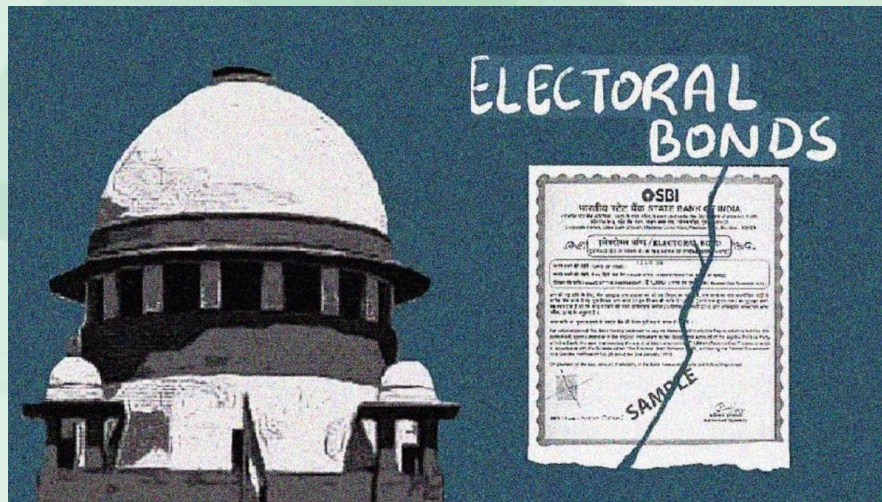
Case Analysis Association for Democratic Reforms v. UOI, 2024 INSC 113

The Finance Act 2017 modified the RBI Act to allow scheduled banks to issue electoral bonds, previously a prerogative of the RBI or government-authorized entities. The Electoral Bond Scheme Judgment delves into the constitutional challenge against the Scheme and the Finance Act 2017 amendments, questioning their impact on the democratic principle of transparent political funding.

Issues – The issues that arose before the Hon'ble Court through these petitions were, firstly, whether unlimited corporate funding to political parties, infringes the principle of free and fair elections and violates Article 14 of the Constitution and Whether the non-disclosure of information on voluntary contributions to political parties under the Electoral Bond Scheme, is violative of the right to information of citizens under Art. 19(1)(a) of the Constitution.

Submissions – Petitioner

The petitioner primarily contests the rationale behind electoral bonds, noting the continued allowance of cash donations despite claims of enhancing transparency. They condemned the noncompliance with regulatory agencies' objections and declared non-disclosure terms unconstitutional, citing interference with democratic principles, voter rights breaches,



and the encouragement of corruption. The amendments and Electoral Bond Scheme undermine fair elections by allowing unlimited corporate contributions without disclosure. Freedom to vote includes access to relevant financial information. The Union's argument for judicial restraint is flawed as electoral process rules are at stake, not economic policy. Corporate funding violates citizen rights. Bonds permit unrestricted fund use, distorting democracy by favouring contributors over voters. Information asymmetry benefits the ruling party. Amendments allowing non-disclosure violate the right to information. The intrusion on information privacy lacks proportionality, as political funding inherently involves public acts subject to scrutiny. Excessive delegation in the RBI Act the right to political funding information, which critics argue doesn't align with permissible

grounds for restriction under Article 19(2) of the Constitution. Additionally, objections are raised against statutory amendments enabling non-disclosure of political funding information by companies, questioning transparency and accountability. Opposition also emerges regarding the discriminatory and non-transparent nature of the Electoral Bond Scheme, conflicting with existing laws requiring transparency in fund sourcing. Further arguments contest the removal of transparency requirements for company contributions to political parties, amendment renders it unconstitutional due to lack of clarity. Firstly, concerns arise regarding the Electoral Bond Scheme's efficacy in curbing black money due to loopholes allowing de facto trading despite prohibitions. Secondly, there's contention over the restriction of



essential for informed shareholder decision-making. International perspectives on political funding transparency underscore the global consensus on its importance. Moreover, concerns are voiced about the potential impact of the Scheme and amendments on regional and marginalized political parties, with assertions of disproportionate favouritism towards major entities. Lastly, challenges are made to the presumption of constitutionality of electoral laws, considering the vested interests of incumbent legislators in shaping these laws.

Submissions of Union of India –

The Attorney General for India argues that political parties are vital to democracy and should receive financial backing. They support the Electoral Bond Scheme for promoting transparent donations through banking channels, ensuring clean contributions. They contend that citizens don't have an absolute right to know political funding details, emphasizing the importance of informed voter choice. Additionally, they suggest that legislative, not judicial, action should address corporate influence on parties. Furthermore, The Solicitor General of India argues that the Electoral Bond Scheme improves upon the prior cash-based political donation system, curbing black money infusion and safeguarding donor privacy. The scheme mandates disclosure of donations by political parties and

public companies, promoting transparency while protecting privacy rights. It aims to shift to a regulated digital donation framework, with provisions to prevent misuse and ensure banking channel transactions. The scheme's conditions aim to prevent ghost political parties from receiving funds and limit cash circulation. Maintaining donor anonymity balances the right to privacy with the public's right to know. The amendments aim to curb cash donations, remove contribution limits to deter shell companies, and ensure KYC compliance and confidentiality of bond buyers' information. The Court recognizes legislative discretion in economic matters and acknowledges that disproportionate support for one party does not invalidate the scheme.

Scope of judicial review:- The Union of India asserts judicial restraint is warranted in challenges to the Electoral Bond Scheme and related amendments, citing precedents favouring deference in economic matters. The petitioners argue against the presumption of constitutionality, asserting the unneeded rigorous review given the electoral context. The Court reasoned that while the Union claimed these amendments were economic policy, they primarily pertained to electoral processes. The Court highlighted that the amendments sought to regulate electoral financing and permit corporate funding to political parties, aspects not purely

economic.

Moreover, correspondence between the Ministry of Finance and RBI suggested that the amendments were aimed at curbing black money in elections rather than purely economic objectives. Additionally, the Union itself classified the amendments as "electoral reform." Consequently, the Court rejected the Union's argument that the amendments were solely economic, indicating a need for thorough judicial scrutiny.

The close association of politics and money

The absence of regulations on contributions to candidates while outlining expenditure caps for candidates in elections under Section 77 of the RPA and Rule 90 of the Conduct of Election Rules 1961 is fairly elucidated in the judgement. It underscores the dichotomy in the legal framework, regulating contributions to political parties but not to candidates directly. Money's substantial impact on electoral politics, influencing voter behaviour through campaign expenditure and candidate selection, is highlighted. The judgement while referring to judicial precedents like *Kanwar Lal Gupta v. Amar Nath Chawla* and *Vatal Nagaraj v. R Dayanand Sagar*, critiques the role of money in elections, noting its potential to skew fairness. Additionally, it touches upon *Common Cause (A Registered Society) v. Union of India*, which emphasizes the potential dishonest use of money in elections and the lack of



transparency in political funding. The argument asserts that electoral finance regulations must consider the influence of money on electoral democracy, necessitating scrutiny of the impact of money on politics while adjudicating on statutory amendments and the Electoral Bond Scheme. The bottom line here is that when it comes to election finance laws, it's not just about what they say on paper—it's about how they affect the democratic process.

The challenge to non-disclosure of information on electoral financing –

1. Infringement of the right to information of the voter

The Hon'ble Court explores how changes in electoral financing laws and the introduction of the Electoral Bond Scheme impact voters' right to information. It mentions specific legal sections like Section 29C of the Representation of the People Act (RPA), Section 13A of the Income Tax Act, and Section 182 of the Companies Act. The Apex Court reasonably looks at the evolution of the right to information, linking it to Article 19(1)(a) of the Constitution, with references to important cases like Association for Democratic Reforms (ADR) and People's Union for Civil Liberties (PUCL).

The Hon'ble Court emphasizes the importance of voters having enough information about candidates, rejecting the idea that candidate details aren't "public information." The court asserts

that voters should have access to information about candidates, like their criminal records and assets, to make informed decisions. This shows the court's commitment to transparency and accountability in elections, ensuring voters can actively participate in democracy. The Hon'ble Court further observed that the Election Commission of India's authority to request disclosure of political parties' expenditures to uphold the integrity of elections. While this observation was made, it wasn't reflected in the court's decision. Following the ADR case, Parliament amended the Representation of the People Act (RPA) to include certain directions issued by the court. However, in the PUCL v. Union of India case, it was found that Section 33-B of the RPA, which sought to render the court's judgment inoperative, was unconstitutional. Justice M B Shah and Justice Venkatarama Reddi opined that voters have a fundamental right to essential information about candidates, particularly regarding their criminal records, assets, and liabilities.

Justice Reddi emphasized that certain aspects of disclosure, like criminal records and financial information, are crucial for voters' right to information, while others, like educational qualifications, are less relevant. The court underscored that the right to privacy of candidates must be balanced with the public interest in transparency.

Ultimately, the petitioners argued that the non-disclosure of information about political party funding violates voters' right to information under Article 19(1)(a). The court is tasked with determining whether disclosure requirements for candidates should extend to political parties and whether information about party funding is essential for informed voting. The legal arguments revolve around the right to voter information, particularly about candidates and political parties. Court decisions like ADR and PUCL emphasize voters' right to essential information for informed voting. The debate questions whether political parties' funding details are crucial for voters. Despite the Constitution not initially mentioning political parties, they play a significant role in elections, as seen through the Election Symbols Order, which aids voters in identifying parties. Political parties' symbols and manifestos influence voter decisions, showcasing their importance in the electoral process. Additionally, India's government system and anti-defection laws highlight the central role of political parties. In summary, political parties are integral to India's democratic electoral process due to their association with voting, their role in government formation, and legal frameworks like the Tenth Schedule.



The challenge to non-disclosure of information on electoral financing

Deciding on the question of Whether the infringement of the right to information of the voter is justified the court delves into the proportionality standard. After laying out four requirements of proportionality standard, the court lays down that, the state needs to discharge two burdens. Firstly, State must demonstrate that the objective is legitimate. Secondly, that the law is indeed in furtherance of the legitimate aim that is contended to be served. The state had argued that the main purpose of the Scheme is to curb black money in electoral financing and this purpose could be achieved only if information about political donations is kept confidential, that essentially meant that donor privacy is a *means* to incentivise contributions through banking channel.

The state thus argues for restriction of the right to information regarding electoral bonds (which is a part of Right to Freedom of Speech and Expression under article 19(1)) on the grounds that such anonymity furthers the aim of curtailment of black money. The court while relying mainly on the precedent of *Cricket Association of Bengal* held that it is necessary that the restriction on article 19(1) must fall “squarely within” the grounds mentioned in article 19 (2). The purpose of curbing black money does not squarely fall within the grounds of restrictions

mentioned in the article 19(2), thus it cannot be said that it can act as a legitimate restraint on the exercise of right to information regarding electoral bonds.

On the question whether the measure was least restrictive measure, the court poses before the state further questions: (a) Whether there are other possible means which could have been adopted by the State; (b) whether the alternative means identified realise the objective in a ‘real and substantial manner’. Answering this question the court explained that, even if the argument of the Union of India that the other alternative means such as the other modes of electronic transfer do not realize the objective of curbing black money substantially because contributors would resort to cash donations due to the fear of consequences is accepted, Electoral Trusts are an effective alternative. There will be a lesser degree of “political consequences” for contributions made to the Electoral Trust because the information about which of the contributors contributed to which of the parties will not be disclosed. It is only where the Electoral Trust contributes to one political party, would there be a possibility of political consequences and witch-hunting (assuming that there is a link between anonymity and contributions).

The court on the issue of least restrictive measure held that the Electoral Bond Scheme does not fulfill the least restrictive means

test. The Electoral Bond Scheme is not the only means for curbing black money in Electoral Finance. There are other alternatives which substantially fulfill the purpose and impact the right to information minimally when compared to the impact of electoral bonds on the right to information.

Thirdly, the court analyses the argument of the state regarding donor privacy. The state had argued on two prongs: (a) the State interest in introducing the Electoral Bond Scheme which guarantees confidentiality (or anonymity) to financial contributions is that it furthers donor privacy, (b) this State interest facilitates a guaranteed fundamental right. The state basically argues that the right to information can be restricted even if donor privacy is not traceable to the grounds in Article 19(2) because privacy is a fundamental right in itself. The question before the court is, if the right to informational privacy extends to financial contributions to a political party, and further if the Electoral Bond Scheme

The bond funds

Total value of **electoral bonds** sold from 2017-18 to 2021-22:
Rs 9,208.23 crore
5,271.97



* Electoral bond / electoral trust contribution
Source: RTI, from SBI records and analysis of parties' annual account statements submitted to EC



adequately balances the right to information and right to informational privacy of political affiliation. The court while placing reliance on *Justice KS Puttaswamy* declares that the freedom of political expression cannot be exercised freely in the absence of privacy of political affiliation. Informational privacy to political affiliation is necessary to protect the freedom of political affiliation and exercise of electoral franchise. It follows from this observation that the Constitution guarantees the right to informational privacy of political affiliation.

The court clarifies contradictory positions and tries to balance two differing interests. It opines that while it is true that contributions made as quid pro quo transactions are not an expression of political support. However, to not grant the umbrella of informational privacy to political contributions only because a portion of the contributions is made for other reasons would be impermissible. The Constitution does not turn a blind eye merely because of the possibilities of misuse.

The next challenge before the court was to balance the right to information and the right to informational privacy, and in that light evaluate electoral bonds and the extent to which it balances these contradictory positions. The judicial approach was of *double proportionality standard*. The court while placing reliance on

precedents including on *Mazdoor Kisan Shakti Sangathan v. Union of India*, *Justice KS Puttaswamy (5J) v. Union of India*, *Campbell v. MGM Limited*, *Central Public Information Officer, Supreme Court of India v. Subash Chandra Agarwal*, and *Justice KS Puttaswamy (9J) v. Union of India* held that the Union of India has been unable to establish that the measure employed in Clause 7(4) of the Electoral Bond Scheme is the least restrictive means to balance the rights of informational privacy to political contributions and the right to information of political contributions. Thus, the amendment to Section 13A(b) of the IT Act introduced by the Finance Act 2017, and the amendment to Section 29C(1) of the RPA are unconstitutional.

The next question was whether Court should only strike down the non-disclosure provision in the Electoral Bond Scheme, that is Clause 7(4). To this, the court declared that, the Electoral Bond is not distinguishable from other modes of contributions through the banking channels such as cheque transfer, transfer through the Electronic Clearing System or direct debit if the anonymity component of the Scheme is struck down. Thus, the Electoral Bond Scheme 2018 will also consequentially have to be struck down as unconstitutional.

Challenge to unlimited corporate funding

The court had also to examine the validity of section 154 of the Finance Act amending Section 182(3) to the Companies Act. The court while judging the merits of the arguments held that In terms of Section 136 of the Companies Act, every shareholder in a company has a right to a copy of the financial statement which also contains the profit and loss account. The petitioners submitted that the non-disclosure of the details of the political contributions made by companies in the financial statement would infringe upon the right of the shareholders to decide to sell the shares of a company if a shareholder does not support the political ideology of the party to which contributions were made. This it was contended, violates Articles 19(1)(a), 19(1)(g), 21 and 25. The court did not see the necessity of viewing the non-disclosure requirement in Section 182(3) of the Companies Act from the lens of a shareholder in this case when we have identified the impact of non-disclosure of information on political funding from the larger compass of a citizen and a voter. In view of the above discussion, Section 182(3) as amended by the Finance Act 2017 was declared unconstitutional. To reach this decision, the court also delved into the manifested arbitrariness as a facet of article 14 that emerged from *Shayara Bano v Union of India*.

Women's Day and Its Historic Roots

Every year on March 8th, the world celebrates International Women's Day (IWD), a day dedicated to honouring the achievements of women across the globe and advocating for gender equality. The origins of this day trace back to the early 20th century, rooted in the struggles and protests that women have faced in their fight for equal rights. This year, the United Nations and various organizations around the world continue to focus on the importance of investing in women and girls as a pathway to achieving sustainable development and peace.

The Historical Journey Towards Recognition

The celebration of International Women's Day is deeply intertwined with the feminist movements that emerged in the late 19th and early 20th centuries. In the United States, the first National Woman's Day was observed in 1909, commemorating the 1908 garment workers' strike in New York, where women protested against working conditions. This event marked a significant moment in the fight for women's rights, emphasizing the need for better pay, shorter work hours, and voting rights. The idea of an International Women's Day was proposed by Clara Zetkin at the International Conference of Working Women in 1910, leading



Suffragist Conference, Paris (1919)

to the first IWD being celebrated in 1911 across Europe with more than one million participants. The date, March 8th, was later solidified as the international standard due to its historical significance in Russian women's protests against war and for their rights in 1917, eventually leading to the right to vote in Russia. These events underline the global scale of the struggle for gender equality and the continued relevance of International Women's Day as a platform for advocating women's rights and celebrating their contributions to society.

Investing in Women: A Call to Action

This year's International Women's Day theme, "Inspire Inclusion," highlights the importance of

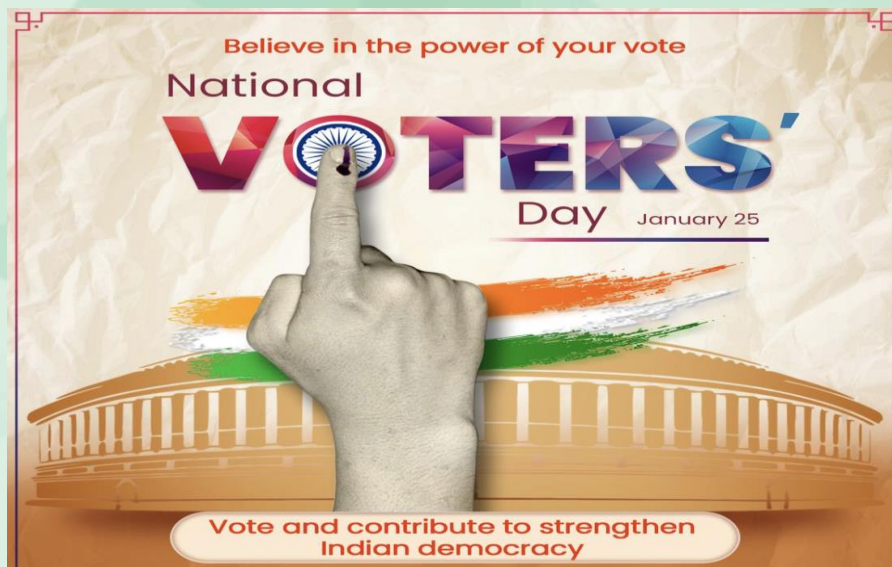
creating an inclusive world where women are recognized, valued, and empowered. UN Women Executive Director Sima Bahous emphasized the urgency of addressing the setbacks in gender equality exacerbated by conflicts, poverty, and systemic discrimination. The call to action is clear: invest in women and girls to foster economic growth, ensure peace and security, and promote sustainable development. By focusing on education, healthcare, fair wages, and social benefits, the potential to lift millions of women and girls out of poverty becomes tangible. This investment not only benefits women but contributes to the overall prosperity and stability of societies worldwide.

India Celebrates 14th Voters' Day

In the spirit of democracy and civic engagement, India marked the 14th National Voters' Day on January 25, 2024, underscoring the pivotal role of voter participation in the electoral process. This celebration, initiated in 2011, commemorates the foundation day of the Election Commission of India (ECI), established on January 25, 1950. The day is dedicated to enhancing voter awareness, increasing voter enrollment, and encouraging young voters to take part in the democratic process. The theme for 2024, 'Nothing Like Voting, I Vote For sure,' echoes a commitment to enthusiastic participation in elections, emphasizing the essence of voting as a fundamental democratic duty.

Celebrating Democracy and Awareness

The celebration of National Voters' Day is not just a formality but a significant event aimed at fostering a stronger democracy through active voter participation. The theme for 2024, a continuation from the previous year, encapsulates the individual's aspiration and determination to be a part of the electoral process. This year's logo, blending the Ashoka Chakra with the imagery of an inked finger and a tick mark, symbolizes the festivity of



democracy and the informed decision-making power of the electorate. Moreover, the day was marked by the presence of dignitaries and representatives from various countries, demonstrating the universal value of democratic participation. Events on this day included the conferment of National Awards for the Best Electoral Practices, aimed at recognizing the efforts of state and district level officers in enhancing election conduct and voter awareness.

Engaging the Youth in Democracy

One of the primary focuses of National Voters' Day is to engage and educate young voters, addressing the historical apathy. The pledge taken by government offices, schools, and educational institutions across the country is a testament to the nation's

dedication to upholding democratic values and ensuring peaceful, free, and fair elections. The innovative multimedia campaigns and voter education initiatives launched in conjunction with National Voters' Day aim to demystify the electoral process for the youth, making democracy more accessible and inclusive. The distribution of Elector Photo Identity Cards (EPIC) to new voters during the celebrations serves as a tangible step towards empowering the youth with the right to vote. As India continues to strive towards greater electoral participation and awareness, National Voters' Day remains a pivotal occasion in encouraging citizens, especially the youth, to exercise their voting rights fearlessly and with a sense of duty.

Future of India's Gaming Industry

In the fast-paced world of digital innovation, India's online gaming industry stands at the crossroads of remarkable growth and challenging concerns. With projections indicating that Artificial Intelligence (AI) and online gaming could add up to \$300 billion to India's GDP by 2026-27, the sector's potential is undeniable. However, this rapid expansion is accompanied by significant issues such as addiction, mental illness, financial frauds, and concerns over privacy and data security, underscoring the urgent need for effective regulation.

The Rise and Risks of Online Gaming

India's digital landscape has witnessed a meteoric rise in online gaming, driven by a burgeoning start-up ecosystem growing at a 27% CAGR. The accessibility and appeal of online platforms have democratized entertainment, yet this progress is not without its pitfalls. The industry's growth has been shadowed by addiction, mental health issues, and an increase in cybercrime, including money laundering through betting sites. The absence of a specialized regulatory authority has left consumers vulnerable, unable to distinguish between legitimate gaming platforms and illegal gambling sites, thereby magnifying

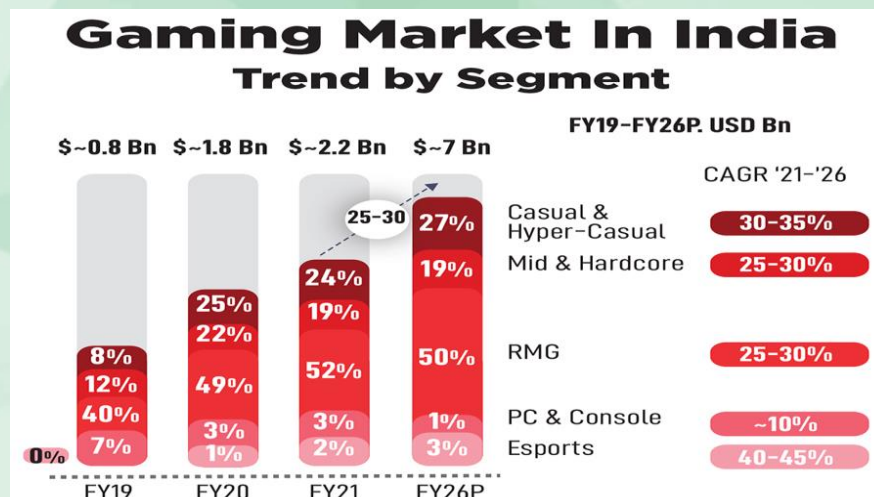
the risks associated with online gaming.

The Need for Robust Regulation

The challenges posed by the online gaming industry's rapid growth have led to calls for stringent regulation. Various state governments have attempted to address these issues, with measures ranging from outright bans to the establishment of self-regulatory bodies. However, the effectiveness of these measures has been limited, often hampered by the cross-border nature of the internet and the lack of a unified regulatory framework. Experts argue that a centralized approach to regulation, similar to models adopted in countries like the U.K., could offer a solution. By establishing clear guidelines and enforcing strict compliance, the government can protect consumers while fostering a healthy,

sustainable growth trajectory for the industry.

As India stands on the brink of a digital revolution powered by online gaming, the balance between innovation and regulation has never been more critical. The industry's potential to contribute significantly to the economy is clear, but so are the risks that unchecked growth poses to consumers and society at large. A thoughtful, comprehensive regulatory framework is essential to navigate these challenges, ensuring that India's online gaming industry thrives in a manner that is safe, secure, and beneficial for all stakeholders. As we move forward, the lessons learned from global and local attempts at regulation will be invaluable in crafting policies that support sustainable growth while safeguarding the public's well-being.



Future of Indian Elections With Kovind Committee's Report

In a significant move towards electoral reform, the High-Level Committee on One Nation, One Election, spearheaded by former President Ram Nath Kovind, has recently submitted a comprehensive report advocating for synchronized elections across India. This pivotal recommendation, if implemented, could revolutionize the nation's electoral landscape and streamline the democratic process. Let's delve into the key facets of the committee's findings and their implications.

Synchronizing Electoral Cycles

The committee's foremost proposal advocates for the synchronization of elections to the Lok Sabha and state assemblies, followed by municipal and panchayat polls within 100 days of the general elections. This synchronized approach aims to alleviate the burden on various stakeholders, including the government, businesses, judiciary, and civil society, which currently grapple with frequent electoral cycles. By establishing an 'Appointed Date' through presidential



notification, the committee seeks to initiate this transformative shift, aligning the terms of state assemblies with that of the Lok Sabha.

The proposed constitutional amendments, including the insertion of Article 82A and modifications to Articles 83 and 172, delineate the mechanism for this synchronization without necessitating state ratification. Additionally, the committee underscores the imperative of an 'implementation group' to oversee the execution of these recommendations, ensuring a seamless transition to simultaneous elections.

Empowering Grassroots Democracy

Another salient proposition of the Kovind committee pertains to the

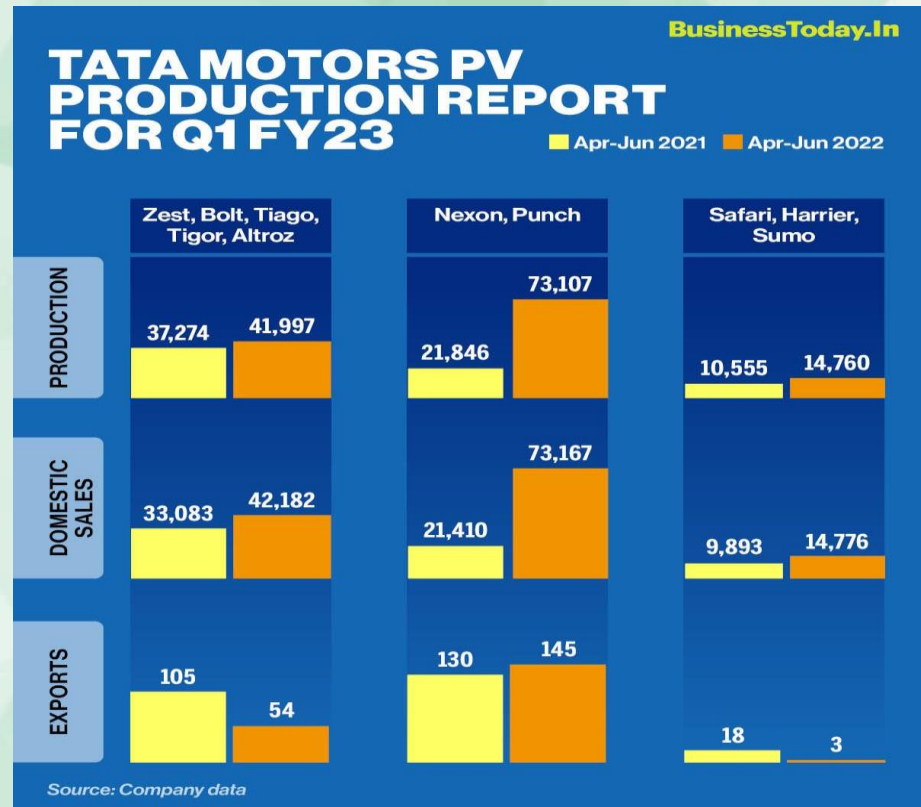
synchronization of municipal and panchayat elections with the broader electoral cycle. By introducing Article 324A and amending Article 325, the committee advocates for a unified electoral roll prepared by the Election Commission of India (ECI) in consultation with state election commissions. This measure aims to streamline the electoral process, enhancing efficiency and accountability while minimizing logistical challenges. However, the implementation of simultaneous local body elections necessitates state ratification, underscoring the collaborative endeavor required to effectuate comprehensive electoral reform. Despite these procedural complexities, the committee's recommendations embody a visionary approach towards fortifying grassroots democracy and fostering inclusive governance.

Tata Motors' Strategic Demerger

Tata Motors, a titan in the global automobile industry, has recently made headlines with its bold move to demerge its business into two separate listed entities. This decision has sparked considerable interest among investors, analysts, and industry watchers. The demerger, aimed at separating the Commercial Vehicles (CV) segment from the Passenger Vehicles (PV) including Electric Vehicles (EV) and the iconic Jaguar Land Rover (JLR) division, is a strategic pivot that seeks to unlock value and foster focused growth in each segment.

Enhancing Focus and Unlocking Value

At the heart of Tata Motors' decision lies the aim to create two distinct entities, each with a clear focus and strategic vision. The CV business, a national leader in its segment, has been pioneering various fuel configurations, including electric and hydrogen fuel cells. Meanwhile, the PV division, bolstered by the JLR and EV segments, is on a path to standalone profitability and significant market leadership, especially in the EV space. This strategic separation is expected to enable better value creation for Tata Motors,



The demerger reflects the company's confidence in the PV segment's potential to sustain itself and thrive independently. This move is also seen as a logical progression from the earlier subsidiarisation of the PV and EV businesses, aiming for higher growth and greater agility.

Market Implications and Shareholder Interests

The market has reacted positively to Tata Motors' announcement, with shares surging by more than 7% following the news. This reflects the investors' optimism about the potential for better-focused strategies and value

interested in how the demerger will affect their investments, with the promise of identical shareholding in both the newly formed entities ensuring a fair and equitable transition.

Experts have mixed views on the demerger's impact on Tata Motors' valuation, with some seeing it as a major step towards simplifying the company's structure and others awaiting the tangible benefits of such a move. Nonetheless, the competitive landscape for PVs is expected to become more intriguing, with Tata Motors now positioned to directly challenge market leaders and capitalize on growth opportunities in

allowing each entity to pursue creation post-demerger. the EV, autonomous vehicles, and more tailored growth strategies. Shareholders are particularly vehicle software sectors.

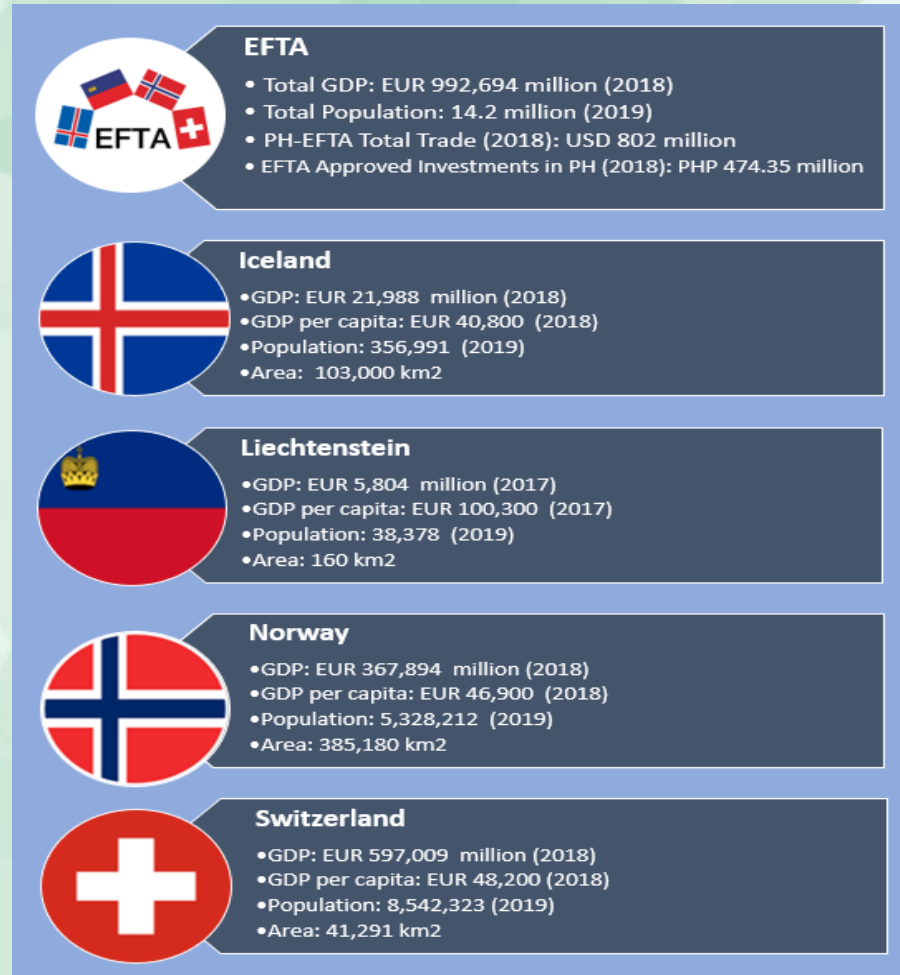
India's Trade Deal with EFTA Countries

India's recent announcement of a free trade deal with the European Free Trade Association (EFTA) marks a significant departure from its traditional stance on trade policy. The agreement, involving Iceland, Liechtenstein, Norway, and Switzerland, underscores a subtle yet substantial shift in New Delhi's approach to global trade dynamics.

Understanding the EFTA Deal

After over 15 years of negotiations, Indian Prime Minister Narendra Modi hailed the EFTA deal as a groundbreaking achievement. The agreement entails the removal of import tariffs on industrial goods from EFTA states, paving the way for \$100 billion worth of investments across various sectors in India, particularly manufacturing.

This move comes in the wake of similar agreements with Australia and the United Arab Emirates, suggesting a strategic pivot in India's trade strategy. Historically, India has been cautious about embracing free trade, emphasizing self-sufficiency and protecting domestic industries. However, Modi's administration has introduced initiatives like "Make in India," signaling a departure from past protectionist tendencies.



Navigating Domestic Politics and Economic Imperatives

Despite the push for free trade, Indian policymakers remain mindful of domestic political sensitivities. Key industries, including agriculture, continue to enjoy protection from cheap imports to safeguard employment opportunities. The exclusion of certain products like dairy and coal from the EFTA deal reflects these political imperatives.

Moreover, economic considerations are driving India's evolving trade stance. With persistent unemployment challenges, particularly among the youth, job creation has emerged as a central issue. The EFTA agreement aims to generate one million jobs over 15 years, aligning with the government's broader agenda of economic growth and development.

Global Airport Rankings

The global aviation landscape witnessed remarkable achievements in 2023, as airports across the globe strived for excellence in operational performance and customer satisfaction. Among these, Indian and Finnish airports have set new benchmarks, illustrating the diverse ways airports can excel, whether through operational efficiency or catering to specific passenger needs.

Operational Marvels: Hyderabad and Bengaluru Airports

The aviation analytics provider Ciricum's On-Time Performance (OTP) report for 2023 highlighted the exceptional operational performance of Indian airports, particularly Hyderabad and Bengaluru. Both airports were ranked within the top five globally for their punctuality and operational efficiency, a testament to their commitment to maintaining high standards. Hyderabad's Rajiv Gandhi International Airport secured the second spot with an OTP of 84.42%, closely followed by Bengaluru's Kempegowda International Airport at third with an OTP of 84.08%. This achievement not only underscores the excellence in airport operations in India but also places these airports at the forefront of global

aviation, showcasing their ability to manage time effectively and ensure passenger convenience.

Helsinki Airport's Focus on Business Travellers

On another front, Helsinki Airport, recognized for its exceptional service, ranked as the world's fifth-best airport for business travelers. Its comprehensive approach to meeting the specific needs of this segment has earned it the best airport in Europe title in this category. Helsinki Airport, through its extensive development program, has incorporated features such as dedicated check-in counters, priority security control lines, and specialized lounges aimed at enhancing the travel

experience for business professionals. These facilities, combined with the efficient terminal navigation and professional staff, underscore Helsinki Airport's commitment to providing a seamless customer experience tailored to the needs of business travelers. The achievements of Hyderabad, Bengaluru, and Helsinki airports in 2023 are emblematic of the diverse paths to excellence within the global aviation industry. While Hyderabad and Bengaluru airports have demonstrated the critical importance of operational efficiency and punctuality, Helsinki Airport has excelled by focusing on the nuanced needs of business travelers.



WTO's 13th Ministerial Conference UAE

In the latest developments from the World Trade Organization's (WTO) 13th Ministerial Conference (MC13) held in Abu Dhabi, the global trading system once again finds itself at a crossroads, faced with both challenges and opportunities. This article, drawing from insights in recent reports, explores the outcomes of MC13, examining the complex dynamics of international trade negotiations and their implications for global commerce.

The Stalemate in Global Trade Talks

The WTO's attempt to foster a conducive environment for free and fair trade seems to have hit yet another snag at MC13. Despite the extension of discussions, the conference concluded with limited progress on critical issues affecting global trade. Key areas of divergence include agricultural negotiations and fisheries subsidies, which remain unresolved, highlighting the enduring challenges in reaching a consensus among the WTO's 164 member countries.

The discussions on fisheries subsidies were particularly anticipated to yield a significant agreement, given the momentum built up in the run-up to the conference. However, disagreements on special and differential treatment provisions and the mechanism for developing countries led to a deadlock, with major stakeholders like India and a coalition of Pacific islands voicing

strong reservations against the proposed text.

Emerging Areas of Consensus

Despite these challenges, the conference did witness some areas of agreement that signal potential pathways for future progress. Notably, the adoption of a Ministerial Declaration setting out a reform agenda for the WTO reflects a collective recognition of the need for revitalization and adaptation of the organization to the evolving global trade landscape.

One of the noteworthy achievements of MC13 was the extension of the moratorium on customs duties on electronic transmissions, a decision critical to the burgeoning digital economy. This extension, while temporary, underscores the

importance of e-commerce in global trade and the necessity for continued dialogue and cooperation in this area.

Towards a More Sustainable Trade Framework

The MC13 also marked a step forward in acknowledging the environmental dimensions of trade. The initiation of thematic sub-groups focused on trade actions to address plastic pollution and the environmental roadmap outlined for further discussions signal a shift towards integrating sustainability into the trade discourse. This development is in line with the growing consensus on the need to balance economic growth with environmental preservation.





Quiz Quest: Unveiling Transparency

Q1. The Central Public Procurement Portal of India is designed to ensure transparency in public procurement. What is one of its primary features?

- A. Allows anonymous bidding
- B. Provides a secure platform for all government procurements
- C. Enables direct cash transactions for bids
- D. Offers consultancy services for bidders

Q2. E-Governance in India aims to use ICT for more efficient and transparent government operations. Which of the following is NOT a goal of e-governance?

- A. To provide government services to citizens in a convenient, efficient, and transparent manner
- B. To connect different government departments for quick data sharing
- C. To reduce public participation in the governance process
- D. To ensure the security of citizens' data

Q3. Digital red tape in e-governance refers to:

- A. The digital certification of government documents



- B. Unnecessary complexities and bureaucratic hurdles introduced by digital processes
- C. The use of red-colored tape in digital document submissions
- D. Secure digital communication channels for diplomatic correspondence

Q4. The Right to Public Services legislation is intended to:

- A. Guarantee the public's right to access high-speed internet services
- B. Ensure timely delivery of a wide range of government services to citizens
- C. Establish a public right to demand legislative changes
- D. Provide the public with unrestricted access to government buildings and facilities

Q5. Cybersecurity concerns in e-governance systems primarily aim to protect against:

- A. Physical theft of government property
- B. Unauthorized access and theft of sensitive government and citizen information
- C. Loss of paper-based records in government offices
- D. Misuse of government vehicles

International Webinar on Labour Law Enforcement: Challenges & Remedies

On March 30th – 31st, 2024



About the Webinar: There is no dearth of Labour Laws to protect workers in organized and unorganized sectors across the globe. However, there is a dearth of quality administration, governance, and enforcement of Labour laws meant to protect workers in one form or another. The State Agencies created by the governments for Labour law governance and enforcement are also reluctant to enforce Labour law in their respective jurisdiction. Liberalisation, Privatisation and globalization, up to some extent, are also responsible for diluting the enforcement of Labour law for the promotion of trade and business by ignoring the sustainable development of all the stakeholders involved in the production, distribution, or supply of goods and services in all the sectors across the globe. Workers' associations or Unions have also failed to ensure strict compliance with Labour laws. This Intentional Webinar is designed to examine and explore the impediments in the quality enforcement of Labour laws and submit appropriate declarations to the Labour law and policy institutions.

The Abstracts, Articles and Registration details shall be submitted to the Convener, with Heading LLE-March 2024, to ctag@nludelhi.ac.in. Abstracts received after the stipulated deadline will not be entertained for participation in the Webinar.

Payment Link: [Webinar on Labour Law Enforcement \(razorpay.com\)](https://razorpay.com)

More Details can be accessed here: <https://www.linkedin.com/company/centre-for-transparency-and-accountability-in-governance-ctag/>

Publication of a Special Book on “Personal Data Privacy”

NO CHARGES FOR THE PUBLICATION

In continuation of the dissemination of original and innovative endeavours in transparency and accountability in governance, the CTAG has decided to publish a book titled “**Personal Data Privacy**” with an ISBN, covering the following themes.

Sub-Themes

- a) Contemporary challenges of Right to Personal Data Privacy and public governance-larger public interest.
- b) Decoding the Digital Personal Data Protection Law.
- c) Effectiveness of Right to Privacy law.
- d) Judicial approach in Protection of Personal Data Privacy; regulators of Personal Data Protection governance.
- e) Liability of Personal Data Protection: State & Non—State actors.
- f) Right to Personal Data Privacy and Access to Public Services.
- g) Right to Personal Data Privacy and Right to Information Law.
- h) Right to Privacy of Public servants and public governance- Accountability.
- i) Rise of Artificial intelligence and digital data analytics.
- j) Role of the Judiciary in analysing Right to Personal Data privacy.
- k) Safeguarding right to Personal Data privacy in cyberspace.
- l) The Right to Personal Data Privacy in the Digital Age.
- m) EXEMPTIONS to the right to personal data protection under the DPDP Act 2023.
- n) The commodification of Personal data versus the right to information autonomy of the individual.
- o) Any other theme directly or indirectly related to the Right to Personal Data privacy.

A research paper should apply research skills and use of appropriate research methodology. A research paper should be thematic, and identifying sub-themes is highly appreciated. It should have proper research questions and should also reflect the findings. **A research paper should not be more than 10000 words.**

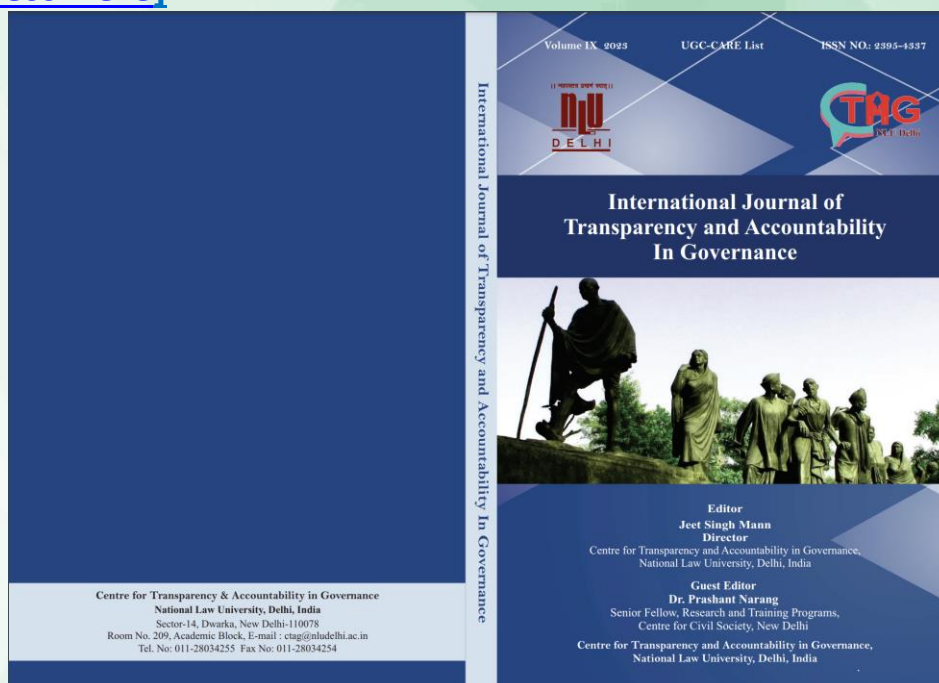
Important Date: The last date for submission is **15 April 2024**

Contact Information: Heading- PDP Book 2024 and Email ID to: CTAG@NLUDELHI.AC.IN

More Details can be accessed here: <https://www.linkedin.com/company/centre-for-transparency-and-accountability-in-governance-ctag/>

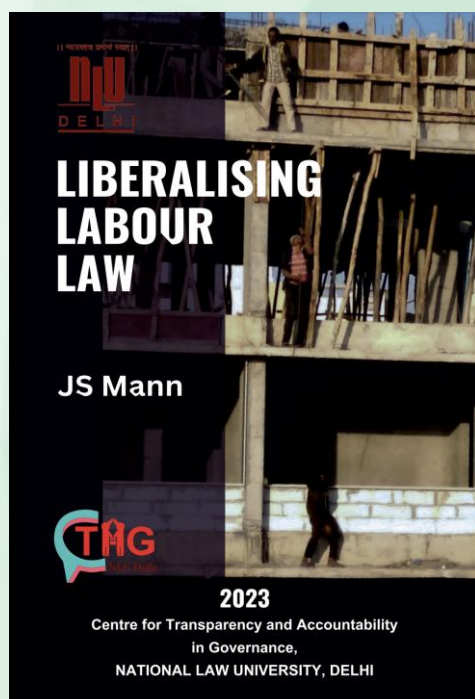
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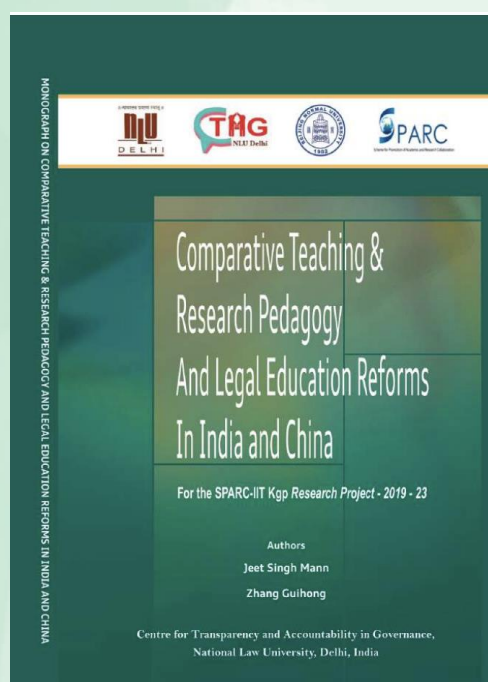


2023 Vol. IX of The International Journal of Transparency and Accountability in Governance, NLU Delhi, ISSN NO: 2395-4337

[Books \[Access all other Publications from here\]](#)



Liberalising Labour Law by JS Mann



Comparative Teaching & Research Pedagogy And Legal Education Reforms In India and China By Jeet Singh Mann & Zhang Guihong



TAG Magazine Publication Policy

➤ Introduction

TAG Magazine is a student-run publication committed to maintaining the highest standards of integrity, quality, and responsibility. As the editors of TAG, we recognize the importance of establishing clear guidelines to uphold these principles. This publication policy outlines the key standards and expectations for contributors to ensure the ethical and professional conduct of our magazine.

➤ Conflict of Interest

TAG Magazine strictly prohibits conflicts of interest that compromise the integrity of our content.

Disclosure: All contributors and staff members must promptly disclose any potential conflicts of interest to the editor-in-chief. This includes institutional conflicts, financial interests, personal relationships, or any other circumstances that could reasonably be perceived as influencing editorial decisions. Submissions from current or former students of NLU Delhi are prohibited.

Avoidance: Contributors should avoid situations where their personal interests could conflict with the impartiality and objectivity of TAG Magazine's content.

Editorial Integrity: Editors and staff members must ensure that conflicts of interest do not impact the assignment, editing, or publication of any article. We prioritize the accuracy and fairness of our reporting above all else.

➤ Plagiarism and Academic Integrity

TAG Magazine maintains a zero-tolerance policy towards plagiarism and upholds the highest standards of academic integrity.

Originality: All content must be original and properly attributed. Plagiarism of any form, including the copying of text, images, or ideas without appropriate citation, is strictly prohibited.

Citation: Proper citation and referencing must be employed in accordance with recognized style guides (e.g., APA, MLA) when using external sources.

Authorship: Authors must claim ownership of their work and avoid submitting content that has been published elsewhere without proper acknowledgment. Not more than 3 authors are permitted per submission. The submissions must at most be of 2500 words, font Times New Roman, Line Spacing 1.5, font size 12 and include an abstract as well as a references column at the end.

➤ Controversial Topics

TAG Magazine is committed to open dialogue and respects diverse perspectives.

Balanced Reporting: We encourage balanced reporting and presenting multiple viewpoints on controversial topics, ensuring that our coverage is fair, accurate, and free from bias.

Fact-Checking: Contributors are responsible for fact-checking all content to the best of their ability. Inaccurate or misleading information will not be tolerated and may result in blacklisting of the contributor.

Editorial Independence: TAG Magazine maintains editorial independence and does not allow external influences, whether from advertisers, sponsors, or other stakeholders, to compromise our editorial decisions.

➤ Respect for Privacy and Ethics

TAG Magazine is committed to respecting privacy rights and adhering to ethical standards in reporting.

Informed Consent: We seek informed consent when reporting on individuals, particularly in sensitive or potentially invasive situations. This includes interviews, photographs, or any form of identification.



Minors: Special care must be taken when dealing with minors. Parents or guardians must provide informed consent for any content featuring minors.

➤ **Corrections & Accountability**

TAG Magazine takes no responsibility for errors committed by the contributors.

Corrections: Any factual errors or inaccuracies must be promptly corrected, and the corrections should be noted in the relevant article.

➤ **Monitoring/ Facilitation**

All drafts of the magazine before publication shall be subject to the scrutiny/facilitation by the Registrar.

➤ **Non-Compliance**

By adhering to the principles outlined in this publication policy, we maintain the credibility and professionalism of TAG Magazine. All contributors, editors, and staff members are expected to familiarize themselves with these guidelines and uphold them in every aspect of their work.

➤ **Grievances**

In case of any genuine grievance related to rejection of publication in the magazine may be filed to CTAG, NLU, Delhi. (ctag@nludelhi.ac.in) within a week from the release of the magazine.

Failure to comply with this policy may result in the removal of content, suspension, or termination of contributor or staff positions. TAG Magazine is dedicated to the pursuit of truth, ethical journalism, and responsible reporting.

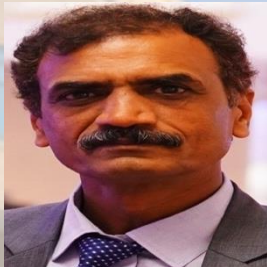
Call for Magazine Blogs & Articles

- Call For Short Articles, Blogs and Case Analysis on Good Governance and Transparency.
- For guidelines refer to the abovementioned Publication Policy.
- The Submissions shouldn't exceed more than 800 words.
- OSCOLA format for citations.
- The deadline for the submission is **20th** of each month for next month's publication. {E-mail on ctag@nludelhi.ac.in or mtag.ctag@nludelhi.ac.in}

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About Centre for Transparency and Accountability in Governance (CTAG)

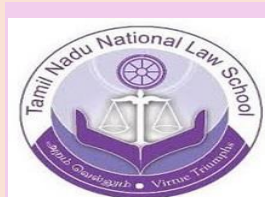
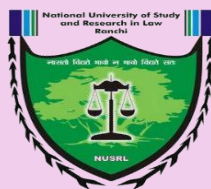
CTAG, National Law University Delhi has been constituted to uphold the commitment of the rule of law and good governance. The Centre emphasizes on sensitizing people on transparency and accountability in governance; empowering people such as students, lawyers, and public officials to contribute effectively to ensure transparency and accountability in governance; and creating and promoting quality research in the area of transparency and accountability in governance.

The Centre also provides, free of cost, for training, sensitization and consultative services on RTI to people.

The Centre has organised national and International Conferences on good governance issues. The Centre also provides for free of cost consultative services, training, sensitization and promotion, on Right to Information, Labour and Industrial Laws governance and other governance related issues.

International Webinar on Labour Law Enforcement: Challenges and Remedies

30-31 March 2024



Jointly Organized by:

- | | |
|---|--|
| a) Bhartiya Mazdoor Sangh, India, | h) National Law Institute of University, Bhopal, |
| b) Chanakya National Law University, Patna, | i) National Law University Jodhpur |
| c) CTAG, NLU Delhi. | j) National University Of Study and Research In Law, Ranchi, |
| d) DGUV Germany | k) Tamil Nadu National Law University Trichy |
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| f) Maharashtra National Law University Nagpur | m) VVGNI Noida, GOI |
| g) National Labour Law Association, Delhi, | |

INAUGURAL PROGRAM

Saturday, 30 March 2024 | 10am to 11am Indian Standard Time.

Join Zoom Meeting

<https://us06web.zoom.us/j/85398622913?pwd=RVcZBVetMrgw66P9hwfb1qu1NUjdlG.1>

Meeting ID: 853 9862 2913 Passcode: 864488

No Registration & Charges for Witnessing the Proceedings without Certificate

10:00 –
10:10

Inaugural Welcome Address:

Prof. Faizan Mustafa, Vice Chancellor Chanakya National Law University, Patna Bihar, India- For all the Organizers

10:10 –
10:20

Guest of Honour Speech:

Shri Hiranya Pandya President Bhartiya Mazdoor Sangh, New Delhi, India

10:20 –
10:30

Spl Honour Speech:

Prof Li Bin, Professor of Law & Former Dean Law School, Beijing Normal University Beijing China

10:30 –
10:45

Guest of Honour Address:

Prof. Karl-Heinz Neotel, President Construction Division, International Social Security Association (ILO), and Senior Advisor BG BAU, Germany

10:45 –
11:05

Guest of Eminence:

Adv. Colin Gonsalves, Senior Advocate Supreme Court of India and Fonder HRLN, India

11:05 –
11:35

Chief Guest and Key-Note Speaker:

Hon'ble Shri Kailash Satyarthi Nobel Peace Laureate and Chairperson, Kailash Satyarthi Children's Foundation, New Delhi, India

11:35 –
11:40

Vote of Thanks

Representative of the Organizers: Prof Rudra Chandran, Labour Law Teacher, NLU Jodhpur, India