



Free and unhindered justice

Access to the Supreme Court has been made easier with virtual hearings, but more needs to be done.

Pandemic: Blessing in disguise

1. It is ironic that it has taken a pandemic to acknowledge the significance of fair and equal access to the Supreme Court, or the lack thereof. While the lockdown limited people's movements, it opened new vistas for litigants and lawyers across India to approach, through technology, the country's highest court with relative ease.
2. It is no wonder then that despite demands for a return to physical hearings by the Bar in Delhi, there are calls for virtual access to the Supreme Court to continue.

Seat of the highest court:

1. Even at the time, the Constitution was being debated by the Constituent Assembly, geographical access to the Supreme Court was flagged as a concern.
2. The framers of the Constitution agreed that the volume of litigation from different parts of the country may require the Supreme Court to increase its reach and hold court elsewhere.
3. Accordingly, in recognition of the same, the Constitution empowered the Chief Justice to hold sittings of the Supreme Court through Circuit Benches in places other than Delhi as well.
4. However, despite an increasing caseload and repeated pleas by litigants and governments, successive Chief Justices have refused to invoke this constitutional power for reasons best known to them.

Unequal access and Denial of Justice:

1. In India, given the unified, single-pyramidal structure of the judicial system, all types of cases can potentially make their way to the Supreme Court, irrespective of the place or forum of the original institution.
2. It is the effective exercise of that right, however, that is curtailed by the court assembling exclusively in Delhi. According to a report by the Centre for



Policy Research, a disproportionately high number of cases filed in the Supreme Court originated in High Courts closer to Delhi.

3. For instance, cases from States like West Bengal, Bihar and Andhra Pradesh, which collectively account for around a fifth of India's total population, contribute to less than 10% of the court's docket.
4. On the other hand, almost 18% of all cases in the Supreme Court originate from Punjab and Haryana, with less than 5% of the total population share.
5. Geographical constraints have also meant that appearing before the Supreme Court has inescapably become the domain of a select few lawyers in and around Delhi.
6. Such implied exclusivity consequently translates into steep and often prohibitive monetary costs for litigants. Without the option of a local advocate of their choice, litigants are forced to choose from what the Bar in Delhi offers, both in terms of quality and costs.

A Court for everyone

1. Thus, the pandemic, although for different reasons, has compelled the Supreme Court to attempt to overcome physical constraints in an effort to increase access, albeit virtually.
2. Over the past year, with virtual hearings, what was seen as the exclusive domain of a limited number of lawyers in Delhi has opened up to advocates from all over India, most of whom could only ever have dreamt of addressing the Supreme Court in their lifetimes.
3. Litigants now have the option to engage a local lawyer of their own choice and convenience, including the same lawyer who argued their case before the lower court.
4. Indeed, virtual hearings may not be the perfect alternative, but such imperfections must be preferred over denial of the right to access justice itself.

It is only when each person in India is provided unhindered access to its corridors can the Supreme Court be said to have fulfilled its constitutional promise. More than one Law Commission and Parliamentary Committee have recommended Circuit Benches of the Supreme Court to be set up around the country. Nonetheless, till the judiciary acts on such proposals, virtual hearings should be allowed to continue, if not as a matter of right, then at least as a matter of just and equitable policy.



U.S. and China need each other

Economic interdependence today makes the war of words in Alaska confined to rhetoric.

Economic interdependence, Confrontation and competition

1. Confrontation and competition between the U.S. and China will dominate this century. Mr Biden has censured China for human rights abuses in Hong Kong and Xinjiang, aggression in the South and East China Seas, intimidation of Taiwan, intellectual property theft, currency manipulation, and cyberattacks, but these homilies are incidental to U.S.-China tension, which is due to China's rise that is transforming power settings and the U.S.'s attempts to constrict China before it becomes a peer competitor.
2. China will surpass the U.S. as the world's largest economy, has established a worldwide network of economic ties and set up multilateral and financial institutions like the Shanghai Cooperation Organisation, New Development Bank and Asian Infrastructure Investment Bank to compete with the West-dominated International Monetary Fund and World Bank.

Sharp exchanges

1. USA opened the meeting with a charge sheet against China, comprising attacks on values; threats to a rules-based order that maintains global stability; China's actions in Xinjiang, Hong Kong and Taiwan; cyberattacks on the U.S.; and economic coercion against U.S. allies.
2. To this, China countered that China would strongly oppose interference in China's internal affairs, referred to the U.S.'s struggling democracy and poor treatment of minorities, and criticised U.S. policies as seeking military and financial hegemony to impose extra-territorial jurisdiction and suppress other countries. It concluded that the U.S. abuses definitions of national security to obstruct normal trade exchanges.

Pragmatism:

1. The U.S.-China rhetoric masks the reality that both countries need each other not only for world stability but growth, supply chains, jobs, services, investments and market access.

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2. China's rise generated booms for numerous Asian and Western economies and accelerated the transition of the U.S. towards the lower end of manufacturing.
3. The U.S. deals for the first time with an economic and military rival it cannot browbeat, and economic interdependence today makes the war of words confined to words.

The Americans think that asians are like them, but we are different. We have a different genetic, cultural and moral code. With the prevailing mistrust across regions, every possible solution becomes an insuperable problem.