

CIWP

CURRENT ISSUES WRITING PRACTICE

POST-TEST MATERIAL FOR CIWP – O

1. Betting legalization will generate not only a stream of revenue for the Government, it will also be easy to monitor the same. Do you think betting in India should be legalized? Justify your answer with suitable arguments.

Study Material

Betting is the act of risking money, on the unknown result of an event. Manusmriti says: “When inanimate (things) are used (for staking money on them), that is called gambling (dyuta), when animate beings are used (for the same purpose), one must know that to be betting (samahvaya).” Kautilya in his famous book Arthashastra said: “Gambling is described as wagering with inanimate objects such as dice; betting appears to have involved challenges and was concerned with cock fights, animal races and similar contests.”

Should betting be legalized?

Gambling/betting is ubiquitous in Indian society: people bet on animal fights on streets, they make bets while playing cards and before cricket matches. As the Irish philosopher Edmund Burke correctly said, “Gambling is a principle inherent in human nature.” While societal attitudes towards gambling have changed in the last century, with gambling now seen as a legitimate form of recreation, Indian laws have not kept pace with the times.

The Indian law discriminates each game to be a “game of skill” and “game of chance”. This differentiates fantasy sports from traditional betting. Betting in “game of skill” is legal in India. Fantasy sports betting is legal because it is a game of skill. And, in fantasy sports, your opponents are other human players, rather than bookmakers like in traditional betting. The ‘Dimmag se Dhoni’ campaign by Dream11 was aimed at reaffirming this skill-based nature. Compared to traditional betting, the fantasy sports market in India is peanuts. Revenue from the music industry, movies and TV put together is far lesser than the market of illegal traditional sports betting.

Arguments in favour of legalizing betting:

- A survey says that 40% of all internet users in India like to gamble. The illegal gambling market in India is worth more than \$100 billion, growing at a rate of 7% every year. Majority of it is sports betting. So loss of huge money.
- Legalizing the betting activity will not only help curtail an important source of black money that is used by criminal syndicates, but also bring massive revenue to the state exchequer, which can be used for various constructive social schemes.
- The government will be given the opportunity to collect tremendous amounts of tax revenue if sports betting is legalized.
- A regulated gambling sector would increase opportunities of employment too. For instance, surveys state that the gambling sector in the U.S employs 2.5 lakh people while the gambling sector in the U.K has employed nearly 1 lakh people.
- A country like India with a massive population count could use the legalization of gambling as an opportunity to curb unemployment. States like Sikkim and Goa have

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already legalized gambling to a certain extent and these state governments are making huge amounts of money in the tax revenue built on gambling casinos.

- Legalization will not only regulate the economy and increase employment, but it will also “offer protection to minors and vulnerable people against unwise betting.
- Legalizing betting will definitely reduce fixing because the authorities will work in tandem with betting operators and not against them. The betting operators will not encourage match fixing as they would want to earn profits and will be answerable to the authorities.

Judicial and Legislative Stance

- **The Supreme Court of India** went from regarding gambling as an evil and emphasising the need of a law to root it out for public interest to suggesting the Law Commission examine the legalisation of gambling in India.
- In July 2018, **the 276th Law Commission of India** submitted its reports suggesting Parliament enact a law to legalise and regulate betting in sports.
- **The Law Commission report**, for better accountability, stated that gambling records must be linked with the Aadhar/PAN Card of the operators and the participants.
- Prior to this, **the Mudgal Committee and Lodha Commission** have also emphasised the need for legalisation of betting in sports along with strong safeguards.
- Congress MP Dr. Shashi Tharoor **introduced the The Sports (Online Gaming and Prevention of Fraud) Bill in the Lok Sabha in 2018**. The Bill, if passed, would provide for a comprehensive legislation for the regulation of online gaming.

Arguments against legalization of betting:

- ❖ The Indian society perceives gambling to be a game of greed, gamblers end up risking a lot of money to win more and the cycle does not end.
- ❖ The Indian society believes that gambling causes addiction, loss of livelihood and bankruptcy, which can eventually lead to crime.
- ❖ Gambling should be a form of recreation that relieves one of stress but, the contrary happens, gambling begins as a form of stress reliever but eventually it becomes an unmindful splurge of money and time. So it is an activity that is supposed to be a stress reliever and ends up inviting problems.
- ❖ It is also believed that gambling is a reckless act, there may be a possibility of winning a huge prize but the overwhelming probability of losing the bet supersedes the possibility of winning a huge prize. Casinos always calculate odds before the gamble begins as they make sure they're on the side of a profit, a very rare opportunity stands for someone where everything is won, and nothing is lost.
- ❖ It is immoral for the state or charities to raise money by exploiting people's unawareness in betting.

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- ❖ Taxing gambling is a regressive tax, this means the poor pay a larger part of their income in tax than the rich, hence, it is more likely for poor people to gamble and regressive tax is deeply unfair.

The increasing popularity of illegal betting in sports poses a threat to the integrity of sports not just in India but throughout the world. The revenue that is lost every year due to the absence of any regulation is too substantial to be ignored by a developing country such as India. The legalisation of betting in sports can help in a myriad ways and save the integrity of sports in India.

A robust regulatory framework governing the gaming sector will ensure that people do not fall prey to the excesses of gambling. Awareness campaigns should educate people about the perils of excessive gambling; minors, habitual gamblers and vulnerable sections should be excluded from having access to gaming facilities; and limits must be imposed on the amounts that can be wagered, based on a person's financial capabilities.

2. 'There is a global turbulence through which Indian foreign policy must navigate for its aspiration to emerge as a leading power'. Discuss. Do you think along with a profound economy, India needs to have multi alignment? Substantiate your views.

Study Material

After the Cold War, particularly since the 2000s, the rapid rise of China has presented a challenge to United States (US) influence. Although the US can still be regarded as the sole superpower, its relative decline is stark. Asian players, such as Japan, the ASEAN countries and Australia, and India, have been encountering and adapting to the new circumstances, which might be designated as a power transformation in Asia. India's foreign policy is also being reshaped according to situation and pervasive national interest- like alignment of "look east" to "act east", recalibration of foreign policy with west because of the rise of assertive china.

What's global turbulence?

- The world is not just different; the very structure of the international order is undergoing a profound transformation.
- American nationalism, the rise of China, the saga of Brexit and the rebalancing of the global economy are often cited as the more dramatic examples of change.
- The return of old empires like Russia, Iran or Turkey in changing power structure.
- The Middle East is in ferment, even by its exceptionally volatile standards.
- The centrality of ASEAN to Asia is not what it used to be because of pervasive reasons.
- Rise of assertive china, flaunting its economic as well as military might whether it is in South China Sea, Indo pacific region, or even Ladakh region of India where Chinese forces are in lock horn with Indian forces.
- Demographic and economic trends in Africa are giving that continent a greater salience.
- South America is again a battleground for ideas but it is being seen that the region is facing the challenge of orthodox politics.

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- The global commons is also more in dispute as multilateralism weakens after retracting the US from the role of global policeman.
- Even climate change is a factor, contributing to geopolitics amongst others by the opening of an Arctic passage.
- Rise of radicalization and terrorist threats like ISIS in the last decade.

India's Foreign Policy Matrix in changed world:

- During the Cold War period, India's national power was deficient, in terms of economy and defense. Therefore, it seemed only a pipe dream that India might someday become a major power. In the 2020 world rankings, India now ranks fifth largest economy in terms of national GDP and fifth in terms of defense expenditures.
- The National Intelligence Council of the US predicted as early as 2012 that: 'In 2030 India could be the rising economic powerhouse that China is seen to be today. China's current economic growth rate – 8–10% – will probably be a distant memory by 2030.
- **At global level India's effort:**
 1. Support for multi-polarization of the international system.
 2. Japan has become an important factor in our calculations.
 3. The rediscovery of Europe is again underway, with France now a critical strategic partner.
 4. The Gulf has been bridged in an extraordinarily effective manner.
 5. ASEAN has grown closer, and Australia's relevance is more apparent as we are seeing in groupings like QUAD.
 6. Africa is the focus of development assistance and opening of new Embassies. The recent UN General Assembly, our outreach extends from South America and the Caribbean to the South Pacific and Baltics.
 7. Cooperation with Russia, China through BRICS, SCO.
- **At regional(Indo- pacific) level:**
 1. Relative dominance in ASIA and realization of sea power.
 2. Cooperation with Japan, US and Australia through QUAD.
 3. Boosting political and economic 'Act East' through cooperation with ASEAN.
 4. Promotion of cooperation in Indian Ocean through littoral states like Maldives, Seychelles, Mauritius, etc.
 5. For curbing piracy and making Indo-pacific region a secured space India is coordinating through Indian Ocean Naval Symposium.
 6. Providing humanitarian relief to littoral states in case of disaster eg operation vanilla in Madagascar.
- **At local (South Asia) level:**
 1. Neighbourhood first policy oriented towards helping neighbouring states.
 2. Cooperation through institutions like BIMSTEC, BBIN, etc
 3. SAARC for regional cooperation.

India's scale is extraordinary. By 2025, one-fifth of the world's working age population will be Indian. By 2030 there will be over 850 million internet users in India. By 2035 India's five largest cities will have economies of comparable size to middle income countries today.

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If India continues on its present growth course, it could have a US\$5.6 trillion economy in 20 years. To create a US\$10 trillion economy, India will need to accelerate its growth to 9% CAGR over the next 20 years.

In the recent years India has shifted towards multi alignment:

- The India-U.S.-Civil Nuclear Agreement in the first decade of this century was in this respect truly the “game changer”. After the collapse of Soviet bloc India explored options other than Soviet Union.
- Reaffirming ties with Russia and Japan:
 1. The list of agreements drawn up in Moscow covers nuclear, space, energy and defence. Russia has committed [earlier] to building additional nuclear reactors at Kudankulam (Tamil Nadu) and in Andhra Pradesh.
 2. Agreement was reached with regard to co-production of Kamov-226T utility helicopters (the bulk of which would be built in India), and the possibility of securing 48 MI-17 V5 medium-lift helicopters, S-400 Triumf/Triumph missile systems and stealth frigates.
 3. Japan’s willingness to cooperate on peaceful nuclear energy will have the same kind of positive impact as that which followed the iconic India-U.S. civil nuclear agreement of 2008. Japan’s willingness to acknowledge India as a reliable and trustworthy nuclear power (despite not being a signatory to the Nuclear Non-Proliferation Treaty) is again certain to have a positive impact on nuclear establishments across the world.
- In the view of assertive China, focus is on cooperation in Indo-Pacific region to handle the multitude of challenges. India along with the USA, Japan and Australia have rejuvenated QUAD.
- On a local level India explored for greater cooperation with ASEAN nations which was reflected in the invitation of all ASEAN leaders on republic day in recent years.
- Groupings like BIMSTEC are a sign of not relying only on big institutions but also exploring regional multilateral groupings.
- India’s membership with SCO is also seen as a balancing factor of China in central Asian republics.
- In order to come out of the shackles of traditional lending institutions like IMF and World Bank and looking for other viable options, India became part of BRICS- a regional grouping of which India is a founding member.
- India became part of China led AIIB to expand India’s other financial basket and fulfill the need of a rapidly growing economy.
- Greater collaboration in African continent with countries like Japan through the Asia Africa Growth Corridor, seen as a counterbalance of China’s BRI.

National power comes from having a strong economy. So if India wants to enhance its national power, it must focus on boosting education and the economy. Doing so will automatically enhance India’s strategic depth and provide it with the resources to boost its military capabilities. In other words, if India is to play a more proactive role in the international arena and move to a

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non-aligned plus or multi-alignment foreign policy approach, it must boost its economy and education base.

3. Article 32 is considered as the heart and soul of the constitution. This status of it depends more on its functioning than its provision in the constitution. Examine with the help of suitable examples.

Study Material

Article 32 falls under Part III of the Constitution that includes the fundamental rights of individuals. It allows an individual to approach the Supreme Court if she or he believes that her or his fundamental rights have been violated or they need to be enforced. Dr B.R. Ambedkar had once said, 'If I was asked to name any particular article in this Constitution as the most important - an article without which this Constitution would be a nullity, I could not refer to any other article except this one (Article 32). It is the very soul of the Constitution and the very heart of it.' The rights guaranteed under Article 32 cannot be suspended unless provided for by the Constitution.

One of the most significant features of Article 32 is that the Supreme Court has the power to issue directions, orders or writs for enforcement of fundamental rights.

Someone can seek justice through the five types of writs as provided by Article 32 of the Constitution. These are —

- ★ **Habeas corpus:** Considered to be among the most important writs for personal liberty, habeas corpus literally means to 'produce the body'. It is invoked to seek relief in cases where a person has been unlawfully detained. Individuals can file habeas corpus petitions if they believe they have been wrongfully imprisoned.
- ★ **Mandamus:** The writ of mandamus is issued by a higher court to a lower court or a government official or body, directing them to perform duties that they have refused to do.
- ★ **Certiorari:** A superior court issues a certiorari writ for re-examination of an action or decision by a lower court. It is invoked when a judgment has been delivered in violation of principles of natural justice or in opposition to the procedure established by law.
- ★ **Prohibition:** The writ of prohibition is to stop a lower court from going ahead with certain proceedings to ensure that it does not exceed its jurisdiction.
- ★ **Quo warrant:** This writ is issued to prevent people from assuming positions in public office when she or he is not entitled to it.

The ambit of Article 32 was further broadened when individuals not having any locus standi in cases were allowed to file PILs under it before the Supreme Court. A PIL can be filed by any person under Article 32, not solely for her or his personal gain or pecuniary benefit but for the

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public benefit at large. The rationale behind this was that there could be situations when a victim may not have the necessary resources to move court if her or his rights were breached.

How article 32 status depends more on its functioning?

- In a judgment in the **L. Chandra Kumar vs Union of India** and Others case, a bench of seven judges had unequivocally declared that Article 32 was an integral and essential feature of the Constitution and constituted its basic structure.
- **The Supreme Court's recent observations on Article 32 and its functioning with regard to petitions under art 32:**
 1. In the case of the journalist Siddique Kappan, the court asked the petitioners to go to the High Court first.
 2. In another case invoking Article 32, filed by a Nagpur-based man arrested in three cases for alleged defamatory content against Maharashtra Chief Minister and others, the Supreme Court directed him to approach the High Court first.
 3. In another case Relief under Article 32 was also sought in a petition filed by Telugu poet Varavara Rao's wife against the conditions of his detention in jail since 2018. The Supreme Court directed the Bombay High Court to expedite the hearing on a bail plea filed on medical grounds. It observed that once a competent court had taken cognisance, it was under the authority of that court to decide on the matter.
 4. Delay in entertaining Habeas corpus petition of J and K politicians challenging detentions under the draconian Public Safety Act after abrogation of article 370.

What have been its observations over the years?

- In **Romesh Thapar vs State of Madras (1950)**, the Supreme Court observed that Article 32 provides a "guaranteed" remedy for the enforcement of fundamental rights. "This Court thus constituted the protector and guarantor of fundamental rights, and it cannot, consistently with the responsibility so laid upon it, refuse to entertain applications seeking protection against infringements of such rights,".
- In another matter the court had issued a contempt notice to the Assistant Secretary of the Maharashtra Assembly who in a letter to an editor-in-chief of a TV channel had questioned him for approaching the top court against the breach-of-privilege notice. The court had then said that the right to approach the Supreme Court under Article 32 is itself a fundamental right and that "there is no doubt that if a citizen of India is deterred in any case from approaching this Court in exercise of his right under Article 32 of the Constitution of India, it would amount to a serious and direct interference in the administration of justice in the country".

During the Constituent Assembly debates in December 1948, Dr B R Ambedkar had said that the rights invested with the Supreme Court through this Article could not be taken away unless the Constitution itself is amended and hence it was 'one of the greatest safeguards that can be provided for the safety and security of the individual'. Others in the drafting committee also said that since it gives a person the right to approach the Supreme Court as a remedy if fundamental

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rights are violated, 'it is a right fundamental to all the fundamental rights' guaranteed under the Constitution. So the court should take the article 32 provision in letter and spirit, the petition must be entertained if there is fundamental rights violation, in order to uphold the idea of justice and dispense justice in just and equitable manner.