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MCQs

THE HINDU

A Court divided by its own architecture

Prelims : General Studies Paper I

Indian Polity and Governance-Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.

Mains: General Studies 2

Structure, organization and functioning of the Executive and the Judiciary—Ministries

Why in Focus?

- The Supreme Court delivered a **split verdict** on petitions challenging the **Election Commissioners Appointment Act, 2023**.
- The judges differed over whether the case could be decided by a **two-judge Bench** or required a **Constitution Bench**, and **jointly referred the matter to the CJI to consider constituting a Constitution Bench**.

Key Highlights:

- In the **Anoop Baranwal v. Union of India (2023)** case, the **Supreme Court directed that the CEC and Election Commissioners be appointed on the advice of a committee comprising the Prime Minister, Lok Sabha LoP and CJI**.
 - ◆ This arrangement was to **continue until Parliament made a law** on the appointment process.
- **Parliament later enacted the 2023 law, replacing the CJI with a Union Cabinet**

Minister nominated by the Prime Minister in the selection committee.

- **Article 145(3)** requires at least **five judges** for cases involving a substantial question of constitutional interpretation.
- **Justice Datta** held that the Supreme Court had already laid down a constitutional principle in Anoop Baranwal, that Election Commission appointments should not be under **exclusive executive control**.
 - ◆ Therefore, the two-judge Bench could simply apply that principle to the **2023 Act**.
- **Justice Sharma** held that the Supreme Court had **never directly ruled on the constitutional validity of the 2023 Act**.
 - ◆ He therefore held that the case involved a substantial constitutional question and should be heard by a **five-judge Constitution Bench**.
- The disagreement itself shows the difficulty in deciding **when a case should be referred to a Constitution Bench**, especially when a new law is being challenged.
- The Supreme Court has grown from **six judges in 1950 to 38 sanctioned judges**, but it now functions largely through **two-judge Benches**.
- As a result, important constitutional cases can face **long delays** before reaching a larger Bench.
- **Constitution Bench delays** have been significant, with Anoop Baranwal originating in **2015**, being referred to a Constitution Bench in **2018**, and finally being decided in **2023**.



Implications:

- Long delays can allow a **challenged law to operate** before its constitutional validity is decided.
- Different Benches may interpret earlier judgments inconsistently, affecting **judicial certainty**.
- The Court's heavy **appellate workload** can limit its functioning as a constitutional court.

Way Forward:

- Consider a **permanent Constitution Bench** for pure questions of constitutional law.
- Establish **transparent and predetermined rules** for Constitution Bench composition.
- Ensure consistency in **judicial decisions by following established legal precedents**.

Mains Question:

Discuss the institutional challenges affecting the Supreme Court's functioning as a constitutional court. Suggest measures to improve judicial consistency and timely constitutional adjudication. (250 Words)

India's Model BIT — a decade later, amid changes

Prelims: General Studies Paper 1

Current events of national and international importance

Mains: General Studies 2

Indian Economy and issues relating to planning, mobilization, of resources, growth, development and employment.

Why in Focus?

- India is **revising its 2015 Model BIT**, nearly a decade after its adoption, to reflect lessons from India's treaty practice and changes in the global investment regime.

India's Model Bilateral Investment Treaty (BIT) is a framework containing the standard rights, protections and obligations that India seeks to include while negotiating investment treaties with other countries. It serves as a guiding template, not a rigid agreement, allowing provisions to be adapted to individual treaties.

Key Highlights

- The **2015 Model BIT** adopted a **cautious approach to investor protection** after concerns arising from investment arbitration, including the *White Industries v. India* case.

White Industries v. India case was an investment arbitration case in which an Australian investor brought a claim against India under the India–Australia BIT. The 2011 award raised concerns in India about the scope of investment protections and contributed to the adoption of a more cautious approach in the 2015 Model BIT.

- It **required investors to exhaust judicial and administrative remedies for at least 5 years** before initiating treaty arbitration.
- **India's recent BITs show greater flexibility:** India-UAE and India-Israel agreements provide a 3-year local-remedies period.
- **MFN (Most-Favoured-Nation) provisions need precise drafting to prevent investors** from importing more favourable provisions from other treaties.

Most-Favoured-Nation (MFN) provisions require a country to treat investors from the treaty partner no less favourably than investors covered by comparable treaties.

- The **India-Uzbekistan BIT** allows the State to make counterclaims against investors, strengthening the possibility of investor obligations.
- **UNCITRAL is considering reforms to ISDS**, including proposals relating to a permanent tribunal and appellate mechanism.

UNCITRAL (United Nations Commission on International Trade Law) is a UN body that develops rules and standards for harmonising international trade and commercial law.

Investor-State Dispute Settlement (ISDS) is a mechanism that allows a foreign investor to bring a dispute against the host state before an international arbitral tribunal.

- The **revised model needs clearer provisions on Fair and Equitable Treatment (FET)**, investor obligations and sustainable development.
- A **Model BIT is a starting point for negotiations, rather than a rigid template**; individual treaties can adapt it to bilateral circumstances.

Implications

- **Excessive investor protection may restrict India's policy** and regulatory space.
- **Ambiguous provisions can lead to prolonged and costly investment arbitration.**
- **Relaxing local-remedy requirements may increase** the risk of international disputes.
- **Broad MFN clauses may allow investors to seek more favourable provisions** from other treaties.
- **Strong investor obligations and counterclaims may reduce India's attractiveness** to some investors.
- **Frequent changes in the BIT framework may create uncertainty for investors** and treaty partners.

Way Forward

- **Clearly define MFN and FET provisions** to minimise ambiguity.
- **Balance investor protection with India's regulatory** and policy space.
- **Strengthen domestic dispute-resolution mechanisms** and pre-arbitration consultation.
- **Incorporate clearly defined investor obligations** and sustainable-development principles.
- **Retain flexibility for country-specific treaty negotiations** rather than treating the Model BIT as a rigid template.

- **Align India's investment treaties** with evolving global ISDS reforms.

Mains Question

"India's revised Model BIT must balance investor protection with the State's right to regulate in the public interest." Discuss in the context of India's experience with investment treaties over the past decade. (250 Marks)

Rescue act: On tiger reintroduction in West Bengal's Buxa

Prelims: General Studies Paper 1

Current events of national and international importance

Mains: General Studies 3

Conservation, environmental pollution and degradation, environmental impact assessment.

Why in Focus?

- A **Royal Bengal tigress has been reintroduced into West Bengal's Buxa Tiger Reserve**, marking the first phase of a planned tiger relocation programme.

Key Highlights

- The **National Tiger Conservation Authority (NTCA)** identified Buxa, along with Dampa and Palamau, as reserves with no recorded tigers by 2018.
- The **programme involves collaboration between the West Bengal Forest Department and Wildlife Institute of India (WII).**
- The **first tigress was captured in Bihar and relocated to Buxa**; seven tigers are planned to be relocated over two years.
- Buxa **faces ecological challenges including low prey density, habitat fragmentation, human settlements, tea estates** and transport infrastructure.
- Conservation measures include **chital reintroduction, canopy opening to restore grasslands and relocation of some villages from the reserve's core.**
- Buxa **forms part of an international wildlife**



corridor connecting Phibsoo Wildlife Sanctuary in Bhutan and Manas National Park in Assam.

- Successful **reintroduction requires tigers to establish territories, reproduce successfully** and maintain genetic diversity through natural dispersal.

Challenges for India

- **Low availability of natural prey may make tiger populations** dependent on livestock and other substitute prey.
- **Roads, railways, settlements and tea estates can fragment habitats** and wildlife corridors.
- **Human–wildlife conflict may increase as tiger populations** expand.
- **Excessive focus on core-area protection can affect the rights and livelihoods** of forest-dependent communities.
- **Reintroduction without addressing underlying habitat degradation** may become a short-term rescue rather than long-term conservation strategy.
- **Tigers may disperse outside Buxa if neighbouring habitats offer better prey availability** or lower disturbance.

Way Forward

- **Restore grasslands and natural prey populations** before and alongside tiger reintroduction.
- **Protect and maintain wildlife corridors connecting Buxa** with Bhutan and Assam.
- **Establish strong scientific monitoring of tiger movement**, breeding and genetic diversity.
- **Involve local and tribal communities in conservation and conflict-management** decisions.
- **Address infrastructure-related fragmentation through wildlife crossings** and corridor-sensitive planning.
- **Shift from reactive reintroduction to preventive** landscape-level conservation.

Mains Question

“Tiger reintroduction must go beyond relocating animals and address habitat quality, prey availability and community participation.” Discuss with reference to Buxa Tiger Reserve. (150 words)

KEYWORDS

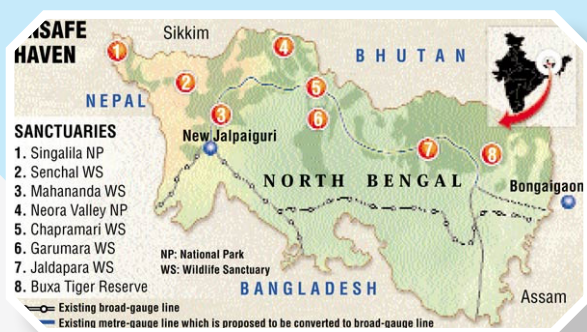
G20

- The **G20 was established in 1999 after the Asian Financial Crisis as a forum for Finance Ministers and Central Bank Governors**. It was elevated to the Leaders’ level in 2008 following the global financial crisis.
- The **G20 comprises 19 countries, the European Union (EU), and the African Union (AU)**. The AU became a permanent member in 2023 during India’s G20 Presidency.
- **G20 members collectively account for approximately 85% of global GDP, 75% of international trade**, and more than two-thirds of the global population.
- The **G20 works through two parallel tracks: the Finance Track**, dealing with economic and financial issues, and the **Sherpa Track**, which covers areas such as climate, health, energy, agriculture, education and digital economy.
- The G20 has **no permanent secretariat or charter**. Its presidency rotates annually, and the Troika consists of the previous, current and incoming presidencies.
- The **G20 is a non-binding forum: its decisions are not legally binding on member countries**.
- It works **closely with institutions such as the IMF, World Bank and WTO**.

Places in News

Buxa Tiger Reserve

- West Bengal launched its first big-cat revival project by releasing a three-year-old tigress into a natural enclosure at Buxa Tiger Reserve on 2 October 2026.
- Buxa Tiger Reserve is located in Alipurduar district of West Bengal, in the foothills of the Eastern Himalayas, and forms part of the Dooars region.
- Buxa Tiger Reserve was notified under Project Tiger in 1983 as the 15th tiger reserve in India.
- The reserve has a transboundary ecological significance, sharing its northern boundary with Bhutan and maintaining forest connectivity with Assam.
- Rivers such as the Raidak, Sankosh and Jayanti drain the reserve; these rivers originate in Bhutan and can cause flooding due to their heavy sediment loads.
- Buxa supports rich biodiversity, including elephants, gaur, leopards, clouded leopards and dhole.
- Its tiger population had nearly disappeared after 1998, but camera-trap records in 2021, 2023 and 2026 indicate tiger movement/possible natural recolonisation.



Species In News

Royal Bengal Tiger

- In October 2026, a three-year-old Royal Bengal tigress was translocated from Bihar's Valmiki Tiger Reserve to West Bengal's Buxa Tiger Reserve, marking the beginning of a tiger reintroduction programme in Buxa.
- The Royal Bengal Tiger belongs to the species *Panthera tigris* and is the national animal of India.
- Tiger conservation in India is primarily undertaken through Project Tiger, launched in 1973, with tiger reserves administered under the National Tiger Conservation Authority (NTCA).
- The Royal Bengal Tiger occurs across diverse habitats in India, including mangrove ecosystems such as the Sundarbans, as well as forests and grassland landscapes.
- It is classified as Endangered under the IUCN Red List, listed in CITES Appendix I, and accorded the highest protection under Schedule I of India's Wildlife (Protection) Act, 1972.

