

## Mains Master

### Timely restatement

#### Background

The Supreme Court's intervention was prompted by lower court orders directing Bloomberg to take down an article deemed defamatory. These orders raised serious concerns about the erosion of press freedoms and the public's right to know.

#### The Supreme Court's Stance

#### The Supreme Court made it clear that:

- Pre-trial injunctions against the media can have a chilling effect on public debate.
- The constitutional protection of journalistic expression is of paramount importance.
- Courts must rigorously analyze all facts and provide detailed reasoning for any restrictions on the press, rather than mechanically applying standard legal tests.
- **The Three-Fold Test**

The standard test for injunctions considers these factors:

- 1 **Prima Facie Case:** Is there an apparent basis for the plaintiff's claim?
- 2 **Balance of Convenience:** Does preventing publication benefit the plaintiff more than the public right to information?
- 3 **Irreparable Loss or Harm:** Will the plaintiff suffer irredeemable damage if the material is published?

#### Protecting Against Misuse of the Law

#### The Court's ruling helps to guard against two dangers:

- 1 **Baseless Defamation Suits:** The Supreme Court reaffirmed that injunctions are highly unlikely in defamation cases unless the published material is blatantly defamatory with no possible defense (like truth or public interest).
- 2 **SLAPP Suits:** The Court highlighted the risk of powerful entities using lawsuits as weapons to intimidate journalists and suppress criticism.

#### The Way Forward

While this Supreme Court decision is a victory for free speech, it is essential to remain vigilant. There is a concerning trend of lower court orders attempting to restrict journalistic activities. The press, legal advocates, and the public must work together to ensure that India's commitment to a free press remains steadfast.

### WTO's investment facilitation negotiations are not illegal

#### Context

- The World Trade Organization's (WTO) 13th Ministerial Conference saw the failure to adopt the Investment Facilitation for Development (IFD) Agreement, primarily due to opposition from India and South Africa.

#### Background

- In 2017, 70 WTO member countries initiated negotiations on the IFD agreement through a plurilateral approach (a subset of members).
- The agreement was finalized in November 2023 and backed by over 120 WTO members.
- Plurilateral agreements (PAs) are allowed within the WTO but bind only the countries that accept them.

#### What is the IFD Agreement?

- It aims to create legally binding rules to streamline investment processes, focusing on transparency and administrative simplification.
- **Key Points:**
  - Does NOT include: market access, investment protection, or investor-state dispute settlement (ISDS).

#### Why India Opposes the IFD

- 1 **Scope:** India argues that investment is distinct from trade and should not fall under the WTO's mandate.
- 2 **Process:** India claims the IFD negotiations violate a 2004 decision against discussing investment as part of the Doha Round, and a 2015 decision requiring consensus for any new multilateral agreements.

#### India's Alternative Approach

- India emphasizes domestic reform to increase investment attractiveness rather than relying on a WTO agreement.

#### Way Forward

- The article suggests a more open stance by India towards plurilateral agreements like the IFD could help update the WTO in a world where consensus-building remains difficult.

### The politics of humanitarian aid

#### Context

- The U.S. Secretary of State has highlighted the severe food crisis in Gaza.
- The U.S. Congress has simultaneously cut funding to UNRWA, the agency providing aid to Palestinian refugees.

#### Background

- This act connects to the long-standing Israeli-Palestinian conflict.
- Israel seeks to undermine Palestinian refugee claims and their potential right to return, a key issue for an independent Palestinian state.

#### What is Humanitarian Aid?

- Essential supplies like food, medicine, and shelter provided to people in crisis situations due to war, disaster, etc.
- Guided by principles of neutrality and humanity, focused on saving lives and reducing suffering.

#### How Aid is Used as a Bargaining Chip

- Powerful nations can block or restrict aid to pressure parties in a conflict to act in their favor.
- Aid might be offered in exchange for political concessions, such as prisoner swaps.
- Specific areas or groups within a conflict zone might be denied aid based on political affiliation.

#### Pressure Tactics Employed by Countries

- **Gaza Case:** The U.S. and Israel are hindering aid to Palestinians to achieve political goals in the region.
- **Syria, Ethiopia, Yemen:** Other examples where aid is blocked or controlled by parties to the conflict, used to pressure their opponents.

#### Is This Ethical?

- Denying life-saving aid violates international law and basic principles of humanity.
- Using people's suffering as leverage in political games raises serious moral concerns.

#### Ideal Scenario

- Humanitarian aid should be delivered solely based on need, without political conditions.
- International bodies like the UN must have the authority to ensure aid reaches everyone affected by conflict, regardless of politics.

#### Way Forward

- The international community needs to strongly condemn the use of aid as a political weapon.
- Mechanisms are needed to ensure those hindering humanitarian aid are held accountable.
- A renewed focus on resolving conflicts through diplomacy, rather than starving populations into submission, is crucial.



## Preventing a China-Taiwan conflict

### Context

- Rising tensions between China and Taiwan pose a challenge to India's growing interests in the region.
- A potential conflict risks disrupting India's economy and strategic position, undermining its national development.

### Background: The Taiwan Issue

- **China's Claim:** Beijing views Taiwan as a breakaway province and seeks "reunification" under the "One China" principle.
- **Taiwan's Stance:** Taiwan functions as a self-governing democratic nation, with growing public opposition to being ruled from mainland China.
- **US Involvement:** The US assists Taiwan's defense under the Taiwan Relations Act, while maintaining "strategic ambiguity" regarding its commitment to direct military intervention in case of a Chinese invasion.

### Why the Conflict is Escalating

- **China's Increasing Military Readiness:** China has amplified military activities near Taiwan in preparation for potential forceful seizure of the island.
- **Taiwan's Response:** Taiwan bolsters defenses with US assistance, raising the stakes of any Chinese action.

### India's Concerns

- **Economic Consequences:** A conflict would disrupt trade, damage critical supply chains, and cripple India's key industries.
- **Strategic Impact:** A Chinese victory could lead to diminished US influence in the region, allowing for increased Chinese power projection, including towards India, possibly emboldening Beijing in disputes like Arunachal Pradesh.
- **India's Balancing Act:** India needs a broadly stable environment and relies on the US for defense cooperation, yet it does not want to be dragged into a direct conflict.

### India's Role in Prevention

- **Maintaining the Status Quo:** Supports the current situation where Taiwan remains de-facto independent and refrains from formal declaration, which would likely trigger Chinese aggression.
- **India's Potential Actions:** The author suggests policy options India can adopt to deter China, including:
  - Leveraging international law to counter aggressive behavior
  - Joining diplomatic efforts to build a global narrative condemning forced annexation
  - Reducing economic dependence on China
  - Supporting Taiwan subtly and indirectly
  - Cooperating with the US in the Indian Ocean

### Way Forward

- **India's Self-Interest:** While preventing a conflict aligns with supporting Taiwan, it's ultimately a matter of protecting India's own interests in a stable region.
- **Proactive Policy:** India needs to move beyond its traditional passive approach, take calculated risks, and adopt a bolder strategy in response to its growing role in the world.

## On sustainable building materials

### Context

- India is experiencing rapid construction growth, leading to increased energy consumption.
- This energy use contributes to climate change and places strain on resources.

### Background

- Rising temperatures and urbanization demand energy-efficient buildings for thermal comfort.
- Initiatives like Eco-Niwas Samhita (ENS) guide the use of the RETV metric, which measures heat transfer through a building.

Current building trends often ignore these guidelines, prioritizing speed over long-term energy efficiency and comfort.  
**Why Change Building Materials?**

- To reduce the building sector's contribution to climate change and resource depletion.
- To ensure comfortable living spaces without excessive reliance on cooling systems.
- To manage the increasing demand for energy expected in the future.

### Benefits of Sustainable Materials

- Lower energy bills for residents due to better natural temperature control.
- Improved thermal comfort, reducing the need for air conditioning.
- Reduced environmental impact compared to traditional materials.

### Possible Solutions

- Exploring and developing new, innovative building materials with superior thermal performance.
- Integrating energy-saving design principles (building orientation, window placement, etc.)
- Rethinking construction processes to prioritize sustainability over just speed.

### Choosing the Best Current Options

- AAC blocks offer several advantages:
  - Excellent thermal insulation (low RETV) leading to cooler indoor spaces.
  - Faster construction time compared to traditional red bricks.
  - Lower embodied energy (manufacturing impact) than monolithic concrete.
- Monolithic concrete, while fast to build with, has the worst environmental impact from high embodied energy.

### Way Forward

- Collaboration between engineers, architects, and sustainability experts is crucial for a greener future.
- Material manufacturers need to innovate to meet the demand for sustainable, energy-efficient, and cost-effective solutions.
- India has the potential to be a leader in sustainable construction if it prioritizes these changes now.

## Prelims Booster

### Drop in FDI mirrors global trend

#### FDI Trends in India:

Net FDI inflow into India decreased by 31% in the first 10 months of 2023-24, attributed to repatriation of funds, while gross FDI saw a slight dip from 61.7 59.5 bn., according to the Finance Ministry.

#### Global FDI Scenario:

Overall global FDI flows increased by 3% to an estimated \$1.4 trillion in 2023, but FDI flows to developing countries declined by 9%, reflecting economic uncertainty and higher interest rates.

#### Impact on India:

The slowdown in FDI inflows to India mirrored the global trend, with gross FDI inflows to India also experiencing a minor decline, primarily due to repatriation of funds, leading to a contraction in net inflows.

#### Future Outlook:

The Finance Ministry anticipates a modest increase in global FDI flows in the current year, driven by declining inflation and borrowing costs in major markets, which could stabilize financing conditions for international investments.

#### Top FDI Contributors:

The Netherlands, Singapore, Japan, the U.S.A., and Mauritius constitute around 70% of the total FDI equity inflows into India, with the country maintaining its position as one of the top destinations for global greenfield projects, as per a UNCTAD report.

### ED issues fresh summons to Isaac in masala bonds case

#### Masala Bonds:

Masala bonds are a specific type of debt instrument issued by Indian companies or entities.

₹ They are denominated in Indian Rupees (INR) but are sold to investors outside of India, distinguishing them from traditional bonds.

🍛 The term "Masala" reflects Indian cuisine and culture, adding a unique flavor to these bonds and symbolizing their connection to India.