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Plea Bargaining, A Reform New Criminal Laws Missed

Context

- India's **criminal justice system** is facing a serious crisis because of the huge number of pending cases in courts.
- Delayed justice weakens public trust and increases pressure on legal institutions. In this context, reforming **plea bargaining** has become extremely important.
- Introduced through the **Criminal Law (Amendment) Act, 2005**, plea bargaining was designed to reduce delays through negotiated settlements between the accused and the prosecution.
- However, despite its success in countries such as the **United States, Canada, and Australia**, the system has failed to perform effectively in India due to legal contradictions, institutional indifference, and social stigma.

Meaning and Importance of Plea Bargaining

- **Concept of Plea Bargaining**

- Plea bargaining is a pre-trial agreement in which the **accused pleads guilty to a lesser offence** or accepts a reduced punishment.
- It is mainly applicable to offences carrying imprisonment of less than seven years.

- **Global Success of the System**

- In many countries, plea bargaining is an effective tool for reducing judicial burden.
Around 90–95 percent of criminal cases in the United States and nearly 85–90 percent in Canada and Australia are resolved through negotiated pleas.
- In India, however, less than one percent of criminal cases are settled through this mechanism.

- **Need for Reform**

- India currently faces massive **pendency of cases**, with over **8 million** cases awaiting disposal. Courts have almost exhausted their capacity, making judicial reforms essential.
- A stronger plea-bargaining framework can help ensure faster disposal of cases and reduce pressure on courts.

Reasons for the Failure of Plea Bargaining in India

- **Stigma of Conviction**

- One of the major reasons for failure is the **stigma of conviction** attached to plea bargaining.
- Under Section 294 of the BNSS, a successful plea bargain still results in formal conviction and punishment.
- Such convictions can negatively affect employment opportunities, social reputation, and civil rights.

- **Conflict with Compounding of Offences**

- Section 359 of the BNSS allows **compounding of offences**, where parties settle disputes and the accused receives acquittal.
- Naturally, accused persons prefer compounding because it avoids the long-term consequences of conviction.
- This contradiction has weakened the appeal of plea bargaining.

- **Institutional Indifference**

- Another major weakness is the poor role of prosecutors and legal institutions.
- Many prosecutors focus on maintaining high conviction rates instead of promoting efficient justice delivery.
- Additionally, legal aid lawyers often lack proper training in negotiation and settlement procedures.

Measures Required for Effective Reform

- **Strengthening Judicial Oversight**

- Strong judicial evaluation is necessary to ensure fairness in negotiated settlements.
- Judges must verify facts, monitor agreed charges, and impose proportionate sentences. Proper supervision can prevent misuse of the process.

- **Accountability and Transparency**

- A district-level data dashboard can improve accountability by tracking disposal rates, offence categories, and settlement outcomes.

- Monthly reporting systems can make officials more responsible and transparent.
- **Establishment of Mediation Cells**
 - District courts should establish dedicated mediation cells with trained facilitators, legal aid officers, and victim liaisons.
 - Such institutions can ensure smoother implementation of plea bargaining.
- **Training and Professional Development**
 - Mandatory training for prosecutors and legal aid lawyers is essential.
 - Skilled negotiation and proper legal understanding are necessary for the success of negotiated settlements

Making Plea Bargaining More Attractive

- **Reducing Legal Disqualifications**
 - The disqualification attached to imprisonment and conviction should be reduced in plea-bargaining cases.
 - This can encourage more accused persons to choose negotiated settlements.
- **Introducing Acquittal as an Outcome**
 - In selected cases, acquittal may be introduced as one of the outcomes of negotiated pleas.
 - This would remove the perception that plea bargaining is less beneficial than compounding.
- **Rehabilitation-Oriented Measures**
 - Prisoners resolving cases through plea bargaining may receive benefits such as parole, remission, and rehabilitation support.
 - Such reforms would make the justice system more humane and restorative.

Conclusion

- Reforming plea bargaining is essential for improving India's overburdened **criminal justice system**. Legal contradictions, lack of institutional support, and the social stigma attached to conviction have prevented the system from achieving its purpose.
- By strengthening accountability, improving prosecutorial training, ensuring judicial oversight, and making negotiated settlements more attractive, **India can transform plea bargaining** into an efficient and fair mechanism of justice.
- **Effective reforms will not only reduce judicial backlog** but also promote faster, fairer, and more restorative outcomes in the legal system.

Plea Bargaining, A Reform New Criminal Laws Missed FAQs

Q1. What is plea bargaining?

Ans. Plea bargaining is a pre-trial agreement in which the accused accepts guilt in exchange for a lesser charge or reduced punishment.

Q2. Why has plea bargaining failed in India?

Ans. Plea bargaining has failed due to the stigma of conviction, legal contradictions, and lack of institutional

support.

Q3. How does compounding differ from plea bargaining?

Ans. Compounding results in acquittal, while plea bargaining results in formal conviction with reduced punishment.

Q4. Why is reforming plea bargaining necessary?

Ans. Reforming plea bargaining is necessary to reduce the huge backlog of pending criminal cases in courts.

Q5. What reforms can improve plea bargaining in India?

Ans. Judicial oversight, trained prosecutors, mediation cells, and accountability systems can improve plea bargaining in India.

Source: **The Hindu**

Reimagining India-Africa Relations - The Strategic Significance of IAFS-IV

Context

- The fourth India-Africa Forum Summit (IAFS-IV), scheduled for May 28-31, marks a crucial opportunity for India to **recalibrate** and **deepen** its engagement with Africa amid rapidly evolving geopolitical and economic realities.
- Originally due in 2020, the summit was delayed because of the COVID-19 pandemic and subsequent global diplomatic disruptions.
- In the intervening years, Africa's external partnerships have expanded significantly, with major powers such as the European Union (EU), China, Japan, France, Germany, and South Korea intensifying their outreach.
- Against this backdrop, India must transform its **historical goodwill** with Africa into a more structured, continuous, and strategic partnership.

Changing Geopolitical Landscape in Africa

- **Intensifying global competition:**
 - Africa has emerged as a major arena of geopolitical competition and strategic engagement.
- **Recent developments:**
 - The **EU** and **Japan** organised high-level summits with African nations in 2025.
 - South Korea conducted ministerial consultations with African partners.
 - Germany hosted discussions on the Sudan crisis.
 - France is advancing a renewed Africa outreach strategy.
 - **China** continues its sustained engagement through the Forum on China-Africa Cooperation (FOCAC).
- This increasingly crowded diplomatic space poses a challenge for India to **maintain visibility** and relevance.

India's Traditional Strengths in Africa

- **Historical goodwill:**
 - India enjoys substantial goodwill in Africa due to shared colonial experiences and anti-imperial struggles, South-South cooperation framework, capacity-building initiatives, etc.
- **Development partnership:**
 - India is often viewed by African nations as –
 - A country that provides affordable and accessible developmental solutions.
 - A non-hegemonic partner.
 - Adaptable and development-oriented.
 - Respectful of African sovereignty and priorities.
 - However, goodwill alone is no longer sufficient in an increasingly competitive environment.

Need for Institutionalised Engagement

- **Limitations of the existing summit model:**
 - The five-year summit cycle remains useful for leadership-level engagement, but the absence of robust inter-summit mechanisms has weakened continuity.
- **Consequences:**
 - Engagement often becomes **episodic**.
 - Partnerships default to bilateral interactions.
 - Pan-African institutional cooperation remains limited.
 - Many summit commitments suffer from weak implementation.

Reviving the Three-Tier Africa Framework

- **India's earlier framework of engagement:**
 - It was based on bilateral level, regional level, and pan-African level. Although implementation challenges reduced its effectiveness, the framework remains strategically relevant.
- **Suggested measures:**
 - **Enhanced political engagement:**
 - Annual invitation to the Chairperson of the African Union Commission (**AUC**).
 - State visits for the annually rotating African Union (AU) Chair.
 - Greater inclusion of geographically underrepresented African countries.
 - **Importance of Burundi's role:**
 - With Burundi currently holding the AU Chair and co-chairing IAFS-IV, such engagement gains additional significance.

Importance of AU and Regional Economic Communities (RECs)

- **Strategic role of the AUC:** The AUC plays a central role in shaping Africa's collective positions on climate change, energy transition, digital governance, Artificial Intelligence (AI), and global South cooperation.
- **Sharing developmental experiences:** Engaging the AUC would enable India to share its developmental experiences in Digital Public Infrastructure (DPI), financial inclusion, public health systems, capacity building, and e-governance.

- **Re-engaging RECs:**

- Africa's RECs are critical pillars of continental integration and economic coordination.
- Suggested initiative is an annual **Track 1.5** India-Africa Strategic Dialogue involving policymakers, AUC leadership, Permanent Representatives' Committee (PRC), academia, and industry experts.
- This can create **sustained** policy continuity beyond summit diplomacy.

Persistent Challenges in India-Africa Engagement

- **Gap between commitments and delivery:** Many IAFS announcements have suffered from slow implementation, weak monitoring mechanisms, and limited institutional follow-up.
- **Episodic nature of engagement:** Without regular engagement mechanisms, India risks being viewed as a reactive partner, and an occasional diplomatic actor rather than a long-term strategic stakeholder.
- **Weak institutionalisation of cooperation:** Several promising initiatives remain insufficiently developed, particularly in renewable energy, agriculture, climate finance, digital economy, counterterrorism cooperation, etc.
- **Growing Chinese influence:** China's highly institutionalised and financially intensive engagement through FOCAC creates competitive pressure for India.

Way Forward

- **Shift to process-driven diplomacy:** IAFS-IV should evolve from symbolic summitry to sustained strategic engagement. Key institutional mechanisms –
 - Establish regular mid-cycle review meetings.
 - Create monitoring frameworks for implementation of commitments.
 - Enhance consultations with African diplomats in New Delhi and Addis Ababa.
- **Deepen development cooperation:** India should focus on sectors where it has comparative strengths – DPI, FinTech and UPI-based payment systems, affordable healthcare, pharmaceuticals, skill development, and renewable energy.
- **Align with African priorities:**
 - "African priorities should guide India's engagement with Africa" – the Indian PM's 2018 principle articulated in Uganda.
 - This would reinforce mutual trust, demand-driven cooperation, and respect for African agencies.
- **Strengthen multilateral coordination:** In Global South platforms, climate negotiations, WTO reforms, UNSC reforms, and digital governance norms.

Conclusion

- IAFS-IV arrives at a critical juncture in global geopolitics and South-South cooperation.
- Africa is no longer a peripheral strategic space but a central arena in the emerging multipolar world order.
- For India, the challenge is not merely to preserve historical goodwill but to translate it into sustained institutional partnerships and **credible delivery mechanisms**.

Reimagining India-Africa Relations FAQs

Q1. How does the IAFS-IV reflect the changing dynamics of India–Africa relations in a multipolar world order?

Ans. IAFS-IV highlights India’s need to shift from historical goodwill to sustained, institutionalised, and strategic engagement with Africa.

Q2. Why is institutional continuity important for strengthening India–Africa relations beyond summit diplomacy?

Ans. It ensures regular political dialogue, implementation monitoring, and long-term strategic cooperation.

Q3. What is the significance of the AUC in India’s Africa policy?

Ans. The AUC shapes Africa’s collective positions on global issues, making it a crucial partner for India in developmental cooperation.

Q4. What are the major challenges limiting the effectiveness of the India–Africa Forum Summit process?

Ans. Weak implementation mechanisms, episodic engagement, and inadequate institutionalisation.

Q5. How can India strengthen its strategic partnership with Africa in emerging sectors?

Ans. India can deepen cooperation through DPI, renewable energy, climate finance, healthcare, etc.

Source: **IE**

The Xi-Trump Summit — Shadow Boxing on Iran

Context

- An American President, trapped in a costly and unpopular war, turns to China for diplomatic help in securing an exit strategy.
- China responds cautiously, offering assistance while seeking strategic concessions in return.
- Eventually, the U.S. disengages from the conflict, effectively allowing its adversary to prevail.
- The episode marks a shift in Washington’s perception, from scepticism and hostility toward a more reluctant acceptance of China’s growing global influence and its narrative of a “peaceful rise.”
- The article draws a comparison between a possible visit by Donald Trump to China and the landmark 1972 summit when U.S. President Richard Nixon met Chairman Mao Zedong amid the Vietnam War.

What Happened in 1972

- During the 1972 summit:
 - the U.S. formally recognised Communist China as the legitimate China,
 - China gained greater international legitimacy and strategic status, and
 - the U.S. moved toward disengagement from the Vietnam War.
- In exchange for helping the U.S. secure an exit from Vietnam, China gained major geopolitical and economic advantages, including eventual access to Western capital, technology, and global influence.

Possible Modern Parallel

- Experts suggest history may be repeating, with Trump potentially seeking Chinese help in managing the ongoing U.S.-Iran conflict and securing a politically face-saving exit.

- **Why the Iran Conflict Matters**

- The U.S.-Iran war has become costly for Washington due to:
 - economic disruptions,
 - strategic uncertainty,
 - rising global oil prices, and
 - domestic political pressure on Trump ahead of midterm elections.
- Despite military setbacks, **Iran has used asymmetric tactics**, particularly pressure around the Strait of Hormuz, to disrupt crude oil supplies and impose economic costs globally.
- Iran's refusal to accept U.S. demands has denied Trump a clear exit strategy, weakening his domestic political standing and increasing the urgency for diplomatic intervention.

China's Central Role in the Iran Crisis

- China is Iran's most important economic partner, purchasing the bulk of its oil exports and maintaining significant non-oil trade ties, making Beijing a crucial external influence on Tehran's strategic decisions.
- China's influence is reinforced by:
 - close communication channels involving Pakistan,
 - high-level diplomatic engagement such as Iranian Foreign Minister Abbas Araghchi's Beijing visit, and
 - broader geopolitical coordination involving Russia.
- These factors make China a potential mediator in the U.S.-Iran standoff.

Trump's Diplomatic Dilemma

- Despite public claims to the contrary, the article suggests Donald Trump may need Chinese President Xi Jinping's help to find a workable diplomatic settlement with Iran.
- Several developments have complicated the U.S. position:
 - failed attempts to finalise a negotiation roadmap before the Beijing summit,
 - Iran's rejection of U.S. proposals,
 - ineffective efforts to restore navigation through the Strait of Hormuz, and
 - domestic legal and political constraints on prolonged military engagement.

Iran's Hardening Position

- Following diplomatic engagement with China, Iran's stance appears to have hardened on key issues such as:
 - the Strait of Hormuz blockade,
 - nuclear enrichment,
 - missile programmes, and
 - regional proxy groups.
- Iran has reportedly raised broader demands including:

- reparations,
- security guarantees,
- release of frozen assets,
- closure of U.S. military bases in the region, and
- ceasefires in Lebanon and Yemen.
- China and Russia have increased pressure by signalling opposition to even a diluted U.S.-backed UN Security Council resolution related to the Hormuz blockade, strengthening Iran's diplomatic leverage.

China's Possible Negotiating Strategy

- Analysts suggest China may use the ongoing Gulf crisis as strategic leverage in negotiations with the United States, calculating that prolonged instability increases Washington's dependence on Beijing's diplomatic help.
- In exchange for helping resolve Iranian resistance, China may seek American concessions on major bilateral issues such as:
 - tariffs and economic sanctions,
 - technology restrictions, and
 - the Taiwan issue.
- Beijing may attempt to position itself as:
 - a mediator or guarantor in a U.S.-Iran settlement, or
 - a key player through a UN Security Council-backed diplomatic framework.
- Any potential settlement could be structured as a gradual diplomatic unwinding over several months rather than an immediate breakthrough.

Trump's Strategic Challenge

- **Need for a Counterstrategy** – The key uncertainty is whether Donald Trump can negotiate Chinese cooperation while limiting concessions, rather than accepting a broader strategic compromise.
- **Risk of a Grand Bargain** – Without a strong counterstrategy, Trump could end up making significant geopolitical concessions—similar to past U.S. compromises with China—simply to secure an exit from a difficult international crisis.

Conclusion

- The Trump-Xi summit could become a pivotal geopolitical bargain where America seeks crisis exit, China seeks strategic gains, and Iran's resistance reshapes global power calculations.

The Xi-Trump Summit — Shadow Boxing on Iran FAQs

Q1. Why is the 1972 Nixon-Mao summit being compared with the possible Trump-Xi summit?

Ans. Both situations involve an American President facing a costly war and potentially seeking Chinese diplomatic assistance in exchange for strategic geopolitical concessions.

Q2. Why does China hold significant leverage in the U.S.-Iran conflict?

Ans. China is Iran's largest economic partner, major oil buyer, and a politically influential actor capable of shaping Tehran's negotiating posture and diplomatic choices.

Q3. How has Iran strengthened its bargaining position in the conflict?

Ans. Iran has used asymmetric pressure through the Strait of Hormuz, hardened negotiating demands, and leveraged support from China and Russia to resist U.S. pressure.

Q4. What concessions might China seek from the United States?

Ans. China may demand tariff relief, easing of technology restrictions, reduced sanctions pressure, and a softer American stance on Taiwan in exchange for diplomatic assistance.

Q5. What strategic risk does Trump face in a potential grand bargain?

Ans. Trump risks making significant long-term geopolitical concessions to China for short-term crisis management, potentially strengthening Beijing's strategic influence at America's expense.

Source: TH

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