

Daily Editorial Analysis 28 June 2025

June 28, 2025 • vajiramandravi.com

A China-led Trilateral Nexus as India's New Challenge

Context

- China recently held its first trilateral meeting with Pakistan and Bangladesh in Kunming, following a similar May meeting with Pakistan and Afghanistan.
- These China-led trilaterals aim to boost regional cooperation and revive Pakistan's role in regional dynamics.
- Strategically, Beijing is leveraging India's tense relations with Bangladesh and growing footprint in Afghanistan to counter New Delhi's influence and divert its attention.

A War That Redefined Regional Alignments

- The 1962 India-China war shaped lasting regional dynamics. Post-war, China found a strategic ally in Pakistan to contain India and safeguard its own geopolitical interests.
- **China-Pakistan Strategic Bond**
 - Pakistan views China as a reliable partner for economic and military support.
 - By the end of 2024, Pakistan owed China over \$29 billion, and over 80% of its arms imports were Chinese in origin.
- **China's Diplomatic Shielding**
 - China has repeatedly shielded Pakistan-backed terrorists at the UN and other platforms, solidifying their alliance beyond bilateral trade and defense.
- **Operation Sindoor and Recent Tensions**
 - During India's Operation Sindoor in May 2025—retaliation for the Pahalgam terror attack—China criticized India's response as "regrettable" and pushed for dialogue.
 - It endorsed Pakistan's call for an investigation instead.
 - The conflict saw Pakistan deploying Chinese-made equipment—from radars, drones, and missiles to fighter jets—underscoring Beijing's deep military support.
- **Post-Conflict Diplomacy and Trilateral Outreach**
 - Soon after the escalation, Pakistan's Foreign Minister met his Chinese counterpart to reaffirm their "iron-clad friendship."
 - The subsequent trilateral meetings with Afghanistan and others are seen as a diplomatic extension of that bond.

Resurfacing an Old Strategy

- The China-Pakistan “plus one” strategy—using third countries to isolate India—is not new.
- As early as 1965, Pakistan considered using East Pakistan, China, and Nepal to sever India from its Siliguri Corridor.
- The idea appears to be reviving, especially as both Beijing and Rawalpindi confront a confident and assertive India.
- **India’s Assertive Posture**
 - India’s retaliatory strikes post-Uri (2016), Pulwama (2019), and Pahalgam (2025) show a decisive shift from past restraint.
 - No tolerance for nuclear blackmail
 - Indus Waters Treaty suspended, trade halted, port access restricted
 - Military strikes have weakened Pakistan’s operational confidence
 - Diplomatically, India has worked to isolate Pakistan globally
- **Stiff Pushback Against China**
 - India’s response to Chinese aggression in Doklam and Galwan surprised Beijing.
 - It included:
 - Increased cooperation with like-minded democracies
 - Expanded presence in the Indo-Pacific and South Asia
 - Diplomatic outreach by India has slowed China’s regional influence.
- **Shifting Regional Ties**
 - India’s pragmatic diplomacy is undermining Chinese momentum in South Asia:
 - **Maldives:** President Muizzu, once anti-India, has turned to Delhi to save the economy.
 - **Nepal:** Despite signing BRI agreements, funding disputes stall progress.
 - **Sri Lanka:** President Anura Kumara Disnayake visited India before China.
 - **Bangladesh:** Despite tensions, India allowed trilateral energy cooperation with Nepal.

China’s Strategic Trilateral Push

- China’s trilateral meetings with Afghanistan and Bangladesh aim to:
 - Reclaim influence post-regime changes in 2021 (Afghanistan) and 2024 (Bangladesh)
 - Offset India’s deepening ties with the Taliban
 - Reinforce Pakistan’s relevance in the region
- **Potential Security Threats**
 - China-backed Pakistan is using historic linkages with Bangladesh and Afghanistan to:
 - Foster cross-border terrorism.
 - Distract India with security threats.
 - Undermine India’s neighbourhood influence, opening space for Chinese BRI investments and geostrategic dominance.

China - The Primary Strategic Challenge

- Recent regional shifts reaffirm that China—not Pakistan—is India’s most formidable challenge.

- Beijing is leveraging its growing influence and alliance with Pakistan to counter India's rising confidence and regional outreach.
- **Trilateral Nexus as a Geopolitical Tool**
 - China views the trilateral mechanism as a way to undermine India's diplomacy and distract it with fresh security and political challenges, especially as India builds regional consensus against terrorism.

Conclusion

- South Asian countries now face the difficult task of balancing between India and China, as Beijing uses Islamabad as a proxy to complicate India's strategic environment and expand its regional footprint.
 - India must continue to:
 - Assert its redlines clearly
 - Warn neighbours of consequences—economic, military, and political
 - Deter misadventures through visible and credible retaliatory strategies
-

Practising Equality in Constitutional Courts

Context

- On May 13, 2025, the Supreme Court of India passed a judgment in **Jitender @ Kalla vs State (Govt.) of NCT of Delhi**, **revisiting its earlier decisions in Indira Jaising vs Supreme Court of India** (2017 and 2023).
- **The judgment focused on refining the methodology for designating lawyers** as senior advocates.
- **Despite its significant implications** for judicial equity and democratic access to justice, **the ruling received little public attention**, mistakenly perceived as an internal matter of the judiciary.
- However, **the issue cuts much deeper, revealing the systemic inequality entrenched within the Indian legal profession.**

The Legal Profession's Public Character and Systemic Inequality

- The legal profession, unlike many others, **bears a distinctly public character**. It forms a cornerstone of both judicial and political democracies.
- **Consequently, any stratification within this profession**, especially one sanctioned by statute and reinforced by judicial endorsement, **has profound repercussions on the integrity of the justice delivery system.**
- **India's legal hierarchy**, particularly the designation of senior advocates under **Section 16 of the Advocates Act, 1961**, embodies what may be described as a form of **legal plutocracy**.
- **This classification, predicated on ambiguous criteria such as 'standing at the Bar' and 'special knowledge or experience in law,'** institutionalises inequality within a profession that should ideally be democratic and egalitarian.

- The **resultant divide undermines the constitutional promise of equality** before the law and reduces access to justice for marginalized voices.

Comparative Analysis: Lessons from the United States

- The **danger of elite capture** in the legal profession is **not unique to India**.
- The **American experience**, as **detailed in Reuters' 2014 report 'The Echo Chamber**, is illustrative.
- The **study revealed that a mere 66 out of 17,000 lawyers who petitioned the U.S. Supreme Court controlled 43% of the appeals**, a clear indication of corporate and elite dominance.
- Though **India has not replicated this model wholesale**, the structural vulnerability is apparent.
- With the **senior advocate system**, Indian courts **risk gravitating toward a similarly exclusionary structure** where a privileged few monopolize legal representation in constitutional and high-stakes matters.

Judicial Response and Its Limitations

- The **Supreme Court's attempts to reform this process**, notably through the 2017 Indira Jaising judgment, and more recently in Jitender, **have focused largely on procedural refinements rather than substantive reform**.
- While the **Court acknowledged that the point-based system for designation was highly subjective**, **it chose not to strike down** the classification altogether.
- **Instead, it suggested peripheral adjustments**, such as High Courts framing new rules without addressing the core constitutional challenge: whether this classification passes the test of **Article 14** (equality before law).
- In fact, **the Jitender judgment paradoxically critiques the very guidelines laid down in Jaising** as subjective, yet continues to endorse the structure.
- This **internal inconsistency raises questions about the coherence of the Court's reasoning**.
- The deeper issue whether such classification serves any public or constitutional interest, remains ignored.

The Core Constitutional Challenge and Consequences

- **The Core Constitutional Challenge**
 - The **challenge to Section 16 and related Supreme Court Rules** was grounded in the argument that **the classification is inherently arbitrary and discriminatory**.
 - The **designation does not necessarily advance the legal system**; rather, it reinforces social stratification.
 - **Many competent lawyers who are not designated continue to contribute significantly** to the cause of justice.
 - As such, **the distinction lacks a rational nexus** with the objectives it purports to serve.
 - Nevertheless, **the Court sidestepped this argument, asserting that as long as procedural safeguards exist**, the classification can be maintained. This is problematic.
- **Consequences: Intellectual Apartheid and Judicial Insularity**

- The stratification of the legal profession creates **what can only be described as intellectual apartheid.**
- A **small cadre of star lawyers dominates the judicial discourse**, marginalising thousands of competent but less visible lawyers.
- This **insularity narrows the perspectives available to the Court**, impacting the richness and representativeness of legal arguments, especially on matters of national importance.
- The **challenge to the Waqf (Amendment) Act serves as a recent example**, where only a select few voices were heard.

Conclusion

- **A truly democratic legal profession should prioritise competence, commitment to justice**, and representation of diverse voices, not social pedigree or courtroom visibility.
- The **time has come for India to evolve a more equitable, transparent, and constitutionally sound system that recognizes** all advocates as equal participants in the justice system.
- Only then **can the promise of justice, social, economic, and political, be truly realised.**

Practising Equality in Constitutional Courts FAQs

Q1. What does Section 16 of the Advocates Act, 1961 do?

Ans. Section 16 of the Advocates Act, 1961 classifies advocates into two categories: senior advocates and other advocates, based on criteria such as ability, standing at the Bar, or special knowledge in law.

Q2. Which recent case revisited the designation of senior advocates?

Ans. The case of *Jitender @ Kalla vs State (Govt.) of NCT of Delhi* in 2025 revisited the process and criteria for designating senior advocates.

Q3. What is the main criticism of the senior advocate system?

Ans. The main criticism is that the senior advocate system institutionalized inequality within the legal profession and promotes elitism.

Q4. What concept explains judges favoring similar individuals in designations?

Ans. The concept of 'homo social morphing' explains how judges tend to favor individuals who resemble themselves, often excluding marginalized groups.

Q5. What constitutional principle does the current designation system undermine?

Ans. The current designation system undermines the constitutional principle of equality before the law

Source: **The Hindu**

Source: <https://vajiramandravi.com/current-affairs/daily-editorial-analysis-28-june-2025/>

© Vajiram & Ravi. For personal use only.