



BAJIRAO IAS ACADEMY

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INDIA - AFRICA RELATIONS

Topics for Today

- 1. Indian Judiciary and Litigation and pendency of cases**
- 2. India-Africa relations and Potential.**
- 3. Supreme court judgement on Man- Wildlife conflict.**

Q. Which one of the following statements is correct with respect to fundamental rights?

- (a) Rights are claims of the State against the citizens.**
- (b) Rights are privileges which citizens are expected to enjoy as per the wishes of the Government.**
- (c) Rights are claims of the citizens against the State.**
- (d) Rights are privileges granted by the State.**

Article 32 enables people to approach SC for fundamental rights, says CJI Gavai +

The Hindu Bureau
AMARAVATI

Article 32 was born out of Dr. B.R. Ambedkar's vision articulated during the Constituent Assembly debates, observed Chief Justice of India B.R. Gavai, while delivering a lecture on 'India and the Living Indian Constitution at 75 Years'.

Justice Gavai, along with Chief Justice of the Andhra Pradesh High Court Dhiraj Singh Thakur and Chief Minister N. Chandrababu Naidu, participated in an event commemorating 75 years of the Indian Constitution organised by the Andhra Pradesh High Court Advocates Association at Mangalagiri in Guntur district on Sunday.

The Objective Resolution, presented in 1946, was a declaration that laid down the guiding principles of the Constitution. Explaining Ambedkar's response, Justice Gavai said he had found the Resolution pragmatic, but lacking in two crucial respects. Dr. Ambedkar observed that while the Resolution spoke of rights, it did not provide remedies, arguing that "rights without remedies are meaningless".

This idea led to the incorporation of Article 32, enabling citizens to approach the Supreme Court for enforcement of funda-



C.J. B.R. Gavai attending the commemoration of 75 years of the Constitution on Sunday.
SPECIAL ARRANGEMENT

to understand the spirit and philosophy of the Constitution.

Recalling Ambedkar's first speech, Justice Gavai said that whenever the destiny of the nation is at stake, the destinies of individuals, leaders, ideologies, or political parties become irrelevant. He added that Mr. Ambedkar viewed the Constitution as a living, evolving document - a principle embodied in Article 368, which provides for constitutional amendments.

Ambedkar's approach faced criticism on both sides: some argued the amending power was too liberal, while others said the stringent requirements of ratification by half of the States and a two-thirds majority in Parliament made amendments too rigid.

The Lower Judiciary - pendency and stagnation

The lower judiciary — litigation, pendency, stagnation

A Constitution Bench of the Supreme Court of India, headed by the Chief Justice of India, recently linked the sense of stagnation in the subordinate judicial service to prolonged litigation and the huge pendency in India's courts. According to the National Judicial Data Grid, there are 4.69 crore cases pending in district courts. Another Bench of the Court has asked judges in Delhi to undergo training due to a lack of basic knowledge.

There are a few options to make changes in the administration of justice.

The Code of Civil Procedure and the Civil Rules of Practice contemplate procedures to be followed by courts in entertaining proceedings, issuing summonses to the defendants, and for the appearance of parties. Subordinate judges handle this. They are forced to call every suit for the appearance of parties or order the issue of fresh summonses and receive objections. This takes up much time in the morning, leaving judges with very little time for the disposal of cases on merits. In most subordinate courts, the calling of cases goes on from 10.30 a.m. till well past noon. Quality time is lost by attending to such clerical and ministerial work.

A judicial officer in the lowest rank in hierarchy can be appointed in every district court to call all the cases of that particular cadre of courts (senior civil judges or civil judges or district judges, as the case may be). This court can do ministerial work the whole day and can also be assigned with the power to record its parts evidence, issue of summonses, receiving exhibits and written statements. At the end of the day, this court can list matters for trial and arguments the following day in each court. This list can be posted on the website in the evening.

The cases can be taken up, as in this list, from 10.30 a.m. every day by each court, and these courts can dispose of matters listed till evening. Even if some matters are adjourned, the orders can be still dictated, thus helping in judgements and case disposal.

The subordinate judiciary, its quality
There was a time when lawyers who practised law under the tutelage of a retired lawyer in any branch of law, with at least 10 years of experience in the bar, used to be appointed district magistrates/judges. Lawyers with more experience may also qualify after appearing for examinations for direct recruitment as district judges.

But now, judges are appointed without any experience and find it difficult to cope with the workload. In many cases, there are a number of judges who do not even pass orders as they are not equipped. Therefore, every civil judge or senior civil judge who is appointed must undergo training with different High Court Benches for a few months and observe how a High Court functions, how High Court judges hear matters, interact with lawyers, go through the judgements civil and study how orders are passed. This work culture by observation is a step that will definitely



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improve the working of the subordinate judge judiciary.

Whenever a statute is passed, new provisions are introduced, purportedly for the quick disposal of cases. But, in many cases, results are not achieved for expeditious disposal. On the contrary, there is a negative impact.

A typical example is Section 12B of the Commercial Courts Act and its provisions making pre-suit mediation mandatory. The Supreme Court, while interpreting Section 12B, has held, in *Pati Aavention vs. Akshaya Engineers* (2022) 77 MLJ 139, that this provision is mandatory and that the plaintiff is liable to be rejected without pre-suit mediation. In commercial cases, parties who are in business would have already exchanged notices. Only where exchange of notices do not result in settlement, do they resort to a legal proceeding in court. Therefore, at the time of filing the suit, it would be known where the matter is headed. So, where is the need to make mediation mandatory and direct the plaintiff to exhaust the remedy of mediation before filing the claim?

Another example is the six-month cooling-off period in marriage laws in filing for consent divorce. The parties concerned often want the disposal of the case within this period. Once a couple decides to separate on mutual terms, a pertinent issue is on whether they should be forced to wait for six months. Some courts do not allow this cooling-off period to be dispensed with, leading to further proceedings and pendency. It is not known if it is wise to have a one-year separation in filing a mutual consent petition, while the same is not applicable in a contested petition. An antenuptial declaration is made by the parties — making it out as if they have been separated for more than one year — to move a petition. Some of these provisions result in pendency and also the litigation facing frustration.

A third example is the new Rent Act. There is enough confusion already as to whether the absence of a written registered lease can vest the rent court with jurisdiction in conflicting judicial opinions. Armed with the same set of facts, one can approach a civil or a commercial court (in the case of commercial lease), but not a rent court. These anomalies could have been avoided had the legislation accepted oral lease as well as delivery of possession recognised by the Transfer of Property Act, as before. In the case of the lease of residential properties and small apartments, parties do not want to spend on stamp duty and registration fee for lease. The nebulous state of affairs created through statute is another reason for pendency in courts.

Archaic procedural law

A number of provisions in the Code of Civil Procedure have also become a tool for some litigants to delay proceedings. These provisions are misused for which there are many examples.

For instance, why should there be a preliminary decree and final decree in a partition action? Why cannot one decree be passed

dividing the properties or order sale under the Partition Act soon after the passing of the decrees?

Even if two decrees are contemplated, why should not the final decree proceeding be an automatic continuation of the preliminary decree, without a fresh application causing delay? Similarly, execution proceedings are not easily terminated because of many provisions under Order XXI of the Code which can be used by the judgment debtors to delay the process of execution. For example, why should there be 306 rules under Order XXI, many of which are hyper technical?

Unless drastic steps are taken to modify the procedure and compel parties to provide ways and means to satisfy the decree if passed in due course (even at the stage of framing and the list of assets by disclosure are made), a citizen will be forced to visit courts for years to realise his decree. This will be his plight in respect of all money claims including arbitration awards passed in his favour. There is a need to simplify the process of the execution of decrees and awards, and it is here that fast track procedure is needed.

What is important is the quick termination of the proceeding and not merely the conduct of trial or further proceedings by way of appeal. The code might have served the purpose when it was passed in 1908, but it is unfortunate that even after amendments in 1976 and 2002, there is still no solution to have the proceedings concluded expeditiously.

An example is the Amendment to Order VII Rule 1 CPC making it mandatory for a defendant to file a written statement within 90 days (the Plaintiff can gather details for years to file the suit). What happens if the written statement is filed within 90 days? The suit is still not disposed of immediately and the trial takes its own course, especially when the right to appeal is exercised by the aggrieved party. So, why have a time frame only for filing the written statement?

This provision has not helped the cause other than its resulting in dilatory pleadings. While the time frame is fine when it is about money claims, it does not work in title suits.

Pendency and the higher judiciary

The issue of there being huge pendency needs to be addressed by the higher judiciary also. The termination of a judicial proceeding within a reasonable time — not a hasty approach to a proceeding when it commences or is stuck in limbo — is the urgent need.

Solutions to reduce pendency ought to be considered. Unless we give up archaic laws and recruit competent lawyers as judges, we cannot expect the qualitative disposal of cases. Nor will pendency reduce.

The subordinate judiciary should be allowed to function as judges and not be a ministerial court officer ordering the issue of fresh summonses, receiving exhibits and pleadings, and calling cases and writing notes on the docket for nearly two hours every day.

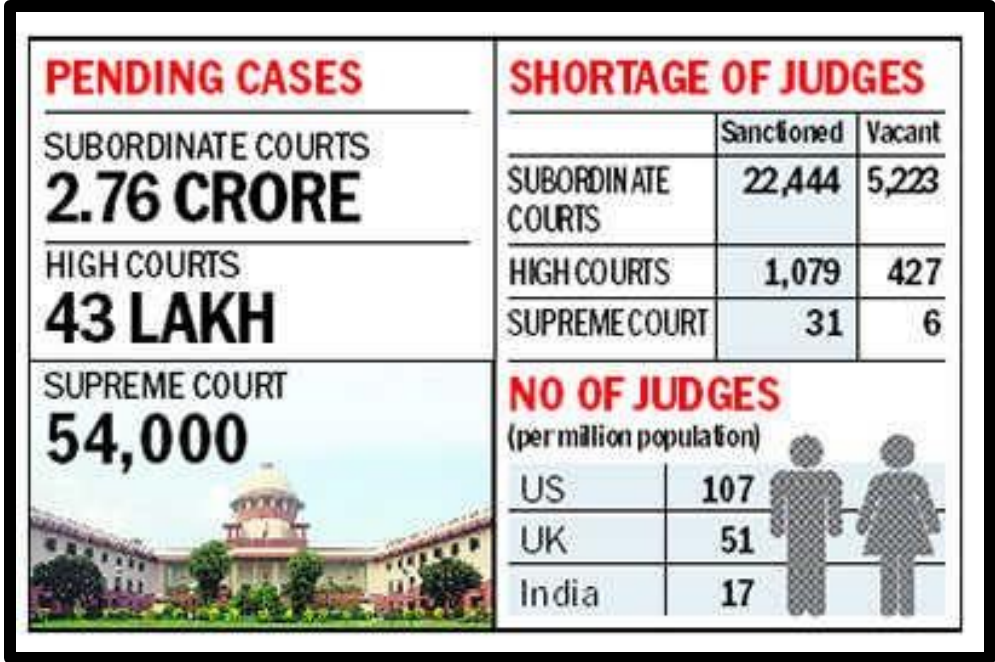
Syllabus

General Studies paper II

- Structure, organization and functioning of the Executive and the Judiciary— Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity

Context

- ❑ India’s justice delivery system faces an enduring crisis marked by enormous case pendency, procedural delays, and structural weaknesses in the subordinate judiciary.
- ❑ With 69 crore cases pending in district courts, the burden falls heavily on lower courts, which form the backbone of the judicial hierarchy.
- ❑ Recent Supreme Court observations highlight a sense of stagnation in this tier, aggravated by judges lacking basic training and experience.
- ❑ Addressing this crisis requires targeted structural reforms, improved training frameworks, and modernisation of procedural laws.



Obstacles to Efficiency in Subordinate Courts

- ❑ A major obstacle to efficiency in subordinate courts is the excessive clerical workload imposed on judges.
- ❑ Under the Code of Civil Procedure (CPC) and the Civil Rules of Practice, judges must call every suit, issue summons, receive vakalathnamas, and handle routine filings.
- ❑ These tasks occupy crucial morning hours, often from 10:30 a.m. to noon, leaving judges minimal time for hearing cases or writing judgments.
- ❑ This misallocation of judicial time contributes directly to pendency.
- ❑ A practical solution is the appointment of a dedicated judicial officer at the lowest rank in each district to perform ministerial functions for all courts of a particular cadre.
- ❑ Such a system would free subordinate judges from clerical tasks and substantially improve productivity and case disposal.

Judicial Competence and Training

- ❑ Another systemic challenge is the decline in the experience and preparedness of newly appointed judges.
- ❑ Traditionally, district munsifs and magistrates were selected from lawyers with a decade or more of practice under senior advocates, ensuring familiarity with courtroom dynamics and legal reasoning.
- ❑ Today, many judges enter directly from law school with little exposure to real litigation, making it difficult to handle complex matters or pass reasoned orders.
- ❑ To remedy this, there is a need for mandatory training for new judges at High Court benches, where they can observe proceedings, understand judicial conduct, and study how orders are drafted.
- ❑ This work culture through observation would significantly strengthen the subordinate judiciary's competence and improve the quality of decision-making.

The Role of the Higher Judiciary and the Path Forward

Reducing pendency is not solely the responsibility of subordinate courts. Higher courts must also ensure timely disposal of appeals and revisions.

The objective should be reasonable termination of proceedings rather than hastening the commencement of new ones.

Reform requires a combination of measures

1. Modernising procedural law to eliminate outdated steps.
2. Improving recruitment standards by selecting experienced lawyers as judges.
3. Strengthening judicial training, especially at the entry level.
4. Simplifying execution mechanisms to ensure decrees have real enforceability.

Without these interventions, pendency will continue to rise and public confidence in the justice system will erode further.

India- Africa Relations

India needs to 'connect, build and revive' with Africa

Ten years ago, New Delhi hosted the last India-Africa Forum Summit (IAFS-III). The 2015 summit was a moment of significance. Marking a leap in India's diplomatic imagination under Prime Minister Narendra Modi, India had welcomed representatives from all 54 African states.

Since then India has added 17 new missions across Africa. Trade has surpassed \$100 billion. Investment flows are gathering pace. India's support for Africa's global voice has grown. It was key in ensuring full membership for the African Union in the G-20. It is now time to take stock, not only of promises made but also of the foundations laid.

The opportunities and challenges

By 2050, one in four people on earth will be in Africa. India will be the world's third largest economy. Between these two lies a potential growth corridor of commerce, demography, technology and aspiration.

India is among Africa's top five investors, with cumulative investments of \$75 billion. However, the underlying model has shifted. From ports to power lines, vaccine production to digital tools, the message for engagement is clear. Build together.

The evolution of ties is visible. In April 2025, India and nine African navies (Comoros, Djibouti, Kenya, Madagascar, Mauritius, Mozambique, the Seychelles, South Africa and Tanzania) exercised together in the first Africa-India Key Maritime Engagement (AIKEYME), initiating a security partnership rooted in shared oceanic geography.

India's Exim Bank recently extended a \$40 million commercial credit line to the ECOWAS Bank for Investment and Development (EBID) – modest in scale, but a signal of interest in



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Ten years after India hosted the last India-Africa Forum Summit, the next chapter needs to be written

African-led development. Education remains a trusted pillar.

The new campus of IIT Madras, in Zanzibar, is the most visible example. Behind it stands decades of knowledge partnerships, including the Pan-African e-Network and India's Indian Technical and Economic Cooperation (ITEC) programme, which continue to train thousands across the continent.

These are not isolated efforts but part of a growing web. Beyond that, India continues to push for African representation in global institutions and contributes to United Nations peacekeeping missions on the continent.

India's trade with Africa is growing, but it still lags behind China. Indian firms arrive full of promise but are often slowed by small balance sheets and bureaucratic drag. The temptation to scale back is real, but erroneous.

Instead, India must move up the value chain. That means co-investing in future-facing sectors – green hydrogen, electric mobility and digital infrastructure. Africa today is asserting its terms. The African Continental Free Trade Area (AfCFTA) is laying the groundwork for a single continental market. India's UPI and digital stack can complement this transformation. Alas, tools alone are not strategy. Delivery is. In cities such as Kigali (Rwanda), Nairobi (Kenya) and Lagos (Nigeria), African innovation ecosystems are growing. But the competition is global.

The human link

India's most enduring export to Africa is not technology. It is talent. Nearly 40,000 Africans have studied in India in the last decade, through the ITEC, the Indian Council for Cultural Relations (ICCR) and the e-Network platforms. Many have returned to shape policy, run

ministries or lead innovation back home. They are living bridges that carry trust across borders.

The movement is not one way. African students, athletes and entrepreneurs are carving their space in India. Nigerian footballers such as Ranti Martins have become household names. The Indian cricket team's fast bowling coach is South Africa's Morne Morkel. African voices are present in India's universities and laboratories. The partnership is not just strategic. It is lived.

Looking to the future

If India wants to sustain this momentum, three moves matter.

First, connect finance to real outcomes. Every line of credit must lead to something visible and valuable. Public finance must de-risk, not displace, private capital.

Second, build an India-Africa digital corridor. This should rest not only on UPI and India Stack but also on Africa's digital strengths. Together, we can co-develop platforms for health, education and payments that serve the Global South.

Third, revive the institutional backbone. The IAFS has not met since 2015. That Summit, at Mr. Modi's insistence, brought all of Africa together. As its chief coordinator, this writer saw first-hand the diplomatic energy it released. It is time to bring that spirit back as a date on India's diplomatic calendar.

There was a time when merchants crossed the Indian Ocean in search of spice and gold. Today, India and Africa are not just exchanging goods. They are beginning to exchange confidence, capacity, ideas, and connecting futures.

A decade after India welcomed all of Africa to Delhi, the next chapter needs to be written. India once extended a hand to the whole of Africa. Now it is time to join hands and build together.

Syllabus

General Studies paper II

1. Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.
2. Effect of policies and politics of developed and developing countries on India's interests, Indian diaspora.

Context

- ❑ A decade has passed since New Delhi hosted the third India–Africa Forum Summit (IAFS-III), a landmark event that symbolised a transformative shift in India’s diplomatic vision.
- ❑ By welcoming representatives from all 54 African nations, India signalled its ambition to elevate the relationship into a continent-wide, strategic partnership.
- ❑ The years since have seen rising trade, new missions, expanding educational networks, and greater political alignment, yet they have also revealed persistent challenges that demand new solutions.
- ❑ As India rises as a global economic heavyweight and Africa becomes the demographic centre of the world, both regions stand on the threshold of a shared future that requires coordinated, co-created action.

Features of Indo-Africa Ties

- ❑ The strategic logic of India–Africa ties has strengthened considerably since 2015.
- ❑ India's establishment of 17 new diplomatic missions and trade surpassing \$100 billion reflect a broadening engagement.
- ❑ These advances underscore India's recognition of Africa's increasing global importance, especially as one in four people on Earth will be African by 2050, and India is set to become the world's third-largest economy.
- ❑ India has emerged as one of Africa's top five investors, with \$75 billion in cumulative investment.
- ❑ More importantly, the model of engagement is shifting from traditional infrastructure projects to co-creation in high-impact sectors such as vaccine production, digital tools, and renewable technologies.

Competing in a Changing Global Landscape

- ❑ Despite progress, India faces significant challenges. China remains ahead in trade and investment volumes.
- ❑ Indian companies are often hindered by limited financial scale and bureaucratic delays, creating pressure to scale back engagement, an approach that would be strategically misguided. Instead, India must move up the value chain.
- ❑ Future-facing sectors such as green hydrogen, electric mobility, and digital infrastructure offer the opportunity for joint innovation and leapfrogging.
- ❑ Africa's own transformation is accelerating through the African Continental Free Trade Area (AfCFTA), which aims to create a single continental market.
- ❑ India's UPI and digital stack can complement Africa's ambitions, but tools alone are not strategy.
- ❑ With vibrant innovation hubs emerging in Kigali, Nairobi and Lagos, Africa is not just a recipient of technology but a producer of innovation.

- ❑ **Connect finance to real outcomes** particularly Lines of credit should yield visible, high-impact results, with public finance serving to de-risk private capital.
- ❑ **Build an India–Africa digital corridor** and Collaboration must extend beyond UPI to integrate Africa’s digital strengths, enabling co-developed platforms for health, education and payments across the Global South.
- ❑ **Revive the India–Africa Forum Summit (IAFS)** The absence of the summit since 2015 has left a strategic vacuum. Its revival would restore structure, visibility and coordinated direction.



Human-Wildlife conflict as a natural disaster

States must actively consider notifying any 'human-wildlife conflict' as natural disaster: SC

Krishnadas Rajagopal
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The Supreme Court on Monday, in a judgment, said States must actively consider notifying 'human-wildlife conflict' as a natural disaster. A Bench headed by Chief Justice of India B.R. Gavai directed States to pay an ex gratia amount of ₹10 lakh to victims of human-wildlife conflicts under the Centrally Sponsored Umbrella Scheme of Integrated Development of Wildlife Habitats (CSS-IDWH).

"All States have to smooth and inclusive compensation policies for crop damage, loss of life of both human and cattle. In order to reduce the timelines to mitigate the issues resulting out of human-wildlife conflict, close coordination between different agencies and departments



The Supreme Court directed States to notify buffer and core areas of their tiger reserves within the next six months. FILE PHOTO

with mandated responsibilities should be ensured," the Supreme Court ordered.

Tree felling in Corbett

The court was hearing a petition alleging illegal tree-felling and construction in the Corbett Tiger Reserve, one of the oldest in the country.

The judgment made the State of Uttarakhand fully liable to restore and repair the Corbett ecology. The

State, in consultation with the Central Empowered Committee, was directed to submit a restoration plan for the reserve in two months, begin demolishing illegal constructions there in three months and file a compliance affidavit in the apex court in a year.

The judgment, authored by Chief Justice Gavai, directed States to notify buffer and core areas of their tiger reserves within the next six months.

Syllabus

General Studies paper III

- Conservation, environmental pollution and degradation, environmental impact assessment.

In a landmark ruling aimed at preserving India's tiger habitats, the Supreme Court has issued sweeping directions to curb ecological damage in tiger reserves.

Background of the Case

- ❑ The ruling stems from a suo motu intervention by the Supreme Court after reports of unauthorised tree felling, illegal construction, and misuse of funds surfaced within the Jim Corbett Tiger Reserve.
- ❑ An expert committee appointed by the Court investigated the violations and proposed detailed recommendations for ecological restoration.
- ❑ Accepting the committee's findings, the Court noted that tiger tourism, while valuable for public awareness, has often devolved into "mass commercial tourism" detrimental to wildlife and forest ecosystems.
- ❑ The judgment seeks to strike a balance between ecotourism, local livelihoods, and biodiversity protection.

Tiger Safaris Only in Non-Forest Areas

- ❑ The Court categorically prohibited tiger safaris inside core or critical tiger habitats, directing that they may only be established on non-forest or degraded forest land within buffer zones.
- ❑ Further, such safaris must operate in association with a fully functional rescue and rehabilitation centre for tigers, catering to conflict animals, injured, or abandoned wildlife.

Complete Ban on Night Tourism and Mobile Use

- ❑ Recognising the disturbance caused by human activity and noise pollution, the Court imposed a complete ban on night tourism within tiger reserves.
- ❑ In areas where roads pass through core tiger habitats, the Court ordered strict night-time regulation, prohibiting vehicular movement from dusk to dawn, except for emergency or ambulance services.

Eco-Sensitive Zone Norms for Tiger Reserves

- ❑ The Court directed that Eco-Sensitive Zones (ESZs) around tiger reserves must conform to the Ministry of Environment, Forest and Climate Change (MoEF&CC) norms.
- ❑ Under this, the minimum ESZ area shall be equivalent to the buffer or fringe area of the tiger reserve.
- ❑ States were instructed to notify ESZ boundaries within one year, ensuring uniform protection standards nationwide.

Regulation of Tourism Infrastructure in Buffer Zones

- ❑ The judgment mandates that all tourism infrastructure development in buffer areas comply with ESZ notifications under the Environment (Protection) Act, 1986.
- ❑ While eco-friendly resorts may be allowed in buffer areas, the Court emphasised that no such establishment shall be permitted in tiger corridors.
- ❑ It further recommended promoting community-managed homestays and village-based ecotourism, thereby ensuring that conservation efforts benefit local populations.



Thank you

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