

## Article 142

- Leaning on the “guiding spirit” of Article 142(1) of the Constitution to do “complete justice” in any “cause or matter”, a Constitution Bench said it could use this extraordinary discretionary power to grant a divorce by mutual consent to couples trapped in bitter marriages. It also aims to spare couples the “agony and misery” of waiting six to 18 months for a local court to annul it, as stipulated under Section 13B of the Hindu Marriage Act, 1955.
- The Court said it could use Article 142 to quash pending criminal or legal proceedings, be it over domestic violence or dowry, against the man or woman. Continuing in this strain, the Bench said the Supreme Court could grant a divorce on the grounds of an “irretrievable breakdown of marriage” if the “separation is inevitable and the damage is irreparable”.
- Under the Hindu Marriage Act, an irretrievable breakdown of marriage is not yet a ground for divorce.

**THE HINDU**

## India and WTO



### Structures of WTO



- On the complaints brought by the European Union (EU), Japan, and Taiwan, three World Trade Organization (WTO) dispute settlement panels have found India’s tariffs on certain information and communication technology (ICT) products such as mobile phones inconsistent with India’s WTO obligations.
- Specifically, the panels concluded that India has violated Article II of the General Agreement on Tariffs and Trade (GATT) because India’s tariffs breach its Goods Schedule.
- Since one of the central objectives of the WTO is to boost transparency and predictability in the multilateral

trading order, WTO member countries are under a legal obligation not to impose tariff rates in excess of their 'bound' or maximum tariff rates committed in their Goods Schedule.

- The Goods Schedules are based on the World Customs Organization's classification system, which catalogues traded products with specific names and numbers.
- This is also known as the Harmonized System of Nomenclature (HSN). Due to the continuous emergence of new products owing to technological innovations, the HSN system is regularly updated to reflect new products, also known as 'transposition'.
- To justify higher tariff rates, India argued that its binding tariff commitments on ICT products are contained in the WTO Ministerial Declaration on Trade in Information Technology Products (ITA Agreement), which India joined in 1997. The ITA Agreement, adopted in 1996, is an arrangement through which select WTO member countries agree to eliminate duties on IT products.
- However, the commitments under the ITA become binding on a country under Articles II.1(a) and (b) of GATT only if they are incorporated in the Goods Schedule. Accordingly, the panels held that India's Goods Schedule, not the ITA, is the source of India's legal obligations on tariffs, including on products covered by the ITA.
- Accordingly, the panels have recommended that India reduce its tariff rates and make them compatible with its Goods Schedule, but it is unlikely that India will comply. Compliance would mean dismantling the high protective tariff wall that India has erected hoping it will boost domestic manufacturing of ICT products.
- In fact, India, relying on Article 17 of the WTO's Dispute Settlement Understanding (DSU), is likely to appeal against the panel ruling. However, the Appellate Body that hears appeals has ceased to exist since 2019 because the United States has been blocking the appointment of the body's members. Thus, India's appeal will go into the void.

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### **Case of Blinkit (gig workers)**

- The Blinkit strikes began when the company rolled out its new payout structure for delivery executives, under which the minimum payout

per delivery was slashed to ₹15 from ₹25.

- Gig workers refer to workers outside of the traditional employer-employee relationship.
- Whether gig workers should be categorized as 'employees' or as 'independent contractors' has been a heated debate.
- A 2022 report by Fair Work India, an international research project, highlighted the deplorable working conditions of the employees of digital labor platforms in India and the need for statutory affirmation of the rights of gig workers.
- The Ministry of Labour and Employment introduced the Code on Social Security, 2020 which brings gig workers within the ambit of labor laws for the first time. Under section 2(35) of the Code, a 'gig worker' is defined as a person who performs work or participates in a work arrangement and earns from such activities outside of a traditional employer-employee relationship'.
- The Code defines platform work as a work arrangement outside of a traditional employer-employee relationship in which organizations or individuals use an online platform to access other organizations or individuals to solve specific problems or to provide specific services" in exchange for payment.
- Although the Code recognizes 'gig workers', it distinguishes between such workers and employees.
- While employees have benefits such as gratuity, employee compensation, insurance, provident fund, and maternity benefits, the Code stipulates that Central and State governments must frame suitable social security schemes for gig workers on matters relating to health and maternity benefits, provident funds, and accident benefits among others.
- The Code also mandates the compulsory registration of all gig workers and platform workers to avail of the benefits under these schemes.

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## THE HINDU

### Golden Globe race

- Abhilash Tomy, former Commander in the Indian Navy who became the first Indian to go around the world on a sailboat solo and unassisted back in 2013, has now attained another record of completing a solo circumnavigation under even more grueling circumstances when he made a podium finish at the Golden Globe Race (GGR), 2022, on April 29.

## What is GGR?

- The Golden Globe Race is a non-stop, solo, unassisted yacht race around-the-world which was held for the first time in 1968-69. Just one of the nine participants 30-year-old British sailor Robin Knox Johnston made it to the finishing point sailing a boat named Suhaili which was built in India.
- The second edition of the race was held 50 years later, in 2018, when Tomy threw his hat in the ring.
- One of the conditions was that the contestants would use boats designed to prescribed premodern specifications and would not be allowed to use any modern navigational gear.
- They would have to rely entirely on sextants and paper charts. To be more specific, anything that wasn't available in 1968 would not be allowed.
- Satellite phones would be available for extremely restricted use, up to four short messages a day, and use of the GPS chart plotter carried in a sealed box (for emergency) would lead to disqualification from the race.
- And the sailing would be along a stipulated route, rounding the three great capes, the Cape of Good Hope

in South Africa, Cape Leeuwin in Australia, and Cape Horn in Chile.



## THE HINDU

### De-dollarisation and world order

- De-dollarization refers to the replacement of the U.S. dollar with other currencies as the global reserve currency.
- A reserve currency refers to any currency that is widely used in cross-border transactions and is commonly held as reserves by central banks.
- Countries have tried to dethrone the dollar as the global reserve currency for many decades now for various reasons.
- But of late, attempts to de-dollarise have picked up pace in the aftermath of Russia's invasion of Ukraine last year.
- The U.S. imposed several sanctions that restricted the use of the U.S. dollar to purchase oil and other goods from Russia, and this has been

seen by many countries as an attempt to weaponized the dollar.

- Since international transactions carried out in the U.S. dollar are cleared by American banks, this gives the U.S. government significant power to oversee and control these transactions.
- Currently, the Chinese yuan is seen as the primary alternative to the U.S. dollar owing to China's rising economic power.
- Critics of the U.S. dollar believe that the global reserve currency status gives it unfair privileges over other countries, thus justifying de-dollarization attempts by many countries
- Others point to the expansionary monetary policy adopted by the U.S. Federal Reserve over the decades to argue that this could threaten the U.S. dollar's status as a global reserve currency



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