



## Volume: 5 Issue-20 | Date: 15<sup>th</sup> May 2025

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# Ceasefire at LoC: A Truce in Transition (Part – 1)

**By Prof. Manish and Aditi Saxena**

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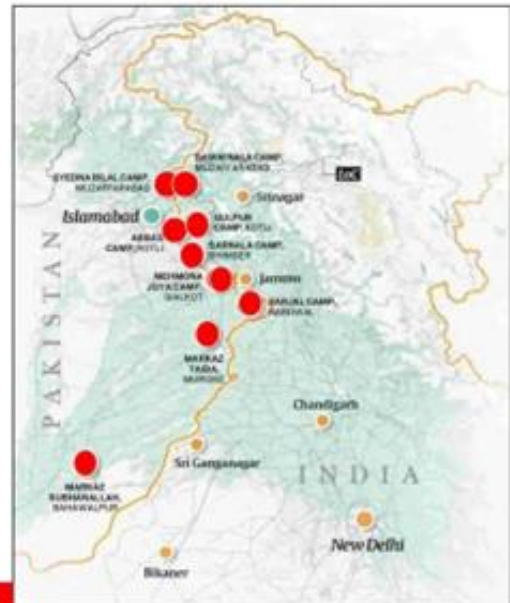
The birth of Pakistan as a child of partition has marked its relationship with the Indian state as essentially factoring around the line of departure (the border line/Radcliffe Line) and its persistent endeavour of gaining more of the territory or leverage through a sequence of strenuous transgressions since independence, leading to four wars of the 1947-48, 1965, 1971, and 1999. The U.N.-brokered ceasefire line of 1949 was recognised as the Line of Control (LoC) in the Simla Agreement of 1971. Since then, the LoC has been heavily fortified by military outposts on both sides. While the ceasefire violations are quite a common feature of the India-Pakistan relationship, the recent escalation of the crisis across the LoC, emanating from the Pakistan-sponsored terror attack in Pahalgam, has led to the fifth war between India and Pakistan in 2025.

Amidst the tranquil trails of Baisaran meadows in the upper reaches of Pahalgam in the Anantnag district of Jammu and Kashmir, a day destined for serenity was torn apart by a brutal terrorist shooting attack on April 22, 2025, claiming innocent lives, shattering families, plunging communities into sorrow, and casting a shadow of grief across the nation. The responsibility of the attack was taken by the Resistant Front- an offshoot of the Lashkar-e-Taiba, which has been banned by the Ministry of Home Affairs under the Unlawful Activities Prevention Act (UAPA) in 2023, for its alleged role in recruiting, training, and infiltrating terrorists, and smuggling weapons and narcotics from Pakistan into the Jammu and Kashmir region. The outfit is infamous for targeting the religious minorities and non-Kashmiris in the region.

The terror attack in Pahalgam was an attack to undermine the national fabric of India, aiming not only at creating communal tensions but also at othering the rest of the Indians from the Kashmir, which is an integral part of India. To the already defunct India-Pakistan dialogue, the terror attack gave a final blow. The all-party meeting at New Delhi, following the attack, saw the unanimous support across party lines to avenge the horrific terror act against Indian civilians. In response to ongoing security concerns, the Cabinet Committee on Security announced immediate measures targeting Pakistan, by suspending the Indus Waters Treaty (1960) until Pakistan unequivocally and permanently ends its backing of cross-border terrorism; halting the operations at the Attari Integrated Check Post immediately allowing only individuals with valid visas to return via this route until May 1, 2025; barring Pakistani nationals from entering India under the SAARC Visa Exemption Scheme (SVES), with all existing SVES visas revoked; barring Pakistani ships from the ports; banning imports of goods of Pakistani origin; the defence, naval, and air advisors at the Pakistani High Commission in New Delhi have been declared unwelcome and were asked to leave within a week, while India will reciprocally withdraw its military advisors from Islamabad, abolishing these diplomatic posts entirely. Additionally, staff reductions at both High Commissions will cap personnel at 30 (down from 55) by May 1, 2025. The multipronged approach undertaken by India not only targeted the political, economic, and diplomatic domains but also the geostrategic domain by hitting 9 terrorist infrastructure of Lashkar-e-Taiba, Jaish-e-Mohammad, and Hizb-ul-Mujahideen, both in the Pakistan-occupied Kashmir and deep inside the Punjab Province of Pakistan, on 7th May, 2025, by conducting 24 precision strikes in the name of “Operation Sindoor”. These three outfits have been responsible for attacks across India, including the 2001 Parliament attack, the 2008 Mumbai attack, and the recent attack in Pahalgam. The foreign secretary of India, Vikram Misri, asserted that the operation was focused, proportionate, non-escalatory, and responsible in nature, with no Pakistani civilian or military facilities being targeted by employing precision strikes and considerable restraint in the selection of targets and method of execution.

## OPERATION SINDOOR TARGETS

SERIAL	TERRORIST CAMPS	AREA
1.	SAWAI NALA, MUZAFFARABAD	POJK
2.	SYEDNA BILAL, MUZAFFARABAD	
3.	GULPUR, KOTLI	
4.	BARNALA, BHIMBER	
5.	ABBAS, KOTLI	
6.	BAHAWALPUR	PAKISTAN
7.	MURIDKE	
8.	SARJAL	
9.	MEHMOONA JOYA	



**Nine Targets prioritised as per the existing presence of terrorist**

Source: The Economic Times

The common feature of Indian surgical strikes against terrorism from the Uri attack of 2016, the Pulwama attack of 2019, and the Pahalgam attack of 2025 has been the targeted attack on terrorists and their infrastructure. However, what makes Operation Sindoor different from the other two strikes is the Indian Air Force moving not only in the PoK, across the LoC, but also deep inside Pakistan's Punjab province which is a strategic military stronghold of Pakistan. This stronger military action, coupled with the political will, gave a befitting reply to the civilian deaths caused by the terrorist attack.

The understanding reached in the Simla Agreement of 1972 on respecting the ceasefire at the LoC has been fractured by Pakistan in the 1999 Kargil war, and in various instances of crisis and escalation since then, thus marking the LoC as just a 'truce in transition'. Pakistan, denouncing the Operation Sindoor as a blatant act of war, underscores the close civil-military nexus with the terror groups and highlights its decades-long strategy of using terrorism as a low-cost instrument to inflict damage. Pakistan's retaliation through several failed drone strikes across cities along the India-Pakistan border cements the understanding of Pakistan as a safe harbour and launch station of terrorism.

It is the retaliation of Pakistan against the non-escalatory and measured attack on terrorism by India, targeting not only the military but also the civilians on the Indian side, that led to the fifth war between the two neighbours. It is for the first time after the 1971 war that the tri-services of the army, navy, and air, engaged simultaneously, inflicting heavy damage on Pakistan within a numbered day. India systematically shattered Pakistan's front line air defence system, downing fighter jets with advanced technology, striking military installations near Islamabad including 11 air bases, crippling its combat readiness, and left its key military assets exposed.

**To be continued in next issue ....**

# Untangling the Tariff Tangles for Indian Ports

**By Krishna B Kotak**

The Author is the Chairman of the J.M. Baxi Group, one of the leading organisation in India's maritime infrastructure, transport, and logistics sector.

India's ports play a critical role in the global supply chain and are central to the country's broader vision of enhancing its infrastructure. In recent times, sustainability has assumed greater importance, with plans to ultimately transition to zero-emission ports powered by renewable energy. Challenges like inadequate rail port connectivity, high regulatory and logistics costs, and limited land availability for green projects continue to plague the sector. Looking ahead, global collaborations, the development of industrial port cities, and targeted investments in green energy and human capital will be crucial to making Indian ports more competitive, efficient and future ready.

The tariff wars that have suddenly engulfed global trade have indeed created challenges and have, in some cases, even deepened existing fault lines. Global trade has increasingly become a "Global Supply Chain," with movements of raw materials, intermediary materials, semi-finished and finished products moving to market seamlessly. Over the last few years, India too has increasingly been an important part of this global supply chain. With China being in the intermediate crosshairs of the US, India may try and gain some of the additional trade opportunities up in the manufacturing chain and under the "Make in India" initiative. Ports, roads, shipping, and logistics play a critical role.

Indian ports are integral to the global supply chain. To maintain this strategic position, the ports sector must undergo a transformation – aligned with the broader vision of a reimagined India. Currently, a key issue is the environmental impact of port operations. As carbon taxes loom on the horizon, the sector must make efforts to address its carbon footprint. Cargo movement will soon be scrutinised for its carbon footprint, making the transition to zero-emission ports essential. To this end, simply introducing electric charging infrastructure will not be enough; ports will need to harness electricity generated from renewable sources.

Further, ports cannot exist in isolation. There is a need to establish industrial port cities based on global business models. India's ports, such as the Deendayal port, Jawaharlal Nehru Port Trust (JNPT), V. O. Chidambaram port and Visakhapatnam port, are notable examples of industrial port cities. In the coming years, major automobile manufacturers, including Tesla and VinFast, are expected to establish manufacturing facilities in India. These facilities are likely to be located within 5-10 km of key ports. This proximity will reduce transportation costs and improve global competitiveness, crucial for both foreign and domestic manufacturers. Indian companies must also adopt this model, as the domestic market alone is not large enough for them to remain uncompetitive.

The improved connectivity at Indian ports, over the years, has led to a phenomenal growth in cargo volumes. However, this growth has also exposed new challenges, particularly in infrastructure and connectivity. Port operations are dependent on seamless connections to roads and rail networks. With storage capacity constraints limiting the cargo capacity to five to seven days, inadequate connectivity will significantly impede cargo handling. This is especially important as the types of transported cargo are changing. For example, India is witnessing increased exports of food grains and finished steel, while importing large quantities of raw materials such as ores and coal. To meet these diverse demands effectively, rail-port connectivity must be upgraded.

Another critical issue is the cost competitiveness. Developing infrastructure at optimal costs is vital for ensuring operational efficiency. A significant challenge facing the railways is the freight segment being used to subsidise the passenger segment. Consequently, for every tonne of cargo that the railways carry, there is an additional building cost that is passed on to the freight. For example, in the case of commodities such as fertilisers and food grains, which are generally transported through rail and are a part of the public distribution system, ports end up paying 40-50 per cent more than the actual transport cost. This is due to the regulatory constraints on these products' pricing, compromising the sector's competitiveness.

The future of Indian ports requires a tailored approach, as a one size-fits-all solution will not be effective. India's manufacturing centres are spread across various regions, each with its own requirements. For instance, automobile manufacturing is concentrated in Chennai, Pune and Gujarat, necessitating separate infrastructures for each region. In contrast, countries like the US and China, as well as parts of Europe, have created specialised hubs for industries like petrochemicals, agriculture and steel. Further, categorising ports into various categories such as coastal, intermediary and transshipment is not possible, as the economies of scale will be compromised. India must also avoid fragmenting its resources into too many small ports, as economies of scale are crucial for efficiency. The initial debate around the Sagarmala project, whether to focus on 70-80 small ports or 20-30 large ports, suggests that concentrating resources on fewer, larger ports will deliver better results.

Land and regulatory costs constitute a substantial part of the total cost incurred by a business. In order to enhance the ease of doing business, there is a need to enthuse and engage various government authorities. Collaboration efforts with government authorities have been successful in resolving issues around ports like Vadhavan and Paradip, which initially faced significant public opposition.

All in all, India's port sector must engage with global leaders to facilitate the efficient deployment of green energy and alternative fuels for vessels. Ports like Kandla, Paradip and V.O. Chidambaranar are positioning themselves as green hydrogen hubs, a step that could lead to the development of green methanol for vessels. While this is still in the early stages, India has the potential to capitalise on greenification initiatives, including agreements to produce alternative fuels such as ammonia. The offtake agreement signed between Greenko ZeroC and the Singaporean government is a prime example of how international collaboration can help India transition towards a sustainable and competitive port sector.

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# PMLA 2002: Challenges and Effectiveness in Combating Money Laundering

**By Vipul Tamhane**

The Author is anti-money Laundering and combating terrorist financing specialist and provides legal and commercial advice to businesses, governments, and law enforcement organisations. He is a visiting faculty member at Pune University's Department of Defence and Strategic Studies.

Money laundering is colloquially referred to as the Achilles' heel of cross-border financial systems. It is one giant danger that continues to destabilize institutions and economies everywhere. Money laundering is simply a cloak-and-dagger process where ill-gotten funds stop acting proverbial. Proceeds from crime such as drug trafficking, corruption, funding for terrorism, and tax evasions would gain entry into legal systems without disruption. It is estimated that 2-5% of the global GDP, which is anywhere between \$800 billion and \$2 trillion, is laundered annually, as per the United Nations Office on Drugs and Crime (UNODC). India resonates with this humongous figure through several underground transactions, the most infamous among those being the hawala transactions, which exchange black money into white by way of unofficial remittance channels outside any supervisory mechanism.

In India, money laundering is largely linked with hawala activities, a clandestine and unregulated remittance system through which illegal money could be moved. The Prevention of Money Laundering Act (PMLA) 2002 was dramatized as a standalone legal instrument to tackle such activities. Passed in full on July 1, 2005, the PMLA aimed at preventing money laundering and seizing proceeds of crime and to lay down methods for prosecuting the culprits.

Yet, in spite of its aims, numerous legal challenges, operational setbacks, and allegations of overreach have been raised against the Act. Constitutional validity controversies regarding the PMLA, its enforcement, and misuses in effect have cast severe doubts over its effectiveness. This article analyzes the legal framework, implementation challenges, and triumphs and failures of the PMLA in the war against money laundering in India.

## **Anatomy of the PMLA: Legal Framework and Scope**

At its core, the PMLA criminalizes money laundering through its broad definition under Section 3, which states:

“Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of the offence of money laundering.”

Any such general definition would have to cover a set ranging from concealment of illegal proceeds to acquisition and use as legitimate assets. This set of predicate offenses itself runs quite wide, including corruption, narcotics trafficking, financing of terrorism, and arguably any economic offense.

PMLA is backed by a robust institutional structure set up to investigate economic offenses. The central agency within this structure concerned with investigation and prosecution of money laundering cases is the Enforcement Directorate. The Financial Intelligence Unit-India (FIU-IND) assists by gathering and analyzing information relating to suspicious transactions to enable better cooperation between financial institutions and enforcement authorities. The Adjudicating Authority in addition adjudicates cases in respect of confiscation and attachment of property by due process. The three agencies comprise the PMLA core striving to keep the Indian financial system squeaky clean.



Before PMLA, the anti-money laundering regime in India was a patchwork of statutes such as COFEPOSA, Benami Transactions (Prohibition) Act, 1988 and Narcotic Drugs and Psychotropic Substances Act, 1985. Although significant, this fragmented framework lacked a comprehensive mechanism for tackling complex financial crimes, paving the way for the introduction of the PMLA as a unified response.

### **Legal Hurdles: Constitutional Challenges and Judicial Scrutiny**

Despite its expansive reach, the Prevention of Money Laundering Act (PMLA) has faced sustained scrutiny in India's courts. Critics argue that several provisions infringe upon fundamental rights guaranteed under Articles 14 (Right to Equality), 19 (Freedom of Speech), 20 (Right Against Self-Incrimination), and 21 (Right to Life and Personal Liberty).

### **Bail Provisions and Reversal of Presumption of Innocence**

Arguably the most controversial provision in PMLA is the onerous conditions of bail provided under Section 45. Under the original draft of the legislation, a "twin test" had courts convinced that the accused was not guilty of money laundering and would not offend similarly if released on bail. This thus undermined the principle of presumed innocence. The Supreme Court, however, in *Nikesh Tarachand Shah v. Union of India* (2017), invalidated this provision terming it unconstitutional and violative of Articles 14 and 21. But after a 2018 amendment, the conditions of bail came back much in the same garb, thereby giving rise to its being referred to as the "old wine in a new bottle" by the legal commentators.

### **Property Attachment and Presumption of Guilt**

Under Sections 8 and 23, ED can provisionally attach the properties suspected to be connected with money laundering, thus also including properties acquired before the enactment of the PMLA. The Supreme Court rubber-stamped these provisions in *B. Rama Raju v. Union of India* (2019), but the objections remain against the reversal of the burden of proof laid down by this section, which tilts the scale much in favour of the accused to prove the legitimacy of the assets, causing potential for abuse.

### **Search and Seizure Without Judicial Oversight**

The 2019 amendment to the PMLA has further empowered the ED to search and seize without requiring prior approval of a magistrate under Sections 17 and 18 of the PMLA. The provisions have been challenged by critics, including political leaders like Karti Chidambaram and Mehbooba Mufti, who maintain that they violate Article 20(3), which prohibits forced self-incrimination.

### **Overlapping Jurisdictions and Transparency Concerns causing Operational Challenges**

But operational challenges have also been an impediment to the enforcement of PMLA. For example, the creation of overlapping jurisdictions between the investigating agencies-the ED, the CBI, and the Income-Tax Department-have been reportedly responsible for investigation delay and creating jurisdictional conflicts. *INX Media* is a good case where there were pending parallel investigations by both the ED and the CBI, thus putting the spotlight on the coordination issue between the investigating agencies.

Others are concerned about the lack of transparency in the ED's functioning. Section 50 of the PMLA allows the agency to call persons, require documents, and question without judicial supervision and thus is coercive to some. The second issue of concern is that very few cases have been convicted under this Act, with reports estimating the number to be less than 25%, raising questions regarding prosecutorial effectiveness and selective prosecution.

## **Regular Assessments of Successes and Shortcomings as PMLA's Impact**

Despite legal and operation-related hurdles, the PMLA sustains considerable successes in combating financial crimes. The Enforcement Directorate has prosecuted high-profile offenders like Vijay Mallya, Nirav Modi, and Robert Vadra, very much implying the agency's intent to hold powerful offenders in check. Moreover, with ED attaching assets worth more than ₹18,000 crore, these offenders were effectively stripped of their ill-gotten wealth.

Bilateral cooperation was likewise cemented through MLATs signed with countries such as the United States, United Kingdom, and United Arab Emirates, helping Indian authorities trace the illegal money abroad. However, the PMLA retains its share of drawbacks. The conviction rate remains low compared to the registered cases, signifying a lack of competence on behalf of the investigating and prosecuting agencies. From another perspective, allegations of politicization hold that these very wide-ranging powers of ED might be exploited for targeting political opposition, whereas prolonged legal procedures defy the very purpose of the law aimed at delivering quick justice and deterrence.

### **A Path Forward**

The Prevention of Money Laundering Act, 2002, is a bulwark in India's struggle against financial offenses. But constitutional uncertainties, enforcement challenges, and civil liberties issues always hold back the Act from being implemented. Reforms hence need to be expedited before the Supreme Court to give additional powers to the enforcement agencies while safeguarding individual rights. Some of the major suggestions could be establishment of more definite standards so that there is due process but not dilution of enforcement. Additionally, establishment of specialized fast-track courts specifically for PMLA cases would make case outcomes faster and assist in minimizing delay. There have to be transparent investigation procedures and independent oversight institutions so that enforcement agencies work with zero political interference.

Conversely, combating money laundering calls for a law that is fair and robust enough to annihilate financial offenses and yet effective in a manner consonant with justice. The ability to find this equilibrium shall go a long way in facilitating PMLA in achieving its objective of tracing away ill-gotten wealth while securing the very essence of democracy in the nation.

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# David Headley & His Links with Tahawwur Rana

**By Vappala Balachandran**

The writer is a former Special Secretary, Cabinet Secretariat

*Rana's extradition to India affords us to interrogate him on his role in helping Headley in doing the prior reconnaissance.*

David Coleman Headley and Tahawwur Rana were friends when they were students at Hasan Abdal Cadet College, an elite military school in Pakistan. Later, Tahawwur Rana would provide "cover" for Headley's undercover terrorist reconnaissance activities.

Headley, born in Washington DC as Daood Gilani, is the son of Pakistani broadcaster Syed Saleem Gilani and American Serrill Headley. They moved to Pakistan when David was a baby. Soon, they divorced and Serrill returned to the US. The court proceedings against him in Chicago in 2013 indicated that Daood, alias David, grew up in an "environment of Pakistani nationalism and Islamic conservatism."

According to Headley's accounts, his hatred towards India started in 1971, when during the Indo-Pak war, a stray bomb hit his elementary school in Karachi, killing two persons.

## Advertisement

At the age of 17, Headley returned to his mother in Philadelphia as he clashed with his Pakistani stepmother. His brush with the law started in 1988 due to drug addiction in the US, Pakistan and Germany, where he was arrested. From then on, the US Drug Enforcement Agency (DEA) recruited him as an informer. In 1998, the DEA sent him to Pakistan as an undercover agent.

During that period, he developed links with Lashkar-e-Taiba. He said that he undertook trips to Pakistan without the permission of the US authorities. In 2000, he met Hafiz Saeed, the spiritual leader of Lashkar. In 2001, he again "signed up" with the DEA for another year of working. That gave him reasons for making frequent trips to the subcontinent.

Sebastian Rotella of 'Pro-Publica' and Prof Stephen Tankhel of the American University were primarily responsible for exposing to the world the secret links between 26/11 terrorist David Coleman Headley, his friend Tahawwur Hussain Rana and the ISI, which official US sources did not publicly indicate earlier.

In 2012, Stephen Tankhel figured along with me when the National Geographic interviewed us for their movie 'Seconds to Disaster: The Mumbai Massacre' on the 26/11 attack. In the same year, he came to Mumbai to launch his master treatise on Lashkar-e-Taiba ('Storming the World Stage') and its close links with Pakistan's ISI, which he gathered through field research in Pakistan and India in 2009. In 2017, he chaired the discussion of my book 'Keeping India Safe' at the National Press Club, Washington DC.

I came to know Sebastian Rotella personally only in June 2013, when he came to Mumbai to record my interview for a sequel of his 2011 documentary film 'A Perfect Terrorist' by the Public Broadcasting Service (PBS) about Headley's links with the Mumbai and Denmark plots. He was also investigating why US agencies did not alert the Indian authorities about Headley's involvement and frequent trips to India, although a US diplomat had reported this to the FBI, DEA and CIA after interviewing his wife in Islamabad.

In January 2013, Judge Harry Leinenweber of the US Chicago District Court sentenced David Coleman Headley to a 35-year prison sentence for his deep involvement in the Mumbai massacre by way of prior reconnaissance for the attack. Included among the witnesses in Chicago was American author Linda Ragsdale, who was injured during 26/11 attack while two others at her dining table were killed. The court proceedings indicated that Headley, who had earlier confessed under a "plea bargain agreement", had watched the attack on TV from his home in Pakistan.

Headley told the court that he had attended Lashkar training camps in Pakistan five times between 2002 and 2005. In late 2005, he received instructions to travel to India to conduct surveillance, which he did five times.

The court proceedings also indicated Leinenweber's disdain to the prosecution's request for not awarding Headley maximum punishment under the law for his involvement in the "horrific nature of the three-day slaughter in Mumbai." Although US Attorney Patrick Fitzgerald requested leniency in view of his "thorough" confession, the judge pointed out that Headley had received two "generous plea bargains" previously. when he was charged with heroin trafficking in the 1980s and 1990s. He said that he was awarding him the long sentence which "will keep him under lock and key for the rest of his natural life."

The proceedings against Tahawwur Rana in 2013 in the same court of Judge Harry Leinenweber of the US Chicago District Court gave proof of the close friendship between him and Headley, especially how Rana's "cover" of travel agency afforded the latter to make frequent trips to India and Pakistan. Rana, who was described as an immigration consultant, "helped Headley conduct undercover terrorist reconnaissance by allowing him to work as an overseas representative of his immigration consulting firm. He also enabled Headley to open an office in Mumbai, use business cards, obtain visas and otherwise maintain a cover."

Judge Harry Leinenweber awarded Rana 14 years in prison for two counts of charges: for providing material support to Lashkar-e-Taiba's terrorism activities and for being involved in a plot to attack a Danish newspaper that published cartoons of Prophet Muhammad. He, however acquitted him of the charge of providing material support to Mumbai 26/11 attacks.

In this, he partially agreed with the jury's finding that they accepted Rana's argument that "he was not aware of the Mumbai plot and that his support of Lashkar did not play a role in that 2008 massacre." However, the judge found that Rana should have been aware of the "murderous potential" of such links after what happened in Mumbai in November 2008. He, therefore, increased the punishment to 14 years from 11 as mandated under the penal law. He also added five years of post-prison supervision to Rana's sentence.

True, Headley was examined online as a witness by a Mumbai court in February 2016 in the case of Abu Jundal. However, Rana's extradition to India affords us to interrogate him on his role in helping Headley in doing the prior reconnaissance.

This is because the Chicago jury's findings do not appear to have been based on the facts which our investigating agencies had provided to their counterparts in the USA. That is why Rana's extradition is important.

**[Read complete article on website tribuneindia.com](http://tribuneindia.com)**

# Corruption in India's Higher Judiciary: A System in Crisis

**By Uday Kumar Varma**

Author is a former Secretary, Information and Broadcasting, GOI

The recent discovery of crores of Indian rupees in the residence of a Delhi High Court judge following a fire incident has sent shockwaves across the nation. It has not only confirmed the long-held suspicions of corruption at the highest levels of the judiciary but also reinforced the perception that the judicial system—once revered as the last bastion of justice—has developed serious fault lines. This incident is not an anomaly but a symptom of a larger malaise plaguing India's higher judiciary, which has become an institution rife with arrogance, unaccountability, and questionable integrity.

The Supreme Court's response, ordering an internal inquiry and transferring the judge back to Allahabad, is hardly sufficient. If anything, it raises more questions than it answers. Why should a judge accused of corruption be merely transferred instead of being proceeded for dismissal from service (impeachment), and even subjected to criminal prosecution under anti-corruption laws? The judiciary cannot expect to salvage its credibility with mere cosmetic measures. An example must be set, and the concerned judge must face exemplary punishment. The action must be swift and exemplary.

But dealing with individual cases is not enough. The entire system that facilitates judicial corruption needs urgent, structural reform. There are four crucial aspects that demand immediate attention:

## **1. Transparent Appointment of Judges**

The collegium system—the process by which judges appoint judges—has long been criticized for its opacity, favouritism, and lack of accountability. This self-regulating philosophy, upheld by the Supreme Court, is neither ethical nor sustainable. Judicial appointments must be subjected to a transparent and merit-based selection process, ensuring that only the most competent and principled individuals ascend to positions of power.

## **2. Exposing the Lawyer-Judge Nexus**

Judicial corruption does not operate in isolation; it thrives on an intricate network of influence involving senior lawyers and sitting judges. This nexus enables the flow of illicit wealth, favours, and undue advantages. The legal profession must be held accountable, and a thorough investigation should be undertaken to expose the players involved in this nefarious game. Without cleansing the legal fraternity of its corrupt elements, judicial accountability will remain a farce.

## **3. Revisiting Judicial Immunity**

Judges in India enjoy a protective shield of immunity that was originally intended to ensure their independence. However, this shield has now become a veil behind which rampant corruption flourishes. The privileges and perks accorded to judges were meant to allow them a dignified lifestyle, but many have abused these privileges to amass unaccounted wealth. The immunity granted to them must be re-evaluated to ensure that it does not become a tool for shielding corruption.

#### **4. Reviving the All-India Higher Judicial Service**

A long-standing proposal to create an All-India Higher Judicial Service through open competition has been repeatedly sabotaged by vested interests. The current system allows influential lawyers to manoeuvre their way into High Courts through opaque elevation processes. A transparent and competitive selection mechanism must be instituted, ensuring that judges are appointed based on merit and integrity rather than connections and patronage.

#### **A Judiciary at Crossroads**

The judiciary's credibility stands at a perilous crossroads. If these systemic flaws are not addressed with urgency and resolve, the Indian judiciary risks becoming an institution distrusted by the very citizens it was meant to serve. A compromised judiciary is a threat to democracy itself, for when the arbiter of justice is tainted, the entire fabric of governance collapses.

This is not just a call for reform—it is a battle for the soul of Indian justice. The Supreme Court must take decisive action, not just in this particular case but in cleansing the rot that has set deep within the system. Anything less would be an abdication of its moral and constitutional responsibility.

India cannot afford a judiciary that is seen as corrupt, arrogant, and above scrutiny. The time for rhetoric has long passed. What is needed now is action—bold, uncompromising, and transformative.

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# For Now, Continue with War by Other Means

**By Lt. Gen. Vinayak Patankar (Retd.)**

The author is ex-GOC, 15 Corps, Srinagar.

*To begin with, we must define what our aim is — do we want to deal a decisive, final blow to terrorism that comes from Pakistan or do we want to do the same to Pakistan?*

Nearly two weeks after the horrific, targeted killing of defenceless tourists at Pahalgam, the dust has not yet settled to enable us to view the situation with clarity. The seething anger within our hearts is not abating. Though the single common emotion is revenge, its suggested method, modalities and manifestation vary. Public fora are full of views, opinions, recommendations, critiques, et al, depending upon the sources of their origin. But in the discussions, everyone seems to agree that the situation is more complex than what was perceived at first.

When faced with complex problems, it is a good idea to revisit the first principles and lessons of history. While principles bring to fore axioms, history can be a good reminder of events and lessons that ought to have been learnt from them.

Some of our fellow citizens see war clouds gathering, but the more informed minds look at many other options short of, or more effective than, war. It is often said that if one wants peace, one must prepare for war. It would do no harm, therefore, to see how some of the time-tested and proven principles of war could help us to see through the haze.

To begin with, we must define what our aim is — do we want to deal a decisive, final blow to terrorism that comes from Pakistan or do we want to do the same to Pakistan? This is vital as the measures to be taken for both would be quite different.

Offensive action could be physical or non-physical. Physical offensive must achieve surprise and it should be ensured that it is applied at the right time and at the right place. To that end, patience and level-headed planning and not knee-jerk reactions are the key. Non-physical actions, on the other hand, could be sustained over a long period and would generally be multi-pronged.

There is a need to apply sufficient force to ensure success, yet there is the principle of economy of effort to be kept in mind. To achieve the two seemingly contradictory requirements, concentrating the force at the point of decision is essential. That calls for mobility of assets and flexibility of plans. This is possible in both physical and non-physical offensive actions. The suspension of the Indus Waters Treaty (IWT) and the ban on mail and trade are two recent cases that exemplify the latter.

Sustainability of an offensive depends on several factors; principle among them is robust economy. Our economy is on an upward curve; nothing we undertake should hurt that progress. Keeping our economy secure could, therefore, be a term of reference for our planners.

Cooperation between all organs of the government is essential to achieve optimum results. Fortunately, given the state of high morale not only within all ranks of the armed forces but also among all our citizens, necessary cooperation would be readily forthcoming.

This is not the first time we are facing post-trauma complex challenges for decision-making at various levels and it most certainly would not be the last. In 1971, we faced not only an unbearable burden on our economy but also a grave national security concern arising from the influx of millions of refugees from the erstwhile east Pakistan. Acting on multiple fronts, like international diplomacy, political consensus and decisive military actions, we achieved a historic military victory over Pakistan. It was no hasty decision. The offensive was launched after waiting for many months of biding our time to select the right time and method and after full preparation.

We learn from our mistakes, too. Who can forget the episode when lapses in security, lack of coordination between departments and some questionable decision-making resulted in the hijack of an Indian Airlines flight to Kandahar and the release of jailed terrorists? We are now far better prepared against such threats.

Then, there have been the attacks on pilgrims of Amarnath Yatra, on Raghunath Temple, Akshardham and the Army camp at Kalu Chak and Pulwama. We have learnt and improved from each of them.

During the Kargil war, our leadership showed considerable statesmanship in keeping the conflict confined to a specified geographical area. In fact, the need to remain within our means and in control of the situation at all times brought about the concept of 'limited war'.

In an adverse situation such as the one we have experienced recently; it is common to hear of 'intelligence failure'. By holding someone or some agency accountable and placing the blame at its door, there is almost a sense of having nabbed the guilty. Before we indulge in any hasty blame game, we must remember two things. First, many such attacks are nipped in the bud by the security forces (SF) when 'actionable intelligence' is given to them by the intelligence apparatus. It is generally all in a day's work for the SF and rarely, if ever, publicised. Next, the SF work round the clock, ready and hoping for action against terrorists. The terrorists, on the other hand, can select a time and place to strike — so they have to be lucky just once.

The jury is still out on the whys and wherefores of the Pahalgam attack. We are also not certain what the Pakistan army's aim was in selecting an easy target in a cowardly, senseless attack. It could be to divert the attention of the Pakistan population from its recent failures in Balochistan and Khyber Pakhtunkhwa. Or, to hinder India's economic progress, or to provoke us and lure us to walk into a trap — a massive ambush waiting to be sprung.

Till the truth is revealed, as it was in the case of the intrusions in Kargil in 1999, we need to keep our powder dry for action, keep a cool head, continue to apply economic squeeze and continue our 'war by other means', as Clausewitz would say!

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# India is Proud of:

## Abdul Bari (Bhojpur, Bihar)



Abdul Bari, popularly known as "Professor Bari" was a true Gandhian and one of the most eminent leaders of the Indian National Movement in Bihar. Abdul Bari, son of Qurban Ali, a Police Inspector, was born on 21 January 1884 (1 October 1887) at Koilwar in the present district of Bhojpur in Bihar. Abdul Bari's political activities began during the Khilafat and Non-Cooperation Movement. On the clarion call of Mahatma Gandhi, he dropped his study of Law and jumped full fledge into the vortex of a national movement. Abdul Bari came in close contact with Subhas Chandra Bose also. He played a leading role shoulder to shoulder with Rajendra Prasad and others in the Civil Disobedience Movement (1930-34).

With the Individual Satyagraha (1940-41), the freedom struggle entered into a new phase. As regards Abdul Bari, he took an active part in the individual civil disobedience movement. He was one of the prominent speakers in the protest meeting held at the Bankipur Maidan on 2nd November 1940 against the arrest of initial satyagrahis Vinoba Bhave and Jawahar Lal Nehru on 21 and 31 October 1940 respectively.

Abdul Bari's chief contribution lies in the field of labour organization and in bringing the labour force into the mainstream of the national movement. The Great Depression aggravated the labour problems. In 1929, the workers of Tin Plate Company, Jamshedpur went on strike and sought the help of Subhas Chandra Bose. Ultimately, he handed over Abdul Bari the responsibility of conducting the strike. He formed the 'Tata Workers' Union' in 1936.

After the second global war, Abdul Bari was elected the President of the Bihar Provincial Congress Committee in 1946. The archive reveals the noteworthy event occurred at about 7.30 P.M. on 29th November 1946, while he was waiting on the Patna Junction Down platform to take the train for Asansol, he was assaulted by the crowd of volunteers of the Muslim League, shouting slogans, "Ghaddar-e-Quom" (traitor to Nation). In that critical moment, he accompanied Mahatma Gandhi on his healing tour of the riot-affected areas in Bihar. He was murdered at about 7 P.M. on 28th March 1947, under highly unfortunate and tragic circumstances near Khusrupur on his way back from Dhanbad.

He did much for Hindu-Muslim unity as well as national integrity and sacrificed his life on the altar of communal harmony. He was rightly, ranked among the most distinguished national leaders that Bihar had ever produced during the pre-independence era.