EDITORIALS - 23RD NOV 2026

1. A louder gavel to bridge India's justice deficit (GS Paper II Governance)

This editorial '**A louder gavel to bridge India's justice deficit**' was published in **The Hindu** on 23rd Nov 2026, highlights gaps in India's domestic **criminalisation** and **prosecution** of mass **atrocity crimes**.

Domestic case for international criminal justice

- International criminal justice applies to domestic atrocities because gravity determines international concern, as reflected in India's ratification of the **Genocide Convention** and **Geneva Conventions** and its UN Security Council votes on internal crises.
- Domestic application of **international criminal law** is independent of the **International Criminal Court** and can support victim reconciliation, military training in humanitarian law and accountability for violations.

Gaps in criminalisation and prosecution

- India lacks standalone offences for **genocide** and **crimes against humanity**, the latter identified in *State vs Sajjan Kumar* (2018) over the 1984 anti-Sikh violence. Ordinary BNS charges fail to reflect their gravity.
- Only three of India's 24 ratified **international humanitarian law** conventions have implementing legislation. The **Geneva Conventions Act, 1960** criminalises only grave breaches in international armed conflicts, leaving other customary war crimes uncovered.
- The Act reserves initiation of prosecutions to the **Central government**, leaving citizens without recourse to compel action. It has yielded **zero prosecutions** across 66 years and seven international armed conflicts despite credible reports of grave breaches.

- Ordinary BNS offences carry **lower penalties**, cover some grave breaches only partially and omit others, such as deporting protected persons. **Courts-martial** lack jurisdiction under the Geneva Conventions Act and can impose lower sentences under service laws.
- The Geneva Conventions require **effective penal sanctions**, allowing ordinary charges where justified by evidence or efficiency. Explicit recognition still serves **fair labelling** and signals legal norms before violations occur.
- India lacks a war-crimes regime for **non-international armed conflicts**, whose classification turns on intensity, duration and organisation. The CPI (Maoist) conflict may have met that threshold, yet **Nandini Sundar vs Chhattisgarh (2011)** did not invoke humanitarian law, and no Salwa Judum member or security personnel has been tried for reported war crimes.

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What Safeguards Can Ensure Fair Trials for Mass Atrocity Crimes?

- **Independent investigations:** Guatemala's UN-backed CICIG helped national prosecutors investigate clandestine security networks through independent inquiries.
- **Forensic evidence:** Mass-grave evidence in the *Krstić* case helped establish the execution of thousands of Bosnian Muslim men at Srebrenica.
- **Witness protection:** In the *Best Bakery* case (2004), India's Supreme Court moved the retrial to Maharashtra after allegations of witness intimidation.
- **Victim participation:** The ICC authorised 4,095 victims to participate in the *Dominic Ongwen* case concerning atrocities in northern Uganda.
- **Defence disclosure:** The ICC stayed the *Thomas Lubanga* trial in 2008 because potentially exculpatory evidence had not been disclosed.
- **Command responsibility:** The ICC overturned *Jean-Pierre Bemba's* conviction in 2018 after finding errors in assessing the measures he reasonably could have taken to prevent or repress his troops' crimes.

- **Public appellate review:** In 2021, the ICC publicly delivered its judgments upholding Bosco Ntaganda's conviction and sentence, enabling scrutiny of both findings.

2. Delhi must size up new Kathmandu, speak to it (GS Paper II International Relations)

This editorial '**Delhi must size up new Kathmandu, speak to it**' was published in **The Indian Express** on 23rd Nov 2026, highlights the need for India to adapt its approach to **Nepal's new leadership** through consultation and practical cooperation.

Nepal's Political Shift and Bilateral Frictions

- **Balendra Shah's** first bilateral visit abroad since taking office in March 2026 offers India a chance to reassess ties after a **Gen Z-led uprising** ousted the K P Sharma Oli government and youth discontent propelled the Rastriya Swatantra Party.
- India is Nepal's **largest trading partner** and a major source of investment, aid and jobs, but Nepal's **transit dependence** and the economic asymmetry have strained ties.
- The May **Lipulekh Pass** dispute showed the cost of bypassing Kathmandu when India and China agreed to resume the Kailash Mansarovar pilgrimage through the pass. Shah's **Nepal First** doctrine makes consultation more important.

Priorities for Bilateral Cooperation

- **Post-flood reconstruction** offers an immediate opening to rebuild trust after around 1,500 deaths and thousands went missing, with a **financial assistance package** reportedly on the Modi–Shah agenda.
- Nepal's **hydropower** could supplement India's power grid if backed by market access, investment-friendly policies and **transmission infrastructure**.

- Better road, rail and air links can connect Nepal to Indian markets and **regional supply chains**, while its request for additional **air-entry routes** merits consideration alongside India's security and air traffic concerns.
- Cooperation between **start-up ecosystems** can expand opportunities for **Nepali youth** and address their aspirations.

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How Does Nepal's Strategic Diversification Shape Its Ties with India?

- **Strategic autonomy:** Nepal ratified the US-backed $500 million MCC compact in 2022 with an interpretative declaration addressing domestic concerns.
- **Transit resilience:** The 2019 Nepal–China transit protocol opened four Chinese seaports and three inland ports to Nepal's third-country imports.
- **Financing choices:** The $216 million Chinese loan for Pokhara airport illustrates why Nepal must weigh new financing options against expected traffic and repayment capacity.
- **Security spillovers:** Nepal's purchase of Chinese arms contributed to tensions preceding India's closure of most bilateral trade routes in 1989.
- **Development partnerships:** Japan's concessional financing for the Nagdhunga road tunnel diversified Nepal's sources of infrastructure funding.
- **Multilateral engagement:** The Asian Development Bank's airport capacity project supports upgrades at Kathmandu and Gautam Buddha airports.
- **Regional interdependence:** The 2024 deal to export up to 40 MW of Nepali power to Bangladesh via India's grid combines market diversification with cooperation with India.

3. For companies, sharing profits with workers can be a win-win (GS Paper III Economy)

This editorial '**For companies, sharing profits with workers can be a win-win**' was published in **The Indian Express** on 23rd Nov 2026, highlights how sharing **corporate gains** with workers and investing in suppliers can strengthen **wages, domestic demand** and **export competitiveness**.

Corporate Gains and Worker Compensation

- **Nifty 500 profits after tax** rose 178% from ₹6.51 lakh crore in FY2020–21 to ₹18.10 lakh crore in FY2025–26, while **BSE market capitalisation** roughly doubled, partly reflecting new listings and valuation changes.
- **SBI Research** found profits rose 31.7% against a 13% increase in employee expenses across about 4,000 listed entities in FY2023–24. The wage bill also reflects **headcount and job mix**.
- Aon recorded average salary increases of 9.5% over 2022–26, while the **Annual Survey of Industries** recorded factory wages rising from ₹1.75 lakh to ₹2.28 lakh per worker between 2019–20 and 2024–25, or **5.4% annually before inflation**. The surveys cover different groups and periods.
- Boards could disclose **real median pay growth** alongside net hiring and output per employee, raise base pay where productivity gains persist and use **multi-year profit-linked bonuses** to give workers a stake while allowing for lean years.
- Broader **employee share ownership** or a defined profit share can supplement regular pay. Around 2,800 Anthropic employees reportedly held shares worth at least $10 million each near its market debut, though **vesting terms**, taxes and sale restrictions affect realised gains.

Manufacturing Scale and MSME Export Capacity

- The **Economic Survey 2025–26** found employment grew about 6% annually in large factories versus 2% in smaller ones during 2013–14 to 2023–24, with

larger factories recording higher wages and productivity. **Registered manufacturing employment** reached 2.10 crore in 2024–25, up 7.19% year on year.

- Larger order volumes spread **training and equipment costs**, making better-paid jobs viable. For small exporters, **upfront testing and traceability costs** constrain consistent quality, even as MSME-linked products rose from 43.59% to 48.55% of merchandise exports between 2022–23 and 2024–25.
- Industry can share testing facilities, train suppliers and connect them with overseas distributors. Government can widen technology-centre access, support **certification** and seek **mutual recognition of tests**, with shipment rejections, repeat orders and worker earnings tracking outcomes.

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Who Could Be Left Out of Corporate Profit-Sharing?

- **Agency workers:** US retirement-plan rules allow some agency workers to be excluded from the client firm's plan if their staffing agency provides prescribed pension coverage.
- **Apprentices:** India's *Code on Wages, 2019* excludes apprentices engaged under the *Apprentices Act, 1961*, while France's profit-sharing scheme covers apprenticeship contracts.
- **Supplier workers:** The 2013 Bangladesh Accord made factory safety commitments binding on garment brands, offering a precedent for extending obligations to workers at supplier firms.
- **Short-tenure workers:** India's *Code on Wages* requires 30 days of work in an accounting year for statutory bonus eligibility, potentially excluding workers on brief seasonal contracts.
- **Low-wage workers:** France permits equal, salary-linked or mixed profit-sharing payouts, allowing a flat component to narrow gaps between pay grades.

- **Workers with concentrated savings:** Enron's collapse showed how heavy exposure to employer stock can cost workers both their jobs and a substantial share of their retirement savings.
- **Workers with weak bargaining power:** Section 45 of India's *Code on Wages* lets registered trade unions file statutory bonus claims on workers' behalf.