

Editorial

Dear Reader,

That Prime Minister Modi seems to be committed to pushing a strong business agenda was borne out by a rather odd headline that popped up a few days before he left for Ireland and the US recently. Readers must have noticed a flurry of articles with all sorts of figures on FDI increasing as a result of his visits to various countries being bandied about, so we decided to examine the issue in some detail and our first essay makes for interesting reading on the truth behind these claims. While there are many gaps in the figures that have been talked about, that Mr. Modi wants to project the success of his overseas visits largely in terms of FDI into India when most experts believe that FDI is, among other factors, a function of the size of the country/market, relative economic performance, openness, higher ROI and political stability, is an even bigger conundrum. The fact is that India has seen higher FDI growth rates under the UPA regime, and considering the fundamentals of the economy and relative stress that other markets like China are seeing, unless the government does something really ludicrous to scare away investors, FDI should continue to see an upward trajectory over the next few years. There is no denying that as in the past, governments of the day must promote India as a high potential country to ensure FDI inflows, but this governments forced correlations between Mr. Modi's visits and FDI must be called out.

While FDI was all over the front pages of the national press, a small news item that hasn't got much attention as yet had us thinking, and is the focus of the second essay this week. As per some media reports the Ministry of Women and Child Welfare is evaluating the possibility of allowing pre-nuptial agreements in India. The ministry apparently sees these agreements as a way of "safeguarding marriage", securing women's rights, and streamlining and fast-tracking divorce proceedings in the event of a marital breakdown. Our essay evaluates all of these issues, analyses similar agreements in the United States and concludes that there are many questions that need to be answered before we really move ahead on something that is sure to be stonewalled by large sections of society. While we're strong votaries of women's rights and vociferously support the need for ensuring fair distribution of assets in the event of divorce, we feel that a pre-nuptial agreement alone cannot address the issues in the current circumstances. In a country where marital rape is still not recognized as a crime because "marriage is a sacrament" (as per the MoS Home), marriages and divorces are usually defined by Personal Laws, and the Marriage Laws (Amendment) Bill 2010 has been allowed to lapse, where is the space for an "agreement between equals"? While we must await more details from the ministry there is clearly a need to address a number of other aspects of the wider eco-system that will enable the stated outcome of something like a pre-nuptial agreement in India.

Some of the other interesting policy related developments over the past week or so relate to UGC Guidelines that talk about implementing CCTV's, wire fencing and biometrics to ensure the security of students on campus. A move that is being strongly opposed by students as they believe these measures are really a way of infantilising their campus experience and is seriously intrusive. The security vs. privacy debate rages on and we have to wait and see if the government is forced to roll back this policy too.

Finally, read about the way in which the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, continues to be ignored by various arms of the government...this time by the Pandharpur municipality. The municipality says it wasn't able to get enough prefab toilets in time to handle the number of pilgrims that rushed to the area on account of the Ashadi Ekadashi. So while lakhs gathered to be blessed by Lord Vitthal, a few hundreds of our fellow citizens were de-humanised. Once again. Time for each of us to say – never again - not under my guard!

Barkha Deva
Associate Director, RGICS

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Lead Essay-1

Facts about the PM Modi's Foreign Visits and FDI Inflow into India

Recently it was reported in the media that "When PM flies out, India gets more money." The government has claimed that India has received \$19.78 billion (Rs 1.3 lakh crore) in FDI in 2014-15 from a dozen major FDI source countries that Modi has visited since taking over in May last year.

In the span of one year, Prime Minister Narendra Modi has visited 17 countries, and spent close to 53 out of 365 days abroad, whereas, Mr. Manmohan Singh spent only 30 out of 365 days during the first year of United Progressive Alliance or UPA-I and 47 out of 365 days in 12 countries during the first year of UPA-II.

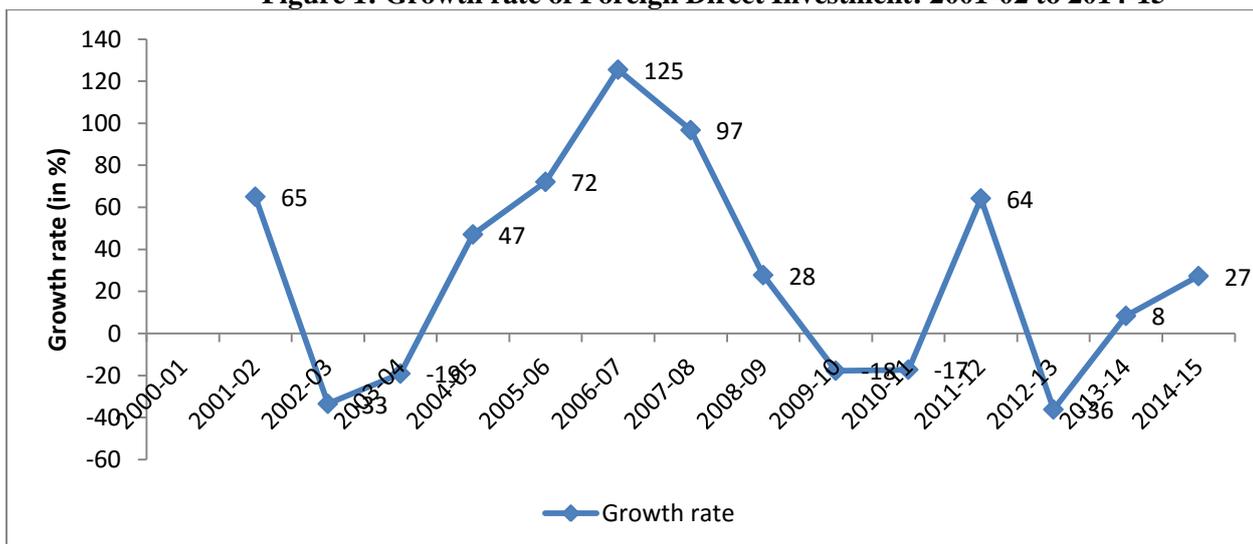
Apart from the number of days spent overseas by the two PMs in the first year of their government coming into power, the other striking difference between the two PMs is Modi has made more state visits—official visits to countries, compared to summit-oriented visits by Singh.

This essay looks at the various FDI related claim made by the government including whether India actually received \$19.78 billion of foreign investment as a result of the PM's foreign visits. . It tries to do so by highlighting some key facts about the Foreign Direct Investment inflow into the country.

Fact- I

The growth rate of Foreign Direct Investment (FDI) was higher in the first year of the UPA-I than the first of NDA. Both, the nature of visits and the time spent abroad by two PMs were significantly different, yet FDI registered a growth of 27% in 2014-15 over 2013-14, whereas during Singh's first year of his first term, **FDI saw an increase of almost 47% in 2004-05 over 2003-04** (See Figure 1).

Figure 1: Growth rate of Foreign Direct Investment: 2001-02 to 2014-15



Source: DIPP, Ministry of Commerce & Industry, GoI

Fact-II

The growth rate of FDI during all the five years of UPA-I were much higher than growth rate of FDI registered during first year of NDA. Further, FDI registered an average rate of growth of 37% during the last decade of UPA-I and UPA-II.

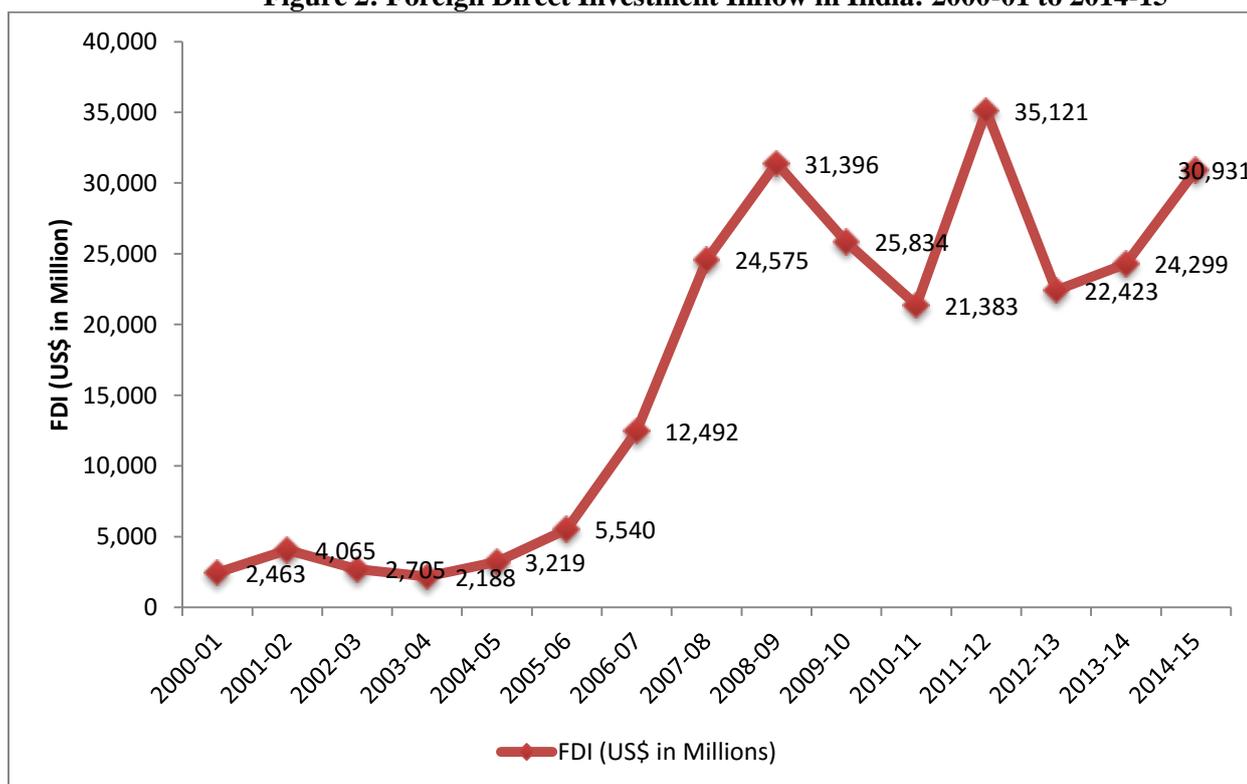
Lead Essay-1

When Manmohan Singh took charge as PM in 2004-05, the growth of FDI was more significant because of the fact that the initial year had recorded a negative FDI growth. However, when Modi took the charge as PM in 2014-15, the growth of FDI was not that low. In 2013-14, FDI registered a growth of 8%, which was negative a year before.

Fact- III

The FDI inflow during first year of the NDA government is not the highest even in absolute terms. The FDI inflow during first year of NDA government was \$30.93 billion, *which is one of the highest values of FDI received by India, but not the highest value received till date.* During UPA-I and UPA-II, in the year, 2008-09 and 2011-12, India received \$31.39 billion \$35.12 billion FDI respectively. (See Figure 2)

Figure 2: Foreign Direct Investment Inflow in India: 2000-01 to 2014-15



Source: DIPP, Ministry of Commerce & Industry, GoI

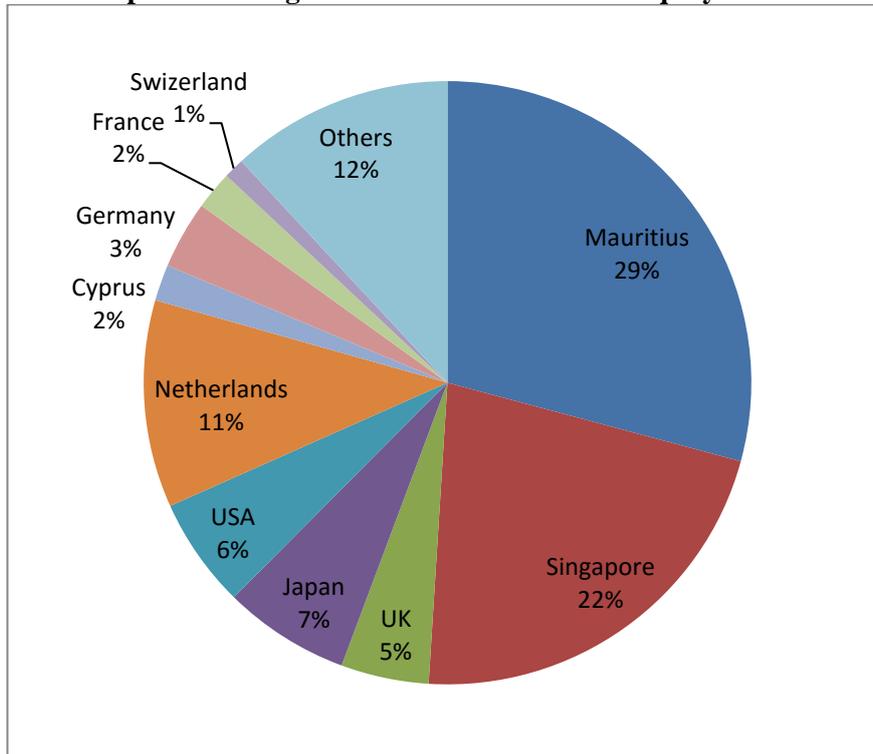
Fact IV

Modi's visits abroad and FDI inflow to India are uncorrelated. PM Modi made official visits to to the top four countries (based on FDI), namely, Japan (from 30th August to 3rd September, 2014), USA (from 26th to 30th September, 2014), Mauritius (from 11th to 12th March, 2015) and Singapore (on 29th March, 2015). The visit to Japan and USA was undertaken in the second quarter (Q2) of financial year (FY) 2014-15, and the visit to Singapore and Mauritius (tax havens), the two countries with the largest share in FDI equity inflows was undertaken in Q4 of FY 2014-15.

51% of the total FDI equity inflow in 2014-15 was received from Mauritius and Singapore. Japan and USA accounted for 7% and 6% of total FDI equity inflow in 2014-15. Thus making the share of total FDI inflow from these four countries to 64% in the first year of Modi government. (See Figure 3) This is in keeping with a trend that has been observed in previous years as Mauritius and Singapore were the highest FDI contributors during the tenure of UPA-I and UPA-II too.

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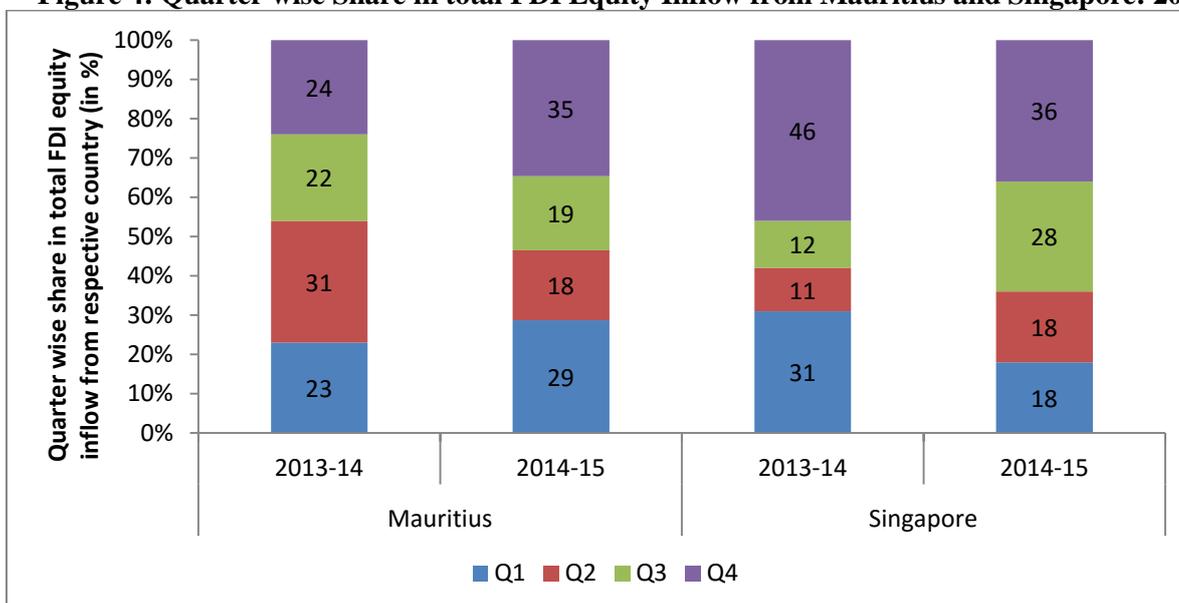
Figure 3: Share of top 10 investing countries in terms of FDI Equity Inflow in India: 2014-15



Source: DIPP, Ministry of Commerce & Industry, GoI

By the end of Q3, i.e. before PM Modi’s visit to Mauritius and Singapore, two-thirds of the total FDI equity inflows from these countries had already been received, i.e. 66% and 64% of the total FDI equity inflow had been received from Mauritius and Singapore respectively. Also the visit to Singapore was on the second last day of the month, i.e. 29th March, 2015, by when technically, the FDI inflows had already happened. (See Figure 4) Clearly the government cannot make the claim therefore that the PM’s visits were responsible for the overall FDI inflow.

Figure 4: Quarter wise Share in total FDI Equity Inflow from Mauritius and Singapore: 2013-14 & 2014-15



Source: DIPP, Ministry of Commerce & Industry, GoI

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Conclusion

Based on the above mentioned facts, one can clearly ascertain that the PM's foreign visits did not really help boost India's image as an investment destination. Various experts have also acknowledged this fact and are of the view that foreign travels won't get FDI for Modi unless he solves India's problems. Zhao Gancheng, Director of South Asia Studies at the Shanghai Institute for International Studies, told the Beijing based Global Times, that "unless issues like frequent power failures, lack of decent roads and ports for transportation and occasional labor unrest discourage investors" are addressed, efforts to attract foreign investment may not be fruitful. (Times of India, 2015)

Economist, Dr. Pravakar Sahoo, Associate Professor at Institute of Economic Growth, in an interview with The National Bureau of Asian Research (NBR) also said India needs to address its lack of adequate infrastructure, rigid labor laws, and bureaucratic delays and make state-level reforms to realize its FDI potential.

Essentially, FDI depends on a number of factors that include trade openness, size of market, natural resources, infrastructure development, macroeconomic and political stability etc. The fact is that investments received during the first year of the NDA government are not really a reason to celebrate and certainly cannot be attributed to the 'successful' Prime Ministerial visits., Similar or even higher growth rates have been witnessed e in the past under the UPA-I and UPA-II regimes which point towards the fact that FDI is a complex phenomenon that cannot be explained as a "good sales job" alone!

Prepared by:

Shruti Issar

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Lead Essay-2

Can Prenuptial Agreements Act as an Effective Instrument to Ensure the Equality of Women in Marriages in India?

What is a prenuptial agreement?

A prenuptial agreement (prenup for short) is a contract entered into by a couple before marriage. Such a contract is also referred to as an antenuptial agreement or a premarital agreement. It comes into effect when two individuals marry and becomes enforceable, subject to review by the courts in the case of divorce. Most serious prenuptial agreements establish the financial rights that each spouse will have in the case of divorce after entering into marriage. These include the division of the couple's property, the continuation or removal of any ongoing financial support obligations, as well as issues of funding and custody of children in the marriage. A few prenuptial agreements also demarcate the financial obligations of those entering into the contract in the case of the death of either spouse. A prenuptial agreement, therefore, acts as an insurance of the individuals' property, endowments and custody of children in case of a collapse in the marriage contract.

How is the prenuptial agreement entering policy discussions in India?

Prenuptial agreements are not recognized as valid contracts by courts in India. According to the Indian Contract Act of 1872, Sections 23 and 26 treat agreements pertaining to distribution of property according to the marriage contract as void. None of the marriage Acts in India provide for prenuptial agreements either. However, there has been a serious move from Maneka Gandhi, Union Minister for Women and Child Development (WCD), to call experts – mostly lawyers, to meet and discuss whether prenuptial agreements can be introduced and receive recognition from the courts in India. Consultations were scheduled to take place on Monday, 28th September, 2015. The Ministry is outlining the different ways in which prenuptial agreements can enter the legal system. According to reports, it may cover the ownership of respective assets and liabilities, division of household chores, purchase of assets and jewellery and alimony. Further, the outline also proposes that, if mutually agreeable, a couple can sign to provisions in the agreement that penalize offending spouses if they refuse to honour the pacts. The prenup is being projected as a contract that might be beneficial to the woman in the marriage, protecting her interests. This move is reported to have come about in consultation with DV Sadananda Gowda, the Minister of Law (Ohri, 2015).

Why prenups in India and what is being proposed?

There are officials in the Ministry who are arguing that prenuptial contracts would enable women by getting rid of judicial delays and other delaying tactics that male spouses have commonly used under the current divorce laws in India (Ohri, 2015). By signing a prenuptial, both spouses agree that divorce might be a possibility and, therefore, might not contest a demand for the dissolution of marriage (Ohri, 2015). Given that this is a common feature of divorce in India today, often working to the detriment of the woman whose divorce claim might not be accepted by her husband. If their rights and responsibilities on separation are pre-defined through a prenuptial contract it would save the time and expenditure that goes into divorce proceedings in India today. Legal issues involving monetary matters regarding the divorce could also be sorted out in the prenuptial itself. There is currently no practical formula to legally gauge the sum of alimony to be paid to the financially dependent spouse in India today. These sums are generally left to the discretion of the courts itself (Ibid). A prenuptial agreement that stipulates the alimony that both spouses can agree to beforehand might resolve the bitter battles over alimony before the matter can be taken to court itself.

While on the one hand, some are arguing that a prenuptial might make divorce easier, there are others, within the WCD, who are arguing that it would ensure that divorce does not take place easily or rashly. It would help “save marriages” (Ohri, 2015). The justification for this position is given by arguing that once the liabilities, assets and responsibilities are decided in advance, a husband will be more careful and cautious in seeking dissolution of the marriage (Ibid). This argument is also projected to buffer the pro-woman stance that the prenuptial lobby is taking.

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Why are these clearly contradictory justifications for permitting prenuptial agreements in India arising? What are the assumptions and conditions that accompany a prenuptial agreement? And, are they suitable for the manner in which marriage is approached and perceived in India? In order to answer these questions, let us first look at the conditions under which prenuptial agreements hold good in a country like the United States, where they are extremely popular. Once we do this, we will be in a better position to assess if similar agreements would be useful in India.

Learning from Experiences in Other Countries

Such problems are present in societies like the United States of America as well, where, until 1970, there was no way to separate the property of the woman from the property of her husband. It was in 1970 with the *Posner v. Posner* case that the court made it reasonable for prospective spouses to establish the division of their property before marrying (Biemiller, 2013). Prenuptial contracts have gained considerable popularity after this. In the United States, divorce on the grounds of 'no fault' or on the grounds of irreconcilable differences between a couple can be granted at the request of only one spouse. This has contributed strongly towards making marriage a contract-like relationship between two individuals who are free to enter and exit this partnership on their own terms. This has made the signing of prenuptial agreements easier in the States. However, despite their popularity, it is often the case that one party challenges the prenuptial agreement and argues that it should not be enforced (Ibid, 148). In such cases, the courts have looked to a variety of factors to determine whether the challenge is valid, taking care to note that the parties who enter prenuptial agreements do not bargain impersonally but on grounds of mutual trust and confidence, given they are to enter into a marriage contract soon.

The parties, therefore, have to demonstrate that at the time of signing, they were aware of one another's financial assets. Given the personal nature of the contract, they have to show that the contract was voluntary – it is not enforceable if it was the product of duress. To assess this, the courts have routinely considered two factors: (i) the timing of execution of the contract: If the parties signed the agreement shortly before the wedding, the court is likely to find that it was not executed voluntarily. The stress, embarrassment and hardship of postponing a wedding due to a prenuptial agreement is considered reason enough to question the voluntariness of the agreement. (ii) The presence of independent counsel – did both the parties have enough guidance on what is required for a prenuptial agreement? Even if they did not, did they have the capacity to hire counsel who could advise them on various clauses of the prenup? These are major factors that the courts look at in the case of a prenuptial agreement.

Further, certain rights are not subject to waiver. This includes temporary support obligations like alimony paid during divorce and, more importantly, child support. With respect to children's issues no prenuptial agreement is conclusive as the courts will make sure that the terms included in the agreement were for the best interests of the child involved (Biemiller, 2013). Judicial interference in marriages, therefore, continue to occur even in areas where prenuptial agreements are commonly drawn up.

Moreover, in the United States, the use of prenuptial contracts grew popular after a marked shift in the perceptions of family, marriage, and individuality in the 1960s, due to the cultural and sexual revolutions that spread rapidly across the country (Ibid 141). Changes in the law promoted the recognition of women as autonomous actors, capable of making their own decisions as individuals and being partners in relationships. The Supreme Court of the United States, followed by other State institutions, began to view marriage as taking place between two individuals who were equal and independent partners. Following this, the rates of divorce increased significantly and in order to address this, the courts had to develop a system for assessing how a couple's property and assets could be distributed in the case of a divorce. This led to two different property distribution regimes: (i) A community property system, according to which the former husband and wife were considered as a 'community' who jointly own the property they acquired during the marriage. Each, therefore, is entitled to one half of the share of the community property in case of divorce. (ii) An equitable distribution system where judges look at statutory factors such as the duration of the marriage, contribution by each spouse to the property's value, economic circumstance of each spouse, characteristics of individuals – health, skill set, employability and liabilities, in order to ensure that the division of property between the two individuals is seen as equitable.

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In the United States, therefore, there is a substantial body of recent laws and jurisprudence that has developed over time to provide courts with a set of conditions according to which they can assess prenuptial contracts. Through this jurisprudence, the state intervenes in matters of marriage and divorce to see if there has been an equitable distribution of resources among the separated spouses. It is with this assurance that prenuptial contracts are drawn, so that in the case of a contract being challenged at the time of divorce, either of the former spouses can approach the court to ensure an equitable division of resources.

Do we have these necessary conditions for the enforcement of a prenuptial contract in India? Are women treated as individuals equal to men, is marriage approached as a contract in which protection of property is of paramount importance, do various communities and the larger society in India have a conception of marital property, and what are the consequences of approaching marriage in this way?

Many of the reasons given for enforcing prenuptial agreements in India might seem valid at first glance. However, a deeper investigation into the way prenuptials are enforced in countries where they are strictly enforced as agreements between two equal individuals indicate that the process of divorce or separations may not be made very easy with the enforcement of prenuptial agreements either. Especially in situations where access to counsel and voluntariness of the parties to the contract are questionable. Issues like alimony and custody of children remain within areas that the State can intervene into, leaving little space for what prenuptials say on the matter.

Implementing a prenuptial agreement in India: Ensuring Bargaining Power of Both Individuals and Approaching Marriage as a Contract

A prenuptial agreement is primarily employed by two *individuals* entering into a marriage contract in order to *protect sizable wealth*. If a contract is seen by one of the parties to be detrimental to their own interests then they will have little reason to agree to enter into the contract in the first place. If a man feels the responsibilities, liabilities and assets marked out in a prenuptial are high enough to act as an incentive against getting a divorce, then he might see little reason in signing the contract. If he is forced to sign such a contract, then when the prenuptial contract is reviewed by the court at the time of the divorce, the contract might not hold, because one of the parties could claim that they were forced to sign the same, making the conditions of enforceability very tenuous. The argument that a prenuptial might 'save marriages', therefore, is an extremely weak one.

What about the arguments that a prenuptial will enable easier divorces in India? There are a few background conditions that such an argument presumes. First, it presumes that the two individuals entering into the contract have an equal bargaining power. Women, therefore, must have easy access to and knowledge of ownership of property, employment and financial resources and must be able to easily initiate law suits on their own behalf (Halan, 2015). Given the emotional and mental trauma that many women in India are put through to gain access to the above, it would eliminate the possibility of a large number of women in India entering into a prenuptial contract with their future spouses as equal individuals.

In order for the two individuals to have equal bargaining power in a prenuptial agreement, the prevailing understanding of a marriage cannot be one where women are subject to and are under the control of their husbands within a marriage. In such an understanding, acts like marital rape will have to be considered a crime (Biemiller, 2013, p. 139). The marriage contract itself would have to be viewed as a partnership of two individuals. These two individuals cannot be considered as one legal entity, where the husband serves as the head of the household and the woman's legal identity is incorporated under her husband's (Ibid, p.138). Coverture, or the legal status of married women as being subject to the interests of the provider, or the husband, cannot prevail. Most laws in India, until very recently favoured ownership of property and family assets by the husband alone. Knowledge of these changes is still rare and women continue to struggle to ensure their implementation. The state is yet to pass laws recognizing the rights of women as individuals who are partners in a marriage in several matters, something that many other liberal democracies have done but India has shied away from – especially with regard to crimes like marital rape.

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There has been significant opposition emerging from the political class in India for treating women as individuals who are partners within a marriage. This can be seen through debates on topics like marital rape in India. While marital rape is a punishable offense in most liberal democracies across the world, in debates in Parliament in India, marital rape has been defended by MPs no less than the Minister of State for Home, Haribhai Parthibhai Chaudhary, who argued that marital rape cannot be considered a crime in India as marriage is a sacrament (Bhandare, 2015). It is ironic that a Minister of a Government whose tenor has been to espouse supposedly “Indian cultural values” defined as cultural concepts and terms that have emerged from within the territorial confines of what is modern day India, would use a distinctly Christian term to define an institution like marriage that is so central to the imagination of different cultures that constitute India today. More importantly, Ministers in the Government continue to resort to cultural and traditional ‘terms and conditions’ of a marriage to justify what is considered to be a crime not just in other countries but by most women’s organizations within India (Ibid). When marriage is perceived in this way by the basic political leaders and ministers, can we expect the interest of women to be protected by a prenuptial contract?

The prevailing view of marriage is not problematic only from the perspective of marital rape, but also from the manner in which financial transactions often accompany marriages in India, either through dowry or more subtle forms such as demanding expensive marriage ceremonies, gold for the bride, etc. These kind of demands are made not just between two individuals but between the families of the two individuals about to get married. They are often made shortly before the wedding so that it is difficult for the bride’s family to back out of the wedding. Within these transactions, the implicit assumption is that since the bride is going to live with another family for the rest of her life, the property or money can be transferred to the groom’s family from the bride’s side and not to the bride herself. In a fair prenuptial agreement, the assumption is that property that comes in before the wedding is in the name of each individual and the property that a couple acquires overtime during the course of the marriage, will be equitably divided between each individual in the event of a divorce.

This is where we hit another roadblock in the implementation of prenuptial agreements in India. How are assets acquired during the course of a marriage distributed between former spouses in the event of a divorce in India? Divorce is a topic that comes under the regime of personal laws in India, Assets acquired after a wedding by the couple, therefore, get distributed based on the personal laws of the religions of the people who are seeking divorce or according to the Act they get married under. According to almost all personal laws in India and the Special Marriage Act, women are entitled to maintenance from their husbands but are not entitled to any assets or property acquired over the course of the marriage if these were bought by the husband. Assets, therefore, go to the person who paid for them. The Marriage Laws (Amendment) Bill 2010 amended these Acts to give discretion to the court to decide how much a woman should get. This Bill, passed by the Rajya Sabha in 2013, has now lapsed and is yet to be revived (Halan, 2015). The Indian woman’s economic rights have traditionally centred on stridhan, maintenance and alimony. Stridhan is the exclusive property of the woman, brought in before the wedding, over which her husband does not have any claim. Maintenance and alimony have been largely conceptualized around the woman’s survival - in order to “prevent the wife from falling into ‘vagrancy and destitution’”. The concept of joint matrimonial property, therefore, is completely missing from Indian personal laws (Vaish, 2008). If a prenuptial agreement is to effectively be employed and enforced in India, it would not hold good under any Indian personal law. Divorce along lines of a prenuptial agreement would be permissible only if weddings take place under the Special Marriage Act, and the marriage, according to this Act would have to be radically redefined to be understood as a contract of partnership between two individuals.

Such a redefinition would predictably be objected to by various religious authorities who continue to exert a large degree of influence over matters of marriage and divorce in India, not just socially but through the recognition of personal laws in India. Moreover, marriage is considered a sacred union (if not always a sacrament) by almost all personal laws in India. A prenuptial that blatantly treats marriage as a contract, a calculated merging of property with an assurance of how to distributed the same in the case of a collapse in this ‘sacred union’ would most definitely be repulsed by a large section of those who adhere by personal laws in the country. If a redefinition of marriage of the kind that a prenuptial agreement demands cannot take place in India yet, then any prenuptial agreement will be subject to excessive scrutiny by the courts, not impacting the length and duration of divorces in India after all.

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There are other ramifications of approaching marriage as a contract of partnership between two individuals. If marriage is something that two individuals enter into and exit from on their own terms, then the state cannot dictate positions over the characteristics of the two individuals who want to get married. This would imply that different kinds of claims for marriage including the LGBT community's claims for legalizing gay marriages would have to be recognized by the state.

What Is Driving the Push for Prenuptials from the WCD?

If the Indian Government can adhere to the different conditions required to make prenuptial agreements effective in India, then it would enable a radical overhaul of how marriages are viewed by most people in India. Stressing on the background conditions to prenups in India might encourage a much needed debate on treating women as equal partners in marriages and equal owners in property acquired over the course of a marriage.

But that does not fit in well with many of the other position that this government has taken on India's culture and tradition. Marriage, often considered to be the primary union or institution that acts as the basis of an ethical society, lies at the heart of what is popularly considered to be Indian culture and tradition. This Government and the institutions of the Sangh Parivar that support its policies has strongly taken the line of defending popular notions of culture, and rather conservatively. What is driving the WCD, that has so many issues concerning the welfare of women and children, especially those from the least advantaged sections of this country to address, to hold consultations on how to bring about prenuptials in India?

We cannot entirely know the answer to this question until the Ministry releases its outline for the enforcement of prenups in India. However, from a first glance at those it has invited for consultation in India, one can raise serious doubts over whether this policy will benefit many in the country. Those called for consultation have mostly been lawyers, leaving out various women and LGBTQ rights activists from the purview of a meeting over a contract that will have obvious ramifications on these groups in society. Most lawyers will only have to gain from the enforcement of prenups as the contract will require both spouses to have counsel to advice them on the nitty-gritties of the contract.

If it is only lawyers who are being consulted, then who stands to gain from the enforcement of these contracts? Unlike the portrayal of prenups as beneficial to women, a deeper investigation into the conditions required for a prenuptial contract have shown us that many women in India might have to fight uphill battles to ensure that the prenuptial is drawn in their favour. Women, therefore, do not stand to gain effectively from the introduction of this contract. The support that LGBTQ community might receive for their case from the Government due to the redefinition of the marriage contract that prenuptials entails is highly doubtful given the position of the ruling party on the rights of stigmatized sexual minorities in this country.

Who then will such a policy enable? Given that the contract is meant to protect sizeable wealth, the only people who seem to gain from it are those who have sizeable wealth and who are ready to give up on their religious community's personal laws on marriage and divorce in order to protect their wealth. Even here, those who gain from prenuptial contracts stand to be men, given that our laws continue to favour the buyer of any property or assets bought over the course of a marriage. If prenuptials are to be introduced in India as instruments that can enable and empower women then the WCD would have to develop a strong and pervasive campaign for questioning the existing bias of marriage laws in favour of men before enabling new prenuptial clauses, a cause that would have a much more positive impact on women in India.

Prepared by :

Shaunna Rodrigues

Lead Essay-2

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Headlines

India and the Syrian Civil War

(Kabir Taneja, *The Diplomat*, September 21, 2015)

India's stance on the Syrian crisis has been subtle yet expected. New Delhi under the previous government of the Congress-led United Progressive Alliance (UPA) maintained its opposition to external military intervention in Syria, and asked for all parties involved to engage in dialogue for a political solution. Consequently, India's position on the Assad government leans more towards support than strict neutrality. While no means an absolute show of encouragement for Assad to remain in power, by continuing to maintain cordial relations during a civil war in which the president has been accused of using chemical weapons and barrel bombs on civilians perhaps does not augur very well for the standing of the world's largest democracy. India's policy on Syria could be seen as practical or realist, but even though it might make sense in the world of realpolitik, its stance could perhaps become hard to justify if its policies come under any sort of questioning in international forums. As India works towards a UNSC seat with full veto powers, taking decisive stands on global affairs should come naturally, and this of course still includes practicing ambiguity where it is needed for the national interest. However, India needs a deep-sea shift in its thinking to coincide with the seriousness with which it is looking to change the UNSC itself.

Read more: <http://thediplomat.com/2015/09/india-and-the-syrian-civil-war/>

Date Accessed: 23.09.2015

India to 'Hike Green Energy Targets' to Combat Climate Change

(*The Economic Times*, September 24, 2015)

India promises to hike renewable energy targets to reduce its greenhouse gas emissions, in long-awaited pledges to be announced next week for upcoming UN climate change talks. India will increase solar and wind energy capacity but it's unclear whether it will commit to a timeline for reducing its overall carbon emissions blamed for climate change.

Read more: <http://economictimes.indiatimes.com/news/politics-and-nation/india-to-hike-green-energy-targets-to-combat-climate-change/articleshow/49088707.cms>

Date accessed: 24.09.15

Economics

Table 1: General Inflation Rates in Indian States: August 2015 (%)

States	Rural	Urban	General
All India	4.94	3.30	4.06
Northern Region			
Jammu & Kashmir	7.97	3.37	6.08
Himachal Pradesh	10.28	2.60	8.31
Punjab	6.85	5.37	6.15
Chandigarh	14.31	-0.81	0.69
Uttarakhand	4.29	3.46	3.73
Haryana	5.54	4.73	4.88
Delhi	6.73	5.42	6.30
Uttar Pradesh	3.13	3.01	2.73
Western Region			
Rajasthan	4.47	5.61	4.59
Gujarat	3.27	3.60	3.45
Maharashtra	7.16	3.24	4.68
Goa	8.48	4.99	5.77
Lakshadweep	12.49	3.27	7.69
Daman & Diu	18.91	8.23	14.13
Dadra Nagar & Haveli	17.43	6.62	12.52
Central Region			
Madhya Pradesh	3.81	4.76	4.06
Chattishgarh	8.62	1.78	5.53
Southern Region			
Andhra Pradesh	9.46	3.73	7.10
Karnataka	7.40	2.02	4.60
Kerala	3.61	-0.40	1.94
Tamil Nadu	3.40	2.53	3.01
Puducherry	16.63	7.39	10.19
Andaman & Nicobar Island	18.24	2.49	10.20
Northeastern Region			
Arunachal Pradesh	5.78		
Assam	3.81	2.82	3.05
Manipur	20.65	5.52	14.83
Meghalaya	-2.85	7.27	-1.70
Mizoram	7.28	3.16	4.53
Nagaland	12.23	5.18	9.04
Tripura	7.54	4.04	6.10
Sikkim	10.42	1.24	8.70
Eastern Region			
Bihar	5.63	3.65	4.81
Jharkhand	5.87	2.88	4.45
West Bengal	1.53	3.56	2.28
Odisha	6.16	-0.30	3.96

- Source: State-wise monthly inflation rates are estimated from year on year Consumer Price Index (CPI) data of MOSPI.
- There is one month time lag in CPI data (From the month February 2015 onwards the New Series is introduced with base 2012=100) provided by MOSPI, Government of India.
- The 2014 August data at state-level with base 2010 is here converted to new base 2012 with linking factors of MOSPI 1.22, 1.20 and 1.21 for rural, urban and combined respectively.

Economics

What Happens When More People Use Financial Services?

(International Monetary Fund, September 17, 2015)

There are economic benefits to greater financial inclusion, up to a point, and countries need high quality banking supervision when they broaden access to credit. Financial inclusion can help achieve several macroeconomic goals. However, there are limits to what it can do, and its benefits diminish as both financial access and depth become large. In particular, broadening access to credit can compromise stability if supervision is weak.

Read more: <http://blog-imfdirect.imf.org/2015/09/15/the-more-the-merrier-what-happens-when-more-people-use-financial-services/>

Date Accessed: 18.9.2015

Governance and Development

POLITICS AND GOVERNANCE

Liberalising Liquor Policy in India

(Governance Now, September 7, 2015)

The CPPR proposes that the government phase out import tariffs on EFL and build a common policy platform on which liquor trade is facilitated. It also suggests that an open market for both foreign and domestic liquors will enhance the economic environment and improve public health. Currently very few domestically produced liquor have websites which inform the consumers of the ingredients origin and related health benefits/hazards of the liquor they are consuming.

Read more: <http://www.governancenow.com/views/think-tanks/liberalising-liquor-trade-in-india#sthash.6roA4V7b.dpuf>

Date Accessed: 18.09.15

SECURITY

FICCI Meet Triggers Debate on Smart Security Debate

(Governance Now, August 28, 2015)

Smart city is not just about facilities but also about the safety of people. This week, FICCI hosted 'Homeland Security – 2015' on the theme of 'Safe and Smart Cities', triggering a debate on the needs of smart India. As a key speaker, P Bhattacharya, the chairman of the Parliamentary Standing Committee on Home Affairs emphasized the need for caution in the development of 'Smart Cities'. His apprehension was about the creation of class divisions between perceived smart citizens and other citizens debarred from availing facilities and opportunities in a Smart City.

Read more: <http://www.governancenow.com/news/regular-story/ficci-meet-triggers-debate-smart-city-security#sthash.OKjcnRBU.dpuf>

Date Accessed: 18.9.2015

Government in Encryption U-Turn after Outcry

(The Asian Age, September 23, 2015)

Bowing under intense public pressure, the Centre Tuesday withdrew its controversial draft national encryption policy under which individuals were to be mandatorily required to save their WhatsApp and other social media messages for up to three months. As per the draft, individuals were required to save all their online and mobile data (WhatsApp messages, Google chats, BBM messages and emails, among others) for 90 days, and provide it to law enforcement agencies in "plain text" on demand. This came under heavy criticism from netizens as an attack on the privacy of individuals. Communications Minister Ravi Shankar Prasad said the draft National Encryption Policy was not the final view of the government and was placed in the public domain simply to seek comments and suggestions from people. "I wish to make it very clear that it is just a draft and not the view of the government. But I have noted some of the concerns expressed by certain enlightened segments of the public," said the minister.

Read more: <http://www.asianage.com/india/government-encryption-u-turn-after-outcry-564>

Date Accessed: 23.09.2015

SOCIAL AND ECONOMIC EXCLUSION

Rajasthan Government Breaches 50% Bar, Quota Now at 68%

(The Times of India, September 23, 2015)

The Rajasthan assembly on Tuesday passed two bills granting 5% reservation to Gujjar-led special backward classes (SBC) and 14% to economically backward classes (EBC), taking the total quota quantum in the state to over 50% - the upper ceiling that twice felled quota laws of the state. The Vasundhara Raje government also pushed through resolutions urging the Centre to place the twin bills in the 9th schedule of the Constitution to buffer them from legal scrutiny. The government hopes to prove its bona fide through its demand to the Centre that the bills be put in the 9th schedule. It, however, poses a tricky question for the Centre to heed the state's prayer for 9th schedule as it may open the floodgates for similar pleas from other states.

Read more: <http://timesofindia.indiatimes.com/india/Rajasthan-government-breaches-50-bar-quota-now-at-68/articleshow/49067944.cms>

Date Accessed: 23.09.2015

Governance and Development

EDUCATION

Education: The Mess Within

(Amitabh Mattoo, *Greater Kashmir*, September 17, 2015)

Despite the huge investment in the Sarva Shiksha Abhiyan ('Education for All', RET) programme and other literacy campaigns, one-third of the state's population is illiterate. We need to devise real incentives for parents to send their children to school wherever they exist, create new ones wherever needed, and ensure that there is real learning happening within them. In addition to the 3Rs we need to introduce the '3Ss'- sensitivity, security and spiritual and scientific temper.

Read more: <http://www.greaterkashmir.com/news/op-ed/education-the-mess-within/196812.html>

Date Accessed: 18.9.2015

UGC Wants CCTV and Biometrics in University Campuses

(Mayank Jain, *Scroll*, September 23, 2015)

Barbed wires atop high walls, closed-circuit television cameras everywhere, biometric attendance, police posts inside campuses, and regular parent-teacher meetings. These are just some of the many prescriptions in the University Grants Commission's latest guidelines for safety and security of students on campuses that have sparked outrage in varsities around the country.

Read more: <http://scroll.in/article/757140/cctvs-and-biometrics-ugc-wants-to-police-campuses-not-secure-them-say-students>

Date Accessed: 24.9.2015

HEALTH

Investing in the Well Being of Women and Children

(*The Straits Times*, September 18, 2015)

Studies show that eliminating under-nutrition in Asia would improve early development and education, and increase the GDP of Asian countries, on average, by a staggering 11 per cent. Meanwhile, promoting breast-feeding in the first two years of a child's life could avert almost 12 per cent of deaths in children aged under five, prevent malnourishment and ensure a good start for every child.

Read more: <http://www.straitstimes.com/opinion/commentary-why-it-makes-economic-sense-to-invest-in-well-being-of-women-and-children-in-asia>

Date Accessed: 18.9.2015

ENERGY

A Million Splendid Suns

(*MyDigitalFC*, September 14, 2015)

Distributing Solar Urja Lamps (SoULs) to students in rural India is with the objective of improving their learning conditions and augmenting their learning hours through steady and safe supply of light. The spin- offs are seen as reduction of kerosene use and accompanied health hazards. The strategy hinges on localising the development of the solar lamp which are assembled locally, used by local people and serviced locally. By transferring technical skills, knowledge and training local people to use technology, dependency on external agencies is reduced and this is vital to popularising the use of solar energy in far-off rural areas. Localisation results in assured availability, longer lamp life, low overheads, and low costs affordable even by the poorest families.

Read more: <http://www.mydigitalfc.com/knowledge/million-splendid-suns-721>

Date Accessed: 18.9.2015

Society

CASTEISM

Municipality Pressed Sanitation Workers to Clean Human Waste at Pandharpur

(Varsha Torgalkar, *Scroll*, September 24, 2015)

Sanitation workers were made to clean human excreta with a broom from temporary pit toilets in the city of Pandharpur and collect the same in a basket by the Pandharpur Municipal Council in Maharashtra's Solapur district during Ashadi Ekadashi – an annual festival in the area. All the 150 sanitation workers made to do this work were from the Mehtar caste, a community historically forced into manual scavenging

Read more: <http://scroll.in/article/755054/tale-of-two-pilgrimages-toilets-for-kumbh-mela-manual-scavengers-for-ashadi-ekadashi>

Date Accessed: 24.9.2015

India and World

AMERICAS

Government Shuts Down Over Planned Parenthood

(Vox, September 10, 2015)

Planned Parenthood remains a key target for conservatives because it is the largest abortion provider in the country. Federal law expressly prohibits the use of federal funds to pay for abortions. While abortion providers like Planned Parenthood can qualify for grants, the government requires that no federal dollars go toward the termination of pregnancies.

Read more: <http://www.vox.com/2015/9/10/9297303/planned-parenthood-government-shutdown>

Date Accessed: 11.9.2015

Right to Work Laws Don't Lower Private Sector Pay

(The Heritage Foundation, September 1, 2015)

Advocates for compulsory unionization in the United States have argued that right-to-work (RTW) laws reduce wages by 3 percent. A forthcoming Heritage Foundation *Backgrounder* finds instead that, when living costs are fully taken into account, private-sector workers in RTW states enjoy real wages equivalent to those in non-RTW states. Policymakers considering RTW legislation may do so confident that it will have no negative impact on private-sector wages. RTW laws do appear to slightly reduce the pay of government employees, easing constraints on hard-pressed state budgets.

Read more: <http://www.heritage.org/research/reports/2015/09/right-to-work-laws-dont-lower-private-sector-pay>

Date Accessed: 11.9.2015

Opinions/Books

OPINIONS

The Puzzle of Non-Western Democracy

(Richard Youngs, *Carnegie Europe*, September 8, 2015)

Calls for different models of democracy are becoming more prominent and widespread. The future of global politics will depend greatly on whether and how democracy can be made more effective, participative, and accountable. Many politicians, diplomats, and experts today argue in favor of non-Western models of democracy. Yet it remains unclear what such models should look like. It is more useful to think in terms of specific areas of democratic variation that can encourage democratic renewal—outside, but also within, the West.

Read more : <http://carnegieeurope.eu/2015/09/08/puzzle-of-non-western-democracy/ifiy>

Date Accessed: 11.9.2015

Will Global Governments Have the Courage to Take on the 1 Percent?

(Winnie Byanyima, *The Huffington Post*, September 15, 2015)

Poverty is rooted in injustice. But poverty is also entrenched by the extreme inequality. The extremely wealthy have disproportionate influence on policies that impact us all. This corrupts our politics, and leads to poorer people being denied the economic opportunity to flourish in life. Money can buy impunity from justice, a pliant media, favorable laws, business advantage and even elections. This in turn perpetuates the policies that allow a tiny elite to accumulate ever more wealth at the expense of the majority.

Building on the successes and learning of the Millennium Development Goals (MDGs), the new global goals -- called the Sustainable Development Goals -- break fresh ground in the fight against poverty. For the first time, there is a goal specifically aimed at tackling income inequality. While the goal does not attempt to curb the ever-accelerating wealth of the richest elite, it is a significant step forward because we know that we cannot fight poverty without fighting inequality.

Inequality is not inevitable. It is the direct consequence of political choices. But turning the inequality goal into a reality will require a fundamental change of approach on how governments take on vested interests, and how resources are shared. It is not an impossible dream; it is in fact a practical possibility. But it will depend on governments taking on the power of the 1% in favour of the interests of the most poor and most marginalized. Our leaders have set the goals, now we the people must rise to see them met.

Read more: http://www.huffingtonpost.com/winnie-byanyima/will-global-governments-have-the-courage-to-take-on-the-1-percent_b_8135776.html?utm_hp_ref=india&ir=India&adsSiteOverride=in

Date Accessed: 16.09.2015

Reform Eludes UN Security Council

(T.P.Sreenivasan, *The Hindu*, September 17, 2015)

The adoption by the UN General Assembly (UNGA) of a consensus resolution for beginning discussions at the Intergovernmental Negotiations Group (ING) on the basis of a framework document has been hailed as historic and path-breaking, but, in actual fact, the UN has not moved anywhere closer to an agreement on reform. The framework document adopted at the General Assembly did not break the impasse on reforms, but brought some clarity as to who was on which side. It also became clear that any plan to introduce a substantial draft resolution in the next session would be futile.

Read more: <http://www.thehindu.com/opinion/lead/reform-eludes-un-security-council/article7659944.ece?homepage=true>

Date Accessed: 17.09.2015

Opinions/Books

The Pseudo-Religiosity of the BJP

(Shiv Visvanathan, *The Hindu*, September 16, 2015)

Newspaper reports often appear like fragments that the reader has to put together. The reports on the ban on sale of meat during the Jain festival of *Paryushan* made me worry more about the way we read narratives than the act itself. The idea of the ban, the aggressive attitudes, ultimatums and closures do not resonate either with the spirit of ahimsa or with our Constitution. It is ironic that Jainism, which professes a philosophy of tolerance is invoked today for a politics of intolerance

Read more: http://www.thehindu.com/opinion/lead/the-pseudoreligiosity-of-the-bjp/article7655967.ece?utm_source=vuukle&utm_medium=referral

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Issue Coordinator: Ms. Shaunna Rodrigues

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