

STATEMENT BY

MR. YEDLA UMASANKAR

FIRST SECRETARY/LEGAL ADVISER

PERMANENT MISSION OF INDIA TO THE UN

ON

AGENDA ITEM 86

“RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS”

AT THE

SIXTH COMMITTEE OF THE 75th SESSION OF THE

UNITED NATIONS GENERAL ASSEMBLY

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Mr. Chairman,

We thank the UN Secretary General for his Report A/75/284 and acknowledge the unrelenting assistance extended by the UN to Member States in promoting Rule of law at the national and international levels and ensuring respect for human rights particularly in the context of Covid-19 pandemic.

2. We associate ourselves with the statement delivered by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM). I would like to make the following remarks in our national capacity.

Mr. Chairman,

3. India's civilizational ethos sees the world as **one large family** and its dreams have been woven around the theme of peaceful co-existence. India believes that the advancement of the rule of law at the national level is essential for the protection of democracy, human rights and fundamental freedoms, as well as for socio-economic growth. This should be the primary objective of all States.

4. United Nations is based on the principle of sovereign equality that is all States have equal status regardless of their size. Consequently, application of rule of law at the international level should, at the very best, serve to protect the sovereign equality of states. This will automatically mean, by extension, protecting the sovereignty and integrity of States from aggression, the most vicious of which is terrorism especially cross border terrorism. Consequently, respect for rule of law is fundamental when it comes to inter-relationship between member states of the UN. Without this, the edifice of the United Nations and international Law crumbled.

5. We have seen instances where decisions of international judicial bodies are not being respected or given effect to by countries. This is clearly unacceptable. We are also aware of transgression of international rule of law through aggression and terrorism. We call on all member states to respect rule of law at international level.

6. It is with this in view that India has always engaged actively in international efforts to develop norms, standards, and laws governing global interactions across

various sectors. India also believes in peaceful settlement of disputes according to laid down laws.

Mr. Chairman,

7. Effective multilateralism and international rule of law requires that the global governance structures should reflect contemporary realities. The current UN structures were designed for a bygone era by a handful of nations. For retaining legitimacy and effectiveness, fundamental reform of these structures, especially the Security Council is needed.

8. Unjust or discriminatory laws that do not balance competing interests in a fair manner, or those designed and implemented by powers that are not representative, only fuel long-term conflict through stasis in decision-making.

9. We should not ignore the fact that laws are dynamic and do not remain static. They continue to evolve according to changing circumstances, often brought forth by changes in society and prevailing technologies. Changes also leave many old laws and regulations redundant. The Indian constitution, adopted seven decades ago, has seen over 100 amendments.

Mr. Chairman,

10. India is the world's largest democracy. The independence of judiciary, legislature and executive along with a free and vibrant media and civil society with strong traditions of electoral democracy are the basis for governance and the rule of law in our Country.

11. In this context, as the world is facing a "public health emergency" due to Covid-19 and domestic judicial systems around the world are struggling to function, India has ensured continuous access to justice by making courts to function online and hearing cases through video conferencing.

12. This year, the Indian parliament passed nearly 43 new acts, ranging from legislations on Health, Finance, labour and employment, agriculture and farmers welfare, corporate affairs, consumer affairs, civil aviation and law and justice, under promotion of the rule of law at the national level.

Mr. Chairman,

13. According to the GA Resolution 74/207, the focus of our debate in the present Session is on the sub-topic “Measures to prevent and combat corruption”.

14. In this context, India continues to make serious efforts to bring its national laws in consonance with its international obligations. In India, the law relating to corruption is broadly governed by the Indian Penal Code, 1860 (IPC), the Prevention of Corruption Act, 1988. Moreover, the Extradition Act, 1962 and bilateral arrangements for mutual legal assistance are the tools on which we seek to build international cooperation.

15. India has taken a hard line stance on corruption and has prompted the introduction of several legislative measures aimed at tackling corruption, including the establishment of an independent ombudsman called as the “Lokpal” to investigate and prosecute cases of corruption by public officials.

16. India is a party to the UN Convention against Corruption (UNCAC) and the UN Convention on Transnational Organized Crime and its three Protocols, both of which mandate the criminalization of corruption and bribery of public officials. In 2018, the Prevention of Corruption Act (the “PCA”) was significantly amended with the intention of removing any inconsistencies and aligning the provisions of the PCA with India’s international obligations under the UNCAC.

Mr. Chairman,

17. Any approach to combating corruption would need to be multifaceted, as the problem itself has a number of dimensions. Governments would have to constantly look at and review existing laws, systems and procedures for ensuring their effectiveness. It would require strengthening institutions, removing loopholes, stringently implementing laws and making every institution more transparent in its functioning. All the stakeholders have to work together in all these initiatives. Otherwise, we will give in to those who work against our people and our societies.

18. To address this effectively, requires the nations to debate and deliberate on improving the effectiveness of international cooperation and strengthening international rule of law. In this regard, the Special Session of the General

Assembly against corruption, to be held in 2021 will provide the right forum to share national experiences and good practices and to identify new and innovative approaches to the fight against corruption.

I thank you, Mr. Chairman.