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"TRUE REASON WHY ARVIND KEJRIWAL WENT BEHIND THE BARS"

AUTHORED BY - SAAYEESHA KAUL

“The strength of a nation lies in the integrity of its leaders and the trust of its people.”

In recent years, the intersection of politics and law enforcement has drawn considerable attention, often sparking debates regarding the proper balance between governance and the rule of law. One such case that has captured public interest revolves around allegations of corruption and misuse of power within the Aam Aadmi Party (AAP), particularly involving key figures such as Arvind Kejriwal and Manish Sisodia. The unfolding events surrounding the AAP's governance in Delhi have raised pertinent questions regarding the integrity of political processes and the impartiality of law enforcement agencies. It is imperative to examine the facts surrounding these events to discern the implications for democracy and governance in India.

Furthermore, the case serves as a litmus test for the robustness of India's democratic institutions and their ability to uphold the principles of accountability and transparency. As citizens grapple with the complexities of the allegations against prominent political figures, the case underscores the need for a vigilant civil society and a free press to ensure that those entrusted with power are held to the highest standards of ethical conduct. In navigating this tumultuous terrain, the nation faces a pivotal moment in reaffirming its commitment to the rule of law and the principles of democratic governance.

Understanding the intricacies of this case is essential for anyone concerned with the transparency and accountability of political leadership, as well as the equitable enforcement of law. By delving into the details of the allegations and subsequent actions taken by law enforcement agencies, readers can gain insight into the complexities of political dynamics and legal proceedings in India. Moreover, grasping the broader implications of these developments can inform discussions on the efficacy of governance structures and mechanisms for combating corruption and malfeasance within the political sphere.

In 2021, the Delhi government **introduced a new policy concerning the sale of liquor**. During the formulation of this policy, the government asserted that the state should not engage in the direct sale of liquor; rather, this aspect should be privatized. The proposal advocated for the issuance of licenses to private entities, who would operate liquor establishments after remitting a specified fee for the acquisition of said licenses. To facilitate the implementation of this policy, the government delineated Delhi into 32 distinct zones and authorized the establishment of only 27 liquor outlets within each designated zone.

Interestingly, those who acquired these licenses were not obligated to adhere to the maximum retail price (MRP) for liquor sales. They were afforded the flexibility to establish their own pricing structures and offer discounts as they deemed fit.

The objective of the policy was unequivocally articulated on paper, encompassing several key aims. Firstly, it aimed to eradicate the influence of illicit marketing and the liquor mafia within the region. Secondly, it sought to ensure a fair and balanced distribution of liquor vends across the capital, thereby promoting accessibility and eliminating monopolistic practices. Thirdly, the policy aimed to enhance the overall consumer experience by introducing privatization and allowing for greater flexibility in pricing and service. Lastly, but importantly, the implementation of this policy was anticipated to result in a notable increase in revenue generation for the government. These objectives collectively underscored the rationale behind the policy and provided a framework for its successful execution. The benefit of State Gov. was that SG has 4 avenues to earn revenue – state taxes, central taxes, central grants and non-tax revenue.

State taxes afford governments the autonomy to levy taxes on various professions within their jurisdiction. However, it's notable that agriculture remains exempt from state taxation across all states, as it is considered tax-free. The decision regarding the imposition of taxes on agriculture lies within the purview of the respective state governments, given that it falls under the ambit of state subjects, akin to stamp duty regulations.

Significantly, a substantial portion of state government revenue is derived from liquor sales, primarily due to the imposition of Value Added Tax (VAT) on such transactions, with the revenue accruing to the central government. Should liquor and gas be incorporated into the Goods and Services Tax (GST) framework, consumers may benefit from reduced prices. However, this move could potentially destabilize a major revenue stream for state governments. Thus, the implications

of such a transition warrant careful consideration in order to balance consumer affordability with fiscal sustainability. Many states have 15-30% The significance of liquor sales as a revenue source is underscored by its substantial contribution to state finances. In the financial year 2022-23, Uttar Pradesh (UP) notably attained a record revenue of Rs. 41,250 crores from excise duty alone. This figure exemplifies the significant financial impact that the sale of liquor has on state coffers, highlighting its pivotal role in bolstering government revenue streams. Infact, UP charges a special duty tax which allows tax to be used for taking care of stray cattle.

States impose various taxes, including transport charges, and some, like Tamil Nadu, apply Value-Added Tax (VAT) on liquor sales. Additionally, states such as Karnataka, Delhi, Maharashtra, Punjab, and Madhya Pradesh generate significant revenue from the sale of liquor, amounting to crores of rupees. This demonstrates the diverse revenue-generating strategies employed by different states in leveraging the liquor market for financial gain. Delhi SG had recognized in 2020 that liquor can be a good way to earn money. Also, it was witnessed that as soon as the lockdown 2020 was getting closed there was high demand on shops for liquor.

The notion of privatizing liquor sales in Delhi emerged as a response to the prevailing circumstances, presenting an advantageous proposition for the Delhi government. Following the implementation of this new liquor policy, the government witnessed a remarkable surge in income, experiencing a significant 27% increase. This uptick in revenue culminated in a total income of Rs. 7,285 crores, facilitated by the sale of over 61 crore liquor bottles within a single year. Such outcomes underscore the tangible benefits accrued by the government as a result of this policy shift towards privatization.

On July 8, 2022, Chief Secretary Kumar submitted a report to Lieutenant Governor Saxena and Delhi Chief Minister Arvind Kejriwal, highlighting several concerns regarding the implemented liquor policy. Following the release of this report, on July 31, 2022, the State Government took the decision to revoke the policy. Subsequently, on August 17, 2022, the Central Bureau of Investigation (CBI) lodged an FIR against Manish Sisodia, along with 14 other individuals, alleging irregularities and undue favors granted to licensees, including fee waivers. The initiation of an inquiry ensued in light of these allegations. The vigilance department's findings revealed that Manish Sisodia, serving as the excise minister, waived off Rs. 144.4 crores of license fees in January 2022, citing a purported discount on liquor cartel due to the COVID-19 pandemic. Shortly thereafter, on August 19, 2022, CBI conducted raids at Manish Sisodia's residence.

Subsequent to this, on August 30, 2022, his bank lockers were also subjected to search operations, although Manish Sisodia maintained that no incriminating evidence was found by the CBI. Beginning from September 27, 2022, in the ensuing months, several leaders affiliated with the Aam Aadmi Party (AAP) and individuals associated with liquor-related businesses were apprehended for interrogation purposes. On October 17, 2022, Manish Sisodia underwent a nine-hour-long interrogation session, during which he alleged that he faced pressure to depart from the party and align with the Bharatiya Janata Party (BJP). During the investigation, a liquor lobby south Group's name came forward which said that AAP took Rs. 100 crores from them and used these funds for campaigning in Goa. On February 9, 2023, Rajesh Doshi, the director of the media agency responsible for handling the Aam Aadmi Party's (AAP) campaigning in Goa, was arrested, a fact confirmed by himself. Subsequently, on March 9, 2023, Manish Sisodia, the then Deputy Chief Minister, was arrested on charges of money laundering, prompting his resignation from his official position. On October 30, the Supreme Court denied his bail plea, citing doubts regarding the sum of Rs. 383 crores. The court deliberated extensively on the potential influence an influential individual might wield to manipulate witnesses or tamper with evidence before deciding on bail. Furthering the investigation, the Enforcement Directorate (ED) issued nine summonses to Arvind Kejriwal, which he chose to disregard, asserting that since he was not an accused party, such summonses were unlawful. Despite Kejriwal's legal challenges in the Delhi High Court, his bail plea was rejected, leading to his custody from March 21, 2024. The ED contended that as the incumbent Chief Minister, all decisions ultimately fell under Kejriwal's purview, which could influence the court's stance on bail. The chargesheet filed by the ED alleged a conspiracy to grant wholesale business to private entities, with a fixed 12% margin to secure a 6% kickback, as evidenced by the statements of former secretary C Arvind. Furthermore, the ED claimed that significant contributions in the form of cheques worth 82 lakhs were made by prominent restaurants to the AAP for election purposes. Despite an appeal to the Supreme Court by Kejriwal, as of April 15, 2024, he remains in judicial custody. To date, four members of the AAP, including Arvind Kejriwal, former Deputy CM Manish Sisodia, Rajya Sabha members Sanjay Singh, and Vijay Nair, have been arrested in connection with the case.

Reason to add the socio-legal dimension to the facts of Arvind Kejriwal's case is to highlight the broader societal implications of the legal proceedings. By incorporating socio-legal analysis into the discussion, we can better understand how legal actions and decisions impact not only the individuals involved but also society as a whole. This perspective allows for a deeper examination of the case beyond the legal technicalities, considering factors such as public trust in governance

institutions, the influence of political dynamics on legal processes, and the socio-economic ramifications of corruption allegations. By emphasizing the socio-legal aspects of the case, we can provide a more comprehensive and nuanced understanding of its significance within the broader socio-political context of India.

The appropriateness of the decision to place individuals in **judicial custody** amidst ongoing investigations prompts significant scrutiny. Questions arise regarding the swift cancellation of the new liquor policy upon the commencement of investigations, particularly if no issues were apparent within the policy itself. Additionally, the necessity of summonses directed at Arvind Kejriwal, if he indeed holds no guilt, becomes a subject of inquiry. It is contended that if funds were utilized solely for party campaigns and the targeting of opposition leaders during elections, it could be dismissed as mere coincidence.

Similar to the segregation of state and party funds, the distinction between the powers of the central government and those of a political party is imperative. The utilization of government agencies by the central government for partisan objectives contravenes this division of power, thereby undermining the democratic fabric of the nation. Such actions, including the deployment of bodies such as the Enforcement Directorate (ED), Central Bureau of Investigation (CBI), and Income Tax Department to stifle opposition or criticism, are deemed inappropriate and detrimental to the democratic process.

The prolonged detention of individuals such as Arvind Kejriwal without trial raises significant concerns. Despite reports submitted in a timely manner to extend the investigation period, the courts refrained from intervention, perpetuating a situation akin to detention without trial, thus encroaching upon fundamental liberties. The Supreme Court has explicitly highlighted the adverse implications of detaining accused individuals without trial, underscoring the gravity of the issue, which transcends from politicians like Arvind Kejriwal to ordinary citizens. Such practices pose a substantial threat to the democratic principles upon which the nation is founded. As we delve into the intricate legal facets surrounding Arvind Kejriwal's judicial custody, it becomes glaringly evident that this case unfurls several pivotal issues warranting thorough examination. The allegations, especially those pertaining to conspiracy and financial irregularities, necessitate meticulous scrutiny to ensure due process and accurately ascertain culpability. The intricate nature of these charges, coupled with the accusations of the purported misuse of government resources for political ends, underscores the dire need for a comprehensive

and impartial investigation.

Moreover, the legal framework governing the detention and bail procedures for individuals under investigation emerges as a focal point. The Supreme Court's refusal to grant bail to Kejriwal underscores the judiciary's delicate balancing act between the imperatives of justice and the presumption of innocence. This judicial stance underscores the nuanced considerations inherent in cases of alleged corruption and malfeasance, where safeguarding the integrity of the investigation often supersedes individual liberty concerns.

Another pivotal dimension is the role played by law enforcement agencies, such as the CBI and ED, in conducting investigations and prosecuting cases involving public figures. The perceived politicization of these agencies inevitably raises genuine concerns regarding their impartiality and autonomy. This prompts a resounding call for enhanced transparency and accountability in their operations to sustain public trust in the justice dispensation system. Clarifying the demarcations between legitimate law enforcement endeavours and politically motivated pursuits is indispensable for upholding the sanctity of the rule of law.

The repercussions of Arvind Kejriwal's judicial custody resonate deeply across the political terrain of India, transcending the fate of the individual accused to significantly impact the broader dynamics of governance and democracy. In an arena rife with political polarization, where allegations of corruption wield substantial influence, the involvement of prominent figures like Kejriwal and Sisodia reverberates profoundly in shaping public opinion and electoral outcomes. The strategic responses of political entities to these allegations and their adept navigation of the ensuing legal intricacies wield considerable sway. They possess the potential to mold voter perceptions and chart electoral fortunes, thereby underscoring the intrinsic interconnectedness between law, politics, and governance in democratic polities. Moreover, the pressing inquiries concerning the accountability of political leaders and the efficacy of the mechanisms in place to ensure transparency and integrity in governance come to the fore with heightened urgency.

Beyond the legal and political realms, the ramifications of Arvind Kejriwal's judicial custody reverberate profoundly in the socio-economic landscape of India. Should the allegations of corruption and malfeasance within the government stand substantiated, they portend the erosion of public confidence in governance institutions, thereby impeding the trajectory of economic development and social advancement.

Additionally, the erosion of investor sentiment and business confidence can have cascading effects on various sectors of the economy. Uncertainty stemming from allegations of corruption may deter entrepreneurs from investing in new ventures or expanding existing ones. This reluctance to invest can lead to decreased job creation and economic growth, exacerbating socio-economic disparities and hindering upward mobility for marginalized communities.

Additionally, the consequences of capital flight extend beyond the immediate economic impact. They can also exacerbate existing socio-economic inequalities by disproportionately affecting vulnerable populations. When investors withdraw their capital, it often leads to a contraction in economic activity, resulting in job losses and reduced government revenues. This, in turn, can strain public services and social safety nets, further marginalizing marginalized communities and widening the gap between the rich and the poor.

Furthermore, capital flight may impede the government's ability to fund essential infrastructure projects and social programs aimed at addressing poverty, education, and healthcare. As resources dwindle, policymakers may be forced to implement austerity measures or seek external financing, potentially increasing debt levels and compromising fiscal sustainability in the long term.

Moreover, the perception of instability resulting from capital flight can deter potential investors, both domestic and foreign, from entering the market or committing to long-term investments. This hampers economic diversification efforts and stifles innovation and entrepreneurship, hindering the country's ability to compete in the global economy.

Addressing the root causes of capital flight requires concerted efforts to restore confidence in governance institutions and create an environment conducive to sustainable economic growth. This entails strengthening regulatory frameworks, improving transparency and accountability, and enhancing investor protection mechanisms. By fostering a stable and predictable investment climate, India can mitigate the risks of capital flight and attract the capital needed to drive inclusive development and prosperity for all its citizens.

Moreover, the negative perception of corruption can tarnish the country's reputation on the global stage, affecting its ability to attract reputable investors and secure beneficial trade agreements. This, in turn, can impede efforts to diversify the economy, promote innovation, and enhance

competitiveness in the global market.

In addressing these challenges, it is essential for policymakers to implement comprehensive reforms aimed at combating corruption, enhancing transparency, and strengthening the rule of law. By fostering an environment conducive to ethical business practices and accountable governance, India can regain investor confidence, spur economic growth, and pave the way for inclusive prosperity for all its citizens.

In essence, the case of Arvind Kejriwal's judicial custody encapsulates the multifaceted challenges confronting India's socio-political milieu. Beyond being merely a legal matter, it represents a microcosm of the broader societal issues plaguing the nation. By meticulously analysing the legal proceedings, we gain a profound understanding of the intricacies involved in holding public officials accountable for their actions.

Moreover, the political dynamics at play underscore the complexities inherent in governance and the delicate balance between power and responsibility. The allegations against prominent figures like Kejriwal and Manish Sisodia raise significant questions about the integrity of political processes and the need for greater transparency in decision-making.

Furthermore, the socio-economic ramifications of the case cannot be understated. Allegations of corruption and misuse of power have far-reaching consequences for economic development and social progress. They erode public trust in institutions and hinder efforts to foster a more equitable society.

As we continue to follow the unfolding developments in this case, it serves as a poignant reminder of the ongoing struggle to uphold the rule of law and promote ethical leadership. It underscores the importance of collective efforts to address systemic issues and strive towards building a more just and equitable society for all citizens.

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