

ABSTRACT

Lost Illusions: India's Solar Cell Case at the World Trade Organization

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Abstract: Technology and law have long shared an intimate relationship. From industrialization to globalization, technological innovations have brought disruptive change to the existing systems and have at times helped mankind. Renewable energy technologies such as solar have gained popularity and many countries around the world are initiating programmes for promoting renewable energy. The Government of India launched National Solar Mission in 2010 for creating a robust environment in order to establish India as a global leader in solar energy. WTO has proved itself to be the most successful international forum as it provides for a unique, robust and time bound Dispute Settlement Body (DSB) and is the flag bearer of global governance in matters of trade having non-discrimination as one of its basic principles. However, the Panel and the Appellate Body of the DSB ruled against India in a case initiated by the US against the said 'National Solar Mission' policy alleging that it is discriminatory in nature. The paper is explanatory in nature and aims at explaining the intricacies of international trade law involved in the dispute. The paper deals with India's stand at the WTO regarding environmental issues. Paper also specifically deals with the case and discusses in detail the factual aspect, claims and finding, also explaining the analysis of various defences or exceptions raised by India and the jurisprudence and reasoning provided by the Panel or the Appellate Body.

Key words: WTO, Environment, Solar Cells, TRIMS, G-20.

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