



PSIR

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NEWS LETTER

GEOPOLITICS AT GLANCE

Saudi Arabia-Iran Deal

Relevance

Syllabus:

- **PSIR:** Recent Developments in India's Foreign Policy.
- **GS2:** Effect of policies and politics of developed and developing countries on India's interests, Indian diaspora.

Context: Saudi Arabia-Iran agreed to restore diplomatic ties.

In News: Saudi and Iranian officials held bilateral talks in Beijing that concluded with an agreement to restore diplomatic ties. Ties have been severed since 2016.

Saudi Arabia and Iran agreed on March 10, 2023 to resume diplomatic ties that have been severed for years, following Beijing-hosted talks which went on for four days.

The two countries plan to reopen their respective embassies in Tehran and Riyadh within two months, they said in a joint statement.

Saudi Arabia severed diplomatic ties with Iran in 2016. The decision followed the storming of the Saudi embassy in Tehran after the Sunni kingdom executed a Shiite Muslim cleric.

WHAT DO WE KNOW ABOUT THE AGREEMENT?

- Delegations from Saudi Arabia and Iran held discussions in Beijing from March 6 to 10.
- As per the announcement, the two countries agreed on a meeting between their top diplomats to implement the restoration of ties and organize the logistics of exchanging ambassadors.
- Riyadh and Tehran also agreed to activate a 2001 security cooperation agreement, as well as a general economy, trade and investment agreement signed in 1998, according to the joint statement.
- Both countries thanked China for hosting and sponsoring the round of talks. They also thanked Middle Eastern neighbors Iraq and Oman for hosting previous rounds in 2021 and 2022.

A HISTORY OF THE REGIONAL RIVALRY

The rivalry between Saudi Arabia and Iran is rooted in **Islamic sectarianism**. While Iran is the foremost Shia state in the world, Saudi Arabia is considered to be the religious home of Sunni Islam. In modern times, this sectarian rivalry has translated into a tussle for regional hegemony. This has played a role in both sides being involved in multiple proxy conflicts against each other in Iraq, Lebanon, Syria and most devastatingly, Yemen.

According to The New York Times, in Yemen, Saudi bombs aimed at reversing gains by Iranian-backed rebels have killed large numbers of civilians. Those rebels have responded by firing increasingly sophisticated missiles and armed drones at Saudi cities and oil facilities. All sides in the conflict have repeatedly violated human rights and international humanitarian law, a Council on Foreign Relations report said. A December 2020 **UN report** said that since 2015 the "war caused an estimated 233,000 deaths, including 131,000 from indirect causes such as lack of food, health services and infrastructure".

The surprise new agreement is welcome in context of the human toll that the Saudi-Iran rivalry has taken. However, this does not mean that all problems will be immediately resolved.

SOME CHALLENGES AHEAD

One of the major roadblocks to a true thaw in relationships is the underlying sectarian tension between Shias and Sunnis. A diplomatic deal does little to change this.

Furthermore, there are specific geopolitical questions which have not been directly addressed. For instance, in both the wars in Yemen and Syria, Iran and Saudi Arabia find themselves on opposite sides – these conflicts will continue to fuel antagonism between the two countries.

Also, Iran is highly critical of **Saudi Arabia's closeness with the United States**. The US has crippled Iranian economy with its sanctions regime for decades. On the other hand, Saudi Arabia is wary of the large network of armed militias across West Asia that Iran funds and backs, seeing them as a threat to its own sovereignty as well as the regional balance of power.

These tangible issues will continue to be roadblocks in building any sort of close ties between Iran and Saudi Arabia. However, the newly struck diplomatic deal can be a good starting point for more negotiations and agreements.

WHY NOW?

Given the plethora of issues that divide Iran and Saudi Arabia, it is pertinent to ask why a deal has suddenly been struck now. What changed?

In Saudi Arabia, the ascension of Mohammad Bin Salman has brought with it a major overhaul in diplomacy and domestic politics. The New York Times reports that his "Vision 2030" plan calls for diversifying the oil-dependent economy by attracting tourism and foreign investment, drawing millions of expatriates to the kingdom and turning it into a global hub for business and culture. This vision is central to Saudi Arabia's changing diplomatic stances.

Regional peace will be crucial to turning Saudi Arabia into the global hub that "Vision 2030" envisions. This has led to Saudi Arabia making concerted efforts to end long-standing conflicts/rivalries with powers across the region – with the Iran deal the latest such move.

Furthermore, it has also led to Saudi Arabia slowly moving away from the singular influence of the United States in its foreign policy. While the US continues to be Saudi Arabia's biggest military supplier, in recent years, the desert kingdom has courted various powers including Russia, China and now, Iran.

For Iran, the agreement comes as it accelerates its nuclear program after two years of **failed U.S. attempts to revive a 2015 deal** that aimed to stop Tehran from producing a nuclear bomb, Reuters reported. However, a brutal sanctions regime and internal tensions have made it difficult for Iran to achieve its goals. Finding allies in the region is of utmost importance to Iran when the Khomeini regime is perhaps at its weakest since the revolution.

CHINA'S DESIRE TO BE A GLOBAL DIPLOMATIC POWER

The United States has for a long time wielded great influence in West Asia. It has been the predominant global power that has had influence over geopolitics in the conflict-ridden region. However, China's role as peace broker is yet another sign of changing currents in the region. China has historically maintained ties with both countries and the latest deal points to China's growing political and economic clout in the region, The New York Times reported.

"China wants stability in the region, since they get more than 40 per cent of their energy from the Gulf, and tension between the two (Iran and Saudi Arabia) threatens their interests," Jonathan Fulton, a nonresident senior fellow for Middle East programs at the Atlantic Council in Washington, told The New York Times.

CONCERNS FOR THE UNITED STATES

Crucially, this deal and China brokering it, does not portend well for the United States.

"The drawback is that at a time when Washington and Western partners are increasing pressure against the Islamic Republic ... Tehran will believe it can break its isolation and, given the Chinese role, draw on major-power cover," Naysan Rafati, senior Iran analyst at International Crisis Group, told Reuters.

Mark Dubowitz, the chief executive of the Foundation for Defense of Democracies, a Washington-based think tank that supports tough policies toward Iran and China, told The New York Times that the deal could potentially be a “lose-lose” for the US. He said it showed that Saudi Arabia lacks trust in Washington, that Iran could peel away U.S. allies to ease its isolation and that China “is becoming the major-domo of Middle Eastern power politics,” The New York Times reported.

However, other observers are less pessimistic. Trita Parsi, an executive vice president of the Quincy Institute, a Washington group that supports U.S. restraint overseas, told The New York Times, “While many in Washington will view China’s emerging role as a mediator in the Middle East as a threat, the reality is that a more stable Middle East where the Iranians and Saudis aren’t at each other’s throats also benefits the United States.”

Thus far, the United States itself has been restrained in its response, dismissing any suggestions that China has overtaken it as West Asia’s predominant power while overtly “supporting any effort to de-escalate tensions in the region”.

ISRAEL IN A TRICKY SPOT

The move has ushered in a wave of anxiety in Israel which shares no formal diplomatic ties with either nation. But while Israeli leaders see Iran as an enemy and an existential threat, they consider Saudi Arabia a potential partner. And they had hoped that shared fears of Tehran might help Israel forge ties with Riyadh, The New York Times reported.

This new deal has potentially scuppered Israel’s diplomatic strategy in the region as domestic turmoil has engulfed the country. While Iran and Saudi Arabia may still fall out, for the time being, this diplomatic agreement has ushered in major change in geopolitical dynamics in West Asia and can be the start of a greater global geopolitical realignment.

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India Japan Relations

Relevance

❑ Syllabus:

- India and Major Powers of the world
- **GS2: GS2:** Bilateral groupings and agreements

Context: India and Japan bilateral relationship

In News: The Japanese Prime Minister Fumio Kishida arrived in India on a two-day visit on 20th March.

QUOTES:

India and Japan have a relationship of great potential, and I am convinced that together, we can contribute to the peace, stability, and prosperity of the Indo-Pacific region.”
- Narendra Modi, Prime Minister of India

“India and Japan are two natural partners whose ties are rooted in history, culture, and shared values of democracy, rule of law, and respect for human rights.”
- Shinzo Abe, former Prime Minister of Japan

“India and Japan share a common vision for a free and open Indo-Pacific, and we will continue to work closely together to ensure that this vision becomes a reality.”
- S. Jaishankar, Minister of External Affairs of India

“India and Japan have the potential to be the anchor of regional stability and prosperity, and our partnership is essential to maintaining a free, open, and inclusive Indo-Pacific.”
- Taro Kono, former Minister of Defense of Japan

“The India-Japan relationship is one of the most important bilateral relationships in the world, and it has the potential to shape the future of the Indo-Pacific region.”
- C. Raja Mohan, Strategic Affairs Analyst and Director of the Institute of South Asian Studies at the National University of Singapore

The focus of this year’s visit by Japan’s Prime Minister is two-fold

1. The visit aims to coordinate the G-7 and G-20 agendas on food and energy security issues, which have arisen primarily due to the Ukraine conflict.
 - a. With Japan and India taking up the presidencies of G7 and G20 respectively, their cooperation is crucial for the region’s stability.
2. The visit aims to collaborate with countries in the region to avoid debt traps, build infrastructure, and enhance maritime and air security.
 - a. Japan plans to unveil its \$75 billion plan for a Free and Open Indo-Pacific (FOIP) and is seeking India’s support in addressing the Ukraine issue and condemning Russian aggression.
 - b. Japan’s FOIP plan against China considers India as an important member, and this visit can be viewed as a display of strength against the recent Moscow visit by Chinese President Xi Jinping.

What is the importance of the bilateral relationship between India and Japan?

The foundation of peace and prosperity in the region lies in the close coordination between India and Japan, which are the leading democracies of Asia. The relationship between the two countries is multi-faceted, and it is built on the common principles and values of freedom, democracy, human rights, and the rule of law. Additionally, both countries share a vision of a Free and Open Indo-Pacific.

What is the shared vision of Free and Open Indo-Pacific between India and Japan?

Japan and India share a common vision of a Free and Open Indo-Pacific (FOIP), which has gained support and endorsement from the international community. The concept of the Indo-Pacific has been mainstreamed, and FOIP has become increasingly relevant, particularly at a time when both countries strive to lead the international community towards cooperation rather than division and confrontation.

The India-Japan relationship holds great significance for several reasons.

1. The two countries share a close bilateral relationship, as well as multilateral cooperation within the Quad.
2. India and Japan collaborate on various projects, and Japanese corporations and investors have been a significant source of infrastructure finance for India.
 - a. For instance, Japan has provided a loan for the much-delayed “Bullet train” project and plans to develop infrastructure to link Bangladesh and India’s northeast.
3. Thirdly, India is a crucial economic and geo-economic partner for Japan.
4. As presidents of G-7 and G-20, cooperation between India and Japan can ensure that outcomes favor the global south.
 - a. There are still pending issues, such as climate finance and transition finance, as well as the need to reform multilateral development banks like the World Bank.
 - b. India has been invited as an observer to the G7 summit in Tokyo later this year.
5. Both countries share common goals to end the Ukraine conflict and push back against China’s aggression.
6. The strategic component of the India-Japan relationship has expanded significantly, and the current Japanese Prime Minister has continued on the same approach.

Overall, the India-Japan relationship holds immense potential for promoting economic growth, regional stability, and global cooperation.

What are the differences between India and Japan’s approaches?

1. Japan is part of the U.S.’s alliance, while India is not.
2. Japan has been in favor of imposing sanctions against Russia, while India has maintained a neutral stance on this issue.
3. While India has expressed its concerns about China’s actions at the Line of Actual Control (LAC), it has been hesitant to directly criticize China’s actions in the South China Sea and Taiwan Straits.
4. India has refused to join the Regional Comprehensive Economic Partnership and has been hesitant about the trade vertical of the Indo-Pacific Economic Framework.

These differences reflect the distinct geopolitical priorities and strategic considerations of both countries.

PYQs

1. Do you agree that the growing assertiveness of China is leading to multilayered Indo-Japan relations ? Comment (2018,200,15)
2. Do you subscribe to the idea that in the new evolving Asian dynamics, Japan and India have not only moved closer in economic cooperation, but also in strategic partnership? (2017,200,15)
3. Evaluate the recent changes in Indo -Japan relations (2014, 250, 20)
4. Examine the recent developments in India-Japan relationship (2013, 150, 10)

India-Germany Relationship

Relevance

❑ Syllabus:

- **PSIR:** India and the Global Centres of Power
- **GS2:** Bilateral groupings and agreements

Context: Chancellor Scholz of Germany made a two day visit to India.

QUOTES: “Germany is a natural partner for India in its quest for sustainable growth and development.” - Narendra Modi during his visit to Germany in 2017”

“We see India as an important partner in shaping the global order. India is the most important power in South Asia and a key player in the Indo-Pacific region.” - Heiko Maa

INDIA-GERMANY RELATIONSHIP OVERVIEW

ECONOMIC COOPERATION

- ❑ India’s biggest economic partner within the European Union (EU) is Germany.
- ❑ During the Chancellor’s visit to India, he was accompanied by a delegation of influential business leaders.
- ❑ Bilateral trade between the two countries stood at US\$24.8 billion during the financial year (FY) 2021–22.

Foreign policy convergence

- ❑ The coalition agreement of the German government in 2021 lists its relations with India as one of its primary foreign policy objectives.
- ❑ As part of its broader strategy for the Indo-Pacific region, Germany is intensifying its political engagement with Asia, with India formally identified as a crucial partner.
- ❑ India and Germany are both members of the G-4 group, which advocates for United Nations Security Council (UNSC) reform.

CLEAN ENERGY AND GREEN TECHNOLOGIES

- ❑ Clean energy and green technologies have become a fundamental component of the partnership.
 - The Green and Sustainable Development Partnership was initiated in the previous year, with a focus on environmentally friendly practices.
 - Collaboration in the field of green hydrogen is also underway.

DEFENCE AND SECURITY

- ❑ India is seeking to reduce its reliance on Russia for military supplies, while Berlin is reevaluating its policy on arms exports.
- ❑ The recent meetings between the heads of state included talks on collaborating to develop military hardware and technology transfers.
 - There is a possibility of a \$5.2 billion deal for Germany to jointly build six conventional submarines in India.
 - Additionally, the first-ever joint military exercise between France, India, and Germany is scheduled for 2024.

As a result, Germany may become a significant defense partner for India.

WHY IS GERMANY NOW FOCUSING ON INDIA?

- ❑ The Russian invasion of Ukraine has been a watershed moment in Germany’s security policy, especially with their failed experiment of Nord Stream 2 pipeline.

- This event marked a departure from Germany’s post-war pacifist approach to strategic matters and resulted in increased military spending.
- ❑ The aggression displayed by Russia and China’s assertive behavior have raised questions about Germany’s previous policy of “change through trade,” prompting a reconsideration of its energy and trade dependencies.
 - Consequently, Germany is now focusing on diversifying economic relations to reduce dependence on uncertain partners.
- ❑ Germany’s status as Europe’s economic powerhouse and its dependence on exports highlights the importance of maintaining stable supply chains and trade routes connecting Asia to Europe.
 - Hence, given the uncertainty of Germany’s relationship with Russia and China, Europe is prioritizing value-based partnerships with like-minded countries, which could strengthen India-Germany cooperation.
- ❑ Mr. Scholz has expressed Germany’s desire to increase its strategic involvement in the Indo-Pacific region through increased military deployment.
 - The symbolic gesture of sending its frigate Bayern to the Indo-Pacific in 2021, with a stopover in Mumbai, was a demonstration of this.
- ❑ In a departure from previous Asia policy that centred around China, Mr. Scholz first visited Japan after assuming office in 2021.
 - Later, he invited Mr. Modi for the 6th Intergovernmental Consultations to Berlin.
- ❑ A recent agreement on India-Germany triangular cooperation involving development projects in third countries is also an important step in this direction.

However, India must temper its expectations regarding security because:

- Germany does not share a border with China, which India does.
- It has huge economic interdependence with China despite the lack of trust.

MAJOR PROGRESS DURING THE VISIT

- ❑ Discussions on the Russia-Ukraine conflict and its global ramifications took center stage between Modi and Scholz.
- ❑ Prime Minister Narendra Modi reiterated India’s commitment to contributing to any peace process. Additionally, mobility and migration were also key areas of focus.
 - Germany is currently facing shortages of skilled manpower, and technically skilled Indians could potentially help bridge this gap.

SUMMARISING

- ❑ The India-Germany relationship is growing into a more comprehensive partnership.
- ❑ Despite differing positions on the war, India’s regular political engagements with Europe have not been impacted.
- ❑ A stronger Russia-China alliance could bolster this alignment, and India’s ties with Germany may be crucial in shaping a new global order amidst volatile geopolitical shifts and emerging multipolarity.

India Australia Relations

Relevance

□ Syllabus:

- **PSIR:** Recent Developments in India's Foreign Policy.
- **GS2:** Effect of policies and politics of developed and developing countries on India's interests, Indian diaspora.

Context: Australian PM Anthony Albanese's visit to India

In News: After a visit to the cricket stadium in Ahmedabad **with Prime Minister Narendra Modi on Thursday(9th March 2023)**, Australian Prime Minister Anthony Albanese tweeted, "At the heart of this contest is genuine respect, reflecting the affection and friendship between our peoples...On the field, Australia and India are competing to be the best in the world. Off the field, we are co-operating to build a better world,".

The two countries are important partners in the Indo-Pacific and cooperate closely in a wide range of sectors. With Australian PM Anthony Albanese's visit to India, here are some key aspects of the bilateral relationship.

HISTORICAL PERSPECTIVE

The India-Australia bilateral relationship has been underpinned by the shared values of pluralistic, Westminster-style democracies, Commonwealth traditions, expanding economic engagement, and increasing high-level interaction.

Several common traits, including strong, vibrant, secular, and multicultural democracies, a free press, an independent judicial system, and English language, serve as the foundation for closer co-operation and multifaceted interaction between the two countries.

The end of the Cold War and beginning of India's economic reforms in 1991 provided the impetus for the development of closer ties between the two nations. The **ever-increasing numbers of Indian students** travelling to Australia for higher education, and the growing tourism and sporting links, have played a significant role in strengthening bilateral relations.

With the passage of time, ties evolved in the direction of a strategic relationship, alongside the existing economic engagement. In recent years, the relationship has charted a new trajectory of transformational growth. With greater convergence of views on issues such as international terrorism, and a shared commitment to a rules-based order in the Indo-Pacific region, the two democracies have taken their cooperation to plurilateral formats, including the Quad (with the United States and Japan).

STRATEGIC TIES

In September 2014, **Australia's Prime Minister Tony Abbott visited India**, and in November that year, Modi became the first Indian Prime Minister to make an official visit to Australia after Rajiv Gandhi in 1986. He also became the first Indian PM to address a joint sitting of the Parliament of Australia.

At the India-Australia Leaders' Virtual Summit in June 2020, Modi and Prime Minister Scott Morrison elevated the bilateral relationship from the Strategic Partnership concluded in 2009 to a Comprehensive Strategic Partnership (CSP).

Modi and Morrison spoke by phone on three occasions in 2021, and met in person in Washington DC and at the COP26 climate summit in Glasgow. At the 2nd India-Australia Virtual Summit in March 2022, several key announcements were made, including on a Letter of Intent on Migration and Mobility Partnership Arrangement to foster the exchange of skills, and a Letter of Arrangement for Educational Qualifications Recognition to facilitate the mobility of students and professionals.

Prime Ministers Modi and Albanese met thrice last year. There has been a series of high-level engagements and exchange of ministerial visits in 2022 and in 2023. The External Affairs Minister travelled to Australia on February 18, and his Australian counterpart Penny Wong visited from February 28 to March 3. Australia's Education Minister Jason Clare also visited.

CHINA FACTOR

Ties between Australia and China were strained after Canberra in 2018 banned Chinese telecom firm Huawei from the 5G network. Later, it called for an inquiry into the origins of Covid-19, and slammed China's human rights record in Xinjiang and Hong Kong. China responded by imposing trade barriers on Australian exports, and by cutting off all ministerial contact. India has been facing an aggressive Chinese military along the border. New Delhi and Canberra have been assessing the Chinese challenge since 2013.

In a speech at the Centre for Policy Research last year, former Australian envoy Peter Varghese said: "China's abandonment of hide and bide, its ambition to become the predominant power in the Indo-Pacific if not beyond, its use of economic coercion and its desire to recreate the Middle Kingdom where harmony was hierarchy with China at the top: all of this is leading other countries to balance and constrain China. And India is seen as an important element in these strategies."

He said "both Australia and India support a rules-based international order", and that they are partners "in seeking to forge regional institutions in the Indo-Pacific which are inclusive, promote further economic integration, and can help...to manage the tensions...as economic growth across the...region shifts strategic weight and relativities". The countries' participation in Quad is an example of their convergence of interests, based on shared concerns.

COOPERATION IN DIVERSE AREAS

ECONOMIC COOPERATION:

The Economic Cooperation Trade Agreement (ECTA) — the first free trade agreement signed by India with a developed country in a decade — entered into force in December 2022, and has resulted in an immediate reduction of duty to zero on 96% of Indian exports to Australia in value (that is 98% of the tariff lines) and zero duty on 85% of Australia's exports (in value) to India.

Bilateral trade was US\$ 27.5 billion in 2021; with ECTA, there is potential for it to reach around US\$ 50 billion in five years.

PEOPLE-TO-PEOPLE TIES:

India is one of the top sources of skilled immigrants to Australia. As per the 2021 Census, around 9.76 lakh people in Australia reported their ancestry as Indian origin, making them the second largest group of overseas-born residents in Australia. To celebrate India@75, the Australian government illuminated more than 40 buildings across the country, and Prime Minister Albanese issued a personal video message.

EDUCATION:

The Mechanism for Mutual Recognition of Educational Qualifications (MREQ) was signed on March 2 this year. This will facilitate mobility of students between India and Australia. Deakin University and University of Wollongong are planning to open campuses in India. More than 1 lakh Indian students are pursuing higher education degrees in Australian universities, making Indian students the second largest cohort of foreign students in Australia.

DEFENCE COOPERATION:

The 2+2 Ministerial Dialogue was held in September 2021, and the Deputy Prime Minister and Defence Minister of Australia visited in June 2022. The Mutual Logistics Support Agreement (MLSA) was concluded during the Virtual Summit in June 2020, and the two militaries held several joint exercises in 2022. Australia will host military operations with India, Japan, and the US in the "Malabar" exercises off the coast of Perth in August, and has invited India to join the Talisman Sabre exercises later this year.

CLEAN ENERGY:

The countries signed a Letter of Intent on New and Renewable Energy in February 2022 which provides for cooperation towards bringing down the cost of renewable energy technologies, especially ultra low-cost solar and clean hydrogen. During the Virtual Summit in March 2022, India announced matching funds of AUD 10 million for Pacific Island Countries under Infrastructure for Resilient Island States (IRIS) and of AUD 10 million for Pacific Island Countries under International Solar Alliance (ISA).

Right to Health Care Act Passed in Rajasthan

Relevance

❑ Syllabus:

- **GS2:** Issues relating to development and management of Social Sector/Services relating to health.

Context: The state of Rajasthan has passed a new law called the Right to Health care Act, which is the first of its kind in India. However, many doctors within the state are protesting and labelling the law as “draconian.”

ABOUT RAJASTHAN'S RIGHT TO HEALTHCARE ACT, 2023

- ❑ The act allows free access to outpatient and inpatient services in all government and selected private hospitals in the state.
- ❑ The main objective of the Right to Health Act is to ensure that all residents of the state have access to high-quality healthcare without experiencing financial hardship. The law seeks to promote health equity and protection of rights by providing guaranteed access to healthcare services..
- ❑ The Right to Health Act is in line with the constitutional guarantee of the right to life and other principles outlined in the Directive Principles. The constitution recognizes that all citizens have the right to access healthcare services without being denied on the basis of affordability or accessibility.
- ❑ The Right to Health Act upholds this fundamental principle by ensuring that every resident of the state has guaranteed access to quality healthcare services without facing catastrophic out-of-pocket expenses.
- ❑ The Act also includes provisions for social audits and a grievance redressal mechanism to ensure accountability and transparency in healthcare delivery.
- ❑ One of the notable features of the law is that it guarantees every resident of the state the right to emergency treatment without any cost.
- ❑ Private healthcare institutions that provide such emergency services will be reimbursed for the charges incurred.

NEED FOR RIGHT TO HEALTHCARE ACT, 2023 IN RAJASTHAN?

The state of Rajasthan is well-suited to develop and execute the Right to Health care act due to various factors:

- ❑ The doctor-population ratio in Rajasthan is significantly low at only five doctors per 10,000 population. In comparison, Jammu and Kashmir has a ratio of 21 doctors per 10,000 population.
- ❑ According to the National Family Health Survey -5 (2019-21), the infant mortality rate and the neonatal mortality rate in Rajasthan are 30.3 per 1,000 live births and 20.2 per 1,000 live births, respectively.
- ❑ According to the “Healthy States, Progressive India” report of 2022, Rajasthan ranked 16th out of 19 major states.

ARGUMENTS FOR THE RIGHT TO HEALTHCARE ACT, 2023?

- ❑ The Right to Health Act in Rajasthan guarantees legal entitlement to healthcare services for all patients, which is expected to reduce the practice of doctors extracting money from patients.
- ❑ Rajasthan has one of the highest rates of violence against healthcare professionals in India, which is often attributed to a lack of trust between patients and doctors. The Right to Health Act in Rajasthan aims to increase trust in the healthcare system by guaranteeing access to quality healthcare services without imposing financial burden, thereby reducing the incentive for doctors to engage in unethical practices.

- ❑ The aim is to promote collaboration between doctors and underprivileged communities, ensuring that healthcare services are accessible and affordable for all.

ARGUMENTS AGAINST RIGHT TO HEALTHCARE ACT, 2023

- ❑ **Attacks private “business model”:** As per official data, more than 78% of healthcare in India is now delivered by private players. At this juncture, providing free emergency treatment and care would disrupt the foundation of the model that relies heavily on out-of-pocket expenses and private insurance for revenue.
- ❑ **Doctors’ mistrust of the system:**
 - There is no clear definition of what can be classified as a medical emergency.
 - Bureaucratic and political control to admitting or reimbursing payment for patients.
- ❑ **Not believing in the government’s promise:** The protesters expressed a lack of trust in the government’s promise to compensate them for expenses incurred while providing emergency medical care to patients.
- ❑ **Further government interference:** The Act might pave the way for further government interference in health care.

The Supreme Court in 1989 observed that every injured citizen brought for medical treatment should instantaneously be given medical aid to preserve life and thereafter the procedural criminal law should be allowed to operate in order to avoid negligent death.

Way forward

One of the simplest ways to create a better society is by promoting equality and justice, even if it means that physicians may have to forego some of their financial gains. The Right to Health Bill aims to achieve this by ensuring that all residents of the state have access to quality healthcare services without facing financial burden.

To achieve the objectives of the Right to Health Act, it is important for the Rajasthan government to work collaboratively with the protesting doctors to address their concerns and build trust. The doctors, in turn, should also work with the government to save lives and promote the health and well-being of all residents of the state. Ultimately, by working together towards a common goal, the government and healthcare providers can create a more equitable and just society that benefits everyone.

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By - **Shashank Tyagi**

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Disqualification Under Article 102 of Indian Constitution and RPA 1951

Relevance

☐ Syllabus:

- **PSIR:** Salient features of Indian Constitution.
- **GS2:** Parliament and State Legislature.

Context: The notice issued by the Lok Sabha Secretariat disqualifying Rahul Gandhi mentions Article 102(1)(e) of the Indian Constitution and the Representation of People Act, 1951.

QUOTES: “Legislature of a nation is the mirror of its society and people. It is the visible face of democracy in India.” – Shankar and Rodriguez in their Book – “The Indian Parliament: A Democracy at Work”.

In News: On March 23, 2023, Rahul Gandhi was held guilty and sentenced to two years in jail by a Surat court in a 2019 defamation case, over his remarks about the “Modi” surname. The conviction triggered the process of his disqualification as a lawmaker.

Congress leader **Rahul Gandhi has been disqualified from the Lok Sabha**, a day after he was **convicted in a defamation case by a Surat court**. A notice issued by the Lok Sabha Secretariat said he stood disqualified from the House from March 23, the day of his conviction. Rahul Gandhi has to now move a higher court and get his conviction stayed.

The notice read, “Consequent upon his conviction by the Court of the Chief Judicial Magistrate, Surat C.C./18712/2019, Shri Rahul Gandhi, Member of Lok Sabha representing the Wayanad Parliamentary Constituency in Kerala stands disqualified from the membership of the Lok Sabha from the date of his conviction i.e. 23 March, 2023 in terms of the provisions of Article 102 (1)(e) of the Constitution of India read with Section 8 of the Representation of People Act, 1951.”

What is Article 102 of the Indian Constitution?

Article 102 deals with the disqualification of MPs from either house of the Parliament. Part (1) of the article lists the reasons why an MP can be disqualified. These include, “(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder; (b) if he is of unsound mind and stands so declared by a competent court; (c) if he is an undischarged insolvent; (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State; (e) if he is so disqualified by or under any law made by Parliament.”

In Rahul Gandhi’s case, the last point (if he is so disqualified by or under any law made by Parliament) applies. The law under which he has been disqualified is the Representation of People Act, 1951.

What is the Representation of People Act, 1951?

The Representation of the People Act, 1951 is an act of Parliament of India to provide for the conduct of election of the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections. It was introduced in Parliament by law minister Dr BR Ambedkar.

There are several **provisions that deal with disqualification** under the RPA.

First, disqualification is triggered for conviction under certain offences listed in Section 8(1) of The Representation of The People Act. This includes specific offences such as promoting enmity between two groups, bribery, and undue influence or personation at an election. Senior Samajwadi Party leader **Azam Khan lost his Uttar Pradesh Assembly membership** in October 2022 after he was convicted in a hate speech case. Defamation does not fall in this list.

Section 8(2) also lists offences that deal with hoarding or profiteering, adulteration of food or drugs and for conviction and sentence of at least six months for an offence under any provisions of the Dowry Prohibition Act.

Section 8(3) states: "A person convicted of any offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release." This is the provision under which Rahul Gandhi has been disqualified.

How does the disqualification work?

The disqualification can be reversed if a higher court grants a stay on the conviction or decides the appeal in favour of the convicted lawmaker. Significantly, the stay cannot merely be a suspension of sentence under Section 389 of the Code of Criminal Procedure (CrPC), but a stay of conviction.

Over the years, the law has changed when it comes to disqualification. Under the RPA, Section 8(4) stated that the disqualification takes effect only "after three months have elapsed" from the date of conviction. Within that period, lawmakers could file an appeal against the sentence before the High Court.

However, in the landmark **2013 ruling in 'Lily Thomas v Union of India'**, the Supreme Court struck down Section 8(4) of the RPA as unconstitutional. This is what has allowed the Lok Sabha Secretariat to immediately disqualify Rahul Gandhi.

Prelims Tit Bits

What is Lily Thomas Case?

In 2005, a PIL was filed before the Apex Court by a Kerala-based lawyer Lily Thomas and NGO Lok Prahari, through its General Secretary SN Shukla, challenging Section 8(4) of the RPA as "ultra vires" to the Constitution, which protects convicted legislators from disqualification on account of their appeals pending before the higher courts.

This plea sought to clean Indian politics of criminal elements by barring convicted politicians from contesting elections or holding an official seat. It drew attention to Articles 102(1) and 191(1) of the Constitution. Article 102(1) lays down the disqualifications for membership to either House of Parliament and Article 191(1) lays down the disqualifications for membership to the Legislative Assembly or Legislative Council of the state. The plea argued that these provisions empower the Centre to add more disqualifications.

Before this judgment, convicted MPs could easily file an appeal against their conviction and continue holding their official seats.

What did the SC decide?

On July 10, 2013, a bench of Justices AK Patnaik and SJ Mukhopadhaya of the Apex Court held that "Parliament had no power to enact sub-section (4) of Section 8 of the Act and accordingly sub-section (4) of Section 8 of the Act is ultra vires the Constitution."

The Court also held that if any sitting member of Parliament or State Legislature is convicted of any offence under sub-section (1), (2), and (3) of Section 8, RPA, then "by virtue of such conviction and/or sentence" they will be disqualified. The court added that a convicted parliamentarian or legislator's membership will no longer be protected by Section 8 (4), as was previously the case.

The Court on an examination of other provisions in the Constitution that deal with disqualification of a lawmaker held that the Constitution "expressly prohibits" Parliament to defer the date from which a disqualification would come into effect.

Office of Deputy Speaker

Relevance

❑ Syllabus:

- PSIR: Principal Organs of Union Government.
- GS2: Parliament and State Legislature.

Context: The present Lok Sabha and five state Assemblies have not elected Deputy Speakers. Is it mandatory to have one? How are they elected? This article tries to answer some of these questions.

QUOTES: “Legislature of a nation is the mirror of its society and people. It is the visible face of democracy in India.”
– Shankar and Rodriguez in their Book “The Indian Parliament: A Democracy at Work”.

In News: The Supreme Court in February 2023 issued notices to the Centre and five states — Rajasthan, Uttarakhand, Madhya Pradesh, Uttar Pradesh, and Jharkhand — over the failure to elect a Deputy Speaker.

A Bench led by Chief Justice of India (CJI) D Y Chandrachud sought responses on a PIL that contends that not electing a Deputy Speaker to the 17th (present) Lok Sabha, which was constituted on June 19, 2019, is “against the letter and spirit of the Constitution”.

WHAT DOES THE CONSTITUTION SAY ABOUT THE DEPUTY SPEAKER?

Article 93 says “The House of the People shall, as soon as may be, choose two members...to be...Speaker and Deputy Speaker...and, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member...”

Article 178 contains the corresponding position for Speaker and Deputy Speaker of the Legislative Assembly of a state.

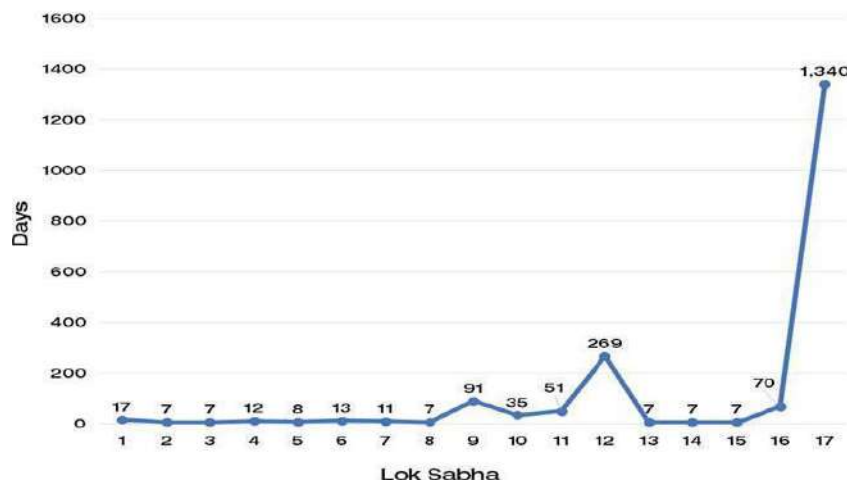
IS IT MANDATORY TO HAVE A DEPUTY SPEAKER?

Constitutional experts point out that both Articles 93 and 178 use the word “shall”, indicating that the election of Speaker and Deputy Speaker is mandatory under the Constitution.

HOW SOON MUST THE DEPUTY SPEAKER BE ELECTED?

“As soon as may be”, say Articles 93 and 178. But they do not lay down a specific time frame.

Days to the election of Deputy Speaker of Lok Sabha



Source: PRS Legislative Research

In general, the practice in both Lok Sabha and the state Assemblies has been to elect the Speaker during the (mostly short) first session of the new House — usually on the third day after the oath-taking and affirmations over the first two days.

The election of the Deputy Speaker usually takes place in the second session — and is generally not delayed further in the absence of genuine and unavoidable constraints.

Rule 8 of The Rules of Procedure and Conduct of Business in Lok Sabha says the election of Deputy Speaker “shall be held on such date as the Speaker may fix”. The Deputy Speaker is elected once a motion proposing his name is carried in the House.

Once elected, the Deputy Speaker usually continues in office for the entire duration of the House. Under Article 94 (Article 179 for state legislatures), the Speaker or Deputy Speaker “shall vacate his office if he ceases to be a member of the House...”. They may also resign to each other, or “may be removed from...office by a resolution of the House of the People passed by a majority of all the then members of the House”.

HOW WAS THE POST OF DEPUTY SPEAKER ENVISAGED?

In 1949, H V Kamath argued in the Constituent Assembly that if the Speaker resigns, “it will be far better if he addresses his resignation to the President and not to the Deputy Speaker, because the Deputy Speaker holds an office subordinate to him”.

Dr B R Ambedkar disagreed — and pointed out that a person normally tenders his resignation to the person who has appointed him. “...The Speaker and the Deputy Speaker are...appointed or chosen or elected by the House. Consequently these two people, if they want to resign, must tender their resignations to the House which is the appointing authority. Of course, the House being a collective body of people, a resignation could not be addressed to each member of the House separately. Consequently, the provision is made that the resignation should be addressed either to the Speaker or to the Deputy Speaker, because it is they who represent the House,” he said.

When Neelam Sanjiva Reddy resigned as Speaker of the 4th Lok Sabha on July 19, 1969, he addressed his resignation to the Deputy Speaker.

But what happens if the post of Deputy Speaker is vacant? “The House is informed of the resignation of the Speaker by the Deputy Speaker and if the office of the Deputy Speaker is vacant, by the Secretary-General who receives the letter of resignation in that House. The resignation is notified in the Gazette and the Bulletin,” say the Rules for Presiding Officers of Lok Sabha.

DO THE POWERS OF THE SPEAKER EXTEND TO THE DEPUTY SPEAKER AS WELL?

Article 95(1) says: “While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker”.

In general, the Deputy Speaker has the same powers as the Speaker when presiding over a sitting of the House. All references to the Speaker in the Rules are deemed to be references to the Deputy Speaker when he presides.

It has been repeatedly held that no appeal lies to the Speaker against a ruling given by the Deputy Speaker or any person presiding over the House in the absence of the Speaker.

WHAT IS THE POSITION OF THE UNION GOVERNMENT ON THE CURRENT VACANCY IN THE POST OF DEPUTY SPEAKER?

The Treasury benches have maintained there is no “immediate requirement” for a Deputy Speaker as “bills are being passed and discussions are being held” as normal in the House. A Minister argued that “there is a panel of nine members — senior, experienced, and selected from different parties — who can act as chairpersons to assist the Speaker to run the House”.

This panel of nine has Rama Devi, Kirit P Solanki, and Rajendra Agrawal of the BJP; Kodikunnil Suresh of the Congress; A Raja of the DMK; P V Midhun Reddy (YSRCP); Bhartruhari Mahtab (BJD); N K Premachandran (RSP); and Kakoli Ghosh Dastidar (TMC).

It has been usual practice to offer the post of Deputy Speaker to the Opposition — Charanjit Singh Atwal (SAD, then a constituent of NDA) was Deputy Speaker during 2004-09 when UPA-I was in power, Kariya Munda (BJP) occupied the post during 2009-14 (UPA-2), and M Thambidurai (AIADMK) was Deputy Speaker during the first Narendra Modi government (2014-19).

CAN THE COURTS INTERVENE IN CASES OF A DELAY IN ELECTING THE DEPUTY SPEAKER?

In September 2021, a petition was filed before the Delhi High Court, which argued that delay in the election of the Deputy Speaker violated Article 93 (Pawan Reley v. Speaker, Lok Sabha & Ors). However, there is no precedent of a court forcing the legislature to elect the Deputy Speaker.

Courts usually don't intervene in the procedural conduct of Parliament. Article 122(1) says: "The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure."

However, experts said that the courts do have jurisdiction to at least inquire into why there has been no election to the post of Deputy Speaker since the Constitution does envisage an election "as soon as may be".



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Election Commission of India (ECI)

Relevance

Syllabus:

- **PSIR:** Statutory Institutions and Commissions
- **GS2:** Constitutional Bodies.

Context: Recent Supreme Court verdict on procedure of appointment to Election Commission.

In News: A five-judge bench of the Supreme Court on March 2, 2023 unanimously ruled that a high-power committee consisting of the Prime Minister, Leader of Opposition in Lok Sabha, and the Chief Justice of India must pick the Chief Election Commissioner (CEC) and Election Commissioners (ECs).

Constitutional Provisions for ECI

The Election Commission of India (ECI) is an autonomous constitutional authority responsible for administering Union and State election processes in India.

Article 324 of Indian Constitution

Superintendence, direction and control of elections to be vested in an Election Commission

1. The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission).
2. The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.
3. When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

Structure of ECI:

Originally the commission had only one election commissioner but after the Election Commissioner Amendment Act 1989, it was made a multi-member body.

The Election Commission shall consist of the Chief Election Commissioner (CEC) and such number of other election commissioners, if any, as the President may from time-to-time fix.

Presently, it consists of the CEC and two Election Commissioners.

At the state level, the election commission is helped by the Chief Electoral Officer who is an IAS rank Officer.

Appointment & Tenure of Commissioners:

The President appoints CEC and Election Commissioners.

They have a fixed tenure of six years, or up to the age of 65 years, whichever is earlier.

They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court (SC) of India.

Issue in Appointment of Election Commission

- Though Article 324 provides that Parliament shall make law with regard to appointments to Election Commission of India.
- However so far Parliament has not made any law in this regard.
- This leaves the appointment of Election Commission as the sole prerogative of Union Executive.

- ❑ This gives undue powers to Union Executive in appointment procedure of Election Commissioners and CEC which goes against the principle of Constitutionalism, checks and balance and the procedure envisaged by the founding fathers of India.

Supreme Court Judgement

Supreme Court ruled that the appointment of the Chief Election Commissioner (CEC) and Election Commissioners by the President will be based on the advice of a three-member high-level committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha and the Chief Justice of India (CJI).

A five-judge Constitution Bench headed by Justice KM Joseph delivered the landmark order after hearing a batch of pleas seeking an independent system to appoint Election Commissioners outside the government's exclusive power, to ensure impartial operation of the Election Commission of India (ECI). "This norm will continue to hold good till a law is made by parliament," the SC said, noting that the Commission must act within the constitutional framework to ensure its independence and neutrality.

What is the current process of selection of Election Commissioners?

The appointment of Election Commissioners falls under the purview of Article 324(2) of the Constitution.

The provision states, "The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President."

As per the 'subject to' clause, the number and tenure of the ECs are subject to the provisions of "any law made on that behalf by Parliament". No such law has, however, been made for appointments yet.

Interestingly, during a debate in the Constituent Assembly about the draft article, Dr B.R. Ambedkar said, "... there is no use making the tenure of the Election Commissioner a fixed and secure tenure if there is no provision in the Constitution to prevent either a fool or a knave or a person who is likely to be under the thumb of the executive."

Currently, the President appoints the CEC and two ECs on the advice of the Prime Minister and council of ministers. Under the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, an EC can have a tenure of six years or up to the age of 65, whichever is earlier. Typically, the senior-most election commissioner is appointed as the CEC.

Once appointed, the Chief Election Commissioner can be removed from office only through Parliamentary impeachment. However, no such protection of tenure is available to Election Commissioners, who can be removed by the government on the recommendation of the CEC.

What revision has the top court ordered?

As per the Supreme Court's directions, a panel that includes the Prime Minister, the Leader of the Opposition in Lok Sabha and the Chief Justice of India will now advise the President regarding the appointment of Election Commissioners — similar to the appointment of the Director of the Central Bureau of Investigation. If the position of the Leader of the Opposition is vacant, the leader of the single largest opposition party will be on the committee. This system of appointment will be in force till the Parliament comes up with a specific law, the SC said.

The Constitution Bench appealed to the Parliament and the central government to constitute an independent secretariat for dealing with the expenditure of the Commission to insulate it from any financial obligation to the government.

Other Issues Faced by Election Commission

Structural Issues

- ❑ The Budget of EC is drawn from the Law Ministry.
- ❑ ECI has to depend on the Ministry of Personnel for its functionaries.

Functional Issues

- ❑ ECI does not have rule making power under RPA 1951.
- ❑ Do not have adequate power to enforce Model Code of Conduct.
- ❑ Do not have power to deregister political parties

Way-forward

- ❑ An independent Secretariat to Election Commission with functional and financial autonomy be given to Election Commission for its effective and efficient functioning.
- ❑ Parliament should bring a comprehensive law that guides the appointment to Election Commission in pursuance of recent Supreme Court Judgement.
- ❑ More powers to the Election Commission to enforce electoral laws along with rule making power under RPA 1951.

<https://www.thehindu.com/news/national/election-commissioner-supreme-court-explained-judgment-reform-appointment/article66571964.ece>

<https://indianexpress.com/article/explained/explained-law/supreme-court-verdict-on-election-commission-of-india-appointments-8476545/>



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1 Year of Russia-Ukraine Crisis

Relevance

☐ Syllabus:

- **PSIR:** Evolution of India’s Foreign Policy.
- **GS2:** Effect of policies and politics of developed and developing countries on India’s interests.

Context: Evolution of India’s Foreign Policy vis a vis Russia-Ukraine Crisis.

QUOTES: “There will be no winners out of this conflict. At this moment, this would occupy you with the exclusion of everything else. There are equally pressing issues in other parts of the world”. MEA S Jaishankar on Russia Ukraine Crisis

As the Russia-Ukraine war completes a year in February 2023, the United Nations General Assembly is discussed a resolution calling for “the need to reach, as soon as possible, a comprehensive, just and lasting peace” in line with the founding United Nations Charter.

In the last year, the UN and its bodies have voted on resolutions pertaining to the Russia-Ukraine war at least 39 times: 38 times since Russia invaded Ukraine on February 24 and once on January 31.

India, which has maintained a diplomatic balancing act and has walked the tightrope between US-led West and Russia, has abstained on most occasions.

An analysis of India’s voting record and the explanation of its votes at the UN and its bodies show a nuanced and calibrated stance adopted by Delhi in the past one year — much to the frustration of its western partners who have always asked India to condemn Russian President Vladimir Putin’s actions. But Delhi has also evolved its position as the facts of the conflict became clearer and the world felt the impact of the war.

While the 15-member UN Security Council discussed the Russia-Ukraine conflict 47 times since January 31 last year, India abstained on all five resolutions. At the 193-member UN General Assembly, it abstained on all six resolutions.

HOW INDIA VOTED




UNSC: Discussed 47 times since Jan 31, 2022; voted on 5 Resolutions; India abstained. In Procedural Votes, India abstained on 2 occasions regarding holding of Ukraine meeting in UNSC and UNGA; voted in favour of allowing virtual participation by President Volodymyr Zelenskyy.

UNGA: Voted on 6 Resolutions; India abstained. In 6 Procedural Votes, India supported procedural matters/decisions on virtual participation of Zelenskyy in 77th UNGA, recorded vote on UNGA resolution on Russian referenda in Ukraine, and not to defer UNSG report on Chernobyl in UNGA; India abstained/ voted against in other Procedural Votes/ Decisions.

UNHRC: 2 Resolutions and 2 Procedural Votes; India abstained

IAEA: 1 Resolution; India abstained

UNWTO: Voted on Russia’s suspension; India abstained

UNESCO: 1 Resolution; India abstained

WHO: 2 Resolutions; India abstained

ICJ: 1 decision on dispute raised by Ukraine; Indian judge (in personal capacity) voted in favour

UPU: 3 Resolutions; India abstained

ILO: 1 Resolution; India abstained

IPU: 2 Resolutions; India abstained

ITU: 1 Resolution; India abstained

WIPO: 3 Decisions/Motions; India abstained

India's voting record on Ukraine and Russia since the war began.

In both UNSC and UNGA, it voted in favour of the procedural votes to allow virtual participation of Ukraine's President Volodymyr Zelenskyy.

It abstained on votes at the UNHRC, IAEA, UNESCO, and WHO among other bodies, but Indian judge Justice Dalveer Bhandari had voted in favour at the International Court of Justice. Indian officials say he had voted in his "personal capacity".

India's position has been articulated by its diplomats in New York through several statements.

In the statements made in the early stages of the conflict, it had articulated five basic points.

1. First, it had said it was **"deeply disturbed"**, but did not name Russia at all. It had voiced concern, and that has been a recurring theme throughout the year of conflict.
2. Second, it called for **"cessation of violence and hostilities"**. It had maintained that **"cessation of hostilities"** is a broader term that is more permanent in nature, and had used it instead of a **"ceasefire"** — which is perceived as a narrow term, which means temporary stopping of hostilities, after which the fighting can begin post regrouping and rearming.
3. Third, it had flagged its core concern about Indian nationals. About 22,000 Indian nationals, mostly students, had to be evacuated by special planes.
4. Fourth, it called for respect for **"territorial integrity and sovereignty"**, and respect for UN charter and international law. This was important since a P-5 country (a permanent member of the UN Security Council) had invaded a neighbour, and Delhi viewed this from the lens of its northern neighbour, China, with which it shares a 3,500-km contested border and has had an ongoing border standoff for the last three years.
5. Fifth, it advocated diplomacy. It maintained that **dialogue and diplomacy is the path forward**. This has been Delhi's prescription when it comes to its own border standoff as well.

This was the template for India's statements, and was seen as largely a diplomatic balancing act since it needed cooperation from both Russian and Ukrainian sides to evacuate its citizens from the conflict zone. After its last batch of students were airlifted by the second week of March, the Indian position focussed on the other elements: respect for UN charter, territorial sovereignty and integrity.

The needle moved after the Bucha massacre in which innocent civilians were killed and India joined the western chorus in condemning the incident, and even asking for an international probe.

This is the most significant shift and the most vocal criticism of Moscow's actions, where Delhi called for an international probe into an incident in a country.

India has always been wary of calling for an international probe, since it has always rejected similar calls for probe by Pakistan into what Islamabad calls "human rights violations".

So, while India has not explicitly condemned the Russian invasion, this incident made Delhi shift towards the West in its remarks.

As months passed, as Russian President Putin and other Russian leaders made nuclear threats, India expressed concern at the sabre-rattling. This too was another point where Delhi wanted to portray that it doesn't condone nuclear threats. As a country that has declared no a first-use policy and has declared unilateral moratorium on nuclear tests, its position was in sync with a responsible nuclear-armed country. Also, India is mindful of similar threats from Pakistan, and wanted to be consistent in its approach.

New Delhi was approached by Ukraine and other partners to intercede when the issue of food grains being blocked was raised. And Delhi stepped in to convey its message to Moscow.

Through the year, its calls for dialogue and diplomacy culminated with Prime Minister Narendra Modi's now-famous remark to Russian President Putin in Samarkand in September on the sidelines of the Shanghai Cooperation Organisation: that "this is not an era of war". This became India's mantra, which even found its way into the G-20 declaration in Bali.

New Delhi's position also evolved as it felt the impact of the rising energy prices and prices of commodities went up. So, it took up the issues of rising prices of food, fuel and fertiliser, and that too became part of its statements as the war continued.

In January this year, India hosted the first virtual summit of the Voice of the Global South, where it raised the issue of rising prices of food, fuel and fertiliser, and flagged the concerns of the developing and the less-developed world on energy and food security. This will now be the consistent theme till the G-20 summit.

With a year of geopolitical turmoil due to the Russia-Ukraine crisis, India — as the chair of G-20 — India faces the challenge of negotiating a position while balancing between Russia and the West.

In this context, one of the ways it will look to address the Russia-Ukraine war will be to talk about the adverse impact of the war in terms of energy and food security. The central argument of India remains to be on the humanitarian concerns of the war, whether in the conflict zone or the wider impact on the rest of the world, especially the Global South, which has over 120 countries under its umbrella.



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20 Years of US invasion of Iraq.

QUOTES:

“The war in Iraq was based on lies. It was not a mistake. It was not an accident. It was a lie.”

- Congresswoman Barbara Lee

“The invasion of Iraq will be remembered as one of the greatest blunders in the history of American foreign policy.”

- Fareed Zakaria, journalist and author

“The decision to invade Iraq in 2003 was the single worst foreign policy decision in American history.”

- John Mearsheimer, political scientist and international relations scholar

“The war in Iraq was a strategic blunder of epic proportions. It destabilized the Middle East and did immense damage to the United States’ international reputation.”

- Richard Haass, president of the Council on Foreign Relations

“The Iraq war was the biggest strategic disaster in American history.”

- Joseph Stiglitz, Nobel laureate economist and author

The United States’ invasion of Iraq in 2003 has been one of the most controversial military interventions in modern history. The invasion, which began on March 20, 2003, was led by the United States, along with a coalition of allies, with the stated goal of removing Iraqi leader Saddam Hussein from power and destroying Iraq’s alleged weapons of mass destruction (WMD) program. However, the invasion has been widely criticized for its lack of legal basis, questionable intelligence, and disastrous consequences for Iraq and the broader Middle East region.

Scholarly perspective:

The US invasion of Iraq raises a number of important questions about the use of military force in international affairs. One of the most significant issues is the legality of the invasion under international law.

The United States and its allies argued that the invasion was justified under the principle of self-defense, as well as under the authority of the United Nations Security Council, which had passed several resolutions calling on Iraq to disarm its WMD program.

However, critics argue that the invasion violated the UN Charter, which prohibits the use of force against another country except in self-defense or with the approval of the Security Council.

Another important issue raised by the invasion is the quality of the intelligence used to justify the invasion.

The US government claimed that Iraq possessed WMDs and posed a grave threat to the security of the United States and its allies. However, after the invasion, it became clear that the intelligence was flawed, and no WMDs were found. This has led to a broader discussion about the reliability of intelligence in the context of national security decision-making and the need for greater transparency and accountability.

The US invasion of Iraq also had significant consequences for the country and the broader Middle East region.

- ❑ The war led to the collapse of Saddam Hussein’s regime and the subsequent emergence of a new government, but also resulted in widespread violence, sectarian conflict, and instability.
- ❑ The war also contributed to the rise of extremist groups such as ISIS and created a power vacuum that allowed Iran to expand its influence in the region.
- ❑ Additionally, the war had significant economic and social costs, both for Iraq and for the United States.

In conclusion, the US invasion of Iraq remains a contentious and complex issue from a scholarly perspective. The legality of the invasion, the quality of the intelligence used to justify it, and its consequences for Iraq and the broader Middle East region are all important areas of inquiry. The invasion has sparked a broader debate about the use of military force in international affairs and the need for greater accountability and transparency in national security decision-making. Ultimately, the legacy of the US invasion of Iraq will continue to be felt for years to come.

75 Years Ago, the Truman Doctrine Launched the Cold War

Relevance

❑ Syllabus:

Changing International Political Order: Rise of superpowers; Strategic and ideological Bipolarity, arms race and cold war

QUOTES:

“I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures. I believe that we must assist free peoples to work out their own destinies in their own way. I believe that our help should be primarily through economic and financial aid which is essential to economic stability and orderly political processes.” – President Harry Truman, speech to a joint session of Congress, Announcing what became the Truman Doctrine, March 12, 1947.

This month marks the 76th anniversary of the Cold War.

It semi-officially started in March 1947, less than two years after the Second World War.

The immediate cause of the new war was Russia-backed insurgencies in Greece and Turkey. But the Cold War had been coming on for months as eastern European countries were falling under Soviet influence.

The Truman Doctrine was a foreign policy strategy introduced by US President Harry S. Truman in 1947. It aimed to contain the spread of communism around the world, particularly in Europe and the Middle East. The doctrine came in response to growing concerns about the expansion of Soviet influence in the aftermath of World War II.

The Truman Doctrine declared that the United States would provide military and economic aid to countries threatened by communism. The US believed that it was necessary to contain the spread of communism and protect the free world from Soviet aggression. The doctrine was put into practice with the Marshall Plan, which provided significant economic aid to help rebuild Western Europe after the war.

The Truman Doctrine marked a shift in US foreign policy towards a more interventionist approach, and set the stage for future US involvement in international affairs. It also established the idea of the United States as a global superpower with a responsibility to protect the free world from communist aggression. The Truman Doctrine was an important part of US foreign policy during the Cold War, and had a significant impact on world affairs during the second half of the 20th century.

In 1950, the doctrine of containing Soviet aggression led the U.S. into helping its Korean ally to beat back an invasion from North Korea. In 1962, the Navy confronted Soviet ships bringing missiles into Cuba. In 1965, U.S. Marines were sent to the Dominican Republic to fight communists, and 200,000 American troops went to fight the communist insurgents in Vietnam.

In time, America's involvement in all these conflicts earned it the reputation of a global policeman. Countries inevitably looked to America when communist aggression arose anywhere in the world.

But after 42 years, the Cold War suddenly ended when the Soviet government collapsed in 1989. The threats of imminent war and nuclear attack were diminished, and generations were born who never knew air-raid drills, fallout shelters, or an active military draft.

Will we return to global policing?

Five years ago, Senator Tim Kaine said it was time to bring back the Truman Doctrine.

Speaking before the Brookings Institution, he said America has faced international problems without a governing doctrine. Issues are taken case-by-case, making it difficult to align allies with our diplomatic efforts.

30 Years of Panchayati Raj

Relevance

□ Syllabus:

- **PSIR:** Grassroot Democracy
- **GS2:** Local self Government

Context: This year Local Self Government (73rd and 74th Amendment Act) completed 30 years.

QUOTES:

“Good government is no substitute for self government”

– Mahatma Gandhi

“Bad Panchayat Raj is worse than no Panchayat Raj”.

– Mani Shankar Aiyar Committee

In December 1992, Parliament passed the 73rd and 74th constitutional amendments, which instituted panchayats and municipalities, respectively. These amendments mandated that State governments constitute panchayats (at the village, block and district levels) and municipalities (in the form of municipal corporations, municipal councils and nagar panchayats) in every region. They sought to institute a third-tier of governance in the federal framework through the devolution of functions, funds, and functionaries to local governments.

Structure of Local Self Government

73rd Constitutional Amendment Act	74TH Constitutional Amendment Act
Panchayati Raj System	Urban Local Governance
11th Schedule of Constitution(Art 243G)	12th Schedule of Constitution(Art 243W)
29 Subjects	18 Subjects

Important Provisions of Local Self Government System

Mandatory Provisions	Discretionary Provisions
<ul style="list-style-type: none"> ● Organisation of Gram Sabha in a village or group of villages. ● Establishment of panchayats at the village, intermediate and district levels. ● 21 years to be the minimum age for contesting elections to panchayats. ● Reservation of seats (both members and chairpersons) for SCs and STs in panchayats at all the three levels. ● Reservation of one-third seats (both members and chairpersons) for women in panchayats at all the three levels. ● Fixing tenure of five years for panchay-ats at all levels and holding fresh elections within six months in the event of supersession of any panchayat. 	<ul style="list-style-type: none"> ● Giving representation to members of the Parliament (both the Houses) and the state legislature (both the Houses) in the panchayats at different levels falling within their constituencies. ● Providing reservation of seats (both members and chairpersons) for backward classes in panchayats at any level. ● Granting powers and authority to the panchayats to enable them to function as institutions of self-government (in brief, making them autonomous bodies). ● Devolution of powers and responsibilities upon panchayats to prepare plans for economic development

Why is Local Self Government important?

Local self-governance is linked to the idea of subsidiarity and is typically grounded on two broad arguments. First, it provides for efficient provision of public goods since governments with smaller jurisdictions can provide services as per the preferences of their residents. Second, it promotes deeper democracy since governments that are closer to the people allow citizens to engage with public affairs more easily.

The 73rd and 74th amendments require States to vest panchayats and municipalities with the authority “to enable them to function as institutions of self-government”, including the powers to prepare and implement plans and schemes for

economic development and social justice. Thus Local Self Government is important for deepening of democracy in India for achieving the idea of substantive justice and participatory governance.

Achievements of Local Self Government so far

The 73rd and 74th amendments did achieve a lot. In some areas, they led to the state acquiring a distinct presence on the ground; they gave millions of citizens identities as representatives; they provided a conduit for sharing power; they created deliberative spaces, led to the creation of new norms, especially around the participation of women and a churn in local elites. They slowly built up local capacities, and led to a wide range of functions being devolved to local government.

Failures of Local Self Government

Though 73rd and 74th Amendment Act envisaged the decentralization of Democracy In India but in reality it has resulted more into decentralization of corruption than the decentralization of democracy (Mani Shankar Aiyar Committee). Further the quality of asset creation has been low. The issue of Pati Panchayat also affects the success of Local Self Government in the field of women empowerment.

Issues Faced by Local Self Government

The Local Self Government faces the following issues which hinders its effective performance

- Lack of adequate devolution: Many States have not taken adequate steps to devolve 3Fs (i.e., functions, funds and functionaries)
- Excessive control by bureaucracy: In some States, the Gram Panchayats have been placed in a position of subordination.
- Tied nature of funds: This has two implications. The activities stated under a certain scheme are not always appropriate for all parts of the district. This results in unsuitable activities being promoted or an under-spend of the funds.
- Overwhelming dependency on government funding: A review of money received and own source funds shows the overwhelming dependence on government funding.

What should be the way-forward for Local Self Government?

Local government requires many technical, administrative and financial fixes. There is a need for 2nd Generation Reforms in Local Self Government which pertains to:

- Devolution of functions in 11th and 12th schedule of Constitution by Constitution itself (and not by state as of now).
- Local Self Government be given more financial and taxation powers to improve upon its financial health.
- A separate cadre of officials for Local Self Government should be instituted as is practiced in Karnataka.
- A Code of Conduct for Local Self Government Officials and State Government officials to ensure better coordination between the two.
- Use of Technology (GIS , geo-tagging of assets etc) to improve the development plans and ensure accountability in project implementation.

The state would be better served by decentralization than centralization, transparency instead of opacity (hence the RTI Act), public reason instead of administrative discretion (hence independent regulators), local capacity instead of concentrated authority, active participation instead of subject status.

<https://www.thehindu.com/opinion/op-ed/the-values-of-local-self-governance/article66337780.ece>

<https://indianexpress.com/article/opinion/columns/pratap-bhanu-mehta-local-government-8489417/>

National Commission For Backward Classes



Prelims Titbits

- The parliament passed the National Commission for Backward Classes Act in 1993.
- The 123rd Constitution Amendment bill of 2017 got the President's assent in August 2018 and provided the constitutional status to NCBC through the 102nd Constitutional Amendment Act, 2018.
- It inserted Article 338B forming a Commission for the socially and educationally backward classes.
- COMPOSITION OF NCBC: The Commission consists of five members including a Chairperson, a Vice-Chairperson and three other Members appointed by the President.

FUNCTIONS OF NCBC

According to the amended Article 338B (5), it shall be the duty of the Commission:

1. to investigate and monitor all matters relating to the safeguards provided for the socially and educationally backward classes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards.
2. to inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes.
3. to participate and advise on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under Union and any State.
4. to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.
5. to make in such reports the recommendations as to the measures that should be taken by the Union or State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the socially and educationally backward classes.
6. to discharge such other functions in relation to the protection, welfare and development and advancement of socially and educationally backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

ISSUES

- The recommendations of the commission are not binding on the government.
- The new NCBC still lacks credible and effective social justice architecture.
- Since it has no powers to define backwardness, it cannot address the current challenge of demands of various castes to be included as Backward Classes.

- ❑ It has been criticised that the administration put the entire framework of special protections under the constitution in jeopardy by keeping the previous general name of NCBC and delinking the body from its soul (Article 340).
- ❑ Features of being an expert body are not provided in the composition of the new NCBC (as directed by the Supreme Court)
- ❑ Mere constitutional status and more acts will not solve the problem at grass root level.
- ❑ Article 338B (5) remains silent on the SC mandate on periodic revision of the backward class list in consultation with the NCBC.
- ❑ Other general issues like other commissions can be quoted like staff crunch, political overtones etc.

WAY FORWARD

- ❑ As required by the Supreme Court, the composition shall represent the characteristics of an expert body.
- ❑ The findings of the caste census and the commission's recommendations should be made available to the public.
- ❑ The composition of the commission should reflect gender sensitivity and representation of all stakeholders.
- ❑ Vote bank politics should give way to value-based politics as only the truly backward elements of society should benefit from reservation.

CONCLUSION

There is a general impression that the manner in which these institutions function, it obscures the system, it trivialises injustice and hence reduces the dignity of the institution. It further results in a crisis of governability and a crisis of legitimacy.

PYQs

1. How far is the National Commission for Backward Classes an empowered body? Assess its role in the context of rising demand for backwardness among dominant communities. (2022)

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1st Constitutional Amendment Act and Article 19

Relevance

☐ Syllabus:

- **PSIR:** Salient features of Indian Constitution.
- **GS2:** Parliament and State Legislature.

Context: The Supreme Court in November 2022 agreed to examine a plea challenging the expansion of restrictions to the fundamental right to freedom of speech and expression that was made by the first amendment to the Constitution. The petitioner, who has challenged the law nearly seven decades after it came into force, argued that the amendment damages the basic structure doctrine.

QUOTES: “Real rights are a result of the performance of duty”. – Mahatma Gandhi

What was the first amendment to the Constitution?

Just over a year into the working of the Constitution, then Prime Minister Jawaharlal Nehru introduced a Bill to amend the Constitution. On May 18, 1951, the amendment Bill was referred to a Select Committee which considered the issue for six days. The amendment officially came into effect on June 18, 1951.

The Constitution (First Amendment) Bill sought to make several consequential changes — from exempting land reforms from scrutiny to providing protections for backward classes in the Constitution. Notably, it also expanded on the scope of the restrictions on the right to free speech.

So what exactly is the constitutional position on free speech?

Article 19(1)(a) in Part III of the Constitution guarantees the fundamental right to freedom of speech and expression. But this freedom is not absolute or unfettered. It is followed by Article 19(2), which lists exceptions or “reasonable restrictions” on that right.

The text of Article 19(2) in the original Constitution read: “Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, libel, slander, defamation, contempt of Court or any matter which offends against decency or morality or which undermines the security of, or tends to overthrow, the State.”

Following the amendment, Article 19(2) was changed to read as follows: “Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence...”

Thus, the first amendment made two key changes:

First, it introduced the qualification “reasonable” to the restrictions that Article 19(2) imposed. In a 2015 paper, legal scholar Gautam Bhatia placed this term in context, and traced its origins to debates in the Constituent Assembly. The insertion of the term “reasonable”, he argued, keeps the door open for the courts to step in and examine the legitimacy of the restrictions imposed by Parliament.

Second, the amendment introduced into the Constitution the specific terms “public order” and “incitement to an offence”. This set of new, narrower terms in the provision were necessitated by two Supreme Court rulings in 1950, that went against the state’s power to curb free speech.

What were these two verdicts passed by the Supreme Court?

Both these verdicts involved the press: Brij Bhushan v State of Delhi (March 1950), and Romesh Thappar v State of Madras (May 1950). It was the verdicts in these cases that essentially promoted the first amendment.

ROMESH THAPPAR CASE:

In 1949, the Madras government (Tamil Nadu had not been created then) had banned 'Cross Roads', a left-leaning magazine, for its criticism of the government's foreign policy. This led to the first significant free speech ruling by the Supreme Court in *Romesh Thappar v State of Madras*.

The petitioner had challenged Section 9(1-A) of the Madras Maintenance of Public Order Act, 1949 as unconstitutional. This provision authorised the government to impose restrictions for the wider purpose of securing "public safety" or the "maintenance of public order".

The court had to define the terms "public safety" and "public order", and examine if they fell within the scope of the restrictions allowed in Article 19(2). The government argued that the words "undermining the security of the State" in Article 19(2) could be equated with "public safety" and "maintenance of public order."

In its majority opinion in the case, the court disagreed with the government and struck down the provision as unconstitutional. The court found a vast difference in degrees between the two provisions.

Justice Fazal Ali dissented from the majority view and said that disrupting public order is a means to undermine the security of the State.

BRIJ BHUSHAN CASE:

In 1950, the Chief Commissioner of Delhi issued a "pre-censorship order" on the RSS mouthpiece 'Organiser' which too was critical of the government. Its publisher Brij Bhushan challenged Section 7(1)(c) of the East Punjab Public Safety Act, which allowed pre-publication scrutiny of material "prejudicial to public safety or the maintenance of public order".

The issue in this case was essentially the same as the one in *Romesh Thappar*. And the verdict of the Supreme Court followed the same pattern as in the earlier case.

Then Chief Justice of India Hiralal Kania, and Justices M Patanjali Sastri, Mehr Chand Mahajan, Sudhi Ranjan Das, B K Mukherjea formed the majority that struck down the law. Justice Fazal Ali again dissented.

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National Commission for Scheduled Tribes (NCST)

Relevance

❑ Syllabus:

- **PSIR:** Statutory Institutions/Commissions: Election Commission, Comptroller and Auditor General, Finance Commission, Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women; National Human Rights Commission, National Commission for Minorities, National Backward Classes Commission.
- **GS2:** Appointment to various Constitutional Posts, Powers, Functions and Responsibilities of various Constitutional Bodies

PRELIMS TITBITS

- ❑ In the original constitution, article 338 provided for special officers for SCs and STs to protect their interests and evaluate their progress in the country.
- ❑ In 1988, the union government initiated the 65th constitutional amendment act after finding that the institutional support was insufficient.
- ❑ In 1990, National commission for SC and ST was established as a constitutionally approved institution to protect the interests of SCs & STs.
- ❑ Later in 2003, the 89th constitutional amendment act replaced the National commission for SC and ST with two separate commissions:
- ❑ Article 338 established NCSC, Article 338(A) established NCST.
 - COMPOSITION OF NCST: A chairperson, vice chairperson and 3 full time members including one woman.

FUNCTIONS OF NCST

- ❑ To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes or Tribes under this constitution or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguards.
- ❑ To inquire into specific complaints with respect to the deprivation of rights and safeguards of the scheduled Castes or Tribes.
- ❑ To participate and advise on the planning process of socio-economic development of the Scheduled Castes or Tribes and to evaluate the progress of their development under the Union and any State.
- ❑ To present to the President, annually and at such other times as the commission may deem fit, reports upon the working of those safeguards.
- ❑ To make in such reports, recommendations suggesting the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes or Tribes.
- ❑ To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes or Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

WEAKNESSES

- ❑ **Pending reports:** It only met four times in the fiscal year 2021-22. It also has an approximate 50% rate of complaints and cases that are still pending resolution.
- ❑ **Dysfunctional:** According to a parliamentary committee's recent report, the NCST has been dysfunctional for the last four years and has not delivered a single report to Parliament.

- ❑ **Manpower and financial Shortage:** NCST voiced dissatisfaction with its near-paralysis in dealing with manpower and budgetary constraints.
- ❑ **Recruitment issues:** The Commission's recruiting was hampered by a shortage of applications, owing to the eligibility hurdle being set excessively high.
- ❑ **Elitist bias:** The Commission's competence in settling service-related grievances may be contrasted with its inability to reduce the incidence of atrocities and violence against tribals.
- ❑ **Less usage of suo motu cognisance:** Since the Commission, mostly acts on complaints, and it is the more upwardly mobile sections within these groups that are articulate and capable of mounting claims, it is said to have been less than sensitive to the exclusions engendered by the lack of education or information. This has resulted in less usage of powers of Suo motu cognisance.
- ❑ It is less active in making a stronger case for fundamental change, or a frank and sharp analysis of the social realities of discrimination.
- ❑ **Proliferation of other institutions** - In many policy sectors, as in the case of the Scheduled tribes, the proliferation of institutions has created an institutional jungle in which the roles and powers of each are obfuscated.
- ❑ **Huge delays:** Delays in conducting the inquiry tend to affirm the position of the government.
- ❑ **Conflict of interest:** The complaints are routinely referred to the same authorities who are accused of being complicit in perpetuation or implicit in cover up operations.
- ❑ **Appointment:** Even when the members are appointed, it seems that there exists a lack of institutionalisation in the procedures of appointment. It results in the spoils system.
- ❑ **Recommendatory nature:** Since its decisions are not mandatory and only recommendatory, it can be effective only when responsible authorities take timely steps to implement the recommendations.
- ❑ **Tabling of reports:** Unfortunately, there is a lack of regularity with respect to presentation of the reports to the parliament. Even when the reports are tabled, they are hardly discussed.

WAY FORWARD

Parliamentary committee on the NCST has suggested the following:

- ❑ The vacancies should be filled as soon as possible, since the recruitment regulations have been updated.
- ❑ NCST's budgetary allocation needs to be evaluated so that its operations are not hampered by shortage of finances.

CONCLUSION

Despite such issues, NCST has tried its best to perceive the basic problems of Scheduled Tribes and has made certain recommendations to improve the implementation of existing schemes to extend the benefits to the Scheduled Tribes.

PYQs

1. Does the functioning of federalism in India tend to make it appear as a unitary state in practice? (250 words, 20 marks)
2. The philosophy and administration of the distribution of powers between Centre and State is required to be re-assessed. Comment (150 words, 10 marks)

Nature of Indian Federalism

Federalism is a dual government system including the Centre and a number of States. It is a part of the Basic Structure of the Constitution (S.R. Bommai vs Union of India case)

QUOTES:

“The constitution made India “a quasi-federal union with several important features of a unitary government.”

– K.M.Munshi

“Federation is a system which consists of two sets of governments which are independent, co-ordinate and distinct.”

– K.C. Wheare

FEDERALISM IN INDIA

Nature of Indian Federalism: A Federal theorist K.C. Wheare has argued that the nature of Indian Constitution is quasi-federal in nature.

Constitutional Provisions: Articles 245 to 254 of the Indian Constitution.

- ❑ The Seventh Schedule of the Constitution contains three lists that distribute power between the Centre and states (Article 246).

On the Union List, the Parliament has exclusive power to legislate (98 subjects).

- On 59 subjects of the State List, the states alone can legislate.
- On the subjects of the Concurrent List (52), both the Centre and states can legislate.
- In case of a conflict, the law made by Parliament prevails (Article 254).

WHY ‘QUASI’ FEDERAL?

- ❑ Strong Centre
 - The Union List contains more subjects than the State List
 - The more important subjects have been included in the Union List
 - The Centre has overriding authority over the Concurrent List.
 - Finally, the residuary powers have also been left with the Centre
- ❑ States Not Indestructible
 - The states in India have no right to territorial integrity.
 - The Parliament can by unilateral action change the area, boundaries or name of any state.
- ❑ Unequal representation of states in the Rajya Sabha
 - The representation of the states in Rajya Sabha is based on the states’ population.
 - For example, Uttar Pradesh has 31 seats while Goa has only 1 seat in the Rajya Sabha.
- ❑ The Lok Sabha is more powerful than the Rajya Sabha.
 - With respect to the money bills, more powers of speaker etc.
- ❑ Emergency powers
 - During an emergency, the Central government becomes all powerful and the states go into total control of the Centre.
 - It converts the federal structure into a unitary one even without a formal amendment of the Constitution.
- ❑ Integrated judiciary
 - There is no separate judiciary at the centre and the state levels.
- ❑ Single citizenship

- In India, only single citizenship is available to citizens.
- They cannot be citizens of the state as well.
- ❑ Governor's appointment
 - The governor of a state acts as the centre's representative in the state.
 - The governor is appointed by the centre and the state has no role.
- ❑ All India Services
 - Through the All India Services such as the IAS, IPS, IFS; the centre interferes in the executive powers of the states.
- ❑ Integrated election machinery
 - The Election Commission of India (ECI) is responsible for conducting free and fair elections at both the centre and the state levels in India.
 - The members of the EC are appointed by the president and the states have no role.
- ❑ Veto Over State Bills
 - The governor is empowered to reserve certain types of bills passed by the state legislature for the consideration of the President.
 - The President can withhold his assent to such bills not only in the first instance but even in the second instance.
- ❑ Integrated audit machinery
 - The president of the country appoints the CAG who audits accounts of both the centre and the states and the state has no role in his appointment.
- ❑ Power to remove key officials
 - The state government/state legislature does not have any authority to remove certain key government officials even at the state level.
 - For example, the state election commissioner, judge of the high courts, or the chairman of the state public service commission.

STILL IT IS FEDERAL IN NATURE BECAUSE OF:

- ❑ Dual Polity
 - The Constitution envisages a dual polity consisting the Union at the Centre and the states at the periphery.
 - Both of them are endowed with sovereign powers to be exercised on the subjects assigned to them by the Constitution.
- ❑ Written Constitution
 - It specifies the structure, powers, organisation, and functions of both the Central and state governments and prescribes the limits within which they must operate.
 - Thus, it avoids the misunderstandings and disagreements between the two power centres.
- ❑ Division of Powers:
 - The Constitution divided the powers between the Centre and the states in terms of the Union List, State List and Concurrent List in the Seventh Schedule and has provided adequate safeguards for their protection.
- ❑ Supremacy of the Constitution
 - The Constitution is the supreme law of the land.
 - The laws enacted by the Centre and the states must conform to its provisions and cannot override the constitution.
 - Thus, the organs of the government (legislative, executive and judicial) at both the levels must operate within the jurisdiction prescribed by the Constitution.
 - The basic structure of the constitution is indestructible as laid out by the judiciary.
- ❑ Independent Judiciary:

- The Constitution establishes an independent judiciary, headed by the Supreme Court to settle the disputes between the Centre and the states or between the states.
- This power is under the Original jurisdiction of the supreme court of India.

Prelims Titbits

Federal Government	Unitary Government
Dual Government	Single government
Written constitution	Constitution can be written (France) or unwritten (Britain)
Division of powers between centre and regional	No division of powers
Rigid constitution	Constitution may be rigid or flexible
Supremacy of the constitution	Constitution may be supreme (Japan) or not (Britain)
Independent Judiciary	May be independent or not
Bicameral legislature	May be bicameral (Britain) or unicameral (China)

PYQs

1. Does the functioning of federalism in India tend to make it appear as a unitary state in practice? (250 words, 20 marks)
2. The philosophy and administration of the distribution of powers between Centre and State is required to be re-assessed. Comment (150 words, 10 marks)

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PRELIMS PRACTICE QUESTIONS

1. Which of the following is/are extra-constitutional and extralegal device(s) for securing cooperation and coordination between the States in India?

1. The National Development Council
2. The Governor's Conference
3. Zonal Councils
4. Inter-State Council

Select the correct answer from codes given below:

- (a) 1 and 2
- (b) 1, 2 and 3
- (c) 3 and 4
- (d) 4 only

2. Which of the following are matters on which a constitutional amendment is possible only with the ratification of the legislature of not less than one-half of the states?

1. Election of the President
2. Representation of states in the Parliament
3. Lists in the 7th Schedule
4. Abolition of the Legislature Council in a State

Select the correct answer from codes given below:

- (a) 1, 2 and 3
- (b) 1, 2 and 4
- (c) 1, 3 and 4
- (d) 2, 3 and 4

3. Article 156 of the Constitution of India provides that a Governor shall hold office for a term of five year from the date on which he enters upon his office. Which of the following can be deduced from this?

1. No Governor can be removed from office till completion of his term
2. No Governor can continue in office beyond five years

Select the correct answer from codes given below

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

4. Which of the following are matters on which a constitutional amendment is possible only with the ratification of the legislature of not less than one-half of the states?

1. Election of the President
2. Representation of states in Parliament
3. Any of the Lists in the 7th Schedule
4. Abolition of the Legislature Council of a State

Select the correct answer from codes given below

- (a) 1, 2 and 3
- (b) 1, 2 and 4
- (c) 1, 3, and 4
- (d) 2, 3 and 4

5. The Dinesh Goswami Committee was concerned with:

- (a) de-nationalisation of banks
- (b) electoral reforms
- (c) steps to put down insurgency in the north-east
- (d) the problem of the Chakmas

6. If in an election to a State legislative assembly, the candidate who is declared elected loses his deposit, it means that:

- (a) the polling was very poor
- (b) the election was for a multi-member constituency
- (c) the elected candidate's victory over his nearest rival was very marginal
- (d) a very large number of candidates contested the election

7. Which one of the following statements about the duties of Prime Minister is correct?
- (a) Is free to choose his minister only from among members of either House of the Parliament
 - (b) Can choose his cabinet after consulting the President of India.
 - (c) Has full discretion in the choice of persons who are to serve as ministers in his cabinet
 - (d) Has only limited power in the choice of his cabinet colleagues because of the discretionary powers vested the President of India
8. If the Prime Minister of India belonged to the Upper House of Parliament:
- (a) he will not be able to vote in his favour in the event of a no-confidence motion
 - (b) he will not be able to speak on the budget in the Lower House
 - (c) he can make statements only in the Upper House
 - (d) he was to become a member of the Lower House within six months after being sworn in.

ANSWERS

1. **(b)** Best answer is 1, 2 and 3. Because only Inter State Council is a constitutional body under article 263. So option 4 should not be included.
2. **(a)** Parliament may by law provide for the abolition of the Legislative Council of a State having such a council or for the creation of such a council in a state having no such council, if the Legislative Assembly of the state passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two thirds of the members of the Assembly present and voting.
3. **(d)** According to Article 156, the Governor shall hold office during the pleasure of the President, the Governor may, by writing under his hand addressed to the President, resign his office. Subject to the foregoing provisions of this article, a Governor shall hold for a term of five years from the date on which he enters upon his office. Provided that a Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.
4. **(a)** Abolition of Legislative Council of a state does not need the ratification of not less than one half states. Under Art. 169, it has been mentioned that Parliament can create or abolish the council if that every State passes a resolution to do so with special majority.
5. **(b)** Dinesh Goswami Committee (1990) was concerned with electoral reforms. It suggested providing state funding in kind to political parties. It also suggested that a candidate should not be allowed to contest election from more than two constituencies.
6. **(d)** A defeated candidate who fails to secure more than one sixth of the valid votes polled in the constituency will lose his security deposit. When a very large number of candidates contest the election, due to distribution of votes, the winning candidate may get less than $\frac{1}{6}$ th of valid voters.
7. **(c)** PM has complete discretion to choose his ministers in the Cabinet not necessarily from the two Houses of Parliament but can also choose any other person. That person should become member of either house within 6 months from the date he enters the office.
8. **(a)** Because no-confidence motion can be moved only in Lok Sabha (not in RS) by the opposition.

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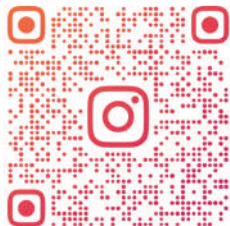
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