

# PSIR

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# GEOPOLITICS AT GLANCE

## TAIWAN (ROC), CHINA (PRC) AND INDIA

### RELEVANCE

#### ❑ Syllabus:

- **PSIR:** India and the Global Centres of Power
- **GS2:** Effect of Policies and Politics of Developed and Developing Countries on India's interests

### BACKGROUND OF TAIWAN (ROC) AND CHINA (PRC)

- ❑ The Republic of China (RoC) was established in 1912 after the fall of the Qing Dynasty.
- ❑ In 1927, a civil war erupted between the Kuomintang (KMT) party of the RoC and the Chinese Communist Party (CCP).
- ❑ The Japanese invasion in 1937 resulted in a truce between the KMT and CCP as they joined forces against Japan.
- ❑ The civil war resumed after World War II, concluding in 1949 with the CCP's victory.
- ❑ Following their defeat, the RoC government under Chiang Kai-shek retreated to Taiwan.



Source: Hindustan Times

### INTERNATIONAL RECOGNITION

- ❑ Originally, the RoC held a seat on the UN Security Council.
- ❑ In 1971, the UN replaced the RoC with the People's Republic of China (PRC) as the recognized representative of China.

- ❑ Currently, only 13 countries, including small Pacific islands and the Vatican, officially recognize Taiwan.

### HOW THE US HAS RESPONDED TO TAIWAN AND CHINA

- ❑ **“One China” Policy:** After the 1972 meeting between President Richard Nixon and Chairman Mao Zedong, the **“Shanghai Communiqué”** was issued, acknowledging Taiwan as part of “one China.”
- ❑ **Defense Support for Taiwan:** In 1979, the US passed the Taiwan Relations Act, committing to supply Taiwan with **“defensive weapons.”**
- ❑ **US's Ambiguous Stance:** Despite the “one China” policy, the US has maintained relations with both the PRC and Taiwan. The US uses diplomacy and military postures to deter China without a clear commitment to defend Taiwan militarily.

### EVOLUTION OF INDIA-TAIWAN RELATIONSHIP

- ❑ **Before Independence:** During World War II, the Chinese Expeditionary Force retreated to India after facing defeat by the Japanese. Generalissimo Chiang Kai-shek of the RoC visited India in 1942, expressing solidarity with India against Japanese aggression.
- ❑ **After Independence:** India recognized the People's Republic of China (PRC) in 1950 and initially adhered to a “one China” policy, recognizing the PRC over Taiwan.

- ❑ **Fall in Relationship:** China did not reciprocate India's recognition of the PRC regarding territories like Jammu and Kashmir and Arunachal Pradesh. India kept its relations with Taiwan low-profile for many decades due to concerns about China's reaction.
- ❑ **Rise in Relationship:** In 1995, despite the "one China" policy, India and Taiwan initiated trade and cultural ties. Both countries posted diplomatic representatives in New Delhi and Taipei, signifying unofficial yet significant recognition.
- ❑ After the 2020 Galwan incident and strained India-China relations, the bond between

India and Taiwan has gained renewed interest, especially in the context of mutual security concerns and Taiwan's leadership in semiconductors.

### INDIA'S APPROACH GOING FORWARD

- ❑ As per Arun Prakash, India should approach its relationship with the Republic of China (RoC) or Taiwan cautiously due to historical territorial disputes.
- ❑ The RoC does not recognize the McMahon Line and claims "Southern Tibet" as part of China, which could be a point of concern for India.

## GEOPOLITICS OF COMMERCE

### RELEVANCE

#### ❑ Syllabus:

- **PSIR:** Recent developments in Indian Foreign Policy
- **GS2:** Agreements involving India and/or affecting India's interests.

**Context:** India has entered into currency swap arrangements with 23 advanced and developing countries, since March 2018. These arrangements involve the extension of credit to facilitate the settlement of transactions.

### INCREASED USE OF THE INDIAN RUPEE IN INTERNATIONAL TRANSACTIONS FOLLOWING THE UKRAINE-RUSSIA CONFLICT

- ❑ Sanctions specifically targeted the assets of Russian financial institutions, posing a substantial challenge for both Russia and India.
- ❑ In response, an alternative approach was adopted for settling payments between the two nations, involving the utilization of the Indian rupee in trade-related transactions.
- ❑ Payments originating from either India or Russia are now directed to Rupee **Vostro** accounts established in Russian banks by authorized dealer banks in India. These accounts facilitate

the settlement of payments between the two countries.



Source: The Hindu

## CHALLENGES FACED BY THE INDIA-RUSSIA ALTERNATE PAYMENT ARRANGEMENT

- ❑ Russia maintains a consistent trade surplus, amounting to \$3.42 billion in 2020-21, followed by similar surpluses in subsequent years.
- ❑ However, Russia is hesitant to hold more Indian rupees as assets in the Vostro account due to the rupee's lower global currency rank, which may expose it to depreciation.
- ❑ To address this, Indian refiners have used Chinese yuan for settling some payments related to Russian oil imports, a move that appears to be acceptable to Russia.

## HISTORICAL PRECEDENTS OF SIMILAR PAYMENT ARRANGEMENTS

- ❑ India established analogous bilateral trade and clearing agreements during the 1950s with the Soviet Union. These agreements included the creation of a closed rupee-denominated account for managing both the exchange of goods and credit-related transactions between the two nations.
- ❑ This initiative was initiated in the 1950s when the Soviet Union established a steel plant in Bhilai, despite opposition from Western nations.
- ❑ The Soviet Union consistently built trade surpluses, but the decision to float the dollar in 1971 led to currency market turbulence that affected the Soviet ruble. The fragmentation of the former Soviet Union further complicated matters, leaving Russia as a separate entity.

## HOW THE CURRENT SITUATION DIFFERS FROM THE PAST

- ❑ Russia is now willing to accept yuan for managing its surpluses within the existing rupee account. However, within the BRICS sphere, historical evidence suggests reluctance among non-Chinese members to use the Chinese currency.

- ❑ This reluctance was evident when a proposal to create a clearing system among BRICS countries in response to China's persistent and substantial surpluses failed to materialize.

## OTHER SIMILAR ALTERNATE PAYMENT SETTLEMENT SYSTEMS INVOLVING LOCAL CURRENCIES

- ❑ India and the **United Arab Emirates** have established rupee-dirham arrangements that cover various transactions, including trade, remittances, and capital movements. This arrangement allows India to bypass dollar payments for imports of crude oil and minerals from the UAE. Provisions have been outlined for linking payment and messaging systems, facilitating swift and cost-efficient money transfers.
- ❑ Efforts are also underway to negotiate a similar agreement with **Indonesia**, involving the use of the rupiah for transactions with India.

## THE EMERGENCE OF A NEW FINANCIAL ARCHITECTURE

- ❑ Currencies such as the Indian rupee, Russian rouble, Chinese yuan, UAE dirham, and Indonesia's rupiah are aligned toward the common goal of localized currency transactions.
- ❑ Southern nations are preparing to engage in trade and payment settlements among themselves, moving away from reliance on dominant currencies. This trend aims to reduce dependence on institutions from advanced countries, such as the International Monetary Fund, the World Bank, and private capital, for settling bilateral transactions.

## CONCLUSION

While political disparities and varying currency standings present challenges, geoeconomics has the potential to overcome geopolitical obstacles and bridge these differences. This signals the early stages of a novel financial structure, where currencies of Southern nations replace the longstanding hegemonic and exploitative system historically enjoyed by Northern currencies.

# KATCHATHEEVU ISLAND ISSUE

## RELEVANCE

### □ Syllabus:

- **PSIR:** India and South Asia
- **GS2-**India and Neighbourhood relations.

**Context:** Prime Minister Narendra Modi, in his speech in the Parliament during the No Confidence debate on August 10, mentioned the island of Katchatheevu.

### INTRODUCTION

Presently, a contentious political matter in Tamil Nadu revolves around a portion of Sri Lanka known as Katchatheevu. This issue remains significant for politicians of various affiliations.

In a recent development, just before Sri Lankan President Ranil Wickremesinghe's scheduled trip to New Delhi, Tamil Nadu Chief Minister MK Stalin penned a letter to Prime Minister Modi, urging him to reclaim control over the island.

Stalin's letter pointed out that the transfer of Katchatheevu to Sri Lanka, executed by the Indian central government without the agreement of the state government, has led to the deprivation of Tamil Nadu fishermen's rights and has had an adverse impact on their means of livelihood.



### WHERE IS KATCHATHEEVU ISLAND?

Katchatheevu, a small landmass spanning 285 acres, is situated in the Palk Strait, positioned between India and Sri Lanka. Its dimensions are compact, measuring no more than 1.6 kilometers in length and a little over 300 meters in width at its widest point.

Located northeast of Rameswaram, it stands approximately 33 kilometers away from the Indian coastline. Moreover, it lies about 62 kilometers southwest of Jaffna, which is positioned at the northernmost tip of Sri Lanka. Notably, it is positioned 24 kilometers away from Delft Island, which is inhabited and falls under Sri Lankan jurisdiction.

The island hosts just one structure - a Catholic shrine known as St. Anthony's Church, constructed in the early 20th century. Annually, a significant festival takes place where Christian priests from both India and Sri Lanka jointly conduct the religious service. Devotees from both nations participate in this pilgrimage. In the most recent festival, 2,500 individuals from India embarked on the journey to Katchatheevu from Rameswaram.

Katchatheevu's geographical characteristics make it unsuitable for permanent habitation due to the absence of a reliable drinking water source on the island.

### WHAT IS THE HISTORY OF THIS ISLAND?



The island's formation is relatively recent in geological history, originating from a volcanic eruption in the 14th century.



During the early medieval period, it was under the dominion of the Jaffna kingdom of Sri Lanka. By the 17th century, control shifted to the Ramnad zamindari located in Ramanathapuram, approximately 55 km northwest of Rameswaram.

It became a part of the Madras Presidency during the era of the British Raj. However, in 1921, both India and Sri Lanka, both under British colonial rule, laid competing claims to Katchatheevu in order to establish fishing boundaries. A survey initially designated Katchatheevu as part of Sri Lanka, but a delegation from British India disputed this, asserting historical ownership by the Ramnad kingdom.

This contentious issue remained unresolved until 1974.

### WHAT IS THE PRESENT AGREEMENT?

In 1974, Indira Gandhi took steps to resolve the longstanding maritime border issue between India and Sri Lanka in what came to be known as the 'Indo-Sri Lankan Maritime Agreement'.

As part of this arrangement, Indira Gandhi relinquished control of Katchatheevu to Sri Lanka with the belief that the island held limited strategic significance. The intention behind this move was to strengthen diplomatic relations between the two neighboring countries.

Under this agreement, Indian fishermen were still permitted to access Katchatheevu under existing arrangements. However, the specific details regarding fishing rights were not clearly defined in the agreement. Sri Lanka's interpretation of Indian fishermen's access was limited to activities such as resting, drying nets, and visiting the Catholic shrine, without requiring a visa.

Another agreement was reached in 1976, during India's Emergency period, which prohibited both nations from fishing within each other's Exclusive Economic Zones (EEZs). Given Katchatheevu's location on the fringes of the EEZs of both countries,

uncertainties persisted concerning fishing rights in the region.

### HOW SRI LANKAN CIVIL WAR IMPACTED KATCHATHEEVU?

Between 1983 and 2009, the border dispute took a backseat as a brutal civil war raged in Sri Lanka. During this period, Sri Lankan naval forces were engaged in cutting off supply lines of the LTTE, who were based in Jaffna. This led to frequent incursions by Indian fishermen deep into Sri Lankan waters. The presence of larger Indian trawlers was particularly contentious, as they not only contributed to overfishing but also caused damage to Sri Lankan fishing equipment and boats.

In 2009, with the conclusion of the LTTE conflict, the situation underwent a significant shift. Colombo strengthened its maritime defenses and shifted its attention towards addressing the issue of Indian fishermen. Due to declining marine resources on the Indian side, these fishermen continued to venture into Sri Lankan waters, a practice that had been ongoing for years, but now faced more serious repercussions.

To this day, the Sri Lankan navy regularly arrests Indian fishermen, leading to numerous allegations of mistreatment and even deaths while in custody. Each such incident renews the call for the return of Katchatheevu, a disputed island, as tensions escalate between the two nations.

### TAMIL NADU'S POSITION ON KATCHATHEEVU?

Katchatheevu, an island with historical significance and fishing rights for Indian Tamil fishermen, has been a contentious issue in Tamil Nadu's political landscape. The island was handed over to Sri Lanka without consulting the Tamil Nadu state assembly, sparking protests against the decision. The 1991 aftermath of India's intervention in the Sri Lankan Civil War prompted the Tamil Nadu Assembly to demand the island's retrieval and the restoration of fishing rights.

In 2008, J Jayalalitha of AIADMK filed a court petition, asserting that Katchatheevu's transfer required a constitutional amendment and had negatively impacted Indian fishermen's livelihoods. She later, as chief minister, brought the matter to the State Assembly and urged the Supreme Court to expedite her petition due to escalating arrests of Indian fishermen by Sri Lanka.

Despite these efforts, the Indian government's stance on Katchatheevu has remained largely unaltered. It maintains that the island's status has

always been disputed, and thus no Indian territory was formally ceded. The BJP, including its Tamil Nadu faction, has voiced support for reclaiming Katchatheevu, yet practical action has been limited due to the complexities involved.

Former Attorney General Mukul Rohtagi stated in 2014 that since Katchatheevu's transfer was executed through a 1974 agreement, reversing it would necessitate military intervention. This highlights the challenging nature of any efforts to regain the island.

## BOMBING NAGASAKI: REASON FOR US DROPPING SECOND ATOMIC BOMB ON JAPAN?

### RELEVANCE

#### □ Syllabus:

- PSIR: Realist Theory of IR, Key Concepts of IR

**Context:** An atomic bomb was dropped over Nagasaki mere days after the catastrophic bombing of Hiroshima on 6th August 1945.



Three days after the bombing of Hiroshima on August 6, 1945, the United States deployed a second atomic bomb over Nagasaki, Japan, on August 9, even before fully assessing the impact of the first bomb. The second bomb, nicknamed

"Fat Man," was dropped from an American B-29 Superfortress originating from the Pacific island of Tinian. Weighing almost 4,700 kg, this plutonium implosion-type nuclear weapon yielded

approximately 21 kilotonnes, similar to the bomb tested in the Trinity Test.

Although the bombing of Nagasaki is often overshadowed by the Hiroshima attack in modern memory – which marked the first wartime use of an atomic weapon and revealed the existence of nuclear arms – it remains a significant event. Despite “Fat Man” being about 40% more powerful than the “Little Boy” bomb dropped on Hiroshima, it resulted in fewer casualties. An estimated 64,000 people were killed or injured in Nagasaki, while Hiroshima suffered an estimated 135,000 casualties.

This has prompted some historians to question the necessity of dropping a second atomic bomb. Considering the substantial casualties and devastation caused by the Hiroshima bombing, it appears that “Little Boy” conveyed any intended message, strategic or symbolic, to Japan. Therefore, the rationale behind deploying a second bomb is a subject of scrutiny.

Given the impact on Hiroshima and the clear message conveyed, it is pertinent to explore the motivations and objectives behind the decision to employ a second atomic bomb over Nagasaki.

### **AMERICAN JUSTIFICATION FOR BOMBING HIROSHIMA**

Many contemporary historians argue that Japan’s prospects in World War II were grim from the outset due to its limited resources, making it difficult to match the industrial strength of the United States and the Allies. This scarcity of resources drove Japan’s expansionist ambitions in Asia and its decision to attack Pearl Harbor on December 7, 1941, a miscalculated move aimed at neutralizing the US Pacific Fleet.

Despite the unfavorable situation, the Japanese exhibited staunch and often fanatical resistance as the tide turned against them. Admiral Chester W. Nimitz’s strategy of island-hopping, involving the gradual capture of strategically important

islands in the Pacific, was effective but came at a significant cost.

Prior to the atomic bombings, the United States had already sustained substantial casualties, with over 350,000 wounded or killed by the time of the bombings. By July 1945, Secretary of War Henry Stimson noted that Japan showed no signs of weakening in their resolve to fight rather than surrender unconditionally.

Stimson reflected that if the war had continued, a full-scale invasion of Japan might not conclude until late 1946 at the earliest, with estimates of American casualties exceeding a million.

This context sets the stage for the introduction of the atomic bombs as a potentially faster and less deadly means to bring about an end to the war, as perceived by the leadership of the US military.

### **USA’S REVISIONIST POSITION: CURTAILING SOVIET INFLUENCE**

However, there exists a contentious historical debate surrounding this rationale. Critics contest the justification that Japan’s defeat was a direct outcome of the atomic bombings and argue that Japan had recognized its defeat well before the Hiroshima incident. In fact, the Japanese had initiated communication with the Soviets, who had yet to declare war on Japan, in an attempt to facilitate peace negotiations throughout the year 1945.

Furthermore, the assessments of potential casualties in the event of a full-scale invasion, which heavily influenced the decision to deploy nuclear weapons, are now seen as considerably exaggerated. These assessments failed to adequately account for Japan’s dire economic and military circumstances after years of protracted warfare. They also overestimated the extent of the Japanese population’s unwavering loyalty to their country and Emperor.

For historians who adopt a revisionist perspective, the atomic bombings were driven primarily by a desire to thwart any Soviet ambitions in the Far East. Despite the Soviet Union's pivotal role in the defeat of Germany, their collaboration with Western allies, particularly the United States and Great Britain, had always been marked by tension.

This tension culminated in the "race to Berlin," a situation where American and British forces on the western front raced against the advancing Red Army from the east to secure control over as much territory as possible. This eventually contributed to the division of Europe by the Iron Curtain.

Similar concerns about potential Soviet expansion arose in the Pacific theater. President Harry S Truman was resolute in his determination to curtail Soviet advances, aligning with his post-war containment policy. Consequently, the decision to employ nuclear weapons was motivated, at least in part, by the intention to demonstrate the immense military prowess of the United States to the Soviet Union.

In this context, the significance of the Nagasaki bombing takes on heightened importance.

### **THE U.S. BECAME CONCERNED DUE TO THE SOVIET INCURSION INTO MANCHURIA**

Nagasaki's sequence of events was more influenced by the Soviet invasion of Manchuria, which began on August 8, than by the preceding Hiroshima bombing. Manchuria, situated in northwestern China and under Japanese control since 1932, held significant natural resources crucial for Japan's economy.

While conventional wisdom often attributes the conclusion of the war to the atomic bombs, an alternate perspective emphasizes the impact of the Soviet invasion itself.

According to Tsuyoshi Hasegawa, a prominent Japanese-American historian, the bombing of

Hiroshima did not prompt a shift in Japan's policy to seek mediation with the Soviets. The Japanese government had pinned its hopes on Soviet intervention to negotiate a war termination, but the invasion extinguished this last glimmer of expectation.

This turn of events compelled Emperor Hirohito to opt for an unconditional surrender, a choice made on August 10, well before the full devastation in Nagasaki was known.

Significantly, the Soviet invasion also perturbed the United States. Gar Alperovitz, author of 'The Decision to Use the Atomic Bomb' (1995), posits that the plutonium bomb was utilized on Nagasaki to unmistakably communicate the potency of America's nuclear arsenal to the Soviets.

Mere possession of atomic capability was insufficient; the U.S. needed to showcase its capacity to amass a cache of nuclear weapons for discretionary use.

### **THE AFTERMATH OF THE NAGASAKI BOMBING**

Emperor Hirohito's announcement of Japan's surrender on August 15 came about a week after the Soviet invasion of Manchuria and the bombing of Nagasaki. The reasons behind Japan's surrender and the true intentions of the US behind the bombings remain subjects of extensive scholarly debate.

Notably, the level of secrecy surrounding the atomic bomb was such that formal discussions and official decision-making processes were notably absent. Unlike typical policy decisions, the decision to deploy the bomb lacked the usual structured deliberation. According to Campbell Craig, co-author of 'The Atomic Bomb and the Origins of the Cold War' (2008), this absence of clear deliberation makes it challenging to definitively ascertain the exact motivations driving the United States to employ the atomic bomb. As a result, much of our understanding of this decision remains speculative.

What remains undeniable, however, is that the choice to utilize the atomic bomb against Japan, particularly in the case of Nagasaki, raises significant moral questions that must not be

ignored. The decision's moral complexity should be a crucial factor in any comprehensive analysis of its utilization.

## NAVIGATING NUCLEAR DETERRENCE AND THE MORAL BOUNDARIES: UNVEILING THE NUCLEAR TABOO

### RELEVANCE

#### □ Syllabus:

- **PSIR:** India and the Nuclear Question: Changing perceptions and policy.
- **GS2-** Effect of Policies and Politics of Developed and Developing Countries on India's interests

### INTRODUCTION

The escalating threat posed by nuclear weapons has spurred the emergence of a global taboo against their use, driven by moral, ethical, and strategic considerations. This article delves into the intricate interplay between nuclear deterrence and the evolving nuclear taboo, exploring their underlying dynamics, moral foundations, and recent challenges.

### NUCLEAR DETERRENCE AND THE NUCLEAR TABOO

With the escalating threat posed by nuclear weapons, it has become apparent that these weapons are a global concern. This realization led to the emergence of a strong societal aversion to their actual deployment.

**Nina Tannenwald** has defined the nuclear taboo as a collective moral norm vehemently opposing the utilization of nuclear weaponry. These arms are deemed ethically abhorrent to such an extent that only rare scenarios could justify their application.

This profound aversion extends to all categories of nuclear arms, regardless of their explosive potential. It advocates for a worldwide proscription on their utilization.

However, this taboo lacks a legal foundation, instead being deeply rooted in notions of **morality**, **proportionality**, and **responsibility**.

This perception of nuclear weapons as distinctive and unparalleled is deeply ingrained. According to **Bernard Brodie**, nuclear weapons are seen as the 'ultimate weapon.'

The exceptional treatment accorded to nuclear weapons is not solely derived from their sheer destructive capabilities. It is largely based on the profound insights we have gained from the survivors of Hiroshima and Nagasaki.

The experiences of those impacted by the bombings have revealed that nuclear weapons exhibit indiscriminate effects.



They leave enduring environmental contamination for decades and impose far-reaching consequences on future generations due to radiation exposure. In Japan, the repercussions of the events in August 1945 continue to affect people's lives.

## RECENT CHALLENGES TO THE NUCLEAR TABOO

The concept of the nuclear taboo has faced tests in recent times, particularly due to **Russia's invasion of Ukraine**. Throughout the conflict, Russian President Vladimir Putin has issued a range of nuclear threats.

These threats have spanned from asserting Russia's nuclear capabilities to placing Russia's nuclear forces on a **'special regime of combat duty'**.

In September 2022, Putin declared Russia's readiness to employ all weapon systems, raising concerns about the potential use of **tactical nuclear arms**.

This has several concerning implications. Such speculation could create certain expectations that might influence the behavior of the Russian leadership, thereby undermining the **longstanding nuclear taboo**.

Moreover, there is still **no consensus on the definition of a tactical nuclear weapon**. Tactical weapons or those intended for the battlefield are deployed over shorter distances and possess smaller dimensions.

However, their yield can significantly vary depending on the **delivery method**. For instance, the U.S. possesses tactical weapons with yields ranging from a fraction of 1kt to 170kt.

## DEFENDING AGAINST NUCLEAR ESCALATION

### **Optimism in Reactions from NATO and Allies:**

The responses of NATO and other nuclear states, notably the United States, present optimism by emphasizing a robust and measured counteraction against nuclear threats.

**Preserving Conventional Path:** Rather than resorting to immediate nuclear escalation, the focus is on calibrated and conventional responses to mitigate the risk of nuclear adventurism.

China's Call for Global Opposition:

**Xi Jinping's Call to Action:** China's President Xi Jinping's plea to the international community underscores the imperative of collective opposition to nuclear weapon use and threats.

**Collaborative Stance:** The global call for unity reinforces the importance of international cooperation in preserving the nuclear taboo and preventing the escalation of nuclear tensions.

## CONCLUSION

The intricate interplay between nuclear deterrence and the evolving nuclear taboo highlights the delicate balance between strategic considerations and moral imperatives. As recent challenges test the resilience of this taboo, the collective efforts of nations to uphold and strengthen the norm against nuclear weapon use will remain crucial in ensuring global stability and security.

## ISRAEL'S NATIONALIST UPROAR

### RELEVANCE

#### □ Syllabus:

- **PSIR:** Contemporary Global Concerns
- **GS2-** Effect of Policies and Politics of Developed and Developing Countries on India's interests,

**Context:** Israeli Knesset Votes 64-0 to Curb Judicial Power and Restrict 'Reasonableness' Standard



## CRITICISM AGAINST THE ISRAELI STATE

**Contradictions of Identity:** The establishment of Israel post-Holocaust led to a paradox between being a Jewish State and a liberal democracy, raising questions about inclusivity and equal rights.

**European Nationalism Parallels:** Some see resemblances between Israel's features and the European nationalism that triggered Jewish migration from Europe, posing challenges to the state's identity.

**Palestinian Rights and Occupation:** Critics argue that Israel has denied Palestinians legitimate rights and occupied their territory, advocating for subjugation and annexation, which undermines peace efforts.

## CURBING JUDICIARY POWER

**Netanyahu's Influence:** Some perceive the curbing of the judiciary's power as a result of Benjamin Netanyahu's pursuit of political control.

**Judiciary's Role:** The Israeli judiciary, crucial due to the absence of counterbalancing mechanisms,

has struggled to halt the continuation of the Occupation, leading to concerns about its limitations.

**Conflict with Right-Wing Agenda:** Concerns exist that the judiciary's focus on upholding rights may clash with the government's right-wing agenda, impacting policy implementation.

## STRENGTHENING RIGHT-WING AGENDA

**Collapse of Peace Accords:** The collapse of peace efforts weakened the political Left in Israel, diminishing its influence.

**Mobilizing against Elites:** Netanyahu capitalized on social intricacies by rallying against established elites, portraying them as culturally disconnected and reinforcing orthodoxy.

**Resentment Utilization:** Netanyahu tapped into the orthodox community's resentment towards secularism and Jewish immigrants from Arab countries, using anti-elitism to dismantle institutions.

## LESSONS ABOUT NATIONALISM- PRATAP BHANU MEHTA'S VIEW

**Gradual Influence:** Ultra-nationalism, initially perceived as minor, can gradually infiltrate the political system and wield considerable power.

**Growth Exploitation:** Economic growth and security measures might inadvertently amplify

ultra-nationalism's influence, strengthening its grip on the state.

**Cultural-Political Linkage:** Intertwining culture and politics can lead to reactionary outcomes, revealing the limitations of liberal nationalism.

**Demand on Liberalism:** Nationalism's demands often surpass what liberalism can offer, exposing the complex interplay between the two ideologies.

## ASEAN: VISION, CHALLENGES, AND SIGNIFICANCE

### RELEVANCE

#### □ Syllabus:

- **PSIR:** India and South Asia
- **GS2-** Bilateral, Regional and Global Groupings and Agreements involving India and/or affecting India's interests.

**Context:** The 56th Foreign Ministers Meeting of the Association of Southeast Asian Nations, the post-ministerial conferences and other related regional meetings were held in Jakarta recently.



Image: ASEAN



### ASEAN'S VISION

ASEAN envisions a **political community** that ensures regional peace and fosters a just, **democratic**, and harmonious environment.

The **economic community** aims to achieve a well-integrated and connected regional economy within the broader global economic system.

A **socio-cultural community** seeks to enhance the quality of life for ASEAN's citizens and promote **sustainable development** within the region.

### CHALLENGES FACED BY ASEAN

**China's Influence:** China maintains close political and economic ties with several ASEAN member states, with Laos, Cambodia, and Myanmar often seen as having significant dependencies on China.

**South China Sea Disputes:** The Philippines has become more assertive in its territorial claims in the South China Sea, creating tensions within the region.

**Differing Attitudes towards China:** While Indonesia, Malaysia, Singapore, and Thailand maintain favorable attitudes towards China, they often do not raise objections to China's delaying tactics in negotiations over the South China Sea code of conduct.

**U.S.-China Relations:** The strained relationship between the United States and China creates concerns for ASEAN, as China blames the U.S. for poor relations and the U.S. opposes China's actions in the Indo-Pacific. As per China, the U.S. is solely responsible for poor relations. It is not willing to accept and accommodate itself to China's 'peaceful rise.'

**ASEAN's Position on Myanmar:** ASEAN lacks a unified stance on the situation in Myanmar, with some member states engaging in political dialogue with the military government despite Myanmar being excluded from political-level discussions.

**ASEAN Outlook on the Indo-Pacific (AOIP):** Its four identified areas are maritime cooperation, connectivity, UN Sustainable Development Goals 2030 and economic cooperation. But, its actual implementation remains a worry.

### IMPORTANCE OF ASEAN FOR INDIA

**Representation at ASEAN Meetings:** India's participation in ASEAN meetings, such as the post-ministerial conference, underscores its recognition of the organization's significance.

**Indo-Pacific Dynamics:** India emphasizes the importance of a strong and united ASEAN in the emerging Indo-Pacific geopolitical landscape, aligning with its own Indo-Pacific Oceans Initiative.

**Comprehensive Strategic Partnership:** India seeks to expand its partnership with ASEAN by exploring new areas of cooperation, including cyber, financial, and maritime security domains.

**Alignment with ASEAN Outlook on the Indo-Pacific:** India's alignment with the ASEAN Outlook on the Indo-Pacific reinforces its commitment to regional stability and cooperation.

**Enhanced Collaboration:** India's proposal to explore new domains of cooperation demonstrates its desire to strengthen the comprehensive strategic partnership between India and ASEAN.

## INDIA'S DUAL REALITIES: FOR ITS GREAT POWER AMBITIONS

### RELEVANCE

#### □ Syllabus:

- **PSIR:** Recent developments in Indian Foreign Policy
- **GS2-** International Relations

## INTRODUCTION

India's global standing is a blend of strengths like robust reserves and military power, and weaknesses including divisions and governance issues, shaping its role in international dynamics.



## STRENGTHS OF INDIA ON THE ECONOMIC AND STRATEGIC FRONT

**Foreign Exchange Reserves:** India boasts substantial foreign exchange reserves, standing at around \$600 billion, contributing to its economic stability and resilience.

**GDP Growth and Poverty Reduction:** India has achieved higher GDP growth and significant poverty reduction, showcasing its economic progress.

**Global Economy Ranking:** India ranks as the world's fifth-largest economy, highlighting its economic prowess on the global stage.

**Military Power:** With one of the largest militaries and a significant nuclear arsenal, India holds strategic influence and deterrence capabilities.

**International Relationships:** India maintains strong relationships with powerful nations globally, including the United States.

**Strategic Location:** India's strategic geographic location provides it with regional and geopolitical importance.

**Mediation and Diplomacy:** India is often sought after for its role in global mediation and diplomacy during international crises, positioning itself as a key player.

**Rising National Power:** India's increasing national power and aspirations enable it to shape the international system.

## WEAKNESSES OF INDIA ON THE ECONOMIC AND STRATEGIC FRONT

**GDP per Capita and Infrastructure:** India's GDP per capita is relatively low, and it faces significant infrastructural and governance challenges.

**Corruption and Bureaucracy:** Corruption and bureaucratic hurdles persist, impacting ease of doing business and decision-making.

**Social Divisions:** Regional, caste, ethnic, and religious divisions can divert attention from global issues.

**Domestic Priorities:** Poverty reduction and socio-economic development may divert attention and resources from external engagements.

**Bureaucratic Inertia:** Bureaucratic management of foreign and security policies without strong political direction may limit proactive decision-making.

**Resource Allocation:** Limited allocation of resources for foreign policy objectives due to economic constraints can hinder global influence.

## WAY FORWARD FOR INDIAN FOREIGN POLICY

**Domestic-Global Nexus:** India's foreign policy should align with its domestic context and prioritize the well-being of its citizens.

**Rule Shaping:** To avoid being a rule-taker, India must actively shape the global order to meet its foreign policy objectives, influencing economic growth, security, and interests.

**Holistic Approach:** India's role in shaping international politics should be informed by its

domestic progress, ensuring global involvement prioritizes citizens' welfare.

**Strategic Engagement:** Strategic isolation is not viable; India should continue engaging with the global community to safeguard its interests.

**Strengthening Governance:** Addressing corruption and bureaucratic inefficiencies can enhance India's global influence and improve resource allocation.

**Sustainable Development:** By pursuing sustainable economic development and addressing domestic

challenges, India can strengthen its global standing and influence.

## CONCLUSION

Balancing India's strengths and weaknesses is pivotal for effective foreign policy, ensuring domestic progress harmonizes with strategic global engagement, forging a prosperous and secure future.

# THIRTEENTH AMENDMENT OF SRI LANKAN CONSTITUTION

## RELEVANCE

### □ Syllabus:

- **PSIR:** India and South Asia
- **GS2-**India and Neighbourhood relations.

### Context: PM Modi urges Sri Lanka President to implement 13th Amendment

On Wednesday (July 26), President Ranil Wickremesinghe of Sri Lanka convened a comprehensive meeting involving all political parties to address the matter of Tamil reconciliation and well-being. This gathering followed his recent trip to India, where Prime Minister Narendra Modi emphasized the importance of ensuring a respectable quality of life for the Tamil community within Sri Lanka.



During his visit, Prime Minister Modi expressed his optimism that President Wickremesinghe would be dedicated to executing the 13th Amendment to Sri Lanka's constitution, a provision that originated from the 1987 Indo-Sri Lanka Accord.

This amendment pertains to devolution of power and the conduct of provincial council elections.

In a statement made last week, President Wickremesinghe confirmed his commitment to implementing the 13th Amendment, contingent upon achieving consensus among the various political parties in Sri Lanka's Parliament. He reiterated this stance during the meeting on Wednesday, emphasizing that all political parties should engage in discussions to arrive at a mutual agreement. President Wickremesinghe stressed that the complete implementation of the 13th Amendment held significant importance for the entire nation.

## THE INDO-SRI LANKA ACCORD OF 1987

The 13th Amendment to Sri Lanka's constitution was introduced subsequent to the signing of the Indo-Sri Lanka Accord between Prime Minister Rajiv Gandhi and President J.R. Jayewardene on July 29, 1987, in Colombo.

Before the 1978 constitution, Sri Lanka functioned under a unitary government, with centralized powers. The Tamil minority, mainly situated in the Northern and Eastern provinces, had been engaged in a prolonged and violent civil war against the Sri Lankan government, led by the Liberation Tigers of Tamil Eelam (LTTE) and other groups. The 1987 Accord aimed to modify the constitution to delegate certain powers to the country's nine provinces, with the intention of providing a constitutional resolution to the civil conflict.

Following the Accord, the constitution underwent the 13th Amendment, which facilitated the devolution of authority to the provinces.

### **OTHER CLAUSES OF THE INDO-SRI LANKA ACCORD**

Beyond the transfer of power, the Accord encompassed additional provisions, including the recognition of Tamil and English as official languages alongside Sinhala, the cessation of the state of emergency in the "Eastern and Northern Provinces by August 15, 1987," the disarmament of militant groups, and a "general amnesty to political and other prisoners currently held in custody under The Prevention of Terrorism Act and other emergency laws."

The Accord also stipulated that "The Government of India will guarantee and support the resolutions, and collaborate in the implementation of these proposals."

Consequently, various Tamil groups in Sri Lanka have repeatedly appealed to India to ensure the complete implementation of the Accord, including as recently as this month, prior to Wickremesinghe's visit.

### **WHAT ABOUT THE 13TH AMENDMENT'S IMPLEMENTATION?**

The armed conflict primarily concentrated in the Northern and Eastern regions of Sri Lanka, leading to discussions about granting more autonomy to

provinces throughout the country. The amendment resulted in a partial shift of powers, where the central government retained control over land and police matters, while elected provincial councils, similar to state assemblies in India, gained authority over areas such as agriculture, housing, road transport, education, and health.

However, the complete separation of powers was not fully realized. While some groups expressed dissatisfaction with the level of devolution, hardline nationalists expressed concerns about the perceived weakening of the central government's authority. There was opposition to the 13th Amendment from Sinhala nationalists who saw it as an imposition by India. Additionally, the regions that were intended to benefit the most from devolution did not experience significant advantages.

According to the Accord, the Northern and Eastern provinces were initially meant to be temporarily merged, with a subsequent referendum to determine whether they should remain combined or have distinct provincial councils. Elections were held for the merged North Eastern Province on November 19, 1988. However, Chief Minister Annamalai Varadaraja Perumal introduced a motion in the Council just over three months later to declare an independent 'Eelam'. This led to the dissolution of the council by President Ranasinghe Premadasa, who then imposed President's rule until December 2006.

The planned referendum for the two provinces never took place, and in 2006, Sri Lanka's Supreme Court declared the merger illegal. As a result, the Northern and Eastern provinces were once again separated on January 1, 2007.

Elections were held for the Eastern Provincial Council on May 10, 2008. The Northern province remained under the governance of Colombo until September 21, 2013, when elections for the council were eventually conducted.

This resulted in a situation where the Sinhala provinces experienced regular elections, allowing political parties here to gain experience in grassroots politics, while the Northern and Eastern regions remained under centralized control for an extended period.

Since 2014, provincial elections have been pending across Sri Lanka due to a delay in amending a 2017 Act in Parliament. This amendment aims to reform the election process by introducing a hybrid system that combines first-past-the-post and proportional representation, departing from the current proportional representation system.

## KURIL ISLAND DISPUTE BETWEEN JAPAN AND RUSSIA

### RELEVANCE

#### □ Syllabus:

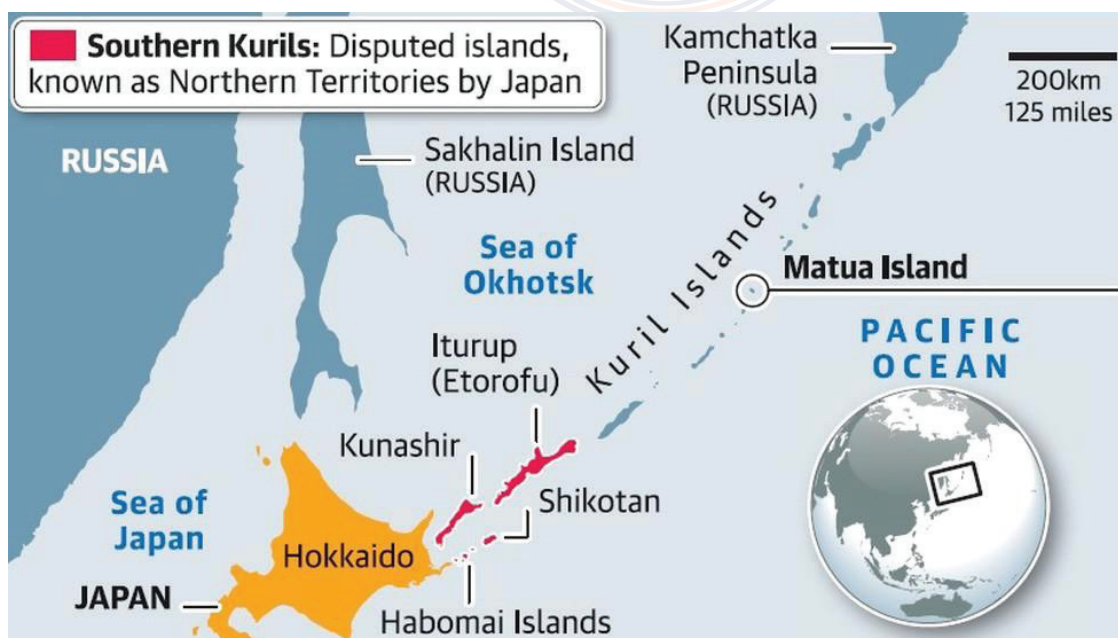
- **PSIR:** Contemporary Global Concerns.
- **GS2:** Effect of policies of Developed and Developing countries on India's interest.

**Context:** Tokyo and Moscow have been locked in a dispute over the Kuril Islands for decades. The Ukraine war has given some Japanese hope that they can be wrestled out of Russia's control.

As the ongoing Russia-Ukraine conflict continues, Moscow finds itself increasingly allocating greater military and economic resources towards its western border. In Tokyo, there are conservative voices alluding to the possibility that this war could create an opportunity for Japan to assert control over what they refer to as the Northern Territories. These islands, known as the Kuril Islands in Russia,

were captured by Soviet forces in the final stages of World War II.

Despite past discussions between Moscow and Tokyo regarding the Iturup (Etorofu in Japanese), Kunashir (Kunashiri), Shikotan, and Habomai Islets, a mutually acceptable resolution has not been reached. Consequently, the two nations have never formally concluded a peace treaty to officially end the conflict.



Contemporary Japan does not intend to employ military intervention to settle this dispute. Nevertheless, there are individuals who speculate that the regime led by Vladimir Putin might become susceptible to change, potentially opening avenues for diplomatic and economic incentives to bring about progress.

However, even if the Ukraine conflict were to escalate to a degree that poses a threat to Russia's control over this distant region, there is the additional factor of China, Russia's ally, which might harbor its own intentions and plans.

### WHAT ARE THE KURIL ISLANDS/ NORTHERN TERRITORIES?

- ❑ These four islands are located between the Sea of Okhotsk and the Pacific Ocean, situated to the north of Japan's northernmost prefecture, Hokkaido.
- ❑ Despite being under Russian control since the conclusion of World War II, both Moscow and Tokyo assert their sovereignty over these islands.
- ❑ Following the conclusion of World War II, the Soviet Union took possession of the islands and subsequently expelled their Japanese inhabitants by 1949. Tokyo maintains that these contested islands have been integral to Japan since the early 19th century.

### WHAT LIES BEHIND THE DISPUTE?

- ❑ Tokyo, Japan asserts its sovereignty over the islands based on a number of historical treaties. These include the Shimoda Treaty of 1855, the 1875 Treaty of St. Petersburg which facilitated the exchange of Sakhalin for the Kuril Islands, and the Portsmouth Treaty of 1905. The latter was signed following Japan's victory in the Russo-Japanese War of 1904-05.
- ❑ On the contrary, Russia contends its sovereignty over the islands citing the Yalta Agreement (1945) and the Potsdam Declaration (1945).

Furthermore, Russia argues that the San Francisco Treaty of 1951 serves as legal evidence of Japan's recognition of Russian sovereignty over the islands.

### PRESENT CONTEXT AND HOW CHINA FACTORS IN THE CONFLICT?

The nationalist Japanese newspaper, Sankei Shimbun, recently published articles drawing attention to Russia's perceived decline, using the war in Ukraine and the short-lived Wagner rebellion as illustrative examples.

According to the paper, the Wagner rebellion underscored the potential vulnerability of Moscow's defense against a modest ground force armed with tanks and anti-aircraft weapons. This led to questions about Russia's overall defensive capabilities and the potential lack of protection along its borders. The Sankei Shimbun article raised the point: "If such concerns extend to the capital, could this indicate a broader weakness in Russia's border security?" The translated version from the Japan Forward website quoted the article as suggesting that Japan should be prepared in case Russia undergoes collapse or fragmentation.

Another article from the same paper speculated that Russia's President Putin's regime could be at risk of being toppled by further military setbacks or internal unrest. Such an outcome could result in various federal republics seeking independence from Moscow, potentially leading to the breakup of the country. In this context, Japan might explore the possibility of negotiating with a new governing authority that oversees disputed islands. The article speculated that Japan could offer economic assistance in exchange for the return of the contested territory.

Even if Putin manages to hold onto power, the paper proposes that he might consider relinquishing control of the islands in exchange for aid, particularly if international sanctions persist over an extended period.

## ECHOES OF THE YELTSIN ERA

“When Boris Yeltsin held the reins of leadership in Russia, Japan came remarkably close to striking an agreement that might have led to the return of some of the disputed islands under Japanese authority, in exchange for economic aid. Regrettably, this potential deal fell apart,” stated Yoichi Shimada, an expert in international relations at Fukui Prefectural University.

Shimada acknowledged, “This historical context indeed establishes a precedent for the current situation. It’s plausible that if Russia experiences a period of instability, the succeeding leadership in Moscow could inherit an array of intricate economic and diplomatic predicaments. Consequently, they might be open to revisiting discussions regarding the Northern Territories.”

Nevertheless, Shimada acknowledges that any diplomatic endeavors initiated by Tokyo could swiftly lose relevance if China were to opt for a military intervention to capture territories in the Russian Far East—an action that Japan could not feasibly contemplate.

## CHINA SEES IT AS ITS TICKET TO THE PACIFIC

Until the mid-1800s, a significant portion of what is now known as the Russian Far East was a part of Chinese Manchuria. There is a potential interest for the Chinese government in tapping into the vast energy and raw material reserves beneath Russia’s expansive steppes.

Reports from Japanese analysts highlight that Beijing has recently begun using the former Chinese names for Russian Far East cities, including Vladivostok and Sakhalin Island. Sakhalin, which is home to around 7 million Russian residents, might

face challenges in resisting a hypothetical Chinese encroachment.

From a strategic standpoint, China could find reasons to assert control over this territory. China’s geographical movement is somewhat restricted by the string of islands consisting of Japan, Taiwan, and the Philippines, all of which are unsupportive of China’s territorial ambitions.

Professor Yoichi Shimada suggests that if China were to acquire the Kuril Islands, it could gain “entry to the Arctic region and direct naval access to the North Pacific.”

“As the potential for instability in Russia increases, we must exercise caution concerning China,” he cautioned.

## HOWEVER SPLINTERING OF RUSSIA ‘NOT ALL THAT LIKELY’

Yakov Zinberg, a professor specializing in international relations at Kokushikan University in Tokyo, suggests that while Japan holds aspirations for the Northern Territories, the prospect of China taking actions to establish control over the Russian Far East appears to be a more practical scenario.

Even if Russia were to engage in discussions with Japan regarding the Kuril Islands, Zinberg argues that China would swiftly intervene, leveraging their close alignment with Russia to orchestrate a resolution that aligns more favorably with Chinese interests. Zinberg, who hails from St. Petersburg, emphasizes that he doesn’t find the idea of a complete collapse of Russia and the subsequent relinquishing of its territory to Japan to be highly probable. He acknowledges the potential for Russia’s economic weakening, but he doesn’t believe it would reach a point where Moscow would seriously consider ceding its territory to Japan.

# RUSSIA-AFRICA SUMMIT: VLADIMIR PUTIN'S GRAIN GAMBLE

## RELEVANCE

### ❑ Syllabus:

- PSIR: Contemporary Global Concerns

**Context:** In a show of largesse, Vladimir Putin promised shipments of grain to a handful of African countries affected by shortages caused by Russia's invasion of Ukraine. African leaders responded by telling him to end the war.

Following the issuance of an arrest warrant by the International Criminal Court in spring for his alleged war crimes in Ukraine, Russian President Vladimir Putin seized a rare opportunity this week to engage with international counterparts during a summit with African leaders held in St. Petersburg. In contrast to the 43 leaders present at the 2019 summit in Sochi, only seventeen African leaders attended this event. The Kremlin attributed this lower turnout to purported Western pressure on African leaders.

A wide array of subjects was deliberated upon at the summit, encompassing economic, humanitarian,

and sporting matters. However, the focal points of discussion were Russia's military intervention in Ukraine and the pressing issue of food insecurity prevailing across the African continent.

The summit commenced with Putin making a commitment to provide free grain supplies to six African nations. According to this undertaking, a quantity ranging from 25,000 to 50,000 tons of grain will be dispatched to Burkina Faso, Zimbabwe, Mali, Somalia, the Central African Republic, and Eritrea over the forthcoming months.





## SKEPTICISM OVER PUTIN'S PLEDGES

The pledge has raised doubts among many. Antonio Guterres, the UN Secretary-General, expressed skepticism that “a few donations to specific countries” would suffice to address the food crisis triggered by Russia’s withdrawal from an agreement that allowed Ukraine to continue exporting grain amid the ongoing war.

Amaka Anku, who directs the Africa practice at the Eurasia Group, suggested that the Kremlin’s aim was to counter narratives suggesting that the conflict in Ukraine was exacerbating the food crisis in the Global South. Nevertheless, she noted that the grain shipments would hold significance for the recipient nations.

“While it is undoubtedly a part of the propaganda battle against Western nations, the actual delivery could have a positive impact on the concerned countries,” Anku remarked. “On average, it would constitute 9-19% of their wheat imports for the 2022-23 period.”

## ALLEGATIONS OF PUTIN USING GRAIN AS WEAPON

- ❑ In advance of the summit, President Putin asserted that the agreement allowing Ukraine to maintain its grain exports amid the conflict was exploited in a morally questionable manner by Western corporations. This resulted in less than 3% of the grain reaching nations in critical need. Notably absent from Putin’s remarks was any acknowledgment of the deal’s role in stabilizing global food prices, which had surged following his choice to invade Ukraine.
- ❑ Subsequent to the Kremlin’s withdrawal from the accord, Russia’s military has been actively demolishing grain reserves in the Ukrainian port city of Odesa, the very location from which the grain was dispatched to international destinations. A recent assault on the Danube port, located a mere 200 meters (650 feet) from the border of NATO member Romania,

has ignited concerns about a potential direct clash between Russia and the alliance.

- ❑ Western leaders have accused Russia of employing grain as a tool in its conflict against Ukraine subsequent to the suspension of the agreement by the Kremlin. Several analysts have posited that by bypassing Ukraine and directly shipping grain from Russia, the Kremlin could enhance its influence over African nations, a significant voting bloc at the UN General Assembly.

## OTHER TAKEAWAYS FROM THE DEAL

- ❑ **Weapons deals**
  - On the sidelines of the summit, the Kremlin has entered into approximately 40 arms deals with various African countries. Unlike China and the European Union, Russia’s economic connections with African nations are limited, with minimal investments in African economies.
  - However, the arms trade emerges as a notable point of convergence between Russia and certain African leaders. Despite a decline in weapons sales due to the Ukrainian conflict, Russia still dominates, accounting for 40% of arms exports to Africa. Noteworthy clients include Angola, Nigeria, Algeria, and Mali.

The nature of these military agreements holds significance. Samuel Ramani, the author of “Russia in Africa,” explained that Russia has already finalized 20 military pacts. These encompass diverse aspects, ranging from training police forces and offering anti-piracy support to actual arms deliveries and the deployment of instructors. The unfolding developments of these agreements will become clearer in the coming months.

- ❑ **Echoes of ending the war**
  - Following Putin’s announcement of providing free shipments of grain, several African leaders persisted in urging him to reconsider the grain deal.

- Macharia Munene, a history professor at the United States International University-Africa, explained to DW that Africans are emphasizing the potential for more substantial actions beyond merely offering grain to six countries, considering the unresolved issues at hand.
- In June, a delegation from seven African nations, led by Ramaphosa, undertook diplomatic visits to Kyiv and Moscow, aiming to find resolutions to end the ongoing conflict.
- South African President Cyril Ramaphosa emphasized during the summit, "Our

purpose here is not to seek handouts." While acknowledging Putin's generous donation of grain to struggling African countries, he stressed that their primary objective was different.

- During the summit, African leaders reiterated their call for Putin to halt hostilities in Ukraine.
- AU Commission Chairperson Moussa Faki Mahamat asserted, "This conflict needs to cease," highlighting the importance of a just and rational resolution.



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# INDIAN GOVERNMENT AND POLITICS (IGP)

## ELECTION COMMISSION APPOINTMENTS AND THE RECENT BILL

### RELEVANCE

#### Syllabus:

- ❑ **GS2:** Appointment to various Constitutional Posts
- ❑ **PSIR:** Statutory Institutions/Commissions: Election Commission

**Context:** The government tabled the Chief Election Commissioner and other Election Commissioners (Appointments, Conditions of Service, Term of Office) Bill in the Rajya Sabha.

### BACKGROUND

- ❑ In March, a unanimous Supreme Court ruling set the groundwork for a new approach to appointing the Chief Election Commissioner (CEC) and Election Commissioners (ECs).
- ❑ It outlined a committee composed of the Prime Minister, the Leader of the Opposition, and the Chief Justice of India to handle these appointments temporarily until a parliamentary law could be enacted.
- ❑ This decision highlighted the importance of a collaborative process to uphold the Election Commission's independence and the electoral process's integrity.
- ❑ Involving the Chief Justice of India was seen as a safeguard against interference from the Executive branch, ensuring fairness.



### SIGNIFICANCE OF SUPREME COURT'S RULING

- ❑ The ruling tackles concerns related to bias and the independence of institutions. The current selection process often raises doubts about the impartiality of newly appointed Election Commissioners, despite their impressive qualifications.
- ❑ The Supreme Court emphasized that involving the Chief Justice of India could counterbalance the Executive's influence on appointments and enhance public perception of the Commission's neutrality and autonomy.

### ISSUES WITH THE COLLEGIUM SYSTEM FOR APPOINTING ELECTION COMMISSIONERS

- ❑ The appointment process for positions like CBI directors, conducted through the collegium system, has faced criticism due to concerns about the reputation of some appointees.
- ❑ There are also reservations about including the Chief Justice of India (CJI) in the collegium, as the CJI may lack familiarity with the candidates.
- ❑ Furthermore, questions have arisen about fair adjudication by the CJI in the event of appointment challenges.

- ❑ To bolster credibility, some suggest that a unanimous decision should be a prerequisite for appointments under the collegium system.

### INDEPENDENCE OF THE ELECTION COMMISSION- A CRITICAL CONCERN NATIONALLY AND GLOBALLY

- ❑ Globally, confidence in electoral bodies has been dwindling, with only approximately 50 percent of voters expressing trust in the fairness of elections, as per the Gallup World Poll.
- ❑ In the United States, this trust was as low as 40% in 2019.
- ❑ Within India, the credibility of the Election Commission has come under increased scrutiny due to allegations of bias, arbitrary voter removal, and indifference to violations of the model code.
- ❑ Reports on democracy from the V-Dem Institute also indicate a decline in democracy indicators, including the autonomy of the Election Commission, in India.

### KEY PROVISIONS OF THE BILL

- ❑ The legislation substitutes the Chief Justice of India (CJI) with a cabinet minister designated by the Prime Minister during the appointment process.
- ❑ It establishes a search committee led by the Cabinet Secretary, along with two other members holding government secretary rank, tasked with assembling a list of five potential candidates for the Selection Committee's consideration.

- ❑ It maintains the requirement that the Chief Election Commissioner (CEC) and other Election Commissioners (ECs) possess the necessary qualifications, integrity, and expertise in election administration.
- ❑ Additionally, it ensures that the two Election Commissioners have equal status with the Chief Election Commissioner and are protected from arbitrary removal.

### CONCERNS ASSOCIATED WITH THE BILL

- ❑ Critics worry that the bill diminishes the stature of Election Commissioners, who were previously considered equivalent to Supreme Court judges.
- ❑ The legislation allows the appointment committee to “manage its own proceedings transparently.” Consequently, the specific approaches employed by this committee are likely to remain undisclosed.
- ❑ Moreover, the Selection Committee maintains the flexibility to assess candidates beyond those originally put forth by the Search Committee. This would effectively bestow the Selection Committee with full discretion in the selection of Election Commissioners.

### CONCLUSION

The Election Commission of India is a constitutional entity with responsibilities for organizing elections. It performs quasi-judicial functions as well. Therefore, it's reasonable that the selection process safeguards against excessive executive influence.

## RE-EMERGENCE OF THE CAUVERY WATER SHARING ISSUE

### RELEVANCE

#### Syllabus:

- ❑ **GS2:** Issues and Challenges Pertaining to the Federal Structure
- ❑ **PSIR:** Inter-state river-water disputes

## INTRODUCTION

In a recent development, the Tamil Nadu government has taken the initiative to petition the Supreme Court, urging Karnataka to promptly release 24,000 cubic feet per second (cusecs) of water from its reservoirs. The request is aimed at securing the consistent availability of this specified water volume at Biligundlu, located on the inter-State border, for the remaining duration of the month.

## HOW IS THE WATER SHARING BEING CARRIED OUT?

In accordance with the monthly schedule, Karnataka has a commitment to supply Tamil Nadu with a total of 177.25 TMC (Thousand Million Cubic feet) of water during a standard water year spanning from June to May.

Out of this allocation, 123.14 TMC is designated to be transferred from June to September.

The establishment of the Cauvery Water Management Authority (CWMA) and the Cauvery Water Regulation Committee (CWRC) is aimed at ensuring the implementation of the court's decision.



## WHAT IS THE REASON FOR TAMIL NADU APPROACHING THE SUPREME COURT?

- ❑ During a session on August 11, the CWMA expressed the need for Karnataka to release 10,000 cubic feet per second (cusecs) of water at Biligundlu for the next 15 days.
- ❑ This would require Karnataka to provide 0.86 TMC of water daily or a total of 12.9 TMC over the 15-day period.
- ❑ Tamil Nadu expressed dissatisfaction with Karnataka's rejection of the commitment made during the CWRC meeting, which was set at 15,000 cusecs for a 15-day duration.
- ❑ Karnataka stated its intention to release only 8,000 cusecs.

## HOW HAS KARNATAKA RESPONDED?

Karnataka has argued that reduced rainfall in the Cauvery catchment area has led to insufficient inflow into its reservoirs.

According to data from the Meteorological Department, Kodagu district, which is the source of the Cauvery river, is experiencing a deficit in rainfall.

## WHAT COMES NEXT?

The people of Tamil Nadu are eagerly awaiting Karnataka's position regarding the decision made by the Authority.

The current water storage level in Tamil Nadu's Mettur reservoir is critically low and would only suffice for around 10 days. However, water will be needed for at least one more month to support the ongoing short-term crop, kuruvasi.

The perspective of the Supreme Court on this matter has yet to be determined, and it remains uncertain how the Supreme Court will perceive the situation.

# HISTORY OF INDIAN PENAL CODE

## RELEVANCE

### Syllabus:

#### GS2-Parliament and State Legislature; Amendments.

**Context:** Union Home Minister Amit Shah, on August 11, introduced a bill in the Lok Sabha to replace the Indian Penal Code of 1860. Shah claimed that the IPC was meant to protect the governing interests of the British rather than Indian citizens.

### INTRODUCTION

On August 11th, Union Home Minister Amit Shah introduced three bills in the Lok Sabha: the Bharatiya Nyaya Sanhita Bill, the Bharatiya Nagarik Suraksha Sanhita Bill, and the Bharatiya Sakshya Bill. These bills aim to replace the outdated colonial-era Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and the Indian Evidence Act. Shah emphasized that these current laws carry a “British colonial influence” and were not designed to safeguard the interests of the common people of India. He asserted that these laws, dating back 160 years, were originally formulated to serve British authority and lacked a focus on protecting the Indian population.

The Indian Penal Code was initially established in 1860, followed by the Code of Criminal Procedure in 1882 and the Indian Evidence Act in 1872. This move reflects a historical revision of the IPC’s origins and purpose.



### LIMITATIONS OF INDIAN PENAL CODE

The Indian Penal Code, established in 1860 and implemented on January 1, 1862, stands as the longest-standing legal code within the realm of common law. Its enduring existence could be considered a testament to its initial meticulous construction.

Yet, the passage of time brings about transformations. This code was conceived during the zenith of British colonial influence in India, thereby bearing the imprint of the prevailing attitudes and context of that era.

“The contemporary IPC may inadvertently uphold the ethical judgments, principles, and policies of a bygone epoch,” assert legal scholars Stanley Yeo and Barry Wright in their introductory discourse to their work “Codification, Macaulay and the Indian Penal Code” (2011).

In reality, even though it was formally enacted in 1860, the inception of the Code, in its earliest iteration, transpired over a span of more than two decades prior.

### NEED FOR CODIFICATION

As the British colonial influence extended across the Indian subcontinent, it faced increasing challenges in administration, particularly in the realm of law.

Before the process of codification, the legal landscape in India was a intricate blend of Parliamentary Charters and Acts, Indian legislation (post-1833), East India Company Regulations,

English common law, Hindu law, Muslim law, and various customary legal systems, as outlined by legal historian Marc Galanter in his work 'The Displacement of Traditional Law in Modern India' (1968).

Thomas Babington Macaulay (1800-1859), a prominent legal scholar and Whig politician of that era, believed that codification was imperative. He viewed codification as a way to propel India from its perceived backward state into modernity, aligning with the British notion of a "civilizing mission."

Historian Eric Stokes, in his seminal work 'The English Utilitarians and India' (1959), described Macaulay's perspective as one that aimed to bridge the physical and intellectual gap between the East and West by importing the principles of English laws and education. This approach, rooted in the ideals of early English liberalism, encapsulated a transformative vision, and Macaulay stood as its notable representative both in England and India.

### BENTHAM INFLUENCE IN IPC

Macaulay's ideas were notably shaped by the concepts put forth by Jeremy Bentham (1748-1832), an influential English philosopher often hailed as the pioneer of modern utilitarianism. Bentham held a significant interest in the systematic arrangement of laws.

He critiqued the intricate and convoluted legal framework in England, which had evolved over centuries through incremental legislation. To address this, he proposed the complete replacement of existing laws with a comprehensive "code of laws," each backed by a rationale that could justify its obedience from those subject to it.

Barry Wright, in his work 'Macaulay's Indian Penal Code: Historical Context and Originating Principles' (2011), elaborates that such a code, rooted in the principles of utility, had the potential not only to bolster the rule of law but also to offer the prospect of a "universal jurisprudence" that could

be applied across diverse regions such as England and Bengal.

Macaulay, particularly in the context of India, where legal norms were not only varied but often uncodified, perceived the significance of a comprehensive legal code. Such a code, he believed, would not only introduce consistency in legal regulations but also eliminate the discretionary decision-making that characterized the prevailing judicial system of that era.

### MACAULAY DRAFT OF IPC

In 1833, the British Parliament passed the inaugural Government of India Act with the intention of establishing an organized framework for British governance within the country. This initiative led to the establishment of a law commission, overseen by Macaulay, with the primary objective of modernizing laws and enhancing colonial administration over civil society.

Drawing inspiration from ongoing legal reforms in England, Macaulay initially focused his efforts on criminal law. By 1837, he had produced the initial version of the Indian Penal Code (IPC). A noteworthy aspect of the IPC was its departure from pre-existing Indian legal systems; instead, it was rooted in British common law. This departure prompted contemporary scholars like David Skuy to assert that the IPC signified the transplantation of English legal principles into India not due to the perceived primitiveness of Indian law, but rather to address the need for reform within the English legal system itself ('Macaulay and the Indian Penal Code of 1862: The Myth of the Inherent Superiority and Modernity of the English Legal System Compared to India's Legal System in the Nineteenth Century', 1998).

In contrast to the challenges faced in England where political dynamics hindered significant legal reform, Macaulay enjoyed a relatively unconstrained environment in India to translate his ideas into practical legislation. However, it

wasn't until a mutiny occurred that the IPC was ultimately enacted and enforced.

### REBELLION OF 1857 AND THE IPC

Although Macaulay enjoyed considerable freedom in shaping the Indian Penal Code (IPC), its implementation was protracted and marked by various revisions. The IPC lingered in a state of uncertainty, undergoing multiple changes during this period.

Barry Wright explains that the progress of the IPC was impeded by governmental and legislative inertia, as well as resistance from European settlers who were averse to having the same legal status as the indigenous population. Additionally, the reform momentum in the governing country was lost, further contributing to the delay.

During the rule of several Governors-General of India, such as Auckland (1836-42) and Ellenborough (1842-44), there was a strong opposition to the

need for reforms. This opposition was particularly fervent due to the prevailing governance by the East India Company rather than direct control by the British Crown.

The turning point came with the Rebellion of 1857, which had far-reaching consequences. Not only did it lead to the downfall of the East India Company, resulting in the British Crown assuming direct authority in 1858, but it also created a significant crisis regarding the legitimacy of colonial rule. The harsh suppression of the rebellion shook the foundation of British claims of benevolent governance in their colonies.

Barry Wright further elaborates that the British political establishment was alarmed by the severe and repressive measures taken in response to the rebellion, which eroded the legitimacy of British rule built upon notions of constitutionalism and the rule of law. The enactment of the IPC was seen as a means to address and remedy these concerns.

## REVISITING J.L.NEHRU'S TRYST WITH DESTINY SPEECH ON THE OCCASION OF INDEPENDENCE DAY.

### RELEVANCE

Syllabus:

- ❑ GS2: Indian Constitution: Historical underpinnings
- ❑ PSIR: Salient features of Indian Constitution.

**Context:** Nehru's 'Tryst with Destiny' speech was delivered to the Indian Constituent Assembly in Parliament, just before midnight on August 15, 1947, right as India became free, and is considered one of the greatest speeches of the 20th century.

### INTRODUCTION

As India celebrates its 77th Independence Day, it's a poignant moment to reflect on the well-documented history of the Indian Independence movement and the consequential Partition that led to the creation of India and Pakistan. The midnight speech by India's inaugural Prime Minister, Jawaharlal Nehru, stands as a monumental event in this narrative.

Nehru's impactful "A Tryst with Destiny" speech, delivered at midnight, resonates deeply. He eloquently expressed a unique juncture in history, an infrequent transition from the old to the new, symbolizing the end of a long-suppressed national identity and the commencement of a fresh chapter as colonial rule, spanning almost two centuries, reached its conclusion.



Nehru's words encapsulated the hopes and aspirations of a nation ready to embark on an unprecedented journey as a sovereign entity. His speech laid the groundwork for India's initial decades as an independent nation, significantly influencing policies, societal norms, and cultural evolution.

### MESSAGE CONVEYED BY NEHRU'S 'TRYST WITH DESTINY' SPEECH

Nehru's iconic "Tryst with Destiny" speech was delivered on the eve of India's independence, August 15, 1947, to the Indian Constituent Assembly in Parliament. It stands as one of the 20th century's most significant speeches, encapsulating the profound moment of India's liberation from centuries of foreign rule.

Nehru commenced by referencing a historical commitment: "Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially." This phrase, "Tryst with destiny," came to symbolize the speech itself. Though "tryst" typically signifies an intimate encounter, Nehru repurposed the term to express the broader significance of India's newfound freedom.

In essence, India's independence marked not only political change but a transformative societal process, involving every individual. Nehru emphasized that the destiny of India was inseparable from the fate of its people, a departure from merely a change in government.



He proclaimed, "A moment comes, which comes but rarely in history, when we step out from the old to new, when an age ends, and when the soul of a nation, long suppressed, finds utterance..." This statement underscored the extraordinary nature of the occasion, a unique turning point, and the speech's awareness of its historical gravity.

The quote mirrored the aspirations of a new nation, characterized by freedom fighters' sacrifices and the young generation's eagerness for progress. This sentiment gains relevance today, as India's youthful population could potentially drive the nation toward heightened socio-economic development.

Nehru's vision for the future encompassed equitable freedom and opportunity for all, particularly the marginalized. He envisaged the eradication of poverty, ignorance, and disease, along with the establishment of democratic and progressive institutions ensuring justice and well-being.

For this, collaboration between Central and state governments was paramount, focusing on vulnerable groups and empowering youth across societal strata.

Amid his goals, Nehru cautioned against communalism and narrow-mindedness, asserting the importance of a united, open-minded populace. His admiration for Mahatma Gandhi's aspiration to alleviate suffering underscored the enduring commitment required to translate ideals into reality.

Furthermore, Nehru positioned India's aspirations within the global context of decolonization. By stating, "Those dreams are for India, but they are also for the world," he highlighted India's role in the broader shift from colonial rule to self-governance in Asia and Africa.

Nehru's speech also foreshadowed his advocacy for the Non-Aligned Movement, aligning countries outside Cold War blocs. India's membership signaled its global outlook and commitment to shaping a just and independent world order.

Ultimately, Nehru's words emphasized that while India was brimming with idealism and aspirations, the road to realization required dedicated effort. The speech became a call not just for a brighter future for India, but for a world free from oppression and suffering.

## INDIA'S NEW DATA PROTECTION BILL: AN OVERVIEW

### RELEVANCE

#### Syllabus:

- GS2:** Government Policies
- PSIR:** Security

**Context:** India has recently introduced the Digital Personal Data Protection Bill, 2023, which outlines regulations for the usage of citizens' data by businesses and the government.

#### EVOLUTION OF THE BILL

The bill was initially influenced by European privacy laws but has since incorporated elements from the U.S. and China models.



#### MAJOR BENEFITS OF THE DATA PROTECTION BILL

**Guidelines for Data Collection:** The bill establishes clear regulations for the collection and utilization of citizens' data by both corporations and the government.

**Balancing Security and Privacy:** Exemptions are justified as necessary for addressing national security, law enforcement, and public health emergencies.

**Learning from Others:** India's bill is informed by lessons from Europe and Singapore, tailored to suit India's unique economic context.

**Equal Rules for Data Breaches:** Both government entities and private organizations are held to the same standards regarding data breach incidents.

### MAJOR CRITICISMS OF THE DATA PROTECTION BILL

**Government Exemptions:** The bill grants the government substantial exemptions, allowing it to bypass certain privacy norms.

**Data Protection Authority's Role:** Concerns have been raised about the weakening of the Data Protection Authority of India, the primary regulatory body.

**Government's Control on Authority:** The government's power to appoint members to the data protection board raises worries about potential bias.

**Bypassing Consent:** Certain provisions enable the government to collect data without explicitly seeking citizens' consent.

### DIFFERENT GLOBAL MODELS FOR DATA PROTECTION LAWS

**EU Model:** Based on the General Data Protection Regulation (GDPR), prioritizing comprehensive personal data protection while allowing exemptions for national security.

**US Model:** Focused on safeguarding individual liberties against government intrusion, featuring sector-specific rules and legislation like the Privacy Act, without a unified framework for privacy rights.

**China Model:** Encompassing laws such as the Personal Information Protection Law (PIPL) and the Data Security Law (DSL), emphasizing government control over data and strict enforcement through substantial fines, as witnessed in cases involving companies like Didi.

#### Conclusion

Amidst data's rising significance, India's Data Protection Bill navigates complexities, harmonizing privacy and progress through diverse influences, paving a collective global path towards data security.

## CHANGES DONE BY LOK SABHA IN THE BIODIVERSITY ACT

### RELEVANCE

#### Syllabus:

□ GS2-Parliament and State Legislature; Amendments.

**Context:** The Biological Diversity (Amendment) Bill was passed in the Lok Sabha on July 25, bringing in a number of changes to the over 20-year old Biological Diversity Act of 2002.

On Tuesday, July 25, the Lok Sabha granted its approval for a Bill aimed at making amendments to certain sections of the 2002 Biological Diversity Act. The main objective of the Biological Diversity (Amendment) Bill is to address concerns raised by various central ministries, state governments, researchers, industries, and stakeholders regarding the implementation of the two-decade-old legislation. This law was initially designed to

safeguard India's biological diversity and promote its sustainable utilization.



Among its various provisions, the proposed amendments intend to promote traditional Indian medicinal systems like Ayurveda, attract increased foreign investment for the conservation and profitable exploitation of India's biological resources, and simplify and streamline procedures to facilitate universal compliance with the law's requirements.

### WHAT IS THE BIODIVERSITY LAW, AND WHY DOES INDIA NEED ONE?

Biological diversity encompasses the wide array of life forms, including animals, plants, and microorganisms, along with their genetic variations, and the ecosystems they inhabit. The enactment of the 2002 Act was a response to the global imperative of safeguarding and conserving biological resources, which face jeopardy due to human activities.

The extent of the harm became glaringly apparent much later, through a seminal report in 2019 by the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES), akin to the Intergovernmental Panel on Climate Change (IPCC).

This report issued a stark caution: roughly 1 million species of animals and plants, out of the estimated 8 million, were teetering on the brink of extinction. It revealed that about 75 percent of the Earth's land surface and 66 percent of its oceans had undergone significant modifications.

However, endeavors to safeguard biological diversity had commenced earlier. In 1994, nations, including India, consented to the Convention on Biological Diversity (CBD), a global framework agreement akin to the more renowned climate change convention.

There was a shared consensus on three fundamental principles:

1. the need to curtail indiscriminate exploitation of biological resources,

2. the necessity of regulating sustainable utilization of these resources, such as their medicinal attributes, and
3. the imperative to reward individuals and communities contributing to the preservation and maintenance of these resources.

India's Biological Diversity Act of 2002 was enacted during the tenure of Prime Minister Atal Bihari Vajpayee with these goals in focus. It established a National Biodiversity Authority as a regulatory entity and stipulated the conditions and purposes for which biological resources could be harnessed, predominantly for scientific research and commercial utilization.

### SO WHY DID THE NEED FOR AMENDMENTS TO THE LAW ARISE?

Over time, various stakeholders such as representatives from India's traditional medicine system, the seed sector, pharmaceutical and other industries, as well as the research community, have highlighted that certain provisions within the 2002 law have placed limitations on their activities. As a result, they have advocated for the need to revise these provisions.

Furthermore, in 2010, countries came to a consensus on the Nagoya Protocol, a significant international agreement operating under the CBD. This protocol introduced an Access and Benefit Sharing mechanism. According to this mechanism, countries rich in biodiversity are required to grant access to their biological resources to those seeking to utilize them for research or commercial purposes. In return, the entities utilizing these resources are obligated to share the benefits arising from their use with the local communities. This access and benefit-sharing framework functions both domestically and on the global stage.

In recent years, the government has also been actively promoting traditional systems of medicine, all of which heavily rely on these biological resources.



### THE BILL SEEKS TO AMEND THE BIOLOGICAL DIVERSITY ACT, 2002 TO

- ❑ Promote the advancement of Indian traditional medicine and the cultivation of indigenous medicinal plants.
- ❑ Streamline and expedite procedures for research, patent filings, and the dissemination of research findings.
- ❑ Revise regulations to reduce penalties for certain offenses.
- ❑ Foster a favorable environment for foreign investments in this sector.

### KEY PROVISIONS OF THE BIOLOGICAL DIVERSITY (AMENDMENT) BILL, 2021

- ❑ **Access to biological resources and associated knowledge**
  - The Biological Diversity Act mandates that obtaining biological resources from India or utilizing associated knowledge necessitates either obtaining prior approval or notifying the regulatory authority about the origin of the entity.
  - The proposed amendment involves redefining the categorization of entities, revising

the roster of activities that necessitate notification, and introducing exemptions.

- ❑ **Approval for Intellectual Property Rights (IPR)**
  - The Act specifies that approval of National Biodiversity Authority (NBA) is required before: (i) applying for IPR involving biological resources obtained from India, or (ii) sealing of patent.
  - The Bill provides that **approval will be required before the grant of IPR instead of before the application itself.**
- ❑ **Benefit Sharing**
  - The Act mandates that the NBA (National Biodiversity Authority) establish the conditions for benefit sharing when granting approvals for different activities. Benefit sharing entails compelling applicants to distribute both financial and non-financial gains with benefit claimers and local communities.
  - Benefit claimers encompass biodiversity conservers, along with creators or custodians of related traditional knowledge.
  - The Act extends the scope of benefit sharing provisions to encompass various undertakings, including research, commercial

utilization, as well as bio-survey and bio-utilization by specific entities.

- However, the Bill proposes the exclusion of its applicability from research, as well as bio-survey and bio-utilization, thereby bringing about a change in the aforementioned provisions.

#### **Offences and Penalties**

- The Act outlines certain offenses, which encompass the failure to obtain approval or provide advance notice for various activities. These transgressions can lead to a maximum imprisonment of five years, a fine, or a combination of both.
- The Bill seeks to redefine these offenses, moving away from criminal sanctions, and instead proposes penalties ranging from one lakh rupees to Rs 50 lakh.

### **CRITICISM OF THE BIOLOGICAL DIVERSITY (AMENDMENT) BILL, 2021**

#### **Reduced role of Local Bodies**

- The Bill eliminates the direct participation of local bodies and benefit claimers in determining mutually agreed terms.
- As per the Act, the National Biodiversity Authority (NBA) will now decide benefit sharing terms while granting approvals for various activities.
- These approvals must align with terms agreed upon between the applicant, relevant local bodies, and benefit claimers.
- The Bill revises this process, stipulating that approvals should align with mutually

agreed terms between the applicant and the concerned Biodiversity Management Committee, represented by NBA.

- Consequently, the involvement of benefit claimers and local residents in shaping terms and conditions will no longer be direct.

#### **Removal of Prior Informed Consent**

##### **Lack of Mechanism for Local and Indigenous Consent:**

- Absence of a process to secure prior informed consent from local and indigenous communities.
- No established means for obtaining approval or involvement from these communities.

##### **Diverges from the principles outlined in the Nagoya Protocol. Nagoya Protocol mandates signatory countries to ensure:**

- Prior informed consent or approval is acquired for access to genetic resources and traditional knowledge.
- Involvement of indigenous and local communities is integrated into the process.

##### **Change of Adjudicating Authority**

- The proposed legislation shifts the role of the adjudicating authority from a Judge to a government official. Under this framework, penalty determinations will stem from an inquiry process, as opposed to a judgment following arguments presented in a public court.
- A central concern is whether granting this level of discretion to government officials aligns with appropriateness.

## **THE 'FREE MOVEMENT REGIME' ALONG THE INDIA-MYANMAR BORDER**

### **RELEVANCE**

#### **Syllabus:**

- GS2: India and its neighbourhood.**
- PSIR: Regionalism**

**Context: The ‘free movement regime’ along the India-Myanmar border, is alleged to have complicated the volatile situation in Manipur.**

The border dividing India and Myanmar spans 1,643 km across four states: Mizoram, Manipur, Nagaland, and Arunachal Pradesh. Under the Free Movement Regime (FMR), tribal communities on both sides of the border can travel up to 16 km into the neighboring country without needing a visa.

A significant point of contention in the ongoing ethnic conflict between the Meiteis and Kukis in Manipur is the unlawful migration of Kuki-Chin tribes from Myanmar into India.

The Meiteis accuse these undocumented migrants and an alleged “narco-terror network” along the Indo-Myanmar Border (IMB) of instigating disturbances within the state. In response, the Kukis point fingers at the Meiteis and Chief Minister N Biren Singh, himself a Meitei, asserting that they are exploiting this situation as an excuse for “ethnic cleansing.”

Amidst this emotionally charged and delicate discourse within the state, inquiries have arisen regarding the effectiveness and appropriateness of the Free Movement Regime (FMR) that facilitates cross-border migration along the IMB.

### **WHAT IS THE FREE MOVEMENT REGIME ON THE INDIAN MYANMAR BORDER?**

The border separating India and Myanmar spans 1,643 km across four Indian states: Mizoram, Manipur, Nagaland, and Arunachal Pradesh. The Free Movement Regime (FMR) represents a mutually agreed arrangement between the two nations. This arrangement permits tribes residing along the border on both sides to journey up to 16 km into the other country without needing a visa.

Introduced in 2018, the FMR was a component of the Narendra Modi government’s Act East policy. This initiative was established during a period of

improved diplomatic relations between India and Myanmar. Originally planned for implementation in 2017, the FMR’s launch was postponed due to the outbreak of the Rohingya refugee crisis in August of that year.

### **WHY WAS SUCH A REGIME CONCEPTUALISED?**

The India-Myanmar border, established by the British in 1826, was drawn without the consultation of the region’s inhabitants, leading to the division of people of shared ethnicity and culture across two nations without their consent. The present-day international boundary still adheres to this historical demarcation.

The local populace maintains robust ethnic and familial bonds that traverse the border. For instance, in Manipur’s Moreh region, some residences straddle the Myanmar-India divide. Similarly, in Nagaland’s Mon district, the border cuts through the residence of the chief of Longwa village, effectively splitting his home into two.

In addition to promoting interpersonal connections, the Free Movement Regime (FMR) was designed to invigorate local trade and commercial activities. The area has a rich tradition of cross-border trade through customs and border markets. Given the modest economic conditions, these interactions are crucial for supporting local livelihoods. Likewise, for border residents in Myanmar, Indian towns are more accessible for business, education, and healthcare compared to options within their own country.

### **WHY ARE THE CONCERNS WITH RESPECT TO FMR?**

While the Friendship Motor Road (FMR) has brought benefits to local populations and contributed to improving relations between India and Myanmar, it has faced criticism for inadvertently facilitating activities such as illegal

immigration, drug trafficking, and the smuggling of firearms.

The border between India and Myanmar spans through dense forests and challenging, hilly terrain, with minimal fencing and limited monitoring. Only a small portion of the Manipur region, less than 6 km, is fenced.

Following the military coup in Myanmar on February 1, 2021, the ruling junta initiated a campaign of oppression against the Kuki-Chin peoples, leading to a significant influx of Myanmar tribal individuals across the western border into India, particularly in Manipur and Mizoram. In Mizoram, where cultural and ethnic ties with the neighboring people are strong, over 40,000 refugees have been accommodated in camps, despite objections from the Union Ministry of Home Affairs.

Manipur has also experienced an influx of illegal migrants over the past 18 months. A state-appointed committee identified around 2,187 such migrants recently. In the preceding September, a substantial number of 5,500 illegal immigrants were apprehended in Moreh, and approximately 4,300 were repatriated. Biometric data for these individuals have been collected.

Recently, Manipur's Chief Secretary, Vineet Joshi, communicated concern to the Assam Rifles about reports of 718 new infiltrations from Myanmar. He urged the paramilitary force to identify and repatriate these individuals.

Accusations have emerged from the Manipur government that village leaders have been illicitly settling migrants from Myanmar in newly established hill villages, contributing to deforestation. An attempt to evict these settlements in March escalated tensions between the Kukis in the hills and the government, resulting in violence. The hills surrounding the Imphal valley are inhabited by the Kuki and Naga peoples, while the valley itself is primarily home to the Meiteis.

On May 2, just before the outbreak of violence in Manipur, Chief Minister Biren Singh stated during a press conference in Imphal that "there have been instances of illegal immigration from Myanmar to Manipur, and we have detained 410 individuals from Myanmar who were residing in the state without proper documentation. An additional 2,400 are seeking shelter in detention facilities along the border areas after fleeing Myanmar."

He further emphasized, "We have reasonable grounds to believe that there could be a higher number of undocumented Myanmar residents in Manipur. To safeguard the interests of our nation and the state, and for security purposes, I urge the residents of the border regions, where infiltration is possible, to collaborate in order to document the details of such immigrants."

### IS THERE A PROBLEM OF DRUG TRAFFICKING OR TERRORISM RELATED TO THE FMR?

In a study authored by Anuradha Oinam from the Centre for Land Warfare Studies (CLAWS), it is highlighted that various insurgent groups like the United National Liberation Front (UNLF), People's Liberation Army (PLA), United Liberation Front of Assam (ULFA), National Socialist Council of Nagaland (NSCN), and smaller factions of Kukis and Zomis have established encampments in Sagaing Division, Kachin State, and Chin State within Myanmar.

These groups have sought refuge in these areas to secure shelter, acquire weaponry, train their members, and notably, carry out illicit activities such as drug smuggling and arms sales to generate funds. This is facilitated by the permeable borders and frequent misuse of the Free Movement Regime (FMR). Consequently, it is imperative to effectively manage and govern these border regions to curb drug trafficking and unlawful cross-border movements in regions without proper fencing.



As per data sourced from the Manipur Chief Minister's Office, a total of 500 cases were officially recorded, resulting in the arrest of 625 individuals under the Narcotic Drugs and Psychotropic Substances (NDPS) Act in Manipur during the year 2022. Substantial quantities of narcotics, including substances like heroin, opium, brown sugar, ganja, crystal meth, yaba (methamphetamine and caffeine), and prescription drugs like pseudoephedrine and spasmoproxyvon, were confiscated. Additionally, several thousand acres of poppy cultivation were eradicated within the same timeframe. The estimated value of the seized or destroyed drugs in the international market is believed to exceed Rs 1,227 crore.

### **CONCLUSION: SHOULD THE FMR BE REMOVED?**

The management of the Frontier Myanmar Regulation (FMR) has been periodically reviewed, and a consensus among experts indicates the need for enhanced regulation. In response to the escalating crisis in Myanmar and the growing number of refugees entering, India took the step of temporarily suspending the FMR in September 2022.

However, considering the well-being of the local population, it is evident that a complete abolishment of the FMR or a total border enclosure may not be the most favorable approach. Such actions could negatively impact livelihoods and hinder necessary travel for medical and educational purposes. Oinam's research proposed a strategy that New Delhi should adopt, emphasizing a balanced approach of addressing the issue while minimizing adverse consequences, often referred to as "killing the snake without breaking the stick."

Security insiders have acknowledged the challenges of preventing illegal immigration and drug trafficking across an open and challenging terrain. Effective patrolling and intelligence efforts notwithstanding, individuals are still able to infiltrate, particularly when there is no antagonism towards migrants on our side. The complexities involved are not easily mitigated, regardless of the presence or absence of the FMR. This holds true for fenced borders as well, which continue to grapple with the issue of drug trafficking, according to a high-ranking officer's insights.

# MAINS PRACTICE QUESTIONS

## Q. Elaborate on the philosophical basis of grassroots democracy.

Grassroots democracy is a form of democratic governance that emphasizes the participation and empowerment of ordinary citizens in decision-making processes at the local level. It is based on the belief that political power should be decentralized and that individuals and communities should have a direct say in the issues that affect their lives. Several philosophical ideas have influenced the concept of grassroots democracy, including those put forth by Rousseau, Aristotle, MN Roy, Vinoba Bhave, and Gandhi. Let's explore each of these in more detail:

1. **Rousseau's Idea of General Will:** Jean-Jacques Rousseau, an influential 18th-century philosopher, emphasized the concept of the "general will" in his work "The Social Contract." According to Rousseau, the general will represents the collective interest and common good of the community as a whole, transcending individual and factional interests. In grassroots democracy, the idea of the general will suggests that decisions and policies should be made through inclusive and participatory processes that take into account the interests and concerns of all members of society.
2. **Aristotle's Civic Republicanism:** Aristotle, an ancient Greek philosopher, developed the concept of civic republicanism, which highlights the importance of active citizenship and the common good. He argued that citizens should actively participate in the affairs of the state and strive to promote the well-being of the community. In grassroots democracy, Aristotle's ideas find resonance in the emphasis on civic engagement, public deliberation, and collective decision-making at the local level.
3. **MN Roy's Idea of Radical Democracy:** MN Roy, an Indian philosopher and political activist, advocated for the idea of radical democracy. He argued that true democracy should go beyond mere political representation and extend to economic and social realms as well. Roy believed in the empowerment of marginalized sections of society and called for the redistribution of wealth and power. In the context of grassroots democracy, Roy's ideas emphasize the need for inclusivity, social justice, and equal participation of all citizens in decision-making processes.
4. **Vinoba Bhave's Idea of Antyodaya:** Vinoba Bhave, a prominent Indian social reformer, championed the concept of Antyodaya, which translates to "upliftment of the last person" or "the welfare of the poorest of the poor." Bhave believed in the importance of decentralized governance and self-sufficiency at the local level. In grassroots democracy, the idea of Antyodaya underscores the need to prioritize the needs and concerns of the most vulnerable and marginalized members of society, ensuring their active participation in decision-making processes.
5. **Gandhi's Idea of Swaraj Coupled with Gram Swaraj:** Mahatma Gandhi, the leader of India's independence movement, advocated for the concept of Swaraj, which means self-rule or self-governance. Gandhi envisioned a society where individuals would have the freedom to govern themselves and communities would have the autonomy to make decisions that affect them directly. He emphasized the importance of decentralized village-level governance, known as Gram Swaraj, where communities would have control over their own affairs. In grassroots democracy, Gandhi's ideas highlight the significance of local self-governance, participatory decision-making, and the empowerment of individuals and communities.

These philosophical foundations provide intellectual and ethical support to grassroots democracy by promoting values such as equality, participation, social justice, and community empowerment. They emphasize the importance of involving citizens in decision-making processes and nurturing a sense of collective responsibility and solidarity within society. By incorporating these ideas, grassroots democracy seeks to create a more inclusive and egalitarian system of governance that addresses the needs and aspirations of all members of society, particularly those at the grassroots level.

**Q. Recently there has been a controversy surrounding the composition of the Committee that will be responsible for the appointment of Chief Election Commissioner. What are the key issues plaguing the Election Commission of India, and what are some of the suggested reforms, as recommended by committees and commissions, to address these issues?**

The Election Commission of India has recently faced controversy regarding the composition of the Committee responsible for appointing the Chief Election Commissioner. This highlights the issues that plague the functioning of the Election Commission.

One of the major concerns is the perceived lack of independence and impartiality in the appointment process. Critics argue that the current system allows for political influence in the selection of the Chief Election Commissioner, which compromises the neutrality of the Commission. They believe that a more transparent and non-partisan process is essential to maintain the integrity of the Election Commission.

Another issue is the challenge of ensuring fair and free elections in a diverse and populous country like India. The Election Commission faces numerous logistical and operational challenges in conducting elections across different regions, managing voter registration, and ensuring the smooth functioning of polling booths. Instances of voter suppression, electoral fraud, and violence pose additional challenges to the Election Commission's mandate.

Moreover, the effectiveness of the Election Commission in enforcing election rules and regulations has been a subject of debate. Critics argue that the Commission's powers to curb electoral malpractices and enforce campaign finance regulations need to be strengthened. There is also a need for timely and efficient resolution of electoral disputes to uphold the credibility of the electoral process.

Additionally, there are concerns about the transparency and accountability of political parties in disclosing their funding sources. The Election Commission has been tasked with monitoring and regulating campaign financing, but there have been calls for stricter regulations to prevent the influence of money power in elections.

Other Issues with the Election Commission:

1. Disparity in stature and dismissal mechanism between Chief Election Commissioner (CEC) and other Election Commissioners (ECs).
2. Lack of specifications regarding the number, qualifications, terms, and conditions of service for regional Commissioners.
3. Inadequate authority over recruitment and regulation of secretariat staff.
4. Dependence on cooperation and faith of both opposition and ruling parties for unbiased functioning.
5. Failures in curbing criminalization, money, and muscle power in elections.
6. Issues with election funding, including controversies surrounding electoral bonds.

7. Accusations of partisanship and political interference, as seen in the Ashok Lavasa controversy.
8. Inadequate responses to violations of the Model Code of Conduct.

Several reforms have been suggested to address the issues plaguing the working of the Election Commission of India. These reforms aim to enhance the independence, transparency, and effectiveness of the Commission. Some of the **suggested reforms** include:

- Transparent Appointment Process:** Implementing a more transparent and non-partisan process for the appointment of the Chief Election Commissioner and other Election Commissioners. This could involve the involvement of a diverse and independent selection committee, as recommended by the **Law Commission of India in its 255th Report**.
- Strengthening Election Laws:** Enacting stronger legislation to curb electoral malpractices, ensure campaign finance regulations, and increase the penalties for violations. This would help in maintaining a level playing field for all political parties and candidates, as proposed by the Election Commission itself and various civil society organizations.
- Electoral Reforms:** Introducing electoral reforms to address issues such as voter suppression, electoral violence, and fraud. This could include measures to streamline voter registration processes, improve the security of electronic voting machines, and enhance the efficiency of the electoral dispute resolution mechanism, as recommended by the Committee on Electoral Reforms (**Dinesh Goswami Committee**).
- Enhanced Powers and Resources:** Granting the Election Commission greater powers and resources to enforce election rules and regulations effectively. This could involve strengthening the Commission's authority to take action against violators, ensuring the timely resolution of electoral disputes, and providing adequate funding and logistical support for conducting elections, as recommended by various expert committees and commissions.
- Transparent Campaign Financing:** Introducing stricter regulations on campaign financing and ensuring greater transparency in political party funding. This could include mandatory disclosure of funding sources, auditing of campaign expenses, and effective monitoring mechanisms to prevent the influence of money power in elections, as suggested by the Law Commission of India and the Committee on Electoral Reforms.
- Voter Education and Awareness:** Promoting voter education and awareness programs to empower citizens with knowledge about their rights and responsibilities. This would help in increasing voter turnout and fostering a more informed electorate, as recommended by the Election Commission and various civil society organizations.
- Technological Advancements:** Embracing technological advancements to improve the efficiency and transparency of the electoral process. This could include the use of advanced voter registration systems, secure electronic voting machines, and online voter information portals, as suggested by the Election Commission and the Committee on Electoral Reforms.

These suggested reforms, recommended by various committees and commissions, aim to strengthen the Election Commission of India and enhance its ability to conduct free, fair, and transparent elections. Implementing these reforms would contribute to maintaining the integrity and credibility of the electoral process in the country.

**Q. Subhash Kashyap asserts that although many contributed to shaping the constitution's form and design, Nehru played a paramount role in imbuing it with its essence, ethos, guiding principles, and rational foundation. Discuss.**

The Constitution of India, crafted by the Constituent Assembly, is not merely a product of that assembly alone. Its core principles were shaped during the prolonged struggle for independence. The nationalist movement extensively deliberated numerous pivotal questions that had relevance to the constitution-making process: the structure of government for India, the upheld values, and more. In essence, the Constituent Assembly translated the principles inherited from the nationalist movement into tangible form.

The "Objective Resolution," put forth by Jawaharlal Nehru in 1946, succinctly captures the principles brought by the nationalist movement to the Constituent Assembly. This resolution encapsulated the aspirations and values underlying the constitution, setting out the foundational philosophy of the constitutional framework and profoundly influencing its subsequent evolution.

The Objective Resolution aimed to establish an "Independent Sovereign Republic of India" in which both the nation and its constituent states derived their powers and authority from the people. It aimed to concretely institutionalize fundamental commitments such as liberty, equality, justice, safeguards for minorities and vulnerable groups, democracy, sovereignty, and a cosmopolitan identity.

Hence, it can be argued that Nehru's introduction of the Objective Resolution represented liberal and welfare-oriented ideals, which find full reflection in the Preamble of the Indian Constitution—a statement that articulates the essential philosophy of the independent Indian state.

However, the conventional Marxist interpretation of the Indian national movement, which employed a narrow class-based approach, has faced criticism from later generations of Marxist scholars. S.N. Mukherjee contends that Indian nationalism was a multi-layered and intricate process that cannot be comprehended through reductionist class analysis.

Sumit Sarkar, in his work "Modern India," contends that R.C. Dutt's brand of Marxist interpretation falls short by simplistically attributing direct and straightforward economic motivations to political actions. Sarkar argues that the Indian National Congress did not have a deliberate or calculated strategy against the masses.

Bipan Chandra, a Marxist scholar, asserts that the freedom struggle led by the Congress was a remarkable mass movement. He argues that, in pursuit of resolving the primary contradictions between Indian and British rule, secondary contradictions rooted in caste, class, and so on were set aside, and all segments of society rallied under the nationalist ideology.

**Q. Discuss the changing dynamics of India-Israel relations under the present Indian government.**

India's policy on the longest running conflict in the world has gone from being unequivocally pro-Palestine for the first four decades, to a tense balancing act with its three-decade-old friendly ties with Israel. Instances of India's balancing act in its approach towards Palestine and Israel can be observed in the following:

In favor of Palestine:

UNESCO Resolution: In December 2017, India abstained at UNESCO while voting in favor of a resolution in the General Assembly that opposed the recognition of Jerusalem as the Israeli capital by the Trump administration.

**UNHRC Voting:** During the UN Human Rights Council's 46th session in Geneva, India voted against Israel in three resolutions. These resolutions focused on the right of self-determination of the Palestinian people, Israeli settlement policy, and the human rights situation in the Golan Heights. India abstained on a fourth resolution seeking an UNHRC report on human rights in Palestine, including East Jerusalem.

**ICC Investigation:** When the International Criminal Court claimed jurisdiction to investigate human rights abuses in Palestinian territory involving Israeli security forces and Hamas, India did not take a stand against it as requested by Israeli Prime Minister Netanyahu.

**In favor of Israel:**

**Perceived Pro-Israel Policy:** India's position has been perceived as pro-Israel in recent years.

**Stabilizing Role in West Asia:** While India's External Affairs Minister excluded a trip to the Palestinian territory during his visit to Israel, the Prime Minister of Palestine called for India's support to play a stabilizing role in West Asia by maintaining cooperation with all related parties.

**Diplomatic Visit in 2017:** In 2017, India's Prime Minister visited only Israel and did not include a visit to Palestine, breaking past trends of balancing visits to both countries.

**Changing Voting Patterns:** India has broken with its tradition of supporting Palestine at the United Nations. In 2019, India voted in favor of Israel at the ECOSOC to deny observer status to a Palestinian organization named Shahed. Additionally, India abstained from voting on a resolution calling for an investigation into Israeli actions in the Gaza Strip at the Human Rights Council.

These instances demonstrate India's attempts to balance its approach towards Palestine and Israel, considering various factors such as geopolitical dynamics, diplomatic engagements, and regional stability. India's stance may evolve depending on specific circumstances and its broader foreign policy objectives.

**Q. Nuclear disarmament and non-proliferation is nothing but a hypocrisy. Comment**

Fifty years have passed since the crucial Nuclear Non-Proliferation Treaty (NPT) came into effect, making it a fundamental component of global political concerns. The treaty's primary objectives involve limiting the existence of specific categories of weapons worldwide, especially those related to mass destruction such as nuclear, radiological, chemical, and biological weapons. It also strives to prevent new countries or entities from acquiring these weapons.

However, some scholars from Eastern and Global South countries, criticize nuclear disarmament and non-proliferation, labelling it as Eurocentric hypocrisy. They argue that mainstream nuclear disarmament treaties are dominated by Western nations, and reductions in nuclear weapon stockpiles by these countries are merely symbolic gestures.

The NPT itself contributes to the concept of Nuclear 'Haves' and 'Have-Nots,' acknowledging only five nuclear weapons states while prohibiting others from possessing nuclear weapons. This has led to claims of "nuclear apartheid" due to the unequal distribution of nuclear resources and power.

Critics assert that Western countries use their alleged possession of nuclear weapons to justify interventions in other nations. This strategy aims to create a foundation for neo-imperialism and neo-colonialism by removing nuclear deterrence from other countries and thereby gaining control over them.

On the other hand, proponents of the treaty argue that it does not promote the "have and have nots" problem, but rather acknowledges reality and endeavors to halt dangerous trends. The treaty also obligates nuclear weapons states to employ these weapons only in good faith measures.

Despite criticism, numerous instances demonstrate the success of nuclear disarmament treaties in enhancing global security and nuclear stability. For instance, both the US and USSR have unilaterally made significant decisions to dismantle various nuclear warheads and tactical arms. Furthermore, the NPT has also facilitated responsible trade in nuclear-related commodities and technologies.

**Q. Mention the founding principles that define India's Constitution.**

Granville Austin posited that India's political revolution culminated in 1947 with its independence, marking the beginning of a socio-economic revolution. This transformation was driven by the adoption of the Constitution of India, which served as a revolutionary document embodying essential founding principles that laid the cornerstone of Indian democracy.

One of these fundamental principles is federalism, evident in Article 246 and the 7th schedule of the constitution. These provisions delineate powers between the central and state governments, establishing a dual polity with a strong union government—a concept B.R. Ambedkar referred to as “holding together federalism.”

Secularism is another vital aspect of the Indian constitution, reflected in Articles 25-30. It ensures individual as well as group rights, promoting unity in the country's diverse fabric. The Supreme Court affirmed the significance of secularism as a basic tenet of the Indian Constitution in the S.R. Bommai case.

The Directive Principles in Part 4 of the Indian Constitution form the bedrock of socio-economic democracy, guiding India toward becoming a welfare state.

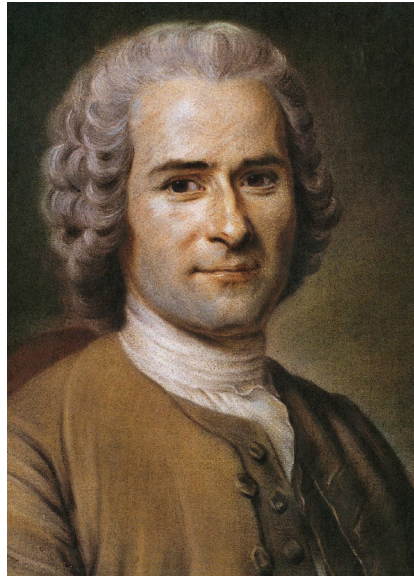
The principle of Rule of Law is enshrined in Article 14, emphasizing that people should be governed by established rules rather than arbitrary decisions of rulers. It requires rules to be general, abstract, known, and applicable equally to all.

Equality, guaranteed by Articles 14 to 18, extends beyond formal equality to include substantive equality through affirmative actions like reservations for weaker sections of society.

Moreover, the Indian Constitution upholds principles such as separation of powers, independence of the judiciary, fundamental rights, and single citizenship, all of which contribute to the strong foundation of Indian democracy.

# SCHOLARS DIGEST: KNOW YOUR SCHOLARS

## JEAN-JACQUES ROUSSEAU: A POLITICAL THINKER OF THE 18TH CENTURY



### INTRODUCTION

Jean-Jacques Rousseau, a prominent philosopher and political theorist of the 18th century, revolutionised the field of political thought with his groundbreaking ideas. His works, particularly “The Social Contract,” continue to shape our understanding of politics, society, and human nature. This write-up explores Rousseau’s political ideas, focusing on the central themes and concepts he introduced.

### THE SOCIAL CONTRACT: FOUNDATIONS OF ROUSSEAU’S POLITICAL THOUGHT

Rousseau’s political philosophy revolves around the concept of the social contract, which forms the foundation of his ideas. According to Rousseau, individuals willingly enter into a social contract, voluntarily surrendering certain individual rights and freedoms in exchange for protection and the promotion of the common good. This social contract establishes the basis for legitimate political authority.

### POPULAR SOVEREIGNTY: POWER RESTS WITH THE PEOPLE

A key principle in Rousseau’s political thought is the idea of popular sovereignty. He argued that ultimate political power should reside with the people as a collective body, rather than being concentrated in the hands of a monarch or an elite ruling class. Rousseau believed that the general will of the people, expressed through direct democracy or representative institutions, should guide political decision-making.

### CRITIQUE OF INEQUALITY AND PRIVATE PROPERTY

Rousseau was critical of the existing social and political order, which he believed perpetuated inequality and injustice. He contended that private property, a cornerstone of capitalist societies, led to the unequal distribution of wealth and power. Rousseau argued that the ideal society should be based on principles of equality, where resources are shared collectively and individuals enjoy a sense of common ownership.



### EMPHASIS ON GENERAL WILL AND COMMON GOOD

Central to Rousseau's political philosophy is the concept of the general will. He posited that the general will represents the collective interests and aspirations of the community as a whole, transcending individual preferences. Rousseau believed that political decisions should align with the general will to ensure the pursuit of the common good. However, he also recognized the challenges in discerning and implementing the general will in practice.

### DIRECT DEMOCRACY AND ACTIVE CITIZENSHIP

Rousseau advocated for direct democracy as the most effective form of government, enabling active citizen participation in decision-making processes. He emphasized the importance of engaged and informed citizens who actively contribute to the political affairs of their community. According to Rousseau, true freedom is achieved when individuals participate directly in the governance of their society.

### IMPACT AND LEGACY OF ROUSSEAU'S POLITICAL IDEAS

Rousseau's political ideas continue to exert significant influence on political theory and practice. His concepts of popular sovereignty, the social contract, and the general will have shaped democratic principles and institutions worldwide. Rousseau's emphasis on equality, participation, and the pursuit of the common good resonates with contemporary discussions on social justice and inclusive governance.

### CONCLUSION: ROUSSEAU'S ENDURING LEGACY

Jean-Jacques Rousseau's political ideas have left an indelible mark on the field of political thought. His notions of the social contract, popular sovereignty, and the general will have challenged conventional notions of power, authority, and governance. Rousseau's vision of an ideal society, characterised by equality, active citizenship, and the pursuit of the common good, continues to inspire and influence political thinkers and practitioners to this day.

## JOHN JOSEPH MEARSHEIMER



## INTRODUCTION

John Joseph Mearsheimer, born on December 14, 1947, in New York, New York, is a distinguished American academic specializing in international relations. He is most renowned for developing the concept of offensive realism within this field.

## MAJOR WORKS

John Mearsheimer is well known for his work "The Tragedy of Great Power Politics". In 2007, John Mearsheimer collaborated with Stephen M. Walt on a book titled "The Israel Lobby and U.S. Foreign Policy," which garnered significant attention but also sparked controversy. The book argued that a influential lobby had a distorting effect on U.S. foreign policy, leading it to prioritize unwavering support for Israel over the nation's own interests. While some critics dismissed the work as propagating conspiracy theories or lacking in factual accuracy, supporters commended the authors for their willingness to address a significant policy matter.

Mearsheimer's body of work also encompassed other notable titles such as "Conventional Deterrence" (1983), "Liddell Hart and the Weight of History" (1988), "Why Leaders Lie: The Truth About Lying in International Politics" (2011), and "The Great Delusion: Liberal Dreams and International Realities" (2018).

## INFLUENCES

Much like many scholars specializing in international relations from his era, Mearsheimer was significantly shaped by the ideas of Kenneth Waltz, the originator of neorealism in the field. While classical realists like Hans Morgenthau attributed global conflicts to the inherent drive of political leaders to enhance their own power, neorealists (also called structural realists) such as Waltz attributed the root cause of war to the arrangement of international relations. In Waltz's

framework, the absence of a higher authority governing states (referred to as anarchy) compels them to form alliances as a means of containing potential threats emanating from competing powers. Essentially, the global order is shaped by the equilibrium of power among states. According to Waltz, the pursuit of security prompts states to support the existing state of affairs and to assume a defensive stance towards their rivals.

## THEORY OF OFFENSIVE REALISM IN INTERNATIONAL RELATIONS

Mearsheimer's alternative perspective, termed "offensive realism," posits that the pursuit of security and, fundamentally, survival drives states to aggressively seek to maximize their power. Rather than cooperating extensively, states predominantly engage in temporary alliances while consistently striving to weaken rivals and strengthen themselves.

Mearsheimer's theory rests on five fundamental assumptions:

1. The international system operates without a central authority to mediate state conflicts.
2. All states possess some degree of military capability, regardless of its extent.
3. States are unable to definitively discern the intentions of other states.
4. Survival ranks as the paramount concern for states.
5. States act rationally to advance their own interests.

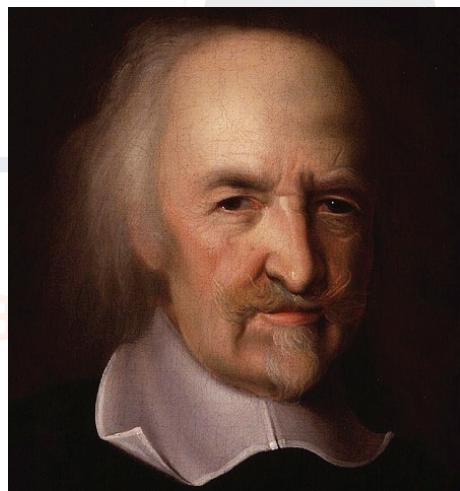
According to Mearsheimer, these conditions generate strong incentives for states to adopt aggressive behavior towards one another. Since states cannot accurately predict the intentions of others, it becomes rational for them to bolster their military strength and adopt assertive stances to counteract potential aggression.

### MEARSHEIMER'S CRITICISM OF IRAQ WAR AND USA'S FOREIGN POLICY

While Mearsheimer acknowledged war as a viable tool of statecraft, he held reservations about its blanket justification. He notably expressed strong disapproval of the Iraq War (2003–2011), viewing it as an instance where the United States sought to exert global policing authority. Concerning U.S. foreign policy, his stance favored a strategy of “global balancing” over “global hegemony.” He believed that powerful nations, like the U.S., should refrain from imposing their dominion across all continents, intervening selectively when a major rival poses a threat to a strategically significant region.

Mearsheimer applauded U.S. involvement in World War II, deeming it appropriate due to the ambitions of Nazi Germany and imperial Japan to establish dominance in their respective regions. However, he criticized the post-Cold War U.S. foreign policy for overestimating its military prowess and its ability to exert force at its discretion. A notable aspect of Mearsheimer's viewpoint was his proposition for the complete withdrawal of U.S. forces from Europe, contending that their continued presence lacked rationale given the absence of any current dominant threat to the continent.

## THOMAS HOBBS



He was an English political philosopher who lived in the 17th century. He is best known for his work “Leviathan,” which laid the groundwork for modern political theory. Hobbes believed that humans are naturally selfish and violent, and that a strong, centralized government was necessary to keep society from descending into chaos.

### STATE OF NATURE

Hobbes believed that the natural state of humans is one of war and chaos. In the absence of government, individuals are in a constant state of

competition and conflict, where life is “solitary, poor, nasty, brutish, and short.” This state of nature is characterised by a “war of all against all,” where individuals are constantly at risk of being harmed or killed by others. According to Hobbes, this makes life in the state of nature “nasty, brutish, and short.”

### SOCIAL CONTRACT

To escape the state of nature, Hobbes argued that individuals must enter into a social contract with each other. In this contract, individuals agree to

give up some of their natural rights in exchange for protection from the government. The government, in turn, is responsible for maintaining law and order, and ensuring the safety and security of its citizens. Hobbes believed that the social contract was necessary to prevent society from descending into chaos and violence.

#### ABSOLUTE SOVEREIGNTY

Hobbes believed that the best form of government was an absolute monarchy, where the ruler has unlimited power and authority. According to Hobbes, the sovereign should have complete control over all aspects of society, including religion and the economy. He believed that this was necessary to maintain order and prevent dissent. In Hobbes' view, the ruler's power was absolute and could not be challenged by the people.

#### RELEVANCE TO MODERN POLITICS

Hobbes' political philosophy has been influential in modern political theory, particularly in the areas

of political sovereignty and social contract theory. His ideas about the need for a strong government to maintain order and prevent chaos have been echoed by many modern political thinkers. However, his view of absolute monarchy has been criticized as undemocratic and authoritarian.

#### CONCLUSION

Thomas Hobbes was a pioneering political philosopher whose work laid the foundation for modern political theory. His belief in the need for a strong, centralized government to prevent society from descending into chaos and violence remains relevant today. However, his view of absolute monarchy has been met with criticism and has been replaced by more democratic forms of government. Nonetheless, his contributions to the field of political philosophy have been significant and continue to be studied and debated by scholars today.

## KENNETH NEAL WALTZ



#### INTRODUCTION

Kenneth Neal Waltz was an American political scientist and educator who was born in 1924 in

Ann Arbor, Michigan, U.S. He passed away on May 12, 2013, in New York, New York. He is most renowned for pioneering the neorealist (also

known as structural realist) theory of international relations.

### EARLY LIFE&EDUCATION

Waltz was conscripted into the U.S. Army during both World War II and the Korean War. Following his graduation from Oberlin College in 1948 with a bachelor's degree in economics, he pursued a Ph.D. in political science from Columbia University, which he completed in 1957. His doctoral dissertation was guided by William T.R. Fox, a notable military policy theorist credited with coining the term "superpower." Waltz shared his expertise in political science through teaching positions at various institutions: Oberlin (1950–53), Columbia (1953–57), Swarthmore College (1957–66), Brandeis University (1966–71), and the University of California, Berkeley (1971–94), where he eventually earned the title of Ford Professor of Political Science, later becoming an emeritus professor. In 1997, Waltz re-joined Columbia University as an adjunct lecturer and senior research scholar at the Institute of War and Peace Studies.

### NEOREALISM IN INTERNATIONAL RELATIONS

Neorealism, closely associated with the American political scientist Kenneth Waltz, aimed to modernize classical realism's core principles using contemporary social science language and methods. Waltz's seminal work, "Theory of International

Politics" (1979), asserted that the dynamics of international relations, especially actions by major powers, could be comprehensively explained through the anarchical nature of the global system. Although not an entirely novel concept, Waltz's systematic approach and empirical grounding revitalized realism, distancing it further from its classical origins.

Neorealism diverged from classical realism in two crucial aspects: methodology and analytical scope. Methodologically, realism transformed into a precise, concise social-scientific theory, prominently drawing inspiration from microeconomics. In terms of analytical scope, Waltz contended that conventional realist arguments concerning internal institutions, diplomatic skill, national morale, and human nature held little significance. Instead, he conceived of states as unified, rational entities navigating a "self-help" environment – one where each state is responsible for its own survival. Operative within an environment of imperfect information, states' behaviors are molded by the system's logic, leading to similar behavioral patterns. The international system displays remarkable consistency across space and time, with the trajectory of global relations determined by power distribution among entities within the system. Waltz contended that the most stable configuration was "bipolarity," involving a delicate balance between two major powers.

# ENRICH YOUR ANSWERS

Explain Gramsci's Concept of Hegemony. (15)



Candidates must not write on this margin

## Introduction:

- Mention school of thought - neo-marxism
- Book name → Prison notebooks

## Background

- To analyse why Marx's prediction of worker's revolution did not happen

## Body

- Explain hegemony → manufactured consent
- concept of integral state
- role of civil society
- Traditional individuals vs organic individuals.
- War of position & war of manoeuvre

## Conclusion

- Not just domestic, but even international application → inspired hegemonic stability theory.

## Examine communitarian critique of Rawls theory of Justice.

### Introduction:

- Start with key tenets of Rawlsian theory:
  - i) Individualism
  - ii) Original position
  - iii) Justice as fairness
  - iv) Veil of ignorance
- Mention Rawls book - "A theory of Justice"
- Communitarian critique of key tenets
  - use Michael Sandel
    - ↳ book - Liberalism & the limits of justice "
  - Michael Walzer
    - ↳ book → "spheres of justice"

### Conclusion

- Rawls accepted reasonable pluralism as pre-condition in book 'Political Liberalism'
- gave concept of overlapping consensus.

Q → "India needs some creative diplomacy to address the changing environment of the relations between China and Sri Lanka".  
Comment.

Answer

Intro: Give India's relations with respect to Sri Lanka.

→ Relationship between India and Sri Lanka is intertwined in historical bond. (Rajasingham Jayadevan)

Body: Tell the emerging China-Sri Lanka relations

→ Hambantota port lease to Sri Lanka.  
→ Sri Lanka's debt to China tripled in last decade.

Give ideas of creative Diplomacy

→ Using Buddhism as a common link  
→ Resolving small disputes of fishing etc  
→ Economic interdependence.

Conclusion

→ Resolve the impending issues and build people to people relations.



Q Explain the evolution of doctrine of Basic structure and what are the criticism levelled against the doctrine of basic structure?

### Approach

(Intro): Define the doctrine of Basic structure

(Body): Discuss the evolution of the doctrine

- Champokam Dorairajon Case 1951
- 1<sup>st</sup> Constitutional Amendment Act
- Shankari Prasad Case (1951)
- Sajjan Singh Case 1965
- Goloknath Case 1967
- 24<sup>th</sup> Constitutional Amendment Act 1971
- Keswanand Bharti Case 1973
- 42<sup>nd</sup> Constitutional Amendment Act
- Minerva Mills Case 1980

### (Criticism)

- No Unanimity in the bench on doctrine
- Judiciary oversteering letters of constitution and inventing its soul
- It brings judicial sovereignty from Constitutional morality.

# PRELIMS PRACTICE QUESTIONS

1. Which of the following initiatives has been undertaken by India to promote the international use of the Indian Rupee (INR)?
  - (a) Establishment of the International Financial Services Centre (IFSC).
  - (b) Adoption of a fixed exchange rate regime for the INR.
  - (c) Imposing strict capital controls to limit INR flows across borders.
  - (d) Encouraging the use of foreign currencies for trade transactions.
2. The Cauvery River dispute primarily involves which Indian states, each vying for a fair share of its waters?
  - (a) Andhra Pradesh and Karnataka
  - (b) Karnataka and Tamil Nadu
  - (c) Tamil Nadu and Kerala
  - (d) Kerala and Karnataka
3. The Election Commission of India consists of how many members, including the Chief Election Commissioner?
  - (a) One
  - (b) Two
  - (c) Three
  - (d) Four
4. Which article of the Indian Constitution outlines the provisions for the Election Commission of India?
  - (a) Article 320
  - (b) Article 340
  - (c) Article 324
  - (d) Article 330
5. 'Economic Justice' as one of the objectives of the Indian Constitution has been provided in
  - (a) the Preamble and the Fundamental Rights
  - (b) the Preamble and the Directive Principles of State Policy
  - (c) the Fundamental Rights and the Directive Principles of State Policy
  - (d) None of the above
6. Which one of the following Schedules of the Constitution of India contains provisions regarding anti-defection?
  - (a) Second Schedule
  - (b) Fifth Schedule
  - (c) Eighth Schedule
  - (d) Tenth Schedule
7. In the Constitution of India, promotion of international peace and security is included in the
  - (a) Preamble to the Constitution
  - (b) Directive Principles of State Policy
  - (c) Fundamental Duties
  - (d) Ninth Schedule
8. The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to
  - (a) protect the interests of Scheduled Tribes
  - (b) determine the boundaries between States
  - (c) determine the powers, authority and responsibilities of Panchayats
  - (d) protect the interests of all the border States
9. Which concept in international relations refers to the use of nuclear weapons as a means of preventing an adversary from taking aggressive actions?
  - (a) Non-proliferation
  - (b) Deterrence
  - (c) Containment
  - (d) Disarmament
10. The term "nuclear taboo" refers to:
  - (a) A legal framework for regulating nuclear weapons
  - (b) A collective norm opposing the use of nuclear weapons
  - (c) A doctrine encouraging nuclear proliferation
  - (d) A strategy for nuclear disarmament
11. Which country is considered a "P5" member under the Nuclear Non-Proliferation Treaty (NPT)?
  - (a) India
  - (b) Iran
  - (c) North Korea
  - (d) China
12. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) aims to:

- (a) Encourage the spread of nuclear technology                      (b) Promote disarmament among non-nuclear states  
(c) Establish a global ban on nuclear energy                      (d) Limit the use of conventional weapons
13. According to the Constitution of India, which of the following are fundamental for the governance of the country?  
(a) Fundamental Rights                      (b) Fundamental Duties  
(c) Directive Principles of State Policy                      (d) Fundamental Rights and Fundamental Duties
14. Consider the following statements:  
1. An amendment to the Constitution of India can be initiated by an introduction of a bill in the Lok Sabha only.  
2. If such an amendment seeks to make changes in the federal character of the Constitution, the amendment also requires to be ratified by the legislature of all the States of India.  
Which of the statements given above is/are correct?  
(a) 1 only                      (b) 2 only                      (c) Both 1 and 2                      (d) Neither 1 nor 2
15. Which of the following bodies does not/do not find mention in the Constitution?  
1. National Development Council                      2. Planning Commission  
3. Zonal Councils  
Select the correct answer using the codes given below.  
(a) 1 and 2 only                      (b) 2 only                      (c) 1 and 3 only                      (d) 1, 2 and 3
16. Consider the following statements:  
1. The National Development Council is an organ of the Planning Commission.  
2. The Economic and Social Planning is kept in the Concurrent List in the Constitution of India.  
3. The Constitution of India prescribes that Panchayats should be assigned the task of preparation of plans for economic development and social justice.  
Which of the statements given above is/are correct?  
(a) 1 only                      (b) 2 and 3 only                      (c) 1 and 3 only                      (d) 1, 2 and 3

## ANSWERS

- (a) Establishment of the International Financial Services Centre (IFSC)
- (b) Karnataka and Tamil Nadu
- (c) Three
- (c) Article 324
- (b) The Preamble to the Constitution of India in its introductory statement says- "Justice- Social, Economic and Political" and the Directive Principles of state policies aim to create social and economic condition under which the citizens can lead a good life. They also aim to establish social and economic democracy through a welfare state.
- (d) The 52nd Amendment act of 1985, added the 10th schedule to the Constitution. This is often referred to as anti-defection law.
- (b) Promotion of international peace and security is included in the Directive Principles of State Policy under Article 51 of constitution that mentions to promote international peace and security and maintain just and honourable relations between nations; to foster respect for international law and treaty obligations, and to encourage settlements of international disputes by arbitration.

8. (a) The Fifth Schedule of the Constitution of India deals with administration and control of scheduled areas and scheduled tribes in these areas. The Sixth Schedule to the Constitution of India contains provisions concerning the administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram.
9. (b) Deterrence
10. (b) A collective norm opposing the use of nuclear weapons
- 11 (d) China
12. (b) Promote disarmament among non-nuclear states
- 13 (c) Directive Principles of State Policy are guidelines to the central and State government of India to be kept in mind while framing laws and policies. DPSPs aim to create social and economic conditions under which the citizens can lead a good life. They also aim to establish social and economic democracy through a welfare state. They act as a check on the government. It is a yardstick in the hands of the people to measure the performance of the government. It shall be the duty of the state to apply these principles in making laws.
- 14 (d) An amendment to the constitution of India can be initiated by an introduction of a bill in either house of the parliament. If such an amendment seeks to make changes in the federal character of the constitution, the amendment also requires to be ratified by the legislature of at least half of the states.
- 15 (d) National Development council is not a constitutional body. It is an extra-constitutional body. Planning Commission is a non-constitutional and non-statutory body. It was created by the Govt. of India in 1950 by a resolution. Zonal councils were set up under the states Re-Organization Act, 1956 (So it is not a constitutional body) to foster interstate co-operation and co-ordination among the states. Currently there are total five zonal councils viz Northern, Western, Eastern, Central and Southern.
16. (b) Directive Principles of State Policy lays down that the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government. Planning for economic development and social justice is one such power given to village panchayats. There are 52 items in the concurrent list. Economic and social planning is placed under entry no. 20. Article -40 of the constitution of India has the provision for organisation of vilage panchayats Directive Principles of state policy lays down that the state shall take steps to organise vilage panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government. Accordingly vilage panchayats have been entrusted with the task of preparation of plans for economic development and social justice. The national development council includes members of the planning commission, but it is a separate body.

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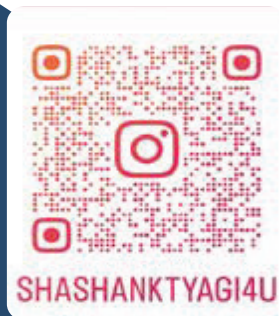
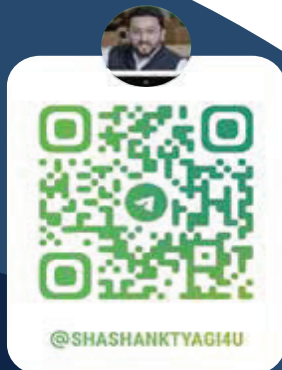


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