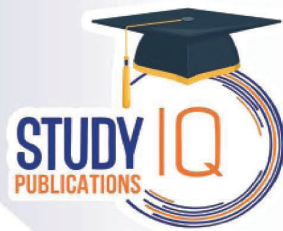


# PSIR PULSE

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Political Science and  
International Relations

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# GEOPOLITICS AT GLANCE

## CIVIL WAR IN SYRIA

### RELEVANCE

#### □ Syllabus:

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



## NEW PHASE IN SYRIAN WAR

### INTRODUCTION

After nearly 15 years of civil war, Syrian President Bashar al-Assad was ousted in a rapid two-week offensive. On December 8, rebel forces captured Damascus, and Assad has reportedly flown to an undisclosed location. The ousting of Syrian President Bashar al-Assad has sparked celebrations in Damascus. However, the development raises critical questions about Syria's future and the role of foreign powers. Global capitals, including New Delhi, remain wary of the complex dynamics that have unfolded amidst the rebellion.

### KEY PLAYERS IN THE SYRIAN CONFLICT

#### 1. Bashar al-Assad

- President of Syria since 2000, succeeding his father, Hafez al-Assad.
- Viewed as a symbol of stability initially, but his leadership turned authoritarian.
- Notable for a brutal response to the Arab Spring, fueling the civil war.

#### 2. Foreign Actors Supporting Assad

- **Russia:** Provided airpower and military assistance.
- **Iran:** Supported Assad's regime through its Revolutionary Guard.



- **Hezbollah:** Acted as a key ground force backing Assad.

### 3. Hayat Tahrir al-Sham (HTS)

- Emerged from al-Qaeda’s Syrian faction, under Abu Mohammad al-Jolani.
- Played a pivotal role in Assad’s ousting by prioritizing Syrian nationalism over global jihad.
- Dismantled ISIS and Al-Qaeda factions in Syria.

### 4. Foreign Actors Opposing Assad

- **United States:** Provided aid to anti-Assad rebel factions.
- **Turkey:** Backed the Syrian National Army to oppose Assad.
- **Israel:** Launched strikes on Syrian territory, citing its support for groups like Hamas and Hezbollah.

## REASONS FOR ASSAD’S OUSTING

- 1. Economic and Social Discontent:** Reforms ignored the lower classes, worsening economic disparities.
- 2. Brutal Crackdown on Arab Spring Protests:** Assad’s heavy-handed response in 2011 escalated to civil war.
- 3. Rise in Extremism:** Groups like ISIS capitalized on the chaos to expand influence.
- 4. Marginalization of the Sunni Majority:** Assad’s Alawite-led government was accused of monopolizing power.
- 5. Weakening of Allies:** Russian focus on Ukraine, Iranian distractions, and Hezbollah’s stretched resources weakened Assad’s support.
- 6. HTS Dominance:** The Islamist rebel group took advantage of the power vacuum and declining support for Assad to capture Damascus.

## IMPLICATIONS FOR INDIA

### 1. Historical and Diplomatic Ties

- India has longstanding relations with Syria, rooted in shared civilizational connections and mutual support in international forums.
- Instability in Syria could weaken India’s traditional partnerships in the region, impacting its influence in West Asia.

### 2. Economic Investments

- India has significant investments in Syria, including a \$240 million line of credit for the Tishreen Power Plant and energy projects by ONGC.
- The crisis endangers these ventures, especially if extremist factions dominate post-Assad Syria.

### 3. Security Concerns and Extremism

- The resurgence of extremist groups like ISIS could lead to recruitment and radicalization in India.
- This threatens India’s internal security and regional stability, especially in the context of South Asia’s vulnerability to global jihadist networks.

### 4. Diaspora Safety

- Indian nationals residing in Syria face heightened risks amidst escalating violence and extremist threats.
- Ensuring their safety is a critical concern for Indian foreign policy.

## WAY FORWARD FOR INDIA

### 1. Political Neutrality

- Maintain a non-interventionist approach, refraining from aligning with any internal Syrian factions.
- Support peaceful resolutions through multilateral channels.

## 2. Regional Diplomacy

- Actively engage with influential actors like Russia, Turkey, and Iran to mediate peace efforts.
- Leverage forums like the Arab League and the United Nations for conflict resolution.

## 3. Humanitarian Support

- Partner with international organizations to aid displaced Syrians, focusing on health, food, and shelter.
- India's capacity for humanitarian diplomacy can enhance its global image.

## 4. Economic Strategy

- Collaborate with Gulf Cooperation Council (GCC) states to secure Indian economic interests.

- Explore diversification of investments within West Asia to mitigate risks from Syrian instability.

## 5. Counter-Terrorism Measures

- Enhance intelligence-sharing with global partners to address the spillover effects of extremism.
- Strengthen domestic counter-terrorism frameworks to prevent radicalization.

## 6. Monitoring Hayat Tahrir al-Sham (HTS)

- Closely track the governance policies of HTS, focusing on their stance toward minorities and regional stability.
- Advocate for inclusive governance in post-Assad Syria through diplomatic channels.

# INDIA- CHINA RELATIONS AFTER LAC DISENGAGEMENT

## RELEVANCE

### □ Syllabus:

- **PSIR:** Recent developments in Indian Foreign Policy
- **GS2:** India and its Neighborhood



## INTRODUCTION

The recent Special Representatives' meeting between India and China on December 18, 2024, signifies a pivotal advancement in mending bilateral relations strained since 2020. Led by India's National Security Advisor Ajit Doval and China's Foreign Minister Wang Yi, this engagement has yielded several noteworthy outcomes:

### Key Outcomes of the Special Representatives' Meeting:

- 1. Affirmation of Disengagement:** Both nations reaffirmed their commitment to the disengagement agreement reached in October 2024, focusing on de-escalating tensions along the Line of Actual Control (LAC) in eastern Ladakh. This agreement facilitates the resumption of patrolling and grazing activities in critical areas, aiming to restore the status quo ante prior to the 2020 standoff.
- 2. Six-Point Consensus:** The meeting resulted in a six-point consensus encompassing:
  - **Resumption of Kailash Mansarovar Pilgrimage:** Both sides agreed to facilitate the pilgrimage, which had been suspended due to border tensions.
  - **Enhanced Cooperation on Cross-Border Rivers:** Emphasis was placed on collaborative management of transboundary rivers to prevent disputes and promote mutual benefits.
  - **Promotion of Trade at Nathu La Pass:** The agreement aims to boost trade through this strategic pass, enhancing economic ties between the two countries.
  - **Strengthening Confidence-Building Measures:** Both sides committed to implementing measures that enhance trust and ensure sustainable peace along the border.
- 3. Framework for Future Cooperation:** The representatives agreed to pursue a fair,

reasonable, and mutually acceptable framework for resolving boundary issues, building upon the political guiding principles established in 2005. This approach advocates addressing less contentious issues initially, progressing towards more complex matters.

- 4. Commitment to Peace:** The discussions underscored the necessity of maintaining peace and tranquility at the borders to facilitate normalized bilateral relations. Both sides pledged to refine management protocols in border areas and enhance diplomatic and military coordination.
- 5. Future Meetings:** Plans were made to convene subsequent meetings of the Special Representatives mechanism in India next year, continuing the dialogue and cooperation on these critical issues.

### Key Aspects of the Recent India-China LAC Agreement:

- 1. Patrolling Protocols:** The agreement reinstates mutual patrolling rights in strategic regions such as the Depsang Plains and Demchok, areas with disputes predating the 2020 incursions. Both nations have agreed to limit the number of troops on patrol, stagger patrol schedules, and closely monitor patrols to prevent direct confrontations.
- 2. Disengagement Process:** The accord seeks to complete the disengagement process, which has been a focal point of negotiations over the past four years. This involves the pullback of Indian and Chinese troops and the dismantlement of temporary infrastructure in disputed border regions near Ladakh.
- 3. Reduction of Military Presence:** Both India and China have agreed to slightly withdraw their forces from current positions to prevent confrontations. Regular monitoring and review meetings will be instituted to ensure compliance with the new protocols.

These developments mark a significant step towards stabilizing India-China relations, reflecting a mutual recognition of the importance of peaceful coexistence and cooperation on shared interests, despite lingering disputes over territorial boundaries.

### IMPLICATIONS OF THE AGREEMENT FOR INDIA-CHINA RELATIONS

- 1. De-escalation of Tensions:** The agreement represents a significant step toward reducing military tensions along the LAC. It minimizes the likelihood of confrontations like the Galwan Valley clash of 2020, fostering stability in the border region.
- 2. Restoration of Diplomatic Relations:** The successful execution of disengagement protocols can restore mutual trust and pave the way for higher-level diplomatic engagements in multilateral platforms such as BRICS and the Shanghai Cooperation Organization (SCO).
- 3. Economic and Trade Relations:** A stable border environment may lead to the normalization of economic ties. Improved relations can result in resumed direct flights, increased bilateral trade, and renewed Chinese investments in Indian infrastructure and technology sectors.
- 4. Regional Stability:** A cooperative India-China relationship can influence the resolution of other territorial disputes in Asia. For instance, neighboring countries may view this agreement as a positive shift in China's approach to border negotiations.
- 5. Path for Long-Term Territorial Resolution:** The agreement lays the groundwork for resolving legacy border issues like the disputes in the Depsang Plains and Demchok. A step-by-step approach could ultimately lead to a comprehensive settlement.

### CHALLENGES IN RESOLVING THE INDIA-CHINA BORDER DISPUTE

- 1. Historical Disagreements and Legacy Issues:** The border dispute stems from unresolved issues dating back to the 1962 war. These include conflicting claims in strategic areas such as the Depsang Plains and Demchok, complicating negotiations.
- 2. Unilateral Chinese Actions:** China's attempts to unilaterally alter the status quo, including building infrastructure and incursions along the LAC, continue to undermine trust and hinder progress in dispute resolution.
- 3. Strategic and Nationalistic Pressures:** The strategic importance of disputed areas, combined with nationalistic fervor in both countries, makes it politically sensitive to compromise, reducing flexibility in negotiations.
- 4. Military Build-Up and Infrastructure Race:** Both nations have fortified their military presence and accelerated infrastructure development along the LAC, increasing the risk of accidental or intentional confrontations.
- 5. Trust Deficit:** The violent clashes in Galwan in 2020 have deepened mutual distrust, creating a volatile environment that complicates confidence-building measures.
- 6. Imbalance in Buffer Zones:** The creation of buffer zones during disengagement often results in India losing access to traditional patrolling areas. This asymmetry aggravates tensions and perceptions of unfairness.

### WAY FORWARD

- 1. Continued Dialogue and Negotiations:** Sustaining high-level political, diplomatic, and military talks is essential. Regular dialogue will help address emerging issues, maintain stability, and reduce the chances of miscommunication.
- 2. Building Trust and Confidence:** Both nations should avoid provocative actions such as



unilateral infrastructure development or military posturing. Confidence-building measures should prioritize transparency and mutual respect.

**3. Addressing Legacy Issues:** Resolving long-standing disputes, such as the status of the Depsang Plains and Demchok, should be a priority in future talks to achieve a comprehensive border settlement.

**4. Balanced Disengagement:** Future agreements should ensure equitable territorial adjustments,

preventing perceptions of a one-sided loss. Clear frameworks and international monitoring may help achieve balanced outcomes.

**5. Strengthening Regional Cooperation:** Leveraging platforms like BRICS and SCO to discuss regional stability and shared security concerns can add a multilateral dimension to bilateral efforts, fostering a more collaborative environment.

## TRUMP WITHDRAWS FROM WHO

### RELEVANCE

#### Syllabus

- **PSIR:** India and Global Centre of Power
- **GS2:** Important International Institution

### INTRODUCTION

Hours after his inauguration on January 20, President Donald Trump signed an executive order beginning America's withdrawal from the World Health Organization, known as WHO. Trump's executive order is his second attempt to pull the U.S. out of the agency. His earlier plan, introduced during his first term, was reversed by former President Joseph Biden.

### ABOUT WORLD HEALTH ORGANIZATION

- The WHO, part of the United Nations, was founded in 1948 and includes 194 countries working together to fight the world's toughest public health problems.
- It is the cornerstone of global health efforts, with a multinational staff fighting both communicable diseases—like COVID-19, Zika, and HIV—and chronic conditions, such as heart disease, diabetes, and cancer.
- WHO also works to fight malnutrition, deliver vaccines, and provide assistance and technical

guidance to people in poor and battle-scarred regions of the world.

- Its biennial budget is \$6.8 billion. The U.S. is among the largest donors.
- Over the years, WHO has worked to eradicate smallpox, reduce worldwide polio cases by 99%, and greatly reduce the prevalence of malaria and trachoma, the world's leading cause of blindness.
- WHO has also played a key role in other landmark health achievements, including
  - The Alma-Ata Declaration on primary health care (1978)
  - The Framework Convention on Tobacco Control (adopted in 2003)
  - The 2005 revision of the International Health Regulations, an international agreement that outlines roles and responsibilities in preparing for and responding to international health emergencies.

## REASON GIVEN BY TRUMP FOR WITHDRAWAL

- ❑ In the new executive order, Trump cites
  - The WHO’s “mishandling of the COVID-19 pandemic that arose out of Wuhan, China, and other global health crises
  - Its failure to adopt urgently needed reforms
  - Its inability to demonstrate independence from the inappropriate political influence of WHO member states.
- ❑ Trump, along with other public-health experts, have previously criticized the agency for not holding China more accountable for its slow response to the WHO’s investigation of COVID-19’s origins.
- ❑ The order also says that the U.S.’s member dues—which ranged from \$100 to \$122 million over the past decade, the highest that any member pays—are “unfairly onerous” and “far out of proportion with other countries’ assessed payments.”

## INDIA AND WHO

- ❑ India became a member of the World Health Organization (WHO) on January 12, 1948 as part of the WHO South East Asia Region.
- ❑ India plays a significant role in the World Health Organization (WHO)
- ❑ **Supporting National Health Programs:** The WHO actively collaborates with the Indian Ministry of Health and Family Welfare to implement programs like Ayushman Bharat, focusing on improving primary healthcare access and strengthening health systems across the country.
- ❑ **Vaccine Manufacturing and Access:** India’s robust pharmaceutical industry allows it to produce affordable vaccines at scale, contributing significantly to global vaccine access, particularly in developing nations.

- ❑ **Leadership in Global Health Issues:** India often takes a leading role in discussions regarding global health concerns, advocating for equitable access to medicines and addressing challenges faced by developing countries.
- ❑ **Sharing Expertise in Traditional Medicine:** India’s rich tradition of Ayurveda and other traditional medicine practices is recognized by WHO, and India actively promotes their integration into modern healthcare systems.
- ❑ **Digital Health Innovations:** India’s advancements in digital health technologies are seen as a valuable asset, with potential to improve healthcare delivery and accessibility in other countries.
- ❑ **Capacity Building and Training:** India provides training and capacity building support to healthcare professionals from other developing countries, contributing to the overall strengthening of global health workforce.

## IMPLICATIONS OF THE WITHDRAWAL ON INDIA

- ❑ Experts are raising concerns about the short- and long-term implications for public health in the U.S. and abroad.
- ❑ The United States has historically been the largest financial contributor to the WHO, accounting for nearly 18% of its budget.
- ❑ For the 2024–2025 biennium, the WHO’s budget stands at \$6.8 billion, with US contributions playing a critical role in supporting programs such as immunisation, tuberculosis control, and pandemic preparedness.
- ❑ The loss of US funding is likely to disrupt ongoing projects, including those combating global health challenges like HIV/AIDS and polio eradication.
- ❑ Additionally, the withdrawal could reduce the WHO’s ability to coordinate responses

to emerging health crises and maintain its research and development initiatives.

- ❑ India, as one of the largest recipients of WHO support, could face indirect challenges due to this decision.
- ❑ The WHO's contributions to India's healthcare landscape include technical assistance, disease surveillance, and guidance on public health policies.
- ❑ Key programs such as tuberculosis eradication and vaccine distribution could face delays or reduced funding if the global health body's resources are stretched thin.
- ❑ Moreover, the absence of US support might slow down collaborative efforts between Indian organizations and the WHO, potentially impacting initiatives aimed at tackling antimicrobial resistance, improving maternal and child health, and strengthening health systems.

### INDUSTRY PERSPECTIVES

- ❑ The decision has sparked concerns within the healthcare industry in India. Reduced global funding could hinder innovation in areas like vaccine research and public health infrastructure.

- ❑ Companies reliant on international collaborations may need to reassess their strategies to mitigate the potential impact of this withdrawal.
- ❑ India's pharmaceutical industry, which plays a pivotal role in global vaccine supply, may feel the ripple effects as the WHO faces funding constraints.
- ❑ Additionally, the loss of US expertise and data-sharing mechanisms facilitated by the WHO could impact India's ability to stay at the forefront of addressing global health challenges.

### CONCLUSION

- ❑ As the global healthcare community navigates this development, stakeholders in India must prioritize resilience and collaboration.
- ❑ Strengthening domestic public health initiatives, investing in indigenous research and development, and fostering multilateral partnerships will be crucial to mitigating the fallout of reduced WHO funding.
- ❑ While the US withdrawal is a significant setback, it also serves as a reminder of the need for collective action and robust local frameworks to address global health challenges effectively.

## BANGLADESH & PAKISTAN COZYING UP

### RELEVANCE

#### ❑ Syllabus

- **PSIR:** India and South Asia
- **GS2:** India and its neighbourhood

### INTRODUCTION

A Pakistani delegation including ISI director general of analysis Maj Gen Shahid Amir Afsar, has visited Dhaka after a Bangladeshi delegation toured

Pakistan. External Affairs ministry spokesperson Randhir Jaiswal pointed out India's proactive approach to safeguarding its security interest

## INDIA-BANGLADESH RELATIONS POST HASINA

- ❑ India-Bangladesh relations have faced major strain since the ousting of Prime Minister Sheikh Hasina in August last year.
- ❑ The relations between both countries deteriorated dramatically after Yunus-led interim administration failed to contain attacks on minorities, especially Hindus, in Bangladesh.
- ❑ Dhaka's call for extradition of Sheikh Hasina from India to Bangladesh and the tension along the border between the two sides also worsened the ties between the two neighbouring countries.

## YUNUS AND PAKISTAN

- ❑ The Pakistan Army's genocide in East Pakistan before its defeat to the Muktiyoddhas and the Indian Army leading to the birth of Bangladesh in 1971 cast a long shadow over Dhaka's relations with Islamabad over the past half a century.
- ❑ After taking over as the chief advisor of the interim government of Bangladesh on August 8, Yunus, however, had two meetings with Prime Minister Shehbaz Sharif of Pakistan:
  - First in New York on September 25
  - Second in Cairo on December 20
- ❑ He discussed the ways to move forward to end the historical animosity between the two nations.
- ❑ Lieutenant General S M Kamrul Hasan, Principal Staff Officer of Bangladesh Armed Forces, recently met Pakistan's defence secretary Muhammad Ali in Islamabad.
- ❑ He also had a meeting with Pakistan Army chief, Gen Asim Munir, in Rawalpindi.
- ❑ It was a rare visit by a senior Bangladesh Army officer to Pakistan.
- ❑ This was followed up by the visit of Pakistani military intelligence officers to Bangladesh.

## USA'S REACTION

- ❑ External Affairs Minister S Jaishankar discussed the issue with the new United States Secretary of State Marco Rubio during the first formal engagement between President Donald Trump's administration and the Government of India.
- ❑ A few days before the US presidential elections on November 6, Trump, had condemned the "barbaric violence" against the Hindus, Christians and other minority communities in Bangladesh.

## SECURITY CONCERN FOR INDIA

- ❑ Amid shifting Bangladesh-Pakistan ties the interim government of Bangladesh has removed the requirement for Pakistani citizens to get a security clearance before applying for a visa.
- ❑ The decision to relax visa restrictions, particularly by eliminating the requirement for security clearance, has raised concerns about potentially providing easy access to Pakistan's ISI agents on Bangladeshi soil.
- ❑ It could facilitate greater intelligence and security cooperation between Islamabad and Dhaka, aimed at destabilising India.
- ❑ The northeastern states, particularly Assam, could become hotspots for infiltration, radicalisation, and subversive activities intended to discredit the Indian government and create internal unrest.
- ❑ Reports suggest an influx of Pakistan-aligned Jamat elements into Sylhet, particularly the Ambarkhana area, where they are allegedly regrouping for potential infiltration into India's northeastern states.
- ❑ The Assam-Meghalaya border, along with the sensitive Brahmanbaria district near Ganga Sagar, is being monitored for heightened activity.



❑ The intelligence reports have indicated how radical elements are now becoming active in Bangladesh.

### WAY FORWARD FOR INDIA

Security agencies are on high alert following recent developments in Bangladesh.

Experts believe that the growing alignment between Dhaka and Islamabad highlights a significant strategic challenge for India, necessitating a calibrated approach combining diplomacy, intelligence, and military preparedness to counter this evolving nexus.



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# INDIA

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# INDIAN GOVERNMENT AND POLITICS (IGP)

## RAILWAYS (AMENDMENT) BILL, 2024

### RELEVANCE

#### □ Syllabus:

- **PSIR:** Legislature
- **GS2:** Amendments



## RAILWAY AMENDMENT BILL, 2024

### INTRODUCTION

The Railways (Amendment) Bill, 2024, recently passed in the Lok Sabha, aims to create a unified and efficient legal framework for Indian Railways. This is achieved by repealing the Indian Railway Board Act, 1905, and incorporating its provisions into the Railways Act, 1989. The Bill focuses on simplifying the legal structure while addressing contemporary challenges in governance, financial sustainability, and modernization.

### TIMELINE OF INDIAN RAILWAYS GOVERNANCE MILESTONES

Initially, India's railway network development began as a branch of the Public Works Department before Independence. Over time, various laws were enacted to establish a structured framework for governance:

1890: The Indian Railways Act, 1890, provided a formal legal framework for railway operations.

1905:

The Indian Railway Board Act established the Railway Board, outlining its powers and functions under the Indian Railways Act, 1890.

Railways were separated from the Public Works Department.

1989: The Railways Act, 1989, replaced the Indian Railways Act, 1890, to modernize operations. However, the Railway Board Act, 1905, continued to remain in effect, and appointments for the Chairman and Board members were made under its provisions.

Objectives and Key Features of the Railways (Amendment) Bill, 2024

### OBJECTIVES:

**Statutory Backing for the Railway Board:** The Bill amends the Railways Act, 1989, to provide legal authority to the Railway Board, which has operated without it since inception.

**Simplified Legal Framework:** It integrates the provisions of the 1905 Act into the 1989 Act, eliminating redundant legislation and ensuring a cohesive legal structure.

### KEY FEATURES:

**Railway Board Constitution:** Grants authority to the Central Government to determine the number of Board members, their qualifications, experience, and terms of service.

Specifies the appointment process for the Chairman and Board members.

**Infrastructure Development:** Proposes enhancements for superfast train development and critical infrastructure projects, including the expansion of routes like the Arunachal Express, supported by significant investments.

**Independent Regulator:** Establishes an independent body to regulate tariffs, safety standards, and private sector participation.

**Decentralization and Autonomy:** Aims to improve efficiency by decentralizing powers and granting more autonomy to Railway Zones.

### WHY WAS THE AMENDMENT NEEDED?

- 1. High operating costs:** A large share of the budget is spent on salaries and pensions, leaving insufficient funds for infrastructure development.
- 2. Passenger business losses:** Passenger services rely on cross-subsidization from freight revenues, leading to financial strain. Underpriced tickets further exacerbate these losses.
- 3. Under-investment in capacity augmentation:** Limited private sector participation and inadequate surplus generation have hindered infrastructure growth and modernization.
- 4. Network congestion:** Overburdened railway networks diminish freight competitiveness, adversely affecting revenue.
- 5. Lack of a unified framework:** The coexistence of the Indian Railway Board Act, 1905, and the Railways Act, 1989, resulted in legislative overlap and inefficiency.

### RECOMMENDATIONS FOR CHANGE

- 1. Sreedharan Committee (2014):** Proposed autonomy for railway zones and restructuring of the Railway Board.
- 2. Bibek Debroy Committee (2015):**
  - Recommended setting up an independent regulatory body for fair competition and pricing regulation.
  - Advocated for “liberalization” to permit private operators in rail services, enhancing competitiveness and service quality.

### SIGNIFICANCE OF THE BILL

- 1. Legal simplification:** Integrating the 1905 Act into the 1989 Act eliminates redundancy, creating a streamlined legal framework.
- 2. Improved governance:** Central government authority over defining qualifications and

terms for the Railway Board ensures merit-based appointments and robust leadership.

- 3. Enhanced efficiency:** Decentralized decision-making empowers railway zones, leading to faster project execution and better resource utilization.
- 4. Private sector participation:** An independent regulator fosters a level playing field, attracting private investments in railway infrastructure.
- 5. Alignment with development goals:** A modernized railway system aligns with India's broader economic objectives, improving connectivity and lowering logistics costs.

### CONCERNS REGARDING THE AMENDMENTS

- 1. Privatization fears:** Opposition parties argue that the Bill may lead to privatization, compromising affordability and accessibility for vulnerable sections of society.
- 2. Impact on autonomy:** Increased government control over Board appointments could politicize critical decisions and reduce Indian Railways' autonomy.
- 3. Passenger welfare:** The discontinuation of concessions for senior citizens, journalists, and economically weaker sections has faced criticism, with demands for their reinstatement.
- 4. Lack of clarity on regulator:** Details on the proposed independent regulator's structure, roles, and operations remain unclear.

- 5. Regional inequalities:** Prioritizing specific regions for infrastructure upgrades could exacerbate developmental disparities.

### WAY FORWARD AND SOLUTIONS

- 1. Safeguarding public interest:** Private sector participation must prioritize affordability and public welfare, with safeguards against over-commercialization.
- 2. Transparency in appointments:** A merit-based and transparent process for Board member appointments is crucial for accountability and maintaining autonomy.
- 3. Strengthening the regulator:** Clearly defining the regulator's powers, structure, and functions will enhance investor confidence and ensure fair practices.
- 4. Decentralization with oversight:** While empowering railway zones, mechanisms for oversight and accountability should be established to prevent inefficiencies.
- 5. Focus on financial sustainability:** Innovative strategies are needed to boost revenue, minimize costs, and attract private investment without compromising public welfare.
- 6. Balanced regional development:** Equitable planning of infrastructure projects is essential to address disparities and promote national integration.

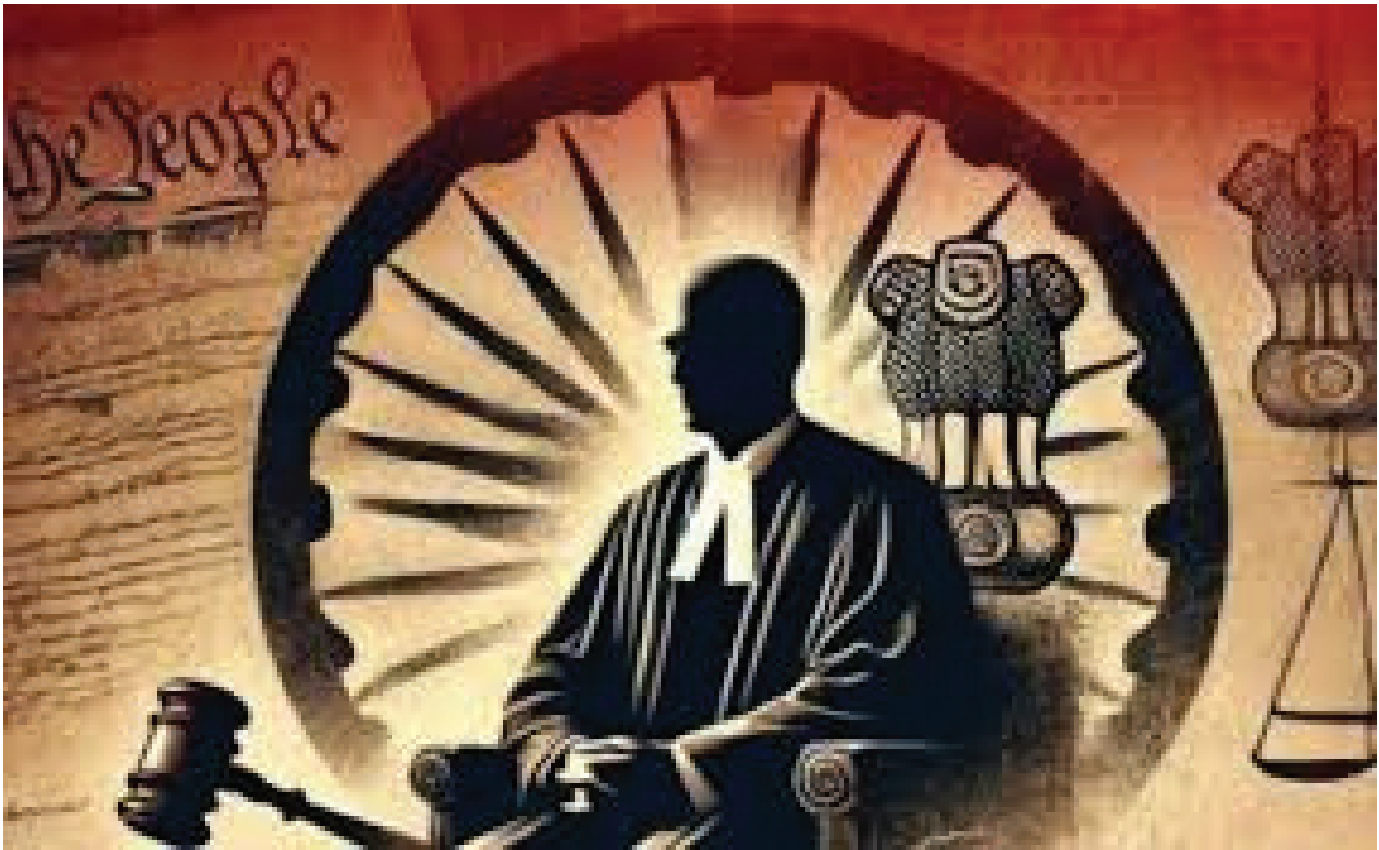


# IMPEACHMENT PROCESS OF JUDGES

## RELEVANCE

### □ Syllabus:

- **PSIR:** Judiciary
- **GS2:** Salient features of Indian Constitution



## INTRODUCTION

The judiciary forms the backbone of democracy, playing a pivotal role in upholding constitutional principles, delivering justice, and ensuring adherence to the rule of law. Nonetheless, concerns about a judge's conduct or capacity necessitate a constitutionally prescribed process for their removal through impeachment.

Recently, this issue has gained attention as Opposition INDIA bloc parties in the Rajya Sabha proposed a motion to impeach Justice Shekhar Kumar Yadav of the Allahabad High Court over alleged contentious remarks against minorities. This article explores the constitutional provisions,

the procedural framework, challenges, and recommendations related to the impeachment of judges in India.

## CONSTITUTIONAL PROVISIONS FOR JUDICIAL IMPEACHMENT

**Article 124(4) & (5):** Pertains to the removal of Supreme Court judges.

**Articles 217(1)(b) & 218:** Concern the removal of High Court judges.

Although the Constitution does not explicitly use the term "impeachment" for judges, it is commonly employed to describe the removal process outlined in these articles. Notably, the

term “impeachment” is formally reserved for the President under Article 61.

### GROUNDS FOR REMOVAL

Judges can be removed for “proved misbehaviour” or “incapacity” under the relevant constitutional provisions.

Removal requires an address to the President by both Houses of Parliament in the same session, with:

A majority of the total membership of each House.

A two-thirds majority of members present and voting.

Upon parliamentary approval, the President is mandated to issue an order for the judge’s removal.

### PROCEDURE FOR JUDICIAL REMOVAL

The Judges Inquiry Act, 1968 and Judges Inquiry Rules, 1969, govern the process, which includes:

**Initiation:** A motion signed by 100 Lok Sabha members or 50 Rajya Sabha members is submitted to the respective presiding officer.

**Admittance:** The Speaker/Chairman evaluates the motion and, if admitted, constitutes a three-member inquiry committee.

**Inquiry:** The committee comprises the Chief Justice of India (or a Supreme Court judge), a High Court Chief Justice, and a distinguished jurist. It investigates the charges, frames them formally, and examines evidence.

**Findings:** If the committee finds the charges unproven, the process ends. If proven, the motion proceeds to the respective House of Parliament.

**Voting:** Both Houses must pass the motion by the stipulated majorities.

**Presidential Order:** Upon parliamentary approval, the President issues an order for the judge’s removal.

### HISTORICAL INSTANCES OF IMPEACHMENT IN INDIA

Despite six attempts, no judge has been removed via impeachment since independence. Key cases include:

**Justice V. Ramaswami (1993):** Accused of financial misconduct; the motion failed due to political abstentions.

**Justice Soumitra Sen (2011):** Faced charges of fund misappropriation but resigned before the Lok Sabha could act.

**Justice S.K. Gangele (2015):** Accused of sexual harassment but cleared by the inquiry committee.

**Justice C.V. Nagarjuna (2017):** Allegations of misconduct and victimization; the motion failed after MPs withdrew support.

**Justice Dipak Misra (2018):** A politically charged impeachment motion was rejected at the preliminary stage.

### JUDICIAL IMPEACHMENT IN OTHER COUNTRIES

- 1. United Kingdom:** Judges serve “during good behaviour” and can only be removed by the Crown based on an address from both Houses of Parliament. Misconduct allegations are reviewed by either a tribunal or the Office for Judicial Complaints, which advises the Lord Chancellor before the matter is taken to Parliament.
- 2. United States:** Article III of the Constitution mandates that federal judges serve during “good behavior.” Their removal is exclusively a congressional prerogative, involving impeachment by the House of Representatives followed by a trial and conviction in the Senate.
- 3. Canada:** Judges retain their position “during good behaviour” but may be removed by the Governor General upon receiving an address from both the Senate and the House of Commons. Grounds for removal include age,

physical or mental infirmity, misconduct, failure to discharge duties, or actions incompatible with judicial office.

### LIMITATIONS OF THE IMPEACHMENT PROCESS IN INDIA

Despite its structured framework, the process has notable limitations:

- 1. Ambiguity in Grounds:** Phrases like “proved misbehaviour” and “incapacity” lack precise definitions, allowing for subjective interpretations that can undermine fairness.
- 2. Political Influence:** Parliamentary dominance in the process renders it vulnerable to political biases, as demonstrated in the Justice Ramaswami case.
- 3. Partisan Whip Constraints:** The 10th Schedule’s anti-defection provisions compel MPs to follow party directives, limiting their ability to act on independent judgment during impeachment motions.
- 4. Resignation Loophole:** Judges can resign to escape accountability, as seen in Justice Soumitra Sen’s case, effectively sidestepping the impeachment process.
- 5. Transfer as a Default Action:** Allegations against judges are often “resolved” through transfers, avoiding a direct investigation and undermining accountability.

### SOLUTIONS AND RECOMMENDATIONS

To enhance the efficacy of the judicial impeachment process, the following reforms are suggested:

- 1. Define Grounds Clearly:** Explicitly define terms like “proved misbehaviour” and “incapacity” through legislative amendments or judicial interpretation to ensure consistent application.
- 2. Independent Impeachment Body:** Create an autonomous commission, similar to the Lokpal, to manage impeachment cases, reducing political interference and ensuring impartiality.
- 3. Relax Whip Rules:** Modify the anti-defection law to allow MPs the freedom to vote independently on impeachment motions, promoting merit-based decisions.
- 4. Address Resignation Gaps:** Introduce provisions mandating the continuation of inquiries against judges even if they resign, ensuring allegations are investigated fully.
- 5. Strengthen Inquiry Framework:** Implement strict timelines and robust procedures for inquiry committees to ensure timely and fair investigations.
- 6. Enhance Judicial Accountability:** Foster transparency within the judiciary through periodic performance reviews and accountability measures to preempt situations warranting impeachment.

# PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT, 1991

## RELEVANCE

### □ Syllabus:

- **PSIR:** Working of legislature
- **GS2:** Legislations

## PLACES OF WORSHIP ACT



### INTRODUCTION

The Places of Worship (Special Provisions) Act, 1991, has become a focal point in contemporary legal and socio-political debates due to its implications for interfaith harmony, secularism, and constitutional rights in India.

### BACKGROUND, AIM, AND PROVISIONS OF THE ACT

#### Background

The Act was introduced amidst escalating disputes over religious sites, particularly the Babri Masjid-

Ram Janmabhoomi issue. It aimed to maintain communal harmony by freezing the status of all religious places as they existed on August 15, 1947, except the Ayodhya dispute, which was already under litigation.

#### Aim

The primary objective of the Act is to prevent the conversion of places of worship, preserve their religious character, and foster secularism by maintaining the status quo as of the date of Indian independence.



## Major Provisions

- 1. Prohibition of Conversion (Section 3):** Prevents the alteration of a place of worship's religious character, ensuring no conversion from one denomination to another or within the same denomination.
- 2. Maintenance of Religious Character (Section 4(1)):** Mandates that the religious identity of places of worship remains unchanged as of August 15, 1947.
- 3. Abatement of Pending Cases (Section 4(2)):** Terminates any ongoing legal proceedings concerning the conversion of religious character before the cutoff date and prohibits filing of new cases.
- 4. Exceptions (Section 5)**
  - Does not apply to archaeological monuments and sites protected under the Ancient Monuments and Archaeological Sites and Remains Act, 1958.
  - Excludes the Ayodhya dispute and other settled cases or conversions before the Act's enactment.
- 5. Penalties (Section 6):** Imposes penalties, including imprisonment of up to three years and fines, for violations of the Act.

## ARGUMENTS AGAINST THE ACT

- 1. Unconstitutional as it Bars Judicial Review:** Critics argue that the Act infringes on the constitutional right to seek judicial review under **Article 13(2)**, undermining fundamental rights.
- 2. Violation of 'Ubi Jus Ibi Remedium':** The principle of **ubi jus ibi remedium** (where there is a right, there is a remedy) is considered integral to the **Rule of Law** under **Article 14**. Critics contend the Act denies citizens the right to redress grievances.
- 3. Arbitrary Retrospective Cutoff Date:** The Act's retrospective cutoff date of August 15, 1947, is

deemed arbitrary and irrational, as it freezes the status quo established during colonial rule, disregarding historical injustices.

- 4. Violation of Secularism:** Opponents assert that the Act undermines the secular principle by prohibiting communities, particularly Hindus, Jains, Buddhists, and Sikhs, from reclaiming sites encroached upon by historical invasions.
- 5. Contradiction to Freedom of Religion:** The Act is perceived to infringe upon **Articles 25 and 26**, which guarantee freedom of religion, including the right to worship and preserve religious heritage.

## IMPLICATIONS OF THE ACT

### 1. Positive Impacts

- Acts as a deterrent against communal violence by maintaining the status quo.
- Strengthens secularism by protecting all religious communities equally.

### 2. Negative Impacts

- Perceived as unjust by communities seeking redress for historical grievances.
- Challenges the balance between maintaining communal harmony and providing justice for past encroachments.

## SIGNIFICANCE OF THE PLACES OF WORSHIP ACT 1991

- 1. Preservation of Religious Status Quo:** The core aim of the Places of Worship Act is to preserve the religious status quo of places of worship as it stood on August 15, 1947. This means that no place of worship can be altered or changed in its religious character post-Independence. The Act specifically prohibits the conversion of any religious site into another faith's place of worship, ensuring continuity and preventing the retroactive claims for religious transformations. This provision maintains stability and continuity in the religious landscape of India, promoting a peaceful coexistence of diverse faiths.

2. **Promotion of Communal Harmony::** By preventing the alteration of religious sites, the Act serves as a mechanism to avoid potential disputes and tensions over religious places, thus fostering communal harmony. It acts as a safeguard against opportunistic attempts to use religious sites to ignite or escalate communal strife, preventing the exploitation of these places for political or social gains. This ensures that religious communities can maintain their traditions without external interference or provocative challenges.
3. **Promotion of Secularism::** The Places of Worship Act aligns with India's commitment to secularism as enshrined in the Constitution. By upholding the status quo of religious sites and discouraging conversion, it ensures that disputes over religious properties do not become a tool to disrupt India's secular fabric. The law reinforces the principle of equality by recognizing and respecting the religious diversity of the nation without prioritizing one faith over another.
4. **Deterrence Against Misuse::** The Act serves as a deterrent against the misuse of religious sites for political or communal purposes. It criminalizes any attempt to alter the religious status of a place of worship, sending a strong message that such actions will not be tolerated. This helps maintain peace and reduces the likelihood of politically motivated actions that could harm religious harmony.

### IMPLICATIONS CREATED BY CHALLENGES AGAINST THE PLACES OF WORSHIP ACT 1991

1. **Threat to Secularism::** Challenges against the Act, particularly those seeking to alter the religious status of sites, can undermine India's secular ethos. The Act was specifically enacted to protect the pluralistic nature of Indian society by ensuring that religious disputes do not

erode the fundamental principle of secularism. A change in this balance could trigger religious polarization and jeopardize national unity.

2. **Political Implications::** The filing of petitions and legal challenges against the Act has significant political ramifications. These petitions often become part of broader political narratives, with different political factions using them to appeal to certain voter bases. Such petitions risk politicizing religious sites and could lead to further entrenchment of communal identities, fostering division instead of unity.
3. **Historical Reinterpretation::** Challenges against the Act often involve revisiting the history of religious sites, with some attempting to alter the historical character or reinterpret the religious status of specific places. This can lead to a distortion of collective historical memory and affect the cultural heritage of the nation. The attempt to change the religious character of specific sites could also result in revising history to serve contemporary political agendas, which can have long-term repercussions on societal unity.
4. **Public Trust and Harmony::** The ongoing challenges against the Act, especially when targeting mosques and other religious structures, risk eroding public trust in the state's ability to maintain communal harmony. As seen in recent incidents like the Sambhal Violence, such petitions could trigger social unrest, exacerbate communal disharmony, and undermine the peace and trust built over decades among different religious communities in India.

### WAY FORWARD

1. **Comprehensive Evaluation by the Supreme Court::** The Supreme Court must take a comprehensive and thorough approach in evaluating the Places of Worship Act, addressing any criticisms or legal challenges with clarity

and fairness. This will help ensure that the law remains relevant in modern contexts while upholding its core principles.

- 2. Safeguarding Judicial Review::** It is essential to safeguard the judiciary's role in reviewing the constitutionality and application of the Act. The courts must continue to ensure that individual and collective constitutional rights are upheld, even while navigating sensitive religious issues. Judicial review must be impartial and protect the secular fabric of the nation.
- 3. Maintenance of Balance::** There is a need for a careful balance between safeguarding the religious character of places of worship and

respecting the diverse religious communities' rights. The law should not be an obstacle to the peaceful coexistence of all faiths, but rather an enabler of harmony and mutual respect.

- 4. Promotion of Fairness and Consistency::** Fairness and consistency in the application of the law must be a priority. This requires transparent processes, public consultation, and a thorough reconsideration of exclusions or exceptions to the Act. All stakeholders, including religious communities, legal experts, and the general public, should be involved in ensuring that the law is applied equitably and justly.

## CHILD MARRIAGE ACT

### RELEVANCE

#### □ Syllabus:

- **PSIR:** Legislature
- **GS2:** Amendments

### INTRODUCTION

The Supreme Court has called for a revision of the Prohibition of Child Marriage Act, urging Parliament to consider amendments that could better protect children from early marriages. The Court highlighted that child betrothals violate a child's autonomy and free choice, emphasizing international conventions such as CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), which opposes the marriage of minors.

In light of these ongoing challenges, a comprehensive and rigorous enforcement of laws is essential, alongside sustained efforts to address cultural, economic, and social factors that perpetuate child marriage. The government's role in education, economic development, and women's empowerment is critical to curbing this harmful practice.

### WHAT IS CHILD MARRIAGE?

Child marriage refers to a formal or informal union where one or both individuals involved are under the age of 18. This includes both legally recognized marriages and unregistered unions where children live with a partner as if they are married. The practice violates the rights of children, particularly their right to make autonomous decisions, and disrupts their childhood, education, and personal development.

### STATUS OF CHILD MARRIAGE IN INDIA

#### 1. Global Context:

- Approximately 40 million girls aged 15-19 are married or in unions worldwide.
- The Global Girlhood Report by Save the Children highlights that 5 million more girls are at risk of child marriage globally between 2020 and 2025 due to the

COVID-19 pandemic's impact on gender-based violence.

- The pandemic has also led to school closures, contributing to the risk of 15 million girls dropping out of school, increasing the likelihood of early marriage and child labor.

## 2. India's Situation:

- According to the National Family Health Survey (NFHS-5), child marriages in India have decreased from 47% in 2015 to 23.3% in 2021, primarily due to the enactment of laws such as the Prevention of Child Marriage Act, 2006.
- However, 8 states, including West Bengal, Bihar, and Tripura, still report child marriage rates higher than the national average.
- India is home to the largest number of child brides globally, with around 5 million girls under 18 married. UNICEF reports that about 16% of adolescent girls aged 15-19 are married in India.

## HARMFUL IMPACTS OF CHILD MARRIAGE

### 1. Violation of Child Rights:

- Child marriage deprives children of their rights to education, health, safety, and freedom of choice. It exposes them to physical, mental, and sexual violence, including rape and exploitation.

### 2. Social Marginalization and Isolation:

- Early marriages lead to social isolation for girls, depriving them of childhood experiences. Boys too are pressured to take on family responsibilities prematurely, restricting their social and personal development.

### 3. Increased Illiteracy:

- Child brides are often taken out of school and denied further education, leading to higher illiteracy rates. This perpetuates the

cycle of poverty and limits opportunities for self-improvement.

### 4. Intergenerational Cycle of Poverty:

- Child marriage contributes to poverty, as those married early typically lack the skills, education, and employment opportunities to improve their family's economic situation. Early childbirth compounds economic burdens, as girls tend to have more children at younger ages.

### 5. Health Issues:

- **Stunted Growth:** Children born to adolescent mothers are more likely to experience stunted growth (35.5% prevalence in India according to NFHS-5).
- **Premature Pregnancies:** Child marriages often result in early pregnancies, with many girls having multiple children before they are physically or mentally prepared.
- **Maternal Mortality:** Girls under 15 are five times more likely to die during childbirth or pregnancy. Pregnancy-related deaths are the leading cause of death among girls aged 15-19.
- **Infant Mortality:** Babies born to mothers under 20 have significantly higher mortality rates (75% higher) than those born to older mothers.
- **Mental Health:** Child marriage can result in post-traumatic stress disorder (PTSD) and depression due to abuse and violence.

## REASONS FOR THE PREVALENCE OF CHILD MARRIAGE

1. **Poverty:** Families in poverty may marry off their children to reduce financial burdens, such as paying off debts or escaping poverty cycles. This practice is particularly common in rural areas.
2. **"Protecting" the Girl's Sexuality:** In some cultures, early marriage is seen as a way to



protect the girl's honor and prevent premarital sexual activity, often reflecting deeply ingrained patriarchal views.

- 3. Customs and Traditions:** Traditional practices like dowry contribute to child marriage, as dowry amounts rise with the girl's age. Families may marry off their daughters early to avoid increasing dowry costs.
- 4. Security Concerns:** Child marriage is sometimes seen as a means to "secure" a good future for girls, especially in communities where crime and violence against girls are prevalent. Parents may see marriage as a way to protect their daughters from sexual violence.
- 5. Gender Discrimination:** Child marriage is a manifestation of systemic gender inequality, with girls often being seen as less valuable than boys. According to UNICEF, child marriage is a significant expression of gender-based discrimination.
- 6. Laxity in Law Enforcement:** The effectiveness of the Prevention of Child Marriage Act, 2006, is compromised by inadequate implementation and non-registration of marriages. Law enforcement is often lax, allowing the practice to continue despite legal prohibitions.

## STEPS TAKEN TO CHECK CHILD MARRIAGE

### Historical Efforts

- 1. Social Reform Movement:** In the 19th century, social reformers like Raja Rammohan Roy, Ishwar Chandra Vidyasagar, and Pandita Ramabai played a significant role in challenging child marriage by promoting education and social awareness.
- 2. Sharda Act, 1929:** This act raised the minimum age of marriage for girls to 14 years and for boys to 18 years, marking an early legislative effort to combat child marriage.

### Legislative Steps

- 1. The Hindu Marriage Act, 1955:** This law set the legal age of marriage as 18 for girls and 21 for boys, further establishing legal grounds for marriage-related reforms.
- 2. Prohibition of Child Marriage Act (PCMA), 2006:** Replacing the Child Marriage Restraints Act of 1929, this law criminalizes the act of performing, conducting, or abetting child marriage. Offenders face imprisonment of up to 2 years and a fine of up to INR 1 lakh.
- 3. Beti Bachao Beti Padhao Scheme (2015):** This national initiative aims to improve the sex ratio, combat gender discrimination, and reduce child marriage rates by promoting education and empowerment for girls.

### Protective Legislation

- 1. Juvenile Justice (Care and Protection of Children) Act, 2015:** Provides legal protection for child brides by offering care and shelter services.
- 2. Domestic Violence Act, 2005:** Protects child brides from domestic violence and abuse within marriage.
- 3. Protection of Children from Sexual Offences Act, 2012:** Safeguards child brides from sexual exploitation and abuse.

### Government Policies

- 1. Union Government Initiatives:**
  - The **National Population Policy, 2000**, and the **National Youth Policy, 2003** have incorporated measures to address child marriage.
  - Government schemes like **Beti Bachao Beti Padhao** and **Sukanya Samridhi Yojana** aim to promote girls' education and prevent early marriage.



## 2. State Government Initiatives:

- **Rajasthan:** Introduced the **Action Approach for the Reduction of Early Marriage and Early Pregnancy**.
- **West Bengal:** Launched the **Kanyashree Scheme** and **Rupashree Scheme**, which incentivize education and delay marriage for girls.

## FUTURE APPROACH TO COMBATING CHILD MARRIAGE

1. **Empowering the Girl Child:** Governments should enhance access to education for girls by providing better school infrastructure, including sanitation facilities, and incentivizing school enrollment.
2. **Effective Implementation of Laws:** Village Panchayats should work in coordination with Child Protection Committees and Child Marriage Prohibition Officers to monitor and prevent child marriages at the grassroots level.
3. **Promoting Social Change:** Awareness campaigns are needed to sensitize parents and communities about the harmful impacts of child marriage. Engaging the wider community

in upholding girls' rights will be crucial to creating lasting change.

4. **Financial Upliftment:** Offering financial support through livelihood schemes and microfinance loans can help alleviate economic pressures that lead families to marry off their children. Providing financial independence to families reduces the likelihood of child marriage.
5. **Community Involvement:** Initiatives like the **Child Marriage Free Village** certification, similar to the **Open Defecation Free Village** under the **Swachh Bharat Mission**, can be implemented to encourage communities to take collective responsibility in eliminating child marriage.

## CONCLUSION

Child marriage robs children of their rights, disrupts their development, and perpetuates social inequality. While legislative measures and government schemes have contributed to a decline in child marriage, continued efforts from all sectors are essential to completely eliminate this harmful practice. Empowering girls, strengthening legal frameworks, promoting social awareness, and ensuring economic support for families will be pivotal in breaking the cycle of child marriage.

# ENEMY PROPERTY

## RELEVANCE

### □ Syllabus

- **PSIR:** Planning and Economic Development
- **GS2:** Government Policies

## INTRODUCTION

Properties worth an estimated Rs 15,000 crore, owned by the Pataudi family and partially linked to actor Saif Ali Khan, could be taken over by the government under the Enemy Property Act, 1968. Madhya Pradesh High Court has asked actor Saif Ali Khan to approach the appellate authority

against an order of the central government that declared historical properties of the Pataudi family in Bhopal, estimated to be worth Rs 15,000 crore, as "enemy property".

## WHAT IS ENEMY PROPERTY?

- Enemy property are the assets (movable and immovable) that were left behind in India

by individuals who migrated to countries designated as “enemy nations” during times of conflict.

- ❑ In the wake of the India-Pakistan wars of 1965 and 1971, there was migration of people from India to Pakistan.
- ❑ Under the Defence of India Rules established by the Defence of India Act of 1962, the Government of India seized the properties and companies of individuals who acquired Pakistani nationality.
- ❑ These properties, referred to as “enemy properties,” were entrusted to the Custodian of Enemy Property for India by the central government.
- ❑ A similar process was followed for the properties left behind by individuals who moved to China after the Sino-Indian War in 1962.
- ❑ Notably, under the Enemy Property Act of 1968, properties designated as enemy properties remain permanently vested with the Custodian of Enemy Property, meaning they cannot be inherited or transferred.
- ❑ This law establishes the legal framework that allows the central government to manage and maintain control over enemy properties in various states.

#### **ENEMY PROPERTY (AMENDMENT AND VALIDATION) ACT, 2017**

- ❑ The Enemy Property (Amendment and Validation) Act of 2017 reinforced the Enemy Property Act of 1968 and broadened its scope.
- ❑ The amended Act expanded the definition of the term “enemy subject”, and “enemy firm” to include the legal heir and successor of an enemy, whether a citizen of India or a citizen of a country which is not an enemy; and the succeeding firm of an enemy firm, irrespective of the nationality of its members or partners.

- ❑ The amended law provided that enemy property shall continue to vest in the Custodian even if the enemy or enemy subject or enemy firm ceases to be an enemy due to death, extinction, winding up of business or change of nationality, or that the legal heir or successor is a citizen of India or a citizen of a country which is not an enemy.
- ❑ The thrust of the amendments was to guard against claims of succession or transfer of properties left by people who migrated to Pakistan and China after the wars.
- ❑ The amendments effectively eliminated inheritance claims, ensuring that such properties remained indefinitely under government control.

#### **RIGHT TO PROPERTY**

- ❑ Originally, Article 19 (1) (f) and article 31 of Constitution of India contained the right to property, i.e. to acquire, hold and dispose of property subject to the right of State to compulsory acquisition for public purposes by authority of law.
- ❑ The 44th Constitution Amendment in 1978 removed the right to property from the list of Fundamental Rights by omitting sub-clause (f) of Article 19(1) and Article 31 from the Constitution.
- ❑ However, the right to property was established as a constitutional right by the insertion of a new article, Article 300A, which is titled “Right to Property.”
- ❑ Recently, a bench of Justices B R Gavai and K V Viswanathan said in its judgement, “Right to Property ceased to be a Fundamental Right by the Constitution (Forty-Fourth Amendment) Act, 1978, however, it continues to be a human right in a welfare State, and a constitutional right under Article 300-A of the Constitution.
- ❑ Article 300-A of the Constitution provides that no person shall be deprived of his property

save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law.”.

- ❑ The decision came on an appeal against the November 22, 2022 judgement of a Division

Bench of the Karnataka High Court dismissing the challenge to the judgement of a single judge of the HC on the question of acquisition of land for the Bengaluru-Mysuru Infrastructure Corridor Project in 2003.

## ELECTION INTEGRITY INDEX

### RELEVANCE

#### ❑ Syllabus

- **PSIR:** Statutory Institutions/Commissions
- **GS2:** Posts, powers, functions and responsibilities of various Constitutional Bodies.

### INTRODUCTION

Chief Election Commissioner Rajiv Kumar said it was time for election management bodies (EMBs) to come up with their own “election integrity index”. He raised the concern over existing democracy indices becoming tools to discredit elections.

### WHAT IS ELECTION INTEGRITY?

- ❑ Electoral integrity refers to the fairness of the entire voting process and how well the process protects against election subversion, voter suppression, and other threats to free and fair elections.
- ❑ The consequences of unfree or unfair elections can include doubts in the legitimacy of the outcome, loss of faith in the democratic system, and reduced future participation.

### INTERNATIONAL PRINCIPLES

- ❑ Standards for free and fair elections have been expressed in a number of international agreements.
- ❑ Article 21(3) of the Universal Declaration of Human Rights (1948) states that **“the will of the people shall be the basis of the authority of government”**

- ❑ **“This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”**

- ❑ These commitments were further developed in Article 25 of the UN International Covenant on Civil and Political Rights (ICCPR of 1966), namely the need for:
  - Periodic elections at regular intervals;
  - Universal suffrage that includes all sectors of society;
  - Equal suffrage, in the idea of one-person, one-vote;
  - The right to stand for public office and contest elections;
  - The rights of all eligible electors to vote;
  - The use of a secret ballot process;
  - Genuine elections;
  - Elections that reflect the free expression of the will of the people.

### ELECTION COMMISSION OF INDIA

- ❑ Articles 324 to 329 contained in Part XV of the Constitution of India, 1950 (COI) contains provision in relation to ECI.

- ❑ The body administers elections to the Lok Sabha, Rajya Sabha, and State Legislative Assemblies in India, and the offices of the President and Vice President in the country.
- ❑ It is not concerned with the elections to panchayats and municipalities in the states.
  - For this, the Constitution of India provides for a separate State Election Commission.

### CONSTITUTIONAL PROVISIONS IN RELATION TO ECI

- ❑ **Article 324:** Superintendence, control and direction of national and state-level elections are to be directly handled by the ECI
- ❑ **Article 325:** Inclusion and exclusion of names in electoral rolls are based on Indian Citizenship. No citizen of India above the voting age should be excluded from the rolls or included in a special electoral roll based on any criteria such as race, caste, religion or sex.
- ❑ **Article 326:** Defines universal adult franchise as the basis for elections to all levels of the elected government.
- ❑ **Article 327:** Defines responsibilities of the ECI and Parliament for the conduct of national elections.
- ❑ **Article 328:** Defines the role and responsibilities of the state legislatures with respect to state-level elections.
- ❑ **Article 329:** Prohibits court interference in matters related to elections unless specifically asked to provide their views.

### APPOINTMENT AND CONDITIONS OF SERVICE

- ❑ The President of India appoints the Chief Election Commissioner and Election Commissioners.
  - The President fixes the service condition and tenures.

- ❑ They have tenure of six years, or up to the age of 65 years, whichever is earlier.
  - They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India.
- ❑ They can resign at any time by addressing the resignation letter to the President or can also be removed before the expiry of their term on the grounds similar to that of a Supreme Court judge by Parliament.
- ❑ Procedure For Removal of CEC & ECs
- ❑ CEC can be removed from his office by the President on the basis of a resolution passed to that effect by both the houses of Parliament with a two-thirds majority in both the Lok Sabha and the Rajya Sabha on the grounds of proved misbehaviour or incapacity.
- ❑ Other Election Commissioners can be removed by the President of India on the recommendation of the CEC.
- ❑ The ECI is in charge of handling almost every duty that will ensure a free and fair election in the country.

### CURRENT SCENARIO

- ❑ In the case of Anoop Baranwal v. Union of India (2023), a 5-judge Constitution Bench has settled the dispute revolving around appointment of members of the ECI.
- ❑ Bench of Justices KM Joseph, Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy and CT Ravikumar gave the following guidelines:
  - The appointment of the CEC and the EC shall be made on the recommendations made by a three-member Committee comprising of the Prime Minister, Leader of the Opposition of the Lok Sabha and in case no Leader of Opposition is available, the Leader of the largest opposition party in the Lok Sabha in terms of numerical strength and the Chief Justice of India.



- It is desirable that the grounds of removal of the EC shall be the same as that of the CEC that is on the like grounds as a Judge of the SC subject to the "recommendation of the

CEC" as provided under the second proviso to Article 324(5) of the Constitution of India.

- The conditions of service of the EC shall not be varied to his disadvantage after appointment.



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# MAINS PRACTICE QUESTIONS

**Q. What is meant by 'relative autonomy' of State in Marxist analysis?**

**(15 Marks)**

In Marxist analysis, the concept of "relative autonomy" of the state refers to the idea that while the state primarily serves the interests of the ruling class (bourgeoisie), it possesses a degree of independence. This autonomy allows the state to act in ways that might not immediately align with the interests of the ruling class, thereby ensuring the long-term stability of the capitalist system. The concept challenges the simplistic notion of the state as a mere tool of the bourgeoisie.

According to classical Marxist theory, the state is an instrument of class domination, used by the ruling class to maintain its power over the proletariat. However, the theory of relative autonomy, developed by later Marxist scholars such as Antonio Gramsci and Nicos Poulantzas, suggests that the state has some independence from direct bourgeois control. This autonomy allows the state to mediate between different class interests, address contradictions within capitalism, and maintain the overall stability of the system.

**Gramsci's Contribution:** Gramsci argued that the state is not just a coercive apparatus but also functions ideologically to maintain the hegemony of the ruling class. Through its relative autonomy, the state can create a consensus among different classes, ensuring the continued dominance of the ruling class without overt coercion.

**Poulantzas's Perspective:** Poulantzas emphasized that relative autonomy is necessary for the state to manage class conflicts and contradictions. By appearing neutral or independent, the state can implement policies that serve the long-term interests of capitalism, even if they temporarily conflict with the immediate interests of individual capitalists.

In contemporary politics, the concept of relative autonomy is evident in state interventions during economic crises, where governments might act against the immediate interests of capitalists (e.g., through regulation or bailouts) to preserve the overall system. This autonomy is also seen in social policies that address inequality to prevent social unrest, further illustrating the state's role in maintaining capitalist stability.

Relative autonomy in Marxist analysis highlights the state's complex role within capitalist society. Rather than being a simple instrument of class oppression, the state acts with a certain level of independence to ensure the stability and reproduction of the capitalist system. This nuanced understanding allows for a more sophisticated analysis of state actions and policies within Marxist theory.

**Q. Critically examine Hannah Arendt's conceptual triad of labour, work and action.**

Hannah Arendt, a German-born American political scientist and philosopher, is renowned for her critical writings on Jewish affairs and her exploration of totalitarianism. In her book "The Human Condition," she employs phenomenology as a methodology. Arendt's primary focus is on the nature of politics and human existence in the public sphere. She argues that Western philosophical tradition has undervalued the realm of human action (*Vita-activa*), subordinating it to the life of contemplation (*Vita-contemplativa*). In contrast, Arendt, in "The Human Condition," reasserts that politics is a valuable domain of human action and the world of appearances. To her, being human means being part of the public realm with others.

Arendt defines action as the essence of humanity, calling it 'Zoon Politikon.' Action is composed of freedom and plurality, and it gains significance when carried out in cooperation with others. She advocates for participative and deliberative democracy.

In the context of Vita Activa, she delineates a triad of labour, work, and action. Labor represents actions similar to those performed by animals, where humans have no real freedom. Work, on the other hand, allows partial freedom and includes economic activities like those of doctors and engineers. Action, often referred to as political action, is the highest form of action where humans are truly free. She asserts that political action is the most important aspect of the human condition.

Arendt further breaks down political action into two components: freedom and plurality. Freedom implies the ability to initiate something new, and plurality signifies that everyone is equal yet distinct. In this context, power is defined as acting in concert with others.

Critics argue that Arendt's concepts of human nature are too complex and cannot be adequately defined by our limited interpretations. Some, like Laski, contend that every scholar is a product of their times, and the same applies to Arendt. Her classification of labour is considered simplistic and overlooks qualitative jobs such as managers and supervisors.

Arendt emphasized the quantitative aspect of political action, but deliberative democracy is considered a qualitative concept. Moreover, her shift from prioritizing action over contemplation, as she criticized Plato, to later acknowledging the importance of critical reasoning in "Eichmann in Jerusalem," reveals inconsistencies in her work.

While she criticized Marx for prioritizing labour, she herself seemed to neglect it and offer a myopic view. However, despite these criticisms, Arendt remains a scholar of civic republicanism, and her ideas bear resemblance to Habermas's Communicative Action. Ortega Gasset recognized her concerns about the rise of the masses, the decline of deliberative democracy, and the ascent of mobocracy.

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## MORGENTHAU



### INTRODUCTION

Hans Joachim Morgenthau, born on February 17, 1904, in Coburg, Germany, and passing away on July 19, 1980, in New York, New York, U.S., was a prominent German-born American political scientist and historian. He gained recognition for his expertise as a leading analyst, focusing on the significance of power in the realm of international politics.

### EARLY LIFE & EDUCATION

Morgenthau's academic journey commenced in Germany, where he pursued his education at the esteemed Universities of Berlin, Frankfurt, and Munich. Following his studies in Germany, he furthered his knowledge through postgraduate work at the Graduate Institute for International Studies in Geneva. After being admitted to the bar in 1927, he gained valuable experience by serving as acting president of the Labour Law Court in Frankfurt.

In 1932, he had the opportunity to teach public law in Geneva for a year. However, the political climate drastically changed with Adolf Hitler's rise to power in Germany in 1933, compelling him to

extend his stay in Switzerland until 1935. During this period, he also taught in Madrid from 1935 to 1936.

Due to the troubling developments in Europe, Morgenthau emigrated to the United States in 1937, where he would later become a naturalized citizen in 1943. Throughout his American academic career, he contributed his expertise as a professor at various institutions, including Brooklyn College (1937–39), the University of Missouri–Kansas City (1939–43), the University of Chicago (1943–71), the City College of the City University of New York (1968–74), and the New School for Social Research (1974–80).

### MAJOR WORKS

In 1948, Morgenthau published "Politics Among Nations," a highly esteemed study that introduced the classical realist approach to international politics. In this seminal work, Morgenthau argued that politics operates under distinct and unchangeable laws of nature, enabling states to deduce rational and objectively correct actions by understanding these laws. Central to his theory was the notion that power stands as the primary



objective in international politics, defining a nation's interests.

Morgenthau's approach centered around the state, rejecting the idea that a state's moral aspirations should be equated with the universal objective moral laws. Instead, he emphasized that all state actions are driven by the pursuit of acquiring, showcasing, or enhancing power. He advocated for acknowledging the nature and limitations of power and advocated for the use of conventional

diplomatic methods, including the willingness to compromise.

Morgenthau's "Politics Among Nations" laid the foundation for classical realism in international relations, stressing the centrality of power and state interests, while also cautioning against conflating moral aspirations with the practical realities of politics. He advocated for embracing traditional diplomatic approaches and finding common ground through compromise.

## B.R. AMBEDKAR

### INTRODUCTION

Bhimrao Ramji Ambedkar (Bhīmrāo Rāmji Āmbēḍkar; 14 April 1891 – 6 December 1956) was an Indian economist, jurist, social reformer and political leader who chaired the committee that drafted the Constitution of India based on the debates of the Constituent Assembly of India and the first draft of Sir Benegal Narsing Rau. Ambedkar served as Law and Justice minister in the first cabinet of Jawaharlal Nehru. He later renounced Hinduism, converted to Buddhism and inspired the Dalit Buddhist movement.

### EARLY LIFE AND EDUCATION

Ambedkar was born on 14 April 1891 in the town and military cantonment of Mhow (now officially known as Dr Ambedkar Nagar, Madhya Pradesh). He was the 14th and last child of Ramji Maloji Sakpal, an army officer who held the rank of Subedar, and Bhimabai Sakpal, daughter of Laxman Murbadkar. His family was of Marathi background from the town of Ambadawe (Mandangad taluka) in Ratnagiri district of modern-day Maharashtra. Ambedkar's ancestors had long worked for the army of the British East India Company, and his father served in the British Indian Army at the Mhow cantonment.

In 1897, Ambedkar's family moved to Mumbai where Ambedkar became the only untouchable

enrolled at Elphinstone High School. In 1907, he passed his matriculation examination and in the following year he entered Elphinstone College, which was affiliated to the University of Bombay, becoming, according to him, the first from his Mahar caste to do so. By 1912, he obtained his degree in economics and political science from Bombay University, and prepared to take up employment with the Baroda state government.

### OPPOSITION TO UNTOUCHABILITY

Ambedkar had been invited to testify before the Southborough Committee, which was preparing the Government of India Act 1919. At this hearing, Ambedkar argued for creating separate electorates and reservations for untouchables and other religious communities. In 1920, he began the publication of the weekly Mooknayak (Leader of the Silent) in Mumbai with the help of Shahu of Kolhapur, that is, Shahu IV (1874–1922).

Ambedkar went on to work as a legal professional. In 1926, he successfully defended three non-Brahmin leaders who had accused the Brahmin community of ruining India and were then subsequently sued for libel. Dhananjay Keer notes, "The victory was resounding, both socially and individually, for the clients and the doctor".

While practising law in the Bombay High Court, he tried to promote education to untouchables and

uplift them. His first organised attempt was his establishment of the central institution Bahishkrit Hitakarini Sabha, intended to promote education and socio-economic improvement, as well as the welfare of “outcastes”, at the time referred to as depressed classes

### POONA PACT

In 1932, the British colonial government announced the formation of a separate electorate for “Depressed Classes” in the Communal Award. Mahatma Gandhi fiercely opposed a separate electorate for untouchables, saying he feared that such an arrangement would divide the Hindu community.

Gandhi protested by fasting while imprisoned in the Yerwada Central Jail of Poona. Following the fast, congressional politicians and activists such as Madan Mohan Malaviya and Palwankar Baloo organised joint meetings with Ambedkar and his supporters at Yerwada.

On 25 September 1932, the agreement, known as the Poona Pact was signed between Ambedkar (on behalf of the depressed classes among Hindus) and Madan Mohan Malaviya (on behalf of the other Hindus).

The agreement gave reserved seats for the depressed classes in the Provisional legislatures within the general electorate. Due to the pact the depressed class received 148 seats in the legislature instead of the 71, as allocated in the Communal Award proposed earlier by the colonial government under Prime Minister Ramsay MacDonald.

### DRAFTING OF INDIA'S CONSTITUTION

Upon India's independence on 15 August 1947, the new prime minister Jawaharlal Nehru invited Ambedkar to serve as the Dominion of India's Law Minister; two weeks later, he was appointed Chairman of the Drafting Committee of the Constitution for the future Republic of India.

On 25 November 1949, Ambedkar in his concluding speech in constituent assembly said:

**“The credit that is given to me does not really belong to me. It belongs partly to Sir B.N. Rau the Constitutional Advisor to the Constituent Assembly who prepared a rough draft of the Constitution for the consideration of the Drafting Committee.”**

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# ENRICH YOUR ANSWER

Q. Circulation of elites. Comment

Approach to Answer

Intro: Start by explaining the concept of Power

Body

Explain the elitist theory of Power including Pareto's Circulation of Elites theory.

→ Elitist theory accepts broad division of society into dominant and dependent group.

→ Pareto's theory of Power divides society into 'governing elite' and 'non governing elite'.

→ Explain the 'governing elites' and 'non \*governing elites'.

→ Can give criticism of his theory

Conclusion

Show the significance of Pareto's theory in understanding the concept of Power

# PRELIMS PRACTICE QUESTIONS

**Q. Which of the following were the objectives of the Beti Padhao, Beti Bachao program?**

1. Improving the Sex Ratio at Birth
2. To reduce gender differentials in under-five child mortality
3. Empowerment of the girl child.
4. To increase the enrolment of girls in secondary education

Select the correct answer using the codes given below:

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

**Q. With reference to the Indus Waters Treaty (IWT), consider the following statements:**

1. The IWT was signed by India and Pakistan in 1960 to determine the distribution of the waters of the Indus and its tributaries.
2. It was signed in Delhi by then Prime Minister Jawaharlal Nehru and then Pakistan President Ayub Khan.
3. Under the IWT, India enjoys “unrestricted use” of the three “Western Rivers” Indus, Chenab, and Jhelum.

How many of the statements given above are correct?

- (a) Only one (b) Only two  
(c) All three (d) None

**Q. With reference to the enemy property, consider the following statements:**

1. It refers to the assets which are only immovable left behind in India by individuals who migrated to countries designated as “enemy nations” during times of conflict.
2. Under the Enemy Property Act, 1968, properties that are declared as enemy assets remain permanently vested with the Custodian of Enemy Property, with no room for inheritance or transfer.

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

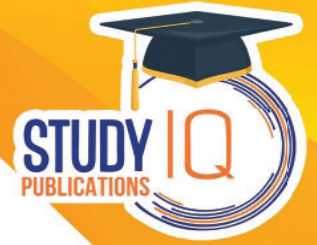
**Answers**

1. (d) 1, 2, 3 and 4
2. (a) Only one
3. (b) 2 only



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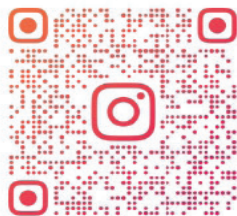
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