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GS-2

PSIR

# POLITICO ANALYTICS

Purna Pariksha Guidance For 1000 Marks in UPSC Mains

Complete Syllabus Coverage of GS2, PSIR and Essay



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# **POLITICO ANALYTICS**

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# INTERNATIONAL RELATIONS

## 1. JAPAN'S SECURITY DESIGN IN INDO-PACIFIC AND INDIA'S ROLE IN IT

### Answer Writing Guidance:

*While introducing an answer on India-Japan Relations, be it a general or a specific domain-based question, explaining or detailing the security challenges faced by Tokyo would be indispensable in charting the factors behind the deepening of India-Japan ties. The security challenges should not be only China Centric, but they should all the threats which the island nation faces in order to better explain the recent posture changes being done by Japan in the domain of defensive and offensive capabilities. One needs to specifically note down the steps being taken by Japanese government in this direction as provided in the second paragraph.*

### THREATS TO JAPAN'S SECURITY:

- Japan confronts an increasingly difficult security environment. Although in the media the main focus is on North Korea, a very real but largely one-dimensional nuclear threat, apart from this there is multidimensional challenge posed by the rise of China and its territorial ambitions in the East China Sea and its threat to Taiwan's security.
- 
- This is reflected in Beijing's advances in naval and air power, sophistication of its missile capability and nuclear force. Chinese ambitions are reflected in **President Xi Jinping's** ambitions, **for instance Taiwan remains his core project and reunification is central to the "great rejuvenation of the Chinese nation"**.
  - Considering this security environment Japan can't afford to miscalculate security calculations in its neighborhood and the same is compelling Japan to reorient its security design. This is supported by *C Raja Mohan also as he says, "The Russian invasion of Ukraine, China's belligerence towards Taiwan, and the 'alliance without limits' unveiled by Beijing and Moscow have intensified the urgency in Tokyo to recast Japan's security policies"*.

## SHIFT IN JAPAN'S NATURE AS A SECURITY ACTOR

- In such a threatened security environment, Japan has been more forward-looking regarding security affairs in recent times. **Japan is changing nature as a security actor and its resolve to push the envelope of positive pacifism in determining the strategic balance in the Indo-Pacific.** For instance, late PM Shinzo Abe moved to strengthen Japan's defense capabilities, reorganize its security policymaking institutions, and increase its military budget after a long period of decline, while loosening some restrictions on its military forces and enhancing Japan's intelligence capacity.
- Also, Tokyo has already decided on hypersonic cruise missiles and hypervelocity guiding projectiles. This change is reflected in Japan's leader statements too like Former defence and foreign minister Kono Taro advocates that the discussions should be anchored on deterrence, focusing on the ability to strike enemy-bases to take out launch sites, conduct ISR (Intelligence, Surveillance and Reconnaissance) operations, building air superiority, and gauging the effectiveness of strikes.

## JAPAN'S SECURITY DESIGN IN INDO-PACIFIC

### *Answer Writing Guidance:*

*Understanding how Japan is attempting to manage its security interests through a strategy based on three key elements i.e., reorienting Japan's diplomacy, boosting national capabilities to deter aggression and deepening defence partnerships is critical to explaining why India is so crucial to the former's calculations. One needs to also explain how Japan sees India in the context of security guarantees already provided by USA and Australia and what role can QUAD play in furthering this agenda. Content needs to detail the various bilateral-institutional arrangements and developments on the matter to prove the argument.*

- In its security design Japan's, rejecting a Sino-centric regional order, priority will be to reorient Tokyo's defence posture. These include reviewing the effectiveness of the US–Japan spear and shield strategy management (**"Shields and Spears" is the longstanding security strategy that has defined the Japan-US alliance. In it, Japan plays the role of the shield, while the US is the spear**), framing an effective joint operational plan for a Taiwan contingency, and addressing the strike gap in US–Japan alliance and China, and providing more teeth to the Coast Guard Act amid intensifying Chinese grey zone tactics.
- Furthering a broader security agenda, **Abe's government** was the first to come up with **Japan's National Security Strategy**. Abe's ambitions went beyond arms exports. He wanted to bring about a change to Japan's pacifist constitution in order to make the country a more capable power strategically to address the growing security threats in the region. Abe's efforts have also been driven by the uncertainties and ambiguities around the U.S. alliance relationship.

- Even though concern about the credibility of the U.S. as a security guarantor is not unique to Japan and not a new concern, the relative decline of the U.S. and the dramatic rise of China have made these worries a lot more problematic.
- **This led to developing and strengthening new Asian strategic partnerships such as those with India and Australia, but these are meant to complement Japan's relationship with the United States and not substitute for the U.S. security alliance partnership.**
- Australia and Japan also signed a defence and security cooperation treaty which is a move to strengthen ties as China increases its military and economic reach in the Indo-Pacific region. Along with this Japan is strengthening diplomacy and security cooperation with Japan's different partners for peace and stability in the international community through bilateral as well as multilateral channels for example engaging with **The Republic of Korea (ROK), Australia, ASEAN countries, and India: Share universal values and strategic interests.**
- It is Actively utilizing multilateral frameworks (G7, Asia-Pacific Economic Cooperation (APEC), the East Asia Summit (EAS), the ASEAN Regional Forum (ARF), the ASEAN Defense Ministers' Meeting-Plus (ADMM-Plus), Japan-U.S.-ROK, Japan-U.S.-Australia, Japan-U.S.-India, and Japan-China-ROK).
- **According to C Raja Mohan, Japan's new strategy to cope with Chinese power involves three broad elements — reorienting Japan's diplomacy, boosting national capabilities to deter aggression and deepening defence partnerships.** In his address to the annual Shangri La Dialogue in Singapore **Japanese PM Fumio Kishida talked of a new "realism diplomacy"** that will allow Japan to meet the new security challenges through pragmatism and firmness.
- Second, on the question of deterrence, Kishida declared his commitment to **"fundamentally reinforce Japan's defence capabilities within the next five years and secure substantial increase of Japan's defence budget needed to effect it"**. The third element of the new Japanese strategy is about **building stronger defence partnerships in the Indo-Pacific.** Even as it builds national capabilities, **Japan continues to emphasize the centrality of the alliance with the US in dealing with China.**
- **Tokyo is also promising to strengthen the defence capabilities of the Indo-Pacific countries, unilaterally as well as through the Quad.**
- **C Raja Mohan says "For Japan, the Quad is a critical amplifier for its desire to support the rules-based order under its free and open Indo-Pacific framework".**
- It is also boosting defence and security cooperation with France and the UK. Tokyo has been **highly active on multiple fronts trying to balance China's rise on the one hand and play a greater role in the U.S. alliance on the other.** Tokyo has, for example, expanded the range of countries with which it conducts military exercises. The number of joint exercises with the U.S. has also risen. Japan has also focused on capacity building in Southeast Asia, with a view to helping the littoral states boost their law enforcement capabilities: for example, Tokyo's provision of patrol vessels to the Philippines' and Vietnam's coast guards.
- According to **Dr Titli Basu, Japan as an ardent advocate of rules-based order will step up and is expected to proactively mobilise resources to deliver global public goods in the post-Covid era.**

*Japan is manifesting refreshing confidence drawing from its resolve to push the envelope of positive pacifism in determining the strategic balance in the Indo-Pacific.*

## **ROLE OF INDIA IN JAPAN'S SECURITY DESIGN**

- Geopolitics in the Indo-Pacific is in a flux, given the current background of geo-economic tension between US and China, Sino-India strategic competition and tensions between Japan and China particularly on the dispute regarding the Senkaku/Diaoyu islands in the East China Sea. This has contributed to the changing equation between India and Japan increasing India's role in Japan's security design.
- **Japan views India as playing an important security role in the Indian Ocean and maintaining a rules-based maritime order as both** India and Japan are heavily dependent on oceans, for 90% of their trade is carried via crucial International Sea Lanes (ISLs) in the Indo-Pacific region.
- Also, India possesses the most latent economic and military potential of any state in the wider Indo-Pacific region. In this background both are expanding partnerships with it to serve as a hedge against China. Defense cooperation has begun advancing rapidly in military-to-military exercises, exchanges, and, most recently, military equipment and technology transfers.
- The sale of defence equipment and technology occupies a growing role in the relationship as in its security design, **Japan would like to see India better equipped to provide reliable security and assured deterrence against Chinese encroachment in the Indian Ocean (in the near-to-mid-term) and into the Southwestern Pacific (further ahead).**
- Recently, the Agreement Concerning **Reciprocal Provision of Supplies and Services between the Self-Defense Forces of Japan and the Indian Armed Forces RPSS**) was signed on 9 September 2020 and came into force on 11 Jul 2021 is a step in this direction.
- **Japan is engaging With India not only through bilateral channels but also through multilateral levels.** India-Japan has forged close cooperation in **ASEAN led forums, in QUAD**, and in other trilaterals in the Indo-Pacific. This is a manifestation of the evolution of the relations adjusting to a changing regional order.

Some scholars argue that, for Japan, the strategic relationship with India is overwhelmingly about China. As a US ally, Japan remains confident that it does not have to fear China—for now. Australia also is a Japanese security asset—the second leg of its regional security “stool.” **But its best long-term hope to balance China on the Asian continent is India, whose engagement in Central Asia, Iran, and Afghanistan is viewed as a strategic parry to Chinese investments and Indian Ocean access via Pakistan and Myanmar.** India has an important role in Japan's security design not only due to its potential but also due to its record for being a trustworthy and peaceful country.

*Dr Satoru Nagao, “because India has exercised restraint to use military power as a strategy in the past, most countries can trust India. Indian Armed Forces have not crossed their borders since 1972, except for peacekeeping or peace building operations” .*

*Scholarly views in Bold provided in the article need to directly incorporate in the answers and as per demand of the questions, one needs to attempt to use the same in the introduction or conclusion.*



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## 2. NATO AND SECURITY IN EUROPE: CHANGE AND CONTINUITY

The European security architecture established at the beginning of the Cold War was centred on a balance of conventional power backed by nuclear deterrence. The idea was not only to stop large-scale aggression but also to limit the unnecessary conflicts within the continent. Declaring that they are **“resolved to unite their efforts for collective defence and for the preservation of peace and security,”** 12 founding members of NATO signed the North Atlantic Treaty on April 4, 1949, making the alliance as the core security provider for the West. More than seventy years since then, the challenges before NATO have changed considerably.

### EUROPEAN SECURITY ARCHITECTURE

- During the Cold War period, the security of Europe was guaranteed by the US and NATO.
- However, there were attempts made at the European level to carve a defence identity for the European community, the first such attempt was in the 1950s with the French proposal of establishment of the European Defence Community, however, the initiative did not pan out.
- With the establishment of the EU, European defence integration gained momentum.
- In 1993, the Treaty of Maastricht founded the EU, with the Common Foreign and Security Policy (CFSP) as its central pillar. CFSP encompassed all areas of security and foreign policy.
- The next step towards integration of European defence was taken in 1999 at the Cologne European Council with the establishment of the EU’s Common Security and Defence Policy (CSDP).
- The CSDP enabled the EU to cover the full spectrum of crisis prevention, crisis management and has also undertaken several military operations, civil and police missions in Asia, Middle East, Balkans, Africa, and Eastern Europe.
- However, from 2005, there was a period of stagnation due to the failure of the adoption of the Constitutional treaty.
- In the second decade of the 21st century, several issues led the EU to seriously contemplate on the revival of its defence programme, like the Crimean crisis of 2014, second, the Brexit vote of 2016 which left the EU without its main military contributor: and third, the ambivalence of the US policies towards Europe. These events have led the EU to realize that it would have to take more responsibility for its own defence.
- The idea of an independent European defence policy making gathered renewed pace in 2017, after the election of President Donald Trump.
- In an attempt to increase its own military capabilities, the EU launched a comprehensive defence package in 2017
- The Ukraine crisis has added further momentum to the idea that European defence needs to be strengthened through its own independent efforts and by strengthening NATO.

## NATO CHANGING IN CHANGED SECURITY ENVIRONMENT OF EUROPE

### Answer Writing Guidance:

*The content provided below aptly describes the original aims and objectives of NATO as a collective defence organization and charts its trajectory from the cold war era to present. In order to understand how the West's response on global and regional security events has transformed over the years, one needs to examine the how NATO has responded on the same since the organization continues to be the main front of West's Security apparatus not only for the European Region but also for Asia especially Middle East and Africa. While NATO credentials pertaining to the cold war speak for themselves, its role and capability to manage new and unconventional challenges, both in terms of nature and location, are increasingly coming under question. The present analysis can be utilized in questions related to European Security Architecture, Security Organizations and their relevance in the New World Order and NATO and its dynamics with India. Students are advised to cherry pick factual and rhetorical aspects of the content below depending on whether the question being tackled is from Comparative Politics section or from India and the World section.*

- Alliances form an important part of the security perception of states. NATO was a step in this direction. But, since the formation of NATO, the concept of security has undergone many changes until today, and states have adopted a security understanding according to the conditions of the period.
- **A correct reading of the concept of security and its application to the dynamics of the security understanding of states are the basic conditions of pursuing an inclusive security strategy (Buzan).**
- With the end of the Cold War, major security problems were expected to end. But it didn't happen as expected. After the inevitable transformation of the bipolar system to unipolar, security problems became much more complicated. 9/11 was a concrete example of this uncertain world.
- In addition to the proliferation of nuclear, chemical, and biological weapons of mass destruction; new security subheadings such as human rights, civil wars, ethnic and religious conflicts began to set the agenda of states' security agenda (**Roskin & Berry**).
- In this changed security environment **NATO also has added objectives such as protecting human rights, democracy, and individual freedoms among its existing purposes.**
- **Mearsheimer** stated that the Soviet Union acted as the glue that held NATO together and that the removal of the USSR threat would mean the departure of the US from Europe. However, with the dissolution of the USSR and the disappearance of the Warsaw Pact from the stage of history, **NATO has adopted two basic policies in order to adapt to the new security environment and to demonstrate the alliance's new legitimacy ground: Transformation and**

**enlargement (Dönmez).** NATO was tried to be transformed into a structure that could meet new needs.

- With the end of the Cold War, the area of responsibility of the organization has expanded not to be limited to the North Atlantic and European regions, which it has assigned as its area of responsibility before the Cold War for e.g. now extended to the Middle East, North Africa.
- The organization has begun to gain a more global dimension with its operations and humanitarian aid, and NATO revised its missions in the new period at the summits it organized and continued to seek solutions to new threats that emerged **because with the dissolution of the Soviet Union, the threats did not disappear, on the contrary, new and asymmetric threats were added to the traditional ones** in the process like -natural disasters, smuggling, environmental problems, epidemics, increase in the military capacity of other states, chemical, and biological attacks, cyber wars, mass destruction weapons factors such as its proliferation, drug trafficking, climate change, ethnic conflicts, and economic crises.
- This led to the transformation of NATO from **“a defence and deterrence provider”** to an **"exporter of stability"** after this period. NATO was included in out-of-area operations, first in the Balkans and later in Afghanistan. The debates on defence burden-sharing escalated, with a focus not only on military assets but also on fair sharing of risks.
- Also, the lack of NATO's adequacy on certain issues has become more evident in the lack of NATO's political instruments to react or take action to this political picture, which appeared as a NATO problem after Russia annexed Crimea. Faced with Russia's propaganda in Georgia in 2008, NATO's plan to boost its military capability, with the organization's ineffectiveness, revealed that NATO should be more than a military alliance. 9/11 also pointed out that the security threats against NATO members originated from outside Europe and NATO was incapable of preventing them.
- In its response to the post-cold war era, Security concerns started to be evaluated not in terms of the balance of power but in terms of the region, the importance attributed to NATO's central front started to decrease, the Middle East was placed at the focal point of threat perceptions, operations were expanded within the scope of responsibility not to be limited at the regional level.
- From the end of the Cold War until today, NATO has always been in an effort to renew itself in this direction. To achieve this, for instance, forces were deployed to the Balkans in the 1990s and to Afghanistan in the 2000s. The most important reason for the organization to pursue such strategies was to both expand its sphere of influence and strengthen its defence capacity against potential threats. NATO embodied this with the "strategic concepts" determined at the summits, according to the conjuncture of the period.
- **Mearsheimer emphasized that NATO was an important example of the state of realist thought in organization's and emphasized that the West had won the Cold War and prevented the Third World War by means of NATO. He argues that NATO cannot remain as it was during the Cold War and must reinvent itself.**
- Accordingly, with the end of the Cold War process, NATO revised its missions in the new period at the various summits it organized and continued to seek solutions to new threats that

emerged. With all these summits, NATO was revealing its gradual enlargement and how it would fight against renewed and uncertain threats. Each new summit was a kind of effort to keep up with the changing world agenda. When evaluated in this context, it can be observed that, it was updated as a result of threat perceptions and difficulties encountered over time.

### **NATO AND RUSSIA IN CONTEXT OF UKRAINE CRISIS**

- One of the biggest reasons for Russia's opposition to NATO's expansion to its borders is the idea that NATO is approaching the frontier of its conventional forces (**Mearsheimer**). Russia, on the one hand, emphasizes that NATO is an "outdated" organization from the Cold War era, on the other hand, it continues to shape its current goals according to the Soviet Union's time, acting with Cold War reflexes.
- **Putin's desire for the United States to separate security ties with Europe and his persistent opposition to NATO's enlargement stem from the same Cold War mentality (Rachwald)**. Russia's aggressive policy towards Ukraine aims to diminish the influence of NATO and also the US in the region. Russia's annexation of Crimea in 2014 caused a change in the understanding of European Security by many researchers. Terms like "game-changer," "wake up call," and "paradigm shift" all referred to significant cracks and shifts in Russia's Western strategy (**Rühle**).
- The invasion of Ukraine, launched by Russia on February 24, was a concrete reflection of Russia's attitude towards Europe and the US. On the other hand, according to **Wolff**, NATO seems to have come to the end of an enlargement policy based on free and holistic Western values. Western ideology and politics, which had been successfully operated until the 2010s, seem to have lost their influence "forcibly" as it approaches the borders and sphere of influence of Russia, which has a completely opposing ideology. The current enlargement policy ignores new security paradigms, and this situation pushes Russia to legitimize its aggressive policies.
- Accordingly, **Mearsheimer states that if NATO continues its current policies, Russia will continue its aggressive policies; underlines that NATO's efforts to ensure that Ukraine follows a policy that is neutral, and that Russia does not see as a threat will both improve the relations between the West and Moscow and create an environment in which all parties will win.**

### **NATO AND ITS RELEVANCE IN PRESENT CONTEXT**

- NATO faces the most complex security environment since the end of the Cold War. Russia's full-scale invasion of Ukraine is jeopardizing European security, and terrorism continues to represent a global security challenge and a threat to stability.
- At the same time, the rise of China is shifting the global balance of power, with implications for the Alliance's security, values, and way of life. Growing global uncertainty, more sophisticated and disruptive cyber and hybrid threats, and exponential technological change are having a substantial impact on the Alliance.
- In this background, the alliance had been facing its most critical phase in the past few years – with the French President Emmanuel Macron calling NATO in 'brain death' in 2019, to former

President Trump discrediting the alliance and the destabilization due to US exit from Afghanistan. With the Ukraine crisis, NATO is facing its most difficult challenge to the European security architecture since its inception.

- The questions are being raised about the relevance of NATO in this background which is pointing to the need to strengthen and restructure NATO further to face the emerging challenges.

### **NATO's 2022 STRATEGIC CONCEPT: CHANGE AND CONTINUITY**

- The three core tasks set out for NATO are deterrence and defence, crisis prevention and management, and cooperative security.
- Russia has gone from being described as a potential “strategic partner” in 2010 to being defined as an aggressive adversary leading to a far stronger focus on conventional military forces on the strategic level.
- The balancing act of both communicating firm condemnation of Russia’s aggression towards Ukraine and presenting a vision for a more resolved relationship in the future is a key challenge for NATO.
- The new Concept represents a significant shift in NATO’s official perception of China. The rhetoric on Chinese expansion of power, weaponized interdependence and threats to rules-based international order is firm and direct, but it is combined with an aspiration of constructive engagement.
- The Concept presents a balanced approach to nuclear weapons, both recognizing its vital role in deterrence and the noble goals of arms control, disarmament, and non-proliferation.

### **STEPHEN M. WALT ON NATO**

#### *Answer Writing Guidance:*

*Walt’s suggestions need to be added in the answers as a guide to future course of NATO. One needs to summarize the same by arguing that while NATO’s commitment towards Europe should not be substituted by Indo-Pacific, but Europe needs to dwindle its dependency on NATO for conventional threats and USA’s military focus should be more on the Indo-Pacific region in order to counter balance an aggressive China.*

- *NATO’s European members do not have the military capacity to affect the balance of power in the Indo-Pacific region in any significant way, and they are unlikely to acquire it any time soon (this statement is in context of rising China). Europe can help balance China in other ways, of course—helping train foreign military forces, selling weapons, participating in regional security forums, etc.—and the United States should welcome such efforts. But nobody should count on Europe to do much hard balancing in the Indo-Pacific theatre.*

- *Europe taking primary responsibility for its own security and the United States devoting much greater attention to the Indo-Pacific region. Henceforth, the United States would plan to go back onshore in Europe only if the regional balance of power eroded dramatically, but not otherwise. This model cannot be implemented overnight and should be negotiated in a cooperative spirit, with the United States helping its European partners design and acquire the capabilities they need. Unlike Donald Trump, whose bluster and bombast during his time as U.S. president annoyed allies to no good purpose, his successor Joe Biden is in an ideal position to start this process.*

## **NUCLEAR PROLIFERATION AND NUCLEAR DISARMAMENT**

- In the contemporary era the phenomenon of new arms race is being observed between major powers US, Russia and China at conventional, strategic, and tactical level, space, and cyber domain. The trend is being established by doctrinal shifts and massive force modernizations. This is reflected in the extent of increase in defence spending, analyzed from the SIPRI estimates for 2018, which mount up to USD 1.8 trillion showcasing 2.6% rise from 2017. The US being the largest military spender has embarked upon a major force modernization with China tailing behind with USD 250 billion and Russia with USD 61.4 billion.
- **The withdrawal from INF also indicates the development of a new range of medium and intermediate range tactical, hypersonic, and ballistic missiles, further lowering the nuclear threshold. Moreover, the US has devised a budget of USD 1.2 trillion for 2017-2046 nuclear force modernization.**
- In addition to this none of the nine nuclear-armed states is disarming; instead, all invest enormously in new and more hazardous nuclear weapons. Nor has any of the 32 states claiming reliance on another state's nuclear weapons yet ended such reliance. These factors, abrogation of existing nuclear arms control agreements, policies of first nuclear use and war fighting, growing armed conflicts worldwide, and increasing use of information and cyberwarfare, exacerbate dangers of nuclear war.

## **INCREASING NUCLEAR THREAT IN 21ST CENTURY**

### ***Answer Writing Guidance:***

***The content below provides ample factual information needed to justify that the Nuclear threat (which is a threat in the category of Global Commons) continues to persist and in fact is headed towards escalation. Question related to International Peace and Role of Nuclear Weapons in it need to be answered with factual examples depicting the gravity of the situation. The same content can be incorporated for answers related to Strategic balance between USA, China, Russia and India. Students are advised to prepare a list of factual examples for both advancements in Nuclear threats and for initiatives/measures being taken in the context of Non-proliferation and disarmaments and to use either of the two for***

*pertaining to Nuclear Arms Race, Nuclear Threat, and Nuclear Proliferation. The content is to be used for both section of Paper II.*

- **Risks of a nuclear war are growing** - No nuclear-armed state is currently disarming, nor engaged in nuclear disarmament negotiations. **US and Russia, together these two countries hold 90% of all nuclear weapons.** The nine nuclear powers in the world possess **13,080 nuclear weapons.**
- **Modernization and expansion of nuclear arsenals**- There are continuing efforts by the U.S. and Russia, as well as other nuclear weapon states, to upgrade their nuclear capabilities. U.S.A's effort at deploying new low-yield warheads on its nuclear-powered ballistic missile submarines (SSBNs) is a case in point. According to the SIPRI Yearbook, Russia has "added a fourth Borei-class SSBN to its fleet and increased its number of Yars and Avangard intercontinental ballistic missiles, land-attack Kalibr SLCMs and Iskander short-range missiles. North Korea is also reported to be expanding its nuclear arsenal along with continued development of short- and long-range ballistic missiles.
- **Shift in nations' policy in context of nuclear doctrine** -For example, Japanese Prime Minister (PM) Shinzo Abe had voiced the idea of Japan hosting US nuclear weapons, something that was taboo in view of Japan's three "Nos": **No development, No possession, and No introduction of nuclear weapons on its territory.**
- **Admiral Charles Richard**, the commander of the U.S. Strategic Command responsible for nuclear deterrence, **argues that the United States may need more nuclear weapons to deter and defend against Russia and also China, which are both modernizing their nuclear forces.**
- **Cyberwarfare increases vulnerability of nuclear arms systems**- Another major area of increasing risk of use of nuclear weapons is growing use of cyberwarfare by both states and non-state actors. Complex global systems of early warning, command, control, communications, and intelligence are related to nuclear weapons. They are complex, dispersed, and interlinked—and vulnerable to cyberattack. As **General James Cartwright**, former head of US Strategic Command stated, it: "***might be possible for terrorists to hack into Russian or American command and control systems and launch nuclear missiles, with a high probability of triggering a wider nuclear conflict.***"
- **Source materials for nuclear weapons are not under adequate control**- Vast stocks of fissile materials, the highly enriched uranium and plutonium from which nuclear weapons can be built, persist in civilian and military stockpiles in tens of countries. There are no effective international constraints on the production of these materials. Every state with a civilian nuclear industry is also capable of producing fissile materials; and any state that can enrich uranium to reactor grade can enrich it to weapons grade.
- **Rakesh Sood**- (in context of Ukraine invasion by Russia) "***Whichever way the conflict ends, one outcome is clear: Nuclear weapons are here to stay and any prospects for nuclear arms control and nuclear disarmament have receded further.***"

## RETHINKING NUCLEAR DETERRENCE IN 21ST CENTURY

- The history of the nuclear age shows that concepts of what it takes to have a sufficient nuclear weapons capability are far from immutable. **It is dynamic because the nuclear deterrence theories that continue to dominate and inform strategic thinking today were wholly designed to manage the risks of a bipolar nuclear order consisting of two blocs of internally homogeneous and ideologically distinct states.**
- These theories were also conceived in isolation from considerations of a broader nature, including the quest for human security, social justice, inclusion, and equality. The current nuclear age is radically different from the era in which nuclear deterrence theories were originally developed.
- The centrifugal forces unleashed in Europe, Asia, the Middle East, and Africa following the collapse of Soviet military power, authority, and influence has led to the creation of a threat environment that differs fundamentally from the character of threats we face in the 20th century.
- For most of the 20th century the world had ample strategic warning and sufficient insights into the nature of the adversary's capabilities to permit the development and deployment of forces optimized to deter or defeat the threat.
- But today the nature of the threat environment has changed, and it is compelling to rethink the deterrence the same has been agreed by **Henry Kissinger**, in his monumental work; **Nuclear Weapons and Foreign Policy**, confronts the nuclear dilemma head on. For him, the challenges of the nuclear age are very different from the past. For example, **the evolution of the threat from nation-state adversaries to those that may represent neither a state nor an army also poses a fundamental challenge to classic notions of deterrence.**
- **James E. Goodby and Sidney D. Drell: *the clarity of the bipolar U.S.-Soviet world has given way to the ambiguities and uncertainties of a world where international security is threatened by transnational terrorists, unstable and failed states, and regimes that scorn a world order based on broadly accepted principles.***
- Several nations are involved in Asymmetrical warfare like Iran, North Korea who have chosen to invest in asymmetric capabilities including weapons of mass destruction (WMD), anti-access technologies, and clandestine support for terrorism. Asymmetrical warfare is very difficult for nuclear deterrence to deal with. In fact, nuclear deterrence would probably be less effective than other actions as argued by **James E. Goodby and Sidney D. Drell.**
- **In case of terrorism, US the administration also acknowledge that nuclear deterrence has little effect on suicidal, fanatical terrorists as there are Islamic fundamentalists who welcome martyrdom.** The dangers inherent in such a threatened environment are magnified by easier access to nuclear technology, inadequately protected stockpiles of plutonium and highly enriched uranium, the growing availability of missiles worldwide, black market nuclear supply networks.
- In this context, **in an open letter published by The Guardian in April 2010**, a group of senior European statesmen said, **"Nuclear deterrence is a far less persuasive strategic response to a**

*world of potential regional nuclear arms races and nuclear terrorism than it was to the cold war. The circumstances of today require a shift in thinking.”*

## WHAT IS BEING DONE IN THE DOMAIN OF NUCLEAR ARMS CONTROL?

- The world has seen some efforts recently in the direction of nuclear arms control for example-
- Recently, the Biden administration has expressed interest in arms control with China in order to “reduce the dangers from China’s modern and growing nuclear arsenal.” In recent years, the United States sought trilateral arms control negotiations with Russia and China to incorporate the latter into existing agreements. But the conflict in Ukraine has thrown into question prospects for future trilateral arms control.
- **The United Nations Treaty on the Prohibition of nuclear weapons (TPNW) has also entered into legal force in January 2021.** This is the first-ever treaty to ban nuclear weapons entered into force on Friday, hailed as a historic step to rid the world of its deadliest weapons.
- **There is a possible pathway for arms control after Russia’s war in Ukraine. This can be an arms control renaissance.** The 1962 Cuban missile crisis, for example, was a wake-up call for the United States and Soviet Union to the dangers of nuclear escalation. The decade after the crisis saw a suite of arms control efforts, including **the Limited Test Ban Treaty, the Nuclear Non-Proliferation Treaty (NPT), the Strategic Arms Limitation Talks, the Anti-Ballistic Missile Treaty,** and a series of risk-reduction measures, such as the **Incidents at Sea Agreement.** The Ukraine crisis may prove another impetus for post-conflict cooperation, albeit a costly one. **(Heather Williams).**
- However, these efforts face challenges due to the prevailing trust deficit in the international system. For instance, some scholars argue that the US, being at the helm of international affairs, is wielding the arms control norms for its own interests, disregarding the international and regional repercussions of its decisions. US proposals for trilateral initiatives including Russia and China are solely for putting caps on the strategic forces capabilities of these states, especially that of China.
- Also, **the international community would be cautious of any future initiatives as they lack credibility after the withdrawal of the US from JCPOA and INF.** The inception of a new framework for non-proliferation while capitalizing upon NPT holds bleak prospects for implementation.
- Russia has withdrawn itself from the observer status at **International Partnership for Nuclear Disarmament Verification (IPNDV)** IPNDV while China is not willing to be part of the new trilateral initiatives for arms control. **Not only this, but these initiatives are also non-inclusive as they outcast non-NPT nuclear weapon states and are aimed to curtail threats imminent to the US and West rather than to the international community at large.**
- Subsequently, the emergence of new arms races has an impact on international and regional balance of power as aspiring states will compete for dominance. **Dr. Hans Kristensen of SIPRI says that the possibility of additional bilateral arms control measures between the U.S. and Russia “remain poor,”.** Given the global and Asian power transition and the competitive nature of geopolitics, the salience of nuclear weapons in the national security strategies of at least

some of the nuclear weapon states may be increasing. This means that developing new arms control measures, especially at multilateral levels, has become more challenging.

### **Answer Writing Guidance:**

*The content above provides detailed arguments to be used directly for answering questions on critical examination of Nuclear Deterrence and the measures being taken at present. How the post-cold war world order has complicated the choices in front of nation states on the matter needs to be explained and how new thinking and approach is needed can be demonstrated. Next, one needs to prepare a list of initiatives which are currently under way in the domain of Non-Proliferation and Disarmament and analyze why they are far from being effective specially in context of Ukraine War, Tensions in Asia and specially because of the artificial divide created between the Nuclear Have's and Have nots by the NPT. In the end of article, the suggestions provided have to be added to the conclusion in order to provide a future course of action on the matter.*

### **FOR SUCCESSFUL IMPLEMENTATION OF NUCLEAR ARMS CONTROL-NAC, CERTAIN PRECONDITIONS ARE NECESSARY. THESE ARE AS FOLLOWS**

- **Shared interest-** Shared interest is very important between negotiating nations on the need to avoid deterrence breakdowns and recognize that nuclear war brings no benefits. In the absence of a shared mutuality of interest, NAC is certain to flounder.
- **Acceptance of NAC as a worthy objective by national leaderships-** In a democracy, this would require a broad consensus between the major political parties to acknowledge NAC as a matter of the highest national interest and accord it requisite priority. In a more military-dominated system, acceptance of the logic and rationale for arms control as a worthwhile pursuit is equally important. *Therefore, forging consensus within diverse political parties as well as convincing national military leadership to accept the centrality of arms control is important.* (Manpreet Sethi)
- **Having accepted NAC as a national objective-** the nation must exhibit a readiness to invest in negotiations and decision-making. the state must commit time and manpower to manoeuvre through political negotiations and technical issues.
- **The Main Committee I on Nuclear Disarmament** - The Committee I report has emphasized the importance of transparency and confidence-building measures amongst state parties.
- **US President Reagan** put it in clear words at the height of the Cold War: *"A nuclear war cannot be won and must never be fought. The only value in our two nations possessing nuclear weapons is to make sure they will never be used. But then would it not be better to do away with them entirely?"*

### 3. EVOLUTION OF INDIA-USA RELATIONS WITH SPECIAL REFERENCE TO CHINA

#### THE EVOLUTION OF INDIA-USA RELATIONS SINCE POST COLD WAR

##### *Answer Writing Guidance:*

*The content below is exceptionally critical in terms of developing a comprehensive understanding of India-USA relations irrespective of whether one looks at it from General Studies or Political Science point of view. Students are advised to specially focus on the factual aspects of the evolution since the same needs to be quoted in Answers with 250 word limit where a brief background of the relationship might be required. One has to identify the historical deterrents of the relationship as well and include them in questions pertaining to Critical Examination. Views expressed by notable experts and dignitaries (In bold) need to directly incorporated in the answers.*

- Relations between India and the United States go a long way. In the words of former **US Ambassador Dennis Kux**, *until the early 1990s, India and the United States were two "estranged democracies"*.
- As described by Sanjaya Baru, *"emerging out of the Cold War cocoon, India had to work hard to redefine its economic, political and strategic links with the developed and developing worlds, examining old assumptions and discovering new opportunities and challenges"*.
- Because of the ideological polarization, which had characterized international politics and India's proximity with the USSR, the rapprochement with the United States was at the center of this process and, to a large extent, its essence.
- This irony of history between the two of the world's largest and vibrant democracies is **attributed to India's alignment with the fight against imperialism, colonialism, and identification with Afro-Asian nationalism** during the time of cold war when the U.S.A was embroiled in the Korean Peninsula and Indochina containing communism.
- **While the USA looked at the cold war as a fight between democracy and communism, India looked at the decolonization through the prism of Afro-Asian nationalism and India's policy of NAM. For India Non-alignment was a policy of distancing itself from the cold war whereas the U.S.A regarded non-alignment as 'immoral'.**
- In addition to this Pakistan's joining of **South-East Asia Treaty organization (SEATO)** and **Central Treaty Organization**, on the one hand strengthened relationship between U.S.A and Pakistan and on the other hand, resulted in the estrangement between U.S.A and India.
- However, according to **Rup Narayan Das**, during the Sino-Indian conflict in late 1950s and 1962 gave a tilt to India's relations in favour of the U.S.A. For instance on 19 November 1962, in the wake of the India-China border war, Prime Minister Nehru requested to President Kennedy an immediate military aid. In response, The U.S.A provided some ammunition of the Second World War; weapons like 4.2 mortars and 3.7 howitzers.

- However, **India's support to Bangladesh in its liberation struggle, in 1970, and the Treaty of Friendship and Cooperation with the Soviet Union in 1971**, which Indira Gandhi signed prior to the outbreak of the war and **The U.S support to Pakistan by sending its Seventh Fleet to the Bay of Bengal** apparently to restrain India whose army had already entered East Pakistan and was fighting the Pakistan army alongside the Mukti Bahini of the Bengalis soured the relationship between the two countries.
- Despite these obstacles, **Atal Behari Vajpayee govt in 1999 gave a new direction to the bilateral relations** between the two countries. What, however, put a temporary pause in the bilateral relations was **India's nuclear explosion in 1998** which evoked critical US reprisal urging President Bill Clinton to invoke the **Glenn Amendment of the Arms Control Act** which imposed extensive economic and military sanctions on both India and Pakistan.
- But according to **Frédéric Grare nuclear tests of May 1998 definitely changed the US perception of India and introduced a new dimension to the relationship**. Washington quickly recognized that a strong India was in the US interest in the context of rising China. For USA balancing became, according to **Ashley Tellis**, an *“operational imperative”, a requirement for “easing the burdens on Washington’s ‘forward defence’ posture” in some parts of the Indo-Pacific.*
- Post Kargil war in 1999, in which the USA played a positive role in averting a major war, gave an impetus to India's relations with the U.S.A. The then Foreign Minister of India Late Jaswant Singh and former US Deputy Secretary of State Strobe Talbott put the bilateral relations on a fast track. It was appropriately reflected in a brochure published by American Embassy in India, *“After almost half a century of talking at each other, India and the US grew accustomed to talking to each other. As Talbot said, “We are getting better at disagreeing without being disagreeable.”*
- Further 1990s LPG reforms, raised India's prospect of the emergence of another sizable emerging market besides China. India also saw partnership with the United States as instrumental to achieving economic success and promoting its acceptance as a regional and international actor. On both sides, economic considerations soon became intertwined with strategic policies.
- This was illustrated by **Bill Clinton's** visit to India in 2000, it was the first by a United States since Jimmy Carter's visit to India in 1978 and in **Prime Minister Atal Behari Vajpayee's** speech, in Asia Society in New York in 2003, where he described the U.S.A as a **'natural ally of India'**.
- A milestone in the bilateral relations was the announcement of the **'Next Steps in Strategic Partnership'** in January 2004. The high point of the relationship between the two countries was the **Indo-US Nuclear Deal** signed in 2008 by both sides. Ever since then there is no looking back. According to **Rup Narayan Das**, **in both India and the U.S.A, there is now bipartisan support for the strategic partnership between the two countries.**
- Further significant development in evolving strategic India- USA partnership fructification of the new **Framework Agreement for the India-US Defense Relationship** that led to the **Logistics Exchange Memorandum of Agreement (LEMOA)** in August 2016. The renaming of the US

Pacific Command as the **Indo-Pacific Command** in 2018 was yet another symbolic gesture by the U.S.A to engage India in the Asia-Pacific in the context of China's assertive behaviour.

- In September 2018, the India-US defense relationship received a major boost during the first **2+2 Dialogue** in New Delhi, where the "foundational" **Communications Compatibility and Security Agreement (COMCASA)** was signed. COMCASA enables the Indian military to get a clear picture of the Indian Ocean region which is witnessing increasing Chinese footprints.
- During the third edition of 2+2 Ministerial Dialogue in 2020 in New Delhi, Basic Exchange and Cooperation Agreement (BECA) was signed amidst the standoff between the two armies of India and China. The two countries welcomed the enhanced maritime information sharing and maritime domain awareness between their Navies and reiterated their resolve to build upon existing defense information sharing at the joint service and service-to-service levels and explore potential new areas of mutually beneficial cooperation.

Thus, after going through aforesaid information, it has been illustrated that since the early 2000, all US administrations, from Bill Clinton to Biden, have worked to build strong relationships with India, gradually encouraging New Delhi to assume a larger role in the region, and according to **Frédéric Grare, "Directly and indirectly, USA has established it as a balancer to China in the region"**. In Fact, the Biden administration plans to deepen its defence ties with India, according to the **US National Defense Strategy 2022**, published on October 27, 2022. **"The Department will advance our Major Defence Partnership with India to enhance its ability to deter PCR (People's Republic of China) aggression and ensure free and open access to the Indian Ocean region,"** the document read.

Thus, the relations between the two countries have spectacularly intensified over the years turning into a strategic relationship, yet the relationship is not without ambivalence. **If New Delhi finds reasons for satisfaction with some of the US policies (pressures on Pakistan being one example), it has also reasons for concerns mainly due to the US's handling of relations with China and Russia, exacerbated by the consequences of the "America First Policy" of the Trump era.**

Current difficulties in the relationship are less the outcome of specific policies than the consequence of deeper structural issues related to both geography and asymmetry of power, and the exacerbation of the US-China rivalry. Previous US administrations had carefully calibrated their relations with China, allowing India to engage with China while simultaneously developing an increasingly stronger partnership with the United States. The tensions between these two partially contradictory aspects of India's policy remained, therefore, manageable. Burt President Trump's narrowly defined transactional policies vis-à-vis India and aggressiveness with China made these tensions more difficult to handle, paradoxically pushing India to seek some degree of accommodation with China while needing more than ever to strengthen its partnership with the United States.

**INDIA- USA DEFENCE RELATIONS WITH REFERENCE TO CHINA****Answer Writing Guidance:**

*The content below is very useful for questions pertaining to analysis of India-USA relationship specially in context of China. How India sees China is not the same as how USA sees China and therefore both perceive each other differently even if the source of threat is same. The critical examination provided at the end of article has to be directly incorporated in the answers in order to bring out why India can't overly rely on USA when it comes to tackling the Chinese challenge. Views of scholars to be directly added in the answers.*

- Both India and the US perceive China as the primary threat to their security. According to **Ashok Tuteja** *“China will remain a threat to India”*, also the latest **US National Security Strategy** perceives China having the *“the intent to reshape the international order and, increasingly, the economic, diplomatic, military and technological power to do it.”*
- **Ashok Tuteja says China is in competition with the US for global primacy.** It has developed impressive military capabilities to sustain that geopolitical tussle with the US. Its worldview is based on specific Chinese beliefs about hierarchy in international relations and notions about its heavenly mandate. It believes two tigers cannot inhabit one mountain – the tiger they have in mind in Asia is India, which is the only power that can in due course challenge China’s supremacy. China will do whatever is possible to limit India’s power capabilities. This has brought India-USA closer for common interest in the changing world order. The US has recognized China’s emerging power and changed the course of its defense relations with India.
- **The latest US National Security Strategy (NSS, October 12) hails India as a major defence partner.** The shift in their relation is also reflected in following examples-India signed the **landmark Nuclear Deal** which ended India’s nuclear isolation and recognized it as a nuclear state.
- And recently **USA has exempted India from sanctions of CAATSA for purchasing S400 from Russia.**
- Scholars argue that the US acknowledges India’s importance and sees it as a deterrent to the rising power of China. Any step that could be a setback for India while catering to its security needs would also hinder US policy for South Asia; therefore, it might refrain from imposing sanctions in favour of fulfilling the common objective of containing China.
- India has seen a 261-percent annual increase in China-backed cyber-attacks as of August 2021, over the same period in 2020. Meanwhile, the US has accused China’s Ministry of State Security (MSS) of being responsible for the Microsoft Exchange server exploitation that resulted in the theft of intellectual property from businesses, governments, and organizations in various parts of the globe. This has led to the growing importance of cybersecurity in the India-US bilateral relations reflected in a Senior Officers Meeting of the India-US Homeland Security Dialogue held in January 2022; the dialogue aims to strengthen cooperation in cybersecurity and securing

critical infrastructure, among other areas. (**Harsh V Pant, Trisha Ray, in India US relations: Priorities in the Next Decade**).

- **To strengthen the interoperability of their armed forces with the intent of containing China, the US and India recently held Yudh Abhyas — joint military drills—** in a high-altitude area less than 100 km from the Sino-Indian frontier. Beijing opposed the exercise as meddling by a third party in its border dispute with India.
- In October 2020, **the US's National Security Commission on AI recommended making India the lynchpin of US tech engagement in the Indo-Pacific.** The NSCAI report also proposed the creation of a US-India Strategic Tech Alliance, focusing on R&D, innovation, talent flows, as well as defense and security.

### **WHAT ARE THE MAJOR LIMITATIONS OF INDIA USA RELATIONSHIP IN CONTEXT OF CHINA?**

- There is no doubt that defense relations of USA-India are stronger than ever, yet it is not free from limitations. One limitation is due to their respective perception of China as a threat for e.g., **China is a threat to India's territorial integrity whereas USA perceives China as a challenge to its hegemony.**
- Another limitation is the nature of response to the aggressive attitude of China for instance according to **Anita Inder Singh**, India views AUKUS as an alliance irrelevant to a non-aligned India. But AUKUS is a security arrangement for USA in Indo-Pacific to counter China as AUKUS prioritizes the US contest with China over the control of international ocean lanes and which strategic partner would help defend them.
- **In case of India's border dispute with China, the US favours' a bilateral solution to their conflict however in case of USA's security design several countries are being integrated (making this a multilateral issue) and India is one of them** and currently, the US' attention is focused on defending Taiwan against an aggressive China.
- In addition to this, divergence in understanding of Indo-Pacific is reflected in India's simultaneous efforts to cultivate good relations with the US and Russia highlight conceptual differences between New Delhi and Washington on the Indo-Pacific and on how best to contain China in Asia.
- Considering these limitations of India-USA defense relations India needs to have a balanced approach with USA in context of China this view reflects in **S. Jaishankar's** book also.
- In his recently published volume **"The India Way: Strategies for an Uncertain World,"** S Jaishankar, makes it clear that **India has no plan to align itself fully with either the U.S. or China.** He states that **"This is a time for us to engage America, manage China, reassure Russia, bring Japan into play ... and expand traditional constituencies of support."**

# INDIAN GOVERNMENT AND POLITICS

## 1. ISSUES OF FREEBIES IN INDIAN POLITICS

### *Answer Writing Guidance:*

*Students are advised to prepare this short article as readymade answer on questions on Freebies. One has to specifically focus on the legal and procedural challenges involved in curbing freebies. Factual knowledge of background of freebie culture along with recent observations of Reserve Bank of India and Supreme Court are to be directly added in your answers.*

- India has seen political parties rampantly offering freebies to voters at the time of elections, in fact even cash is offered to voters. But in recent trends political parties are increasingly being seen offering electoral promises of doling out freebies to the voters, freebies like free electricity, water, internet, public transport, and even free meals, if they vote their political party to power.
- **Data from the Comptroller and Auditor General of India (CAG) shows that the State governments' expenditure on subsidies has grown by 12.9 per cent (in 2020-21) and 11.2 per cent (in 2021-22), after contracting in 2019-20.**
- Freebies culture has reached such alarming proportions that most of the election agenda of some political parties are, as well thought strategy, based only on offers of freebies, explicitly sending a message to voters that they shall get loads of freebies if the political party wins.
- **This raises questions regarding manipulation of voters' minds and freebies being ethical, legal, and permissible in a democracy.**

### HISTORY OF THE FREEBIES IN INDIAN POLITICS

- In Indian politics, the origins of freebie culture in Tamil Nadu. **Late Kumaraswami Kamaraj**, the chief minister of erstwhile Madras state, introduced freebies in the form of free education and free meals for school students between 1954 and 1963.
- Later, in 1967, **Dravida Munnetra Kazhagam founder CN Annadurai** took the culture forward by promising 4.5 kg of rice for Re 1 if he were to be elected. It didn't stop there.
- During the 2006 state election, the DMK stepped up their freebie game and offered colour televisions to the voters from then on, the whole cycle went crazy and parties trying to show up each other offered gas stoves, cash handouts, pieces of land and even maternity assistance.
- In 2015, the **Aam Aadmi Party (AAP)** stormed to power in Delhi on the promise of providing a certain amount of water and electricity free of cost to people.
- In 2021, **Thulam Saravanan**, an independent candidate from Madurai in the Tamil Nadu elections, promised those who voted for him would receive helicopters and cars, Rs 1 crore per

household, gold, household robots, 100-day trips to the moon and, even artificial icebergs to keep residents of his constituency 'cool'.

Jharkhand, Kerala, Odisha, Telangana, and Uttar Pradesh are the top five States, with the largest rise in subsidies over the last three years.

## WHY IS THE FREEBIE CULTURE UNDER CRITICISM?

### *Answer Writing Guidance:*

*Freebies are one of the biggest pushups or efforts needed to be there as an outlay of revenue expenditure. Economic Survey 2021-22 has mentioned changes in the dynamics of public expenditure. Hence, as a value addition one can take the angle of political economy, along with instruments of populist politics that can change or tap the voting determinants. Given below points discuss the political perspective of providing freebies to the public.*

- **Issues in freebies start from having no exact definition that leaves it to be used for politically motivated vested interests by political parties influencing electoral behaviour.**
- **But generally, the government expenditure on public goods** like healthcare, PDS, education, health and employment are **considered welfare measures**, while spending on free TVs, cycles, cattle, and loan waivers are considered freebies.
- **This goes with the spirit and provisions of Indian constitution too as, the Constitution has mandated the State to secure a social order for the promotion of the welfare of the people and minimize and even eliminate inequalities in income, status, and opportunities (Article 38).**
- **But the problem arises when it becomes a burden on the State's finances, disturbing a balance between welfare and freebie, which is reflected in an RBI report too, in which the RBI lists the growing preference for distribution of "freebies" as a potential source of fiscal risk.**

## DEBATE ON FREEBIES

- **Having no definition of freebies has created a debate on freebies i.e., what is freebie and what is not, is the freebie good or bad, how does it impact Indian politics, debates also question the context - political, economic and time during which freebie is provided. This is explained through following examples-**
- **For example, during a pandemic or a natural disaster, the government providing free foodgrains, free vaccines or funds cannot be put under the freebie category. But the same in a normal situation can be termed a freebie.**
- **Freebies are opposed as it is making mockery of our democracy and election process as it commodifies the electoral process and strips voters of their agency. Voters, in this framing, are passive, unsophisticated actors who can be bought and therefore there is a need to be vigilant.**

- In 2013, the Supreme Court said that budgets for these freebies **“are going above regular budgets”**. **This disturbs the level playing field. Freebies, undoubtedly, influence all people. It shakes the root of free and fair elections to a large degree,”**.
- According to **Yamini Aiyar** it is the **power of politics that preserved these schemes (MNREGA, PDS etc.)** That said, in a democracy, political choices can and must be questioned. In that spirit, a debate on the merits and demerits of freebies is important but this debate cannot be divorced from the economic context.
- According to **RBI**, **“...the provision of free electricity, free water, free public transportation, waiver of pending utility bills and farm loan waivers are often regarded as freebies, which potentially undermine credit culture, distort prices through cross-subsidisation eroding incentives for private investment, and disincentive work at the current wage rate leading to a drop in labour force participation”**. It may be said that freebies are coming out of the pocket of the taxpayers. **Former RBI Governor D Subba Rao cautioned that freebies could become a burden for future generations.**
- Risks of Freebies reflect in international practices too. For e.g. Once offering free food to free transport, **the Socialist Venezuela**, an erstwhile rich economy is now in complete shambles. Venezuelans stopped working, as most of their needs were offered for free by the Government, as the nation was oil rich. The Country turned towards importing most of its commodity requirements and the **economy finally collapsed around 2000**. Another example is of **Cubans** surviving on the freebies offered by their government and as a result they have gone into deep stagnation. Since their basic needs are being taken care of by the State and the population in return is forced to remain enslaved and blindfolded towards the benefits of democratic, progressive, and competitive forces.

### WHY CHECKING THE FREEBIES IS DIFFICULT?

- **Considering these issues involved in Freebies, demands are rising to look into the matter for e.g., recently The Supreme Court heard a PIL against “irrational freebies”**.
- Under the direction of the Supreme Court, **the Election Commission has invited suggestions from all recognized political parties to frame guidelines** on freebies announced in the election manifesto, but without much outcome.
- So, from where the difficulties arise when it comes to checking the Freebie issue. Defining it is a problem in itself.
- Also, no political party might actually do away with the possibility of handing out doles before an election. Basing its arguments on **Subramaniam Balaji case** of 2013 ECI has said that it does not have power to regulate freebies’ declaration by parties ahead of election.
- Lack of political will is also another issue that is hindering the issue as stated by the Supreme Court stated that the Parliament may not be able to effectively debate the issue of doing away with irrational freebies offered to voters during elections, mentioning that the “reality” is that not a single political party wants to take away freebies.
- Also SC’s intervention is being criticized for judicial overreach. In the absence of any parliamentary actions on this issue leads to judicial intervention which is then criticized on the

basis of judicial overreach, SC's recent consideration to setup a panel on the issue is a case in point.

### WHAT CAN BE DONE?

- Political parties cannot be fully prohibited from making political promises. However, such promises, even though they may include some freebies, have to primarily be rational and in sync with Constitutional welfare objectives.
- Further, Political parties must be made to declare the source of funds for fulfilling the political promises of freebies so that the voters can make informed choice even if a free lunch is put on their table.
- Also views of the Finance Commission can be sought to decide the financial sustainability of freebies as suggested by **Kapil Sibal**.
- **Shamika Ravi and Mudit Kapoor** says there are universal freebies that the state must guarantee, which include security, justice, and bare minimum amenities (for example, food, shelter, education, water, sanitation, and clean air) but at the same time the state must consider the hidden distortionary effects of these freebies on the overall economy that would lower growth and productivity and jobs — and hence reduce individual capacity.
- **Another way to check this issue is economic growth**, according to economist **Amit Basole** the bulk of jobs our economy generated even in its peak growth years were in the largely informal, low value add construction sector. Although growth lifted a large population out of poverty, the **World Bank data show, most of those (40 percent of the population) who escaped poverty between 2005-2012 moved into what they call the vulnerable group — one income shock away from falling below the poverty line.**
- So, an inclusive economic development is required. Apart from this **Election Commission of India emphasis that Voters must decide if freebies are good or bad and if it adversely affects the economics of a state,**

## 2. ROLE OF CASTE IN INDIAN POLITICS IN CONTEMPORARY TIMES: WITH REFERENCE TO OBC CASTE POLITICS

### Answer Writing Guidance:

*The below article talks in detail about the background, origin, rise and eventual stabilization of OBC politics in India. The content is especially useful for PSIR students since a direct question on the rise of OBC politics has been asked in the exam several times in the past. Key areas to focus are the background of the OBC politics, Factual data related to the extent of representation, Analysis of changing profile of legislators due to this rise and finally views of scholars on this. The examination of merits and demerits of OBC politics follows the same trajectory as that of the Caste politics in India in general.*

### RISE OF OBCs IN INDIAN POLITICS

- Above the untouchables in the Hindu caste hierarchy are those castes officially designated "**Other Backward Classes**" as defined by their low level of social and educational advancements.
- Predominantly rural, they **account for 52 percent** of India's population and in many states command significant political power. In response to that power a number of states have extended reservations in university admissions and government employment to the "backward castes."
- In 1980, the **Backward Classes Commission**, chaired by former Bihar chief minister **B. P. Mandal**, issued its report, recommending the **reservation of 27 percent of all central government jobs for the backward castes in addition to the 22.5 percent already reserved for Scheduled Castes and Tribes.** It classified **3,743 castes and subcastes as OBC beneficiaries.**
- In August 1990, **Prime Minister V. P. Singh announced that his government would implement the Mandal recommendations.** The decision brought widespread criticism and strong opposition from higher castes, especially students. In New Delhi and other urban areas in North India, violent protests, acts of self-immolation, and police firings raised the spectre of "**caste war.**" The decision was criticised for the timing and haste with which Singh made the decision, **it was argued that the Prime Minister sought to undercut his rivals in the Janata Dal for support among the backward castes and undermine BJP attempts to build Hindu solidarity.**
- The BJP saw the caste reservation issue as an attempt to divide the Hindu community to which it appealed, and it was this above all that spurred BJP leader Advani to undertake his rath yatra to Ayodhya- the action that precipitated the series of events that brought down the National Front government.
- In his fall, V. P. Singh assumed the position of a martyr for secularism and social justice, and these were the themes of his campaign in the 1991 elections.
- This has led to the "**Mandalization**" of **Indian politics** as a large, highly diverse group of thousands of castes had begun to acquire a new singular identity and it led to their rise in Indian politics.

- **Christophe Jaffrelot** says *“in such a context of social polarization, the OBCs were bound to make a greater impact at the time of elections, since they were in larger numbers”*.
- The Janata Dal had already fielded larger numbers of OBC candidates in 1989. Not only breakaway factions of the JD like the Janata Samajwadi Party and the Rashtriya Janata Dal, but mainstream parties like the BJP and Congress too given that OBC candidates were increasingly successful at the polls: they could have ignored them at their own cost since, now, OBCs voted for their own and no longer for upper caste notables they had done before in the clientelistic framework initiated by the Congress system.
- **In northern India, the proportion of OBC elected representatives went from 11% in 1984 to 25% in 1996, whereas that of the upper caste elected officials fell from 47% to 35%.**
- V.P. Singh’s prognosis thus proved true. He had announced that: *“Now that every party is wooing the deprived classes, with every round of elections more and more representatives of the deprived sections will be elected. This will ultimately be reflected in the social composition of the local bodies, state governments, and the central government.”*
- According to **Christophe Jaffrelot** *“A silent transfer of power is taking place in social terms”*. There was assertiveness of the OBCs in the political sphere, so much so no party could ignore them as before. In fact, whatever the party in office, the chief ministers have mostly been OBC leaders in the Hindi belt.
- **The OBCs came to have a major impact on politics in the 1990s as they formed their own parties and won control of state governments in North India especially Samajwadi party (SP) led by Mulayam Singh Yadav in U.P. and Rashtriya Janata Dal (RJD) led by Laloo Prasad Yadav in Bihar.** Both of them gained immense popularity riding on the ‘Mandal issue’ and were able to form governments in their respective state legislatures many times.
- However, the very size and diversity of the OBCs, make it very difficult for them to sustain their solidarity. In U.P. and Bihar, for example, the domination of OBC politics by the Yadav's has generated resentment among the Kurmis and other OBCs who resent the bias shown by Yadav leaders in favour of their caste fellows.
- **The very notion of the OBCs as a coherent community becomes threatened by the diversity and competition among the thousands of castes that make up the OBC community.**
- Nevertheless, now OBCs have carved out a significant spot as a political category in Indian Politics to illustrate the point - **Political scientists Christophe Jaffrelot and Gilles Verniers have pointed out that the Lok Sabha became more representative of the caste composition of India between the late 1980s and 2004, when the proportion of upper caste parliamentarians declined from nearly half to 34 per cent, while that of OBC members went up from 11 to 26 per cent. This was largely due to the emergence of regional parties with a strong OBC representation.**
- However, **Satish Deshpande** says, **this trend has been reversed since 2009 as the regional parties have lost ground, and the 2014 elections have returned a Lok Sabha where upper castes are nearly 45 percent and the OBC have declined to about 20 per cent.**
- However, **the 2019 elections have demonstrated the centrality of OBCs in Indian Politics.** This is argued considering the place of OBCs in political calculations of the major parties. **The rise of**

the Bharatiya Janata Party (BJP) coincided with the mobilisation of the Other Backward Classes (OBCs). In the case of BJP, today the OBCs are the backbone.

- Also, the strategy of the BJP is geared towards consolidating the OBCs and their aspirations. For example, in Uttar Pradesh, the Bhartiya Janata Party (BJP), after 2014, has defeated the main Mandal party, the Samajwadi Party (SP), in every single election.
- According to the Lokniti Survey, in Madhya Pradesh BJP gained from a huge shift of Adivasi and OBC voters between the Assembly and Lok Sabha polls. **Ajay Gudavarthy says “OBCs, in fact, lend the pan-India character to the BJP-RSS combine”**. In Telangana, for instance, the OBCs are mobilised through organising Vinayak Chaturvedi and Hanuman Jayanti. Recent upheaval in Bihar politics also point to the significance of OBCs for political parties as many scholars like **Subrata Mitra** argue that political shifts in Bihar can have implications for Indian politics too.

### DEMERITS OF THE OBC CASTE POLITICS

- The upsurge of OBCs has been **criticised for promoting ‘vote-bank politics and fragmentation of polity**, which has led to unnecessary delay in decision making and for promoting group rights in place of individual rights.
- It has been claimed that **some castes among the OBCs, have been able to tap out all the benefits, while many others, what has been called as the Most Backward Classes (MBCs) still remain suppressed.**
- **Over insistence over reservations has been criticised for ruining merit and scholarship and for diverting attention** of the people and policy makers from addressing the real issues such as increasing employment opportunities, improving growth potential etc., as everybody is interested in having a larger share of the fixed pie.

### MERITS OF THE OBC CASTE POLITICS

- It has been hailed for leading to the **democratization of the Indian political space** and for increasing the confidence of the lower caste people who became much more confident and began voting in masses for leaders belonging to their own milieu.
- This has led to **changing of upper-caste oligarchy by people coming from more humble backgrounds**, who had till now lacked voice in decision making.
- Reservations have effects in educational and administrative fields. More importantly, the OBCs have witnessed social and economic mobility.
- **A recent International Monetary Fund report cited OBCs as enjoying the fastest inter-generational mobility compared to even the higher castes.** They became tenants and landowners, unlike the Dalits. They experienced movement into the formal economy, higher education and job opportunities owing to the implementation of the Mandal Commission in 1990.

### 3. VISION BEHIND FORMATION OF UTs: WITH SPECIAL REFERENCE TO LADAKH

#### *Answer Writing Guidance:*

*The below article gives a background of the factors which have led to creation and continuance of Union Territories in India. The factors have to be provided in any answer discussing the rationality of such a unique arrangement in the Indian Federal Setup. Further, the unique case of Ladakh has been discussed and one needs to focus on the unique circumstances which justified the creation of UT of Ladakh. Critical examination of the present scenario has to be added in order to assess and it needs to be coupled with suggestions by NCST for ensuring that the overall objectives of the bifurcation are eventually achieved.*

- The union territories are dealt with in **Articles 239 to 241 of Part VIII** of the Constitution, and their administrative system is not consistent.
- Unlike the states of India, which have their own governments, Union Territories (UTs) are the federal territories, administered by the union government of India.
- In UTs, the central government appoints the Lieutenant Governor, who is the administrator and the representative of the President of India.
- As an exception, Puducherry and Delhi have an elected legislature and government, as they were granted partial statehood, under the special Constitutional amendment. Currently, India has eight Union Territories including, Delhi, Andaman and Nicobar, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Jammu and Kashmir, Ladakh, Lakshadweep, and Puducherry.

#### **REASONS OF THE FORMATION OF UTs**

- There are many reasons behind providing status of UT for e.g. geographical and strategic locations, different indigenous culture and small land and population.
- Some UTs like JK and Ladakh, Andaman and Nicobar, Lakshadweep are strategically important for India, and the Indian government can act directly there in the event of an emergency as the centre has direct control over UTs.
- Especially JK and Ladakh which are located in difficult neighbourhoods of India considering the border dispute between China and Pakistan.
- From a financial point of view also it would not be feasible to have a legislature in UTs (except Delhi and Puducherry) considering their very small land and population.
- Status of UTs also help in preserving and accommodating different cultures of some UTs like Ladakh, Dadra and Nagar Haveli, Daman and Diu (Portuguese), Puducherry (French), which have a different culture.

- In addition to this Delhi and Chandigarh are of administrative importance considering that one is capital of India and the other one is capital of Haryana and Punjab which increases their importance too.
- Another important reason is economic development of which Ladakh is an example which has been promised the same as a result of UT status.

### **CASE OF LADAKH**

- **On August 5, 2019, the state of Jammu and Kashmir was stripped of special status under Article 370** and was going to be splitted into two Union Territories, J&K with legislature and the Ladakh division was going to be a separate Union Territory without a legislature.
- Union Territory status had been an old demand among Buddhists in Ladakh, who form 40% of the population. While Leh celebrated, the residents of Kargil district protested. Mostly Shia Muslims, they greeted the bifurcation of the state with dismay.
- Giving UT status had built high hopes of development owing to its direct connection with New Delhi. However, nearly three years of the period are taken into consideration; there have been dissensions, resentment and people fearing that someone else is pulling their strings of development, instead of themselves.

### **WHAT WAS THE VISION BEHIND THE CENTRE'S MOVE?**

- Bringing directly under centre will **benefit Ladakh** has a substantial part of Ladakh (specifically, Leh district) **as earlier its population has felt alienated by J&K's decision-making apparatus, which was centered in Srinagar.**
- **The region's ecological and cultural uniqueness, fragility of its cold desert ecosystems** and the highly adaptive traditional livelihoods of its people were ignored by the system earlier. **It was expected that it would be considered now in the decision-making process.**
- Despite having the Autonomous Hill Development Council for more than two decades, it has no true autonomy. Decisions were controlled either from Delhi or Srinagar. **After this local would have a greater say in their own development.**
- It will lead to economic development of the region which is backward and underdeveloped.

### **WHAT HAS BEEN ACHIEVED**

- There are fears that their land can go to in State's hand for e.g. in a recent order in April 2022, by the revenue secretary/commissioner of Ladakh UT, the Nau Taur land has been questioned and if the purpose of the land has changed, say for example from agriculture to commercial, which has happened widely (conversion of land from agriculture to hospitality, etc.), then there is a threat that such land can vest with the State.
- **The people had high hopes that the entire region would be declared tribal under Schedule VI** of the Indian Constitution. However, the government is yet to decide in this regard.
- **The National Commission for Scheduled Tribes had also earlier recommended that the Union Territory of Ladakh be brought under the Sixth Schedule, which offers protections and a degree of autonomy for tribal areas. Over 97% of Ladakh's population belongs to Scheduled**

**Tribes.** If tribal status is guaranteed to Ladakh then the local people become one of the most important stakeholders regarding land rights.

- **Sheer control of the bureaucracy over the administrative structure** which is further controlled by New Delhi the two democratic hill councils of the region. Also, the **budgets of these councils are not under democratic control** but under a few bureaucrats who are running the show.
- **Lack of interface between the bureaucrats and the people.** Neither the elected nor the common people are part of the developmental processes.

## **P. STOB DAN'S ANALYSIS**

- **Severing Ladakh from Kashmir was necessary to prevent it** from getting engulfed in the vortex of instability that plagued the region, and to forestall any prospect of it falling in the list of international concerns.
- As for the local sentiments, the **Ladakhis do not seem to have a perspective on these issues.** The **conferment of UT status** had initially caused a lot of excitement but it **fell short of fulfilling their demands.**
- Their **concerns are not issue-based but demand-based** — lack of political representation, inadequate say in local governance, fear of losing control over land, employment opportunities and immigration etc. It is inevitable, though Ladakh too has been corrupted by the Kashmir administration. No administrative accountability — financial or otherwise — existed.
- Now that all the central laws have been extended to Ladakh, the people appear crestfallen. Obviously, it will take time for change to happen. But whether legitimate or not, their demands need to be looked into. The formation of the Union Territory needs to be taken to its logical conclusion.

## **NATIONAL COMMISSION FOR SCHEDULED TRIBES RECOMMENDATIONS FOR LADAKH**

- Democratic devolution of powers
- Preserve and promote the distinct culture of the region.
- Protect agrarian rights including rights on land
- Enhance transfer of funds for speedy development of Ladakh region.
- Inclusion under the Sixth Schedule of the Constitution of India.

#### 4. DISCRETIONARY POWERS OF GOVERNOR: WITH REFERENCE TO POWER TO DISMISS A MINISTER

##### *Answer Writing Guidance:*

*This article talks about the recent controversy related to discretionary power of Governor. This topic is very important from exam point of view as questions regarding the role of governor and discretionary power of governor has been asked directly. Apart from this, the content can be incorporated in questions which are related to asymmetrical federalism and federalism in general. Here students need to focus on envisioned role of governor and how the office of governor became politicised over the period misusing governor's discretionary powers. For GS answers scholar's quotes should be avoided as these are important for PSIR students.*

- In the Federal Government, **Professor K.C. Wheare** aptly calls **India a unique case of quasi-federal state**, a unitary state with subsidiary federal features.
- In his seminal work, *The Indian Constitution*, political scientist **Granville Austin** describes the **Indian federation as an example of cooperative federalism that produces a strong Central government but does not result in weak provincial governments.**
- Over the past seven decades, Indian federalism has witnessed several phases and evolved, with new democratic trends such as coalition politics, federalization of the party system, judicial interventions, the emergence of powerful regional satraps and so on.
- The Governor's office too is not untouched from this which is considered as a link in federal polity of India. The recent controversies related to the role of Governor in Karnataka, West Bengal, Kerala represents the fissures in the federal structure of the country.
- **Seen as the lynchpin of the constitutional apparatus of the State, the office of the Governor has been pivotal in holding together the units of the federal polity.** Given the experiences of the nationalist leaders with the Governor in the British Indian provinces following the Government of India Act of 1935, the nature of his office was widely debated by the Constitution makers.
- **K.T. Shah** debated *"The Governor is a bird of passage...It is improper and unreal, therefore, to suggest that every executive action be in the name of the Governor."* **Biswanath Das** also expressed his apprehensions that the Governor was nothing but a cipher. If that be the case, how is it then that this Governor, this nominated Governor, nominated by the President and the Central Government and the Ministers elected by the State Unions and the Provinces will be able to cooperate?" Thus, foreseeing the possibility of misuse of his office, some of the members expressed reservations about the impartial functioning of a nominated Governor endowed with "discretionary powers".

- However, there were others, such as **Jawaharlal Nehru, K.M. Munshi and P.S. Deshmukh, who argued that the Governor should be a nominated head of the State with sufficient powers to discharge his constitutional duties.** Thus, given historical background there the set was already staged for a discussion on the future of federalism in India vis-a-vis the office of the Governor who has to balance his “dual role” as the constitutional head of the State and the representative of the Centre.

### **CONSTITUTIONAL PROVISIONS REGARDING GOVERNOR'S OFFICE**

**Article 153** - There shall be Governor for each State

**Article 154** -The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers’ subordinate to him in accordance with this Constitution.

**Article 155** -The Governor of a State shall be appointed by the President by warrant under his hand and seal.

**Article 156** - The Governor shall hold office during the pleasure of the President. A Governor shall hold for a term of five years from the date on which he enters upon his office.

**Article 157** - Must be a citizen of India and has completed the age of 35 years.

**Article 158** - The Governor shall not hold any office of profit and shall not be a member of either house of the parliament or house of the state legislature.

**Article 159**- Every Governor and every person discharging the functions of the Governor shall, before entering upon his office, shall take oath in the presence of the Chief Justice of the High Court or, in his absence, the senior most Judge of that Court available.

**Article 161**- Power of Governor to grant pardons, etc, and to suspend, remit or commute sentences in certain cases.

Of the several legislative, executive, financial and judicial powers of the Governor, **it is the exercise of his discretionary powers that has been the bone of contention between the Centre and the States since Independence.** The most controversial of these are the **power to appoint the Chief Minister under Article 164; the right to summon, prorogue and dissolve the Legislative Assembly as per Article 174; and the recommendation of President’s rule under Article 356 in case of breakdown of the Constitutional machinery.**

- The controversy related to its governor's discretionary power arises just after the first decade of independence. This was the blatant misuse of the Governor's power under Article 356, in which the **Namboodiripad government in Kerala was dismissed in 1959 by the Nehru government**. The dismissal of a democratically elected government set a wrong precedent and **marked the beginning of employing President's rule as a political tool on several occasions, based on the whims and fancies of the Governor**.
- Later on, **Indira Gandhi's three tenures (1967-1977 and 1980-84) and the Janata Party government's brief term (1977-1980) witnessed widespread abuse of Article 356**. The **1967** elections, which led to the formation of non-Congress governments in several States were a watershed in India's electoral democracy and **a big jolt to the "Congress system" which is also marked as the beginning of the phase of confrontational federalism**. The Governors during this phase began to vigorously play their roles as agents of the Centre with a complete disregard for constitutional morality.
- **Anushree says such politically motivated roles have continued across regimes from the United Progressive Alliance to the National Democratic Alliance**, be it the wrongful dissolution of the Bihar Legislative Assembly by Governor Buta Singh in May 2005 or the constitutional crisis triggered by the unlawful advancement of the Assembly session and subsequent imposition of President's rule in Arunachal Pradesh by Governor J.P. Rajkhowa in 2016.
- The Recent controversy related to Kerala **Governor Arif Mohammed Khan, where he threatened to sack ministers who "lowered the dignity" of his office** has added one more controversy related to the office of Governor regarding powers to appoint and dismiss the ministers. This has raised a question regarding the Governor's power to dismiss a minister by withdrawing his/her pleasure as **Article 164(1) says "Ministers shall hold office during the pleasure of the Governor"**.

### **SO, WHAT DOES THE "PLEASURE" OF THE GOVERNOR MEAN?**

- According to PDT Achary- *"The Governor can have his pleasure as long as the government enjoys a majority in the House. The Governor can withdraw his pleasure only when the government loses majority but refuses to quit. Then he withdraws the pleasure and dismisses it,"*. This does not mean the Governor has the right to dismiss the Chief Minister or ministers at will. *"Without the advice of the Chief Minister, a Governor can neither appoint nor dismiss a minister. That's the constitutional position."*
- Article 164 of the Constitution, which says the Chief Minister shall be appointed by the Governor and other Ministers shall be appointed by the Governor on the Chief Minister's advice, adds that "the Ministers shall hold office during the pleasure of the Governor". But **nothing in the Article means that the Governor may independently dismiss a Minister. The pleasure doctrine exists only in a constitutional sense and is exercised by the Governor only on the advice of the Chief Minister**. In other words, the term 'pleasure of the Governor' is used as a euphemism to refer to the Chief Minister's power to drop a Minister from the Council of Ministers.

- **PDT Achary support this view" Therefore, the point is that the Governor cannot withdraw the pleasure from a minister unless the Chief minister asks him or advise him to withdraw "If the Governor says I am withdrawing my pleasure on the Minister without the advice of the Chief Minister, there is no withdrawal of the pleasure constitutionally speaking. The withdrawal of the pleasure by the Governor becomes constitutionally valid only with the advice of the Chief Minister".**

In **Shamsher Singh & Anr vs State of Punjab (1974)**, too the court upheld that the **President and Governor, exercise their formal constitutional powers only upon and in accordance with the advice of their Ministers save in a few well-known exceptional situations.** These situations could arise if the Prime Minister or Chief Minister cease to command majority in the House, the government loses majority but refuses to quit office, and for "the dissolution of the House where an appeal to the country is necessitous". But even in the third scenario, the Head of State (President or Governor) "**should avoid getting involved in politics and must be advised by his Prime Minister (Chief Minister) who will eventually take the responsibility for the step,**" the court ruled.

- **Amidst scathing criticism of the role of Governor, one cannot deny the crucial constitutional functions discharged by the Governor.** But considering the related controversies some of the recommendations of Sarkaria and Punchhi commissions are worth implementing. In fact, the Supreme Court in various decisions has emphasized on the importance of implementing the recommendations mooted by these commissions.
- **Rajamannar Committee (1971)** on the Role of Governor stressed that the Governor of the state should not consider himself as an agent of the centre but play his role as the constitutional head of the State and also said the Governor cannot dismiss the Council of ministers when it commands a majority. Despite this, successive governments have shown a lackadaisical approach in implementing these reforms. It is high time that we codified the recommendations of these commissions. Apart from these reforms, ensuring accountability on the Governor is necessary to prevent her from misusing her discretionary powers. **The ideal course of action should be to limit the arbitrary discretionary powers of the Governor and ensure the independence and impartiality of the office of Governor by providing for its apolitical appointment, fixed tenure, and objective criteria for removal. Implementing the suggested reforms would be a sound step in ensuring an independent and apolitical office of the Governor as originally envisioned by the framers of the Constitution.** In **Nabam Rebia vs Deputy Speaker, 2016** the court also emphasized that in a parliamentary democracy, when the Governor could not dominate the Executive, it was unthinkable that he could dominate the Legislature.

# GOVERNANCE & SOCIAL JUSTICE

## 1. PREVENTION OF MONEY LAUNDERING ACT-2002: WITH REFERENCE TO RECENT SUPREME COURT JUDGEMENT

### *Answer Writing Guidance:*

*Money Laundering as a subject covers a wide range of horizons, be it in terms of internal security, economic, political, and social dimensions which are quite relevant to make any Mains answer a holistic one. Presenting legal aspect and judicial angle allows one to consolidate the content, considering the facets of Prevention of Money Laundering Act, 2005, along with series of amendments to ensure that it can adopt several key changes to punish the culprit and that of Nikesh Tarachand Shah vs Union of India case. At the governance end, elements of the Enforcement Directorate and Central Bureau of Investigation will be handy. Explore the way forward and limitations to tackle questions related to "CRITICALLY ANALYZE" or "EXAMINE".*

### WHAT IS THE PREVENTION OF MONEY LAUNDERING ACT?

Prevention of Money Laundering Act is a **criminal law** of the Parliament of India passed by the NDA government in 2002 to **prevent money laundering and confiscate property derived from the laundered money**. This act was introduced because of India's commitment at the Vienna Convention to combat money laundering. PMLA became law and **came into force on July 1, 2005**.

### WHAT ARE THE OBJECTIVES OF THE OBJECTIVES OF THE PMLA ACT?

- **Prevention and controlling** money laundering.
- **Confiscation and seizing of property** involved in or derived from money laundering.
- Providing **punishment** to offenders
- Appointment of **adjudicating authority and appellate tribunal** concerning money laundering matters
- **Maintaining records and putting obligations** on financial institutions, banking companies and institutions
- Dealing with every issue related to money laundering

### FEATURES OF THE PMLA ACT 2002

- **Section 3** of the Act defines offence of money laundering whereas.
- **Section 4** of the Act prescribes the punishments for the offences.
- **Director, Financial Intelligence Unit (FIU-IND) and Director (Enforcement)** have been conferred with **exclusive and concurrent powers** under the relevant sections of the Act to implement the provisions of the Act.

- **Powers of attachment of tainted property:** Appropriate authorities can provisionally attach property believed to be “proceeds of crime” for 180 days subject to their appointment by the Government of India. Also, such an order needs to be confirmed by an independent adjudicating authority.
- **Adjudicating Authority:** Appointment is made by the central government of India to exercise jurisdiction, powers and authority stated under the PMLA, 2002. It **decides whether the property related or seized is involved in money laundering. It shall not be bound by** any of the procedures specified by the **Code of Civil Procedure, 1908**, but shall be instructed by the principles of natural justice and subject to the other provisions of the PMLA, 2002.
- **Burden of proof:** A person has to prove that alleged proceeds of the offence are in fact lawful property where he is found accused of having committed the offence of money laundering,
- **Appellate Tribunal:** It is the body appointed by the Government of India empowered **to hear appeals against the decisions of the adjudicating authority or any other authority under the act.** The decisions of the tribunal can further be appealed to the High Court (for that jurisdiction) and finally to the Supreme Court.
- **FIU-IND:** It was established by the Government of India on 18th November 2004 as the **central national agency primarily responsible for obtaining, processing, analyzing and imparting information related to the suspect financial transactions.** It is an independent body which directly reports to the Economic Intelligence Council (EIC) governed by the finance minister.
- **Attachment, Adjudication and Confiscation:** -The attachments are done **by the Director or any person not below the Deputy Director authorized to do so** by him the Adjudicating Authority shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure .
- **Obligations of Banking Companies, Financial Institution, and Intermediaries:** The Act provides that every banking company, financial institution, and intermediaries should maintain a record of transactions and provide this information to the Director when required to do so. They are also required to verify and maintain the records of the identity of all its clients.
- **Special Courts: Established by the** Central Government in consultation of the Chief Justice of India to try the offence of Money Laundering. The offences triable by Special Court are the scheduled offences. The Code of Criminal Procedure shall also apply to the Special Courts.
- **Reciprocal Arrangement for Assistance in certain matters and Procedure for Attachment and Confiscation of Property:** The Central Government may enter into agreement with the Foreign Government in respect of this Act for enforcing the provisions of the Act or exchanging information.

### AMENDMENTS IN 2005

- **Amendment of section 2-** In the definition the definition of investigation was also added.
- **Amendment of section 28-** Changes were brought into the appointment of Chairperson or a Member of the Appellate Tribunal.

- **Amendment of section 73-** The insertion of the clause stating that the police officer shall also have the investigating power.

## AMENDMENTS IN 2018

- **Measures to enhance effectiveness of PMLA**
  - **Amendment in definition of “proceeds of crime”** The present amendment shall allow to proceed against property equivalent to proceeds to crime held outside the country also.
  - **Amendment in bail provisions:** to make the applicability of bail conditions uniform to all the offences under PMLA, instead of only those offences under the schedule which are liable to imprisonment of more than 3 years.
  - **Corporate frauds included as Scheduled Offence** to enable Registrar of Companies in suitable cases would be able to report such cases for action by the Enforcement Directorate under the PMLA provisions.
- **Measures to enhance effectiveness of investigations**
  - Amendment gives 90 days more for investigation to ED, before prosecution is filed.
  - New sub-section (2) of section 66 is being introduced to enable exchange of information among agencies and enhance effectiveness of efforts against black money.
- **Measures for restoration of property of persons adversely affected by PMLA investigation**
  - Present amendment allows the Special Court, if it thinks fit, to consider the claims of the claimants for the purposes of restoration of such properties even during trial also, in such manner as may be prescribed.

## AMENDMENTS IN 2019

- **Explanation to Section 2 (u) inserted-** Now, ‘proceeds of crime’ will be understood to relate to any property that is directly or indirectly derived or obtained through an activity relatable to scheduled offences.
- **Explanation to Section 3-** Section 3 of PMLA relates to “**offences of money laundering**”. The Explanation under Section 3 mentions, a person shall be guilty of money laundering if the person is directly involved or is knowingly a party to one or more of the following processes, connected with the ‘proceeds of crime’: Concealment, (b) Possession, (c) Acquisition, (d) Use, (e) Projecting as untainted property, (f) Claiming it as untainted property, in any manner whatsoever.
- **Proviso to Section 17(1) and 18(1) omitted-** gives the authorized officer under PMLA the **authority to enter any property for purpose of conducting search and seizure, and the search of any person, even in the absence of the reporting of a scheduled offence to a Magistrate or any other competent authority in this regard.**
- **Amendment to Section 44 of the PMLA-** gives the Special Court an exclusive jurisdiction regarding scheduled offences.
- **Explanation to Section 45 (2) of PMLA-** This Explanation **clarifies that the offence of money laundering is a cognizable and non-bailable offence.** Accordingly, an authorized officer can arrest the accused without a warrant.

**NIKESH TARACHAND SHAH v. UNION OF INDIA 2018**

- The **twin conditions for bail were unconstitutional** saying there was no need for double surety for bail however in 2018, the Parliament through the Money Bill, reintroduced this provision to PMLA Act 2002.
- **Section 50 of PMLA 2002**, was challenged to be removed. The court held that ED officers are not police officers and hence protection cannot be provided under Article 20 (3) of the Constitution. However, an exception is that if the accused statement is recorded post arrest by ED officials, then protection under Article 20 (3) of the Constitution and Section 25 of the Evidence Act 1872 shall be used. **Providing Enforcement Case Information Report providing ECIR to the accused is not mandatory and disclosure of reasons during arrest is enough.**

**VIJAY MANDAL CHOUDHARY v. UNION OF INDIA 2022: WHAT WAS CHALLENGED AND WHAT IS THE COURT'S JUDGEMENT?**

- **ISSUE- Definition of money-laundering under Section 3-**
  - **ISSUE-** original wording meant that only the projection of tainted money as untainted, and its integration into the economy would constitute the offence. The ED, petitioner argued, was registering money-laundering cases solely on the basis of the original crimes without any proof that their proceeds were laundered.
  - **COURT-** The bench opined that section 3 is widely worded with a view to not only investigates the offence of money- laundering but also to prevent and regulate that offence. It aims to capture every process and activity dealing with the proceeds of crime. The generation of money through crime and its integration with the formal economy are independent offences. It will be wrong to say that only upon the latter activity that the offence of money-laundering is complete.
- **Issues concerning investigation by the ED-**
  - **ISSUE-** 'Enforcement Case Information Report' (ECIR), the equivalent of an FIR in ordinary cases. The manual is not a public document, and the ED does not share the ECIR with the accused. Therefore, why and how a money-laundering probe is initiated is unknown. This left any investigation, issue of summons and decision to order a search, seizure, or arrest completely at the whim of ED officials. There is no judicial oversight of the process, and the accused are forced to seek bail after arrest without knowing the exact nature of the charges against them.
  - **COURT-** The ECIR cannot be equated with an FIR; that there are sufficient safeguards in the entire process of survey, search, seizure, and arrest, in as much as the law requires the officer responsible to record reasons in writing at every stage. A copy of the ECIR need not be given to the accused, but at the time of arrest, the grounds of arrest should be conveyed. In any case, the Special Court can examine the documents to decide whether the detention of the accused needs to be continued.

- **When a person is summoned by a police officer,**
  - **ISSUE-** The ED has the power of a civil court to enforce the attendance of a person summoned under **Section 50**. Giving a statement and producing documents are mandatory obligations. Also, such a statement should be signed by the person summoned and it can be used against him in a trial. This was **challenged on the ground that the section is unconstitutional as it forces people to be witnesses against themselves, something prohibited by Article 20 of the Constitution**.
  - **COURT-** The court rejected the idea that this amounts to testimonial compulsion. Rather, ED officers were not police officers, and the proceedings related to summons, being only an inquiry related to proceeds of crime, do not amount to an investigation. Therefore, it was open to the ED to gather material without treating the person as an accused, but nevertheless prosecute him later, if the information gleaned disclosed a money-laundering offence.
  
- **The stringent bail provisions**
  - **ISSUE-** The petitioners had challenged the validity of the 'twin conditions' laid down in **Section 45** of PMLA for grant of bail: that the court must be satisfied that there are reasonable grounds for believing that the accused is not guilty of an offence; and that he is not likely to commit any offence while on bail. **Parliament re-enacted the section with a change: that the conditions would apply to all cases under PMLA, without any reference to the scheduled offence**.
  - **COURT-** the court upheld Parliament's power to enact a provision to cure a defect highlighted by the Supreme Court. It also ruled that given the gravity of the offence of money-laundering such stringent provisions related to bail are valid.
  - The court did not examine arguments based on the fact that some of the amendments were introduced in the form of Money Bills, as the issue concerning the scope of Money Bills is being separately considered by a seven-judge Bench
  
- **Burden of proof on accused**
  - **ISSUE-Section 24** of the PMLA, which **puts the burden on the accused** to prove that proceeds of crime are untainted property.
  - **COURT-** The bench **found no fault with Section 24**. It held that only because the burden of proof under certain circumstances is placed on the accused, the same, by itself, would not render the legal provision unconstitutional. The bench noted that the existence of proceeds of crime is a foundational fact, to be established by the prosecution, including the involvement of the person in any process or activity connected. Once these foundational facts are established by the prosecution, the onus must then shift on the person facing charge of offence of money-laundering — to rebut the legal presumption that proceeds of crime are not involved in money-laundering, by producing evidence which is within their personal knowledge.

- **ED's power of attachment, confiscation**

- **ISSUE- Section 5**, which empowers the Director or officer not below the rank of Deputy Director of the ED for the purposes of attachment of property involved in money-laundering, Petitioners' argument: They objected the powers bestowed on the ED to attach a property as proceeds of crime
- **COURT-** Upholding Section 5, the bench held that this provision provides for a **balancing arrangement to secure the interests of the person as also ensuring that the proceeds of crime remain available to be dealt with in the manner provided by the PMLA**. The bench was of the view that section 5 had inbuilt procedural safeguards.
- The bench clarified that attachment must be only in respect of property which appears to be proceeds of crime and not all the properties belonging to the concerned person.
- The bench also upheld the validity of **Section 8(4)** of the PMLA, which empowers the ED to take possession of the attached property. The bench, however, clarified that this provision ought to be invoked only in exceptional situations keeping in mind the peculiar facts of the case.

**According to the government of India, approximately USD 18 billion is lost through money laundering each year.**

**In India as of 2018, approximately 884 companies are on high alert for money laundering and assets worth INR 50 billion.**

### **WHAT HAS BEEN ACHIEVED UNDER PMLA ACT 2002?**

- The Enforcement Directorate (ED) has filed as many as **5,422 cases** or Enforcement Case Information Reports (ECIRs) under the criminal sections of the Prevention of Money Laundering Act (PMLA) while it attached (provisionally) assets worth a whopping **Rs 1,04,702 crore** as part of **1,739 orders** issued till March 2022.
- Businessmen accused in multi-crore bank fraud cases, including **Vijay Mallya and Nirav Modi**, are among those declared **FEOs by the courts**.
- The agency also has attached assets worth **Rs 433 crore** under the law to cripple those **who are charged with high-value economic frauds and abscond from the country to evade the law**.
- From 2016-17, searches were conducted in money laundering 161 cases filed under PMLA
- **Punjab National Bank Case-** The scam alleged to have been orchestrated by diamantaires Nirav Modi and Mehul Choksi, involved fraud of over USD 2 billion. In June 2020, **the ED brought back INR 1135 crores** worth of diamonds, pearls and other jewellery belonging to overseas entities owned by Nirav Modi and Mehul Choksi. The ED intended for this jewellery to be formally seized under the PMLA.
- **ICICI Bank – Videocon Case-** The matter is centred around Chanda Kochhar, former MD and CEO of the ICICI Bank and her husband, Deepak Kochhar. **The ED provisionally attached over INR 78 crores** worth of moveable and immovable assets of the Kochhars, which was followed by the arrest of Deepak Kochhar and Chanda Kochhar in September 2020 under the PMLA.

## LIMITATIONS-

- Only 313 arrests have been made till date since 2002, the year in which the PMLA Act was enacted. Over the last 20 years **more than 200 pleas are pending under PMLA.**
- The difficulty in convicting offenders in money laundering cases due to the remoteness of the perpetrator(s) to the criminal activity and proceeds of crime due to which **the act of money laundering can go unnoticed** in the ordinary course of affairs.
- The average time lag between the date of occurrence of frauds and the date of detection was 23 months for the frauds reported in 2020-21. Even the Hon'ble Supreme Court has stressed on the need for a fast investigation as "cash travels faster than light".
- The plight gets aggravated as even the Indian judicial system is plagued with a notoriously **slow pace of resolution of cases, and there is an endless backlog that stands in the way of time-efficient adjudication of matters.** Up till 2019, at least 38 economic offenders like Nirav Modi and Mehul Choksi are known to have fled the country to avoid prosecution.
- **The anonymous powers conferred to the directors and the adjudicating authorities** by shifting the burden of proof and with respect to attachment, adjudication and confiscation of properties/records **generally leads to vexatious prosecution.**

## THE WAY FORWARD

- The investigation, prosecution, as well as successful conviction under the PMLA requires a **multi-pronged approach.**
- **Effective coordination and collaboration between** various enforcement agencies such as the CBI, Narcotics Control Bureau, the Serious Fraud Investigation Office, and the ED can prove crucial for proper investigation.
- In cases of cross-border money laundering, **mutual legal assistance treaties with other states** and the proper implementation of these treaties are the key to capturing economic offenders.
- India has entered into mutual legal assistance treaties for asset recovery with many jurisdictions, including the United States of America, the United Kingdom, and the United Arab Emirates. Modi's arrest and trials in the UK are a visible marker to criminals and for criminal justice.
- **An effective fraud risk governance, strong fraud prevention and detection strategies** (including specific anti-fraud control processes), as well as coordinated and timely investigations and corrective actions.
- With evolving fraud threats, banking institutions' defensive strategies also need to necessarily keep up.
- **A stricter treatment being meted out to economic offenders may act as a deterrent** and avoid more scams of the ABG Shipyard, ICICI Bank, Yes Bank, or the Punjab National Bank scam.

## 2. ISSUES OF MEDIA TRIAL

### *Answer Writing Guidance:*

*Media, being the fourth pillar of democracy, also holds a duty that it must uphold in contemporary times, considering the frequency of media trials has increased. As a value addition, several prominent examples have been there. It is necessary to cover dimensions related to consequences of media trial, the ethical verdict associated and attached to this domain. In terms of holistically tapping all aspects, constitutional provisions will be quintessential, along with media regulatory bodies like TRAI, Press Council, etc., to go through the governance perspective as well.*

As media influence grows beyond human reach, the **fourth pillar of democracy** takes pride in being fair, impartial, and presenting the facts. **There have been numerous instances in which the media has conducted the trial of an accused and has passed the verdict even before the court passes its judgement like the Rhea Chakrobarty case.** Trial by media means the impact of the newspaper and television coverage on a person's reputation by creating widespread perception of guilt regardless of any verdict in court of law. A media trial is a trial similar to a court of law in which the media house declares an individual innocent or guilty before the court's final judgement based on debates and discussions. Additionally, **it results in the formation of beliefs in the minds of individuals, thus impacting the case's meritocracy.** The media trials were **visible in the Jessica Lal murder case and the Sushant Singh Rajput drug case**, among others. In the **Sushant Singh Rajput Case the Bombay high court** did not mince words while pointing out to the fact that journalists today have lost their neutrality and the **media has become polarized.**

The criminal jurisprudence followed in India is based on the theory that an accused is entitled to fair trial and is innocent till proven guilty beyond any reasonable doubt. However, in media trials, on account of exclusive coverage, the media goes a long way to cover and publish interviews of witnesses, victim's relatives, comments of the members of legal fraternity etc. which may cause prejudice to a trial proceeding in particular the judicial mind. Media overlooks the primary idea that governs trial in India which is Guilty beyond reasonable doubt and Innocent until proven guilty. There have been several cases where the media had taken the case into their own hands and declared judgement against an accused contrary to fair trials in court.

### CONSEQUENCES OF MEDIA TRIAL

- **Influence on the judiciary-** In the **Jessica Lal case (2010), and the Priyadarshini Mattoo case (2006)** cases **judiciary was suspected to have been influenced by the Media Trial.** Judges and other judicial officers being humans cannot be said to be free from faults either. They can also be subconsciously influenced by media trials or media publicity.
- **Misuse of Freedom of Speech-** media trial is defended on the basis of freedom of speech protected under article 19. But sometimes where there has been high publicity of court cases,

the media has played a crucial role in creating panic among the viewers, making fair trial nearly impossible misusing the freedom.

- **Violation of the "Right to Fair Trial"**- the "**Right to Fair Trial**", i.e., a trial uninfluenced by extraneous pressures is acknowledged as a **basic tenet of justice in India**. Legal provisions aimed at securing the said right are contained under the Contempt of Courts Act, 1971 and under **Articles 129 and 215 of Indian Constitution** (Contempt Jurisdiction that is; Power of Supreme Court and High Court to punish for Contempt of itself respectively). Media trial violates this right of the accused who is yet to be proven guilty.
- **Media trial intervention**- The validation of **evidence becomes questionable** once the evidence forming the essence of a case, whether civil or criminal, is intervened by the media trial procedure. For instance, **the Bhima-Koregaon case**, the leads found for the case was leaked as a result of a media trial that created chaos in the entire proceedings of the case. **The Bombay High court had to come out to take a stand and it criticized the act of leaking to the general public.**
- **Create Prejudice in the society**- The entire procedure of media influencing the general public results in creating prejudice in the minds of viewers or readers. **Jasleen Kaur Harassment Controversy Case**: the accusation of sexual harassment made by Jasleen Kaur against Sarvjeet Singh in 2015 was followed by Trial by Media in which Sarvjeet was labelled by terms like "National Pervert" and "Delhi ka Darinda " (Delhi's predator) on national news channels. After four years, in 2019, the Indian court acquitted Sarvjeet of all the charges and he was held innocent. However, during the time, the man had lost his job and couldn't find any other source of income due to such media coverage.
- In the infamous **Aarushi-Hemraj double murder case**, the media tried its best that was possible to glorify such an intense case and project it to the general public. According to the facts of the case, it was proved that there were no witnesses for the incident still, in spite of that, the public is well aware of every detail that had happened that night.

### **CONSTITUTIONAL PROVISIONS FOR FREEDOM OF PRESS-**

- The Constitution of India has not laid down any specific provision for the Freedom of Press separately but the same can be derived from **Article 19(1)(a)** which guarantees Freedom of Speech and Expression to the citizens of India.
- The **Right to Information Act was introduced in 2005** and the implementation of the same has stretched out the freedom of press which made India a liberal country, when it comes to Freedom of Press.
- In the case of **Brij Bhushan v. The State of Delhi**-court held that in India under Art.19(1)(a) freedom of speech and expression authoritatively includes the freedom of press print and electronic media and affecting the right of freedom of speech and expression.
- In the case of **India Express Newspaper Ltd. v. Union of India Justice Venkatraman** of Supreme Court of India stated that the freedom of press is an essential for the proper functioning of the democracy.

**In the case of Printers (Mysore) Ltd. v. Assistant Commercial Trade Officer, the Supreme Court of India held that though freedom of press is not under Fundamental Right, but it is implicit in the freedom of speech and expression.**

### **MEDIA REGULATION IN INDIA-**

- **TRAI-** The Telecom Regulatory Authority of India (TRAI) **regulates the tariffs** payable to subscribers of television channels and service providers in the broadcasting sector.
- **The Electronic Media Monitoring Centre**, which was set up in 2008, is entrusted with the work of **monitoring content on TV**. It puts out reports on violations of the Programme Code.
- **Press Council of India-** created through an act of Parliament. Its **mandate is to preserve the freedom of the press and to maintain and improve the standards** of newspapers and news agencies in India.
- **Limitations on FDI-** In 2019, the government announced a **26% cap on FDI in digital media**, ostensibly, to bring it in line with print media.
- Recently the government issued an order **bringing online news portals and Over the Top (OTT) content under the regulatory purview of the Information and Broadcasting (I&B) Ministry.**

### **WAY FORWARD**

Considering the above factors, it necessitates the regulation of media. Although a controlled media is not good for democracy, as it forms the backbone of our society. But implications and the result of unaccounted publications by the media are even more damaging not just to the reputation of the person but also to the judgement imposed by the courts and harmful for democracy at large. Therefore, yes media trials have served to help the people but only in very few instances but that do not happen in all the cases, thus it is necessary to regulate it. Also, responsible media is expected to take into consideration the reliance entrusted on it by the general public and confidence and faith entrusted whereby the common man/public blindly accepts the truth of the news published by the media. **The Law Commission in its 200th report, Trial by Media: Free Speech versus Fair Trial under Criminal Procedure (Amendment to the Contempt of Courts Act, 1971)**, has recommended a law to debar media from reporting anything prejudicial to the rights of the accused from time to arrest to investigation and trial in criminal proceedings.

Media on its part can regulate itself considering its responsibility as the fourth pillar of the world's largest democracy-

- Every caution shall be undertaken to avoid any writing that is opinion based i.e., either favouring or defaming any person/party.
- **Right to privacy shall not be interfered with.**
- **Accuracy is of utmost importance** while reporting court proceedings.
- **Reports based on mere suspicion** or personal opinion **shall not be published.**
- Appreciation of an act of violence shall always be avoided.
- **The heading shall not be purposely made sensational or provocative;** it must be apt for the matter printed under it.
- **Rectification shall be published** without any delay in cases of error.

### 3. THE PLACES OF WORSHIP ACT 1991

#### *Answer Writing Guidance:*

*Such laws again take care of several angles, including the religious one, where one can come up with the judicial and other aspect that whether the law is ensuring grains of constitutionalism, along with taking care of secular domain, thus highlighting the basic structure doctrine and how Indian form of secularism is better than its Western definition and thought.*

#### **THE PLACES OF WORSHIP ACT OF 1991-**

- The Act **prohibits the “conversion of any place of worship”** and states places like churches, temples, mosques, etc. cannot be changed from as they stood on August 15, 1947.
- **Section 3** of the Act **bars the conversion, in full or part, of a place of worship of any religious denomination** into a place of worship of a different religious denomination — or even a different segment of the same religious denomination.
- **Section 4(1)** declares that the religious character of a place of worship “shall continue to be the same as it existed” on August 15, 1947.
- **Section 4(2)**- says any suit or legal proceeding with respect to the conversion of the religious character of any place of worship existing on August 15, 1947, pending before any court, shall abate — and no fresh suit or legal proceedings shall be instituted. But the provision to this subsection saves suits, appeals and legal proceedings that are pending on the date of commencement of the Act if the conversion of the religious character of a place of worship took place after the cut-off date.
- **Section 5** stipulates that **the Act shall not apply to the Ram Janmabhoomi-Babri Masjid case**, and to any suit, appeal or proceeding relating to it.

#### **VISION BEHIND THE ACT-**

- The Act is based on the principle of equal entitlement of persons belonging to any religious denomination or section thereof as Places of Worship (Special Provisions) Act, 1991 protects places of worship of all denominations and sections thereof equally.
- **According to the Ayodhya judgement 2019, the law manifests the secular values of the Constitution** and strictly prohibits retrogression. Through this act Parliament determined that independence from colonial rule furnishes a constitutional basis for healing the injustices of the past by providing the confidence to every religious community that their places of worship will be preserved and that their character will not be altered.
- These **norms implement the Fundamental Duties** under Article 51A and are hence positive mandates to every citizen as well.

- The State, has by enacting the law, enforced a constitutional commitment and operationalised its constitutional obligations to uphold the equality of all religions and secularism, which is a part of the basic structure of the Constitution.
- The act **protects and secures the fundamental values** of the Constitution. The Preamble underlines the need to protect the liberty of thought, expression, belief, faith, and worship.
- It **emphasizes human dignity and fraternity**. Tolerance, respect for and acceptance of the equality of all religious faiths is a fundamental precept of fraternity.

### ISSUES IN THE ACT

- It bars **judicial review**, which is a basic feature of the Constitution.
- Imposes an “**arbitrary irrational retrospective cut off date**”.
- Abridges the right to religion of Hindus, Jains, Buddhists, and Sikhs.
- It is also about introducing exceptions that like the Ayodhya Ram temple dispute, the matters pertaining to alleged disputed sites at Kashi and Mathura be kept out of the purview.
- It **violates the principles of secularism** enshrined in the Constitution.



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# 1A: POLITICAL THEORY & THOUGHT

## 1. PLURALIST PERSPECTIVE OF STATE

### *Answer Writing Guidance:*

*The content given below allows an aspirant to understand the origin of pluralism, how a state should be viewed with the perspective of pluralism. In addition to this, it also becomes important to derive and extract the key tenets of pluralist state and why it is crucial in terms of inculcating impartial arbitrator, civil society being a bulwark of democracy, and the criticism related to this concept. Once the dimension of multiculturalism is realized, there is a possibility to understand the distinction lying between the two entities*

### TREATY OF WESTPHALIA

The modern concepts like the territorial sovereignty and sovereign equality of States are rooted in the Treaty of Westphalia. Dr Daud Hassan says in relation to the modern State system the Treaty of Westphalia is a landmark as this treaty attempt to systemize the spheres of social and political life. It confirmed that within its own territory, each State is sovereign. That is, interference in the internal affairs of another country was the first offence of international law,". To ensure the internal order, the territorial State was deemed the most durable and comparatively most efficient unit. In this respect, the Westphalia settlement was a remarkable and significant development. In addition to this it removed the temporal power from the church. **Donald A. Downs in his work in International Encyclopedia of the Social & Behavioral Sciences says that** the concept of individual or natural rights is historically and pragmatically related – both positively and negatively – to the emergence of the modern nation-states from feudalism between the thirteenth and seventeenth centuries. In 1648, the Peace of Westphalia, constituted the first formal international recognition of the nation-state's autonomy from religious authority.

The origin of a modern nation state is traced in the Treaty of Westphalia is the thirty Years War between Spain and the Dutch Republic where the major triggers behind signing the Peace of Westphalia were:

- The Thirty Years' War was fought almost all-over central Europe from 1618 to 1648.
- It was also a war between Protestants and Catholics.

Another important development was the war referred to as **The Eighty Years' War or Dutch War of Independence (1568-1648)**.

- This state of affairs of frequent wars and conflict made it clear that a solution should be grounded on a packaged deal' between different sides. With the Peace of Westphalia, war came to an end and certain important decrees developed.
- It established the principle of sovereignty that gave the state power over all essentials of the nation and the state, including religion.

- It established an ingrained system of political order based upon the notion of coexisting sovereign states.

## PLURALIST PERSPECTIVE OF STATE

Pluralist perspective portrays the **state as a mechanism designed to serve the interests of various groups simultaneously**. It has descriptive as well as normative overtones. On the descriptive side, it deals with the working of a democratic state in the contemporary world. On the normative side, it prescribes that wherever the interests of some influential sections in society get undue prominence at the expense of other sections, the situation should be suitably rectified.

## CHARACTERISTICS OF PLURALIST STATE

- A pluralist state **repudiates a single centre of power** in society. In other words, it is characterized by multiple centers of power.
- It **must act as an impartial arbitrator** between the claims of several social groups for the allocation of the scarce resources of the community.
- It must justify its authority by proving to be the **guardian of justice** in society.
- Only a democratic state, which provides the **right to freedom of association** to its citizens, would be capable of evolving into a pluralist state. This right **would enable the citizens to form independent associations for pursuing their specific interests as well as their common interest**. In due course, these associations would become powerful enough to counterbalance the power of the state.
- In the contemporary world, civil society is regarded as the bulwark of democratic order.
- An authoritarian state does not allow the formation of independent associations of citizens.
- Movement toward pluralism began in the early twentieth century as a protest against the doctrine of state sovereignty. **Leon Duguit** (1859-1928), a French legal theorist, contested the idea of sovereignty solely resting with the state.
- **Harold J. Laski** (1893-1950), and **Robert M. MacIver** (1882-1970), made a fervent appeal for treating the various social groups as different centres of power in society. **They argued that the state should compete with these groups for winning the loyalty of citizens by serving their interests more effectively**.
- **Contemporary concept** of the pluralist state appeared in a different form. **Robert Dahl and Charles Lindblom's Politics, Economics and Welfare (1953) and Robert Dahl's A Preface to Democratic Theory (1956) and Who Governs? (1961) are regarded as landmarks in the evolution of the theory of pluralist state**.
  - They tried to demonstrate that a democratic society was marked by a **widespread distribution of political resources**, and that different interests prevailed in different political disputes and at different times.
  - **Dahl and Lindblom described their model** of a working democracy as '**polyarchy**'. This implied a situation in which **power is not centralised but dispersed among numerous interests and groups**. The role of a government in such a situation is little more than an honest broker in the middle.

- **N. Polsby** in his essay **Community, Power, and Political Theory** (1963) went a step further and asserted that in such a situation at the bottom nobody really dominates. **The concept of pluralist state in this sense implies that all groups would bargain on equal footing, which is not the case in actual practice.**

### **CRITICISM OF THE PLURALIST PERSPECTIVE OF STATE**

- **Some groups may lack internal democracy** so much so that the dominant personalities in those groups may project their own will as the will of the whole group. As a result, the real interests of the members of those groups might be relegated to the background.
- These points were later conceded by the exponents of the pluralist theory. Thus, **Charles Lindblom** in **Politics and Markets (1977)** admitted that **business and property enjoyed a privileged position in the market-dominated polyarchies of the West**, which enabled them to exercise undemocratic control of society.
- Then **Robert Dahl** in **Dilemmas of Pluralist Democracy (1982)** conceded that **pluralism cannot be treated as an open competition between truly equal political forces.**
- In order to reduce the inequalities of these forces Dahl recommended those policies which would promote redistribution of power in society. Thus, the descriptive and normative sides of the pluralist perspective on the state come very close to each other.

#### **PREVIOUS YEAR QUESTION:**

**1. Comment on: Pluralist theory of state. 2019/150/15**

## 2. MULTICULTURALISM

### *Answer Writing Guidance:*

*The given below content covers facets related to origin of multiculturalism as a shift to public policy from assimilating ethnic minorities and immigrants thus consolidating the notion of integration and acceptance of diverse culture. Examples of different countries can be given, in addition to the importance of multiculturalism in a society, how liberalism perceives the dimension of multiculturalism. The other aspects that are included makes the entire content a holistic one in terms of rights conferred to minorities, along with differentiated citizenship, reasons for need*

### **WHAT IS MULTICULTURALISM?**

- Multiculturalism appeared in political theory in the 1970s and the 1980s when it was used to denote a shift in public policy away from assimilation of ethnic minorities and immigrants towards integration and acceptance of diverse cultures in countries like Canada and Australia.
- The term multiculturalism is used to describe a society in which different cultures can coexist. **Multiculturalism not only recognizes cultural diversity, but also advocates that such differences should be respected and publicly affirmed.**
- It maintains respect for cultural differences and does not favor assimilation of minority culture into the dominant one.
- From the multiculturalism perspective, the public policy should **not aim for standardization of cultural forms** or any type of uniformity or homogeneity, but instead, heterogeneity should be maintained.
- Multiculturalism has been used as an overarching term to signify the political and moral claims of other marginalized groups like women, people with special abilities and LGBT (Lesbian, Gay, Bisexual and Transgender).

### **THERE ARE SOME DISAGREEMENTS TO ACHIEVE THIS WHICH ARE AS FOLLOWS-**

- **Some argue** that minority groups should be tolerated by leaving them free from state interference, also called as **politics of indifference**. **Others argue** that mere toleration of group differences falls short of treating the minority groups as equals and there is a need **for recognition and positive accommodation of minority group practices through difference sensitive policies**.
- **Some critics have also pointed out that** Multiculturalism is **not restricted to claims of culture and identity alone, instead it is also a matter of political power and economic interest** since it involves demands to rectify political and economic disadvantages suffered by people due to their membership of a marginalized group.
- It is pertinent to mention that multicultural policies are not primarily about redistributive justice (share in resource allocation), but they may accidentally refer to redistributive justice.

- Freedom from domination is one of the reasons why there is a need for multiculturalism, according to some experts. They argue that one can be unfree even if he/she is not experiencing any interference, for example, a slave of a benevolent master. Here, special accommodation is not driven by a desire to protect valuable cultures or considerations of equality, but the desire to reduce domination.
- Some others who write with a postcolonial perspective give importance to historical background, as is the case with aboriginal sovereignty. **They contend that the history of state oppression of a group should be the main factor in deciding whether group rights should be extended or not to that particular group.**

## MULTICULTURALISM AND LIBERALISM

Liberalism took note primarily of discrimination based on socially ascribed identities, such as, religion, race, caste, and gender. Further, in response to exclusions based on these identities, it **suggested** that individuals be conceived as citizens, dissociated from their social identities, and in that capacity they must **all receive the same rights and be treated alike**. The liberals argue that it **is the responsibility of the state to ensure that received identities do not fix roles, positions, and opportunities in society**. What liberals value then is the autonomy of the individual: the freedom to make choices and the availability of options receives the highest priority in their work. Rights are given to protect that freedom, particularly against opposition from the state as well as oppression from the community. The community, like the majority in society, is perceived to be an authoritarian entity that constrains and restricts the autonomy of the person. Hence, it is suspect and receives no rights. **Within liberalism, it is the individual and not the community that is, therefore, designated as the bearer of rights.**

**Multiculturalism challenges this liberal understanding of the self with the argument that membership of a cultural community is valuable to the individual.** It defines, at least in part, their personal identity and forms a "context of experience" (Kymlicka). That is, community membership structures individual experience and provides a framework within which things acquire value. One's relationship with other groups in society and their perception of us is also influenced by community membership. Since membership of a cultural community forms an "anchor for self-identification" (Margalit & Raz) individuals do not, nor must they be expected to, enter into the public domain as "unencumbered" selves, devoid of social identities and a sense of being situated. **Contrary to the liberal perception, theories of multiculturalism argue that community identities are bound to enter into the public domain and people may bring into political life issues that arise from their community membership.** According to Will Kymlicka, when we expect individuals to bracket their cultural identity, we in fact deprive them of "something that they are reasonably entitled to" (Kymlicka).

## WHY MULTICULTURALISM IS REQUIRED?

We need to acknowledge the existence of cultural community identities and begin with the understanding that individuals are not simply members of a political community or a nation-state.

Further, excluding a cultural community from the political and public domain, denying it recognition or misrecognizing it, causes grievous injury to the individual (Taylor). When the cultural community has a low prestige in the public arena, individuals belonging to them develop a sense of low esteem. They become nervous and diffident and are unable to perform successfully in society (Parekh 1992). Some of them respond to the pressures that come from the external world by distance themselves from their family. This alienation of the self from its family and friends places a heavy toll both on the individuals, his family, and the community. It creates intergenerational conflicts and deprives the individual of a secure social environment that is necessary for proper growth and development. Since hostile and adverse representations can in this way warn the individual, we owe to others to give them due recognition in the public arena.

For the multiculturalist a secure cultural context is an essential condition for leading a reasonably autonomous existence and exercising choices. When a culture is misrepresented or threatened, its members become closed and resistant to any change and innovation. They oppose change that is imposed from the outside as well as suggestions that come from within the community. Eventually, they lose out the space that ordinarily exists for the expression of differences within each culture. Consequently, even for promoting the ideals that liberal's favor - namely, autonomy of the self - a secure culture that receives due public recognition is regarded to be absolutely essential.

### CRITIQUE OF LIBERAL DEMOCRACIES

- Liberal democracies **have not been able to ensure equal citizenship for all its members** as persons belonging to minority cultural communities remain disadvantaged in the public arena.
- Democracies, through its laws and policies, **endorse the culture of the majority community in society and** sustain the majority culture and encourage, directly and indirectly, assimilation into that dominant culture.
  - Some examples are when English is made the official language of the state, then French language in Canada and the intenders of that linguistic group are necessarily disadvantaged as the Francophones have to learn English - a language that is not their mother tongue - and excel in it so that they can compete with other people for whose English is the first language.
- Theorists of multiculturalism use examples to show that seemingly neutral laws and policies of the state have an implicit bias that favors the majority community and disadvantages minority cultural communities.
  - The declaration of Sunday as a holiday when public institutions and businesses are closed implicitly favors the Christian community members but not Muslims as a devout Muslim, who wishes to offer prayers on a Friday afternoon in accordance with his religion, is placed at a disadvantage in this system.
- **Practices of the state**, even the liberal state, thus **marginalized and discriminated against the members of the minority culture**. Indeed, they place external pressures upon the latter to assimilate into the dominant culture.

- Since the option for minority communities is only to assimilate or disintegrate, multiculturalism is critical of liberal democracies.

**Multiculturalism questions the central principles of liberal democracy, particularly the notion of formal equality and neutrality, and offers in their place an alternate framework based on the idea of group-differentiated rights and differentiated citizenship.**

### **DIFFERENTIATED CITIZENSHIP**

- In these special rights **are sanctioned for minority cultural communities** so that they may survive and be treated as equals in the liberal state.
- Liberalism addressed the issue of social discrimination by disregarding ascribed identities and extending the same rights to all persons as citizens.
- Multiculturalism, in sharp contrast to the, argues that identical rights for all are inadequate for minimizing culture-based discrimination.
- What we require are special rights for identified minorities. 'The idea that citizens be differentiated on the basis of their cultural identity and that different communities may receive different rights as citizens of the polity is one of the defining features of multiculturalism and it is expressed through the concept of differentiated citizenship.
- **'The concept of differentiated citizenship rejects the liberal ideal of universal citizenship. Multiculturalism maintains that universal citizenship assumes that all persons are alike.**
- It calls upon the individual to leave behind their particular identities and see themselves only as citizens of the polity.
- In a society where some "groups are privileged" and you are marginalized. This implies that the latter forsake their identity and take on the outlook and perspective of the dominant group- i.e., the majority community. **At the same time the notion of universal citizenship allows the privileged group to ignore their group specificity'**~Young 1990: 165). This ideal perpetuates 'cultural imperialism.

### **DIFFERENT KINDS OF SPECIAL RIGHTS**

- Here multiculturalism sanctions three kinds of special rights for minority communities: **i) cultural rights; ii) self-government rights; and iii) special representation rights.**
- **cultural rights.**
  - Beginning with the understanding that the state represents the culture of the majority community, **multiculturalism argues that minority communities require special rights so that they have access to their culture in the public domain.**
  - To take a few **examples: the Sikhs in Canada** have demanded, and received, exemption from the law that prescribes helmet wearing for motorcycle riders. **Women from the Asian communities have been granted exemption from wearing a dress while serving as nurses in hospitals.**
  - In both cases, the argument made by minorities was that the prescribed code did not take note of the culture of the minority communities, and exemptions were given so that

numbers of these cultural communities may live in accordance with their accepted cultural practices.

- minority communities have also sought assistance, by way of financial and other infrastructural support, so that their culture can be represented in the public arena.
- minority communities have also demanded recognition for their distinct cultural practices in India, for instance, religious communities wanted, and were given, recognition for their family law.
- **The acceptance of these claims brings into effect plural structures of jurisdiction and governance**, whatever be the specific form of arrangement, these cultural rights bestow upon the community and its practices a legal status, thereby risking it a legitimate actor in the public domain.
- **Self-government rights**
  - The purpose of self-government rights is to give communities a certain degree of political autonomy to govern themselves in a way that they can protect and promote their distinct cultural identity.
- **Special representation rights.**
  - Minority communities must have an opportunity to participate in the political process, set agendas and voice their specific point of view.
  - It is **seen as a way of including an empowering marginalized groups** so that they have a sense of participating and contributing to the policy outcomes.
  - The same time, it is **expected to enrich policy making by bringing in the experiences and perspectives of diverse groups in society.**
  - In India, special representation was granted to the Scheduled Castes and Scheduled tribes by the Constitution and this gesture was motivated by the need/to include populations that had hitherto been excluded from the public and political domain.

## DIFFERENTIATING BETWEEN MINORITIES

Different contexts demand different remedies, and which would be the appropriate course in a given situation will depend upon the kind of minority it is, its experience of discrimination and the nature of the state. So, we cannot have a general theory of minority rights. Will Kymlicka, in his writings, however differentiates national minorities and immigrant communities who are also minorities

## CRITIQUES OF MULTICULTURALISM

There are four kinds of issues that the critics of multiculturalism have raised.

- **First, it has been argued that the multicultural framework empowers communities and traditional structures of authority.**
  - It **gives communities authority over the individual and allows them to continue with existing practices** in the name of protecting community culture.
  - This sanction is **often used to quell internal differences and promote conformity with existing practices** and the views of traditional leaders.

- As a consequence, individuals as well as marginalized groups within the community, like women, are placed at a disadvantage.
- Thus, while multiculturalism addresses the issue of equality between groups it neglects the equally important concern for equality within the Group.
- **Second, while discussing the question of special rights for minorities, multiculturalism assumes that each community is a homogeneous entity with a clearly identifiable membership.**
  - This assumes that individuals have a specific identity, and they can, on that basis, be located as members of a specific cultural community.
  - This tendency to slot the individual in one community, the critics argue, may have been appropriate in the late nineteenth and the early twentieth century. But today, the individual is continuously exposed to so many different cultural and social influences that we cannot envisage bounded cultures and communities.
  - Besides, **individuals usually see themselves as members of many different communities.** For example, they may in different contexts identify themselves as Indians, Hindus, Brahmins, and Women.
  - Their concerns as members of each of these communities may indeed be different and at times, even incompatible. We need, therefore, to begin with a major complex picture of the individual and her community membership.
- **Third, critics also fear that multiculturalism may lead to the weakening of the nation-state.**
  - Multiculturalism **undermines the very possibility of a shared culture** of the people in the nation state. It thus threatens the national project and calls upon the minorities to distance themselves from the state.
  - Further, the system of special rights brings into effect a framework of dual jurisdiction and dual loyalties which is seen as a source of disintegration of the state.
- **Fourth, theorists of the Marxist persuasion particularly argue that multiculturalism neglects the issue of redistribution.**
  - It conceives minority marginalization narrowly as a cultural phenomenon requiring cultural remedies in the form of recognition and protection of minority cultures.
  - As a consequence, **it loses sight of the multiple ways in which discrimination of minorities occurs and manifests itself in society.**
  - Its analysis takes attention away from the urgent task of selecting redistribution of resources and opportunities in society.

#### PREVIOUS YEAR QUESTION

**1. What do you understand by Multiculturalism? Discuss Bhikhu Parekh's views on Multiculturalism. 2017/250 /20**

## 2A: COMPARATIVE POLITICS

### 1. POLITICAL PARTIES IN THIRD WORLD

#### *Answer Writing Guidance:*

*In terms of 10 marker questions, especially in the Comparative Politics section, the idea of Political parties becomes important in terms of generating consciousness regarding the political, social, economic, and several other aspects. When it comes to third world, the post-colonial theory will diversify the dimension, considering the chains of colonialism somewhere started getting broken post World War. It will be appropriate to take the angle of Edward Said and other scholars, though according to some like Apter, defining a political party can be cloudy. Given content will take the dimensions of populism, religion, etc., to appease the public and penetrate society. Also, it will be essential to explore facets of the role of political parties in third world countries.*

Political parties are both a consequence of a process of political change and a cause of further change by increasing a society's capacity to cope with crises of integration, participation, and distribution (LaPalombara and Weiner). The role of parties may be many and varied, seeking revolutionary change, or maintaining the status quo. Parties accommodate demands for greater political participation and, in various ways including repression and patronage, help manage the conflict that arises due to such mass participation in politics.

Defining a political party is difficult, especially in the Third World, because of the immense variety that is found (Apter). A satisfactory definition is that provided by Coleman and Rosberg - "Associations formally organized with the explicit and declared purpose of acquiring and/or maintaining legal control, either singly or in coalition or electoral competition with other similar associations, over the personnel and the policy of the government of an actual or prospective sovereign state".

#### **NATURE AND FEATURES OF POLITICAL PARTIES IN 3RD WORLD –**

- The ideologies of Third World political parties have often been derived more from religion than from materialistic ideologies of the West which were expected to take a hold in many post-colonial societies.
  - Examples are the Hindu communal parties in India, the Moslem party in Indonesia and the Islamic party in Libya. The development of Islamic political ideologies is increasingly significant in many regions of the Third World.
  - Some parties have developed to defend the distinct way of life of different ethnic communities, for example Malays, Chinese and Indians in Malaysia.

- In India **caste may provide the foundation for a political party** as in the case of the **Dalits Party representing Untouchables**. Since 40 percent of Indians belong to lower castes, this could be a very significant political development.
- **In Africa, the tendency of political parties to reflect ethnicity and regional consciousness, rather than identities** that cut across such cleavages and unite people on a national scale, has been seen as a cause of their weakness and the weakness of governments built on such party competition (**Diamond**).
- The **ideological positions of Third World parties have often resembled those of their First and Second World counterparts**. Western ideologies have been adapted to provide a common framework of values for very heterogeneous societies and to strengthen national integration. Both socialism and communism have been deployed in the Third World for such aims. But they have been adapted to the particular context in which they are to be a guide to action.
- **Special versions have been developed**, such as **Tanzania's African socialism** which purports to draw on traditional communal values as well as European ideas about equality.
- **Chinese Marxism–Leninism** developed its own distinctive qualities. Where capitalism has developed over a prolonged period whereas it started as a communist country having one party rule.
- Most European ideologies have been represented in Latin American politics at one time or another. Conservative parties are supported in Argentina, Colombia, and Ecuador by coalitions of landlords and the Catholic Church.
- **Political parties in the Third World are frequently populist.** (*This is a style of leadership rather than an ideology that seeks to mobilize people regardless of class by denying the significance of class and of any class-based ideology. Populism tries to mobilize all interests under a single conception of the national interest.*)
  - **Congress in India must rank as one of the most successful populist parties.** It attracts support from very different sections of society whose interests might appear to be incompatible. It has proved able to manage an alliance between different kinds of class structure, those of the rural and urban areas, even when such stratification has been overlaid with linguistic, ethnic, communal, and religious differences.
- **Political parties are difficult to be classified-**
  - **In the context of these political parties Duverger says** at times it becomes difficult to distinguish one from the other. In his own words, ***"In all mass parties, the leaders form a group quite distinct from the rest of the membership and from the party militants: this inner circle resembles some with the leadership of traditional parties submerged, as it were, in the heart of a mass organisation."***
  - **In the classification of political parties by Hitchner & Levine** opined that normally people are associated with one party or the other on the basis of their personal views, and that the party membership depends on several other socio-economic forces. Nevertheless, people do associate themselves with one party or the other, considering their class, economic interests, hereditary interests, and interests of a particular group.

- **Personality-centric parties-** Example of such political parties are BJP and congress n and some regional parties like Rashtriya Janata Dal, Trinamool Congress. Many parties are essentially “**family-owned firms**” in which the control of the party rested with the founder and her or his family like Samajwadi Party, Congress.
- **Factionalism and clientalism in third world political parties-**
  - **Factionalism within political parties is one manifestation of a more fundamental dimension of politics in the Third World (and elsewhere), namely clientelism.**
  - Patron–client relations reflect interdependencies between people with economic and political power and those who look to them for security and the performance of duties and who, in return, offer personal services, gifts, loyalty, deference and political support (**Powell, Roniger**).
  - **Clientelism has become a key component of the electoral process in many Third World countries.** Political parties are compelled to recruit from among local patrons and brokers in order to secure the political support of their clients.
  - **The links between leaders and followers in party factions are therefore highly personalized.** Special interests pursue their objectives through such links with the political authorities.
  - Party leaders offer support and protection to those who accept and support their leadership. Identity with a leader will cut across conflicting interests, so that the leaders of factions have to mediate between the groups who support them. **In India, for example, political parties and notably Congress have had to incorporate many different kinds of loyalty – those based on caste, landlord–tenant relations, language, tribe, and religion.**
  - **Factionalism leads to a segmentary form of party politics.** If a leader fails to mediate successfully between different economic interests within his own faction it may split. If the split runs the length of the party, factional conflict may lead to a new party being formed.
  - **Factional politics within parties and patron–client relationships produce a distinctive image for Third World parties.** A successful party thus has to contain centrifugal forces and contend with factors that encourage factionalism and undermine party unity, such as caste or communalism in India (**Bjorkman and Mathur**).

### **ROLE OF POLITICAL PARTIES IN THIRD WORLD-**

- **Role in peaceful political succession-** By providing a means of peaceful political succession within a competitive party system **they legitimise the authority of government** based on mass participation and representation (**Yanai**).
- **Route to political career-** Provide the most important civilian route into a political career. Political parties provide a platform to enter into a political career. People often work as a party worker and move upwards based on their performance.
- **Spread the party’s doctrine-** They mobilise people into self-help projects at the local level in an attempt to supplement government interventions under conditions of extreme scarcity of

**resources.** Such mobilisation is often associated with the socialization function referred to as local party organs **attempting to spread the party's doctrine among the masses.**

- **Role in coalition formation-** Parties provide opportunities for the formation of coalitions of powerful political interests **to sustain a government** which has been referred by functionalists as interest aggregation, a function of parties which is more important in competitive systems when electoral and legislative majorities have to be formed by the broadening of political support.
- However, parties can, under some circumstances, impede political integration by aggregating primarily ethnic and regional interests.
- **Influence public policies-** For example, **parties are crucial to strategies designed to reduce poverty by the empowerment of the poor.** Experience in some of the states in India and parts of Latin America suggests strongly that the opportunity to elect pro-poor parties to office makes a significant difference to the strength of public policies designed to alleviate poverty, especially if the parties are unified rather than fragmented, and with a coherent ideology and programme (Moore and Putzel).

### **CRISIS OF POLITICAL PARTIES IN THE THIRD WORLD: KENNETH WOLLACK**

- In emerging democracies worldwide, **political parties are either too weak, too personalistic, too constrained by oppressive governments, or too corrupt** and out of touch to earn the respect and support of the public.
- There are also a number of countries where political parties have actually **lost their mandate to function** through their own mismanagement of the political system.
- In Pakistan, for example, political parties effectively frittered away their credibility to the point where the military's overthrow of the established political order was accepted, if not welcomed, by the citizenry.
- In Peru and Venezuela, the collapse of political parties that were viewed as corrupt and elitist, created a political vacuum that was quickly filled by populist leaders with authoritarian tendencies.
- **Centralized decision making, the lack of well-institutionalized rules and procedures, and the decline of ideology** or unifying principles have eroded public support and discouraged participation in political party activities.

#### **PREVIOUS YEAR QUESTION**

1. Explain the impact of electoral systems and cleavages in shaping with reference to developing countries. 2021/250/20

## 2. SOCIAL MOVEMENTS AND NEW SOCIAL MOVEMENTS (NSM) IN DEVELOPING COUNTRIES

### *Answer Writing Guidance:*

*What is a social movement can give a holistic range of definitions when it comes to reading different scholars' perspectives and to understand how it is creating an impact in developing countries. It is also crucial to understand the key factors that led social movements to transform into new social movements in this part of the world, i.e., developing countries. Once arrived in the horizon of new social movements (NSM), the content given below will provide aspects of classification, nature, characteristics, etc.*

### DEFINITION OF SOCIAL MOVEMENTS

- **Charles Tilly** defines social movements as a series of contentious performances, displays and campaigns by which ordinary people make collective claims on others.
- **Sidney Tarrow** defines a social movement as collective challenges by people with common purposes and solidarity in sustained interactions with elites, opponents, and authorities.

### SOCIAL MOVEMENTS IN DEVELOPING COUNTRIES

- Social movements **in developing countries continue to focus on primary issues** like basic amenities like food, shelter, health, and employment.
- Social movements **in developing countries continue to be governed by feudal structures** and often show violent tendencies. They are still influenced by various divisions like caste, religion, race, and gender.
- Movements **in developing countries continue to depend on political institutions** and suffer from their vested interference while the movement **in developed countries have an independent existence** and usually their actions have a major influence on the domestic and international politics and not the other way round as in the case of the former.

### NEW SOCIAL MOVEMENTS IN DEVELOPING COUNTRIES

The new social movements are indicators of the pulse of the people that they are no longer ready to accept the developmental paradigms that keep them out and preclude their participation. They may not be concerned with the capturing of the state power through revolution, yet they may be **building consciously or unconsciously a countervailing power to the dominant state power**. The new social movements also **represent ways to humanize the larger macro developmental processes** in order to demonstrate the fact that the modes of incorporation into the modern world at all levels could be altered. **They may also arise out of contradictions and weaknesses that appear in the role of the state** and in the division of labour resulting from the intervention of transnational capital. The new social movements are **also bringing about the horizontal integration of people instead of hierarchical integration**. It is said that ecology movements constitute transnational, biophilic, universalized and moral movements. Their basic

commitment and fundamental ideology not only transcend the human categories of caste, class, race, religion, and nations but also the categories of species divisions and the divisions of the organic and inorganic world also. The movements are unique events which bring together the otherwise divided humans on one platform around a single issue and mobilises them to struggle for the born and unborn.

## **NATURE AND FEATURES OF THE NSM**

- **The ideological base of the movements-**
  - The ideological discourse of the new movements centre around the question of **identity, human dignity, peace, and social justice.**
  - In these movements there has been a radical shift from the discussions on capitalism class exploitation ‘, class revolution etc; ‘to **the questions of the expanding nature of state power and the shrinking space of the citizen and the civil society.**
  - In these new movements, the **problems are related to individual freedom, personal liberty, identity, and social equality.** These mobilizations did not carry with them the questions of employment ‘wage ‘, bonus ‘and economic security as it used to be in the industrial sector or the question of ‘land ‘andshare ‘in land produce ‘as one used to notice in the cases of peasant movements in the countryside.
- **Manifestation of a new self-consciousness-**
  - The contemporary NSMs mirror the **image of a new society** in the process of its self-making.
  - These movements project a new self-consciousness among the individual and communities about not only their culture and society but also about their future.
  - The NSMs **can be treated as the reflection of the cultural revolt of the contemporary individual against the exercise of increasing surveillance and control of the state over the civil society.**
  - The assumption is that the social space of the civil society getting increasingly shrunk the —social|| of the civil society is being systematically eroded by the penetration of the expanding tentacles of power and control in almost every aspect of life. The institutions of state and the market grip the civil society so tenaciously that society is rendered helpless in their combined pressure of surveillance and control. NSMS therefore emerges in the self-defense of the community. **The state, in the name of the public's interests, attempts making encroach on almost every aspect of the private lives of the individual (Rajendra Singh).**
  - The NSM reflects that **civil society must remain vigilant against the un wisdom of the state** and the political system and that society has an agency and that it can alter the path of its movements and transformation.
- **Classification of NSMs-**
  - **The Inclusivist New movements:** These movements actively **articulate generally universalized, non-violent and mostly pacifist, pan humanist homophilic values.**

- In India, the NSM of the inclusivist type found its early expressions in the **bhoodan-gramdan and Sarvodaya movements**. In the contemporary setting, the manifestations of inclusivist movements are seen in the forms of mobilizations in the defense of ecology and environment, in the collective struggles for identity, equality, personal dignity and social justice.
- These movements are **non-political, and they do not question the legitimacy of the state**. With some degree of variations, most of the NSMs aim at connecting the centers of power with the grassroots localities.
- **Exclusivist type of movements-** The exclusivist movements **generally develop the conception of the other 'and hold them responsible for their miseries**. In India, the exclusivist type of NSMs **find their manifestation in the narrowly defined mobilization of sub nationalism, community divides and ethnic demands**.
- The **son of the soil** 'paradigm of sub-nationalist and semi-autonomist movements belong to exclusivist types of movements.
- in many cases, articulate demands for a socio-spatial enclave with some degree of socio-economic and political autonomy. The mobilizing slogan is that the purity 'and the symbol of their cultural essence and heritage are in danger; requires sacrifice in terms of money, efforts, and struggles.
- The nearest example of the exclusivist movements are the sub nationalist mobilization in the state of Assam with a slogan that, Assam is for the Assamese'.
- **Nature** -It must be noted that whether NSMs are inclusivist or exclusivist, **they are non-class, non- materialistic and mostly non-political movements**.
- **Diverse forms and types of NSMs:** urban, ecological, anti-authoritarian, anti-institutionalists, feminist, anti-racist, ethnic and regionalist have sprung up in the contemporary society.
- **The site of the struggle has shifted** from the traditional workplace of industries and factories, and field and farms. The **basic agenda of the NSM is to establish a post bourgeois, post-industrial, post-materialist democratic civil society**. Such an agenda is, indeed, a new phenomenon in the contemporary postmodern world.
- Gay and lesbian organizations, women's and feminist groups, indigenous and Black movements, green organizations, labor movements and movements of landless peasants—all of these are examples of the new social movements.
- **In Latin America** Important manifestations of their activities can be seen in ephemera—posters, pamphlets, postcards, bulletins as well as books and journals.
- **The environmental movements, CAA protest farmers protest in India** are of special significance in the history of new social movements in India

#### HOWEVER, THERE IS NO BIG CHANGE IN NSMs FROM SOCIAL MOVEMENTS-

- NSM in **developing countries** still **continue to focus on** issues **pertaining to basic needs** of life and they have **no independent evolution** as they appear to be a continuance of the conventional social movement, having barely a separate identity and organization of their own. While NSM in developed nations has now concentrated its focus towards issues of quality of life

like clean and safe environment for all. They have relatively moved on to an advanced stage of activism and have adopted the latest methodologies to attain their goals.

- For NSM in **developing countries, the strategies of articulating their demands remains almost identical to that of social movements**, namely strikes, dharmas, protests. For e.g., Narmada Bachao Andolan and Anti-corruption movement, ANTI-CAA protest. But the strategies of NSM in **advanced industrial countries have become majorly sophisticated** in comparison for e.g., they are using the mediums like Research, Conferences and Seminars and discussion/ debates.
- The NSM in **developing countries continues to derive its leadership from either the political class or the old, experienced leaders** of the social movement while in case of NSM in **developed countries; the leadership consists of highly educated & elite members of the society**. NSM in developing countries are restricting their outreach and interest to only those issues which directly affect them while their counterparts have also started entertaining issues which might not even concern them in very direct manner like issues concerning global commons like climate change, GHG emissions, wildlife protection and conservation of the art and culture of developing countries as well. Their **scope is much larger than NSM in the third world**.

#### PREVIOUS YEAR QUESTIONS

1. Discuss the role of social movements in strengthening the democratic process developing countries. 2022/200/15
2. Comment on the decline of political parties and examine whether new social movements shall be alternative strategy for establishing link between government and society. 2016/150/10



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