

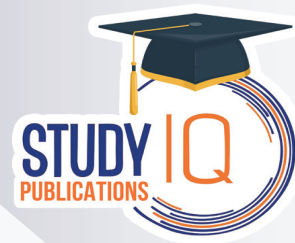
PSIR **PULSE**

Monthly Current Affairs

Political Science and
International Relations

DECEMBER

2023



Shashank Tyagi

Faculty PSIR Optional, StudyiqIAS
Ex. Consultant, Office of Minister
Social Welfare, GNCTD



CONTENTS

1.	GEOPOLITICS AT GLANCE	3
1.1	Gujral Doctrine	3
1.2	Loss and Damage Fund Approved at COP 28	5
1.3	Revitalizing India's Global Trade: Unpacking the FTA 2.0 Approach	6
1.4	Seventy-Five Years of the Universal Declaration of Human Rights: A Post-mortem"	9
1.5	India's Evolving Role and Influence in the Global South: A Journey from Historical Ties to Contemporary Leadership	11
1.6	Foreign Affairs for India in 2024 at a Glance	12
1.7	Red Sea Attack, Panama Canal Drought: Impact on Global Trade	15
2.	INDIAN GOVERNMENT AND POLITICS (IGP)	18
2.1	All India Judicial Services	18
2.2	Women Representation in Judiciary	22
2.3	Reservation in Private Sector	25
2.4	Governor: The Lynchpin	27
2.5	Decoding the Supreme Court's Verdict on Article 370	29
2.6	Goa Liberation Day: Why India Waited for 14 Years After Independence to Move Troops to Goa?	31
3.	MAINS PRACTICE QUESTION	34
4.	SCHOLARS DIGEST: KNOW YOUR SCHOLAR	38
4.1	Robert O. Keohane	38
4.2	Robert Dahl: A Pioneer in Political Science and Democratic Theory	39
4.3	Hannah Arendt	41
4.4	Hans Joachim Morgenthau	42
5.	ENRICH YOUR ANSWER	44
6.	PRELIMS PRACTICE QUESTIONS	48

GEOPOLITICS AT GLANCE

GUJRAL DOCTRINE

RELEVANCE

❑ Syllabus:

- **PSIR:** Indian Foreign Policy
- **GS2:** India and its neighborhood relations
- **Context:** IK Gujral's death anniversary on November 30.

INTRODUCTION

On November 30, the 11th death anniversary of IK Gujral, India's 12th Prime Minister, is observed. Despite serving in the highest office for less than a year, Gujral's tenure often receives limited individual recognition among India's Prime Ministers. Nonetheless, he holds a unique distinction as the only Prime Minister associated with a distinct foreign policy approach known as the Gujral Doctrine.

WHAT IS GUJRAL DOCTRINE?

1. Cabinet Positions and Short Stints as External Affairs Minister (EAM):

- ❑ I.K. Gujral held various Cabinet positions before becoming the Prime Minister.
- ❑ He served as the External Affairs Minister twice, first from December 5, 1989, to December 19, 1990, and later from June 1, 1996, to April 21, 1997.

2. Significance of EAM Tenure:

- ❑ Despite the brevity of his terms, Gujral's time as EAM was impactful.
- ❑ Notably, it was during his second term as EAM that he introduced the principles of the Gujral Doctrine.

3. The Gujral Doctrine - Five Basic Principles:

- ❑ Gujral outlined the Gujral Doctrine at Chatham House in London in September 1996.
- ❑ The doctrine comprised five key principles:
 - a. India doesn't demand reciprocity from

neighbors like Nepal, Bangladesh, Bhutan, Maldives, and Sri Lanka but offers support in good faith. b. South Asian countries won't allow their territory to be used against each other. c. Non-interference in the internal affairs of other South Asian countries. d. Mutual respect for territorial integrity and sovereignty among South Asian nations. e. Resolution of disputes through peaceful bilateral negotiations.

4. Exclusion of Pakistan from Reciprocity Expectations:

- ❑ Notably, Gujral specifically mentioned countries from which India would not expect reciprocity, and Pakistan was not included.

5. Gujral Doctrine's Basis:

- ❑ The doctrine stemmed from the belief that India's size and population naturally positioned it as a major player in South East Asia.
- ❑ Emphasized adopting a non-domineering attitude towards smaller neighbors to enhance India's regional position and prestige.

6. Approach Towards Pakistan:

- ❑ While not explicitly naming Pakistan, Gujral extended a similar approach to the country.
- ❑ Implemented measures like easing travel restrictions for Pakistani tourists and facilitating business travel for Pakistani businessmen.

7. Dialogue and Diplomacy:

- ❑ The Gujral Doctrine highlighted the importance of continuous dialogue and avoiding unnecessary provocations.

- ❑ Emphasized the need for India to maintain a non-confrontational stance, especially concerning the internal matters of other countries.

8. Context of Policy Formulation:

- ❑ The Gujral Doctrine was developed in a period when India faced challenges in its relationships with neighboring countries like Bangladesh, Nepal, and Sri Lanka.

SUCCESSSES OF GUJRAL DOCTRINE

1. Gujral's Foreign Policy Approach:

- ❑ Gujral's foreign policy approach aimed at building trust and cooperation in India's neighborhood.

2. Concrete Successes:

- ❑ Gujral's non-reciprocal accommodation policy resulted in a 30-year treaty between India and Bangladesh in 1996.
- ❑ The 1977 water-sharing treaty between India and Bangladesh lapsed in 1988, but Gujral's approach led to a new agreement.
- ❑ Gujral secured Bhutanese consent for a canal from a Bhutanese river to augment water flow to the Ganga.
- ❑ He expressed willingness to revise the Mahakali treaty with Nepal, positively received in Nepal.

3. Water Treaty with Bangladesh:

- ❑ Gujral delinked the water treaty issue with Bangladesh from reciprocal demands, showcasing a willingness to not expect reciprocity.
- ❑ This approach facilitated improved links with Northeastern states without insisting on concessions from Bangladesh.

4. Continuity in Foreign Policy:

- ❑ Gujral's successors, including Atal Bihari Vajpayee and Manmohan Singh, followed a similar foreign policy approach despite differing ideological backgrounds.

5. Engagement with Pakistan:

- ❑ Gujral maintained diplomatic talks with Pakistan.
- ❑ During a meeting with Pakistani counterpart Nawaz Sharif in 1997, Gujral expressed a desire for continuous conversation, quoting Urdu writer Ali Sardar Jafri.

6. Legacy and Continuity:

- ❑ Gujral's approach laid the foundation for a sustained diplomatic strategy, influencing subsequent Prime Ministers.
- ❑ His successors, spanning different ideological camps, continued to follow the non-reciprocal accommodation policy.

GUJRAL DOCTRINE:CRITICISM

The effectiveness of the Doctrine now seems constrained, and Gujral has faced criticism for his inability to garner wholehearted support for the doctrine within the foreign affairs bureaucracy.

Gujral has been faulted for adopting a lenient stance towards Pakistan, potentially leaving India exposed to future threats, such as numerous terrorist attacks. Within certain circles in Pakistan, the Doctrine has been interpreted as India's effort to cultivate closer ties with neighboring countries while isolating Islamabad.

CONCLUSION

In the realm of international relations, Gujral is remembered for a notable remark he made about Britain. As described by Mark Tully in The Guardian, during a visit to Pakistan just before coming to India, the British foreign minister, Robin Cook, suggested that Britain could mediate between India and Pakistan regarding the Kashmir issue. When questioned about this by Egyptian intellectuals, Gujral characterized Britain as "a third-rate power nursing delusions of the grandeur of its past." This statement underscored Gujral's candid and assertive approach to diplomacy.

LOSS AND DAMAGE FUND APPROVED AT COP 28

RELEVANCE

❑ Syllabus:

- **PSIR:** Contemporary Global Concerns: Climate Change.

Context: The inauguration of the COP28 climate conference in Dubai marked the official launch of a fund aimed at addressing loss and damage, designed to assist vulnerable countries in managing the repercussions of climate change.

INTRODUCTION

On the inaugural day of the COP28 climate conference in Dubai, the official launch of a loss and damage fund designed to assist vulnerable nations in mitigating the effects of climate change has taken place. The initial funding for this endeavor is estimated at \$475 million, with the host UAE contributing \$100 million, the European Union committing \$275 million, the US pledging \$17.5 million, and Japan providing \$10 million.

The establishment of the loss and damage fund was initially announced during COP27 in Sharm el-Sheikh, Egypt, last year. However, it was not until a few weeks prior to COP28 that both affluent and less affluent nations managed to reconcile some of their differences and reach consensus on key aspects of the fund.

WHAT IS LOSS AND DAMAGE FUND?

- ❑ The loss and damage fund is a global financial mechanism designed to address the consequences of climate change in vulnerable countries.
- ❑ It involves compensation from developed nations, responsible for significant greenhouse gas emissions, to less affluent nations facing severe impacts like rising sea levels, floods, droughts, and cyclones.
- ❑ The fund aims to support the rescue and rehabilitation efforts in countries adversely affected by climate change.
- ❑ Adelle Thomas, a lead author of the IPCC's 2022 report, highlights the lack of a universally

agreed-upon definition for loss and damage within the UNFCCC.

- ❑ Loss and damage can be categorized into economic and non-economic aspects.
- ❑ Economic loss and damage include quantifiable impacts such as costs for rebuilding infrastructure and revenue loss from damaged crops.
- ❑ Non-economic loss and damage involve challenges where assigning a monetary value is difficult, such as trauma from extreme weather events, community displacement, and biodiversity loss.
- ❑ Climate change's far-reaching impacts encompass lives, livelihoods, biodiversity, cultural traditions, and identities.

ESTIMATE OF DAMAGE CAUSED BY INDUSTRIALISATION

1. The Industrial Era, commencing in 1850, disrupted Earth's natural greenhouse gas production and absorption mechanisms.
2. The US, the UK, and the EU collectively contribute to 50% of global emissions, with an increase to 65% when including Russia, Canada, Japan, and Australia—comprising two-thirds of all emissions.
3. India's historical emissions stand at a modest 4%, significantly lower than the aforementioned major contributors.
4. China, the largest emitter in the past 15 years, is responsible for 30% of global emissions annually.

5. Greenhouse gases include methane, nitrous oxide, water vapor, and carbon dioxide (CO₂), with CO₂ being the primary contributor to global warming.
6. Massive quantities of carbon particles are released, capable of lingering in Earth's atmosphere for a millennium or more, contributing to prolonged warming.

LOSS AND DAMAGE THE WORLD IS FACING

1. Research indicates that over the past two decades, 55 vulnerable countries have experienced a staggering \$525 billion in combined losses due to the impacts of the climate crisis.
2. Projections suggest that by the year 2030, the annual cost of these climate-related losses is expected to escalate to \$580 billion.
3. The repercussions of global warming have significantly altered the way people around the world live, with the most severe consequences felt by vulnerable communities.
4. According to the Intergovernmental Panel on Climate Change (IPCC), the trajectory of global

warming will lead to a continual increase in losses and damages in the future.

5. The distribution of these impacts is anticipated to be uneven, disproportionately affecting developing nations, particularly those with socially and financially vulnerable populations.
6. The socially and economically weaker sections within developing nations are poised to bear the brunt of the escalating losses and damages caused by the ongoing rise in global temperatures.

CONCLUSION

The oversight of the loss and damage fund will be initially entrusted to the World Bank, with financial contributions primarily sourced from affluent nations like the US, the UK, and the EU, alongside some developing countries. While the scale and replenishment cycle of the fund are yet to be defined, the immediate requirement is for several trillion dollars.

Initially, developing nations were hesitant to have the World Bank administer the fund, fearing that it could grant more financial control to wealthier nations. However, they have now embraced this condition.

REVITALIZING INDIA'S GLOBAL TRADE: UNPACKING THE FTA 2.0 APPROACH

RELEVANCE

□ Syllabus:

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

Context: Negotiations for the India-UK Free Trade Agreement (FTA) are being conducted under India's FTA 2.0 framework, which is intended to be a model for the India-EU FTA, considering the EU's position as India's second-largest trade partner. Previous FTAs with ASEAN and Japan had only moderate success, prompting India to adopt a more refined approach.

INTRODUCTION

India's new FTA 2.0 strategy has already seen the signing of trade agreements with Mauritius, UAE, and Australia. Future agreements with Canada, Israel, GCC, EU, and EFTA will follow this updated approach.

ADVANTAGES FOR INDIA

- ❑ **Boost to Labor-Intensive Sectors:** The FTA is expected to lower tariffs on India's labor-intensive sectors like textiles and jewelry, stimulating growth.
- ❑ **Increased Service Exports:** Sectors such as IT/ITES, nursing, education, healthcare, including AYUSH, and audio-visual services are anticipated to experience increased exports.
- ❑ **Elimination of Non-Tariff Barriers:** The FTA aims to eliminate non-tariff barriers, addressing concerns like the rejection of Indian rice due to pesticide residue.
- ❑ **Diversification of Trade Partners:** Post RCEP exit, FTAs with the UK, EU, and GCC will facilitate diversification of India's trade partners.
- ❑ **Strategic Leverage:** Strengthening trade ties with the UK could provide India strategic support on issues like the standoff with China and its claim for a permanent seat at the UNSC.

ADVANTAGES FOR THE UK

- ❑ **Diversifying from China:** The FTA supports the UK's "China-plus one" strategy to reduce economic dependence on China.
- ❑ **Boost to Industries:** Lowering Indian tariffs on UK imports, especially electric vehicles and alcoholic products, could benefit the UK's beverage and automobile sectors.
- ❑ **Post-Brexit Trade Partnerships:** Seeking new trade partners post-Brexit, the UK has been pursuing this deal since 2016.
- ❑ **Enhanced Investments:** The FTA, coupled with a bilateral investment treaty (BIT), may boost UK investments in India.



CHALLENGES IN INDIA-UK FTA

- ❑ **Rules of Origin Agreement:** Striking an agreement on Rules of Origin (ROO) is a challenge, especially concerning fears of Indian markets being flooded with European alcoholic drinks through the UK.
- ❑ **Work Permits for Indian Workforce:** The UK's strict post-Brexit work permit policy clashes with India's push for flexibility in this regard.
- ❑ **Carbon Tax Impact:** The UK's consideration of a carbon tax on metal imports may negatively affect Indian manufacturing exports.
- ❑ **Intellectual Property Rights:** Divergent views on stronger Intellectual Property Rights (IPR) regimes, especially in the medical sector, pose a challenge.
- ❑ **Digital Trade and Data Flow:** India's pending domestic laws on digital trade and data protection make it cautious about commitments in the FTA.
- ❑ **WTO's MFN Violation:** An interim and incomplete FTA could violate the Most Favoured Nation (MFN) principles of the WTO.
- ❑ **Global Value Chain Complexity:** Detailed discussions on GVC aim to address complexities, as India negotiates for outcomes favoring its ambition to be an alternative to China.
- ❑ **Domestic Political Concerns:** Growing negative sentiments toward India in Britain pose challenges to the FTA.
- ❑ **Protection of Domestic Industries:** India is keen on protecting its domestic alcohol bottling industry from intense competition.

WHAT IS AN FTA, AND WHY FTA 2.0

Free Trade Agreements (FTAs) are arrangements between countries to reduce or eliminate customs, tariff, and non-tariff barriers on significant trade. The FTA 2.0 approach stems from the recognition of flaws in earlier FTAs, leading to a more refined policy.

FAILURES/CHALLENGES OF PREVIOUS FTAS LEADING TO FTA 2.0

- ❑ **Uneven Distribution of Gains:** India's earlier FTAs granted higher tariff cuts than received, resulting in uneven gains.
- ❑ **Low FTA Utilization:** India's FTA utilization remained at around 25%, contrasting with developed countries that maximize utilization.
- ❑ **Increased Imports to India:** Previous FTAs led to a surge in imports, disadvantaging domestic industries.

- ❑ **Misuse of Rules of Origin:** Relaxed Rules of Origin provisions were misused by partners, affecting Indian markets.
- ❑ **Lack of Stakeholder Consultation:** Insufficient industry consultation resulted in market access being granted without addressing critical concerns.
- ❑ **Stringent Non-Tariff Barriers:** The focus on tariff reductions led to stringent non-tariff barriers, hindering India's exports.
- ❑ **Disparity in Manufacturing Sectors:** Partner economies' manufacturing sectors outperformed India's, contributing to an imbalance.
- ❑ **Limited Outreach Activities:** Inadequate marketing and outreach led to underutilization of FTAs.
- ❑ **Underutilization of Service Sector:** Failure to leverage India's strong service sector capability in earlier FTAs.

TYPES OF TRADE AGREEMENTS

EXPLAINING TRADE DEALS

Preferential Trade Agreement (PTA)

Two or more partner countries agree on preferential import tariffs on certain products. Each country has a mutually accepted positive list of tariff lines (products) eligible for low or zero duties.
Eg: India-Afghanistan PTA

Free Trade Agreement (FTA)

FTAs are bigger in scope as partner countries offer preferential trade terms

and tariff concessions to each other for a much wider set of products and services. Both sides maintain a negative list of products and services that are excluded. Eg: India-Sri Lanka FTA.

Comprehensive Economic Cooperation Agreement (CECA)

CECA is more comprehensive than FTA as it generally covers negotiation on trade tariffs and tariff rate quotas that allow mutually agreed concessional import rate up to a certain quantity. Eg: India-

Malaysia CECA

Comprehensive Economic Partnership Agreement (CEPA) & Economic Cooperation and Trade Agreement (ECTA)

The most comprehensive of all, CEPA or ECTA, covers negotiation on trade in services and investment and other areas of economic partnership like trade facilitation, customs cooperation, competition, IPR, etc. It can cover regulatory aspects of trade too.
Eg: India-Japan CEPA

Source: Fortune India

CONCLUSION AND FUTURE STEPS

Recent FTAs with the UAE and Australia have shown positive short-term results. However, sustained benefits require focused efforts:

- ❑ **Trade Infrastructure Development:** Government initiatives for trade infrastructure, a fast-track dispute settlement mechanism, and digitization of trade procedures are crucial.
- ❑ **Enhanced Global Competitiveness:** Improving the competitiveness of Indian industries will boost exports and help achieve the \$5 trillion economy target.

- ❑ **Regular Industry Consultation and Data Analytics:** Continuous feedback from industry bodies and data analytics will aid informed decision-making.
- ❑ **Inclusion of New Paradigms:** Adapting to new trade paradigms involving services, e-commerce, labor, climate/environment, digital trade, and public procurement is essential.
- ❑ **WTO Plurilateral Negotiations:** Participation in major plurilateral negotiations at the WTO can further increase India's exports.

SEVENTY-FIVE YEARS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: A POST-MORTEM

RELEVANCE

❑ Syllabus:

- **PSIR:** Contemporary Global Concerns: Democracy, human rights, environment, gender justice terrorism, nuclear proliferation.
- **GS2:** Bilateral, Regional and Global Groupings and Agreements involving India and/or affecting India's interests

Context: UDHR completed 75 years recently.

INTRODUCTION



Seventy-five years ago, on December 10, 1948, the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly in Paris, marking a pivotal moment in the post-World War II international order. This declaration, intended as a universal standard for all nations and

peoples, has, however, not entirely lived up to its original vision in practice.

UNDERSTANDING THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The UDHR was a groundbreaking document, asserting for the first time the universal protection of human rights. Developed through discussions by the UN Commission on Human Rights and adopted by the General Assembly in 1948, it serves as a global guide for freedom and equality, safeguarding the rights of individuals worldwide. While not a legally binding treaty, its principles have been integrated into the laws of many countries and are considered the foundation of international human rights law.

SIGNIFICANCE OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

- ❑ **Boost to Freedom Movements:** The UDHR played a crucial role in supporting decolonization movements by championing basic human dignity and freedom, as seen in Africa and Southeast Asia.
- ❑ **Basis for Fundamental Rights:** It has become a cornerstone for fundamental rights and individual liberties in national constitutions and various regional and international agreements, like the Fundamental Rights in the Indian Constitution.
- ❑ **Inspiration for Social Movements:** The declaration inspired numerous movements, including the anti-apartheid, LGBTIQ+, and anti-racism movements globally, like the Civil Rights Movement in the USA.
- ❑ **Apolitical and Secular Nature:** The UDHR transcends cultural, gender, religious, and political barriers, standing as an apolitical and secular document.
- ❑ **Introduction of 'Rule of Law':** The document first introduced the widely used term 'rule of law', emphasizing equality before the law regardless of territorial, jurisdictional, or political differences.

CHALLENGES TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

- ❑ **Geopolitical Conflicts:** Recent conflicts like the Israel-Hamas War, Russia's involvement in Ukraine, and internal strife in Myanmar and Sudan pose significant challenges to the UDHR.
- ❑ **Misuse and Exploitation:** The declaration has been exploited for political gains, as seen in instances like the Rwandan Genocide.

- ❑ **Violations Against Women:** Women often face denial of basic human rights and are subjected to various forms of violence, both domestically and in public spheres.
- ❑ **Dignity Rights Violations:** Practices like manual scavenging and rag picking challenge the right to live with dignity.
- ❑ **Corruption in Governance:** Corruption undermines the rule of law, democracy, and human rights, threatening good governance.
- ❑ **Non-enforceable Nature:** As the UDHR is non-binding, it struggles to effectively check human rights violations.

WAY FORWARD

- ❑ **Aligning Laws with UDHR:** National laws should be brought in line with the principles of the UDHR.
- ❑ **Active Role of the UNSC:** The United Nations Security Council should overcome partisan interests to actively protect UDHR principles.
- ❑ **Enforcement of Domestic Human Rights Laws:** Countries should enact and enforce human rights laws in accordance with UDHR principles and establish institutions for monitoring violations.
- ❑ **Ethical Importance of Human Rights:** The ethical considerations of human rights protection should guide ethical governance, as human rights are fundamental to human existence.

In the words of **John F. Kennedy**, "The rights of every man are diminished when the rights of one man are threatened." This underscores the imperative for governments to enforce human rights, as denying them challenges humanity itself.

INDIA'S EVOLVING ROLE AND INFLUENCE IN THE GLOBAL SOUTH: A JOURNEY FROM HISTORICAL TIES TO CONTEMPORARY LEADERSHIP

RELEVANCE

❑ Syllabus:

- **GS2:** Effect of Policies and Politics of Developed and Developing Countries on India's interests, Indian Diaspora.
- **PSIR:** India and the Global South: Relations with Africa and Latin America; Leadership role in the demand for NIEO and WTO negotiations.

INTRODUCTION

Since India's independence in 1947 and continuing into its G20 presidency in 2023, the nation has consistently aimed to represent the interests of the Global South. India has actively raised the concerns of these countries, which often remain underrepresented in global forums.



INDIA'S ACHIEVEMENT FOR THE GLOBAL SOUTH

UNDERSTANDING THE GLOBAL SOUTH

- ❑ The Global South comprises nations typically labeled as developing or underdeveloped, predominantly located in Africa, Asia, and Latin America.
- ❑ These countries generally face higher poverty levels, income inequality, and more challenging living conditions compared to the wealthier Global North, which includes nations primarily in North America, Europe, and parts of Oceania.
- ❑ **The Brandt Line**, conceptualized by Willy Brandt in the 1980s, is an imaginary demarcation separating the economically affluent Global North from the less prosperous Global South, highlighting the socio-economic divide.

INDIA'S HISTORICAL ASSOCIATION WITH THE GLOBAL SOUTH

India, sharing colonial struggles and developmental challenges with the Global South, assumed a leadership role under Prime Minister Nehru to address their issues:

- ❑ **Non-Aligned Movement (NAM):** India was pivotal in establishing NAM, reflecting the socio-economic and political priorities of the Global South. India also advocated for a New International Economic Order to counter the dominance of Bretton Woods institutions.
- ❑ **G-77 Formation:** India was instrumental in forming the G-77, a coalition of 134 developing nations at the UN, to unify the voice of the Global South in the United Nations General Assembly and its committees.
- ❑ **Stockholm Conference, 1972:** India's significant role in this conference contributed to the development of Sustainable Development principles, the Common But Differentiated Responsibilities (CBDR), and the Polluter Pays Principle.

However, post-Cold War and facing domestic economic crises, India's foreign policy shifted towards prioritizing national economic and security interests, somewhat sidelining the Global South's ideals of justice and equity. This shift is evident in India's reduced engagement with NAM, closer ties with the Global North, and participation in new

multilateral forums like BRICS, SCO, and ASEAN, often at the expense of G-77 and NAM.

INDIA AS THE VOICE OF THE GLOBAL SOUTH

1. **New Delhi Declaration:** During its G20 presidency, India emphasized including Global South issues like debt financing, climate justice, and gender equality in the New Delhi Declaration.
2. **G-20 Expansion:** India advocated for the inclusion of the African Union in the G-20, amplifying the Global South's voice.
3. **Voice of Global South Summit:** India has been organizing this summit to foster solidarity among Global South countries facing unprecedented challenges.
4. **Vaccine Maitri Initiative:** India's significant role in distributing free vaccines and medicines to Global South countries during the COVID-19 pandemic.
5. **More Inclusive Multilateral Fora:** India has been instrumental in making forums like BRICS more representative by including more Global South countries.
6. **Climate Justice Advocacy:** India has actively promoted Global South interests in climate negotiations, evidenced by the establishment of the Loss and Damage Fund at COP28.

CHALLENGES HINDERING INDIA'S LEADERSHIP IN THE GLOBAL SOUTH

- ❑ **UNSC Membership Ambitions:** India's bid for a permanent UNSC seat faces opposition from

the Coffee Club, which includes Global South countries.

- ❑ **Neglect of NAM and G-77:** India's diminishing focus on these key Global South groupings has led to communication breakdowns.
- ❑ **Competition with China:** China's extensive economic aid to Global South countries challenges India's leadership aspirations.
- ❑ **Inconsistent Engagement:** India's sporadic engagement with regions like Africa and the Indo-Pacific, evidenced by infrequent summits.
- ❑ **Perceived 'Big Brother' Attitude:** India's alleged interference in the domestic politics of Global South countries has led to mistrust.
- ❑ **Project Implementation Delays:** India's challenges in timely delivery of development projects in the Global South.

WAY FORWARD FOR INDIA

- ❑ **Establishing a Development Bank:** India should create its own bank to provide development assistance to the Global South.
- ❑ **Reviving NAM:** Post-COVID, India should rejuvenate NAM amidst rising ideological divides and geopolitical conflicts.
- ❑ **Enhancing Project Delivery:** India needs to focus on timely and quality project execution.
- ❑ **Shedding 'Big Brother' Image:** Building relationships based on mutual trust and respect is crucial.
- ❑ **Regular Summits:** Continual engagement with African and Indo-Pacific nations through regular summits is essential.

FOREIGN AFFAIRS FOR INDIA IN 2024 AT A GLANCE

RELEVANCE

- ❑ **Syllabus:**
 - **PSIR:** Indian Foreign Policy
 - **GS2:** India and the World.
 - **Context:** Fast changing geopolitics amid multiple crisis that the world is facing in present times.

INTRODUCTION

In 2022, Prime Minister Narendra Modi conveyed to President Vladimir Putin that we are no longer in an era dominated by warfare. However, the year 2023 has unfolded quite differently, marked by prolonged conflict between Russia and Ukraine entering its third year. Additionally, the ongoing war in the Gaza Strip, sparked by Hamas' October 7 attack, has escalated into one of the most destructive conflicts in recent decades.

Looking forward, global challenges persist as other conflicts demand attention. Despite signs of economic strain, China's assertive behavior continues, raising concerns in both the Western world and India.

STRATEGIC REALITIES OF 2023

1. Middle East Crisis: Disruption of Israel-Arab Ties

- ❑ **Overview:** Two years of progress in normalizing Israel-Arab relations was abruptly halted by a Hamas attack, resulting in significant casualties and hostages.
- ❑ **Impact:** Israel's forceful response, criticized even by the US, has escalated tensions and raised uncertainties about the future of Gaza.
- ❑ **Consequence:** The Israeli-Arab reconciliation process is temporarily derailed, with an uncertain path ahead for the region.

2. Strain in India-US Relations: Alleged Link to Assassination Plot

- ❑ **Background:** Despite successful visits between PM Modi and President Biden, tensions have risen due to allegations of an Indian official's involvement in a US assassination plot against a Khalistani separatist.
- ❑ **Response:** India's approach differs from a similar situation with Canada, emphasizing commitment to the rule of law and a willingness to investigate if provided with information.

3. Russia-Ukraine War Fatigue: Funding Challenges and Political Dynamics

- ❑ **Current Status:** The prolonged conflict in Ukraine has led to funding challenges for the West, hindering assistance to Ukraine.
- ❑ **Political Dynamics:** Putin's imminent re-election, the resilience of the Russian economy against sanctions, and growing proximity between Moscow and Beijing create concerns in the West.

4. India's Maldives Challenge: Shifting Dynamics with India

- ❑ **Development:** President Muizzu's government, known for its "India Out" stance, requests the withdrawal of Indian military personnel and signals an intention to terminate a water survey pact.
- ❑ **Alignment:** The Muizzu establishment is perceived to be aligning closely with China.

5. China as India's Strategic Concern: Persistent Border Standoff and Regional Dynamics

- ❑ **Ongoing Standoff:** The India-China border standoff continues into its fourth winter, maintaining a tense military posture.
- ❑ **Regional Dynamics:** Moscow's economic dependence on Beijing and the Maldives' growing proximity to China in the Indian Ocean amplify India's strategic concerns.

6. G20 and Global South Positioning: India's Diplomatic Success

- ❑ **Surprise Move:** India's unexpected success in negotiating a joint declaration at the G20 summit.
- ❑ **Global South Mobilization:** New Delhi's ability to rally developing and less developed nations under the Global South umbrella, seen as a modern adaptation of India's Non-Alignment legacy.

7. Engagement in Kabul: Shifting Dynamics in Afghanistan

- ❑ **Diplomatic Shift:** Change of leadership in the Afghanistan embassy in New Delhi, with assurances of not displaying Taliban symbols.
- ❑ **Taliban Engagement:** While avoiding formal recognition, India is engaging with the Taliban, evident through technical teams in Kabul and cooperation for passport and visa services, contrasting with China's full-time envoy in Kabul.

CHALLENGES AND OPPORTUNITIES IN 2024

1. **US & CANADA RELATIONSHIPS:** Resolving the fallout from the alleged 'assassination plot' in the US poses a challenge. Biden's absence during Republic Day celebrations and the delayed Quad summit could strain ties, but both India and the US aim to preserve their strong relationship. Despite tensions with Canada over allegations, India has eased visa restrictions, aligning with public sentiment. Dealing with the US and Canada will be distinct, with India not grouping them together.
2. **NEW GOVT IN PAKISTAN:** India-Pakistan ties have remained strained since 2019, and the change in leadership in Pakistan hasn't significantly impacted relations. With upcoming elections in Pakistan after February, there might be an opportunity for reengagement post-Indian Lok Sabha polls, although the outcome remains uncertain.
3. **OUTCOME IN BANGLADESH:** India values positive ties with the Sheikh Hasina government. As Bangladesh heads into elections, India hopes for Hasina's return to power. Security concerns guide India's preference, and efforts to enhance connectivity between Northeast India and Bangladesh are a priority for mutual benefits.
4. **CONTINUING DEADLOCK WITH CHINA:** The ongoing border standoff with China, existing since 2020, might feature in election campaigns.

India's response to any escalation will be cautious, considering the impact on security and domestic politics. Diplomacy towards China will be framed carefully, especially in an election year.

5. **SEEKING A WAY FORWARD IN WEST ASIA:** India's stance on the Israel-Hamas conflict has evolved, navigating a nuanced path. From initial support for Israel to a balanced approach and a call for a ceasefire, India's diplomatic positioning reflects a careful strategy. As the conflict approaches a resolution, India will play a crucial role in shaping post-conflict dynamics.
6. **FUTURE OF THE WAR IN UKRAINE:** India's position in the Russia-Ukraine war is tested due to its reliance on Russian oil imports. Pressure from the US has limited India's support for Moscow. With the conflict possibly heading towards a uneasy truce, India's stance may further evolve, especially at the upcoming BRICS summit.
7. **TRADE PACTS, TECH PARTNERSHIPS WITH WEST:** Free trade pacts with the UK and EU are in a critical stage, with EU elections and potentially UK elections next year limiting negotiation flexibility. Economic diplomacy initiatives with the US and EU in technology and trade are progressing, aimed at removing barriers for India in accessing high-tech sectors like AI, quantum computing, and cybersecurity.

CONCLUSION

Navigating a intricate landscape of global conflicts, bilateral tensions, and internal political dynamics will be a pivotal aspect of India's foreign policy in the upcoming years. The strategic posture of the country will be intricately influenced by the resolutions of diverse global and regional conflicts, as well as the intricacies of India's own electoral politics. The resulting foreign policy approach is expected to embody a nuanced interplay of continuity and change.

RED SEA ATTACK, PANAMA CANAL DROUGHT: IMPACT ON GLOBAL TRADE

RELEVANCE

❑ Syllabus:

- **PSIR:** Contemporary Global Concerns: Climate Change.

Context: Rising Tensions in Red Sea due to Houthi attack has jammed the Red sea traffic.

INTRODUCTION

In the wake of recent drone attacks targeting ships along the Red Sea trade route in West Asia, the Chemical tanker MV Chem Pluto, en route to India, fell victim to an attack on December 23, approximately 200 nautical miles off the Gujarat coast. This incident has heightened concerns among Indian oil importers and exporters of key commodities like basmati and tea.

The attacks in the Red Sea have been attributed to Houthi rebels based in Yemen, engaged in a decade-long civil war with the Yemeni government. The rebels claim these attacks are a response to Israel's military actions in Gaza. While a US-led maritime security coalition has swiftly announced countermeasures, underscoring the route's significance for global trade, the shipping crisis in the Red Sea is not the sole issue at hand.

Two critical choke points, namely the Suez Canal and the Panama Canal, loom as potential disruptors of more than a third of global trade. This concern arises against the backdrop of slowing demand in the West and a property crisis in China, prompting the World Trade Organization (WTO) to revise its goods trade forecast, anticipating a potential decrease of up to 50%. Consequently, the global goods trade faces a challenging start to 2024.

HOW DO THE ONGOING CRISES IN THE RED SEA AND PANAMA CANAL IMPACT GLOBAL TRADE?

1. Global Economic Concerns:

- ❑ Over 80% of global goods trade relies on maritime transport.

- ❑ Disruptions in maritime routes have significant implications for the world economy.

2. Impact on Developing Countries, Specifically India:

- ❑ Developing nations, such as India, heavily depend on sea trade.
- ❑ Sea transport accounts for a substantial share of trade for countries like India.

3. Current Shipping Route Challenges:

- ❑ Blockages in two crucial shipping routes:
- ❑ Bab-el-Mandeb Strait leading to the Suez Canal in the Red Sea (Asia to Europe).
- ❑ 100-year-old Panama Canal connecting the Atlantic and Pacific Oceans.

4. Consequences of Blockages:

- ❑ Both routes are among the busiest globally.
- ❑ Blockages force shipping lines to take longer alternate routes, leading to increased freight rates.

5. Specific Impact on Indian Agriculture:

- ❑ Disruption at the Red Sea route may raise Indian agricultural product prices by 10 to 20%.
- ❑ Rerouting through the Cape of Good Hope contributes to increased costs.

6. Global Economic Dynamics:

- ❑ Occurring during a period of higher interest rates in the West to combat inflation.
- ❑ Elevated prices may exacerbate demand concerns for both global and Indian exporters.

7. Alternative Shipping Routes:

- ❑ Rerouting of shipments due to blockages.

- ❑ Longer paths, such as via the Cape of Good Hope, contribute to extended travel times and increased costs.

8. Concerns for Exporters:

- ❑ Higher prices for Indian products may impact global and Indian exporters negatively.
- ❑ Rising costs could affect the competitiveness of goods in the global market.

9. Broader Economic Context:

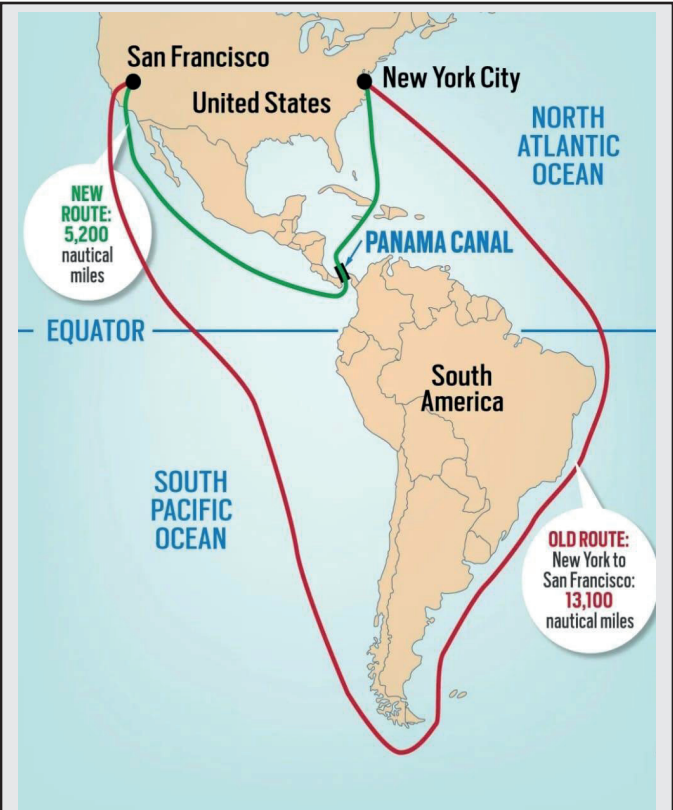
- ❑ The context of disruptions coincides with efforts in the West to control inflation through higher interest rates.
- ❑ Elevated prices and demand concerns add complexity to the global economic landscape.

10. Immediate and Long-term Implications:

- ❑ Immediate consequences include increased shipping costs and longer delivery times.
- ❑ Long-term implications may involve reassessment of global supply chain strategies and potential economic shifts.



Suez Canal map. Suez Canal connects the Mediterranean Sea and the Indian Ocean, reducing the distance it took to travel from Europe to Asia via the South African coast route.



The Panama Canal connects the Pacific and Atlantic Oceans.

REASONS FOR SLOWING DOWN TRADE VIA PANAMA CANAL

1. Shipping through the Panama Canal has declined by more than 50% due to severe drought conditions along the 51-mile stretch.
2. The shortage of water has compelled ships traveling from Asia to the US to opt for the longer route through the Suez Canal, adding an extra six days to their journey.
3. Panama is currently experiencing its driest rainy season in decades, raising concerns about prolonged canal bottlenecks.
4. LNG (Liquefied Natural Gas) vessels are resorting to expensive auctions to expedite their transit through the Panama Canal, with one vessel reportedly paying nearly \$4 million for an open slot in an auction held in early November.

5. According to S&P Global, the number of Very Large Gas Carriers transiting the Panama Canal is expected to nearly halve by February 2024, and there are fears that these transits may drop to zero by January.
6. The situation is indicative of the challenges posed by the drought, impacting both shipping efficiency and economic considerations for LNG vessels.

WHAT FACTORS CONTRIBUTE TO THE RESILIENCE OF OIL SHIPMENTS TO INDIA IN THE RED SEA AGAINST POTENTIAL ATTACKS?

1. Global shipping majors like Maersk are avoiding the Red Sea, leading to a more than 50% decline in global oil and petroleum product flows through this maritime channel in December.
2. Despite this trend, India has not experienced disruptions in its Russian oil imports, as Russian tankers, perceived as Iran's ally, continue to navigate the Red Sea.
3. The Houthi rebels, believed to be backed by Tehran, are a key player in the region, and their tankers are unaffected by the disruptions in the Red Sea.
4. The price of benchmark Brent crude has surged over 5% since the attacks, reaching around \$80 per barrel.
5. However, Goldman Sachs suggests that the Red Sea disruptions are unlikely to significantly impact international oil prices, as global oil production is not expected to be directly affected by the situation.

WHAT IS THE INFLUENCE OF THE RED SEA ATTACKS ON FREIGHT RATES?

1. Attacks along the Bab-el-Mandeb Strait prompt global shipping firms to impose war risk surcharges in addition to regular freight rates.
2. Indian exporters express concern as freight rates for shipments to Europe and Africa may surge by 25-30% due to security issues along the Red Sea trade route.
3. The European Union, a significant export destination for India, experiences slowing demand, affecting labor-intensive sectors like textiles, gems, and jewelry.
4. Maersk, a major shipping company, announces preparations to resume operations in the Red Sea following the deployment of a US-led coalition to address security concerns.
5. Despite preparations, Maersk acknowledges the potential need to divert ship traffic again based on evolving safety conditions in the region.

CONCLUSION

Acknowledging the vital importance of key "choke points" that serve as linchpins for global trade and navigation, it is imperative to implement proactive measures. To ensure seamless trade flows in the future, there is a need for international collaboration in efficiently handling major straits and canals, particularly in times of natural emergencies and political crises. Exploring alternatives such as intermodal freight transport, including the utilization of air transport, can be a viable strategy in enhancing the resilience and reliability of the global trade network.

INDIAN GOVERNMENT AND POLITICS (IGP)

ALL INDIA JUDICIAL SERVICES

RELEVANCE

❑ Syllabus:

- **GS2:** Structure, organization and functioning of the Executive and Judiciary.
- **PSIR:** Principal organs of Union and State Government.

Context: In her inaugural address during the Supreme Court's Constitution Day celebration, President Droupadi Murmu advocated for the establishment of an "all-India judicial service" aimed at the recruitment of judges.

INTRODUCTION

In her inaugural address during the Supreme Court's Constitution Day celebration on Sunday, President Droupadi Murmu advocated for the establishment of an "all-India judicial service" aimed at recruiting judges. She emphasized that this initiative would contribute to diversifying the judiciary by enhancing the representation of marginalized social groups.

President Murmu proposed the creation of an all-India judicial service designed to identify and support talented individuals from diverse backgrounds, nurturing their skills and facilitating their progression from lower to higher levels within the judicial system. She highlighted the potential of such a system to attract bright young minds from across the country, fostering a broader pool of talent. Additionally, President Murmu expressed the belief that implementing this system would offer valuable opportunities to social groups that are currently underrepresented in the judiciary.



WHAT IS ALL INDIA JUDICIAL SERVICES

The establishment of the All-India Judicial Service (AIJS) represents a reform initiative designed to streamline the appointment process for judges, specifically at the levels of additional district judges and district judges across all states. Similar to the way the UPSC conducts a centralized recruitment process for bureaucrats and subsequently allocates successful candidates to specific state cadres, AIJS aims to centrally recruit judges and then allocate them to respective states.

CONSTITUTIONAL PROVISIONS FOR AIJS

❑ Creation Process:

- **Amendment:** Article 312 of the Constitution, modified by the 42nd Amendment in 1976, allows for the establishment of an All India Judicial Service (AIJS).
- **Resolution:** The Rajya Sabha must pass a resolution, supported by a two-thirds majority present and voting, citing the national interest in creating the AIJS.
- **Legislation:** Following the resolution, the Parliament can enact a law to formally establish the All India Judicial Service.

❑ Exclusion Criteria:

- **Inferior Posts:** Article 312 (3) specifies that the AIJS should not encompass positions

lower than that of a district judge, as defined in Article 236.

- **District Judge's Scope:** The term “district judge” covers various roles, such as city civil court judge, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge, and assistant sessions judge.

HOW AIJS DIFFERS FROM PRESENT SYSTEM OF RECRUITMENT OF JUDGES?

Articles 233 and 234 of the Indian Constitution pertain to the appointment of district judges, placing this responsibility within the purview of the states.

The selection procedure is carried out by the State Public Service Commissions and the respective High Courts, as the High Courts have authority over the subordinate judiciary in the state. Following the examination, panels of High Court judges conduct interviews to assess candidates and make selections for appointments.

Candidates for judicial positions, including all lower judiciary roles up to the level of district judges, undergo selection through the Provincial Civil Services (Judicial) examination, commonly known as the judicial services exam.

EARLIER PROPOSALS FOR AIJS

❑ 1958 Law Commission Report:

- Deliberated the concept of a centralized judicial service.
- Aimed to address structural issues like varying pay, remuneration, and training disparities among states.
- Goal: Ensure efficiency in the subordinate judiciary.

❑ Proposal for a Centralized Exam:

- Suggested the creation of a statutory or constitutional body (similar to UPSC).
- Purpose: Conduct a standardized, central exam for recruiting and training judges.

❑ 1978 Law Commission Report:

- Revisited the idea in light of delays and arrears of cases in lower courts.
- Continued focus on the need for a unified judicial service.

❑ 2006 Parliamentary Standing Committee Report:

- 15th Report supported the pan-Indian judicial service idea.
- Draft bill prepared to formalize and implement the proposed reforms.

NEED FOR AIJS

1. Judicial Vacancies and Recruitment Delays:

- ❑ Widespread vacancies in lower judiciary positions nationwide.
- ❑ Massive backlog of approximately 2.78 crore cases in lower judiciary.
- ❑ Primary cause: Inordinate delays in conducting regular judicial recruitment exams by state authorities.

2. Quality Concerns in Judicial Officers:

- ❑ Continuous decline in the caliber of selected judicial officers.
- ❑ Consequences include delayed justice, increased case pendency, and compromised judgment quality.
- ❑ Impacts the competence of higher judiciary, affecting both High Courts and the Supreme Court.

3. Financial Constraints in State Judicial Services:

- ❑ Lack of attractiveness for top talents in state judicial services.
- ❑ Low salaries, meager rewards, and insufficient compensations provided by state governments.

4. Inadequate Specialized Training Infrastructure:

- ☐ Absence of state-of-the-art training institutions and qualified professors.
- ☐ Essential specialization in adjudication requires advanced training.
- ☐ State institutes lack the capacity to offer comprehensive adjudication exposure to selected candidates.

5. Issues in Judicial Recruitment Process:

- ☐ Existing recruitment processes plagued by subjectivity, corruption, and nepotism.
- ☐ Urgent need to establish a neutral and impartial recruitment system.
- ☐ Aim to reflect the social reality and diversity of the country in judicial appointments.

BENEFITS OF HAVING AIJS

1. **Attracting Top Talent:** The introduction of the All India Judicial Service (AIJS) promises to revolutionize the recruitment process within India's legal profession. By establishing a national service for judges with a retirement age of 60, equivalent to district judges, it becomes an appealing prospect for young and skilled lawyers to seek a career in the judiciary.
2. **Enhancing Accountability and Transparency:** The adoption of an open competitive examination system is poised to bring about heightened accountability, transparency, and objectivity in the judicial recruitment process. This approach significantly diminishes the discretionary powers of selection panels, ensuring a fair and merit-based selection.
3. **Ensuring Representation for Marginalized Sections:** AIJS plays a pivotal role in fostering diversity within the judiciary. By enlisting trained officers from underrepresented segments of society, especially women and SC/STs, the service contributes to a more inclusive and representative character in the legal system.

4. Addressing Judicial Shortages and Case Pendency:

With only 19 judges per 10 lakh population in India, far below the Law Commission's recommended ratio of 50 per 10 lakh people, the AIJS becomes instrumental in swiftly filling judicial vacancies. This proactive approach in recruitment aims to alleviate the backlog of cases and enhance the efficiency of the lower judiciary.

5. Establishing Uniformity in Judicial Processes:

The implementation of AIJS is a crucial step towards achieving uniformity in the quality of adjudication and justice dispensation across the nation. By mitigating state-level variations in laws, practices, and standards, the service fosters a standardized and consistent judicial system throughout the country.

ISSUES WITH AIJS

1. Erosion of Separation of Powers:

- ☐ The establishment of AIJS could potentially weaken the separation of powers by transferring control over state judiciary to the Union government. This is particularly evident in the removal of High Court influence on the recruitment process, undermining the independence of the judiciary as mandated by Article 50.

2. Challenge to Federal Structure:

- ☐ The adoption of a centralized recruitment process contradicts India's federal structure. This move is perceived as an intrusion on the constitutional powers granted to states, posing a threat to the principles of federalism.

3. Language Barrier:

- ☐ The practical challenge arises as many courts operate in the state's language up to the level of District and Sessions Judges. AIJS officers may struggle to adapt to local languages, impeding the effective dispensation of justice.

4. Neglect of Local Laws and Customs:

- ❑ The AIJS system fails to account for the significant variations in local laws, practices, and customs across states. This oversight can hinder the understanding and application of region-specific legal nuances.

5. Potential for Discrimination and Elitism:

- ❑ Centralized recruitment may inadvertently favor candidates from prestigious legal institutions and larger cities, potentially marginalizing individuals from less privileged backgrounds and smaller communities.

6. Impact on Reservation Benefits:

- ❑ The adoption of a central list for reservations may exclude state minorities and backward groups from enjoying reservation benefits, exacerbating issues of social inequality.

7. Limited Career Growth for State Officers:

- ❑ The AIJS framework could constrain the promotional avenues available to officers already serving under the existing system in states, limiting their career progression opportunities.

8. Uncertainty in Career Advancement:

- ❑ Concerns arise over the attractiveness of AIJS as a career option, especially due to potential lower rates of elevation to High Courts compared to traditional routes through the Bar, creating uncertainty in career progression.

9. Failure to Address Legal Education Quality:

- ❑ The establishment of AIJS does not tackle the underlying problem of mismanaged legal education. Except for a few National Law Universities, the lack of standardized curricula in law universities results in subpar

legal research and scholarship, which remains unaddressed by the proposed system.

CONCLUSION

Prior to the parliamentary implementation of the All India Judicial Service (AIJS), it is essential to foster consensus among diverse stakeholders involved in the process. The NITI Aayog has put forth recommendations for the establishment of AIJS, emphasizing key aspects:

Firstly, in order to safeguard judicial independence, the AIJS cadre is suggested to directly report to the Chief Justice of each high court. This arrangement aims to maintain a robust separation of powers within the judiciary.

Secondly, the proposal advocates for the regular conduct of AIJS examinations. Furthermore, there is an emphasis on completing the recruitment process within defined timeframes. This timely and consistent approach is seen as crucial for the effectiveness and efficiency of the AIJS.

Thirdly, to address logistical challenges and enhance the expeditious delivery of justice, the integration of technology, specifically video-conferencing, is recommended. This technological advancement is envisioned to streamline judicial proceedings and contribute to a more responsive and accessible legal system.

The NITI Aayog underscores the pivotal role of competence and quality within the lower judiciary. It asserts that the establishment of the All India Judicial Service is a significant stride in the right direction, holding the potential to rejuvenate the entire structure of the Indian judiciary. This initiative aligns with the broader objective of fostering a robust and responsive legal framework.

WOMEN REPRESENTATION IN JUDICIARY

RELEVANCE

❑ Syllabus:

- **GS2:** Structure, organization and functioning of the Executive and Judiciary.
- **PSIR:** Principal organs of Union and State Government.

Context: Justice Fathima Beevi, the first woman Supreme Court justice in India, passes away.

INTRODUCTION

Justice Fathima Beevi, the trailblazing individual who made history as the first Indian woman to ascend to the position of Supreme Court judge, passed away on Thursday, November 30, 2023, at the age of 96 in Kollam, Kerala. Her landmark appointment in 1989 not only marked her as the inaugural Muslim woman judge in the Supreme Court but also established her as the pioneer woman Supreme Court Justice in all of Asia.

Despite acknowledging the patriarchal nature of the judiciary, Justice Beevi notably declared that she had “opened the door” for women through her historic appointment, leaving an indelible mark on the legal landscape.



REPRESENTATION OF WOMEN IN SUPREME COURT

Since 1989, the Supreme Court has seen the appointment of only 10 women as judges. Presently, among the 33 Supreme Court judges, there are merely three women—Justices Hima Kohli, Bela Trivedi, and BV Nagarathna. Notably, Justice Nagarathna is poised to make history as the first-ever female Chief Justice of India on

September 25th, 2027, albeit with a relatively short tenure of 36 days.

The year 2021 marked a groundbreaking moment with the simultaneous appointment of Justices Kohli, Nagarathna, and Trivedi, creating history by having four female judges in the Supreme Court concurrently for the first time. Overall, the Supreme Court has witnessed the presence of only eight other female judges in its history, including Justices Sujata Manohar, Ruma Pal, Gyan Sudha Misra, Ranjana Desai, R. Banumathi, Indu Malhotra, Indira Banerjee, and Fathima Beevi.

This statistical analysis reveals a stark gender disparity in the composition of the Supreme Court, where, out of 268 judges throughout its history, only 11 have been women. In percentage terms, this translates to a mere 4.1% representation of women, highlighting the significant underrepresentation of women compared to their male counterparts, who make up the remaining 96%.

CONDITION OF WOMEN REPRESENTATION IN HIGH COURTS

1. High Court Statistics:

- ❑ India currently has 25 high courts with a sanctioned strength of 1,114 judges.
- ❑ However, as per the Department of Justice's website, only 782 judges are currently serving, leaving 332 judges' positions vacant.

2. Gender Disparity Among High Court Judges:

- ❑ Only 107 judges, constituting 13% of all high court judges, are female.
- ❑ None of the 25 high courts in the country presently have a female chief justice, except for

the Gujarat High Court, which appointed Justice Sunita Agarwal in July due to the absence of female chief justices nationally.

3. Reservation in Higher Judiciary:

- ❑ Union Law Minister Arjun Ram Meghwal clarified that appointments to the higher judiciary, under Articles 124, 217, and 224 of the Constitution, do not provide reservations based on caste or class.
- ❑ Despite this, the Center has urged high court chief justices to consider candidates from diverse backgrounds, including women, minorities, scheduled castes, and tribes, to ensure social diversity in the judicial system.

4. Representation of Women Judges:

- ❑ As of January 31, 2023, in the high courts, out of the sanctioned strength of 1108 judges, 775 judges are working.
- ❑ Of the working judges, 106 are women, constituting 9.5% of the total strength and 13.6% of the working strength of high court judges.
- ❑ Currently, no female chief justice is serving in any high court across the country.

5. Subordinate Judiciary and Glass Ceiling:

- ❑ A 2018 study by the Vidhi Centre for Legal Policy highlighted that while the representation of women in the lower judiciary is relatively higher at 27%, there is a significant gender gap in higher appointments, particularly at the level of district judges and in the high courts.

STATUS OF WOMEN REPRESENTATION IN LOWER JUDICIARY

1. Judicial Landscape in 2018:

- ❑ Total lower judiciary judges: 15,806 (March to July 2017).
- ❑ In three smallest states (Goa, Meghalaya, Sikkim), women judges exceeded 60% (collective total: 103 judges).

- ❑ Except for Telangana and Puducherry, women judges were below 40% across all states.

2. Quotas in Lower Judiciary:

- ❑ Women's reservation in lower judiciary: Andhra Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Karnataka, Odisha, Rajasthan, Tamil Nadu, Telangana, Uttarakhand.
- ❑ Quotas range from 30% to 35% of total seats filled through direct appointment.

3. Recent India Justice Report (IJR) 2022:

- ❑ High Court judges: Only 13% women.
- ❑ Subordinate Court judges: 35% women.
- ❑ District courts:
- ❑ Goa had the highest at 70% women judges.
- ❑ Meghalaya (62.7%), Telangana (52.8%), and Sikkim (52.4%) followed closely.

These findings highlight disparities in gender representation across different levels of the judiciary, with some states implementing quotas to address the gender imbalance. The IJR 2022 underscores the need for continued efforts to promote gender diversity, especially in higher judicial positions.

REASONS FOR LOW WOMEN REPRESENTATION IN JUDICIARY

1. Seven Years Practice Condition:

- ❑ Article 233 mandates 7 years of continuous advocacy for District Judge eligibility.
- ❑ Most states interpret this as continuous practice, potentially limiting opportunities.

2. Age Criteria Barrier:

- ❑ Direct recruitment for District Judges often requires a minimum age of 35.
- ❑ Supreme Court judges must be above 55, affecting women's entry due to family responsibilities.

3. Leaking Pipeline Syndrome:

- ❑ Women drop from ~35% in lower courts to ~11% in the Supreme Court due to family

obligations, work-life conflicts, and barriers to advancement.

- ❑ Societal expectations contribute to a “voluntary withdrawal” masking gender role biases.

4. Opaque Collegium System:

- ❑ Higher Judiciary appointments via the Collegium System lack transparency.
- ❑ Critics argue that personal networks and favorable evaluations influence appointments.

5. Unfavorable Work Environment:

- ❑ Hostile and sexist work environments impede female litigators’ professional growth.
- ❑ Research indicates gender bias in the appointment process for Supreme Court and High Court Judges.

6. Lack of Supportive Infrastructure:

- ❑ Inadequate facilities, from toilets to maternity leave, contribute to high attrition rates among female lawyers.
- ❑ 22% of the country’s 6,000 courts lack separate toilets for women, prompting many female law graduates to opt for the corporate sector.

7. Absence of Enabling Provisions:

- ❑ Quotas for women in lower courts exist in several states but are lacking in Higher Judiciary.
- ❑ States like Assam, Rajasthan, Andhra Pradesh, Telangana, Odisha, with enabling provisions, boast over 40% women judges.

WAY FORWARD

1. Personalization by Judges:

- ❑ Judges should empathize with victims of sexual violence by putting themselves in the victim’s shoes.
- ❑ Chief Justice Chandrachud’s endorsement of a feminist approach emphasizes the need for a gender-sensitive perspective in legal proceedings.
- ❑ Suggest incorporating questions related to gender sensitization in the All India Bar Examination to ensure legal professionals are well-versed in these issues.

2. Gender Bias Task Forces:

- ❑ Establish a committee in India similar to the Gender Bias Task Forces in the US.
- ❑ This committee should assess and address how gender influences the court systems, promoting fairness and inclusivity.
- ❑ Reference the International Association of Women Judges’ model as a potential guide for the structure and functions of the committee.

3. Mentorship System:

- ❑ Implement a mentorship system, as suggested by the Geneva Forum on Women in the Judiciary.
- ❑ Encourage senior women judges and lawyers to mentor their younger peers, fostering guidance and support.
- ❑ Facilitate regular informal meetings for women in the legal profession to discuss challenges and strategize solutions.

4. Moulding the Rules:

- ❑ Courts should recognize and account for societal and familial pressures on women in the legal profession.
- ❑ Consider adjustments to rules, such as lowering the minimum age requirement for district judge appointments, to support women in continuing their legal careers, even after marriage.
- ❑ Create a conducive environment and provide ample opportunities for women to thrive as advocates and judges.

5. Enabling Provisions:

- ❑ Former CJI Justice Ramanna’s call for women lawyers to demand 50% reservation in the judiciary should be acknowledged.
- ❑ The Supreme Court should progressively increase the representation of women judges in higher judiciary positions.
- ❑ Highlight the transformative impact women judges can have on jurisprudence, citing examples such as Justice Sujata Manohar’s role in formulating the Vishakha guidelines.

RESERVATION IN PRIVATE SECTOR

RELEVANCE

❑ Syllabus:

- **GS2:** Government Policies
- **PSIR:** Ideological and social bases of parties

Context: Recently, the Punjab and Haryana High Court quashed the Haryana State government legislation providing 75% local reservation in private sector jobs with a monthly salary of less than ₹30,000.

INTRODUCTION

The judgement has raised a question on the constitutionality of laws providing local reservation in the private sector which have been enacted by other states, such as Jharkhand, Maharashtra, Karnataka, Andhra Pradesh and Madhya Pradesh.



HIGH COURT'S JUDGEMENT

- ❑ **Unconstitutionality:** The court ruled that the local reservation law contravenes Article 19(1) (g) of the Constitution, which guarantees the freedom to carry on occupation, trade, or business anywhere in the country.
- ❑ **Legislative Overreach:** Article 16(3) provides the power to prescribe local residence as a pre-criterion for employment exclusively to the parliament, and the state legislature overreached this authority.
- ❑ **Creation of Artificial Walls:** The law was deemed discriminatory as it creates artificial barriers based on local residence, negatively impacting individuals not belonging to a particular state.

- ❑ **'Inspector Raj' Provisions:** Specific sections, such as section 6 and section 8, requiring firms to submit quarterly reports on the status of local reservation implementation, were criticized as amounting to an 'Inspector Raj.'

ARGUMENTS IN FAVOR OF THE LEGISLATION

- ❑ **Protection of Right to Livelihood:** The State government argued that the local reservation law aims to safeguard the right to livelihood of individuals domiciled in the State.
- ❑ **Addressing Rising Unemployment:** The legislation is designed to tackle the growing unemployment issue in Haryana.
- ❑ **Mandate of Article 16(4):** The government contended that it is authorized to provide local reservation under Article 16(4) of the Constitution. This article allows the State to make reservations for any backward class not adequately represented in public employment.
- ❑ **Empowerment of local youth-** The objective of local reservation is to empower the local youth by giving them employment. For ex- Haryana, has one of the highest rates of unemployment (9%) as per PLFS 2021-22.
- ❑ **Addresses Local Resentment** – The local reservation addresses the resentment of locals against migrant workers taking up their jobs.
- ❑ **Legitimate right of the State-** The proponents of local reservation argue that the states have a legitimate right to ask private sectors to adhere

to the local reservation policy as the private sector utilizes public sector infrastructures.

- ❑ **Social Equality-** Local Reservation in private sector jobs is needed to achieve substantial social equality, as the proportion of public sector jobs is very low as compared to private sector jobs.
- ❑ **Ends private sector's exploitation of migrant workers-** Private employers often exploit the migrant labour market as such workers tend to work long hours for low wages with little or no social protection and benefits.
- ❑ **In line with global practices-** US (The US Civil Rights Act of 1964) and Canada (The Employment Equity Act) provide for reservation in private jobs.

ARGUMENTS AGAINST THE LEGISLATION

- ❑ **Violation of Article 19:** Opponents argued that the reservation law infringes on Article 19 of the Constitution, specifically the right to freedom to reside, settle, and practice any profession, business, or trade in any part of Indian territory.
- ❑ **Infringement of Article 14 and 15:** Critics asserted that the law violates Article 14 (equality before the law) and Article 15 (prohibition of discrimination on grounds of place of birth).
- ❑ **Contravention of Common Citizenship:** The local reservation law was said to create divisions between individuals domiciled in different states, contrary to the concept of common citizenship envisioned in the Constitution.
- ❑ **Negative effect on the Economy-** Local reservation in private sector jobs decreases inter-state mobility of skilled and unskilled labour. This shortage of qualified workers in a state may impact business units and thus the economy of the entire country. For ex- Flight of firms from Gurugram to Noida.

- ❑ **Discourages Investment-** 'Compulsory and restricted' employment choices decreases the competitiveness of companies. It also discourages investment potential in a state by creating a compliance burden. For Ex- Haryana's quarterly compliance report to be submitted by the companies appraising local reservation implementation.
- ❑ **Hampers Inclusive Growth-** Developed States imposing 'domicile based employment restrictions' reduces the job opportunities of workers from the underdeveloped states like Bihar and UP. For Ex- Increases in the Human development Index (HDI) gap.
- ❑ **Threat to National Unity-** Local reservation fuels the growth of 'Sons of Soil' feeling and breeds antagonistic regionalism. It also increases friction among locals and non-locals, negatively impacting the social fabric of the nation. For ex- Attack on Bihari workers in Maharashtra.
- ❑ **Against the reservation ceiling-** The provision of 75% reservation goes against the Supreme court's mandated ceiling of 50% reservation as enunciated in the Indira Sawhney Judgement.

CONCLUSION AND WAY FORWARD

1. **States must Uphold Uniform Labour Rights-** States should ensure that migrant workers enjoy basic labour rights and create a level playing field for both the migrant and local workers. This will also protect the migrant laborers from exploitation.
2. **Shift of focus from Reservation to Development-** The State government must focus on Ease of Doing Business Reforms to attract industries, Skill Development Programs, Infrastructure Development, Education Reforms and Rural Development. It will help solve the unemployment problem in the long term.
3. **Supreme court must lay down the guidelines-** As the supreme court laid down the ceiling of reservation in public sector jobs in the Indira

Sawhney judgement, it must also give its guidelines on the local reservation in private sector.

4. Promotion of the spirit of 'Ek Bharat Shrestha Bharat' - The narrow parochial views of regionalism

which is propagated by these local reservations must be countered by actively promoting interstate cultural interactions through the 'Ek Bharat Shrestha Bharat' Scheme.

GOVERNOR: THE LYNCHPIN

RELEVANCE

❑ Syllabus:

- **GS2:** Issues and Challenges Pertaining to the Federal Structure
- **PSIR:** Federalism

INTRODUCTION

In recent years, Governors have been accused of delaying and sometimes withholding assent to Bills passed by State legislatures, leading to concerns about the misuse of their discretionary powers. This issue has been particularly prominent in states like Tamil Nadu, Kerala, Telangana, and Punjab, with the matter reaching the Supreme Court for intervention.

CONSTITUTIONAL PROVISIONS REGARDING GOVERNOR'S ASSENT TO BILLS

- ❑ **Article 163 and Article 200:** While Article 163 deals with the powers of the Governor, Article 200 specifically addresses granting assent to Bills. The Governor has four options: grant assent, withhold assent (Absolute Veto), return the bill for reconsideration (Suspensive Veto), or reserve the bill for the consideration of the President.
- ❑ **Discretionary Powers:** The Constitution vests discretionary powers in the Governor, and the decision made under such discretion is final, leading to accusations of misuse.
- ❑ **No Time Limit:** There is no specified time limit for the Governor to make a decision, allowing for a 'Pocket Veto' where the Governor takes no action, delaying the legislative process indefinitely.

- ❑ **Alleged Partisan Behavior:** Governors have been accused of acting as agents of the Centre rather than as independent constitutional authorities.



ISSUES WITH GOVERNORS WITHHOLDING ASSENT TO BILLS

- ❑ **Undermining Democratic Process:** Governors, appointed by the Centre, delaying or rejecting Bills passed by elected state assemblies for political reasons undermines the democratic process.
- ❑ **Undermining Federalism:** The alleged partisan actions of Governors undermine federalism, a fundamental feature of the constitution.
- ❑ **Lack of Accountability:** Governors withholding assent are not required to provide reasons for their decisions.
- ❑ **Abuse of Power:** Withholding assent is an exceptional power meant to be exercised

reasonably, but accusations of misuse raise concerns.

- ❑ **Delay in Decision-Making:** Indefinite delays affect the effective functioning of state governments, leading to the postponement of important policies.
- ❑ **Negative Public Perception:** Pending Bills may be viewed as signs of inefficiency or corruption, damaging the government's reputation.

RECOMMENDATIONS OF VARIOUS COMMITTEES

- ❑ **Sarkaria Commission:** Governors should act as per the advice of ministers, and the Governor should be a detached figure without intense political links.
- ❑ **Punchhi Commission:** Governors should decide on Bills within six months, and a committee with the Chief Minister as a member should choose the Governor.
- ❑ **NCRWC:** Proposed a four-month time limit for Governor's decisions and suggested removing the power to withhold assent except in cases explicitly mentioned in the Constitution.
- ❑ **2nd Administrative Reforms Commission:** The Inter-State Council should formulate guidelines on how governors should exercise discretionary power.
- ❑ **Rajamannar Committee:** Emphasized that the Governor should not act as an agent of the Centre but as the constitutional head of the State.

OBSERVATIONS OF THE SUPREME COURT

- ❑ **Rameshwar Prasad Case:** Governors can be subject to judicial review, and malicious intent can render their decisions unconstitutional.

- ❑ **Shamsher Singh Case:** The principle of Cabinet responsibility is entrenched in constitutional democracy.
- ❑ **Nabam Rebia & Bamang Felix Case 2016:** The Governor's discretion under Article 200 is limited and subject to judicial review.
- ❑ **SC's Observations in the Telangana Petition:** Governors should not act slowly, and the phrase 'as soon as possible' has significant content.

SOLUTIONS TO PREVENT THIS ISSUE

- ❑ **Ensuring Accountability:** Governors must provide valid reasons for refusing assent.
- ❑ **Maintaining Neutrality:** Governors should act judiciously and impartially, avoiding partisan influences.
- ❑ **Code of Conduct:** A 'Code of Conduct' defining norms and principles guiding the Governor's actions is necessary.
- ❑ **Careful Use of Powers:** Governors should use discretionary powers judiciously, avoiding arbitrary decisions.
- ❑ **Respecting Federalism:** The Governor's office should not undermine the powers of elected state governments.
- ❑ **International Best Practices:** Adopting practices from countries like the United Kingdom, where veto is exercised only on ministerial advice.
- ❑ **Committee Recommendations:** Implementing the recommendations of various committees.
- ❑ **Authoritative Supreme Court Decision:** The Supreme Court should address the grey areas of Article 200, prescribing a time limit for withholding Bills and clarifying misuse concerns.

DECODING THE SUPREME COURT'S VERDICT ON ARTICLE 370

RELEVANCE

❑ Syllabus:

- **GS2:** Indian Constitution—Historical Underpinnings, Evolution, Features, Amendments, Significant Provisions and Basic Structure.
- **PSIR:** Salient Features of the Indian Constitution

Context: The Indian Supreme Court, in a unanimous decision by a bench of five judges, affirmed the central government's revocation of Article 370 from the Indian Constitution. This pivotal judgment was led by Chief Justice D Y Chandrachud, alongside the four other senior-most judges of the court.



EXPLORING THE ESSENCE OF ARTICLE 370 IN THE INDIAN CONSTITUTION

Originally introduced as a provisional arrangement on October 17, 1949, Article 370 granted the state of Jammu & Kashmir (J&K) the autonomy to formulate its own Constitution, thereby restricting the Indian Parliament's legislative authority in the state. Additionally, Article 35A, which was a derivative of Article 370 and instituted in 1954, empowered the J&K legislature to identify its permanent residents and their exclusive rights.

The President of India, on August 5, 2019, enacted a directive that effectively nullified Article 370, thereby bringing J&K under the ambit of all Indian laws.

ADVANTAGES OF THE APEX COURT'S RULING ON ARTICLE 370

1. Enhancing National Unity: The verdict is seen as a step towards consolidating the Indian

nation-state. By integrating J&K more closely with the rest of India, it aims to dissolve the psychological and political barriers that have long fostered a sense of separatism. This integration is expected to foster a stronger sense of belonging among the residents of J&K towards the Indian Union.

- 2. Strengthening Anti-Terror Measures:** The application of Indian laws in J&K, particularly stringent anti-terrorism laws, is anticipated to provide a robust framework to combat terrorism. This could lead to more effective policing and intelligence operations, potentially reducing the influence of cross-border terrorism and internal insurgencies.
- 3. Curbing Corruption:** With the extension of Indian laws to J&K, there's an expectation of enhanced transparency and accountability. Laws targeting corruption and financial crimes are now enforceable in the region, which could lead to a crackdown on corrupt practices and illicit financial transactions, thereby promoting good governance.
- 4. Fostering Economic Growth:** The removal of land ownership restrictions is expected to attract investments from big business houses and stimulate economic activities. This could lead to job creation, infrastructure development, and overall economic growth in the region.

5. Implementing Progressive Policies: The verdict ensures that national welfare schemes and policies, such as the Right to Education and Right to Information, are now applicable in J&K. This could lead to improved social justice, educational opportunities, and enhanced transparency in governance.

CHALLENGES ARISING FROM THE COURT'S DECISION

- 1. Potential Abuse of Presidential Authority:** There's a concern that the central government might misuse its powers, like imposing President's rule, to make unilateral decisions affecting states, which could set a precedent for similar actions in other states, thereby affecting the federal structure.
- 2. Erosion of Federal Dynamics:** The decision could be seen as a precedent for the central government to alter state boundaries or change special provisions without adequate consultation with the state, potentially undermining the federal principle enshrined in the Indian Constitution.
- 3. Cultural and Historical Identity Risks:** The unique cultural, historical, and geographical identity of J&K might be at risk. There's a fear that the influx of people from other parts of India could lead to a dilution of the local culture and traditions.
- 4. Straining Regional Relations:** The decision could potentially be used by separatist elements to fuel further unrest and radicalism in J&K, thus straining the delicate social fabric of the region.
- 5. Impact on Asymmetric Federalism:** The verdict challenges the concept of asymmetric federalism, where certain states are granted

special status due to their unique circumstances. This could lead to debates about the balance between national integration and regional autonomy.

PROPOSED DIRECTION FORWARD

- 1. Setting up a Truth and Reconciliation Commission:** This commission should investigate past human rights violations and foster a process of healing and reconciliation. It's crucial that this commission operates in a transparent and impartial manner to restore trust among the people.
- 2. Organizing Democratic Elections and Reinstating Statehood:** Conducting free and fair elections and restoring statehood would be significant steps towards normalizing the situation in J&K. This would give the people of J&K a sense of participation in the democratic process.
- 3. Intensifying De-radicalization Efforts:** There's a need for comprehensive strategies to counter radicalization, including educational reforms, community engagement, and counter-narrative campaigns, to prevent the youth from being swayed by extremist ideologies.
- 4. Gradual Withdrawal of AFSPA:** The Armed Forces (Special Powers) Act (AFSPA) should be withdrawn in phases from areas that have achieved a degree of normalcy, to reduce military presence and restore civilian authority.
- 5. Concentrating on Inclusive Economic Progress:** The focus should be on creating an environment conducive to economic growth that benefits all sections of society. This includes investing in infrastructure, promoting local industries, and ensuring that the economic benefits reach the marginalized communities.

GOA LIBERATION DAY: WHY INDIA WAITED FOR 14 YEARS AFTER INDEPENDENCE TO MOVE TROOPS TO GOA?

RELEVANCE

❑ Syllabus:

- **GS2:** Indian Constitution: Historical Underpinnings.
- **PSIR:** Indian Freedom Struggle.

❑ Context: PM Modi blamed former Prime Minister Jawaharlal Nehru for not supporting Goa's satyagrahis.

INTRODUCTION

On December 19, 1961, India incorporated Goa through a swift military operation, following unsuccessful years of diplomatic endeavors to attain its independence from Portugal. Operation Vijay was executed to liberate Goa, and Operation Chutney played a crucial role in this military intervention. The delay of 14 years before deploying troops to Goa is attributed to various factors. Prime Minister Modi has criticized former Prime Minister Jawaharlal Nehru for not sufficiently supporting the satyagrahis in Goa. In this context, we will elaborate on the details and reasons behind these historical events.

GOA UNDER PORTUGUESE

1. 1510 Portuguese Conquest:

- ❑ Goa became a Portuguese colony in 1510 after Admiral Afonso de Albuquerque defeated Yusuf Adil Shah, the Sultan of Bijapur.

2. Post-Independence Status:

- ❑ In 1947, while the rest of India gained independence from British rule, Goa, Dadra and Nagar Haveli, and Daman and Diu remained Portuguese territories, collectively known as Estado da Índia.

3. Goan Independence Movement:

- ❑ Tristão de Bragança Cunha, the "father of Goan nationalism," established the Goa National Congress in 1928 during the Calcutta session of the Indian National Congress.

4. 1946 Rally Led by Ram Manohar Lohia:

- ❑ In 1946, socialist leader Ram Manohar Lohia organized a significant rally in Goa, contributing to the growing momentum of the independence movement.

5. Armed Resistance Advocated:

- ❑ Groups like the Azad Gomantak Dal believed that armed resistance was the most effective path to achieve independence for Goa.

6. Parallel Liberation Movement:

- ❑ The Goan independence movement ran in parallel with the broader liberation movement occurring in the rest of India.

7. Persistence of Goan Nationalism:

- ❑ The efforts of key figures like Tristão de Bragança Cunha and events such as the 1946 rally demonstrated the persistence of Goan nationalism within the larger context of Indian independence movements.

GOA AFTER INDIAN INDEPENDENCE

1. India's independence was overshadowed by the traumatic events of Partition and the Kashmir war, diverting the nation's resources and leadership focus.
2. Jawaharlal Nehru, the leader of India, was hesitant to initiate another conflict in the west, aiming to avoid international attention. He sought to secure Goa's independence through diplomatic means.

3. Portugal's dictator, Antonio de Oliveira Salazar, rejected negotiations and declared India's territories as integral parts of 'metropolitan Portugal,' not colonies but overseas provinces.
4. Portugal's NATO membership added a new dimension to the situation, with Salazar warning of a NATO response to any military action taken by India.
5. Despite facing challenges, the Indian government persisted in diplomatic efforts, maintaining a diplomatic office in Lisbon to facilitate negotiations.

MODI'S CRITICISM OF NEHRU OVER GOA

1. In July-August 1954, Indian activists successfully took control of Dadra and Nagar Haveli with minimal opposition, inspiring freedom fighters in Goa.
2. The situation escalated in August 1955 when thousands of satyagrahis attempted to enter Goa, resulting in a tragic incident where Portuguese forces opened fire, causing 25 casualties.
3. During the recent Goa elections, Prime Minister Modi criticized Jawaharlal Nehru for his handling of the Goa issue. Modi argued that Nehru refrained from a military intervention to remove the colonial rulers in Goa, fearing it would tarnish his global image as a leader of peace.
4. Modi referenced Nehru's 1955 Independence Day speech, accusing him of not supporting the satyagrahis and prioritizing his international image over decisive action for Goa's liberation.
5. The Prime Minister highlighted Nehru's hesitation to launch a military operation, suggesting it was driven by concerns about the potential impact on his reputation as a global advocate for peace.

IT IS TRUE THAT NEHRU IN HIS SPEECH HAD WARNED SATYAGRAHIS AGAINST VIOLENT ACTION?

1. Goa is an integral part of India, and there is a firm commitment to maintaining its unity with the country.
2. The approach taken in addressing the issue has been characterized by significant self-restraint, with the emphasis on seeking a peaceful resolution.
3. Military action is not considered as a means to resolve the matter, and a preference is expressed for a peaceful resolution.
4. Individuals entering Goa are welcomed, but it is emphasized that if they identify as satyagrahis, they should adhere to the principles of satyagraha and exhibit corresponding behavior.
5. Despite the commitment to peaceful resolution, the firing on satyagrahis led to the severing of diplomatic relations with Portugal by India.

MILITARY ACTION AND LIBERATION OF GOA

1. **Initial Reluctance:**
 - ☐ Nehru initially opposed sending troops to liberate Goa.
 - ☐ Six years passed with no progress despite consistent Indian diplomatic efforts.
2. **Stalemate and External Pressure:**
 - ☐ Portugal showed no willingness to negotiate or cede control.
 - ☐ African nations under Portuguese rule sought India's intervention for Goa's liberation.
3. **Military Preparations:**
 - ☐ In 1961, preparations for an armed attack on Goa commenced.
 - ☐ The trigger was the Portuguese firing on an Indian steamer from Anjadip.

4. Operational Readiness:

- ☐ Operation Chutney started on December 1, involving surveillance and reconnaissance.
- ☐ The Indian Navy deployed frigates and mobilized a fleet of sixteen ships in four task groups.
- ☐ The Indian Air Force conducted flights to lure Portuguese fighter jets and identify their positions.

5. Military Deployment:

- ☐ The Indian Army stationed troops along the borders of Goa, Daman, and Diu.

- ☐ Operation Vijay, led by the army, aimed to liberate Goa with support from the navy and air force.

6. Commencement of Military Action:

- ☐ Armed action began on December 17.

7. Swift Victory:

- ☐ By the evening of December 19, Governor-General Vassalo e Silva surrendered.
- ☐ Goa, Daman, and Diu were liberated, marking the end of over 400 years of Portuguese rule in India.



Join PSIR Optional

Live Foundation Batch



Concepts in Depth

Faculty Guidance Answer Writing

Current Linkages Model Answers

Use Discount Code : TYAGILIVE

By - Shashank Tyagi

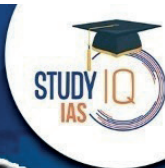


www.studyiq.com

Discount Code



TYAGILIVE



MAINS PRACTICE QUESTION

Q. Examine the evolution of the jurisdiction of the Supreme Court of India as a Constitutional Court.

The Supreme Court of India, established under the Constitution of India, has undergone a remarkable transformation over the years, evolving into a Constitutional Court with extensive jurisdiction and substantial powers. At its inception, the Supreme Court had relatively limited original jurisdiction, primarily focused on resolving disputes between the Union government and individual states or between states themselves, as enshrined in Article 131 of the Indian Constitution.

However, over time, the Supreme Court expanded its role and acquired significant appellate jurisdiction. Initially, it could only hear appeals on constitutional matters from the High Courts. Subsequent amendments broadened its appellate jurisdiction to encompass a wide array of cases, including civil, criminal, and non-constitutional matters. Today, the Supreme Court stands as the ultimate court of appeal in the country, hearing appeals not only from the High Courts but also from various tribunals and other judicial bodies.

The Court's jurisdiction as a Constitutional Court further developed with the expansion of its writ jurisdiction under Articles 32 and 226 of the Constitution. These articles empower the Court to issue writs for the enforcement of fundamental rights, making it a guardian of these rights. The landmark *Keshavanand Bharati* case gave birth to the basic structure doctrine, which places certain core principles of the Constitution beyond the reach of parliamentary amendments. While the doctrine established the inviolability of the Constitution's basic structure, the specific components of this structure remain a matter for the judiciary to determine. This doctrine has acted as a check on the power of Parliament to amend the Constitution in a manner that would undermine its foundational principles.

In the 1980s, the Supreme Court of India introduced the concept of Public Interest Litigation (PIL), a groundbreaking innovation that significantly expanded the Court's jurisdiction. PIL empowered the Court to address a wide range of issues related to social justice, the environment, human rights, and administrative matters, often by responding to petitions from concerned citizens, NGOs, or others acting in the public interest. This proactive approach to addressing pressing societal concerns demonstrated the Court's commitment to constitutional interpretation and judicial activism.

Moreover, the Supreme Court's exercise of judicial review plays a pivotal role in solidifying its position as a Constitutional Court. By reviewing the constitutionality of laws, policies, and actions of the government, the Court ensures that the Constitution remains supreme in the Indian legal system. This power is essential in upholding the fundamental rights of citizens and preventing potential abuse of power by the legislative and executive branches.

In summary, the Supreme Court of India has evolved from its origins with limited original jurisdiction to become a powerful Constitutional Court with extensive powers. This evolution has strengthened the Court's role in protecting fundamental rights, upholding the Constitution's sanctity, and serving as the final interpreter of the law in India. Through landmark decisions, innovations like PIL, and the development of the basic structure doctrine, the Supreme Court has played a vital role in shaping the legal landscape of India and safeguarding its constitutional framework.

Q. 'The mandate of the Governor is substantial under the constitutional scheme'. Illustrate. Also discuss the controversies associated with the posts of Governor and suggest the appropriate reform.

Governor's Position in the Constitutional Scheme

As per the Indian Constitution, the Governor holds the position of the chief executive official of a state and is entrusted with the executive power of the state under Article 154. In the landmark judgment of *Union of India vs Valluri Basavaiah Chaudhary & others* (1979), the Supreme Court established that the Governor is the 'constitutional head of the state executive.'

According to B.R. Ambedkar, the position of the Governor in the states is equivalent to that of the President at the Centre, as both are considered 'offices of dignity.' However, there are certain differences between the constitutional roles of the Governor and the President:

1. **Discretionary Powers:** While the Governor has the possibility of acting at times based on their discretion, no such powers have been provided to the President (as stated in Article 163).
2. **Binding Nature of Ministerial Advice:** After the 42nd Constitutional Amendment Act of 1976, ministerial advice became binding on the President. However, no such obligatory provisions exist regarding the office of the Governor.

The distinction in the constitutional position of the Governor compared to the President is based on the idea that the Governor's office acts as a vital link between the Union and the states, supporting Indian cooperative federalism. The discretionary power vested in the Governor ensures a check on the power of an elected state government and allows for the responsible exercise of restorative power during emergencies. Vallabh Bhai Patel also emphasized the Governor's role in acting with discretion in widely accepted or emergency matters. Thus, the Governor's office, with its discretionary power, was envisioned to be more than just a nominal head.

However, as Ambedkar stated, "however good a constitution may be, if those who are implementing it are not good, it will prove to be bad." This statement is fitting when applied to the office of the Governor. The Governor's office has been criticized for impartiality, lack of objectivity, and being manipulated by the Union government for its political interests, according to the Sarkaria Commission.

The exercise of discretionary power under Article 163 has been a highly controversial aspect of Indian federal polity. It has often been utilized in favor of the central government's interests rather than as an independent and constitutional office of dignity. Soli Sorabjee, in his book 'The Governor: Sage or Saboteur,' argues that the arbitrary exercise of discretionary power has transformed the institution of 'cooperative federalism' into 'bargaining federalism.'

Despite these controversies, the office of the Governor continues to hold significant importance and plays a multifaceted role. According to the Punchhi Commission, the importance of the Governor has not declined but rather increased due to internal security threats such as communal violence. Soli Sorabjee asserts that a good Governor can bring about positive change, while a bad Governor can cause significant harm.

In conclusion, to preserve the dignity and relevance of the Governor's office, it is essential for Governors to exercise their discretionary powers not as representatives of a party or agents of the central government, but as representatives of the people of the state as a whole, as emphasized by Ambedkar. Reports such as the Administrative Reforms Commission (ARC) and the National Commission to Review the Working of the Constitution (NCRWC) stress the necessity for Governors to be impartial, possess a sense of fair play, act independently, and prioritize the well-being of the people of their respective states, remaining loyal to the constitution above all.

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

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

In favor of Palestine:

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

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

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

In favor of Israel:

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

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

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

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

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

Q The Speaker represents the freedom and dignity of the House. Examine.

The Speaker of the Lok Sabha in India plays a crucial role in upholding the fundamental principles of democracy, maintaining the dignity of the parliamentary proceedings, and ensuring that the voice of the people is heard. This constitutional office is instrumental in fostering an environment where parliamentary democracy can thrive.

At its core, the Speaker serves as the highest authority within the Lok Sabha, responsible for overseeing and regulating its functioning. By representing the House in its interactions with the President, the Council of Ministers, and other authorities, the Speaker not only upholds the constitutional order but also ensures that the institution of Parliament is respected and recognized as the supreme legislative body in the country.

One of the primary functions of the Speaker is to provide a platform for the diverse voices of parliamentarians to be heard. This platform enables open debate, discussions, and the holding of the government accountable for its actions. In this role, the Speaker acts as an impartial moderator, ensuring that parliamentary rules and traditions are followed, while also maintaining decorum. This impartiality is vital for building trust and respect within the House and, by extension, among the public.

Furthermore, the Speaker is a guardian of parliamentary privileges and immunities. Members of Parliament enjoy essential rights such as freedom of speech, freedom from arrest during parliamentary sessions, and control over the internal affairs of the House. The Speaker's duty is to protect and preserve these privileges, assuring parliamentarians that they can carry out their responsibilities without fear of retribution or interference, thus upholding the dignity of their position.

Discipline and order are essential to parliamentary proceedings, and the Speaker is vested with the authority to maintain them. This responsibility includes taking disciplinary action against members who engage in disruptive behavior or violate parliamentary rules. By doing so, the Speaker ensures that debates and discussions occur in a respectful and dignified manner, upholding the decorum and values of the institution.

In addition to these crucial roles, the Speaker embodies the core democratic values of impartiality and the protection of minority rights. The Speaker's decisions are not influenced by personal or party biases but are instead based on parliamentary rules and constitutional principles. This impartiality fosters an environment where every voice, regardless of party affiliation, is given a fair opportunity to express its views and concerns.

In conclusion, the Speaker of the Lok Sabha is a vital figure in India's parliamentary democracy. By representing and defending the institution, promoting impartiality, preserving privileges, maintaining order and discipline, and serving as the constitutional head, the Speaker upholds the democratic principles that are at the heart of the Indian Parliament's functioning, ensuring the dignity and efficacy of this essential institution.



Join PSIR Optional

Live Foundation Batch

Concepts in Depth

Faculty Guidance Answer Writing

Current Linkages Model Answers

Use Discount Code : TYAGILIVE

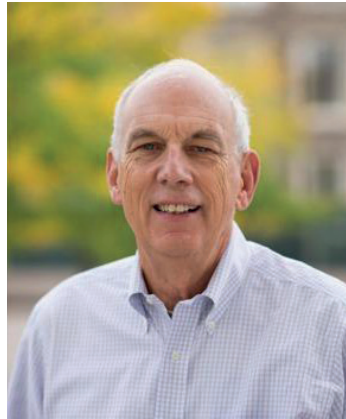
By - **Shashank Tyagi**

www.studyiq.com

Discount Code
TYAGILIVE

SCHOLARS DIGEST: KNOW YOUR SCHOLAR

ROBERT O. KEOHANE



INTRODUCTION

Robert Owen Keohane, born on October 3, 1941, in Chicago, Illinois, USA, is a prominent American political scientist, educator, and scholar in the field of international relations. He is renowned for his contributions to neoliberal institutionalism, a perspective in international relations that highlights how states employ international organizations to advance their interests through collaborative efforts.

MAJOR WORKS

Keohane rose to prominence following the release of “Power and Interdependence” (1977), a collaborative effort with Harvard’s political scholar Joseph S. Nye. This publication significantly contributed to the establishment of international political economy (IPE) as a specialized field within the realm of international relations.

CONCEPT OF INTERDEPENDENCE

Keohane placed a strong emphasis on the concepts of interdependence and collaboration within global politics. He offered a critical perspective on the neorealist approach to international relations, which posits that interactions between nations are primarily marked by suspicion and rivalry.

Unlike the neorealist viewpoint, Keohane argued that states don’t consistently view each other’s successes with alarm; rather, they often seek to foster cooperation for mutual gain. He contested the neorealist notion that international relations are a zero-sum game, asserting that collaboration can lead to shared benefits rather than a one-sided win or loss.

In addition to addressing security concerns, Keohane highlighted that states actively engage in endeavors that are advantageous to all parties involved, such as trade partnerships and environmental conservation efforts. Notably, he broadened the scope of analysis beyond just state actors, recognizing the significance of transnational entities like multinational corporations and international trade unions. By acknowledging these factors, Keohane challenged the conventional focus on nation-states in the realm of international relations, particularly in light of the complex processes of globalization.

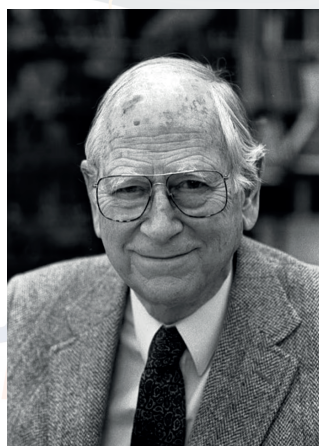
In his most renowned work, “After Hegemony: Cooperation and Discord in the World Political Economy” (1984), Keohane embraced the core idea of neorealism that states act as rational egoists. However, he put forth the notion that self-

interest can actually pave the way for cooperation. Challenging the neorealist perspective that cooperation between countries necessitates a dominant military power or hegemon to enforce it, Keohane contended that this stance was not entirely supported by historical evidence. He pointed out that international cooperation persisted even after the waning of U.S. hegemony in the 1970s.

Keohane attributed this continuity of international cooperation to the establishment of what he termed “international regimes,” exemplified by

institutions like the International Monetary Fund (IMF) and the General Agreement on Tariffs and Trade (GATT). These international regimes, in Keohane’s view, encompass a collection of implicit or explicit norms, institutions, and decision-making mechanisms that enable states to calibrate their expectations and uphold avenues of collaboration. Keohane’s argument was that states subscribed to these regimes due to their ability to mitigate the risks and expenses associated with cooperation, while simultaneously safeguarding the benefits achieved through collective negotiation.

ROBERT DAHL: A PIONEER IN POLITICAL SCIENCE AND DEMOCRATIC THEORY



EARLY LIFE AND EDUCATION

Robert A. Dahl, born on December 17, 1915, in Inwood, Iowa, embarked on a scholarly journey that would significantly impact the field of political science. Raised in a small Midwestern town, Dahl’s upbringing influenced his curiosity about societal organization and governance. His academic pursuits led him to the University of Washington and later to Yale, where he earned his Ph.D. in political science.

CONTEXT OF POST-WWII AND COLD WAR

Dahl’s academic career unfolded against the backdrop of post-World War II and the emergence

of the Cold War. These transformative global events shaped his perspectives on power, governance, and the intricacies of democratic systems.

PLURALISM AND “WHO GOVERNS?”

A pivotal moment in Dahl’s career came with the publication of “Who Governs?” in 1961. This work challenged prevailing elitist notions about power distribution within societies. Dahl introduced the concept of “polyarchy,” positing that power is dispersed among various groups and individuals in modern democracies. His pluralist perspective shifted the focus from a concentration of power in

the hands of a few to a nuanced understanding of power dynamics among diverse societal elements.

POLYARCHY AND POWER DISPERSION

Dahl's pluralist model emphasized the existence of multiple centers of power, including interest groups, political parties, and societal organizations. This departure from traditional elitism encouraged scholars to explore the dynamics of power in civil society, beyond formal political institutions.

DEMOCRACY AND ITS CRITICS

"Dahl's book "Democracy and Its Critics" (1989) delved into the intricacies of democracy. Evaluating various democratic theories, Dahl argued for an ideal democracy where citizens have significant opportunities for participation. Acknowledging the challenges of full participation in large societies, he introduced the concept of "polyarchy" as an ideal form of democracy, balancing representation with inclusivity and citizen engagement.

CONTRIBUTIONS TO POLITICAL SYSTEMS

Beyond academic realms, Dahl's ideas influenced policymakers and activists, contributing to debates on electoral systems, political participation, and the role of civil society in fostering democratic values. His emphasis on the responsiveness of political institutions to citizen preferences shaped discussions on the dynamic relationship between rulers and the ruled in a democratic society.

CONDITIONS FOR DEMOCRATIC STABILITY

Dahl's exploration of the conditions necessary for democratic stability became evident in "Polyarchy: Participation and Opposition" (1971). Here, he emphasized the crucial role of opposition in a democratic framework, asserting that effective opposition is vital for democracy to thrive. Opposition provides citizens with meaningful choices and ensures accountability of those in power.

LEGACY AND ACADEMIC IMPACT

Robert Dahl's legacy extends beyond his written works. His role as an educator at Yale University played a crucial part in nurturing the next generation of political scientists. Dahl's intellectual rigor, commitment to democratic ideals, and openness to evolving theories left an indelible mark on the discipline of political science.

CONCLUSION

In conclusion, Robert Dahl's ideas have significantly impacted political science and democratic theory. His pluralist perspective challenged conventional elitist views, and his insights into democracy continue to shape discussions on governance, participation, and political institutions. Dahl's work remains foundational for scholars, students, and policymakers striving to understand the complexities of modern political systems and the pursuit of democratic governance.

HANNAH ARENDT



INTRODUCTION

Hannah Arendt (1906-1975) was a renowned political philosopher whose works continue to shape and challenge our understanding of politics. Through her unique lens, she examined various political phenomena and concepts, offering profound insights that resonate within the field of political science.

THE NATURE OF POWER

Arendt's examination of power is a key aspect of her political thought. She argued that power is not merely coercive force but a collective phenomenon that emerges from the actions and interactions of individuals in a public realm. Her emphasis on power as a relational concept informs discussions on power dynamics, democratic participation, and the role of citizens in political processes.

THE CONCEPT OF AUTHORITY

Arendt delved into the concept of authority, highlighting its distinction from power. She viewed authority as rooted in legitimacy, consent, and respect rather than coercion. Her analysis sheds light on the sources of authority, the relationship between authority and obedience, and the erosion of authority in modern societies.

TOTALITARISM AND THE BANALITY OF EVIL

Arendt's seminal work on totalitarianism, particularly in "The Origins of Totalitarianism,"

remains highly influential. She examined the rise of totalitarian regimes, the erosion of individual freedoms, and the manipulation of truth in such systems. Her concept of the "banality of evil" challenged prevailing notions of evil as a result of extraordinary acts, emphasizing instead the ordinary individuals who participate in oppressive systems.

THE PUBLIC AND PRIVATE SPHERES

Arendt explored the distinction between the public and private realms, highlighting their significance in political life. She argued that genuine political action occurs in the public realm, characterized by plurality, freedom of speech, and public deliberation. In contrast, the private sphere represents the realm of necessity and personal affairs. Her analysis continues to shape discussions on the role of public engagement and the importance of political participation.

THE CRISIS OF MODERNITY AND THE HUMAN CONDITION

Arendt critically examined the impact of modernity on the human condition. She analyzed the loss of meaningful public spaces, the rise of bureaucracy, and the challenges of individual identity in mass societies. Her insights into the disintegration of public life and the consequences for human agency and political action offer valuable perspectives for understanding contemporary political challenges.

CONCLUSION

Hannah Arendt's contributions to political science have been far-reaching and continue to provoke intellectual inquiry and debate. Her writings on power, authority, totalitarianism, the public sphere, and the human condition provide valuable

frameworks for analyzing political phenomena and understanding the complex dynamics of our contemporary political landscape. By engaging with Arendt's ideas, political scientists can deepen their understanding of the intricacies of power, authority, and the nature of politics itself.

HANS JOACHIM MORGENTHAU



INTRODUCTION

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

EARLY LIFE&EDUCATION

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

In 1932, he had the opportunity to teach public law in Geneva for a year. However, the political

climate drastically changed with Adolf Hitler's rise to power in Germany in 1933, compelling him to extend his stay in Switzerland until 1935. During this period, he also taught in Madrid from 1935 to 1936.

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

MAJOR WORKS

In 1948, Morgenthau published "Politics Among Nations," a highly esteemed study that introduced the classical realist approach to international politics. In this seminal work, Morgenthau argued that politics operates under distinct and

unchangeable laws of nature, enabling states to deduce rational and objectively correct actions by understanding these laws. Central to his theory was the notion that power stands as the primary objective in international politics, defining a nation's interests.

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

for acknowledging the nature and limitations of power and advocated for the use of conventional diplomatic methods, including the willingness to compromise.

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

Join PSIR Optional
Live Foundation Batch

Concepts in Depth
Faculty Guidance Answer Writing
Current Linkages Model Answers

Use Discount Code : TYAGILIVE

By - **Shashank Tyagi**

www.studyiq.com

Discount Code
 TYAGILIVE

STUDY IQ IAS

ENRICH YOUR ANSWER

Q. Explain Foucault's theory of power.

Approach of Answer

Intro: Start by explaining concept of power.

- Power is central concept of political science but contested concept.
- Political theory is the study of shaping and sharing of power.

Body: Explain Foucault's theory of power.

- micro view of power
- sociological view of power: power flowing through society via discourses.
- multidimensional view of power: power coming from everywhere and going everywhere.
- Power as post-structure: power do not reside in any structure.
- Concept of Disciplinary power: Bio power govern mentality.
- Knowledge power connection.

Conclusion

Give Noam Chomsky's criticism of Foucault i.e. Foucault wildly exaggerates influence of power in scientific discourse.

Q. What do you mean by offensive and defensive realism? (15)

Intro → Start by explaining realism as hegemonic school of IR and give its basic idea → anarchy

Body

→ Explain defensive realism

- Kenneth Waltz
- Security maximisation
- power as means

→ Explain offensive realism

- Mearsheimer, Kautilya
- Power as ends and means
- Hegemony aspiration

conclude

- Criticism by liberals, social constructivists
- Relevance - ex. China in South China Sea.

Q. Examine communitarian critique of Rawls theory of Justice.

Introduction:

→ Start with key tenets of Rawlsian theory:

- i) Individualism
- ii) Original position
- iii) Justice as fairness
- iv) Veil of ignorance

→ Mention Rawls book - "A theory of Justice"

→ Communitarian critique of key tenets

→ use Michael Sandel

↳ book - "Liberalism & the limits of justice"

→ Michael Walzer

↳ book → "spheres of justice"

Conclusion

→ Rawls accepted reasonable pluralism as pre-condition in book 'Political Liberalism'

→ gave concept of overlapping consensus.

Q. Compare Ambedkar and Gandhi's views on Social Justice.

Q1) Compare Ambedkar and Gandhi's views on Social Justice.

Intro: Start answer by defining social justice.
Also give general introduction about Gandhi & Ambedkar

Body

① Mention the differences between views of Gandhi & Ambedkar

- ① Ambedkar was critic of Manusmriti (Manuvad) while Gandhi believed in Varna system.
- ② Ambedkar held Vedas and Manusmriti responsible for social injustice while Gandhi didn't believe in it.
- ③ To achieve social justice
→ Ambedkar emphasised on Affirmative Actions
→ Gandhi emphasised on social reforms (raising the conscience of people)
- ④ Ambedkar preconditioned social justice to Nationalism while Gandhi believed that freedom struggle will result into social justice.

② Mention similarities

- ① Both believed in social justice and eradication of poverty.
- ② Both have vision of egalitarian society.
Ambedkar → a society free of contradictions
Gandhi → Ramrajya.

Conclusion

Can mention that both Gandhian and Ambedkar's ideas on social justice found place in Indian Constitution

PRELIMS PRACTICE QUESTIONS

1. Which one of the following statements correctly describes the Fourth Schedule of the Constitution of India?
 - (a) It contains the scheme of the distribution of powers between the Union and the States
 - (b) It contains the languages listed in the Constitution
 - (c) It contains the provisions regarding the administration of tribal areas
 - (d) It allocates seats in the Council of States
2. Which one of the following Articles of the Constitution of India says that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union?
 - (a) Article 257
 - (b) Article 258
 - (c) Article 355
 - (d) Article 358
3. Which Article of the Constitution of India says, 'No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment'?
 - (a) Article 24
 - (b) Article 45
 - (c) Article 330
 - (d) Article 368
4. Consider the following statements:
 1. Part IX of the Constitution of India provisions for Panchyats and was inserted by the Constitution (Amendment) Act, 1992.
 2. Part IX A of the Constitution of India contains provisions for Municipalities and the Article 243 Q envisages two types of Municipalities a Municipal Council and a Municipal Corporation for every State.Which of the statements given above is/are correct?
 - (a) Only 1
 - (b) Only 2
 - (c) Both 1 and 2
 - (d) Neither 1 nor 2
5. Which Constitutional provision deals with the powers of the Governor?
 - (a) Article 357
 - (b) Article 163
 - (c) Article 370
 - (d) Article 256
6. What is the discretionary power of the Governor as per Article 163?
 - (a) Unlimited power to enact laws
 - (b) Final decision in matters of discretion
 - (c) Must act on the advice of the Chief Minister
 - (d) Can veto any decision of the state legislature
7. According to the Sarkaria Commission, what is the recommended nature of the Governor?
 - (a) Active political figure
 - (b) Detached figure without intense political links
 - (c) Direct representative of the ruling party
 - (d) Should be an elected official
8. How can the practice in the United Kingdom be characterized in terms of veto power?
 - (a) Governors can exercise absolute veto
 - (b) Governors can exercise veto without ministerial advice
 - (c) Veto can only be exercised on the advice of ministers
 - (d) Governors cannot exercise veto power
9. Who/Which of the following is the custodian of the Constitution of India?
 - (a) The President of India
 - (b) The Prime Minister of India
 - (c) The Lok Sabha Secretariat
 - (d) The Supreme court of India
10. "To uphold and protect the Sovereignty, Unity and Integrity of India" is a provision made in the
 - (a) Preamble of the Constitution
 - (b) Directive Principles of State Policy
 - (c) Fundamental Rights
 - (d) Fundamental Duties

11. The ideal of Welfare State' in the Indian Constitution is enshrined in its

- (a) Preamble
- (b) Directive Principles of State Policy
- (c) Fundamental Rights
- (d) Seventh Schedule

12. Consider the following statements regarding the Directive Principles of State Policy:

1. The Principles spell out the socio-economic democracy in the country.
2. The provisions contained in these Principles are not enforceable by any court.

Which of the statements given above is / are correct?

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

13. Parliament which of the following?

1. The Recommendations of the Union Finance Commission
2. The Report of the Public Accounts Committee
3. The Report of the Comptroller and Auditor General
4. The Report of the National Commission for Scheduled Castes

Select the correct answer using the codes given below :

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

14. Which of the following is/are among the Fundamental Duties of citizens laid down in the Indian Constitution?

1. To preserve the rich heritage of our composite culture
2. To protect the weaker sections from social injustice
3. To develop the scientific temper and spirit of inquiry
4. To strive towards excellence in all spheres of individual and collective activity

Select the correct answer using the codes given below :

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

15. The distribution of powers between the Centre and the States in the Indian Constitution is based on the Act provided in the

- (a) Morley-Minto Reforms, 1909
- (b) Montagu-Chelmsford Act, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

16. With reference to Indian History, the Members of the Constituent Assembly from the Provinces were

- (a) directly elected by the people of those Provinces
- (b) nominated by the Indian National Congress and the Muslim League
- (c) elected by the Provincial Legislative Assemblies
- (d) selected by the Government for their expertise in constitutional matters


Answers:

1. (d) Fourth schedule allocates seats in the Council of States i.e. Rajya Sabha (Upper House of Parliament).
2. (a) Article 257 in the Constitution states that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose. Article 258: Power of the Union to confer powers on the States in certain cases; Article 355: Duty of the Union to protect States against external aggression and internal disturbance; Article 358: Suspension of provisions of Article 19 during emergencies.

3. (a) Article 24 of the constitution states that, no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
4. (a) 73rd and 74th Constitutional Amendments were passed by Parliament in December, 1992. Through these amendments local self-governance was introduced in rural and urban India. The Acts came into force as the constitution (73rd Amendment) Act, 1992 on April 24, 1993 and the constitution (74th Amendment) Act, 1992 on June 1, 1993. These amendments added two new parts to the constitution, namely, 73rd Amendment added part IX titled "The Panchayats" and 74th Amendment added part IXA titled "The Municipalities". The Local bodies- 'Panchayats' and 'Municipalities' came under Part IX and IXA of the Constitution after 43 years of India becoming a republic.
5. (b) Article 163
6. (b) Final decision in matters of discretion
7. (b) Detached figure without intense political links
8. (c) Veto can only be exercised on the advice of ministers
9. (d)
10. (d)
11. (b)
12. (c)
13. (c) CAG gives three audit reports to president which are laid by the president before both the houses of the parliament. Subsequently the Public Accounts committee examines them and reports its findings to the parliament.
14. (c) All the statements except 2 regarding the Fundamental Duties of citizens are correct.
15. (c) Distribution of power between the Centre and the States in the Indian Constitution is based on the Government of India Act. 1935.
16. (c) The members of the constituent Assembly from the provinces were indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise.

Join PSIR Optional

Live Foundation Batch





Concepts in Depth

Faculty Guidance Answer Writing

Current Linkages Model Answers

Use Discount Code : TYAGILIVE








By - Shashank Tyagi

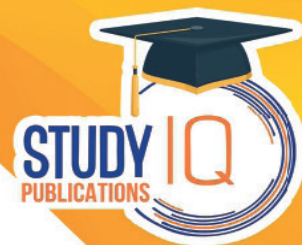
www.studyiq.com

Discount Code



TYAGILIVE

UPSC IAS (Mains)



FEATURES OF THE COURSE -

- 1. 400+ hours of live lectures spread over 5 months
- 2. Comprehensive coverage through high quality lecture notes
- 3. Hand written notes and hand written model answers
- 4. Live answer writing program under the guidance of faculty
- 5. Previous Year Questions discussions
- 6. PSIR Current affairs to keep the aspirant updated
- 7. Doubt clearing sessions by the faculty
- 8. Static Session

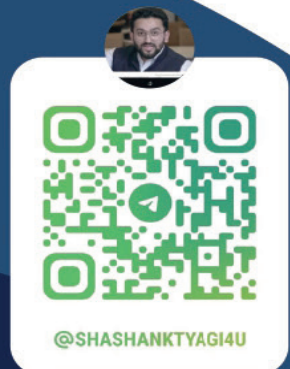
Contributor:
Sajal Tiwari

For any feedback, Kindly reach out on:
psirsupport@studyiq.com



Use Code
TYAGILIVE

to avail this offer
Price: ₹24000
₹15999



Shashank Tyagi

Faculty PSIR Optional, StudyiqIAS
Ex. Consultant, Office of Minister
Social Welfare, GNCTD

