PSIR PULSE

Monthly Current Affairs

Political Science and International Relations

April 2025

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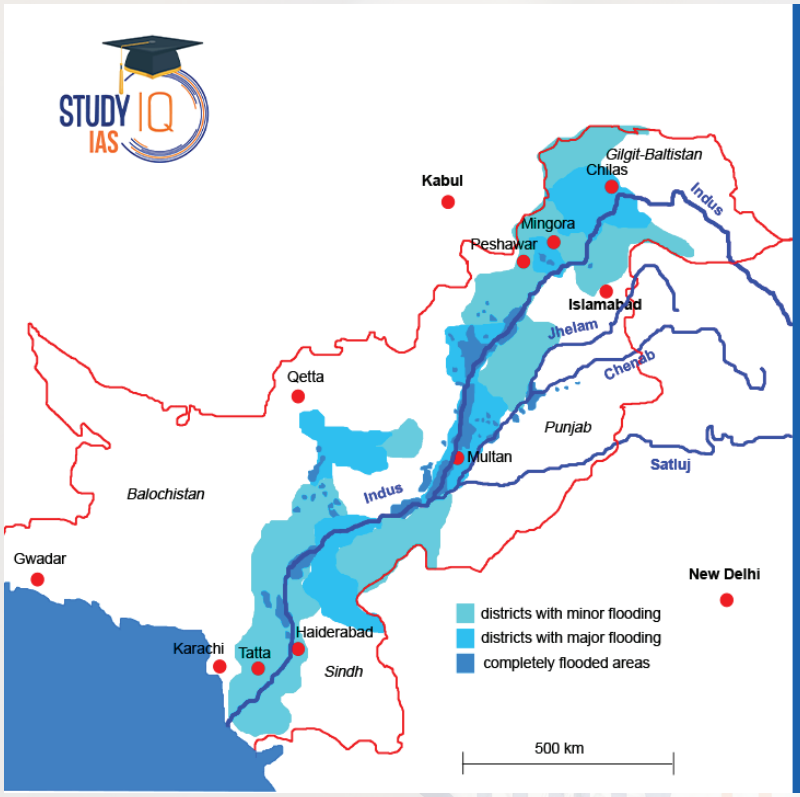
SUSPENSION OF INDUS WATER TREATY



INDUS WATER TREATY

INTRODUCTION

The **Indus Waters Treaty (IWT)**—a landmark water-sharing agreement that has weathered four wars, decades of Pakistan-backed cross-border terrorism, and enduring hostility between the two nations—was suspended by India for the first time in history following the terror attack on Indian tourists in Pahalgam on April 22.

Among several diplomatic countermeasures announced by India—including the shutting down of the Attari border crossing and revocation of visas—the suspension of the IWT could have the most profound and long-lasting implications. This development makes it essential to examine the core provisions of the treaty, the points of contention between the two countries, and the broader path forward.

Signed in 1960, the Indus Waters Treaty represents a foundational framework for managing shared water resources between India and Pakistan. The treaty includes 12 Articles and 8 Annexures. Despite its resilience, persistent disputes have shadowed its implementation.

Prior to suspending the treaty, India had already called for its revision last year, citing dissatisfaction with the functioning of its dispute resolution mechanisms. India blamed Pakistan's persistent 'intransigence' in complying with the treaty's terms. In contrast, Pakistan has objected to India's construction of the Kishenganga and Ratle hydroelectric power projects, viewing them as violations of the treaty's provisions.

Concerns with the Indus Waters Treaty

India's Concerns

1. **Exceptionally Generous Terms**: Many experts regard the treaty as one of the most generous water-sharing arrangements globally. It grants Pakistan control over nearly 80% of the shared river waters, making it a rare case where an upper riparian country significantly prioritizes the needs of the lower riparian.
2. **Inability to Develop Storage Infrastructure on Western Rivers**: Though the treaty allows limited scope for constructing storage facilities on western-flowing rivers under specific conditions, Pakistan has consistently obstructed such initiatives. Its use of the treaty's complex technicalities has delayed legitimate Indian infrastructure projects.
3. **Pakistan's Rigid Stance on Indian Hydropower Projects**: Disagreements around India's Kishenganga and Ratle hydroelectric projects have escalated. These are run-of-the-river projects that do not disrupt natural water flow, yet Pakistan continues to object. It has even bypassed established treaty mechanisms by directly seeking arbitration at The Hague. Its demand for a Permanent Court of Arbitration contradicts the stepwise resolution process outlined in Article IX of the IWT.

India issued notices in both 2023 and 2024 calling for a "review and modification" of the treaty, with the 2024 notice explicitly using the term "review," indicating India's intention to possibly annul and renegotiate the 64-year-old agreement. Article XII (3) allows for changes through mutual ratification of a revised agreement.

4. **Outdated Nature of the Treaty**: According to the 2021 report by the Departmentally Related Standing Committee on Water Resources, the IWT does not address modern concerns like climate change, global warming, or environmental impact assessments. The Indus basin, identified by NASA in 2015 as the second most over-stressed aquifer globally, is facing increasing climate-induced stress. India advocates for updating the treaty to meet growing domestic needs.
5. **Economic Losses to Indian States**: Several Indian states, particularly those within the Indus basin, have suffered financially under the current treaty terms. For example, a consultant report commissioned by the Jammu & Kashmir government highlights losses amounting to hundreds of millions annually due to the treaty's limitations.

Pakistan's Concerns

1. **Concerns of a Downstream Nation**: As the downstream party, Pakistan fears that infrastructure developments upstream could reduce water availability further downstream.
2. **Allegations of 'Water Terrorism'**: Pakistan has labeled India's Shahpurkandi barrage as an act of "water terrorism," even though the project aligns with treaty provisions.
3. **Environmental Flow Concerns**: Pakistan demands that minimum environmental flows be maintained, citing the 2013 ruling by the Permanent Court of Arbitration, which required India to release downstream flows from the Kishanganga project.
4. **Pakistan's Limited Legal Options**: If India were to revoke the treaty, Pakistan would have no viable legal recourse. The IWT contains no provision regarding its duration or unilateral suspension, and Pakistan cannot approach the International Court of Justice due to India's reservation under the ICJ statute that blocks such proceedings.

Significance of the Suspension of IWT for India

1. **Diplomatic Leverage**: Suspending the treaty gives India a tool to exert pressure on Pakistan for its involvement in terrorism and border violations, showing that its patience has limits.
2. **Greater Water Control**: India would gain the ability to store water on western rivers such as the Indus, Jhelum, and Chenab. After suspending the IWT, India can halt the sharing of hydrological data and lift treaty-imposed constraints on water usage from these rivers.
3. **Assertion of Sovereignty and Public Sentiment**: The suspension symbolizes India asserting control over its water resources, especially in light of growing public outrage after attacks like those in Uri (2016), Pulwama (2019), and Pahalgam (2025).
4. **Restrictions on Pakistani Inspections**: India can prevent Pakistani officials from inspecting the Kishenganga and Ratle hydroelectric projects, both currently under development in Jammu and Kashmir.
5. **Reservoir Maintenance**: India can now perform reservoir flushing on the Kishenganga dam to extend its lifespan by removing silt and debris using high-volume water release.
6. **Water and Climate Security**: As water stress intensifies, India can prioritize its own agricultural and drinking water needs over treaty commitments.

Concerns with Terminating or Abrogating the Treaty

1. **Geopolitical Fallout**: Ending the treaty could significantly worsen relations between India and Pakistan, possibly triggering water disputes between the two nuclear-armed nations.
2. **Impact on Regional Cooperation**: Since the Indus basin extends into China and Afghanistan as well, instability in the IWT could disrupt broader regional water management frameworks.
3. **Damage to India's Global Reputation**: A unilateral withdrawal could tarnish India's image as a responsible global actor, harming future negotiations like the proposed Teesta treaty with Bangladesh.
4. **No Legal Exit Provision**: The IWT includes no clause for unilateral termination. The agreement has no expiration date, and changes can only occur with mutual consent.

Way Forward

1. **Utilize Existing Dispute Mechanism**: Though withdrawal isn't an option, Article XI and Annexures F and G offer a multi-tiered grievance resolution system, beginning with the Permanent Indus Commission, then a Neutral Expert, and finally arbitration.
2. **Include Environmental Considerations**: The treaty must integrate ecological sustainability through environmental flow provisions, as backed by the Brisbane Declaration and the 2013 PCA ruling on Kishanganga.
3. **Acknowledge Climate Impact**: Policy updates should account for climate change. India might use climate shifts as grounds for renegotiating the treaty under changed circumstances.
4. **Establish Reliable Data Sharing**: A World Bank-led, binding data-sharing system could help both sides track water quality and flow, fostering transparency and cooperation.
5. **Align with Global Water Laws**: The treaty should be revised in line with international norms such as the 1997 UN Convention on Non-Navigational Uses of International Watercourses and the 2004 Berlin Rules on Water Resources.

6. **Maximize India's Water Share**: The Indian government, as advised by its standing water resources committee, should enhance canal infrastructure in Punjab and Rajasthan and ensure full utilization of its share of western river waters.
7. **Use Suspension as Strategic Leverage**: If tensions escalate again, India can suspend Permanent Indus Commission meetings—stalling the first step of the three-stage dispute resolution process and halting the mechanism entirely.
8. **Expose Pakistan's Treaty Violations**: Instead of exiting the treaty, India can publicly call out Pakistan's continued support for terrorism as a violation of the treaty's underlying commitment to peaceful cooperation.

Conclusion

While the Indus Waters Treaty has shown resilience through decades of conflict, recent developments—ranging from Pakistan's continued support for terrorism to environmental stress and growing domestic needs—are testing its limits. India is within its rights to reassess the treaty, but outright abrogation brings strategic and legal risks. A better path lies in strategic diplomacy, technical readiness, and modernizing the treaty in tune with current realities.

Shimla Agreement

INTRODUCTION

After the recent tensions with India following the Pahalgam attack, Pakistan has announced it is suspending the Simla Agreement.

About the Simla Agreement, 1972

The Simla Agreement was a bilateral accord signed on July 2, 1972, between India and Pakistan following the conclusion of the 1971 Indo-Pak war. This treaty was signed in Shimla, Himachal Pradesh, by Indian Prime Minister Indira Gandhi and Pakistani President Zulfikar Ali Bhutto. It officially took effect on August 4, 1972, after ratification by both nations.

Context: The 1971 India-Pakistan War

The 1971 conflict concluded with a decisive Indian triumph, leading to the birth of Bangladesh. On December 16, 1971, more than 93,000 Pakistani troops surrendered in Dhaka, marking the most significant military capitulation since the end of World War II. A ceasefire was declared across both eastern and western theatres, effectively bringing the war to a close the next day.

Goals of the Simla Agreement

The primary aims of the Simla Agreement were:

- ❒ To bring an end to active hostilities and military confrontation.
- ❒ To foster cordial and cooperative relations between the two nations.
- ❒ To establish lasting peace across the Indian subcontinent.

Salient Features of the Agreement

1. **Exclusive Bilateral Resolution Mechanism:** Both parties agreed that all future disputes would be resolved bilaterally through peaceful dialogue, without the involvement of external or third-party actors. India has repeatedly cited this clause to reject international mediation, particularly concerning the Kashmir issue.
2. **Formation of the Line of Control (LoC):** The 1971 ceasefire line was formally designated as the Line of Control (LoC) in Jammu and Kashmir. Both sides committed to respecting this boundary and refraining from any unilateral actions to change its status, thereby maintaining territorial stability.
3. **Return of Captured Territories:** India demonstrated a commitment to reconciliation by returning over 13,000 square kilometers of land seized during the conflict. Nevertheless, it retained strategically vital areas like Turtuk and Chalunka in the Chorbat region for security purposes.
4. **Path to Bangladesh's Recognition:** While Pakistan did not immediately recognize Bangladesh, the agreement paved the way for eventual diplomatic acknowledgment by establishing a framework for peaceful resolution and regional normalization.

Introduction

The collapse of Bashar al-Assad's government and the emergence of Ahmed al-Sharaa in Syria have triggered a significant strategic worry for China. Uyghur militants, previously aligned with jihadist organizations, have now been absorbed into Syria's official armed forces. This development challenges China's counterterrorism objectives and undermines its diplomatic sway in West Asia.

China's Recent Diplomatic Advances in the Arab Region

- China has repeatedly backed Arab stances on Gaza, even going so far as to host Hamas and other Palestinian factions in Beijing.
- These diplomatic gestures have enhanced China's image among Arab populations, with polls showing it now enjoys more popularity than the U.S. in the region.
- This support has increased China's geopolitical weight and helped portray it as a leading diplomatic force in the Middle East.
- China's direct engagement with the Palestinian issue has served as a tool to counterbalance Western—especially American—influence.

Uyghur Militants Gain Ground in the 'New' Syria

- Uyghur combatants linked to the East Turkistan Islamic Movement (ETIM), also known as the Turkistan Islamic Party (TIP), have gained formal positions within Syria's military.
- This followed Ahmed al-Sharaa's (formerly Abu Mohammed al-Jolani) peaceful takeover of Damascus through his group Hay'at Tahrir al-Sham (HTS).

- These militants once maintained strong connections with IS and al-Qaeda, often featuring in propaganda aimed at Assad's regime and China.
- As of 2025, there are around 2,000 Uyghur fighters reportedly operating in Syria.
- Among them is Abdulaziz Dawood Khodaberdi (Zahid), a former ETIM leader, who now holds a senior military rank in Syria.

Beijing's Strategic Worries and Historical Backdrop

- China has historically framed Uyghur militancy within the context of the global war on terror, particularly in Xinjiang.
- In 2002, the U.S. recognized ETIM as a terrorist group, aligning with China's stance.
- However, in 2020, the U.S. removed ETIM from its list, citing lack of credible proof of its activities.
- China had previously coordinated with the Taliban in Afghanistan to move Uyghur fighters away from the Badakhshan border area.
- In contrast, Syria's new government has elevated Uyghur figures, creating a diplomatic setback for China.

Western and Regional Actors Reconfigure Syria's Landscape

- Western powers and regional allies are now cooperating with Al Sharaa to restore stability in Syria and stem refugee movements.
- These efforts are also aimed at curbing the roles of China, Russia, and Iran in shaping Syria's future.
- A number of former terrorists are transitioning into official political roles, complicating global efforts to maintain security.
- China's diplomatic ties with Israel have deteriorated due to its position on the Gaza conflict.
- At the same time, Saudi Arabia and the UAE have recognized Al Sharaa's government and softened their stance on China's Xinjiang policies, leaving Beijing increasingly isolated.

Conclusion

The formal integration of Uyghur militants into Syria's military represents a serious diplomatic and security blow for China. This change illustrates how shifting regional dynamics and great-power competition are redrawing global power equations, pushing China to reassess its approach to West Asia.

Tariff battle

Introduction

Donald Trump introduced retaliatory tariffs on several nations, including India, creating volatility in global trade dynamics. India responded by easing certain tariff rates and initiating discussions for a bilateral trade pact with the U.S.

Economic Consequences of Tariffs

- Reducing tariffs often leads to greater efficiency—lower consumer prices and improved performance by domestic industries. For example, if a car priced at ₹5 lakh becomes ₹6 lakh due to a 20% tariff, the consumer pays more, shielding inefficient local producers.
- A uniform tariff structure is more effective, as varied rates distort business choices and reduce economic productivity.
- In India's context, elevated tariffs have often protected underperforming manufacturers. Economists argue that if a product needs protection to survive, it may not be worth producing under current systems.
- On a global level, tariffs fragment supply chains, driving up costs and lowering productivity across countries.

Trump's Tariff Strategy

- These tariffs aimed to compel nations to lower their trade barriers, thereby correcting trade imbalances and supporting U.S. manufacturing.
- Although the approach led to some negotiation, it also spurred global uncertainty. Analysts suggest this was a reaction to the World Trade Organization's growing inefficiency.

- The broader impact remains unclear—while some shifts occurred, global trade ties were strained, and the policy lacked a coherent long-term framework.

The Larger Role of NTBs

- Non-tariff barriers (NTBs)—such as quality certifications or safety rules—are harder to quantify. For instance, Europe's sanitation norms for grapes can act as indirect barriers.
- NTBs are prevalent across countries and sectors and often remain unnoticed.
- They raise entry costs and complicate international trade more than tariffs at times.
- Additionally, NTBs involve complex, varying regulations that burden especially small exporters.

India's Trade Strategy Going Forward

- India should phase out tariffs gradually. Reforms from the 1990s under Yashwant Sinha, which lowered peak tariffs annually, boosted foreign investment.
- It should also simplify or remove non-transparent trade restrictions.
- Pursuing Free Trade Agreements (FTAs) with major partners like the U.S., EU, UK, and Japan would open up markets and raise India's global competitiveness.
- Ensuring policy clarity—by announcing future tariff cuts—can encourage long-term business planning and confidence.

Conclusion

India must pivot from safeguarding inefficiency to fostering competitiveness. A steady shift toward openness, better trade pacts, and dismantling invisible trade hurdles can strengthen India's position in the global economy.

TENTH SCHEDULE AND THE ROLE OF SPEAKER

INTRODUCTION

The Tenth Schedule of the Indian Constitution, commonly referred to as the Anti-Defection Law, was incorporated through the 52nd Constitutional Amendment Act of 1985 to address the rampant trend of political defections that undermined government stability in the years following 1967. In recent times, this issue has resurfaced prominently due to partisan conduct by Legislative Speakers, leading to a deterioration of democratic norms and statutory protections.

UNDERSTANDING THE TENTH SCHEDULE

This schedule governs the disqualification of legislators—both MPs and MLAs—on the grounds of defection, introduced to counter the instability triggered by frequent party-switching by lawmakers during the late 1960s, which led to the fall of numerous state administrations.

Core Features: Legislators face disqualification if they give up party membership voluntarily, vote contrary to party directions, or switch to another party (for independents and nominated members, this applies after six months).

DEVELOPMENT OF ANTI-DEFECTION LAW

Period	Development/Event	Speaker's Role	Examples
1985	The Tenth Schedule is added via the 52nd Amendment	The Speaker is given exclusive authority to rule on disqualification matters	The Speaker serves as a quasi-judicial figure under this law

Period	Development/Event	Speaker's Role	Examples
1992	In Kihoto Hollohan v. Zachillhu, SC upholds the law's validity but allows judicial scrutiny	While still the primary authority, the Speaker's decisions are now open to court review	SC states: "Speaker is a tribunal; not above the Constitution"
1998–2003	Coalition politics rise; the 'split' clause (1/3rd) is widely exploited to avoid disqualification	Speaker's partiality surfaces; bulk defections validated under split clause	The 'split' rule is misused in states like Karnataka, Uttar Pradesh, and Goa
2003	The 91st Amendment scraps the split clause and introduces a merger clause (2/3rd)	Speaker retains power to judge mergers and rule on disqualifications	Reform closes one loophole but opens door to mass defections via mergers
2020	In Keisham Meghachandra v. Speaker, Manipur, SC questions Speaker's monopoly	The Court proposes a neutral tribunal led by a retired judge	Speaker delays ruling for over 3 years, enabling the defector to become Minister
2023	In the Shinde vs. Thackeray case, SC instructs timely Speaker action	Judiciary imposes deadlines for disqualification rulings	October 2023: SC mandates Maharashtra Speaker to act within two weeks
Current Discourse	Law Commission (1999), Dinesh Goswami Committee (1990), etc. advocate reform	Repeated proposals to replace Speaker with an independent decision-making body	Suggestions remain pending; regularly debated in Presiding Officers' forums

What is the Significance and Importance of an Independent and Neutral Speaker?

1. **Upholding Legislative Credibility**: The Speaker is tasked with maintaining the impartiality of the House, ensuring adherence to legal norms and acting in a quasi-judicial role under the Tenth Schedule. When this neutrality is compromised by political bias, it undermines the essence of constitutional morality. For instance, in the 2020 Arunachal Pradesh defection case, the Supreme Court underscored that the Speaker's impartiality is vital to sustaining democratic governance.
2. **Ensuring Timely Justice and Institutional Trust**: In the 2023 judgment of Keisham Meghachandra Singh v. Speaker, Manipur, the Constitution Bench reiterated that inordinate delays in resolving disqualification matters go against democratic principles.
3. **Preventing Political Opportunism**: A non-partisan Speaker is crucial to preventing political manipulation through post-election defections. This was evident in Karnataka (2019) and Goa (2017), where defections enabled shifts in power after elections.
4. **Expectations Set by the Constitution**: The Speaker is supposed to exemplify fairness and neutrality. In a 2023 ruling, a five-judge Constitution Bench reinforced that the goal of the Tenth Schedule—to provide stable governance—depends on the Speaker's integrity.
5. **Judicial Emphasis**: Justice Gavai noted that a Speaker's "inaction" must not thwart the objective of the anti-defection law. The Court's use of Article 142 to enforce compliance underlines the constitutional demand for impartiality.

What are the Government Initiatives and Institutional Developments?

1. **All India Presiding Officers Conference (2021–2023)**: These conferences discussed potential reforms in the Speaker's authority under the anti-defection law. Several participants voiced the need to reassess the Speaker's role.
2. **91st Constitutional Amendment Act, 2003**: This amendment aimed to tighten merger provisions by increasing the requirement to two-thirds of members for a valid party merger.
3. **Judicial Interventions as Constitutional Safeguards**: The Supreme Court, using Article 142, has mandated timely decisions by Speakers in states such as Maharashtra, Karnataka, and Telangana to prevent injustice due to political inaction.

What are the Challenges to the Autonomy and Integrity of the Speaker's Role?

1. **Structural Bias and Political Control**: Since Speakers are chosen by ruling parties, they often function with political allegiance. For example, in Maharashtra (2022), delays in disqualification favored MLAs who aligned with the government.
2. **Procedural Gaps and Unclear Guidelines**: The Tenth Schedule lacks deadlines for resolving disqualification pleas. An exception exists in the case of party mergers, requiring two-thirds support, revised by the 2003 amendment from the previous one-third requirement.
3. **Judicial Limits and Constitutional Restraints**: While courts can ensure decisions are made on time, they cannot instruct the Speaker on the outcome, limiting legal remedies.
4. **Legal Loopholes and Interpretational Issues**: There's no clear definition for "voluntarily giving up membership," and tensions persist between party whips and conscience voting. According to a 2022 ADR study, the average time for resolving disqualification cases was 2.3 years, and a PRS 2023 report showed 68% of such cases concluded after the term ended.
5. **Delays as a Tool to Manipulate Power**: Defectors often secure ministerial roles or political advantage before any action is taken. A 2021 CMS report noted that in 71% of such cases, defectors were made ministers, while a Trivedi Centre study in 2023 found only 12% lost their next election.
6. **Public Disillusionment and Voter Apathy**: Repeated defections without consequence lead to growing voter cynicism and erode faith in democratic institutions.
7. **Lack of Transparency and Role Clarity**: There are no punitive or disciplinary measures in place for Speakers who delay decisions arbitrarily.
8. **Political Engineering and Mass Defections**: Major political parties have orchestrated large-scale defections post-elections in states such as Goa, Manipur, and Madhya Pradesh.

What Should Be the Way Forward?

1. **Independent Adjudicatory Bodies**: Set up impartial tribunals led by retired judges to decide defection-related cases, as proposed by the Law Commission and the NCRWC.
2. **Defining Clear Legal Deadlines**: Amend the law to ensure disqualification decisions are made within 60 days.
3. **Establishing Ethical Norms for Speakers**: Formulate enforceable standards and a code of conduct to ensure the Speaker remains neutral and accountable.

4. **Legal Remedies and Constitutional Backing**: Allow courts to step in under Article 142 when delays become unjustified, reinforcing democratic safeguards.
5. **Civic Awareness and Voter Penalties**: Educate the electorate to demand accountability and discourage electing habitual defectors.
6. **Promoting Internal Party Democracy**: Encourage ideological consistency and reduce the culture of opportunistic alliances formed after elections.
7. **Learning from Global Models**:
   - In the UK and Canada, Speakers are strictly non-partisan and are chosen through secret ballots involving all parties.
   - South Africa assigns defection cases to a judicial commission rather than the Speaker.
8. **Key Committee Recommendations**:
   - The Dinesh Goswami Committee (1990) and the 170th Law Commission Report (1999) advised transferring adjudicatory authority away from the Speaker.
   - Both NITI Aayog and the NCRWC supported the creation of an independent tribunal chaired by a retired judge.

The Waqf (Amendment) Bill, 2025

Introduction

The Waqf (Amendment) Bill 2025 was recently introduced in the Lok Sabha by the Union Minister of Minority Affairs. This Bill seeks to bring significant modifications to the existing Waqf Act, 1995, particularly

in how Waqf properties are managed and governed in India. However, the Bill has received sharp opposition from various parties, who argue that it is unconstitutional, promotes division, and works against minority interests.

Definition of Waqf Property and Its Governance Structure in India

Waqf Property: A waqf — also known as ḥabs or mortmain property — refers to an inalienable endowment created under Islamic principles. It is a form of private property offered voluntarily by Muslims for charitable, religious, or personal reasons. The ownership is considered to belong to God, even though others may benefit from it.

Creation of Waqf: A waqf may be created through a formal document, instrument, or even an oral declaration. Additionally, long-standing use of a property for religious or charitable functions can also qualify it as waqf. Once a property becomes waqf, its nature becomes permanent and cannot be reversed.

Governance of Waqfs in India

Before Independence: Legal regulation of waqfs in India began in 1913 with the enactment of the Muslim Waqf Validating Act, which was later replaced by the Mussalman Wakf Act, 1923.

After Independence: The Waqf Act, 1954 was enacted to oversee waqf management. It was eventually replaced by the more comprehensive Waqf Act of 1995.

Main Provisions and Institutions under the Waqf Act

- **Survey Commissioner:** The Act provides for a Survey Commissioner who compiles an official list of waqf properties. This is done through field inspections, summoning witnesses, and accessing public records.
- **Mutawalli (Manager):** A mutawalli is assigned to manage and oversee individual waqf properties.
- **Waqf Property Management:** These properties are handled similarly to trusts under the Indian Trusts Act of 1882, focusing on legal and structured administration.

Waqf Boards

- **Overview:** These are statutory bodies established by state governments to act as custodians of waqf properties within their territories. In many states, there are distinct waqf boards for Sunni and Shia communities. Major mosques are usually waqf properties and fall under these boards.
- **Structure:** Headed by a chairperson, each board includes:
  - One or two state government representatives
  - Muslim MPs and MLAs
  - Muslim members of the State Bar Council
  - Recognized Islamic scholars
  - Mutawallis managing waqfs earning ₹1 lakh or more annually
- **Functions:**
  - Administer and protect waqf properties and retrieve any lost or encroached assets
  - Authorize the transfer (sale, lease, mortgage, etc.) of waqf land or buildings — this needs two-thirds board approval

Central Waqf Council (CWC)

- **Overview:** Set up in 1964, the CWC acts as an advisory and supervisory body for state waqf boards across India.
- **Role:**
  - Advises the central and state governments and boards on waqf property matters
  - Can request periodic performance and financial reports from boards

Waqf Tribunal

- **Overview:** The 1995 Act mandates that state governments establish tribunals to settle waqf-related disputes. Section 6 of the Act gives the tribunal the final say in property status disputes.
- **Structure:** Comprises three members —
  - A chairperson who is a judicial officer at least of the rank of District or Civil Judge (Class I)
  - A member from the state civil services
  - An expert in Islamic law and jurisprudence

2013 Amendments to the Waqf Act 1995

- Empowered Waqf Boards to declare any property as Waqf.
- Imposed up to two years of imprisonment for encroachment on Waqf properties.
- Explicitly disallowed the sale, transfer, or mortgage of Waqf land.

Key Provisions in the Waqf Amendment Bill, 2025

Waqf by User & Future Declarations

- Properties recognized as Waqf due to long-standing communal use before the new law's enactment will maintain their status unless challenged or categorized as government land.

Future recognition demands either documented proof or a sworn declaration by a practicing Muslim with a minimum of five years of devotion.

Note: "Waqf by user" acknowledges endowments formed by sustained public religious or charitable use, even without formal documentation.

Inclusion of Non-Muslims in Waqf Institutions:

Non-Muslims can now serve on key waqf bodies such as the Central Waqf Council, State Boards, and Tribunals.

Each board must include at least two non-Muslim members, although Muslims will remain in majority.

The CEO of a waqf board need not be a Muslim anymore.

A senior government officer handling waqf affairs will represent the state government.

Revised Waqf Tribunal Composition & Legal Provisions

Tribunals will now include:

- A district-level judge

- ❒ A Joint Secretary-level officer
- ❒ An expert in Muslim jurisprudence

Appeals against tribunal decisions are now allowed in High Courts within 90 days.

Government Officers Empowered in Land Disputes

Senior officials above district collector level can now resolve waqf-versus-government land disputes.

Until their findings are submitted, such properties are treated as government-owned.

Application of Limitation Act to Waqf Land

Removal of Section 107 means that waqf properties are now subject to the 12-year rule under the Limitation Act for reclaiming possession.

Digital Central Registry

A digital portal is mandated for the central registration and tracking of waqf properties.

Greater Central Oversight

The Comptroller and Auditor General (CAG) will audit waqf records and finances.

Separate Waqf Boards

Bohra and Agakhani Muslim sects will be allowed to form independent waqf boards.

Rationale Behind the Amendments

1. **Curbing Corruption and Mismanagement** – The bill targets irregularities and improves transparency through digital oversight and audits.
2. **Resolving Property Disputes** – Clear rules and formal recognition mechanisms aim to reduce prolonged litigation.
3. **Streamlining Legal Jurisdiction** – By allowing appeal in civil courts and involving neutral officers, the bill aligns with the principle of natural justice.
4. **Encouraging Women's Participation** – The inclusion of women in waqf boards strengthens representation and promotes gender equality.

Concerns Surrounding the Waqf Amendment Bill, 2025

1. **Threat to Religious Autonomy** – Critics see this as violating Article 25, which guarantees freedom of religion and management of religious affairs.
2. **Excessive Government Control** – Shifting decision-making to bureaucrats may invite delays, favoritism, and weaken waqf independence.
3. **Non-Muslim Representation** – While well-intentioned, critics argue that it dilutes cultural specificity and may lead to misinterpretation of Islamic norms.
4. **Risk of Increased Legal Tussles** – Empowering officers instead of tribunals may escalate disputes and prolong resolutions.
5. **Lack of Dialogue with Stakeholders** – Major Muslim bodies claim the community wasn't adequately consulted before the Bill's drafting.

Suggested Way Forward

1. **Transparent Framework** – Establish judicial checks to ensure fair classification of waqf properties.
2. **Stakeholder Engagement** – Consult Muslim organizations, legal scholars, and public representatives to build consensus.
3. **Awareness Campaigns** – Public outreach initiatives can clarify the proposed changes and ease apprehensions.

Delimitation

Introduction

What is Delimitation? Constitutional and Legal Basis

- **Delimitation** refers to redrawing the boundaries of electoral constituencies based on population shifts, ensuring fair and proportional representation.
- It is carried out by a **Delimitation Commission**, a statutory body constituted under the **Delimitation Act, 2002**, and empowered by **Articles 82 and 170** of the Constitution.
- The aim is to uphold the **principle of "one person, one vote"**, ensuring parity in voter-to-representative ratios.

Significance of the Delimitation Exercise

1. **Democratic Representation & Electoral Justice**
   - Adjusts parliamentary and assembly constituencies based on updated demographic data.
   - E.g.: Post-2002 delimitation improved voter-to-MP ratios, curbing urban-rural imbalances.

2. **Safeguarding Electoral Integrity**
   - Checks **gerrymandering** and promotes fairer contests.
   - SC in **Kuldip Nayar v. Union of India (2006)** emphasized the necessity of delimitation for free and fair elections.
3. **Enhancing Inclusion & Social Justice**
   - Ensures proper political space for **SC/ST and marginalized groups**.
   - E.g.: J&K Delimitation (2022) increased representation for Jammu to correct historical imbalance.
4. **Strengthening Federal Balance**
   - Prevents over-centralization by balancing representation across states.
   - E.g.: The **42nd Amendment** froze seat allocation to protect southern states from penalization for effective population control.
5. **Improved Governance & Administrative Efficiency**
   - Rationalizes the electorate-per-representative load, improving constituency-level administration.
   - E.g.: Post-2002, cities like Mumbai and Bengaluru saw more streamlined electoral management.
6. **Demographic Realignment with Global Parallels**
   - Reflects evolving demographic realities, similar to the UK's Boundary Commission model.

Key Concerns with Delimitation

1. **Development vs. Demographic Penalty**
   - Southern states fear being punished for success in **population control and development**.
   - E.g.: TN's TFR (1.6) vs. Bihar's (3.0).
2. **Federalism Under Threat**
   - Risk of a **North-South political imbalance** due to reallocation of seats purely based on population.
   - Sarkaria Commission (1983) warned against excessive centralization harming federal trust.
3. **Potential for Political Manipulation**
   - Delimitation may be used to serve partisan interests.
   - E.g.: Accusations of bias during the 2022 J&K delimitation process.
4. **Political Resistance and Delays**
   - Previous efforts, like the **Justice Kuldip Singh-led Commission (2002)**, faced strong opposition from political stakeholders wary of losing influence.
5. **Economic Contribution Ignored**
   - States with higher **tax contributions and better governance** demand that these factors be considered in representation formulas.

What Should Be the Way Forward?

1. **Incorporate Expert Recommendations**
   - **Sarkaria Commission (1983)**: Federalism must not be undermined.

- **Punchhi Commission (2010)**: Suggested balanced weighting of population, development, and administrative needs.

2. **Ensure Independence and Transparency**
   - Strengthen the **Election Commission** and create an **independent Delimitation Commission**.
   - SC in TN Seshan v. Union of India (1995): Emphasized insulation from political interference.
3. **Constitutional and Electoral Reforms**
   - Amend **Articles 81 & 82** to allow for innovative representation models.
   - Introduce **proportional representation** or **hybrid models** as seen in Germany or Canada.
4. **Policy Innovations**
   - **Weighted Representation Model**: Blend population, economic output, and good governance indicators.
   - **Phased Implementation**: Smooth transition to prevent political shocks or resentment.

Conclusion

Delimitation stands at the crossroads of **democracy, federalism, and demographic justice**. While essential for upholding representation, its implementation must be rooted in **fairness, transparency**, and **constitutional morality**. The judiciary, Election Commission, and Parliament must coordinate to prevent the exercise from becoming politically exploitative and ensure that it fosters **unity in diversity**.

Introduction

India's judiciary, widely regarded as the custodian of the Constitution, holds a vital position in safeguarding the rule of law, dispensing justice, and providing a counterbalance to the actions of the executive and legislature. Across the country, there are approximately 12,000 courts in operation—comprising 1 Supreme Court, 21 High Courts, 3,150 District Courts, 4,816 Munsif or Magistrate Courts, and 1,964 Magistrate Second Class Courts. The appointment process for judges in these courts is anchored in Articles 124 to 147 for the Supreme Court and Articles 214 to 231 for the High Courts. These provisions underscore the judiciary's independence, which is central to India's constitutional framework.

Constitutional Provisions on Judicial Appointments and Their Evolution in India

Constitutional Basis for Appointments

Article 124(2) provides that Supreme Court judges are appointed by the President through a warrant under his hand and seal, following consultation with judges of the Supreme Court and relevant High Courts as deemed appropriate by the President. For appointing judges other than the Chief Justice, the Chief Justice of India (CJI) must be consulted.

Article 217 specifies that High Court judges are appointed by the President after consulting the CJI, the Governor of the concerned state, and the Chief Justice of the relevant High Court, excluding cases where the latter is being appointed.

Executive-Judiciary Tussle Over Appointments

Under colonial administration, appointments to the judiciary were heavily controlled by the executive. During the framing of the Constitution, there was significant concern about excessive executive influence, prompting a system that balanced executive input and judicial autonomy, especially via Articles 124 and 217.

Key Judicial Developments

A series of Supreme Court decisions—the First, Second, and Third Judges Cases—fundamentally shaped the present collegium system. These rulings transferred greater control over judicial appointments to the judiciary.

- In the First Judges Case (1981), the Court held that "consultation" did not equate to "concurrence," thus not binding the President to CJI's advice.
- In the Second Judges Case (1993), the earlier decision was overturned. The Court stated that "consultation" meant "concurrence" and that the CJI must base recommendations on a collegium of two senior-most judges.
- The Third Judges Case (1998) expanded the collegium to include the CJI and four senior-most judges of the Supreme Court, thus solidifying judicial dominance.

The NJAC Experiment and Judicial Pushback

The 99th Constitutional Amendment and the NJAC Act, both passed in 2014, proposed a six-member National Judicial Appointments Commission to replace the collegium system. It included:

CJI as Chairperson, two senior SC judges, the Law Minister, and two eminent persons (nominated by a panel including the PM, CJI, and Leader of Opposition).

It granted veto powers to any two members.

However, in the Fourth Judges Case (2015), the Supreme Court struck down the NJAC as unconstitutional, citing it violated the independence of the judiciary, a component of the basic structure of the Constitution.

Why Reconsider NJAC?

Despite judicial concerns, NJAC retained judicial dominance with three members from the judiciary. Legal luminaries like Fali Nariman advocated for reading down the law instead of nullifying it. Notably, 543 MPs passed the amendment, and 16 states ratified it, suggesting democratic legitimacy. Comparative examples from countries like the UK and South Africa show diverse appointment models that incorporate judicial, executive, and civil society inputs.

NJAC: Potential Benefits and Pitfalls

Advantages:

- Broader accountability through multi-stakeholder involvement, as supported by Justice Verma and the Second ARC.
- Could mitigate nepotism in appointments, an issue raised in the Law Commission's 230th report.
- Public trust could increase due to inclusivity, aligning with global practices and proposals from bodies like CPR.

- ❒ Offers power-sharing between judiciary, executive, and civil society.

Drawbacks:

- ❒ Potential erosion of judicial independence, violating stare decisis.
- ❒ No set criteria for choosing "eminent persons," raising concerns flagged by Vidhi Legal and PRS.
- ❒ Risk of politicisation through indirect executive influence.
- ❒ Lack of operational clarity in the law, such as dispute resolution mechanisms.
- ❒ Perceived encroachment on the basic structure doctrine.

Collegium System: Pros and Cons

Advantages:

- ❒ Safeguards independence as no executive role exists—affirmed in landmark cases like Kesavananda Bharati and the Second Judges Case.
- ❒ Judges are better suited to assess legal aptitude and temperament.
- ❒ Protects judicial appointments from political shifts.
- ❒ Constitutionally endorsed, especially in the 2015 NJAC verdict.
- ❒ Avoids political patronage—judges aren't selected based on loyalty.

Disadvantages:

- ❒ Lacks transparency; no fixed criteria or written rationale—criticised in Law Commission's 214th Report.
- ❒ Allegations of nepotism persist, e.g., "Uncle Judge" syndrome.
- ❒ No accountability or mechanism for performance review or feedback.
- ❒ Persistent delays and rising vacancies—about 30% of HC posts remain unfilled in 2024.
- ❒ Discretion in merit assessments leads to inconsistency; Justice Ruma Pal labeled it as opaque and arbitrary.

Key Challenges Confronting the Indian Judiciary

1. **Opaque Collegium Process**: The practice of judges selecting fellow judges under the Collegium system continues to raise issues around clarity, fairness, and accountability. The absence of public disclosure of selection criteria or reasons for rejection undermines public confidence and perpetuates concerns of nepotism and elitism within the judiciary.
2. **Mounting Case Backlogs**: The Indian judiciary is overburdened, with pending cases crossing 70,000 in the Supreme Court, 60 lakh in High Courts, and more than 4 crore in subordinate courts (NJDG, 2024). The primary factors include an insufficient number of judges, procedural inefficiencies, frequent adjournments, and infrastructural gaps. India has just 21 judges per million people, well below the Law Commission's recommendation of 50.
3. **Lack of Transparency and Checks**: Despite being a key democratic institution, the judiciary is not fully accountable to the public. While the Chief Justice is recognized as a public authority under the RTI Act, the judiciary itself enjoys considerable opacity. There's also no formal code of conduct or evaluation system for judges.

4. **Judicial Integrity Concerns**: Several past controversies—such as those involving Justices P.D. Dinakaran and Soumitra Sen—highlight ethical lapses. The rare and complex nature of impeachment proceedings leaves room for misconduct to go unpunished.
5. **Tensions with the Executive and Judicial Activism**: Frequent friction arises when courts encroach on executive prerogatives. The Arun Gopal v. Union of India (2022) case illustrated worries over judicial overreach into policy areas like environmental regulation and administration.
6. **Poor Social Representation**: Women account for just 12% of the judiciary as of 2024. There is also insufficient inclusion of SCs, STs, OBCs, and religious minorities, raising concerns about the judiciary's alignment with the principles of Articles 15 and 16.
7. **Weak Infrastructure**: As noted in the India Justice Report 2023, many court facilities lack essential amenities like digitization, Wi-Fi, or proper seating for judges and litigants. The e-Courts initiatives (Phase II and III) have been undermined by delays in implementation.

Pathways for Reform

1. **Re-evaluating the NJAC Verdict**: The Supreme Court's decision in the NJAC case should be reviewed by a broader constitutional bench, akin to the approach taken in the Second Judges Case. Remarks by Justice Kurian and others suggest room for reconsideration.
2. **Redrafting Judicial Appointments Law**: A revised version of the NJAC must strike a balance between independence and openness. Clear selection parameters, fixed timelines, and documented reasoning should be part of the new framework.
3. **Enhanced Oversight**: Creating a Judicial Appointments Oversight Committee and facilitating meaningful parliamentary engagement can help ensure procedural integrity and public trust.
4. **Digital Transparency**: Although live broadcasting may not be practical, publishing reasoned minutes and discussions of appointments would improve public understanding and legitimacy.
5. **Creation of All India Judicial Services (AIJS)**: Proposed to standardize and enhance the quality of judges in subordinate courts, the AIJS needs comprehensive consultation and consent from state governments before implementation.
6. **Judicial Appointments Secretariat**: Recommended by the Venkatachaliah Commission, such a body would provide logistical, research, and clerical support to the collegium, helping streamline decision-making.
7. **Strict Timelines for Appointments**: A mandatory time frame of three months for both judiciary and executive to clear appointments would reduce vacancies and avoid institutional deadlock.

Introduction

On April 8, 2025, India commemorates a decade since the launch of the Pradhan Mantri MUDRA Yojana (PMMY). Introduced as a flagship initiative by the Prime Minister, this scheme was envisioned to provide financial support to micro and small businesses that previously lacked formal funding avenues. By eliminating the requirement for collateral and streamlining the loan process, MUDRA has enabled a culture of grassroots entrepreneurship. In the ten years since its inception, the scheme has facilitated the disbursal of more than 52 crore loans, amounting to ₹32.61 lakh crore in total value.

What are the salient Features of the Scheme?

MUDRA was established to support development and refinance initiatives related to micro enterprises. PMMY offers unsecured loans up to ₹20 lakh, extended through Member Lending Institutions (MLIs) such as Scheduled Commercial Banks (SCBs), Regional Rural Banks (RRBs), Non-Banking Financial Companies (NBFCs), and Micro Finance Institutions (MFIs). The scheme includes three categories of interventions:

Category	Loan Amount	Target Segment	Share of Total Loans	Key Sectors Funded
Shishu	Up to ₹50,000	First-time entrepreneurs, nano-units	~88%	Street vendors, tailoring, petty shops, dairy work
Kishore	₹50,001–₹5 lakh	Small-scale expansion, working capital	~9–10%	Food stalls, repair shops, beauty salons, transport
Tarun	₹5–₹10 lakh	Growth-stage small businesses	~2%	Manufacturing, logistics, services, retail stores

Category	Loan Amount	Target Segment	Share of Total Loans	Key Sectors Funded
Tarun Plus	₹10–₹20 lakh	For businesses upgrading after Tarun		

What are the achievements and impact of PM Mudra Yojana?

1. Massive Outreach & Entrepreneurial Shift: Since 2015, PMMY sanctioned 52 crore loans worth ₹32.61 lakh crore, fostering entrepreneurship in rural and smaller urban areas.
2. MSME Credit Surge: Credit to MSMEs surged from ₹8.51 lakh crore (FY14) to ₹27.25 lakh crore (FY24) and is projected to exceed ₹30 lakh crore (FY25), raising MSME lending share to nearly 20%.
3. Women Empowerment through Finance: Women constitute 68% of PMMY's beneficiaries. The average loan disbursed to women grew at 13% CAGR, while their deposit levels grew at 14% CAGR.
4. Inclusive Growth for Marginalized Groups: Half the accounts belong to SC/ST/OBC communities, and 11% to minorities. PMMY enabled their participation in formal financial and entrepreneurial frameworks.
5. Shift Towards Growth-Stage Financing: Kishore loans rose from 5.9% (FY16) to 44.7% (FY25), showing expansion. Tarun category loans also gained traction over time.
6. Rising Loan Sizes & Confidence: The average loan size grew from ₹38,000 (FY16) to ₹1.02 lakh (FY25), and FY23 witnessed a 36% increase in disbursals.
7. Top Performing States and UTs: Top states include Tamil Nadu (₹3.23 lakh crore), Uttar Pradesh (₹3.14 lakh crore), and Karnataka (₹3.02 lakh crore). Among UTs, J&K leads with ₹45,816 crore.
8. Funding the Unfunded Micro Sector: Micro businesses, employing nearly 10 crore people, were largely informal before. PMMY enabled financial inclusion and upward mobility for them.

What is the significance of MUDRA Yojana?

1. Financial Inclusion for the Unbanked: It bridges the gap for new entrepreneurs without formal credit histories. An RBI report (2021) found that 70% of borrowers were accessing formal credit for the first time.
2. Democratization and Grassroots Development: The scheme widened credit access in rural and semi-urban areas, enabling marginalized communities to access business finance.
3. Boosting Entrepreneurship & Employment: PMMY fostered job creation in informal sectors. CMIE (2019) estimates 1.12 crore jobs were created from 2015 to 2018 alone. **Example:** Lalita Devi (Varanasi) expanded a tailoring unit with a Shishu loan.
4. A Gender-Inclusive Economic Policy: Women's workforce participation rose from 23% in 2017–18 to around 41.7% in 2023–24 (PLFS). Shanti Devi (Rajasthan) scaled a papad unit through a Kishore loan.
5. Supporting Informal Sector Growth: SIDBI (2022) found 30% of PMMY borrowers later accessed formal loans, indicating successful financial formalization.
6. Alignment with SDGs: The initiative contributes to SDG 8 (decent work and growth) and SDG 5 (gender equality).
7. Boost to Atmanirbhar Bharat: It supports local manufacturing and self-reliance in a post-pandemic economy.

What are the challenges faced by micro enterprises?

1. Access to Finance: A sizable portion of micro-entrepreneurs remains outside the formal finance sector. RBI (2023) found that 30% of PMMY applications were rejected due to lack of documents.
2. Infrastructure Gaps: Limited infrastructure—roads, electricity, internet—affects productivity. World Bank (2022) reported only 60% rural MSMEs had reliable power.
3. Lack of Growth Orientation: Shishu loans dominate, often supporting subsistence rather than growth. SIDBI (2023) showed just 5% graduated beyond micro-enterprise scale.
4. Skill Development Gaps: Many borrowers lack essential business skills. NSDC (2024) reported only 25% had formal training.
5. Policy Advocacy Needs: Awareness of government schemes is low. A 2022 CAG audit found 40% didn't know about GST waivers for small businesses.
6. Lack of Market Development/Market Making: Few structured channels exist for PMMY-linked products. NITI Aayog (2023) found only 15% of PMMY-funded goods reach organized markets.
7. Knowledge Gaps: Borrowers lack financial and digital literacy. SEBI (2023) survey showed 60% didn't understand repayment terms.
8. Information Asymmetry: Banks hesitate due to data gaps. TransUnion CIBIL (2024) found 35% of rejections stemmed from poor credit data.
9. Entry-Level Technologies: Few entrepreneurs have access to digital tools. Deloitte (2023) found only 20% use inventory or payment tech.

What should be the way forward?

1. From Credit-Linked to Credit-Plus Model: Combine credit with mentorship, training, and digital access. South Korea's KOSME is a successful integrated model.
2. Sector-Specific Credit Targets: Channel PMMY loans into high-potential areas like health-tech, EVs, and renewables. Germany's KfW offers an inspiring model.
3. Robust NPA Monitoring: AI-driven alerts, community loan circles, and financial education can curb defaults and improve repayment behavior.
4. Formalization and Tax Incentives: Link PMMY to UDYAM registration, GST, and digital platforms like TReDS for better market access.
5. Stronger Data and Impact Audits: Employ third-party audits and transparent dashboards to track disbursement, employment, and outcomes.
6. Regional Credit Ecosystems: Empower DLCCs to integrate PMMY with local institutions like RSETIs and CSCs. Kenya's Huduma Centres are a proven model.

Conclusion

PM Mudra Yojana has played a key role in transforming India's credit culture and empowering grassroots entrepreneurship. Its journey over a decade reflects widespread financial inclusion and economic self-reliance. To prepare India for 2047, the scheme must focus not only on access but also on sustainability, growth, and entrepreneurship outcomes through strategic integration and institutional strengthening.

Introduction

The recent Supreme Court verdict on the Governor's powers to reserve Bills for the President's consideration introduces a clear time-bound framework for action. This judgment gains special relevance amid the ongoing standoff between the Tamil Nadu Governor and the State government, shedding light on the growing constitutional frictions in Indian federalism.

The Role and Powers of the Governor in the Indian Political System

1. **Constitutional and Ceremonial Authority:** The Governor serves as the constitutional head of the State, with the executive power formally vested in them under Article 154. All official actions of the State government are taken in their name (Article 166). As a constitutional functionary, the Governor acts as the conduit between the Centre and the State. The role encompasses executive, legislative, financial, and discretionary functions, though primarily ceremonial in stable political circumstances.
2. **Relevant Constitutional Provisions:**
   - **Article 153:** Mandates the appointment of a Governor for each State, or for more than one State.
   - **Article 154:** Empowers the Governor to exercise executive authority either directly or via subordinates, as per constitutional provisions.
   - **Article 155:** Authorizes the President to appoint the Governor through a formal warrant under his hand and seal.
   - **Article 156:** Sets the term at five years but makes the tenure subject to the President's pleasure—allowing removal at any point.

- **Article 157:** Prescribes eligibility—requiring Indian citizenship and a minimum age of 35.

3. **Discretionary Powers of the Governor:** The Governor exercises two categories of discretion:
   - **Constitutional discretion**, which is explicitly laid out in the Constitution. This includes actions like reserving Bills for the President's consideration or recommending President's Rule under Article 356.
   - **Situational discretion**, which emerges from political exigencies. This involves decisions such as inviting a party to form the government in a hung Assembly or recommending dissolution when a ministry loses its majority without a clear alternative.

Issues Surrounding the Governor's Office

1. **Concerns Around Appointment:** The Constitution offers minimal guidance beyond age and citizenship. This lacuna has been exploited by successive Central governments to appoint politically aligned individuals. For instance, former Delhi Chief Minister Sheila Dikshit was appointed Governor of Kerala soon after her electoral defeat, suggesting political patronage rather than constitutional propriety.
2. **Governor as an Extension of the Centre:** There is growing concern that Governors function as political agents of the Union government. The post is often seen as a sinecure for loyal politicians, undermining its impartiality. Instances of politically motivated reports or public endorsements—such as the Rajasthan Governor's call to re-elect the Prime Minister in 2019—highlight the erosion of constitutional neutrality.
3. **The "Retirement Package" Perception:** The Governor's post is frequently perceived as a reward for political loyalty, offered to retiring or sidelined politicians and bureaucrats. This compromises the dignity and constitutional sanctity of the office.
4. **Misuse of Article 356:** Governors have repeatedly recommended President's Rule under Article 356 without exhausting alternative democratic remedies. The Sarkaria Commission pointed out that Article 356 has been misused over 100 times, often to unseat Opposition-led State governments and consolidate central authority.
5. **Discretionary Powers Used Arbitrarily:**
   - **Formation of Governments in Hung Houses:** Inconclusive election results give the Governor wide latitude in selecting the Chief Minister. This discretion has often been used to favor the ruling party at the Centre, bypassing the party with the numerical advantage.
   - **Withholding or Delaying Assent to Bills:** Some Governors have delayed assent to legislation without citing constitutional reasons, thereby paralyzing law-making processes. This tactic has frequently been used against State governments led by Opposition parties.
   - **Administrative Interference:** In matters such as civil service transfers or university administration, Governors have occasionally overreached their authority, stepping into areas that are the rightful domain of elected governments.
6. **Reservation of Bills and 'Pocket Veto':** The dispute over the Governor's powers to withhold assent has intensified due to ambiguity in Article 200's first proviso. While it mandates the Governor to return a Bill "as soon as possible" if they withhold assent, no exact deadline is mentioned. This ambiguity has enabled indefinite delays—a practice popularly known as the 'Pocket Veto.' In Delhi, Article 239AA(4) has similarly been misused. The Lieutenant Governor referred numerous matters to the President, while unilaterally taking action during the interim, thereby sidestepping the elected government's authority.

7. **Arbitrary Removal from Office:** Governors lack the security of tenure, making them vulnerable to dismissal with a change in central government. Since there is no formal impeachment process, they can be removed at will. In 1989, for instance, the newly formed V.P. Singh government demanded the resignation of all Governors appointed by its predecessor, highlighting the politicization of the post.

What are various SC's Judgments?

State of Tamil Nadu vs Governor of Tamil Nadu (2025):

The Supreme Court held that the prolonged inaction by the Tamil Nadu Governor in granting assent to ten Bills was unconstitutional and legally flawed. Using its authority under Article 142, the Court deemed the ten pending Bills as having received assent.

The Court introduced specific deadlines to avoid disruptions in the legislative process. If the Governor, acting on Cabinet advice, decides to withhold assent or refer a Bill to the President, this must be done within one month.

In cases where assent is withheld against ministerial advice, the Bill must be returned within three months with an explanation. If the Bill is reserved for the President despite the Cabinet's advice, it too must occur within a three-month timeframe.

If the Legislature re-passes the Bill, the Governor must give assent within one month.

A three-month deadline was also set for the President to act on Bills referred to her. The Court further suggested that the President seek the Supreme Court's opinion under Article 143, as a matter of caution.

The ruling narrowed the Governor's discretionary powers, stating that once a re-passed Bill is resubmitted, it cannot be reserved again unless it's significantly altered.

Reservation of Bills cannot be guided by personal dissatisfaction or political motives—it must only be used in cases posing a serious threat to democratic principles.

The Court also made clear that the Governor's discretionary actions are open to judicial review to ensure the will of the people is upheld.

Only three scenarios were identified where the Governor may act independently: (1) when a Bill encroaches upon the High Court's authority, (2) when presidential assent is explicitly mandated—such as under Article 31C for shielding laws from judicial review, and (3) when the Bill undermines core constitutional values.

Additionally, if the Bill is re-enacted by the legislature, it cannot be reserved for presidential consideration unless it materially differs from the earlier version.

Shamsher Singh vs State of Punjab (1974): The Court ruled that the Governor must act in agreement with the Council of Ministers and should not make decisions that go against their advice.

SR Bommai vs Union of India (1994): This landmark judgment tackled arbitrary use of Article 356. It ruled that only a floor test in the Assembly can prove a government's majority, not the Governor's personal opinion. The Governor's reports recommending President's Rule are subject to judicial scrutiny.

Rameshwar Prasad Case (2006): Although Article 361 grants personal immunity to Governors, it does not protect them from legal consequences. The Governor's discretionary decisions can be examined by the Court.

BP Singhal Case (2010): The Court stated that while the President may remove a Governor without explanation, such removal must not be arbitrary, whimsical, or unreasonable. A change in the central government cannot be the sole basis for dismissal.

Nabam Rebia Case (2016): The Court clarified that Article 163 does not grant general discretionary power to the Governor. The Governor must follow the advice of the Council of Ministers and cannot interfere in the Speaker's disqualification powers or summon the Assembly without proper grounds.

NCT Delhi vs Union of India (2018): The Supreme Court held that the Lieutenant Governor must act based on the advice of the Council of Ministers and does not have the authority to refer every matter to the President.

Key Committee and Commission Recommendations on the Role of Governors

The role of the Governor has long been a subject of constitutional and political debate in India. Various commissions have examined this institution and proposed reforms to make it more impartial, accountable, and aligned with the spirit of federalism.

1. **First Administrative Reforms Commission (1966):** The Commission stressed the importance of appointing individuals with substantial public service experience and political neutrality to the post of Governor. It discouraged appointing former judges and recommended involving the Chief Minister in the selection process. It further called for codified norms, to be cleared by the Inter-State Council and the Union government, that would guide Governors in using their discretionary powers, including when reserving bills for Presidential review.
2. **Rajamannar Committee:** This committee advocated for redefining the Governor's role as a constitutional figurehead rather than a Union representative. It urged that Articles 356 and 357—which permit the imposition of President's Rule—be repealed, arguing that their misuse undermines state autonomy and distorts the federal balance.
3. **Sarkaria Commission:** This Commission emphasized that Governors should not be appointed from the state they are posted in and recommended preference for minority or underrepresented groups. It argued that politicians affiliated with the ruling national party should not be made Governors in opposition-ruled states. The Commission sought an amendment to Article 155 to institutionalize Chief Ministerial consultation in appointments and strongly advised that Governors complete their five-year term unless removed under extraordinary circumstances. It also proposed an order of precedence for Governors to follow during hung assembly situations.
4. **National Commission to Review the Working of the Constitution (2002) – Venkatachaliah Commission:** This body reiterated earlier suggestions regarding eligibility criteria and appointment norms. It advised that the Governor should not be removed prematurely without consulting the state's Chief Minister. It also suggested a six-month deadline for the Governor to respond to bills passed by the state legislature and made clear that the Governor cannot dismiss a government that retains legislative majority.
5. **Second Administrative Reforms Commission (2nd ARC):** The 2nd ARC emphasized that Governors should be persons of integrity, not active politicians, and possess vast administrative experience. It proposed that the Inter-State Council set clear, structured guidelines to regulate the Governor's discretionary decisions—particularly in cases where they are not required to act on the advice of the council of ministers—to prevent misuse of such powers.

6. **Punchhi Commission:** This Commission set more rigorous eligibility benchmarks, recommending that individuals who have been involved in active politics at any level should not be considered for the role for at least a few years post-retirement. It advocated that the Governor be removed only through a resolution passed by the state legislature, and sought to remove the constitutional provision that lets the President dismiss Governors at will. It even recommended a formal impeachment process for Governors, akin to that for the President, and allowed Governors to independently sanction prosecution of a minister, even if the council of ministers opposed it.

Reforms and the Way Forward

To strengthen the institution of the Governor and insulate it from political pressures, a range of reforms have been proposed and debated over the years.

1. **Restoring the Non-Partisan Ethos:** Governors must embody neutrality and act with integrity. Their conduct must reflect the Constitution's vision of impartial governance, especially in states led by opposition parties.
2. **Drawing from the 'Rajyapal — Vikas Ke Rajdoot' Report:** This report presents a framework for how Governors can catalyze development at the state level. It urges them to act as enablers of welfare schemes and champions of grassroots transformation. The report identifies thematic areas for intervention, consistent with the national aspiration of a "Sarv Shreshth Bharat," and encourages Governors to adopt a guiding and mentoring role in administrative delivery.
3. **Learning from the Constituent Assembly:** In his intervention during the 1949 Assembly debates, Sardar Hukum Singh proposed that state legislatures submit a shortlist of names from which the President could select the Governor. Dr. Ambedkar also envisioned the Governor as a statesman acting on behalf of the people, not as a party loyalist—underscoring the importance of balanced discretion.
4. **Implementing Long-Pending Reforms:** Several structural improvements have been proposed over time, including by the judiciary:
   - **Consulting the Chief Minister** during appointments should be made mandatory to ensure cooperative federalism.
   - **Fixing the tenure** of Governors can help prevent arbitrary removals and foster autonomy.
   - **Clear criteria for removal** should be framed to prevent politicized dismissals.
   - **Restricting discretionary powers** through either constitutional changes or an enforceable code of conduct is necessary.
   - **Appointing individuals with a clean, non-partisan background** enhances public trust.
   - **Considering impeachment provisions** could introduce formal accountability mechanisms.

Conclusion

The Supreme Court's ruling in the Tamil Nadu case marks a pivotal assertion of constitutional discipline, offering state governments a meaningful remedy against unjustified delays by Governors. By introducing the idea of deemed assent in cases of prolonged inaction, the Court has created a much-needed institutional check against executive inertia. Yet, real reform must go beyond courtrooms.

The Governor's office must now reorient itself—not as an extension of political interests, but as a stabilizing force within the federal system. Its legitimacy lies not in control, but in constructive engagement. For the institution to serve its constitutional mandate effectively, it must uphold neutrality, enable dialogue, and foster cooperative federalism. India doesn't need Governors who obstruct, but ones who facilitate. Only then can the spirit of the Constitution—and not just its letter—be truly upheld.

Right to Information or Right to Deny Information?

Introduction

The Right to Information (RTI) Act, 2005, once celebrated as a landmark measure promoting transparency and accountability in public administration, is currently under threat due to Section 44(3) of the Digital Personal Data Protection (DPDP) Act, 2023. This new provision modifies Section 8(1)(j) of the RTI Act by removing the "public interest" exception and broadly restricting access to all forms of "personal information".

A Union Minister has cautioned that this development could severely weaken the transparency regime. Over 30 civil society organizations, with support from 130 opposition MPs, have expressed serious concerns. The controversy brings into focus the fragile balance between the **right to privacy**, reaffirmed in K.S. Puttaswamy v. Union of India (2017), and the **right to information**—both flowing from Article 21 of the Constitution.

What is the Right to Information Act (RTI), 2005?

1. **Objective:** The RTI Act aims to promote openness and accountability in governmental functioning by giving citizens the right to access information held by public bodies.
2. **Coverage:** The law applies to all public authorities, including central and state government departments, ministries, and bodies significantly funded by the state.

3. **Access to Information:** Citizens can request access to records, documents, reports, and data held by public offices, thereby encouraging transparency in administration.
4. **Exemptions:** Some categories of information are not required to be disclosed, especially those that may threaten national security, breach confidentiality, or disrupt ongoing investigations.
5. **Response Timeline:** Authorities are expected to respond within 30 days, with a possible extension of up to 45 days under certain conditions.
6. **Penal Provisions:** Officials who wrongfully deny access to information or give false or misleading replies are subject to penalties as laid out in the Act.

What is the Significance of the RTI Act, 2005 Across Sectors?

1. **Improving Governance and Accountability:** According to the Central Information Commission, more than 3 crore RTI applications have been filed since the law's inception. It has uncovered several scams such as the Adarsh Housing scam, Vyapam scam, and corruption in ration distribution through social audits. Citizens have accessed details such as educational credentials, pay records, and asset declarations of public officials.
   - **Example:** Social audits under RTI revealed irregularities in ration distribution in states like Rajasthan and Andhra Pradesh.
2. **Enhancing Democratic Engagement:** RTI encourages public vigilance and supports a well-informed citizenry. It ensures that both lawmakers and ordinary citizens have equal access to information.
   - **Example:** The Central Information Commission reported over 13 lakh RTIs were filed in 2022–23.
3. **Advancing Social Justice and Welfare Implementation:** RTI has empowered disadvantaged groups by enabling access to data on welfare schemes like MGNREGA, PDS, and pension programs.
   - **Example:** In Madhya Pradesh, activists used RTI to uncover fake beneficiaries in the Public Distribution System.
4. **Oversight of Judiciary and Executive:** As an extension of Article 19(1)(a), RTI supports freedom of speech and expression. In Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal (2019), the Court ruled that the office of the Chief Justice of India falls under RTI jurisdiction.
5. **Environmental and Public Health Accountability:** RTI applications have helped expose problems in environmental approvals, pollution data, and how COVID-19 relief funds were managed.

What are the issues with the Recent Amendment (Section 44(3) of the DPDP Act, 2023)?

1. **Removal of the Public Interest Clause:** Originally, Section 8(1)(j) permitted the disclosure of personal data if it served a "larger public interest." The DPDP Act has eliminated this clause, resulting in a sweeping restriction on releasing any personal information.
2. **Contrary to the Puttaswamy Ruling:** While the K.S. Puttaswamy v. Union of India (2017) verdict recognized the Right to Privacy as a fundamental right, it also emphasized that transparency and privacy should be seen as complementary. The judgment made no recommendation to alter the RTI Act.
3. **Erosion of Institutional Transparency:** This change weakens the RTI Act's principle that information accessible to Parliament must also be accessible to citizens. Removing the proviso impacts all of Section 8(1), thereby diluting democratic accountability.

4. **Ambiguity in "Personal Information" Definition:** The DPDP Act gives a vague description of personal information, which could be used to block access to previously public data under the pretext of privacy. This could include education records, disciplinary history, asset disclosures, or minutes from public meetings.
   - **Example:** Disputes like the Maharashtra fake caste certificate case may go unchecked due to restricted access.
5. **Bypassing Legislative Procedure:** The amendment was quietly inserted as Section 44(3), avoiding thorough examination or debate in Parliament.
6. **Judicial Observations:** In Anjali Bhardwaj vs Union of India (2019), the Supreme Court noted that delays in appointing Commissioners undermine RTI's effectiveness. Despite legal challenges, the 2019 amendments remain unchanged.
7. **Civil Society Resistance:** Groups such as NCPRI, Article 21 Trust, PUCL, and SFLC India have strongly opposed the changes. Activists like Anjali Bhardwaj and Nikhil Dey warn that these changes could paralyze social audits and hinder accountability in public services.

What are the Current Challenges to the RTI Framework and its Effects Across Sectors?

Challenge	Details
Backlog & Vacancies	Over 3 lakh appeals are pending (Satark Nagrik Sangathan, 2023).
Erosion of Autonomy	The RTI Amendment Act 2019 allowed the Centre to fix CIC/SIC tenure and pay.
Opaque Administration	Information on transfers, assets, and disciplinary records is being withheld.
Risks to Activists	Over 100 RTI users have been killed; whistleblower protections remain weak.
Lack of Compliance	45% of authorities failed to follow Section 4 (Status of RTI Report, 2022).
Low Awareness	Especially poor among rural populations, SC/ST groups, and women (NSSO 2018).
Misuse & Vagueness	Vague or malicious RTIs add administrative burden.

Sector-wise Impact

Sector	Impact
Public Services	Verification of ration and pension distribution becomes difficult.
Education & Jobs	Degree validity, appointments, and promotions may not be publicly verified.
Legislative Oversight	Citizens may lose access to data that legislators can obtain.
Anti-Corruption	Investigations into public sector scams are hindered.
Environmental Affairs	Access to data on polluters or clearance processes is likely to reduce.

What Should Be the Way Forward?

1. **Repeal or Amend RTI-DPDP Changes:** Section 44(3) of the DPDP Act must be repealed. Restore the "public interest" safeguard in Section 8(1)(j). Reinstate fixed tenure and salary protections for CIC/SIC. Implement suggestions from the 2nd ARC and Law Commission.

2. **Define 'Personal Information' Precisely:** Follow OECD Privacy Guidelines by limiting definitions and providing public interest exceptions.
3. **Adopt the Proportionality Principle:** Apply the standard from B.K. Pavitra v. Union of India (2020) to ensure administrative actions are proportionate.
4. **Ensure Legislative Oversight:** Future changes to transparency laws should be subject to detailed parliamentary discussion and scrutiny by standing committees.
5. **Strengthen Information Commissions:** Address staffing gaps and boost funding. For instance, PRS India reports the CIC was allotted only ₹37 crore in Budget 2023–24, which is inadequate for managing over 2 lakh cases.
6. **Empower the CIC:** Give the Central Information Commission enforcement powers as recommended by the 2nd Administrative Reforms Commission.
7. **Balance Privacy with Openness:** Frame DPDP Act rules that precisely define "personal information" and establish a clear public interest test via an independent body.
8. **Encourage Proactive Disclosures:** Strengthen Section 4 of the RTI Act to increase automatic publication of public information.

Reports and Recommendations

Report/Body	Key Recommendation
2nd ARC Report	Promote proactive disclosure and ensure whistleblower protection.
Law Commission (255th)	Push for transparent recruitment and appointments in public roles.
CIC Annual Reports	Called for filling vacancies and increasing public awareness.

Global Comparative Models

Country	Key Feature
Sweden (1766)	Introduced the world's first RTI law; promotes full access to official documents.
USA (FOIA, 1966)	Provides judicial remedies for delays and has a robust appeals mechanism.
Mexico	Has an independent information commission and RTI is part of the Constitution.
South Africa	Guarantees RTI in its Bill of Rights and applies it even to private bodies when needed.

Conclusion

The RTI Act is more than legislation—it is a democratic cornerstone that lets citizens hold the state accountable. As M.M. Ansari noted, the existing framework was already "balanced," ensuring both privacy and openness. The amendment introduced via the DPDP Act disrupts this balance and threatens public accountability. As India commemorates two decades of RTI, the focus must shift to reinforcing, not weakening, this democratic tool—ensuring transparency and participative governance remain intact.

Mains Practice Questions

Q. Examine the challenges to sovereignty of the State in the contemporary world. (15 Marks)

In the contemporary world, the sovereignty of the state faces several challenges that undermine its traditional understanding as the absolute authority within its territory. These challenges arise from various dimensions, including globalization, transnational organizations, supranational entities, and the rise of non-state actors.

1. **Globalization**: The rapid integration of economies, cultures, and technologies has reduced the capacity of states to independently control their domestic affairs. Economic decisions are increasingly influenced by global markets, multinational corporations, and international financial institutions like the IMF and World Bank, which can dictate economic policies.
2. **Supranational Organizations**: Institutions like the European Union (EU) challenge state sovereignty by creating laws and regulations that member states must follow, often superseding national laws. The EU's ability to enforce decisions on trade, immigration, and human rights illustrates how state sovereignty is compromised.
3. **International Law and Human Rights**: The growing importance of international law, particularly in human rights, constrains state actions within their borders. States are increasingly held accountable by international bodies, such as the International Criminal Court (ICC), for actions that may violate global norms, reducing their sovereign autonomy.
4. **Non-State Actors**: The rise of powerful non-state actors, including multinational corporations, terrorist organizations, and transnational advocacy networks, poses significant challenges to state sovereignty. These entities can exert influence across borders, challenge state authority, and even destabilize governments.
5. **Cybersecurity and Information Warfare**: In the digital age, states face new threats from cyberattacks and information warfare that can undermine their sovereignty. These attacks, often originating from non-state actors or foreign governments, can disrupt critical infrastructure, manipulate public opinion, and challenge state control.
6. **Environmental Issues**: Global environmental challenges like climate change require cooperation beyond national borders. International agreements, such as the Paris Agreement, compel states to adhere to collective environmental goals, limiting their sovereign discretion in environmental policy.

While the concept of sovereignty remains central to the state, its absolute nature is increasingly questioned in a globalized world. States must navigate these challenges by balancing their sovereign authority with the demands of international cooperation and global governance.

Q. Discuss the impact of economic globalization on sovereign states.

In the current global context, international politics, and evolving interpretations of sovereignty and autonomy due to globalization, the concept of the state is undergoing significant changes. The core question in the globalization debate revolves around whether it is reshaping the power, function, and authority of nation-states.

Peter Willetts argues that individual countries can no longer be seen as having self-contained economies. The intricate interdependence among states has greatly diminished their ability to exercise control over two crucial aspects of sovereignty: currency and foreign trade.

Schotte suggests that globalization has given rise to a form of governance known as "post-sovereign," indicating a decline in the autonomy and sovereignty of states. The economic and political aspects of globalization have led to a process of "state retreat."

A prominent feature of economic globalization is the emergence of "supra-territoriality," where the significance of territorial boundaries, geographical distance, and state borders is diminishing. Ohmae describes this as an increasing number of economic activities taking place within a "borderless world."

In the past, sovereign control over economic affairs was feasible within discrete national economies. However, economic globalization has led to the incorporation of national economies into a single global economy, limiting economic sovereignty. Susan Strange argues that, unlike in earlier times when states held mastery over markets, contemporary markets have become the masters of states and governments.

However, David Held argues that states have not lost their sovereignty entirely and still play a crucial role in driving economic modernization. He suggests that the contemporary globalized world system operates through overlapping authorities and multiple legal frameworks, resulting in multiple forms of sovereignty.

Realists contend that the impact of globalization, in its economic, political, and cultural dimensions, has been exaggerated, asserting that states remain the decisive and dominant actors. They argue that states willingly engage in the global economy driven by their national self-interest.

Overall, the discourse surrounding the effects of globalization on state sovereignty and autonomy varies, with perspectives ranging from a significant decline in state power to the assertion that states continue to hold essential roles in a complex global system.

Q. What role does the National Minority Commission play in ensuring full protection of minority rights as well as harmony in India's multicultural society.

The Indian constitution represents a multicultural approach towards minority rights, aiming to provide a life of dignity to all individuals living in India. It embraces a non-hegemonic, non-coercive approach of civic nationalism. In line with the commitment to protect minority rights, the National Commission for Minorities (NCM) was established in 1992 by the Government of India.

The commission consists of a chairperson, vice-chairperson, and members nominated by the union government, all from minority communities. Its primary purpose is to monitor the functioning of constitutional and legal protections for minorities and offer suggestions to effectively safeguard their interests.

The functions of the NCM include:

- ❒ Monitoring the implementation of constitutional and legal protections for minorities.
- ❒ Providing recommendations to the central and state governments on safeguarding minority interests.
- ❒ Assessing the progress made by the central and state governments in the development of minorities.
- ❒ Investigating complaints regarding violations of minority rights and taking them up with relevant authorities.
- ❒ Conducting research and proposing solutions to address issues related to prejudice against minorities.
- ❒ Submitting reports to the government on minority-related challenges and issues.

The NCM has taken certain steps to address minority issues, such as investigating communal disturbances and working with the administration to secure peace and protect minority rights. It has also undertaken activities like organizing Hunar Haat, providing scholarships, training, and affordable credit facilities.

However, there have been concerns regarding the effectiveness of the NCM. It is seen as having limited power and impact. To strengthen the commission, there have been demands to provide it with constitutional status, the power to summon officials, and the ability to take action against non compliance.

Conclusion: The National Commission for Minorities plays a crucial role in protecting and promoting minority rights in India, particularly during times of majority-minority conflicts. Concrete steps are necessary to strengthen the commission and enhance its effectiveness in safeguarding the rights of minorities. This would ensure that minority communities are not neglected or oppressed, and their rights are upheld in the diverse and multicultural fabric of India.

Q. End of ideology. Discuss

Destutt de Tracy described ideology as the "science of ideas," broadly defined as a set of accepted truths by a group or nation without further scrutiny.

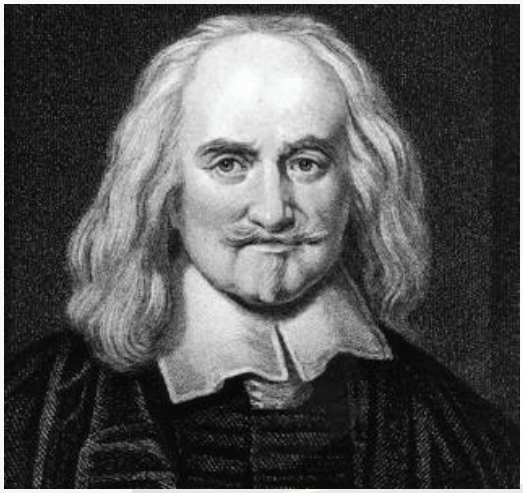
The concept of ideology has a complex reputation in political theory due to varying interpretations. Some thinkers argued for the end of ideology, linking it to totalitarianism (Hannah Arendt) or dismissing it as meta-narratives (Jean-François Lyotard). The debate on the end of ideology gained traction in the 1960s with scholars like Daniel Bell, Raymond Aron, Seymour Martin Lipset, and Edward Shils. They suggested that ideology became irrelevant as countries adopted similar technocratic models. Daniel Bell's "The End of Ideology" argued that post-industrial societies develop similarly regardless of ideological differences. Lipset in "Political Man" contended that in Western societies, left-right distinctions are diminishing. In 1992, after the USSR's collapse, Francis Fukuyama proposed in "The End of History" that Marxism-Leninism lost significance, marking the triumph of Western liberal capitalism.

Critics like Richard Titmuss, C. Wright Mills, C.B. Macpherson, and Alasdair MacIntyre challenged the end of ideology thesis. Titmuss argued that champions of this thesis ignored issues like economic monopolies and social disorganization within capitalism. Wright Mills criticized it as endorsing the status quo, while MacIntyre saw it as a product of its time and place. Michael Freeden emphasized that ideologies provide frameworks essential for political action. Ideologies compete in shaping societal understanding and public policy. As long as power remains central to politics, ideologies will remain relevant. For instance, Pratap Bhanu Mehta noted the ascendance of "Putinism" aligning with global political tendencies amid the Russia-Ukraine conflict.

Clifford Geertz likened ideologies to cultural maps, providing symbols to understand complex social dynamics, ensuring their enduring relevance in political analysis.

Scholars Digest: Know Your Scholars

Thomas Hobbes



Introduction

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

State of nature

Hobbes believed that the natural state of humans is one of war and chaos. In the absence of government, individuals are in a constant state of competition and conflict, where life is "solitary, poor, nasty, brutish, and short." This state of nature is characterised by a "war of all against all," where individuals are constantly at risk of being harmed or killed by others. According to Hobbes, this makes life in the state of nature "nasty, brutish, and short."

Social contract

To escape the state of nature, Hobbes argued that individuals must enter into a social contract with each other. In this contract, individuals agree to give up some of their natural rights in exchange for protection from the government. The government, in turn, is responsible for maintaining law and order, and ensuring the safety and security of its citizens. Hobbes believed that the social contract was necessary to prevent society from descending into chaos and violence.

Absolute sovereignty

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

Relevance to modern politics

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

Conclusion

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

Immanuel Wallerstein

Introduction

Immanuel Maurice Wallerstein (September 28, 1930 – August 31, 2019) was an American sociologist and economic historian, renowned for pioneering the world-systems approach within sociology.

World System Theory

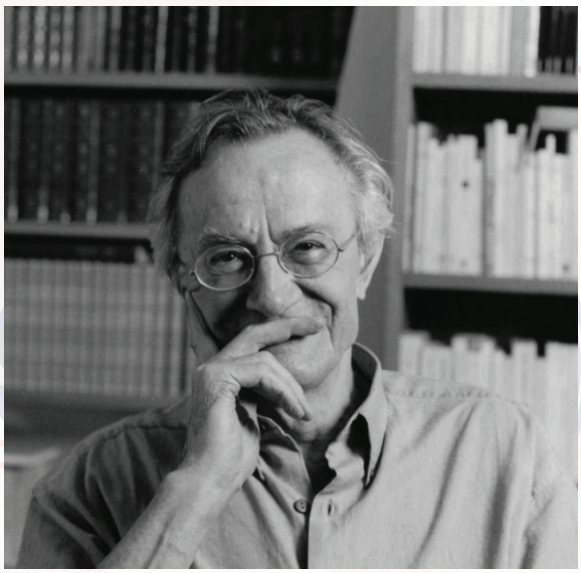
World-systems theory, developed by American sociologist and historian Immanuel Wallerstein (1930–2019) in his 1974 work "The Modern World System," presents a contrasting perspective to modernization theory. While modernization theory posits that economic development will eventually spread globally, Wallerstein's theory argues that economically powerful regions primarily benefit themselves at the expense of peripheral areas. This concept can be traced back to a notion proposed by Vladimir Ilyich Lenin (1870–1924), the leader of the Bolshevik Revolution (1917), who suggested that class struggles in capitalist Europe had, to some extent, shifted into the international economic arena, with Russia and China representing proletarian countries. Wallerstein's focus was on the period when European capitalism first expanded into Africa and

the Americas, but he also emphasized that world-systems theory could be applied to earlier systems where Europeans did not hold dominance.

In line with Wallerstein's perspective, German-born American economist André Gunder Frank (1929-2005) argued for the existence of an ancient world system, indicating an early tension between core and periphery. He further extended the application of world-systems theory to the 20th century, asserting that "underdevelopment" wasn't just a matter of falling behind but resulted from the exploitative economic power wielded by industrialized nations. This idea, often referred to as the "development of underdevelopment" or "dependency theory," offered an alternative narrative for world history, one that lacked a positive outcome for the majority of humanity.

Similar to modernization theory, world-systems theory has faced criticism for its Eurocentric perspective. Additionally, many economists have questioned the empirical evidence supporting it. While the theory has been productive in raising important questions, its proposed answers have generated significant controversy.

Lyotard



Introduction

Jean-François Lyotard, a renowned French philosopher, made significant contributions to postmodern philosophy. His ideas challenged traditional notions of truth, power, and narratives, influencing various fields such as philosophy, sociology, and cultural studies. This article delves into Lyotard's main ideas and their implications, highlighting his concept of incredulity towards metanarratives, critique of grand narratives, and the relationship between language and knowledge.

Incredulity Towards Metanarratives

Lyotard questioned the legitimacy of metanarratives, which are overarching narratives claiming to provide comprehensive understandings of the world. Metanarratives include concepts like progress, enlightenment, or Marxism. Lyotard argued that these narratives had lost credibility, as society became increasingly skeptical of their claims to truth and universality. He advocated for embracing micro-narratives, recognizing the diversity and incommensurability of different perspectives and experiences.

Critique of Grand Narratives

A central aspect of Lyotard's work was his critique of grand narratives and their connection to power. He argued that grand narratives often functioned as tools of domination, allowing those in power to legitimize their control over society. By imposing a singular narrative, those in authority marginalize alternative viewpoints and suppress dissent. Lyotard believed that by dismantling grand narratives, we create space for a multiplicity of voices and foster a more democratic and inclusive society.

Language and Knowledge

Lyotard explored the relationship between language and knowledge, emphasizing the limitations and complexities of linguistic representation. He rejected the idea that language could provide an objective and transparent representation of reality. Instead, he argued that language is inherently unstable, fragmented, and subject to different interpretations. Knowledge, according to Lyotard, is contingent upon language games, which are socially constructed systems of meaning. These language games shape our understanding of reality, but they are not universally valid or comprehensive.

The Postmodern Condition

Lyotard's ideas were influential in defining the postmodern condition. He described the postmodern era as characterized by a skepticism towards grand narratives, a celebration of diversity, and a recognition of the fragmentation of knowledge. In the postmodern condition, truth becomes a matter of individual interpretation and subjective experience. This challenges traditional notions of authority and encourages a constant reassessment of knowledge and its foundations.

Implications and Criticisms

Lyotard's ideas have both positive and negative implications. On one hand, his emphasis on the plurality of narratives and the rejection of grand narratives allows for a more inclusive and democratic society, where diverse perspectives are valued. It promotes critical thinking, as individuals are encouraged to question dominant narratives and engage in dialogue. On the other hand, critics argue that Lyotard's ideas can lead to a relativistic stance, where all narratives are considered equally valid, undermining the pursuit of objective truth.

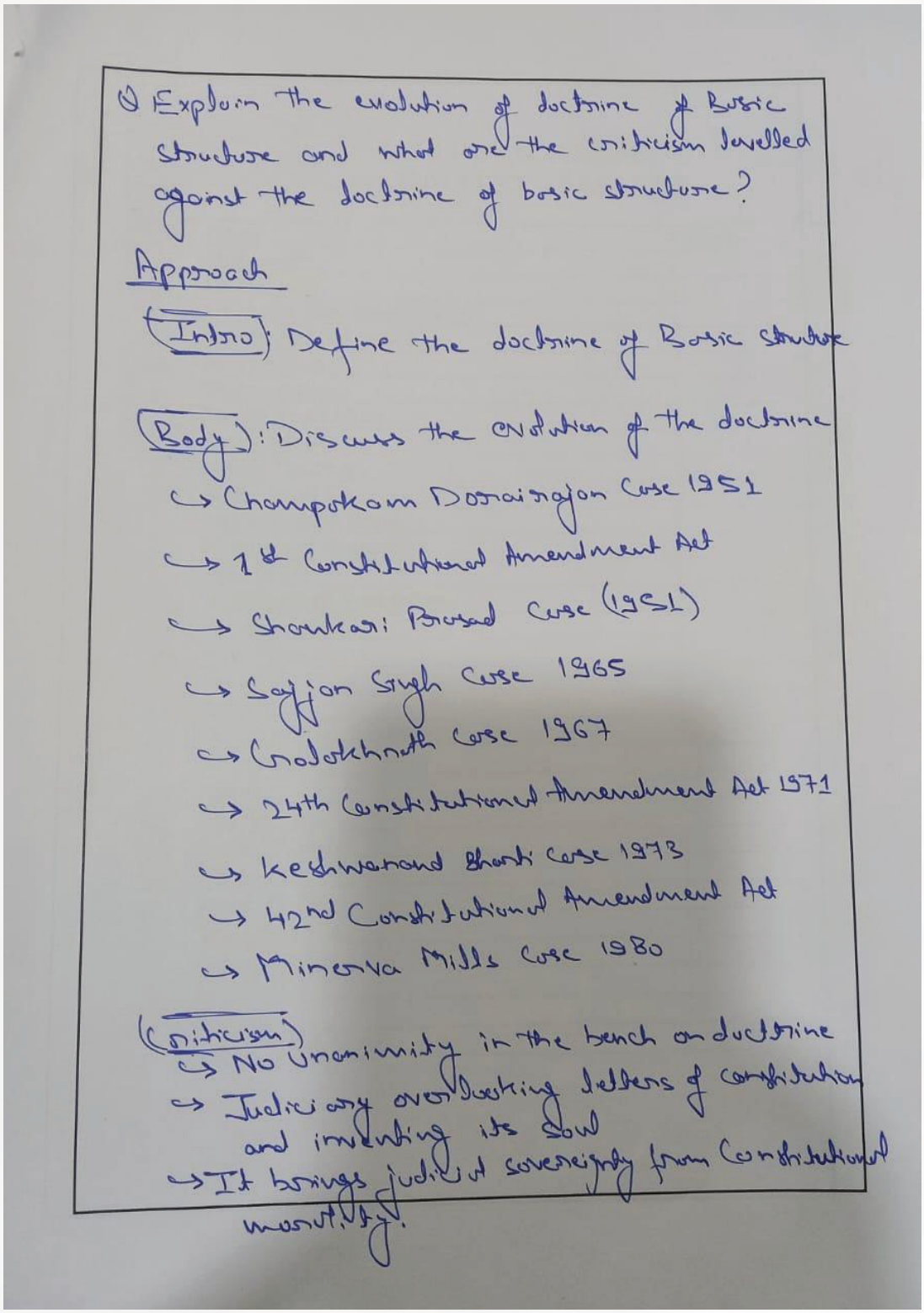
Furthermore, some critics argue that Lyotard's work lacks concrete solutions or a coherent alternative to grand narratives. They suggest that while skepticism towards metanarratives is valuable, it is essential to find a balance between acknowledging the limitations of overarching narratives and maintaining a shared understanding of the world.

Conclusion

Jean-François Lyotard's ideas have left a significant impact on postmodern philosophy and the understanding of knowledge, power, and narratives. His skepticism towards metanarratives and emphasis on the plurality of narratives challenged established notions of truth and authority. While his ideas have faced criticism, they continue to stimulate intellectual debates and encourage critical engagement with dominant discourses.

Enrich Your Answer

Q. Explain the evolution of doctrine of basic structure and what are the criticisms levelled against the doctrine of basic structure.



Q. Analyze the concept of ideology from various viewpoints and distinguish between the ideas of the "End of Ideology" and the "End of History."

Approach to Answer

Intro: Define ideology
eg coherent set of ideas that provides the basis for organised political action which is intended to either preserve, modify or overthrow the existing political order.

Body

(A) Give different perspectives on ideology.

↳ Marxist perspective
→ linked ideology to delusion & mystification
→ Gramsci linked it to hegemony.

↳ Liberal Perspective
* ideology as 'closed system of thoughts'

↳ Conservative Perspective
* ideology is equated with dogmatism of beliefs that are divorced from complex real world.

(B) Distinguish between 'End of Ideology' and End of History

End of Ideology
Daniel Bell
* Economics has triumped over politics and political ideology has come to an end

End of History
Francis Fukuyama
* With triumph of liberalism, the history of idea has ended.

Q. How does the government's philosophy of maximum governance and minimum governance coincide with the idea of competitive and cooperative federalism? Give reasons.

Q: How the government's philosophy of 'maximum governance and minimum government' coincide with the idea of competitive and cooperative federalism? Give reasons?

Ans

Approach

Intro

↳ Define 'maximum governance and minimum government'.

Body

↳ Elaborate on idea of competitive and cooperative federalism.

↳ Give steps taken by Govt. based on this principle

eg * NITI Aayog replaced Planning Comm.
* Enhanced financial devolution to states
* Rationalisation of centrally sponsored schemes.

Conclusion: give some suggestions.

eg Reform 7th schedule list in the direction of empowerment of states

Q. Analyse the role of the election commission towards electoral reforms.

Q → Analyse the role of Election Commission towards electoral reforms.

Approach of Answer

(Intro). Briefly write about Election Commission

(Body)

Write about positive role played by ECI towards electoral reforms.

eg → Introduction of EVM's.

→ Launch of website for information sharing

→ Computerisation of Electoral rolls 1998

→ Introduction of VVPAT.

→ Introduction of NOTA in 2014

→ Recently launched SVEEP for voter's education.

What more can be done

→ ECI be given sole marking power under RPA

→ ECI be given more power's w.r.t Model code of conduct.

Conclusion

Election reforms are mother of all reforms and should be given prime importance.

Prelims Practice Questions

1. In the federation established by The Government on India Act of 1935. Residuary Power were given to the

(a) Federal Legislature
(b) Governor General
(c) Provincial Legislature
(d) Provincial Governors

2. With reference to the "G20 Common Framework", consider the following statements

1. It is an initiative endorsed by the G20 together with the Paris Club.

2. It is an initiative to support Low Income Countries with unsustainable debt.

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

3. In which one of the following groups are all four countries members of G20?

(a) Argentina, Mexico, South Africa and Turkey
(b) Australia, Canada, Malaysia and New Zealand
(c) Brazil, Iran, Saudi Arabia and Vietnam
(d) Indonesia, Japan, Singapore and South Korea

4. The Parliament of India acquires the power to legislate on any item in the State List in the national interest if a resolution to that effect is passed by the

(a) Lok Sabha by a simple majority of its total membership
(b) Lok Sabha by a majority of not less than two-thirds of its total membership
(c) Rajya Sabha by a simple majority of its total membership

Answers

1. (b) Residuary powers were in the hands of the Governor General.
2. (c)
3. (a)
4. (d) If the Rajya Sabha declares that it is necessary in the national interest that Parliament should make laws on a matter in the State List, then the Parliament becomes competent to make laws on that matter. Such a resolution must be passed by the Rajya Sabha by a majority of not less than two-third of its members present and voting.

UPSC IAS (Mains)

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