

GS-1(Polity/Governance)(HAS MAINS)**Q.1 Write a short note on secessionism in india.?**

Ans. Secession (derived from the Latin term *secessio*) is the withdrawal of a group from a larger entity, especially a political entity, but also from any organization, union or military alliance. Threats of secession can be a strategy for achieving more limited goals. It is, therefore, a process, which commences once a group proclaims the act of secession (e.g. declaration of independence). It could involve a violent or peaceful process but these do not change the nature of the outcome, which is the creation of a new state or entity independent from the group or territory it seceded from.

There is a great deal of theorizing about secession so that it is difficult to identify a consensus regarding its definition. There is also a claim that this subject has been neglected by political philosophers and that by the 1980s - when it finally generated interest - the discourse concentrated on the moral justifications of the unilateral right to secession. It was only in the early 1990s when American philosopher Allen Buchanan offered the first systematic account of the subject and contributed to the normative classification of the literature on secession. In his 1991 book *Secession: The Morality of Political Divorce From Fort Sumter to Lithuania and Quebec*, Buchanan outlined limited rights to secession under certain circumstances, mostly related to oppression by people of other ethnic or racial groups, and especially those previously conquered by other people.

Q.2 Presently, why democracy is an ideal form of govt. in the whole world.?

Democracy is good for everyone, but there are quite a few countries that have been cobbled together artificially, or are far too big and can only be ruled dictatorially in their present form - Iraq, Congo and Sudan, for example. The only thing to do is to break them up into smaller units that are capable of supporting democratic rule. Yugoslavia was a prime example: out of one dictatorship, lots of smaller democracies. The reasons why democracy is better are legion: democracies don't fight one another; accountability and participation are good in themselves; they're more likely to be humane and, on the whole, they'll take better decisions - Churchill and Roosevelt made far fewer mistakes than Hitler, Mussolini and Stalin, and their casualty lists were far shorter. Anyway, since we all think democracy is best for ourselves, on what basis are we going to prefer lesser systems for others?

Democracy also forces both voters and leaders to be more mature, because they have to value the system more than any particular result. Where democracy is a recent growth you get lots of uncontrollable egos, both at voter and leader level - parties and people that are simply not willing to accept electoral defeat or, often, can't even bear to see their side being criticised by a free press. These are so-called 'illiberal democracies', where majoritarian rule often swamps the normal democratic freedoms. They are inherently unstable since there are no real boundaries as to what the political elite might get up to, and usually the rule of law is the first casualty.

Q3. Why India has not signed the NPT.?

Non Proliferation Treaty in its current form is not fair to India. The treaty essentially states that only 5 winning powers of World War II have the right to have nuclear weapons. There is no way for India to sign a treaty considered as suicide. India's traditional position has always been either those five too denuclearize or everyone has the same rights to have nuclear weapons.

With nuclear weapons in hand, India doesn't worry about other countries as much any more and is able to confidently deal with both the first world (US-Europe) as well as second world (China-Russia). This confidence and security has led to better economic policies, greater trade links and further prosperity.

India would not give all this peace and prosperity up for some relic of post-WW2 that wants to permanently freeze the strong positions of the five allies winning that war. Also, India has a stellar record of not allowing nuclear weapons to proliferate.

One just hopes that eventually west will allow India, Pakistan and Israel as recognized nuclear powers into the fold. There is not point in keeping up with the current farce of having only 5 recognized nuclear powers. Since these three countries have never signed the treaty before going nuclear, there is less risk of compromising the basic tenets of NPT.

Q4. HOW INDO-ISRAEL relations are growing in 21st century.?

This year marks a quarter-century since India and Israel established formal diplomatic relations, and, in July, Prime Minister Narendra Modi will become the first Indian leader to visit Israel. As if by providence, this important anniversary coincides with the half-century anniversary of the Six Day War, which established Israel's hegemony over its neighbourhood and vanquished once and for all the baleful designs of her hostile Arab neighbours.

- Modi's forthcoming visit has occasioned much fine commentary on what India may learn from Israel, especially on matters of internal and external. There was a time, not so long ago, when the open embrace of Israel in India—although not necessarily the reverse—was frowned upon by our left-leaning intelligentsia, which harboured, along with leftist elites elsewhere, the standard radical chic embrace of the Palestinian cause (university campuses in North America are among the worst, often succouring those with more or less blatantly anti-Semitic views, masquerading as "progressive" support for the Palestinian cause).
- It wrote then: "It is time for principle to trump expediency, and for India to come out of the closet, and declare itself publicly, and at the highest level, an ally of the United States and Israel, and fully join the ranks of the international coalition of the willing, fighting the good fight against global terrorism. India, Israel, and the United States are natural allies. All three are democratic and pluralistic societies, and all have suffered grievously from the scourge of Islamic terrorism."
- It added further: "...it should not be forgotten that India and Israel are the only non-Islamic, pro-Western, democratic states in a huge swathe stretching from North Africa to the borders of China.

Q5. Write a short note on Maldives crises.?

The Indian Ocean island nation of the Maldives is engulfed in a political crisis, after the President defied a Supreme Court ruling to reinstall opposition MPs and release political prisoners.

President Abdulla Yameen instead declared a state of emergency and ordered the arrest the chief justice a former President.

In a TV address, Yameen insisted that it was business as usual and urged Maldivians to remain calm. He claimed the Supreme Court had acted "hastily" and argued that his actions were designed to prevent a coup.

On Tuesday, President Yameen said in a statement the Supreme Court had decided to reverse he ruling that precipitated the crisis and nine political prisoners would not be released.

What's the background?

Yameen came to power in 2013 in a disputed election that opponents say was rigged. Since then, he has been accused of eroding democracy, cracking down on dissent and jailing opposition leaders.

In 2016, the Maldives withdrew from the UK Commonwealth after the association of former British colonies threatened to suspend it for chipping away at democratic institutions.

To the alarm of some opposition figures, Yameen courted investment from China and Saudi Arabia -- his last visit to Beijing was in December.

Mohamed Nasheed, who became the country's first democratically elected President in 2009 and achieved worldwide renown for highlighting the effect of global warming on the archipelago, was imprisoned in 2015 on terrorism charges that his supporters say were spurious.

Nasheed was allowed to leave prison a year later to seek medical treatment abroad, and was granted asylum in Britain. He hoped to challenge Yameen in presidential elections later this year, and was in the Sri Lankan capital, Colombo, when the Supreme Court delivered the ruling that touched off the latest crisis.

Q6. What is CPEC and why it is threat for india.?

Ans. The China-Pakistan Economic Corridor (CPEC) which will connect **Kashgar** city of China to **Gwadar** port in **Balochistan** in Pakistan and help China to get its oil supplies from West Asia is not purely an economic project aimed at helping two all-weather friendly countries. It is fraught with dangerous impact on strategic assets of India in Jammu and Kashmir.

On the face of it, the **CEPC** is an economic corridor for it talks of highways, rail lines and oil pipes, but it passes through Pakistan-occupied Kashmir running parallel to the Line of Control that divides the Himalayan state between India and Pakistan.

Combined with more than **\$ 46 billion** investment by China, Beijing has positioned its troops in **Gilgit** and **Baltistan**, ostensibly for the security of its personnel engaged in the construction of the corridor. This impacts India in more than one way on the strategic front, particularly the **Siachen** glacier, considered the highest battle ground in the world.

This glacier stands at a height ranging from **18,000** to **21,000** feet above sea level and the Karakoram highway runs adjacent to it. Pakistan has been eyeing the glacier, which it had sought to get back after mounting intrusion on Kargil heights to cut off Srinagar-Leh highway – the lifeline to the glacier. Its designs were defeated by the Indian troops who scripted a new history of mountain warfare and the US intervention when Pakistani Prime Minister Nawaz Sharif pleaded with the then American President Bill Clinton for such an intercession.

Pakistan has been calling for the demilitarisation of the white mountains, and the Indian Army has made it clear that it would not be able to recapture the glacier once it is vacated under any diplomatic negotiations or international pressure. This has been communicated to the Ministries of Defence and External Affairs by the Army.

Q7.What is india's Act east policy.?

Ans.India's Act East Policy focusses on the extended neighbourhood in the Asia-Pacific region. The policy which was originally conceived as an economic initiative, has gained political, strategic and cultural dimensions including establishment of institutional mechanisms for dialogue and cooperation.

- India has upgraded its relations to strategic partnership with Indonesia, Vietnam, Malaysia, Japan, Republic of Korea (ROK), Australia, Singapore and Association of Southeast Asian Nations (ASEAN) and forged close ties with all countries in the Asia-Pacific region.
- Further, apart from ASEAN, ASEAN Regional Forum (ARF) and East Asia Summit (EAS), India has also been actively engaged in regional fora such as Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), Asia Cooperation Dialogue (ACD), Mekong Ganga Cooperation (MGC) and Indian Ocean Rim Association (IORA).
- Act East Policy has placed emphasis on India-ASEAN cooperation in our domestic agenda on infrastructure, manufacturing, trade, skills, urban renewal, smart cities, Make in India and other initiatives. Connectivity projects, cooperation in space, S&T and people-to-people exchanges could become a springboard for regional integration and prosperity.
- The Objective of "Act East Policy" is to promote economic cooperation, cultural ties and develop strategic relationship with countries in the Asia-Pacific region through continuous engagement at bilateral, regional and multilateral levels thereby providing enhanced connectivity to the States of North Eastern Region including Arunachal Pradesh with other countries in our neighbourhood.
- The North East of India has been a priority in our Act East Policy (AEP). AEP provides an interface between North East India including the state of Arunachal Pradesh and the ASEAN region. Various plans at bilateral and regional levels include steady efforts to develop and strengthen connectivity of Northeast with the ASEAN region through trade, culture, people-to-people contacts and physical infrastructure (road, airport, telecommunication, power, etc.).

- Some of the major projects include Kaladan Multi-modal Transit Transport Project, the India-Myanmar-Thailand Trilateral Highway Project, Rhi-Tiddim Road Project, Border Haats, etc.

Q8. Define the term National Interest. Why it is important.?

Ans. 'National Interest' is a key concept in International Relations. All the nations are always engaged in the process of fulfilling or securing the goals of their national interests. The foreign policy of each nation is formulated on the basis of its national interest and it is always at work for securing its goals. It is a universally accepted right of each state to secure its national interests. A state always tries to justify its actions on the basis of its national interest. The behaviour of a state is always conditioned and governed by its national interests. Hence it is essential for us to know the meaning and content of National Interest.

“The meaning of national interest is survival—the protection of physical, political and cultural identity against encroachments by other nation-states”—Morgenthau.

However, this classification is neither absolute nor complete. The complementary interests can, with the passage of time, become identical interests and conflicting interests can become complementary interests. The study of national interest of a nation involves an examination of all these vital and non-vital components of national interest. The six fold classificatory scheme offered by T. W. Robinson can be of great help to us for analyzing the national interests of all nations. Such a study can help us to examine the behaviour of nations in international relations. All these means are used by all the nations for securing their national interests. Nations have the right and duty to secure their national interests and they have the freedom to choose the requisite means for this purpose. They can use peaceful or coercive means as and when they may desire or deem essential.

However, in the interest of international peace, security and prosperity, nations are expected to refrain from using coercive means particular war and aggression. These are expected to depend upon peaceful means for the settlement of disputes and for securing their interests.

All this makes it essential for every nation to formulate its foreign policy and to conduct its relations with other nations on the basis of its national interests, as interpreted and defined in harmony with the common interests of the humankind. The aim of foreign policy is to secure the defined goals of national interest by the use of the national power.

Q9.) What is Judicial Activism .?

Ans) Judicial Activism is the use of judicial powers to restrict Legislative Adventurism and Executive Excesses. Judiciary self-assumes the role to strike down any legislation or executive action which is against the Constitution.

- This is done either suo-moto or through public interest litigations (PIL). SC order to remove photographs of political leader from government ads is a recent example of judicial activism
- The practice has gained steam due to the growing public frustration with parliamentary dysfunctioning and executive lethargy in cases like environmental pollution. Its impact on relationship between the 3 organs of Indian democracy is examined below:
- Started a game of one upmanship. Eg. after Kesavananda verdict in 1973, legislature assumed even greater power via 42nd amendment, only to turned down again in Minerva Mills 1980
- Retaliatory response by Executive such as by taking part in judicial appointment through the newly formed NJAC
- Over-interpretation of the Constitution by the Judiciary to force the issue. Taking away Presidential powers to appoint higher judges in 'Second Judges Case' is one example.
- As a result the relationship between the Judiciary and other two has suffered massive trust deficit. Both the legislative and executive vouch for judicial restraint instead of overreach (activism). While the efforts of the Judiciary should be applauded, at the same time judicial activism shouldn't be treated as a pill for every ill.

Q10.) What do you understand by fiscal federalism? Do you concur with the argument that true political federalism has its roots in fiscal federalism?

"Federalism should be able to maintain unity among all. But this does not mean that we should boycott regional voices and the voices of ethnic groups".

--Khil

Raj

Regmi

Ans) Fiscal federalism implies the division of financial powers and responsibility between the center and the federal units. Indian constitution provides for Finance Commission under Article 280 to balance the wheel of fiscal federalism.

- Fiscal federalism simply meant sharing of finances between the union and the federal units. In India, to oversee this mechanism, Finance Commission is appointed every 5 years under Art. 280.
- Political federalism has its roots in fiscal federalism to a great extent. It is largely finances which decides the viability of any government. Without adequate finances governments cannot meet a level of human and physical development. Thus, relations between centre and states revolves around finances. Following are certain examples in this regard:
- Bitterness in the relation of state with centre in the issue of special category state. For example, Bihar.
- Recent jump of 10% in the devolution of central pool of taxes drew much applaud from states and was taken in a healthy spirit.

- GST is a bone of contention from a long period of time between centre and states due to states fearing their loss of revenues.
- Politics is sometimes played during elections by the announcements of special development package for some state by the party at centre to get an advantage over others.
- Most of the centrally sponsored schemes for North Eastern States have 90:10 sharing ratio. Without central financial support, people would have lost faith in the state polity and demands for secessionism might increase.
- This shows that a true political federalism has roots in fiscal federalism. However, in certain fields a true political federalism doesn't depend on fiscal federalism. For example, division/merging/renaming/altering boundaries of states; appointment of head of the state i.e. Governor. In these areas, states are powerless. To reflect true political federalism, strong political will is required in such areas.

Q11.)) How are the Fundamental Rights different from other legal and constitutional rights? What makes them so special?

“The rights of every man are diminished when the rights of one man are threatened.”
— John F. Kenned

Ans) The legal rights are protected by an ordinary law, but they can be altered or taken away by the legislature by changing that law. Fundamental Rights are protected and guaranteed by the Constitution and they can not be taken away by an ordinary law enacted by the legislature. Fundamental Rights are those which are important for the well-being of an individual. They are guaranteed and protected by the Constitution. They are 'fundamental' for two reasons:

- They are mentioned in the Constitution itself.
- They cannot be taken away by ordinary legislation except in rare circumstances. On the other hand Legal and Constitutional Rights are “granted” and not pre-existing such as the right to vote. An individual cannot move the Supreme Court for their violation or curtailment through appropriate legislation. Certain features which make Fundamental Rights special and different from other rights are:
 - They are absolutely essential for an individual's all round development. It makes them most vulnerable towards a tyrannical government and hence needs highest protection
 - They facilitate establishment of Rule of Law by respecting individual freedom and liberty. For eg. Article 21 encompasses all necessary conditions required for a meaningful life.
 - Act as a natural check on the absolute authority of the government and abuse of power, like implementing populist measures to further self-interest. Thus they lay foundation for social justice and equality

- Provide heft to the Directive Principles to be followed by the government
- Hence, where legal and constitutional rights are merely privileges extended by the state, Fundamental Rights go much beyond their stated meanings.

Q12.) How does the Indian constitution mirror best constitutional practice and principles around the world?

Ans) Indian constitution borrowed most provisions from constitution of other countries and incorporated positive aspects from each of them and now our is borrowed by others(eg- Nepal) as it contains following:

Good Constitutional Practices

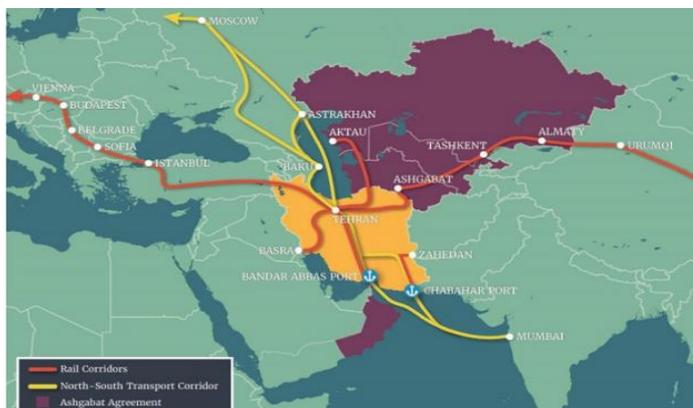
- **Separation of Power:-** Constitution is supreme and all 3 pillars- Legislative, Executive and Judiciary keeps check-and-balance on each other.
- **Scope for Amendments:-** This is very important practise which is required for smooth functioning of government according to time change.
- **Sense of Duty:-** DPSP mentions duty to be performed by Government and Fundamental Duty realises duty for Citizens.
- **Oath/Affirmation:-** Every imp post have to do this before attending the position viz PM, President, Judge etc

Good Constitutional Principles

- **Secularism-** Unlike other countries who declared themselves as a state confined to a particular religion viz. Muslim for Pakistan, Jews for Israel etc we have declared our state as secular.
- **Liberty and Equality:-** These both principles are well incorporated in Preamble as well as Fundamental Right.
- **Socialism-** The concept of welfare state is reflected in DPSC. Governor is given special responsibility to handle Backward Regions.

So feel of most countries Constitution can be felt in world’s lengthiest Constitution with successful maintenance of above mentioned practices and principles since sixty-five years!

Q13.What is Ashgabat treaty and why it is important.?



India has a huge geo-political disadvantage in middle east and the central asian region due to the lost of western Punjab(morden Pakistan) in the partition which has curtailed our direct reach in this region which is rich in natural resourses,with a view to this,India has made some changes in the foreign policy of the nation and added a new policy which is called **“Look West Policy”**.Instill this fact in mind india is curious to make sound relations with these nations.Recently india has joined a new treaty call **ASHGABAT AGREEMENT** which was erected on april,2011 to established a multi-purpose model transport and transit corridor among the Persian gulf,central asian nations and off course India.

ASHGABAT is basically the capital of Turkmenistan.The agreement was first signed by Uzbekistan,Turkmenistan,Oman,Iran and Qatar on 25 april,2011 but soon Qatar left the Ashgabat treaty in 2013,Kazakhstan and Pakistan joined the grouping in 2016.The Ashgabat came into force in april 2016. Its objective is to enhance connectivity within the Eurasian region and synchronize it with other regional transport corridors,including the International North-South Transport Corridor (**INSTC**).The first meeting of the Ashgbat agreement held in 2017 in which they have made a discussion over the operational issues including the routes of the participating nations.Turkmenistan was considered as a depository state.In this committee the railway and road routes which are the part of the single transport transit corridor are in the framework of this treaty.The objective of this agreement is to enhance connectivity within the member nations and maintain equalibrium and synchronize it with other transport corridors.

India entered the Ashgbat agreement after the inauguration of the first phase of the **shahid beheshti terminal** at **Chabhar port** on 3 December,2017 which it had financed to the tune of **\$85 million**. With the commissioning of the Shahid Beheshti terminal and India’s joining of the Ashgabat Agreement, a greater prospect now opens up for enlarging both the operational and practical scope of Chabahar to become a vital gateway and the shortest land route to Central Asia.

Q14. Write a short note over SCO summit this year. What is its relevance for india.?

Ans.Since India and Pakistan were included in the grouping in 2017, the China-led eight-member bloc has gained strategic importance.Prime Minister Narendra Modi embarked on his maiden two-day multilateral engagement to Bishkek on June 13 to participate at the Shanghai Cooperation Organisation (SCO) summit.

- This visit had gained more importance after Kyrgyzstan President Sooronbay Jeenbekov attended the swearing-in ceremony of Modi 2.0 in New Delhi. This came just a fortnight before the SCO summit and showed India’s clear desire to increase its engagement with Central Asia.
- Since India and Pakistan were included in the grouping in 2017, the China-led eight-member bloc has gained strategic importance. The SCO is the only platform where Central and South Asian countries come together for a dialogue.
- The summit has been a potential platform to discuss various issues ranging from terrorism, regional cooperation to the changing and unstable world order. Experts

view India's entry as an opportunity for connecting with the Eurasian neighbourhood.

- On the margins of the SCO, the Indian prime minister also held successful bilateral meetings with Chinese President Xi Jinping and Russian President Vladimir Putin to discuss major issues. Besides attending the meet, PM Modi jointly inaugurated the first meeting of India-Kyrgyz Business Forum, an attempt to promote commercial trade between the nations.
- **China Twist**-In the changing geopolitical scenario, India is trying to strike a balance between the new world orders. Beside the multilateral talks, crucial bilateral meetings also took place. As India is trying to catch the big fish in the sea, the Indo-China bilateral was a stepping stone.
- The ongoing trade war with the USA has left China to look out for other options. This side-line meeting between both the leaders started on a positive note, coming after a successful listing of Masood Azhar as a global terrorist. PM Modi invited the Chinese president for an informal discussion later this year.
- Both the countries bonded over some issues which gave a ray of hope for improving the relations. With reference to economic cooperation, PM Modi joined hands with Russia and China to send out a strong message, outlining the recent threats to global trade under the American unilateralism. During the bilateral talks at Bishkek, Modi called for plans to mark the 70th anniversary of the establishment of diplomatic relations.
- In regard to Pakistan, India turned down China's advice to open a channel of dialogue. PM Modi's stern stand conveyed the message that, unless Pakistan created a terror-free adobe, talks would not be possible. Even as both the countries depicted personal warmth towards each other, India was the only country who opposed the Belt and Road Initiative (BRI) and raised concerns regarding about the China Pakistan Economic Corridor (CPEC). Opposing to China's flagship project, India gained some criticism from the international media.
- **Russia: A true friend**-The major focus of the bilateral discussion between India and Russia was on trade, defence, and energy. Putin has invited PM Modi to be the chief guest at the Eastern Economic Forum in Vladivostok in September. After their meeting, Foreign Secretary Vijay Gokhale added that the meeting was brief but rich in terms of content. The Ministry of External Affairs spokesperson Raveesh Kumar took to Twitter and described it as a "privileged relationship".

Q15.What is the Geo-political importance of Indian ocean for india.?

Ans. The geo-political significance of the Indian Ocean stems from the fact that it is a centre piece in the wider Indian Ocean Region (IOR). The combination of economic growth and slowdown, military expansion, increasing demand for natural resources, demographics combined with the geo-political situation, increased presence of nuclear capable actors and variances in regional structures of governance, highlights the geo-political significance of this area.

Major points that merit attention are: -

- The Indian Ocean is third largest water body of the world that has vital sea lanes of communication crisscrossing it and which feeds Asia's largest economies. Around 80 per cent of the world's seaborne oil trade passes through the choke points of this ocean and therefore it literally connects the east to the west.

The varying system of governance in the area determines the outline of the regional security architecture. The relations between nations both intra and extra regional shapes the complex matrix that define the overall architecture. Changes in political thought processes and any alteration in relations could alter the security scenario of the region.

- There has been a gradual to an accelerated expansion of maritime forces and their capabilities in the region. The growing presence of extra regional powers and nuclear capable nations has further altered the existing security framework. This is affecting the existing military balance and the impending imbalance could create a new architecture that could affect the prevailing security scenario.
- The economic upsurge of some nations and stagnation/slowdown of others is throwing up challenges that could affect the regional and international markets. The lack of intra-regional trade as compared to the extra-regional trade has limited the relations between nations in the region. Added to it is the growing competition and race for exploiting available natural resources, which could bring in new challenges to the region in times to come.

Q16. What hurdles are there for india to get the membership of NSG.?

India is now the fastest growing economy of the world- pushing China back to second place and this overtake might be the cause of hindrance faced by India regarding its entry into NSG.

With its entry into NSG India would have been legally able to supply nuclear materials to other countries and hence the nuclear industry would have become self sufficient within a short span of time (following the model of Indian space industry and research). This development would have further increased India's prospects of higher foreign investment (higher power generation) along with improving conditions of existing industries in the nation as well as it would have provided justification of India's cause towards generation of clean energy.

All these developments are deterrent to China's cause of remaining the fastest growing super power and undermine its status in comparison to India and hence we see huge opposition from China. Chinese allies are also supporting the non entrance of India into NSG

while Indian allies are supporting India's cause. The NPT is just being used as a backdrop against the actual scene taking place at the highest level of diplomacy.

India has been following guidelines of NPT which are basically regarding a countries stand to abstain from providing unregulated nuclear weapons to other countries though it's not an official signatory of the treaty. India's past record regarding its nuclear policy is a huge advantage and hence there will be soon a time when India will eventually become a member of the NSG. Since there won't be much against the cause of its entrance.

Also another reason preventing India's entrance is that if an exception is made to allow India enter the NSG without signing the NPT, it also allows Pakistan to contest for the entry on same guidelines.

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Q18. Write a short note on judicial review and its relevance in Indian judiciary.?

Ans. Judicial Review refers to the power of judiciary to review and determine the validity of a law or an order. On the other hand, Judicial Activism refers to the use of judicial power to articulate and enforce what is beneficial for the society in general and people at large or judicial activism means the power of the Supreme Court and the high court but not the subordinate courts to declare the laws as unconstitutional and void.

Judicial Review:

India has an independent judiciary with extensive jurisdiction over the acts of legislature and executive. Judicial review can be defined as the doctrine under which legislative and executive actions are subject to review by judiciary. It is generally considered as a basic structure of independent judiciary (Indira Gandhi vs. Rajnarain case).

- However, judicial review can be classified into three categories- reviews of legislative actions, review of judicial decisions, and review of administrative action. Therefore, it is also the duty of judges to ensure that balance of power is maintained, protect human rights, fundamental rights and citizens' rights of life and liberty.
- Judicial review of legislative actions means the power to ensure that the law passed by legislature is in accordance with provisions contained in the constitution and in particular part 3 of constitution(principle of reading down).

- In case of judicial review of decisions, for instance, when a statute is challenged on the ground that it has been passed by legislature without authority or rights, it is for the courts to decide whether the law passed by legislature is valid or not. Also no legislature in our country has the power to ask instrumentalities of the state to disobey or disregard the decision given by the courts.
- Judicial review of administrative action is a mechanism of enforcing constitutional discipline over administrative agencies while exercising their powers. Judicial review of judicial actions can be visualized in Golaknath case, banks nationalization case, privy purses abolition case, Minerva mills etc.

As courts have wide powers of judicial review, these powers have to be exercised with great caution and control. The limitations of these powers are:

- It is only permissible to the extent of finding whether the procedure in reaching the decision has been correctly followed but not the decision itself.
- It is delegated to our superior courts only i.e. supreme court and high court Cannot interfere in policy matters and political questions unless absolutely necessary.
- Law once passed may become unconstitutional with passage of the same with changed situation, this may create vacuum in legal system. Hence it can be said that directions given by court would be binding only till legislation is enacted i.e. it is temporary in nature.
- Can interpret and invalidate a law but it cannot itself make laws.
- However, there are also cases in India when executive has ordered judiciary to review policies. For example, in ministry of health vs. treatment action campaign, the government itself gave direction to review its policy regarding distribution of antiretroviral drugs and plan an effective and comprehensive national program to prevent mother to child transmission of HIV.

Q19.What would happen if India had a Presidential form of government.?

Ans.India adopted the Parliamentary form of democracy in the year 1947 since India has been familiar with its working during the times of British Rule. The type of government that functioned in India before independence in 1947 was very much similar to the British model of parliamentary. The framers of the constitution were **greatly influenced by the English system**. Therefore, the members of the Constituent Assembly decided to adopt this form of government for the independent India. India is a nation deeply divided into several groups with conflicting interests. All these **varied groups are ensured representation** in the Parliament through this form of government.

- **The Constitution of India** rejected the Presidential system as in the U.S.A. on the grounds that under such a system, *“the Executive and the Legislatures are separate from and independent of each other, which is likely to cause conflicts between them, which our infant democracy could ill-afford to risk.”*
- Therefore, the **familiarity of the Indian polity** with the working of the British system of government, representation of diverse interest groups, fear of dead-lock between

the executive and legislature- all led to the adoption of the parliamentary system of government in India by the Constituent Assembly.

- **Checks and Balances-** In the Presidential system, the executive, legislature and judiciary are independent of each other. This ***separation of power*** contributes to checks and balances in the system making it more democratic since there is no absolute concentration of powers in the same body and the presence of other organs ensure proper working of the system.
- **Stability and Efficiency-** Since there is a fixed term for both the President and legislature, there is political stability, continuation of policies and freedom to make long term policies. Also, the President has the power to appoint competent and expert persons as ministers. These ministers are answerable only to the President. This assures that they perform their duty efficiently amounting to proper administration.
- **More Suitable for Multi-party systems-** The multi-party system invokes political concerns everywhere in the system making it prone to political instability and inefficiency. To check this, a strong executive as in the Presidential system is required, for the sake of people's interest and stability.

Q21. How the case of Sabarimala temple curbs the fundamental rights of Indian citizens.?

In the Supreme Court's judgment allowing the entry of women of all ages into the Ayyappa temple at Sabarimala, Justice Indu Malhotra hit the nail on the head when she noted in her dissenting verdict: "Notions of rationality cannot be invoked in matters of religion by courts." Perhaps nothing in the world today is as abstract as the concepts of faith and religion.

- It is only a matter of time when religion comes into conflict with something as rational as the fundamental rights of the people guaranteed by the Constitution of India.
- In other words, the court *must* interfere in matters of religion when religion interferes in matters of fundamental rights. However, it has been argued in other articles sympathising with Justice Malhotra's dissenting verdict that in the
- Sabarimala temple case, no fundamental right had been violated in the first place. Even the respondents in the case argued that the practice of not allowing women between 10 and 50 years of age (in other words, of a menstruating age) is based on preservation of the celibate nature of the deity in the temple and is not associated with any hatred against women or disgust towards menstruation.

- It has also been argued that the outrage over this issue was not needed because women can pray in other temples of Lord Ayyappa, in which they were already allowed entry.
- But the Sabarimala temple issue was never one of the number of temples women can visit. It was an issue of the very identity of a woman, which was being denigrated by a discriminatory practice. "Prohibition of women's entry to the shrine solely on the basis of womanhood and the biological features associated with womanhood is derogatory to women."

Q22. In your opinion what should be the solution of Ram temple and Babri mosque issue. Suggest the suitable ideas instill the present scenario of Indian politics.?

India's more-than-a century-old flashpoint, the Ram temple-Babri mosque dispute, appears to be heading towards a resolution, *Gulf News* can exclusively reveal. The row over the land in the city of Ayodhya, in the state of Uttar Pradesh, has resulted in violent sectarian clashes and thousands of deaths since the 1947 declaration of independence.

- Its escalation in December 1992 when the Mughal-era Babri mosque was demolished by a mob of Hindu zealots was especially wrought with communal tensions, and triggered a wave of nationwide riots that permanently altered the social and political landscape of the country.
- A breakthrough is thought to be on the horizon after Muslims started engaging with a panel appointed by India's Supreme Court, which is hearing a clutch of petitions by Hindus and Muslims claiming the rights over the small piece of land where the mosque once stood.
- Hindus believe that their deity Ram was born on the very spot the mosque stood and that a temple that celebrated his birth was demolished by a Mughal general. The Supreme Court's mediation panel, which includes Justice FM Ibrahim Kalifulla, spiritual guru Sri Sri Ravi Shankar and senior advocate Sriram Panchu, was set up in March and since then it has met litigants, hundreds of religious personalities, including 300 imams, and members of civil society.
- The panel has been directed to submit its report by July 18. Given the sensitivity of the case, the Supreme Court has barred Indian media from reporting deliberations. "A majority of the Muslim litigants have decided to settle this dispute by giving up the claim on the mosque site and allow construction of a Ram temple. There is a consensus that the dispute is a dead horse and [there is] no point in flogging it," a source told *Gulf News*. This source spoke to *Gulf News* on the condition of anonymity.
- "A consensus is evolving among Muslims that this is the best chance to settle the dispute. The first signal of their changing stance came during a meeting of [the]

media panel in May when members of [the] Muslim Personal Law Board hinted at handing over the outer courtyard of the mosque to Hindus,” the source added.

- Earlier, a prominent Muslim cleric from Lucknow, Maulana Salman Husaini Nadwi, had sought a resolution.
- “The only way of resolving the problem was to shift the ‘masjid’ (mosque) from the disputed site with an assurance and undertaking for the protection of all [other] mosques in the country. The peace treaty signed by the Prophet [Mohammad; PBUH] (known as Hudaibiya Pact) is a shining example on how to avoid conflict and clash. Mosques have been relocated and shifted in the past. Why are Muslims giving up their claim?”
- “I have noticed big a change in perception among Muslims in the last 20 years and they believe that Babri is no longer an issue of life and death,” prominent Muslim businessman Zafar Sareshwala remarks
- “Muslims are not under any illusion of getting a favourable court verdict,” he said, explaining why Muslims believe that the mediation panel is the best way to settle the row.
- A settlement of this dispute “will end the discord between India’s Hindus and Muslims to an extent”, he said. The parties engaging with the mediation panel “must build a consensus among the community, and the terms and conditions of the settlement must be explicitly stated,” he said. Muslims must get an assurance that once the Ayodhya dispute is settled, no other issue will be raked up, he added.

What are Muslims expecting in return?

- “One, they want the Places of Worship (Special Provisions) Act, 1991, to be made watertight by a guarantee from the Supreme Court. This law prohibits conversion of any place of worship and provides for the maintenance of the religious character of any place of worship as it existed on August 15, 1947,” one leader said.
- Secondly, he added, the community should be allowed to pray at the 600 places of worship that are under the custody of Archaeological Survey of India (ASI).
- “Some members of Muslim civil society suggested reservation for Muslims in education but the mediation panel’s mandate does not cover socio-economic issues impacting the community,” he explained.

What will happen next?

- The Supreme Court will hear the case on July 18 when the mediation panel is expected to submit a progress report. The panel has sought time until August 15 to submit its final findings.
- “Our deliberations with the mediation panel have been good so far and we are hopeful for a solution if the panel is allowed to continue till August 15. But if the panel is dissolved then we are ready to fight the case in the court.
- “Right from day one, Muslims were not adamant, they wanted a peaceful solution. I cannot divulge more as I am duty bound by the Supreme Court order.” Another source, who attended the talks, said the media panel’s progress report is likely to include written assurances from key Muslim litigants giving up the claim on the site.

“I believe the panel will circulate the draft of the progress report for their signatures and then it will be up to the Supreme Court to decide the next step,”.

Q23. Discuss the paradigm shift in India’s foreign policy with reference to the changes brought by the new government.

Ans) There have been some significant changes in foreign policy approach of this new government

1) **Neighborhood first policy:** India had some or the other issues with almost all our neighbors. It began with invitation of SAARC leaders to swearing in ceremony of the PM This approach has yielded some significant benefits such as passing of Land Boundary Agreement leading to better relations with Bangladesh, Improved India-Sri Lanka relations shown by release of Indian fishermen and those arrested on charges smuggling. Proactive disaster relief to Nepal after Earthquake.

2) **Non Alignment to Multi-Alignment:** The shyness has been replaced by pro-activeness in foreign policy. Greater cooperation with Japan, US, Australia to counter the Chinese influence in our backyard. This is also reflected in cooperation with countries such as Vietnam and including Japan in Malabar exercise.

3) **UNSC:** Renewed vigor in working to get Permanent membership in UNSC. New approach has been to show Permanent membership is a right to country that is home to 1/6th of global population and not just that it deserves it.

4) **Connecting with Diaspora:** Most of PM’s visit abroad had greater interaction with Indian diaspora in that country.

5) **Soft Power push:** International Yoga day was a classic example of using soft power.

Q24.) To what extent the newly promulgated constitution in Nepal is inspired by Indian constitution?

Ans) The newly promulgated Nepalese constitution was inspired by Indian constitution to a major extent, but not completely. The following provisions would explain this.

Nature of the State – Similar to India, Nepal is also multi-religious, multi-linguistic, multi-ethnic country. So, the sovereignty and authority of the state is vested in the people. Besides the common features like Secular, Socialist, Democratic, Republic etc. the Nepalese constitution went ahead and included “sustainable peace”, “good governance”, and “inclusive state”.

- Legislature – Similar to India, it is also bicameral. But, it has novel provisions like reservation to women, election based on both First past the post and Proportional Representation systems.
- International treaties – There is no influence of India on this aspect. Nepal has incorporated the provision that international treaties are to be passed by 2/3rd majority in the Parliament.
- Fundamental Rights – In this regard, most of the rights incorporated are influenced by India. However, Nepal is far ahead and brought up new rights like “ancestral

property to women”, “sexual orientation” is recognized in right to equality i.e. rights to LGBT, “polluter pays principle” incorporated (right to clean environment) etc.

- Other provisions like single citizenship, single integrated judiciary, constitutional bodies etc. are more or less influenced by Indian constitution. Thus, the extent of influence of Indian constitution is only limited.

Q25. Critically examine the impact of coalition-politics on the Indian Political System. Make a case on the need for cooperative federalism in today’s world.

Ans) The slow decline of national parties and emergence of regional parties led to the evolution of coalition politics in India. Its influence on Indian Political System is one of degree than of kind.

Democratic Base :Providing representation to regional and sectoral groups strengthens democracy. But, post poll alliances do not necessarily represent people’s will.

Policy formulation :Prevents extreme measures and checks tyranny through consensus based politics. At the same time leads to policy paralysis, suppression of individual dissent through whips

International Relations :Considers the regional stake holders in formulating foreign policy but can adversely affect foreign relations. Ex – West Bengal delaying Teesta pact with Bangladesh.

Accountability :While increasing intra-alliance accountability, it also provides opportunities for corruption – defection for want of share in executive power

Government formation :Assists formation of government in case of hung assembly and prevents expensive electoral process. But such governments are threatened by instability.

Representation of regional parties in Central government assists co-operative federalism where strong center supports strong states and vice versa.

14th Finance commission recommendations, NITI Aayog and Interstate councils stress the importance of co-operative federalism as it ensures – collective responsibility for solving conflicts. – dispersion of power to provide multiple access points to affected citizens. – effective policy formulation through negotiations and implementation through greater financial devolution.

Q26.) Trace the structural changes in India’s foreign policy since independence.

Ans) Structural changes in India’s foreign policy since independence can be viewed in polity, economy, defence and federal.

Polity-During the Nehruvian era, the foreign policy was based on the political ideas of non-alignment, “idealism”, peace and cooperation. Post Nehru, a gradual shift from mix of idealism-realism to pure realism was witnessed.

Defence-Nehru believed in international peace under UN, and neglected defence development. This has costed us 1962 China war. Later, Lal Bahadur Shastri govt undertook massive modernization of defence forces. India could successfully defend Pakistan in 1965 and 1971. Going forward, India witnessed nuclear tests twice – Pokhran 1 (1974) and Pokhran-II (1998).

Economy-Nehruvian era focussed on “self-sufficiency” and “import substitution”. India’s economic policy was largely influenced by Soviet Socialism and Five Year Planning. After

Cold-War, with the disintegration of USSR, India undertook LPG reforms and embarked upon free market capitalism.

Federal structural changes-With the increasing globalization and coalition politics, the foreign policy came to be hinged upon states' interests, unlike earlier when the Centre alone used to decide. From conflict politics arising out of states' personal interests, as witnessed in Teesta Deal, Tamil issue in Sri Lanka, India's foreign policy has gradually shifted to the centre stage of cooperative and competitive politics from states, as witnessed in Gujarat Vibrant Summit and Andhra Pradesh's Capital building with Singapore's assistance.

Q27.) "In the last two decades, Indian States have played a pivotal role in shaping her foreign policy". Comment.

Ans) In India, Centre has been shaping up country's foreign policy but off late States role in foreign policy has been increasing since last two decades which can be seen in following ways

1) Political:

i) Jammu and Kashmir has been the nodal point in shaping India's relation with Pakistan.

ii) Tamil Nadu -Sri Lanka : In relations with Sri Lanka and in skipping CHOGOM meet and UNHRC resolution India's stand has been greatly influence by aspirations and interests of Tamil Nadu .

iii) West Bengal-Bangladesh : Many agreements including recently concluded Land Boundary Agreement West Bengal played a pivotal role in influencing decisions.

iv) North East States are crucial for success of India's Look and Act East Policy.

2) Economic

i) States have been taking initiatives in economic development activities vis- a-vis foreign countries led to development of cities like Hyderabad ,Bangalore and recently Andhra Pradesh taking help of Singapore in finalizing master plan for its capital city.

ii) Migrants from Kerala send major part of remittances from the gulf countries and also have been instrumental in India maintaining friendly relations with the Gulf countries.

3) Social

i) China has signed sister city agreements for the better people to people contacts with following cities Chennai -Chongqing, Hyderabad -Qingdao, Aurangabad -Dunhuang.

Recent initiatives like Ministry of External Affairs (MEA), appointing a joint secretary for "Centre-State" relations for facilitating foreign investment reflects the increasing importance of States.

Q28.) India is called a Quasi-Federal state. Do you think that India would have been a more successful state if more powers were given to states and Its federal structure was strengthened?

Ans) Indian is quasi federal state with lot of differences among its federal units. Stark imbalances in terms of administrative ,political and economic lies with them. Though devolution will not bring a similar benefits for all, but what we can get by more power devolution is enumerated below:-

1. According to FFC recommendations , if financial devolution is done it will bring state's tailor made schemes rather than the CSS approach ,a single fit for all. The high administrative capacity and better infra will make state more successful by optimum use of

resources but for poor capacity state leakage, corruption and vested interest of state local machinery can avail no benefit.

2. Political and administrative autonomy to state were also recommended Sarkaria and Punchhi commission. It will make states more responsible and accountable. But to strengthen cooperative federalism , elaborate guidelines on the issue like on NIA and NIC should be there.

What can be done to complement the devolution of powers to states:-

1. More autonomy for states would be further devolved to local self government in long chain of decentralization. It will bring responsivity, sensitivity, efficiency and economy to make capacity of states to make India successful.

2.The more autonomy can be complemented by concern for poor states like 'special state category' and autonomous council on the line of Tribal and Hill council for specific under developed areas.

Thus India need a balance in devolving power though more autonomy as a reward to some states alongwith paternalistic behaviour to other. In case of Internal security and emergency conditions art 355 , art 356 could not be ignored rather a overriding structure on the line of US homeland security is already recommended by commission.

