



TRIPLE TALAQ

SOCIAL MEDIA ACCOUNTABILITY

**IASBABA'S**  
**FRONTLINE**  
**& IDSA**  
**BI-MONTHLY**  
**GIST**

IRAN-INDIA RELATIONSHIP

SOCIALISM, CAPITALISM AND  
ENVIRONMENTAL CONSERVATION

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# Triple Talaq judgement and its Criminalisation by Law

## GS 1

- Salient features of Indian Society

## GS 2

- Government policies
- Welfare schemes for the vulnerable sections

## Introduction

- The triple talaq judgment of the Supreme Court is a **partial victory** for Muslim women since it **declares instantaneous triple talaq as unlawful, but not unilateral triple talaq**.
- Even in the case of the former, it **does not declare instantaneous triple talaq as unconstitutional but only unlawful** and that is a significant difference.
- Indian courts, even in respect of legislated laws, have not been very encouraging when it comes to personal laws being challenged on the grounds of discrimination and dignity of women.
- The **only clarity** about the “triple talaq judgment” in *Shayara Bano v Union of India and Others* is that **instantaneous triple talaq has been struck down** by the Supreme Court

## Debate on the intervention of state in personal laws

### 1. Intervention by legislature

- Of course, there can be a debate as to whether the judiciary should at all intervene in matters of personal law or whether this should be left to the legislature.
- Even when it comes to the legislature, the issue would still be about **whether the legislature should step in only when the community demands it or should it even otherwise carry out its “obligation” under the fundamental rights so as to bring about reforms in religious practices and law**.
- When it comes to gender equality, the constitutional courts should and do have the power to strike down laws—personal or otherwise—which are arbitrary, discriminatory, or against the broader framework of Article 21, that is, against the dignity of women

## 2. Intervention by court

- Court **struck down talaq-e-biddat on extremely narrow constitutional grounds** when they had the opportunity to strike it down on a variety of grounds, making it a case of lost opportunity for gender justice
- **All the five judges agree that the only issue to be decided concerns talaq-e-biddat or what is commonly known as instantaneous triple talaq. They do not venture into the legality or constitutionality of other forms of unilateral talaq or other aspects of Muslim personal law such as polygamy.**
- The common meeting ground of **all five judges** (as accepted by lawyers on both sides) was **that personal laws can be challenged only if they have been legislated and not if they are purely in the realm of non-legislated practices.**
- It was also agreed by all sides that talaq-e-biddat was a pernicious practice. The question was whether it could be struck down by the Court.

### Debate linked to UCC

- When **most of the political parties** or fundamentalist groups **speak about a uniform civil code (UCC)**, they are **concerned with “uniformity” and not with “gender justice.”**
- **We can thus end up having a UCC which uniformly oppresses women.**

### Forms of Talaq

- **Talaq-e-biddat is practised only by Sunni Muslims and that too only those Sunni Muslims who belong to what is known as the Hanafi School.** Sunnis are the majority among Muslims in India and amongst them, an overwhelming majority belong to the Hanafi school.
- Under the **Islamic law, two other methods of talaq** are also recognised, namely ***talaqahsan* and *talaqhasan*.**
- **All the three forms of talaq are unilateral (that is, they do not require the consent of the wife)** and can only be exercised by Muslim men.
- **Talaqhasan and talaqahsan, however, are not instantaneous and require a certain time frame for them to become effective. They are also revocable during this time period**

### Earlier Views of Courts

- Initially, the courts were of the view that talaq-e-biddat, while being a pernicious practice, was legally valid. The argument was that “talaq-e-biddat was good in law but bad in theology.”
- In **Shamim Ara’s case**, the **apex court held talaq-e-biddat to be unlawful**. Supreme Court held that **since in instant talaq there is no scope for reconciliation, nor can reasons for such talaq be tested, such talaq would be bad in law**.
- The court also affirmed the earlier view of **Justice Krishna Iyer** that **the Muslim husband enjoys an arbitrary, unilateral power to inflict instant divorce does not accord with Islamic injunctions**.

### Women wanting divorce

- Muslim women** on the other hand have to take recourse to **Dissolution of Muslim Marriages Act, 1939** which **requires them to approach the court for divorce**.

### Powers of Constitutional Courts

#### 1. Outlawing a law

- Article 13** of the Constitution provides that all existing laws at the time of the Constitution coming into force which are inconsistent with the fundamental rights chapter of the Constitution, shall be void to the extent of inconsistency.
- Similarly, **in the future, no law which takes away or seeks to abridge any right conferred by the fundamental rights chapter shall be passed** in the future.
- Right to equality, right to non-discrimination, and right to life and liberty are part of the fundamental rights chapter.

#### 2. Definition of a law

- The **question that still remains is that while a law in violation of the fundamental rights can be declared as void, how do you define a law?** More particularly, the question is **whether personal law can be considered as “law” for being tested in the context of fundamental rights**.
- Article 13 (3) (a)** states that **“‘law’ includes any ordinance, order, bye law, rule, regulation, notification, custom or usage having in the territory of India the force of law.”** Therefore, even a custom or usage which is in violation of the fundamental rights can be declared as void or unconstitutional.

### Personal laws discriminatory to women

- It is important to remember that the **rights to pronounce talaq (instantaneous or otherwise) and to indulge in polygamy are rights only conferred on men and not women.**
- Similarly, **under Hindu law the father is declared as the natural guardian and only after him is the mother declared a natural guardian.**
- While courts (including the Supreme Court) are in no position to formulate a uniform civil code (gender-just or otherwise), **one expected the constitutional courts to strike down discriminatory aspect of the personal or family laws.** But by and large the high courts and Supreme Court despite giving regular homilies on equality of women, have failed to declare such laws as unconstitutional.
- This **opportunity has again been lost in the triple talaq case.**

### 1937 Shariat Act as a legislation?

- Since it is generally agreed that personal laws which had not acquired a legislative flavour, that is, **those personal laws not recognised through a legislation cannot be tested on the anvil of fundamental rights,** the first issue was whether Muslim personal law had at all been legislated or not.
- In effect this required **consideration on whether the Shariat Act, 1937 amounted to the Muslim personal law becoming, or being metamorphosed into legislation.**
- **According to Muslim Personal Law Board, the 1937 act was not meant for enforcing Muslim personal law which was enforceable in any case by itself but to do away with custom or usage which is contrary to the Muslim personal law.**

#### 1. Not a legislation

- **Justice Khehar (along with Justice Nazeer) and Justice Joseph held that the Shariat Act 1937 did not convert the Muslim personal law into a legislated enactment; that it remained uncodified and therefore could not be tested on the grounds of constitutional violation.**

#### 2. A legislation

- **Justices Nariman and Lalit held that all forms of talaq recognised and enforced by Muslim personal law are also recognised and enforced by the Shariat Act.**
- **According to Justice Nariman, the Shariat Act codified the Muslim personal law and therefore the provisions of Muslim personal law were liable to be tested on constitutional grounds and if found to be in violation of the fundamental rights chapter were liable to be struck down.**

- As the **three judges have held that Muslim personal law did not get codified, or to use their words metamorphosed into a legislation, and therefore could not be tested on the touchstone of the Constitution.**
- Justices Khehar and Nazeer concluded that in view of this, instant triple talaq which continued to be part of the personal laws could not be held unconstitutional.
- **Justice Kurian Joseph, on the other hand, while agreeing with Justice Khehar that the Shariat Act, 1937 did not codify Muslim personal law came to the conclusion that instant triple talaq was against the tenets of the Quran and was thus not part of the personal laws** and therefore at the highest amounted to custom or usage which was pernicious and not part of Muslim personal law and thus bad in law. **He therefore agrees on the fundamentals with the judgment of Justice Khehar but disagrees on the details.**
- **The prohibition here flows from the reading of the Shariat Act and not from applying principles of the Constitution of India.**

## Conclusion

### 1. Unlegislated personal laws tested through religion than constitution

- The judgment through majority holds that unlegislated personal law does not have to pass the constitutional test but is only required to pass the religious test. It is irrelevant whether such a personal law is discriminatory or against the dignity of women.
- As long as it can be shown that the particular law flows from religious tenets it is to be held as valid. **This is a major impediment for future actions, especially against non-legislated personal law,** which is what, according to the majority judgment, the Muslim personal law by and large is.
- The judgment **does not open the doors of judicial review in other matters of the Muslim personal law.**

### 2. Constitutional test for legislated personal laws

- On the other hand, the **constitutional test can be applied for legislated personal laws such as the Hindu Marriage Act, Hindu Succession Act, Parsi Marriage and Divorce Act, Christian Marriage and Divorce Law, Indian Succession Act,** etc, and this judgment add an additional constitutional test, namely, arbitrariness, for deciding the validity of such laws.
- The experience of Indian courts even in respect of legislated laws has not been very encouraging when it comes to personal laws being challenged on the grounds of discrimination and dignity.

## **Criminalisation of triple talaq**

- **Supreme Court has already declared, and correctly, that the practice of talaq-e-biddat, or instant divorce of a Muslim woman by uttering the word ‘talaq’ thrice, is illegal and unenforceable.**
- Its consequence is that the husband’s marital obligations remain, regardless of his intention in pronouncing it.
- The Centre’s proposal is to make **instant triple talaq an offence punishable with three-year imprisonment and a fine.**

## **Why Criminalization will not help women?**

### **1. Not a sufficient deterrent**

- It is **well established that criminalising something does not have any deterrent effect on its practice.**

### **2. Civil issues should not be criminalised**

- Since marriage is a civil contract, the procedures to be followed on its breakdown should also be of civil nature only
- **Civil character of children custody and allowance of marital law must be preserved.**

### **3. Alternate available**

- When **existing laws, under Section 498A of the Indian Penal Code or provisions of the Protection of Women from Domestic Violence Act, 2005, already allow the prosecution of a husband for inflicting physical or mental cruelty, emotional and economic abuse, and for deprivation of financial resources.**
- in the best interests of justice to Muslim women is to **invoke a secular law that already exists:** Protection of Women from Domestic Violence Act (PWDVA), 2005. Parliament should pass a law unambiguously stating that the very utterance of the words “talaq, talaq, talaq” would amount to “domestic violence” as defined in the PWDVA.
- PWDVA was conceived as a law that ensures speedy relief — ideally within three months — to an aggrieved woman: Right to stay in the marital home, protection against violence, right to maintenance etc

### **4. Maintenance and children future be affected in case of jail to husband**

- Criminalising it risks defeating the objective of preserving the husband's legal obligations, and the payment of maintenance.

#### Why criminalisation is necessary?

- The pro-criminalisation progressives maintain that the **prime intent behind enacting a stringent law is not to punish the offender but to act as a deterrent.**
- Also, the **fine amount under consideration could as well be awarded as maintenance or subsistence allowance.**

#### Connecting the dots

- **Should the state intervene in the personal laws of various religious groups to effect social reform? Critically evaluate.**
- **What are the legal consequences of the Supreme Court judgement on triple talaq on the constitutionality of personal laws? Explain.**
- **Is criminalisation of triple talaq good for the welfare of victim women? Examine critically.**

## Dalit Movement

#### GS 1

- **Salient features of Indian Society**
- **Social empowerment**

#### Caste and Democracy

***Dalit Women: Vanguard of an Alternative Politics in India*, by S. Anandhi and Karin Kapadia**

- **Karin Kapadia** notes that extreme inequality, both economic and social, has made parliamentary democracy an incongruity to the point that **formal democracy may even impede substantive democracy.**
- A critical reason for this is the **casteism that continues to pervade India's society, economy and politics.** and the additional fault lines created by patriarchy make matters considerably worse.

## Marginalisation of Dalit women

- The political and economic marginalisation of Dalit men has many adverse consequences, not only in their everyday material existence but in creating greater vulnerability to the pull of divisive and extreme right-wing politics.
- Dalit women may feel this adverse impact even more sharply because the injured “masculinity” of these men often finds expression in the ability to control “their” women through control of their actions, the incomes that they earn, their behaviour and through demonstrations of physical power in the form of violence.
- As **Anand Teltumbde** puts it “Dalit women represent victimhood of three types: the exploitations of class, caste and patriarchy”.
- Dalit women are disproportionately less educated, face larger gender pay gaps, are more likely to be in occupations such as scavenging and landless labour, and more likely to be forced into prostitution of various forms. They also have to deal with many different forms of caste and sexual oppression and even violence, beyond those faced by Dalit men or non-Dalit women.

## Deficiencies in dalit movement

- The mobilisation of Dalits on economic or deprivation issues is missing from the Dalit movements.
- Landlessness and lack of assets, apart from unemployment, undoubtedly are among the major challenges confronting youths in general and Dalit youths in particular. There is a need for **land reforms and job generation**, but these issues have been **absent in the majority of discourses** on dignity and self-respect.
- The assertion of the **right to choice in marriage is also yet to become a rallying point in Dalit rights** movements.

## Dalit women movement

- Dalit women have **no choice but to be political—not always in the conventional sense of being overtly engaged in a political process but in terms of the quotidian struggle to reform and transform casteist and patriarchal social consciousness.**
- To deal with the political and economic marginalisation of Dalit women, it is **necessary to recognise the significant differences among them not only according to socio-economic context, degree of education and occupation but also by subcaste.**
- A key concern is that of creating cross-caste unity among women of different Dalit castes.

- There is an ongoing process of feminisation of unfree labour whereby Dalit women workers are required to subsidise Dalit male labour and the new dignity of Dalit men.

## Economic issues of dalits

### 1. Nature of work

- The income source for nearly 60 per cent of S.C. households was from casual labour.
- On the other hand, the percentage of households (rural) with salaried jobs in government was a meagre 4.98 per cent.

### 2. Poor income

- According to the Socio-Economic and Caste Census of 2011, nearly 85 per cent of the highest earning household members in the S.C. category earned less than Rs.5,000 a month.

### 3. Banks apathy towards dalits

- Banks have been consistently refusing loans to the Scheduled Caste and the Scheduled Tribe people.

### 4. Land acquisition

- Land sale and acquisition have made it worse for the landless.
- The Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Bill of 2013 has specific clauses with regard to compensating all those dependent on land acquired for public or private purposes.
- It was amended substantively in 2015, expanding the ambit of acquisition for specific purposes and diluting the mandatory social impact assessment required in certain cases of acquisition. The amendments also ensured that irrigated multi-crop land could be acquired for five new categories—defence, rural infrastructure, housing, industrial corridors, and infrastructure and social infrastructure.

## Implementation of schemes critical for Dalit welfare

### SHGs and Dalit women

- **Isabelle Guerin and Santosh Kumar** describe how strategies like **encouraging microfinance for women fail to genuinely empower the most marginalised women because of inadequate recognition of caste realities.**
- Self-help groups of women remain sharply divided by caste, and often staff of NGOs dealing with microfinance try to exploit these differences for their own purposes rather than attempting to overcome them. It is found that senior-level non-Dalit directors and staff of microfinance NGOs decide, on the basis of their own prejudices, that Dalit women do not deserve either their respect or their microcredit loans.
- But some Dalit women who are targeted and chosen for their mobilisational skills are able to benefit and they effectively become gatekeepers in a local chain of patronage.

#### **Fund allocation for schemes for dalits and tribals**

- **Sub Plans for S.Cs and S.Ts were replaced with general Allocations for Welfare of Scheduled Castes and Scheduled Tribes in 2016.**
- The **Jadhav guidelines** (a task force set up by the **Planning Commission in 2010 under the chairmanship of Narendra Jadhav to review guidelines on S.C. and S.T. Sub Plans**) specifies how departments are supposed to allocate funds.
- But the guidelines are being flouted.

##### **1. Post-matric scholarships for Dalit and tribal children**

- It **addresses the extent to which the government helps Dalit students gain access to education** by awarding scholarships
- There has been **inadequate funding** for the scheme over the years has resulted in the accumulation of huge pending arrears of various States and that the arrears up to 2016-17 had accumulated to more than Rs.8,000 crore.
- Against Rs.11,407 crore required to be allocated in 2016-17, including for the payment of arrears, only Rs.2,791 crore was allocated. In 2017-18, this was raised to Rs.3,347.99 crore, an increase of Rs.556 crore, despite a department-related standing committee recommendation for an increase in the budget.
- States such as **Jharkhand, Arunachal Pradesh, Assam, Rajasthan, Karnataka, Maharashtra, Meghalaya and West Bengal did not receive any allocation for scholarships for tribal students (classes nine and 10) in the Budgets of 2015-16 and 2016-17.** The post-matric scholarships for S.T. students were somewhat disbursed by the Centre in 2017-18, but the total amount sanctioned for the year was Rs.60,813 lakh less than what was allocated in 2016-17.
- Funds released for strengthening education among S.T. girls in low-literacy States showed an ad hoc pattern.

- No funds were allocated for Andhra Pradesh, Madhya Pradesh and Telangana for 2017-18. Jharkhand received no allocation for the years 2016-17 and 2017-18 and Arunachal Pradesh for the years 2015-16 and 2016-17. Chhattisgarh, a predominantly tribal State, received no funds in this category for 2015-16 and 2017-18.

## 2. Delay in payments of schemes under the Mahatma Gandhi National Rural Employment Guarantee Act

- It relates to a subsistence-based employment scheme for the poor and the landless, most of them Dalits and members of the OBCs as Dalits and OBCs comprise a significant proportion of the workforce under the MGNREGA.
- Under the Act, **if wages are not paid within 15 days of completion of a work week, the Centre has to pay a compensation for the delay.** The MGNREGA website showed that the Centre owed Rs.2,21,22,145 to workers in 2017-18 as “delayed compensation”.
- In September 2017, the **Central government blocked funds to 19 States as they had not submitted their audited accounts.**
- Among the total workers in the scheme, **S.C. workers constitute 20 per cent and S.T. workers 17 per cent.** The share of women employed under the scheme has gone up to 57 per cent, the highest in three years. Around 23 per cent of person-days were done by S.C. workers and 18 per cent by S.T. workers, which again, the government release said, was the highest in three years.
- The data showed that the **average number of days of employment per household had been coming down since 2013-14.** Nowhere was it close to 100 days as mandated under the Act.
- The number of **job cards issued was also nearly half of the total number of workers enrolling for work** under the scheme; this indicated that employment was scarce *vis-a-vis* demand.

### Connecting the dots

- **The social empowerment of dalits cannot be achieved without due emphasis on their economic issues. Examine.**
- **The dalit women witness disproportionate discrimination on many fronts. How does their empowerment require subtly different approach than other social movements?**

# Urban Issues

## GS 1

- **Urbanisation and challenges**

### Growing Urbanisation

- India's urban population, numbering about 377 million or **31 per cent** of its population as per Census 2011, is projected to grow to about 600 million (40 per cent) by 2031 and 850 million (**50 per cent**) by **2051**, according to a forecast by the Ministry of Urban Development.
- Thus there is a need for effective and efficient policy making to meet challenges such as demand for basic services, infrastructure, jobs, and affordable housing.

### State wise distribution of urbanisation

- **By 2030**, the key States of **Maharashtra, Tamil Nadu, Gujarat, Karnataka and Punjab will see more than 50 per cent of the population living in cities.**
- Cities will also dominate the States' gross domestic product in several key States.
- As of **2011**, **Tamil Nadu had the highest number of statutory towns in the country (721)**, followed by Uttar Pradesh (648), Madhya Pradesh (364), Maharashtra (255) and Karnataka (220). A statutory town is defined as any place with a municipality, corporation, cantonment board or notified town area committee.
- **Between 2001 and 2011, Kerala saw the highest growth in urban population**, which grew a whopping 92.3 per cent from 82.67 lakh to 1.59 crore. It was followed by Jammu and Kashmir (36.4 per cent) and Bihar and Gujarat (35.9 per cent). The growth for the entire country was 31.8 per cent from 28.61 crore to 37.71 crore.

### Urban flood

- There has been decades of misgovernance and poor urban planning which cause urban floods.
- **Overflowing drains, unregulated construction on natural drains and riverbeds, poor drainage systems and the disappearance of mangroves** reflect the state of planning which precipitated the devastating flood
- **Like in 2005, there was little coordination among state and local authorities and institutions in Mumbai.**

## Reasons

### 1. Faults in land use

- It is not just the **inadequacy of storm water drains**, but the root of the problem has been the **callous indifference of the authorities to the natural features that facilitate the absorption of excess water like mangroves, wetlands, salt pans, floodplains, lakes, tanks and open grasslands.**
- In every city, we see how **these natural sponges have been destroyed by changing regulations for land use that allow these spaces to be filled up and built over**
- In **Chennai**, which saw terrible **flooding in November 2015**, the airport stands on a **floodplain**; a **bus terminal has been built in a flood-prone area** and a **mass rapid transport system is being built on a major canal.**
- In **Bengaluru**, its famous **lakes** that provided water to the city and also acted as natural sinks to absorb excess water have been **encroached upon and have virtually disappeared.**
- In **Mumbai**, **mangroves have been destroyed to make way for high-end residential buildings** thereby ensuring that there is no barrier against sea-level rise in the future and frequent bouts of unusually heavy rainfall.
- Similarly, **Mumbai's salt pans that are environmentally crucial, are being considered for constructing so-called "affordable" housing, basically poorly constructed structures on land that are vulnerable to flooding.**
- In city after city, the interests of builders and realtors under the benign gaze of their political godfathers take precedence over long-term urban survival.
- Thus the **problem** as with so much else in India, is **not that of shortage of funds but of priorities**

### 2. Factor of climate change

- Interdisciplinary Centre for Water Research at the Indian Institute of Science, Bengaluru, which looked at rainfall patterns in Chennai, Hyderabad and Bengaluru, concluded that **climate change could be a factor in the increase in high intensity rainfall in these cities.**
- **Cities located by the sea are even more vulnerable because global warming is also leading to a rise in sea levels that would inundate these cities in the event of a cyclone, hurricane or a tsunami.**

### Poor worst affected

- **Urban poor settlements tend to come up in low-lying flood-prone areas.**

- They face **flooding even during normal monsoon days but when there is a cloudburst or a cyclone-like situation, they have nowhere to go.**

## Way forward

### 1. Improve land use

- We necessarily require **reassessing land use patterns, building codes and conserving mangroves and open unpaved spaces**

### 2. Citizen participation in local governance

- The only recourse is for citizens, who continue to pay the price for such blind and delusional planning, to assert their right to live in a safe and sustainable urban environment.

### 3. Robust disaster management

- In India, we have disaster management structures including the National Disaster Management Authority and their state and district counterparts.
- Though the approach is to strengthen disaster preparedness, mitigation and emergency response, we have not seen the effectiveness of this approach in practice.
- Disaster risk reduction needs to be mainstreamed and integrated across all sectors.
- Institutions need to be strengthened and capacity building needs to be prioritised.
- Additionally, funds are a major issue with the states struggling to divert their resources to address disasters

## Connecting the dots

- **Examine the pattern of state wise distribution of urbanisation in India.**
- **What are the fault lines in urban governance that India repeatedly faces the brunt of floods? Examine**
- **Discuss the ways through which vulnerability of certain groups in cities be reduced to disasters.**

# Socialism, Capitalism and Environmental Conservation

## GS 1

- Socialism and Capitalism

## GS 3

- Environmental conservation

### Marxian ecology

- John Bellamy Foster is best known for his contributions to **Marxian ecology**. He has been influential in reinterpreting Marxism for its ecological concerns, particularly the writings of Karl Marx.
- His famous article “Marx’s Theory of Metabolic Rift”, published in *American Journal of Sociology*, introduced the **concept of “Metabolic Rift”, which was the term Marx coined to capture the process of destructive changes in the relationship of man with nature under the capitalist system.**
- According to Foster, the world environmental crisis is a systemic crisis, a product of capitalism, and requires systemic changes in the capitalist system. He says that environmental sustainability is incompatible with capitalism.
- His book *The Vulnerable Planet: A Short Economic History of the Environment* has received international attention for its focus on how the present environmental crisis is closely related with and is a part and parcel of the capitalist economic system.
- Relying on his anti-capitalist critique, based on materialist interpretations of the human-nature relationship, Foster stresses the imperative for a **sustainable, socialist alternative.**

### Romantic environmental thinkers vs Marx

- Rousseau’s idea of the return to nature and the Romantic poets like Shelley and Wordsworth or early conservationists like Thoreau—evoked a kind of “back to nature” argument. This was mainly a point of emphasis, in response to the extremes of bourgeois society, rather than an actual call to revert to some earlier form.
- Nevertheless, you are right that **Marx’s approach to ecology owed much less to the Romantics than to the materialist science** of his day, which was beginning to

develop ecological notions and to perceive the destruction in the impact of the capitalist economy on the environment.

### Why Capitalism and environment not compatible?

- As Marx put it, the rule under capitalism is “Accumulate, Accumulate! That is Moses and the Prophets!”
- Under this system, nothing else really matters except the **accumulation of capital on an ever-increasing scale, which requires unlimited exponential economic growth.** This **also requires the commoditisation of everything in existence**, reducing the world to the logic of the cash nexus.
- The result is **ruptures or rifts in the biogeochemical processes of the planet**—a problem that Marx conceived, much like system ecologists do today, as a metabolic rift.

### Capitalism and Technology

- It is argued that Capitalism has been bringing about many technological innovations with unprecedented speed, which could bring a solution to the environmental crisis.
- It is not capitalism, in the sense of a system of private accumulation.
- The biggest innovations of our epoch are in communications and information technology, now extending to robotics. The breakthroughs in these technologies, like the **Internet or drones, were a long time coming and were primarily the products of military research under conditions entirely insulated from private accumulation.**
- **When it comes to addressing the ecological rift in the Earth System, none of these technological advances help very much.**
- **Production technology is implemented on a capitalist basis, so if it increases efficiency in inputs (or outputs), this is simply used to expand the scale of the system as a whole in line with accumulation**
- We cannot possibly solve technologically is a way of safely perpetuating the goal of the present system, which is to promote unlimited exponential economic growth within the finite limits of the planet for the purposes of the accumulation of capital.
- Some say we can build carbon sequestration plants, which will pull the carbon out of the atmosphere and allow us to go on as before. But to do this globally at a level that would cut even 20 per cent of global emissions would require a worldwide carbon-sequestration infrastructure about 70 per cent bigger than the current fossil fuel complex that took generations to build—and that would put it on top of the current energy complex.

## Environment and Socialism

- The most important productive force, Marx made clear, is human beings themselves and the development of productive forces is about the **development of the division of labour**.
- Ultimately, Marx argued that the associated producers under socialism would need to **rationally regulate their metabolism with nature such that they conserved energy** and promoted the fullest development of the human potential. This cannot be interpreted as production for production's sake, or industrialism for industrialism's sake.

### Climate change denial

- Outright climate change denial, except for religious fundamentalists and those among the wider populace who are uneducated, is mainly a right-wing phenomenon promoted by **economic interests**.
- **Naomi Klein** was correct in *This Changes Everything* to say that climate change denial on the Right is entirely, and indeed quite openly, the outgrowth of a position that sees any attempt to mitigate global warming, or to place limits on the fossil fuel industry, as a **threat to capitalism and on a whole way of life centred on the fossil fuel industry**.
- In this respect, Naomi Klein declared that “the Right is right”, that the **movement to stop climate change is necessarily a movement for radical change and anti-capitalist**.

### Shared responsibility for environment

- Sharing responsibility for climate change is an issue of debate among countries. From the point of view of developing countries, the advanced capitalist countries are historically responsible for the alarming stage of climate change and hence should shoulder the burden. But developed countries demand a check on the development pattern of developing countries like China, which causes increasing pollution. The centre countries of the capitalistically advanced world are responsible for most of the cumulative carbon build-up in the atmosphere; they are the nations with the largest ecological footprints per capita; and they are the countries with the highest standards of living and the ones able to reduce carbon emissions most rapidly and with the least effect on their populations.
- These opposite stands make it impossible to work out any concrete measure to avoid the imminent dangers.
- The amicable **solutions are almost impossible unless social forces rise up from below**.

## Gandhism and environment

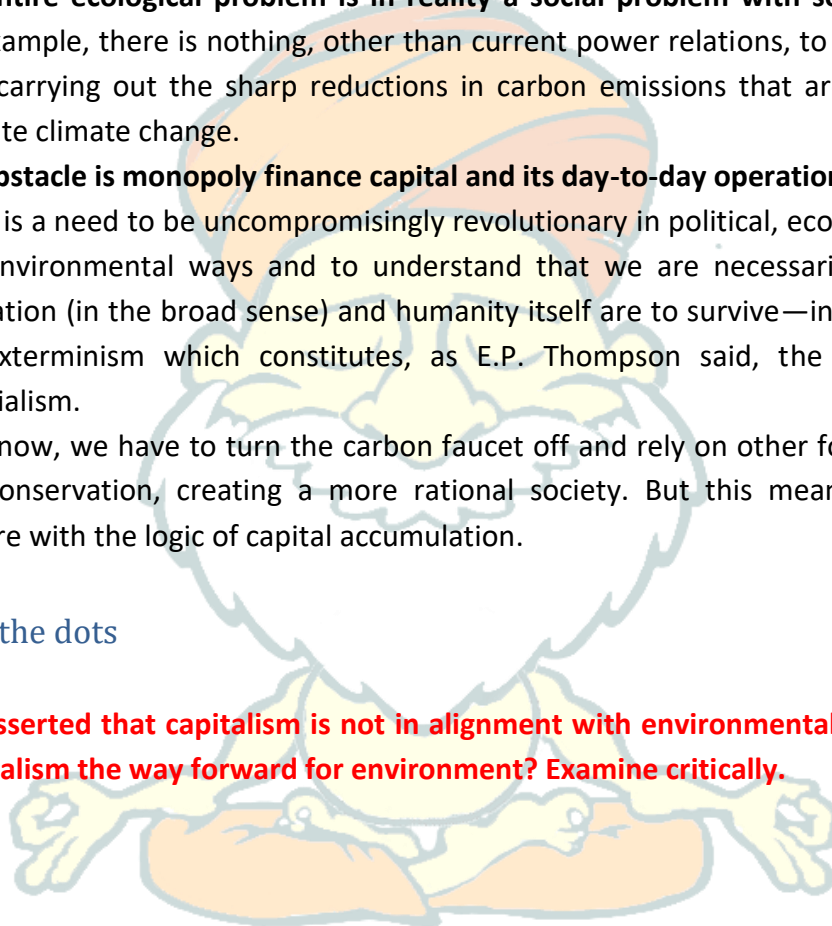
- Gandhian philosophy, which certainly is ecological in many ways, though the **solutions that it offers are not adequate for an industrial society.**

## Environmental movements all over the world

- There are no physical or technological obstacles to avoiding the environmental catastrophes that are approaching.
- The **entire ecological problem is in reality a social problem with social solutions.** For example, there is nothing, other than current power relations, to stop the world from carrying out the sharp reductions in carbon emissions that are necessary to mitigate climate change.
- The **obstacle is monopoly finance capital and its day-to-day operations.**
- There is a need to be uncompromisingly revolutionary in political, economic, cultural and environmental ways and to understand that we are necessarily engaged—if civilisation (in the broad sense) and humanity itself are to survive—in a conflict with the exterminism which constitutes, as E.P. Thompson said, the last phase of imperialism.
- Right now, we have to turn the carbon faucet off and rely on other forms of energy and conservation, creating a more rational society. But this means out-and-out warfare with the logic of capital accumulation.

## Connecting the dots

- **It is asserted that capitalism is not in alignment with environmental conservation. Is socialism the way forward for environment? Examine critically.**



# India – Iran Relationship

## GS 2

- India and its neighbourhood
- Bilateral and regional groupings and India's interests

### Introduction

- The **three-day visit of Hassan Rouhani to India**, his first after becoming President in 2013, is testimony that **India's "Think West" Policy, like its "Act East" Policy, is thriving and blooming.**

### India's engagement with West Asia

- Rouhani's visit will give a decisive shot in the arm to India's growing engagement with West Asia.
- Rouhani's visit came **close on the heels of an extremely productive four-nation tour undertaken by Modi to West Asia where he visited Palestine (the first by an Indian PM), Oman, UAE and Jordan** (in transit). The Kings of Saudi Arabia and Jordan are likely to visit India in the coming months.
- India is **one of the few countries to have warm and mutually beneficial relations on all sides of the divide in West Asia** including the Shia/Sunni split and the Iran/Israel rift.

### Significance of the visit

- This is Rouhani's second trip to India, his first having been in his capacity as National Security Adviser to then President Mohammad Khatami during the latter's visit as Chief Guest on India's Republic Day in **2003**.
- The significant and substantive "**Delhi Declaration**" providing a visionary roadmap to bilateral relations was inked during that visit.

#### 1. Push to bilateral ties to higher level

- Rouhani's visit provided a welcome opportunity to the two sides to give a **vigorous push to bilateral ties in the areas of connectivity, energy, infrastructure, trade, investment, security, defence, culture and people-to-people contacts.**

- Rouhani's presence in India was evidence of the keen interest that both countries have in promoting bilateral ties and taking them to the next higher level.

## 2. Domestic pressure to alter Iran image for economics and politics

- Rouhani is under considerable pressure both on the domestic front, in political as well economic areas, and in the realm of Iran's international ties.
- He won a second term in 2017 on the rallying cry that the **nuclear deal or Joint Comprehensive Plan of Action (JCPOA) signed with P5+1 in 2015** would result in increased investment from foreign countries, improve production and productivity, bring in new technology, create more jobs and be beneficial to the common people. This unfortunately has **failed to materialise principally** because of the aggressive and belligerent posture adopted by President Trump against the nuclear Agreement. This has dissuaded foreign investors from venturing into Iran till the situation becomes clearer.

## Elements of Engagement

### 1. Connectivity

#### India's entry into Ashgabat agreement and TIR Covention

- Connectivity through Chabahar port emerged as one of the most significant aspects of bilateral Talks.
- **India's recent accession to the Ashgabat Agreement in which Turkmenistan, Iran, Uzbekistan and Oman are members, and to the TIR Convention** will help enhance its engagement with the region.

#### India's operational control of Chabahar and Afghanistan engagement

- **An Agreement was signed to provisionally hand over the management of Chabahar to India for the next 18 months.**
- **Trilateral Agreement on the use of Chabahar**, which was signed **during Modi's visit to Tehran in May 2016** in the presence of the **Iranian and Afghan** Presidents, has been put into operation in a little more than a year. India has invested USD 85 million in upgrading the first phase of the port from 2.5 million tons to 8.5 million tons.
- India has also committed to **construct the railway line from Chabahar to Zahedan, which is close to Zaranj on the Afghanistan-Iran border. For Afghanistan, it could prove to be, as Modi said, "a Golden Gateway."**

## Chabahar advantages over Gwadar

- Firstly, it is located in a **peaceful region** as opposed to Gwadar which is situated in a violent and terrorism prone province.
- The **possibilities for establishing manufacturing and downstream petrochemical industries in Chabahar** are much greater as ready, easy, **cheap natural gas is available in plentiful in Iran**.
- Above all, **Chabahar is a natural harbour** and can serve as the **sourcing point for the International North-South Transport Corridor** which has also been taken up much more seriously in recent years.

## 2. Energy

### Plants in Chabahar

- India will **set up "plants in sectors such as fertilizers, petrochemicals and metallurgy in Chabahar Free Trade Zone (FTZ)** on terms mutually beneficial to the concerned parties."
- This will be a win-win investment as it will **promote India's energy security while providing financial resources and employment opportunities to Iran**.
- These ventures will **also provide additional cargo and business for transportation**, both in and out, to Chabahar port.

### Farzad B gas fields

- **Discussions on the exploitation of Farzad B gas field**, which was discovered by an Indian consortium comprising OVL (ONGC Videsh Ltd), Oil India Limited and Indian Oil Corporation in 2007, have been **going on** for the last many years.

## 3. Trade and Investment

### Easy visa

- Both sides agreed to **facilitate issuance of visas to promote tourism and people-to-people contacts** between the two countries.
- It will be mutually beneficial if more businessmen and common people travel to each other's countries.

### **Avoid double taxation**

- The **Agreement on Avoidance of Double taxation** was signed to promote bilateral trade and investment.

### **Investment in Iran in Indian Rupee**

- India has also decided to permit Indian investments in Iran in Indian rupees. Currently, this facility is **available only for Bhutan and Nepal**.
- This decision, which has been taken in view of the absence of international banking facilities in Iran as also to skirt the uncertainty due to continuing pressure by the United States on Iran, will go a long way in facilitating Indian investments in several areas in Iran.

### **CII office**

- The opening of a CII Office in Iran last year can also be expected to give s strong boost to two way business and economic ties.

### **4. Defence and security**

#### **Terrorism**

- Bilateral cooperation in security, defence and fight **against terrorism** emerged as significant areas of discussion during Rouhani's visit.

#### **Extradition treaty**

- A **Bilateral Extradition Treaty** was signed

#### **Maritime cooperation**

- It was also decided to have enhanced cooperation in the maritime domain.
- The two countries "agreed to hold dialogue to look into measures for cooperation in defence sphere, including port calls by naval ships, training and regular exchanges of defence delegations."

## Challenges

### 1. Divergent views on Afghanistan

- Ensuring security and stability in Afghanistan, which is vital to peace in the region, poses a challenge to both India and Iran. Both countries desire peace in Afghanistan but their approaches are markedly different.

## Indian Position

- India maintains that there **cannot be a distinction between "good Taliban" and "bad Taliban."** It contends that terrorist attacks perpetrated by the Taliban and Haqqani network which enjoy safe havens in Pakistan are the root cause of the problem and that these groups cannot be a part of the solution.
- Moreover, it **views the presence of US troops as beneficial** since they maintain pressure on Pakistan to give up support for terrorist elements acting against Afghanistan.

## Iranian Position

- Iran's position is quite different.
- It **wants US troops to leave Afghanistan** as soon as possible.
- In addition, it has expressed readiness to **collaborate with Pakistan and China to bring the Taliban to the negotiating table.**

### 2. India's growing relations with Iranian rivals

- Other challenges in bilateral relations relate to India's growing ties with **USA, Israel, Saudi Arabia and UAE**, all of which are intractable rivals of Iran.

### 3. Iran ambivalence towards India's permanent seat in UNSC

- The language in the Joint Statement on India's interest in becoming a permanent member of the UN Security Council reads as follows: "**President Rouhani acknowledges the aspiration of India to play a greater role in international fora.**"
- This language is similar to that used in Joint Statements after meetings between Indian and Chinese leaders and is less than encouraging or satisfying.

## Conclusion

- Both India and Iran seem to have come to the conclusion that there are a **large number of areas in which their interests coincide and converge**.
- They **also recognize that they have divergent views on some issues**.
- They hence appear to have taken the decision to collaborate in spheres where they agree and hold frank and candid discussions on subjects where they have a difference of views while not allowing these issues to block or vitiate bilateral ties.
- The **seriousness of the two countries to strengthen bilateral engagement** is evident from the decision to "further intensify and diversify the existing high-level engagement through frequent and wider range of bilateral exchanges at all levels.
- In this context, "it was **decided to convene within this year** the meeting of the **India-Iran Joint Commission and all its Working Groups, Foreign Office Consultations, dialogue between defense and National Security Council structures of the two countries, Policy Planning dialogue, and to promote Parliamentary exchanges.**"

## Connecting the dots

- **India and Iran are engaging in comprehensive partnership despite divergence on certain issues. Analyse.**

Best Wishes!

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