

1. How does the legislature act as an instrument for enforcing government accountability? Explain with the help of suitable examples.

सरकारी जवाबदेही को लागू करने के लिए विधायिका एक साधन के रूप में कैसे काम करती है? उपयुक्त उदाहरणों की सहायता से समझाएँ।

Demand of the question:

It expects students to write about the ways in which the legislature acts as an instrument for ensuring government accountability along with suitable examples.

Introduction:

The Constitution provides for the legislature to make laws, the government to implement laws, and the courts to interpret and enforce these laws. While the judiciary is independent from the other two branches, the government is formed with the support of a majority of members in the legislature. Therefore, the government is collectively responsible to Parliament for its actions.

Body

This implies that legislature (i.e. Lok Sabha and Rajya Sabha) can hold the government accountable for its decisions, and scrutinise its functioning.

- **Collective responsibility:** Executive or Ministerial responsibility to Parliament or what is often termed legislative control over the Executive is based on Article 75- the constitutional provision of collective responsibility of the Council of Ministers to the popular House of Parliament.
- **Threat of 'no confidence' over poor policy decision:** The House may at any time decide to throw out the Government by a majority vote i.e. if the ruling party loses the support of the majority of the members of the House. Want of parliamentary confidence in the Government may be expressed by the House of the People by passing a substantive motion of no-confidence in the Council of Ministers.
- **Financial accountability:** Financial control is a critical tool for Parliament's authority over the executive hence finance committees (Public Accounts Committee, the Estimates Committee and the Committee on Public Undertakings) are considered to be particularly powerful. Parliament's control over the Budget through budget demand, capacity to refuse to vote supplies or of defeating the Government on a financial measure. In first session of 17th Lok Sabha, 11 of the 22 Bills have been passed without scrutiny by parliamentary standing committees, which indicate loosing legislative oversight on law making.
- **Procedural devices:** The various procedural devices like Questions, Calling Attention, Half-an-Hour Discussion, etc. constitute very potent instruments for effecting parliamentary surveillance over administrative action. During Question Hour, MPs may pose questions to ministers related to the implementation of laws and policies by the government. In the 16th Lok Sabha,

question hour has functioned in Lok Sabha for 77% of the scheduled time, while in Rajya Sabha it has functioned for 47%. A lower rate of functioning reflects time lost due to disruptions which reduces the number of questions that may be answered orally.

- Reflection of public opinion: Significant occasions for review of administration are provided by the discussions on the Motion of Thanks on the President's Address. Specific matters may be discussed through motions on matters of urgent public importance, private members' resolutions and other substantive motions. Members are free to express themselves and to say what is good for the country and what modifications are required in the existing policies.

In a Parliamentary form of Government, such as we have, the function of Parliament is to legislate, advise, criticise, and ventilate the public grievances; and that of the Executive, to govern.

Under the Constitution of India to maintain accountability,

- The relationship between the Executive and the Parliament should be based on mutual trust and confidence.
- Parliament has almost unlimited right of information and criticism ex post facto and the Executive has likewise unlimited right to initiate and formulate proposals and policies and to give effect to the approved policies, unfettered and unhindered.
- In essence, Parliament must respect the Executive and the Executive must feel parliamentary influence all the time.
- So long as this equilibrium is maintained, there is every reason to believe that the government of the country will be carried on in accordance with the wishes of the people. The success of our system lies in our having in fact this happy balance and blending.

Conclusion:

Nonetheless, there is scope for increasing the accountability and strengthening the control of Parliament over the Executive. One of the proposals which is debated and canvassed is the use of the existing Committees on an increasing scale and extending the Committee System of Parliament. It is suggested that these are needed to oversee administration, to scrutinise the actions of Government, to collect, discuss and report, on actions and performance of Departments of Government.

2. In philosophy and essence, the fundamental rights are similar to the bill of rights enshrined in the US constitution. Elucidate.

दर्शन और सार में, मौलिक अधिकार अमेरिकी संविधान में निहित अधिकारों के बिल के समान हैं। स्पष्ट करें

Demand of the question:

It expects students to write about the similarities between fundamental rights of Indian constitution and bill of rights of US constitution in essence and philosophy.

Introduction:

At the time of the framing of the Indian Constitution, a vision for the future society that we aspired to become and a blueprint of the nation whose borders were soon to come into existence; both these imperatives came together to constitute the Fundamental Rights Chapter, which still remains the beating heart of the Constitution.

Body:

| US case of bill of rights: | India’s fundamental rights: |
|---|--|
| Not originally part of US constitution. First Congress amended the Constitution by adding what became known as the Bill of Rights in ten amendments to the Constitution which still stands as both the symbol and foundation of American ideals of individual liberty, limited government, and the rule of law. | Part 3 of the Indian constitution consists of fundamental rights. It included rights for equality, liberty, freedom of speech, movement, religion. It also ensures protection from arbitrary detention, exploitation and protection for minority language and religions. |
| Most of the Bill of Rights concerns legal protections for those accused of crimes. | This part of Indian constitution is legally enforceable and these rights are protected against state action. |
| The first amendment, perhaps the broadest and most famous of the Bill of Rights, establishes a range of political and civil rights including those of free speech, assembly, press, and religion. | Ironically first amendment in India actually curtailed then fundamental right of right to property to ensure land reforms. |

Similarity in philosophy and essence:

- Two imperatives shaped India’s freedom struggle. The first was liberation from oppressive colonial rule. The British government was autocratic and repressive, treated Indians as subjects to be ruled rather than equal participants in government, and frequently resorted governing by arbitrary fiat rather than by the rule of law. Second imperative was the internal reforms to deal with social and economic inequality, caste system and untouchability.
- In response, Indian articulated a vocabulary of civil rights that would allow them to express their aspirations, engage in political and cultural dissent, and create a public sphere that would form the basis of self-government.

- Similarly colonies of immigrants in second half of 18th century in North America, in the war of independence fought against British government for civil rights and economic rights.
- Actually, Ideas of fundamental rights inspired from French revolution ideals of liberty, equality and fraternity. It took codified shape in US congress passed bill of rights. The core philosophy underlying fundamental rights was explained by Dr. Ambedkar in his last speech to the Constituent Assembly.
- Dr. Ambedkar observed that liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty would produce the supremacy of the few over the many. Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them.
- Federal polity: Federal nature and written constitution demanded codified common minimum rights enforceable by law to maintain unitary balance of constitution. Fundamental rights proved helpful over the course of time to strengthen national unity and integrity. It helped to fight regionalism in India like right to move to any part of country and settle. Similarly in US, it kept away forces of secessionism.
- Belief in the freedom of religion is also part of philosophy behind fundamental rights in both countries. India and US share positive secularism which addresses religious plurality and peaceful coexistence of all the religions.
- Individual centric nature of fundamental rights, priority of individual rights over community rights is another thread shared by bill of rights and fundamental rights.

However, fundamental rights differ from bill of rights in many aspects such as right to bear arms for self protection. Fundamental rights in India are not sacrosanct and clouded by reasonable restrictions due to violence witnessed in partition and aftermath. In recent time, national security act, UAPA and defamation cases used by state to curtail fundamental rights.

Conclusion:

Despite of restrictions and weak civil society to maintain enough surveillance on protection, fundamental rights make Indian constitution a transformative constitution. It transforms subjects to citizens, and brings ideas of freedom and equality into spaces they would otherwise never come. The task of future generation is to defend that precious heritage.

3. What are the factors leading to escalation of skirmishes to violent face offs between China and India at the borders? What are the strategic implications of the ongoing tension along the Indo-China borders? Comment.

चीन और भारत के बीच सीमाओं पर हिंसक झड़पों के बढ़ने के कारण कौन से कारक हैं? भारत चीन सीमाओं पर चल रहे तनाव के रणनीतिक निहितार्थ क्या हैं? टिप्पणी करें।

Demand of the question:

It expects students to write about the factors which led to escalation of skirmishes to violent face offs between China and India at the borders along with strategic implications of the ongoing tensions.

Introduction:

The deadly clashes at Galwan and the ongoing standoff between India and China on the ridges or fingers around the Pangong Tso are a metaphor for the wider conflict between the two countries over all the areas that Chinese strategy refers to as the five fingers of the Tibetan palm naming Ladakh, Nepal, Sikkim, Bhutan and North East Frontier province- Arunachal Pradesh.

Body:

First time, after the 1962 War, soldiers have died in clashes on the India-China border in Ladakh. The last deaths on the Line of Actual Control (LAC) were an ambush of an Assam Rifles patrol in Arunachal Pradesh by the Chinese in 1975. But the last real military engagement between the two armies was at Nathu La in Sikkim in 1967. But all these incidents were prior to the two countries signing, starting from 1993, various agreements for maintaining peace and tranquility on the border.

As the border between two countries remains undefined, overlapping claims of Line of Actual Control often led to skirmishes, pushing and face to face standoffs for days. However escalation of skirmishes into violent face-off is almost once in half century incident.

Factors leading to violent face-off:

- Premeditated and planned: As Galwan valley was accepted Indian area of border and there was no dispute over it from Chinese, but Chinese incursion on Indian side of the LAC in early led to standoff situation on various frontiers of eastern Ladakh. It seems that PLAGF merely following the orders of higher echelons to carry out expansionist policy. Planning on the other side evident in the timing of Nepal's cartographic adventure. Use of barbaric weapons like iron rods, steel spikes-embedded batons, cantina wire wrapped rods, etc. redolent of the medieval age. Similar skirmish took place on Pan Gong Tso Lake on May 5 was also seen use of improvised weapons by Chinese.
- Larger plan to push LAC: Chinese policy of creeping annexation that will surreptitiously realize for Beijing its territorial claims to the fullest extent. On other border fronts of China have sunken Vietnamese fishing vessel in South China Sea, threats to Philippines and Indonesia and violent face-off with India comes in series of events unfolding recently. It suits the Beijing dispensation to keep the border undefined and to string Delhi along with promises of dispute resolution in the Special Representatives forum.

- CPEC at stakes: Beijing, mindful of the China-Pakistan Economic Corridor, its gateway to the warm water port in Gwadar, being vulnerable to Indian military actions off the Karakorum Pass, moved to pre-empt India from utilizing its new road (Darbuk-shyok-Daulag beg oldie) for the purposes of interdicting CPEC traffic by all but annexing the Galwan Valley areas deep inside the Indian claim line and, in fact, acquiring the location and the means to counter potential Indian pressure on CPEC.
- Violent face-off to check Indian resolve: As India has limited option vis-e-vis china as both countries are nuclear armed and largest by population in the world. China might want limited war to revive nationalism among domestic audience which is already humiliated by the criticism from the global community for COVID-19 pandemic.
- Challenge to the XI Jinping's leadership from PLA: It might be the Chinese military that wants to teach lesson to India rather than sanction from the highest authority as the popularity of XI in China has been on decline since the situation of pandemic.
- Situational misjudgement of border troupes on the clash sight: Violent face-off might be the situational misjudgement of border troupes during de-escalation execution. Chinese soldiers might have misread the agreements of de-escalation.
- Too much time given to military diplomacy: As the standoff continued for more than month, diplomacy at higher level should have come into picture. By various reports too much time was given to military diplomacy to resolve ongoing issue.
- Factors of terrain, climate: Violent face-off could have been reduced to physical injuries but the subzero temperature at the high altitudes up to 14000 feet, late night timing and delayed rescue might have aggravated the situation to the more violent level than it used to be.

Strategic implication of ongoing tension:

- Words at play: This is the first time India named china in direct criticism of its action since 1993. Statement from Indian foreign minister accused china as 'directly responsible' to the situation. India also threatened with serious impact on the bilateral relationship. However both sides have shown resolve to deescalate the situation and not commit itself to the ladder of escalation.
- India has already started increased scrutiny of Chinese investment, use of telecommunication equipments and contracts to Chinese firms in Indian infrastructure projects. India at the highest level could terminate trade with china as extreme strategic step to hurt China.
- At geo-strategic level Nepal has already raised ante with constitutionally changing map and Nepal Army chief visiting Kalapani area right after the day of violent face off in Galwan valley indicate actions in pattern. China might encourage Indian neighbours to look down at India.
- Expansionist China: Recent actions in Himalayas, expansionist and strong policies in Taiwanese strait, Hong Kong, South China sea are examples of

China's new foreign policy strategy of 'Wolf warrior diplomacy'. It could further polarise frontiers of china in upcoming times.

- Economic recovery of India will be another challenge amid pandemic to protect foreign investment which demands lowering of ante on china border, which will be strategic challenge for India.
- Once again need of 'two front war strategy' will come in picture and modernisation of Air force, which over long time facing acute shortage of fighter jets will be strategic challenge.
- Importance of Quad might increase in Indo-Pacific theatre to respond Chinese expansionism in Indian Ocean along with Himalayas. India's proximity with middle powers of European Union like Germany, France will be equally critical.
- Use of nationalism to push external policy objective: China's stress on using nationalism to push external policy objective demand coordinated global opposition at both diplomatic and military level as it reminds fascist tendency of Second World War.

Conclusion:

For time being, there is need to control domestic war horses and focus on tactical measures at border, Indian Ocean and international level. There is proof enough that now more than ever, as the government readies its hand on dealing with China; it must not lose sight of every finger in play with China.

