

1. What are the circumstances under which President's rule can be imposed in a state? Has the executive misused these provisions of late? Critically examine.

Approach

Define what is presidential rule in introduction. Then address what are the situations in which it can be imposed. In next part write how this provision has been misused by executives over the years. In next part write a reform based conclusion or a way forward which involves recommendations from committees.

Introduction:

President's rule refers to the suspension of state government and imposition of direct central government rule in a state. Article 356, which deals with president's rule, was adopted by the Constituent Assembly bearing in mind the abnormal conditions the country was passing through like communal riots, refugee influx, the Telangana armed rebellion and much else.

Body

Grounds for imposition of President's rule

- Article 356 states that President rule can be imposed in any state on grounds of failure of Constitutional Machinery, and failure is of two types:-
- If President on receipt of report by Governor of a State or otherwise is satisfied that a situation has arisen in which govt of that state can't be carried in accordance with the provisions of the Constitution then President Rule can be imposed.
- Article 365 states that every state shall comply with all directions given by Union on matters it empowers to do so. If any state fails to comply with directions of union then President Rule can be imposed.

In practice, president's rule has been imposed under any one of the following different circumstances:

- A state legislature is unable to elect a leader as chief minister for a time prescribed by the Governor of that state.
- Breakdown of a coalition leading to the Chief minister having minority support in the house and the Chief minister fails/will definitely fail to prove otherwise, within a time prescribed by the Governor of that state.
- Loss of majority in the assembly due to a vote of no-confidence in the house.
- Elections postponed for unavoidable reasons like war, epidemic or natural disasters.
- Article 356 states that the president can invoke president rule in a state on the report of the governor if the state machinery/legislature fails to abide by constitutional norms.

- If approved by both houses, president's rule can continue for 6 months. It can be extended for a maximum of 3 years with the approval of the Parliament done every 6 months. President's rule can be revoked at any time by the president and does not need the Parliament's approval.

Misuse of President's rule:

- Dr. Babasaheb Ambedkar had hoped that Article 356 would remain a "dead letter". A cursory glance at the data shows that this has been far from the truth. Sarkaria Commission notes that since independence, it has been used over 100 times.
- The discretionary power of Governor under Article 163 is one of the major reasons behind misuse of president rule in India because he/she has no binding to consult Council of Ministers while preparing and sending the report to President.
- It is one of the centralising provision of the Indian constitution and it is seen by many as a threat to the federal state system.
- 1970s and 80s will be remembered for the most spiteful use of Article 356. From the year 1971 to 1984, it was used 59 times with maximum being used in the period 1977-79 during which Morarji Desai government ruled.
- The frequency of using Article 356 has been greatly reduced since the mid-1990s despite an increasingly higher number of states being ruled by parties other than that in the central government.
- The mid-1990s was marked by the rise of regional parties which also rejuvenated other institutional safeguards – the courts and the President – against arbitrary imposition of Article 356.
- In 1994, the Supreme Court delivered the landmark SR Bommai judgment where the Court discussed at length provisions of Article 356 and related issues. This case had a huge impact on Centre-State Relations. The misuse of Article 356 reduced after this judgment.
- But recent times have seen an increase in the instances of use of provisions of article 356 as evident from Uttarakhand and Arunachal Pradesh states where the Supreme Court had to intervene eventually.

Recommendations of different committee on President Rule:

1. Sarkaria Commission

- The Commission noted that this Article has been misused in 90% of the cases for political purposes. So it recommends that:
- The President's Proclamation should include the 'reasons' as to why the State cannot be run as per the normal provisions of the Constitution.
- As far as possible, the Centre should issue a warning to the State government before resorting to the use of Art. 356.
- It should not be used to serve political purposes.
- Art. 356 should be amended so that the President be empowered to dissolve the State Legislature only after approval by the Parliament.

2. Punchhi Commission

- On the question of invoking Article 356 in case of failure of Constitutional machinery in States, the Commission would recommend suitable amendments to incorporate the guidelines set forth in the landmark judgement of the Supreme Court in S.R. Bommai V. Union of India (1994).
- The commission recommended provision of 'Localized Emergency' which means that centre govt can tackle issue at town/district level without dissolving the state legislative assembly while at same time carrying out duty of the Union to protect States under Article 355.
- It is however necessary that a legal framework for exercising the power of "localized emergency" is provided by an independent Statute borrowing the model of the Disaster Management Act, 2005 and the Prevention of Communal Violence and Rehabilitation Bill, 2006.
- Only exceptional situations which fall within the scope of "external aggression" or "internal disturbance" should be considered for the purposes of separate legislation under the mandate of Article 355.

Many other commissions and committees have also recommended that Article 356 should be used very sparingly and only as a measure of last resort. But till present provisions of President Rule has been misused by political parties for their own benefits such as recent example of Arunachal Pradesh.

Conclusion

India has come long way from its past when India was a newly independent country and was facing various crises from refugees, communalism, secession to dissent. In 21st century India is largest democratic nation and therefore to imbibe the democratic character in overall administration it is necessary to remove the arbitrary use of powers in areas such as imposing president's rule in states. Therefore there is need of reforms and reports of Sarkaria commission, Punchi commission and Venkatcheliah commission can be guiding light in this direction.

2. Do you agree with the assertion that the reporting hierarchy of investigation and intelligence agencies (e.g. CBI, IB, RAW, IT Department etc) create a platform for political vendetta? Critically comment.

Approach

Define what is political vendetta in introduction and contextualise with the demand of question. In next part try to put points on both side of the argument i.e supportive and contradictory. In conclusion take a stand based on your overall understanding of the issue as analysed in body part of answer.

Introduction

A ruling party misusing the investigating and intelligence machinery to selectively target their political opponents, by foisting cases against them is called as political vendetta. This has been alleged by every opposition whether at state or centre level that the investigating agencies are used to settle the political scores rather than focusing on areas of national importance such as corruption, terrorism, money laundry etc.

Body

Reporting hierarchy of investigation and intelligence agencies don't create a platform for political vendetta.

- **Criminalization of Politics:** Criminalization of politics was never an unknown phenomenon in the Indian political system. The people with Criminal background are entering the parliament; one of the main objectives of investigating and intelligence agencies of India is to minimize criminalization and corruption. In the process when these agencies are arresting a person it seems political vendetta.
- **Autonomy in decision making:** Most of the investigating and intelligence agencies in India have autonomy in investigating major criminal, corruption cases. These agencies work according to their code of conduct and not according political motives of the government or any political party. This shows that there is no platform for political vendetta.

Reporting hierarchy of investigation and intelligence agencies create a platform for political vendetta.

- **Honorable Supreme Court of India** pointed that the Central Bureau of Investigation (CBI) needs to be more independent when investigating high profile cases of graft, as the current administrative structure, with an overarching Executive, hampers the agency from doing its job. Dependence of investigating agencies on government order to conduct investigation of major criminal, corruption cases paves the way for Political vendetta.

- The ruling government has often been accused even by the judiciary of appointing higher rank officials including the director of shared political ideologies in these agencies creates platform for political vendetta.
- NIA had assumed jurisdiction over a Scheduled Offence even suo moto whereas the areas of policing and public order lie within the exclusive legislative competence of the States. The amendments to NIA act, 2008 provide sweeping powers to the police officers of NIA which can be misused for political vendetta.
- The recent controversy in use of Pegasus allegedly by the intelligence agencies to snoop on the opposition and dissenters underlines a institutional mechanism of misuse of power.

Reforms needed in investigative agencies.

- The intelligence agencies such as RAW and IB need to show their expenses to Supreme Court collegium or equivalent impartial authority to curb the arbitrary use of funds and bringing transparency and accountability.
- CBI needs to be made autonomous with a separate legislation rather than working on Ad hoc basis.
- The reforms spelled out in Prakash Singh case needs to be imperative to make police forces more objective.
- Appointment should be made in objective manner as done for the post of CVC.

Conclusion

Investigating and intelligence agencies are essential element in modern nation- state system where there is a need for constant surveillance against anti-national, anti-social and foreign forces to safeguard the nation. But when these agencies are used for political vendetta rather than for their intended purpose it leads to trust deficit for these in mind of citizens which doesn't bode well for a democracy. Therefore there is an urgent need for reforms in these institutions to make them objective, efficient and effective.

3. How is India countering the Chinese adventurism along the border regions? What long term strategy would you suggest to find a sustainable solution to the border disputes with China?**Approach**

Introduction can start with the current border standoff between India and china. In next part write what are the steps taken by India in border regions to tackle the threat of China and then go on to provide a longterm strategy to deal with china.

Introduction

The current Ladakh standoff which resulted in the death of over 20 Indian troops including a commanding officer is a stark reminder of India's fragile relationship with China. The incident has put the volatile nature of the LAC back in focus. With lack of trust hitting a high point after China's latest border transgression, the spotlight has shifted to how prepared India's military is to handle things in case the situation spirals out of control.

Body

The Line of Actual Control (LAC) that separates Indian-controlled territory from Chinese-controlled territory is 3,488 km long. The line is divided into three sectors: the eastern sector covers Arunachal Pradesh and Sikkim, the middle sector has Uttarakhand and Himachal Pradesh, and the western sector covers Ladakh.

Steps taken by India to counter Chinese Adventurism

- India has bolstered its road infrastructure along the Chinese border. This was one of the prime reasons for Chinese aggression in Ladakh area as it is losing its strategic hold .
- Air power : In Arunachal Pradesh, the Indian Air Force has operationalised six advanced landing grounds (ALGs) comprising Mechuka, Walong, Passighat, Ziro, Tuting, and Along. All these ALGs can be used to undertake special and heliborne operations. In fact, IAF's SU-30 fighter planes can be operated from these ALGs.
- IAF reactivated the Daulat Beg Oldie (DBO) airstrip in 2008 in eastern Ladakh. It is one of the highest landing grounds in the world, which can be used for big aircrafts of the IAF like the C-130J Super Hercules and the AN-32. There is a plan to have a full-fledged Air Force base in Ladakh in near future.
- With possible air challenges from China in mind, the Tezpur Air force station (Assam) has been specifically fortified with the right resources. It is located at a distance of 172 km from the China border and has two SU-30 MKI squadrons. A squadron of Akash Missile has also been inducted at this base and there is a plan to induct Brahmos missiles soon.
- Well-trained and acclimatised troops : India has immense experience of mountain warfare and time and again Indian Army has proved its mettle at the

world's highest battlefield, Siachen. Indian Army has set up Kargil Battle School in the Drass sector of Kargil district in J&K, which trains soldiers in mountain warfare.

- The Army follows a well-designed and tested soldiers acclimatisation programme before deploying them in forward locations, where they have to tackle frequent blizzards and sub-zero temperatures. On a regular basis, warfare exercises are conducted in the mountain region to keep them war-ready.
- The recent initiatives including Dhola-Sadiya bridge (Bhupen Hazarika Setu-9.2km-Connects Assam with Arunachal Pradesh) are a welcome step as they help bring down the travel time and as such, a military response time as well.
- A Brahmos cruise missile regiment is being deployed in Arunachal Pradesh. This clearly signals Indian intentions to China, that finds every opportunity to reiterate its sanction over the territory.
- Many abandoned airstrips in India are also being reactivated. Though thought-provoking, it is a step towards the right direction.
- A special force of India mountain corps has been deployed after special training to tackle china.

Longterm strategy to tackle China

- India must continue to insist on status quo ante bellum. China must be made to retreat to positions held by both the armies prior to the clashes in mid-May. This at present appears to be remote. Hence India did a quid pro quo and occupied dominating positions in disputed areas south of the Pangong Tso Lake, thus catching the People's Liberation Army by surprise.
- The economic sanctions imposed on China must be made more stringent and go beyond just banning popular mobile applications. The dependence on Chinese technology especially in the field of telecommunications must end at all costs.
- On the diplomatic front the Tibet card, though lost long ago, must be revived. At the same time India should be prepared to change its stance on the One China policy.
- India must establish diplomatic relations with Taiwan and de-hyphenate our relations from perceived sensitivities of China.
- China's hyperactive information warfare capabilities need to be de-fanged and we need to match them in this domain. Capabilities in this space along with cyber warfare need to be built.
- India's capabilities in the Intelligence, Surveillance and Reconnaissance are woefully inadequate. In spite this becoming apparent during the Kargil war of 1999, this important aspect has not been given due attention. This time too, we had very little early warning of the Chinese Army's movements.
- India must join the international community in highlighting China's failure to contain the deadly coronavirus and to target its dismal human rights record.
- India needs to do a lot more in the border management sphere. The agencies and forces operating on the Indo-China border must be put under single ministry. A dual responsibility between the Defence and Home Ministries is

counterproductive. The intelligence agencies need to do much more for synergy and passing of critical intelligence to major stake holders.

- The Indian naval presence in the Indian Ocean region needs to be increased. At the same time cooperation and synergy with other navies in the region must be enhanced as part of defence diplomacy. The belligerence shown by China in the South China Sea must be addressed as part of multi-nation naval task forces.
- India has adopted the US concept of a “free and open Indo-Pacific” and is now participating in the US-led Quad, an informal four-country grouping that also includes Australia and Japan, focused on countering China’s regional ambitions. Thus the foundations have been laid for a more substantive strategic shift in the Asia- Pacific region.
- The Indian Navy must aggressively patrol the Arabian Sea specifically areas around the Makran Coast and Gawadar port to hinder free movement of Chinese vessels engaged in carrying suspicious cargo for Pakistan. The clandestine supply of high-end technology in the nuclear field to Pakistan needs to be checkmated.
- India must take all possible steps to de-escalate to current military standoff. At the same time we should not come under any Chinese pressure and consent to the new alignment of the LAC. The employment of Special Forces comprising Tibetan migrants and the Ladakh Scouts must be exploited and can prove to be game changer at tactical levels. The people of Ladakh have stood strongly with India and this time too they are primed to give whole hearted support to our army.

Conclusion

India’s long-term goal must be to insist on the resolution of the boundary dispute. At the same time, our capabilities in the form of intelligence, surveillance and reconnaissance, infrastructure development, inter-agency coordination must continue towards building a strong deterrence. Therefore in the current situation India should focus on multi-pronged approach with emphasis on tackling China with global support.