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# CIVIL SERVICES ACHIEVERS' POINT

A ONE STOP SOLUTION FOR UPSC/APSC/SSC & BANKING

## EDITORIAL ANALYSIS

of

# THE HINDU

DATE – 7<sup>th</sup> July, 2021

For Preliminary and Mains examination

(Also useful for APSC and other government examinations)

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# CSAP

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## ➤ A death foretold

### Context

- **Father Stan Swamy**, an 84-year-old Jesuit priest, known for his **service and activism in the cause of Adivasis**, died **nine months into his unjust imprisonment on tenuous charges**.
- A death that was simply **allowed to happen despite being foretold by his deteriorating health in prison** will weigh on the country's collective conscience for long.
- His age and frailty drew **no sympathy from either the prosecuting agency or the trial court, which clung to the state narrative of there being grounds to believe that he was part of a Maoist plot to overthrow the government**.
- Despite being **a fit case for bail, he was denied bail**, mainly **due to the statutory bar on bail under the anti-terrorism law invoked against him**.
- The best the diffident judiciary could do for him was a spell of hospitalisation, even as the octogenarian pleaded that he be given interim bail to be with his friends or allowed to die in prison.
- The Bombay High Court did issue notice on his bail petition, observing that **he was entitled to bail**, but his end came in a hospital even before the matter could be taken up for final disposal.
- Much of the **blame and accountability for his death should be on the NIA, which perversely opposed his release**, and the court which could have granted interim bail weeks earlier.
- It was fairly obvious that his prison stay, especially during the pandemic, was detrimental to his well-being. A good two months elapsed between the High Court seeking the NIA's response to his bail plea on medical grounds and his death.
- The same court had intervened to grant interim bail to Varavara Rao, another elderly co-accused, holding that bail can be granted "purely on the grounds of sickness, advanced age, infirmity and health conditions", especially if incarceration amounted to endangering life.
- It is **systemic and institutional failure that another undertrial placed in similar circumstances did not get the benefit of this humane approach**.
- A pattern of institutional oppression can be seen in the events, from the denial of a sipper in jail to his death while in custody.

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- Two larger issues here are the questionable legality of the bail-denying feature of the **Unlawful Activities (Prevention) Act** and the **validity of the Bhima-Koregaon case itself**.

## Conclusion

- It is time the higher judiciary examined these; especially the attempt to link a simple case arising out of violence a day after the Elgar Parishad, a commemorative event held in Pune, and an alleged Maoist plot involving lawyers, activists and human rights defenders.
- To make matters worse, credible reports that some of the electronic evidence gathered in this case could have been planted remotely by malware were never investigated. The call for accountability for Fr. Swamy's death rings painfully true.

## ➤ Fresh stirrings on federalism as a new politics

### Context

- Between vaccine wars, heated debates over the Goods and Services Tax (GST), personnel battles like the fracas over West Bengal's Chief Secretary, and the pushback against controversial regulations in Lakshadweep, **is India ready for a new federal bargain?**
- The **Dravida Munnetra Kazhagam**, since taking office, has **begun to craft an ideological narrative on State rights, by re-introducing the term Union into the public discourse and pushing back against increased fiscal centralisation**.
- Is this renewed emphasis on federalism, a genuine opportunity for forging a new politics?
- Federalism in India has always had political relevance, but except for the States Reorganisation Act, federalism has rarely been an axis of political mobilisation. This was true even in the days of coalition politics when State politics mattered to national electoral outcomes.
- Fiscal and administrative centralisation persisted despite nearly two decades of coalition governments.
- Ironically, rather than deepen federalism, the contingencies of electoral politics have created significant impediments to creating a political consensus for genuine federalism. When confronted with entrenched centralisation of the present regime, the challenge is, ironically, even greater.

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## Nationalism on strong wicket

- First, the rhetoric of nationalism has greater political purchase.
- Ideologically, the **Bharatiya Janata Party (BJP)** has had relatively little patience with federalism as a device to accommodate India's multiple linguistic, religious, and ethnic identities.
- Post-2014, the BJP has couched its discomfiture with federalism in the grammar of development and nationalism, which has mass electoral appeal.
- To accelerate progress, India must become 'one nation, one market', 'one nation, one ration card', 'one nation, one grid'.
- In this framing, federalism as a principle necessary for negotiating diverse political contexts and identity claims risks being equated with regionalism and a narrow parochialism that is anti-development and antinational.
- Thus, a politics for deepening federalism will need to overcome a nationalist rhetoric that pits federalism against nationalism and development. This is a hard ask, especially because most regional parties have failed to uphold principles of decentralisation in their own backyard.
- Second, and relatedly, despite a rhetorical commitment to federalism, the politics of federalism has remained contingent rather than principled. As Pratap Bhanu Mehta has pointed out over the decades, federal principles have been bent in all kinds of ways to co-produce a political culture of flexible federalism — "federalism for me, but not for thee".
- Federalism in this rendition is reduced to a game of political upmanship and remains restricted to a partisan tussle rather than a regions' genuine demand for accommodation.
- Especially, when claimants of greater federalism often maintain silence on unilateral decisions that affect other States. Take for instance, the downgrading of a full-fledged State in Jammu and Kashmir into a Union Territory in 2019, or more recently, the notification of the NCT of Delhi (Amendment) Act, 2021.
- This blatant undermining of State's rights hardly witnessed protest by parties that were not directly affected by these.
- Upholding federalism requires political maturity and a commitment to the federal principle. This is lacking in Indian politics.

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## Divide among States

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- Third, the **increased economic and governance divergence between States**. Economic growth trajectories since liberalisation have been characterised by growing spatial divergence.
- Across all key indicators, southern (and western) States have outperformed much of northern and eastern India resulting in a greater divergence rather than expected convergence with growth. This has created a context where collective action amongst States becomes difficult as poorer regions of India contribute far less to the economy but require greater fiscal resources to overcome their economic fragilities.
- Glimpses of these emerging tensions were visible in the debates around **the 15th Finance Commission (FC) when the Government of India mandated the commission to use the 2011 Census rather than the established practice of using the 1971 Census to determine revenue share across States**.
- This, **Southern states feared, risked penalising States that had successfully controlled population growth by reducing their share in the overall resource pool**. The 15th Finance Commission, through its recommendations, deftly avoided a political crisis but the **growing divergence between richer and poorer States, remains an important source of tension in inter-State relations** that can become a real impediment to collective action amongst States. With the impending delimitation exercise due in 2026, these tensions will only increase.
- These challenges notwithstanding, the BJP's impatience with federalism affords an opportunity for regional parties to craft a new federal bargain. At one level, the BJP's homogenising ideological project risks creating new forms of cultural alienation and associated regional tensions as occurred during the Citizenship (Amendment) Act protests in Assam.
- There is a very real possibility of the emergence of new forms of regional sub-nationalism, glimpses of which were visible during the recent Assembly elections particularly in West Bengal.

## Fiscal management

- The **realities of India's macro-fiscal position risk increasing the fragility of State finances**. **Weak fiscal management has brought the Union government on the brink of what economist Rathin Roy has called a silent fiscal crisis**.
- The Union's response has been to squeeze revenue from States by increasing cesses. Its insistence on giving GST compensation to States as loans (after long delays) and increasing State shares in central schemes.
- The pandemic-induced economic crisis has only exaggerated this. Against this backdrop, if harnessed well, both sub-nationalist sentiments and the need to reclaim fiscal federalism create a political moment for a principled politics of federalism. However, there are risks along the way.

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- As Suhas Palshikar has argued, the politics of regional identity is isolationist by its very nature. An effort at collective political action for federalism based on identity concerns will have to overcome this risk.
- On the fiscal side, **richer States must find a way of sharing the burden with the poorer States**. States will have to **show political maturity to make necessary compromises if they are to negotiate existing tensions and win the collective battle with the Union**.
- An **inter-State platform that brings States together in a routine dialogue on matters of fiscal federalism could be the starting point for building trust and a common agenda**.
- The seeds of this were planted in the debates over the 15th Finance Commission and the GST.
- Finally, beyond principles, **a renewed politics of federalism is also an electoral necessity**. No coalition has succeeded, in the long term, without a glue that binds it.
- Forging a political consensus on federalism can be that glue. But this would require immense patience and maturity from regional parties. Are they up to the task?



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## ➤ Vacancies send a wrong signal

### Context

- The vacancies in the Central government and the States in recent years have had a deleterious effect on governance. For months on end, top slots in important government agencies remain vacant. Delays in promotions and appointments not only affect the organisations but also tend to demoralise the officials who await promotions after vacancies arise.

### Posts waiting to be filled

- The post of the [Chairman of the National Human Rights Commission](#) was kept vacant until June this year even though the previous Chairman, H. L. Dattu, retired in December 2020.
- The post of the [Director of the Central Bureau of Investigation \(CBI\)](#) too was kept vacant until the recent appointment of [Subodh Kumar Jaiswal](#). The post had been vacant since February after Rishi Kumar Shukla retired.
- The Chief Election Commissioner (CEC), Sunil Arora, retired on April 12 amidst an aggressive election campaign and polling in West Bengal and four other States this year leaving just two members in the Commission. One of them became CEC by virtue of his seniority in the Election Commission.
- In case of a disagreement on any issue between the two of them, a solution would have become difficult.
- The Centre appointed [Anup Chandra Pandey](#) as the new Election Commissioner in June.
- Meanwhile, the Association for Democratic Reforms (ADR) has filed a public interest litigation in the Supreme Court [demanding the appointment of Election Commissioners by a committee, as is done in the case of appointment of the Director of the CBI, and not by the Centre as is the case now.](#)
- ADR has referred to the [255th Report of Law Commission that had recommended that Election Commissioners be appointed by a high-powered committee.](#)
- Though the high-powered committee [headed by the Prime Minister](#) has two members – [the Chief Justice of India and the Leader of the Opposition in the Lok Sabha](#) – the Opposition leader has little say in the selection process.



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- If the Prime Minister decides on a candidate and the CJJ consents, the Opposition leader's dissenting note carries no weight.
- There is a need, therefore, **to expand the high-powered committee to include at least two more members of eminence with proven integrity for the selection process** – preferably a retired police officer and a Chief Minister of a State governed by a party other than that of the party of the Prime Minister.
- After Hrushikesh Senapaty's retirement in November last, the National Council of Educational Research and Training, which is largely responsible for chalking out the education policy of the country, is headless. Of the 40 Central universities across the country, nearly half are without regular Vice-Chancellors.
- Rakesh Asthana assumed additional charge of the Narcotics Control Bureau (NCB) from December 2019. After his appointment as Director General (DG) of the Border Security Force in August last, he continues to hold charge of the NCB as DG.
- Kuldip Singh, DG of the Central Reserve Police Force, now also heads the National Investigation Agency after the previous incumbent, Y.C. Modi, retired on May 31 last.

## Impact of vacancies

- Similar vacancies or examples of officers holding additional charge exist in other ministries, commissions and departments, but the government appears to turn a blind eye to the malefic effect it has on governance.
- Vacancies for such long periods tend to paralyse the backbone of these organisations. Appointments to higher echelons can be announced well in time.
- **Delays in important appointments send a wrong signal to the nation.** If the government can announce its chiefs and vice chiefs months in advance, there is no reason why this cannot be done in all other ministries and departments.
- **A time frame needs to be worked out to announce top appointments at least a month in advance.** Political considerations need to be pushed to the back seat for a clean and honest administration.

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## ➤ Unpacking China's game plan

### Context

- Aviation websites are abuzz with reports of a rapid upgradation of aviation infrastructure in Tibet.
- While the expansion of the road and railway network there has been subject to much debate, it is the speed of upgradation of airfields, construction of hardened aircraft shelters, new runways, aprons, underground storage and tunnelling into mountainsides, all visible in high-resolution satellite photos, that should have alarm bells ringing in New Delhi.
- This needs an analysis for two reasons.
  - First, is there any link between these constructions and the procrastination by China in the talks for reducing tensions in Eastern Ladakh? What is the tactical aim of the Chinese with these upgradations?
  - Second, how would these changes affect the balance of air power between the Indian Air Force (IAF) and People's Liberation Army Air Force (PLAAF) in the medium to long term?

### On a weak wicket in the air

- While the larger strategic aim of the Chinese in upping the ante by violating decades-old understandings in 2020 is still a matter of debate, what Beijing discovered to its discomfiture was that India did not yield any ground, and actually occupied vantage points in the south Pangong Tso area to balance out some sectoral disadvantages.
- This firmness was backed by deterrent IAF firepower and it was clear to the Chinese that they were on a weak wicket in the air due to three reasons.
  - First, the IAF's high strike potential, with its aircraft having the advantage of a string of airfields all along the foothills of the Himalayas; that they are at low altitudes permit a full armament load to be carried.
  - Second, Chinese airfields in Tibet were few, widely spaced out and hence not mutually supportive; there were gaps in the air defence structure too that the IAF would utilise to interdict targets in the rear.



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- Third, most Tibetan airfields are at altitudes above 10,000 ft, severely restricting the payload of PLAAF aircraft.
- Additional infrastructure was required to make up these deficiencies since the positive asymmetry of IAF would be detrimental to China's plans to gain any territorial advantage; 'time' had to be made an ally in this endeavour.
- The **balancing out of IAF's asymmetry was only possible through a rapid upgradation of airfield and air defence infrastructure** — this would need two years at least.
- The Chinese plan has been cleverly implemented through what can only be called a tactical pause, obtained via talks that were commenced but have meandered since.
- A 'breakthrough' in the eyeball-to-eyeball posture came in February when a simultaneous withdrawal in certain areas was agreed on, including a pulling back of Indian troops from their vantage points in areas south of Pangong Tso.
- With the threat to the PLA Moldo garrison removed, the Chinese re-adopted their procrastination position in subsequent talks regarding restoring status quo ante in Depsang/Daulat Beg Oldi and Hot Springs, which are of vital interest to India.
- This is the classic buying-time-through-talks technique and is still ongoing. In the tactical pause won surreptitiously, the Chinese have gone on the upgradation drive to nullify the disadvantages that Chinese airpower has vis-à-vis India; gaps in their air defence scheme are being plugged through the new infrastructure and positioning of new air defence radars and missile systems that would afford them a layered air defence setting and affect the balance of power in the medium to long term.

## Trying to turn the tables

- The **IAF is equipped and trained for offensive action**. In all the previous conflicts the IAF conducted aggressive strikes, besides providing active close support to ground forces.
- The odd exception was the 1962 India-China conflict where the IAF's substantial strike potential was nullified by a political decision to not use it.
- The equipment accretion profile is a pointer to the offensive role as seen by the **acquisition of Jaguars, Mirage-2000, Sukhois and now the Rafale**.
- Seen from the prism of air power doctrine, this points to India's strategy of deterrence by punishment: 'don't mess with us as we have the means and power to hurt you'.

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- By strengthening their air defence architecture, the Chinese are trying to turn the tables and deter India through a strategy of denial, i.e., to dissuade the IAF by signalling that it would be costly in terms of aircraft and aircrew losses.
- For this turnaround to take effect would take China about two years. If China succeeds in its endeavour, India may lose the trump card of positive air power asymmetry that it now holds.

## What should India do?

- The air defence upgradation drive is surely being monitored, but that is not enough. If status quo ante on ground is not obtained soon, it may be too late a year or two from now.
- The façade of talks should be acknowledged for its devious aim.
- India's posture and demands at the talks (which one supposes has an IAF representative too) must reflect its understanding of China's game plan. There is no other way out.



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