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# Contemporary Indian Politics : Trends and Challenges

Rajani Ranjan Jha[*]

**Abstract**

*The paper deals with emerging trends and challenges in contemporary Indian politics. It puts the Indian politics in proper perspective by looking at the demands of the time of Independence and constitution making and the values, consequently cherished in the initial years of our polity. Some of these values like secularism, pluralistic nature of Indian society, right to free speech and expression appear to be under risk in the wake of the politics of majoritarianism and Hindutva after 2014. The paper highlights the threat perception to Indian democratic political system as a result of some of these recent developments. It also pin-points the major narratives of contemporary Indian politics and the difficult, arduous task of combining some of these values for the sake of the growth of a healthy, developed India which can lend a helping hand to the development of global society.*

**Keywords:** Secularism, Hindutva, Nationalism, Anti-national, Alternative vision**.**

## Introduction

Indian Constitution was founded on the high ideals of liberty, equality, fraternity and social justice. The principle of secularism though not specifically mentioned either in the preamble or the text of the original constitution, was assumed to be the practising mantra of the Indian state. The high principles of the polity so envisaged was created in the back drop of national movement, the trauma of partition (1947) and the size and diversity of Indian plural society.

Commentators like N.D. Palmer (1961) remarked that one comes across contradictory elements in Indian political system. That the Indian political system is a complex amalgam which rests on the complex web of idioms and attributes which are seemingly contradictory but still reconcilable.

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In studying Indian politics Palmer noted, special attention should be given to many basic but often contradictory themes: unity in diversity; traditional and modernity; continuity and change; consensus and conflict; centralization and decentralization; westernization and Indianization, etc. Morris-Jones (1964), another expert, remarked that society and politics (constitutional values) have been introduced to one another. It means they were somewhat unknown to each other at the time of introduction of new political system. In sum, while the society was religious, political system created was secular. It was not at all an easy task to put these high ideals of Constitution into practice in a traditional, as creative Indian society. Jawaharlal Nehru, the first Prime Minister of India was quite aware of these difficulties. In an interview with Louis Fisher on a question as to what appeared to him to be the most difficult task as the Prime Minister of India, Nehru is reported to have said that bringing in the feeling of equality in an unequal society and introducing the principle of secularism in a predominantly religious society were his most difficult challenges.

**Challenge to Constitutional Consensus**

The very making of the Constitution of India reflected this worry in the sense the Constitution was the product of a consensus arrived at in the Constituent Assembly, remarks the known constitutional expert, Granville Austin (2003). As a result, at the time of the introduction of this Constitution, the overall impression in general in Indian society was one of its universal acceptance by 'We, the people of India'. But, establishment of the Bhartiya Jan Sangh by Shyama Prasad Mukherjee on 21 October 1951 provided an alternative vision of Indian politics which though not contrary to the constitutional vision was certainly different.

With the emergence and gradual consolidation of the political forces belonging to the right category under the leadership of the Bhartiya Janta Party (BJP) founded on 6 April 1980 under the leadership of Atal Bihari Vajpayee and L.K. Advani some of these values began to be contested which gained momentum as years passed by. The much touted and accepted concept of secularism began to be christened as "pseudo-secularism" and dubbed it as a policy of appeasement of minorities being pursued by the ruling Congress Party. The emergence of BJP provided a situation in which it appeared as if the Indian polity is moving from one party dominant system to the biparty system-alternating power between the Congress and the BJP at least in some states like Himachal Pradesh, Rajasthan, M.P and Uttrakhand, etc. The catchy slogan depicted BJP as 'a party with a difference!'

**Modi :New Culture of Politics**

With the entry of Narendra Modi in the 2014 Parliamentary elections a new *avataar* of BJP began to emerge and finally replaced the 10 year -rule of the Congress

(2004-14) at the union level. The middle class especially and many other  sections of society saw in Modi  a hope for India, the face  of rising India! In his style of functioning and governance right from the day of  his oath taking- ceremony he was different. As head of administration  he fixed responsibility, established strong  control over government-cabinet colleagues ,bureaucracy and concentrated power in the PM and his PMO. This style of functioning ,in my view, is Precedential in natural .  More reliance was given to bureaucracy than cabinet colleagues!

At the political level, the  BJP under Narendra Modi-Amit Shah combine leadership went on winning spree fromone state to another and proclaimed to give India a '*Congress Mukt Bharat*'. Almost 70 percent of India came under BJP rule. In the process  a  new political cultural replaced the old political culture. Respect for one's political  opponent  was an established norm of political public behavior in Indian politics. This was given quick, serious go by at one stroke. Like in American Presidential  election, the opponent especially those of the Congress Party were publicly jeered at, shown in very poor light in speeches, Whats App, social  media, Face book etc. It signalized a new cultural low in politics especially during   elections   which     reached  its   climax during 2020 Delhi Assembly Elections when it broke all limits. Even responsible persons like Ministers used abhorrent language in their campaign-meetings  against political opponents. For this, the Election Commission of India rightly debarred one of them from the list of star publicist of the Party, though no FIR was lodged. This is a danger signal to the dignity of public life for all political parties. This needs to be condemned  and checked otherwise it will erode the faith of common  person in the very democratic system itself and pave the way for the emergence and acceptance by people of the non-democratic tendencies in  our political system.

Indian Politics takes a Right Turn After Nehru's death and Indira Gandhi's initial years of love for socialism, there appears to be a tendency of Indian politics taking a turn towards right. The tendency could be traced to Indira Gandhi years (1980-84) but this became more evident and a sort of compulsion on the part of other political parties after 2014 Lok Sabha elections. The ideological  barrier of left  and  right  had  already  crumbled  with  the  adoption  of  the  policy  of Liberalization, Privatisation and Globalisation (LPG) in 1991 by the Indian government and the gradually rising *Ram Janma Bhoomi* movement. With the gradual increase in the  position of BJP, the politics of Hindutva, it seems, no longer remained the sole copy right of the BJP. In political affairs especially during elections this is much more evident and visible e.g. Rahul Gandhi,then, Congress President, indulged  in temple visits during Gujarat elections, adorned sacred thread (*janeu*) during M.P. elections, sporting his Brahmin credentials.

**A Synthesis Emerging?**

The politics of Hindutva appears to be consolidating the Hindu masses. The BJP relies, among other things, on consolidating the 85%Hindu votes through its aggressive policy of cultural nationalism. The other political parties also want to get some pie in the Hindu cake. Talking in Hegelian dialectical terms one can say where as the Indian polity largely moved to the left of the centre from Independence to the 1970s,its anti-thesis stated from early 1980s,came to full circle in 2014 and 2019 Lok Sabha elections. If the Delhi Vidhan Sabha Elections is providing any lesson a sort of synthesis appears to be emerging in Indian politics. Whether, it will prove to be something like Tony Blair's British 'Third Way' in Indian politics also, is too premature to say at this moment. The recent round of grand success of the Aam Admi Party (AAP) in the Punjab 2022 Assembly elections gives one some hope of its future prospects.

The BJP tried hard to consolidate Hindu majority votes in the name of nationalism and 'Shahin Bagh' in the Delhi Assembly elections but it failed badly. The AAP adopted a mixed strategy of soft Hindutva and socialistic ideology of working for the poor, lower middle class voters in Delhi promising to work further in the important areas of education, water, electricity and transport - in sum on developmental issues. Look at the slogans used by Arvind Kejriwal, the Chief Minister-'*Bharat Mata ki Jai', 'Inqualab Zindabad' and 'Vande Mataram*' - a queer combination of both rightist and leftist ideological spectrum. No political party, it appears, if it has to survive in Indian socio- cultural setting can survive by altogether jettisoning religion.

Being religious does not mean being only hard-line member of Hindutva ideology. Being secular al so does not mean that one should be an atheist. Secularismas propounded and practiced in the early years of Indian freedom was just to give a sense of security and safety to a large number of Muslims who had chosen India as their home, orwatan, points out Meghnad Desai (2020).Secularism needs to be viewed, analyzed and interpreted in terms of the situation and needs of contemporary Indian Society.

**Competing Ideas of Nationalism**

In contemporary Indian politics three ideas of India based on nationalism appear to be competing. The first is the politics of nationalism based on Hindutva politics. The second is the idea of India emerging from the concept and politics of secular nationalism based on the constitutional values of our Constitution. Ever since the emergence of the Hindu based nationalisma sort of confrontation is taking place in terms of ideology, programme and praxis of Indian politics. The third one emerges form Ambedkar's idea of India so assiduously defined and imprinted in the

principles of Indian Constitution. One notices  an on going tussle between the Hindutva and the secular fervour of nationalism for co-opting Ambedkar's  vision and his idea of India. What shape or side will it take in failure is difficult to say but its impact, nonetheless, will be really substantial for Indian politics.

It appears that the founding fathers of the Indian Constitution regarded the pluralistic nature of Indian society as the anchor sheet of constitutional foundation. This pluralism based on diversities in Indian society became the guiding post of our principle of national integration which was so eloquently and beautifully expressed in the phrase 'unity in diversity'. Here al soone finds a  tussel  going on between the idea of India based on pluralism and diversities and the idea of India in which Hindu religion, culture, its civilization  ethos will have a place of dominance in our polity. There appear to be a tussel between traditional mindset and constitutional values also. One may cite here the example of Sabarimala Temple entry issue for women. Those who are protesting against the policies of the government of India are swearing in and flaunting, displaying the constitutional values and diverse nature of Indian society.

**Indian Democracy: Deliberative or Participative?**

Indian democracy is a deliberative, participant democracy. Democracy, it may be argued here, is a government by discussion. Every Indian has a right to raise issues, points of view which is right in his view but which may be different from or some times contrary to the official stand of the government. This right is the cardinal principle of the deliberative, participant model of politics in India. During recent times, the worry is that dissent and difference of opinions projected as the traits of being 'anti national'. Anti- establishment voice is projected as voice against the nation. This is a serious development in contemporary Indian politics which needs to be given thoughtful consideration. Justice D.Y. Chandrachud, a sitting Judge of the Supreme Court of India, while delivering the 15th  Justice P.D. Desai Memorial Lecture on 15 February 2020 at Ahmedabad echoed the same concern when he said 'blanket labelling of such dissent asanti-national or anti-democratic  strikes at the very heart of our commitment to the Constitutional values and promotion of deliberative democracy'(PTI, 2020).

He further says:

…Employment of state machinery to curb dissent instills fear and creates a chilling atmosphere on free speech which violates the rule of law and distracts from the Constitutional creation  and  protection of spaces where every individual can voice their opinion without fear of retribution. … A legitimate government committed to deliberate dialogue does not seek to restrict political contestation but welcomes it. …A state committed to the rule of law ensures that the state

apparatus is not employed to curb legitimate and peaceful protest but to create spaces conducive for deliberations.

He adds:

The great threat to pluralism is the suppression of difference and the silencing  of popular and unpopular voices offering alternate or opposing views… Protecting dissent is but a reminder that while democratically elected governments offer us a legitimate tool for development and social coordination, they can never claim a monopoly over the values and identities that define our plural society.

Thus, there are serious challenges due to religious revivalism and fundamentalism in contemporary politics. In the early 1950s and 1960s the main worry so beautifully analysed byRajani Kothari (1970) and  Lloyd I. Rudolph (1965) was how to democratize caste. In contemporary politics the challenge  lies in democratizing religious identities which was thought to be a settled issue during Nehru - Indira years. The main challenge in contemporary Indian politicsis how to democratize religious identify and how to contain terrorist security- threat to internal democracy. Some of the institutions created in the past like National Human Rights Commission, Minorities Commission have weakened. Judiciary is the only silver lining  but it also  appears to be under some pressure.

So far as democratizing process in concerned, our political process has in the past, provided democratic routes through which political parties got democratized. The Communist Party of India may be cited as case in point during Nehru years. Mizo National Front was brought under democratic process during Rajiv Gandhi period. Through this process some of the revivalist political parties are also  getting democratized. It appears the RSS is seeking a change in which new constitutional values can be brought in. Will the RSS also be democratized in its thinking as a result of our constitutional values and democratic process? Will the RSS accept some of the major existing foundations of Indian polity and change accordingly? The majoritarian democratic polity is throwing up these challenges. The future of our polity depends on how we, as a nation, resolve these issues.

In my view, there are those who want to continue with the present constitutional values, and arrangement. For them, the strength of the democratic and federal polity of India lies in its size and diversities. That prospect cannot be ignored if India has to continue as one nation.

Electoral verdicts provide a ray of hope. Earlier, electoral verdicts after 2014 showed BJP proceeding towards hegemony. Now a  mixed trend is noticeable. The post 2020 election resultin M.P. Rajasthan, Chhattisgarh, Maharashtra, Delhi  showed a reversal trend. The verdicts in U.P, Manipur, West Bengal, Uttrakhand, Tamil Nadu and Punjab(January 2022) are examples of mixed

trends. The rise of regional political parties in states though a problem in some sense, act as a federalizing force.

Recent Assembly elections have created a situation in which the Rajya Sabha will prove to be abulwark against any major constitutional change that disturbs the major foundational principles of our Constitution. But at the sometime the concerns of those pitching for a new system- representing an alternative vision that reflects the thousands and thousands years of our cultural heritage and civilization ethos cannot simply be brushed aside, more so, when it is controlling the levers of power at the Union level and in many states. It has a new agenda, vision and road map for making India great and *vishwaguru*.

We, therefore, need fresh thinking to evolve a tailor made system that is suitable to and represents our thousands years of cultural heritage and also combines in itself modern constitutional values of liberty, equality, fraternity and social justice. How to do that is the main challenge in contemporary Indian politics? If India has to prosper and progress as a nation the most important requirement is how to bring unity and evolve common purposive- developmental agenda instead of every now and then promoting civilization fissures in the name of religion and the feeling of 'we' and 'they'. In this context the statement of the RSS Chief, Mohan Bhagwat in Nagpur on 2 June 2022 is significant when he says:

We did speak about certain places which were symbolically highly revered to us. But we should not raise a new issue everyday. Why do we need to escalate disputes?...we have a certain devotion for Gyanvapi, which is fine. That is also a form of worship and Muslims who have adopted this form of worship should also understand they have not come from outside. We have no problem with any form of worship. We respect all forms of worship, but we are all descendants of common ancestors (Bhagwat, 2022 cited in PTI, 2022)

RSS Chief Mohan Bhagwat also said that Muslims should not think that Hindus are against them. He questioned 'the need to look for a Shivling in every Masjid' and underlined the need of resolving issues through mutual consultations (PTI, 2022).Should this be viewed as a new beginning in Indian politics?

**Notes**

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**References**

1.      Austin, Granville (2003). *A History of the Indian Experience*. Oxford University Press.

2. Desai, Meghnad (2020). "Why Kejriwal win is a game Changer". *Sunday Indian Express*, Lucknow, 16 February 2020. https://indianexpress.com/article/opinion/columns/arvind-kejriwal-delhi-election-results-aap-6270160/

3. Kothari, Rajni (1970). *Caste in Indian Politics*. Orient Blackswan.

4. Morris-Jones, W. H. (1964). *The Government and Politics of India*. Hillary House.

5. Palmer, Norman D. (1961). *The Indian Political System*. George Allen& Unwin Ltd.

6. PTI (2020), "Blanket Labelling of Dissent as Anti-national hurts ethos of Democracy: Justice Chandrachud", *The Hindu*, 16 February 2020, https://www.thehindu.com/news/national/blanket-labelling-of-dissent-as-anti-national-hurts-ethos-of-democracy-justice-chandrachud/article61631014.ece

7. PTI (2022). "No need to look for Shivling in every mosque, why escalate disputes: RSS Chief Mohan Bhagwat", *TheTribune,* 3 June 2022, https://www.tribuneindia.com/news/nation/no-need-to-look-for-shivling-in-every-mosque-why-escalate-disputes-rss-chief-mohan-bhagwat-400442

8. Rudolph, Lloyd I. (1965). "The Modernity of Tradition: The Democratic Incarnation Caste in India", *The American Political Science Review*, Vol. 59 (4): pp. 975-989.

# Relevance of Ancient Indian Administration in Contemporary Public Administration

Raj Kamal Soni[*]

**Abstract**

*We are living in a time when there is no alternative for administrative arrangements. Public administration has always existed in some way in all the societies of the world but according to the changing social conditions of the 21st century this is indispensable. Despite the imperatives of administration, the reality is that administration suffers from many shortcomings. Hence, reforms are made in the administration from time to time. But the reality is that the Indian administration is not yet fully connected to the general public nor it is sensitive to it. Despite all these shortcomings, the reality is that public administration remains at the heart of modern societies. Therefore, there is a need for continuous change and reforms in the administrative system. This research paper advocates reforms in administration by adopting the good elements of the rich ancient Indian administrative system. In the race of modernisation and influence of British rule, we have forgotten the importance of ancient wisdom and moral values of our rich civilization. The objective of this paper is to analyse the relevance of ancient public administration in modern state.*

*Keywords*:    Public administration, Administrative Values, Ethics, Good Governance, Welfare state.

## Introduction

Indian administrative system as an activity is as ancient as our civilisation. It is a chronological development of administrative system over the centuries. Public administration is considered a sub-system of the political science and it has always co-existed with the political system. It was started to be read as a subject of study and research in the late eighteenth century.

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Indian administration is considered to be the legacy of British rule. The credit of the administrative machinery goes to the British government. The British ruled India for 200 years and had a profound impact on every aspect of Indian life, including economic, social, political and cultural dimensions. The form of the political system adopted in India is of the nation's own choosing but a similar claim can not bemadeaboutitsad ministrative system. The country did not set out to design it by itself. The administrative system was built by the British to sub serve their own interests, and was inherited by independent India.

The present administration of India is a developed model of the past administrative systems and prehistoric states. Indian administration has been going through a constant change and improvements. The development of the British public services went through a transition period of two centuries. Indian Administrators are not disciplined and Committed like British administrators. The prevalence of arrogance, red-tapism, corruption, attachmenttorigidrules, craving for power, non-compliance, lack of sensitivity and bureaucratic evil exist among Indian administrators. British legacies are responsible for the decline in moral values of administrative officers at the present time.

The development of our civilization and enforcement of the present welfare state depends on the civil services and the personnel working in it. Public servants play a vital role in effectively implementing the policies and programs of the government. From the monarchical system to the origin of the modern public welfare state, the importance of public services has always been there. Indian public administration is influenced by colonial culture which has all the demerits of bureaucracy so after independence; many efforts were made to reform the administration. Several commissions and committees were constituted from time to time and reforms were also done on the basis of their recommendations but in spite of all these efforts, there has been no significant change in the Indian administrative system. Problems prevailing in public services block the development of the country. Therefore, it is necessary to make the administration system efficient for achieving the goals of the state and for the all-round development of the citizens.

## Contextualizing Ancient Indian Administration System

The ancient Indian administration has a glorious past which is still relevant today. The concept of *Ramrajya* was prevalent in India in ancient times. The welfare of the people was regarded as the paramount principles that guided the rulers. In order to remove the deficiencies present in the administrative system at the present time, it is necessary that the high ideals of the ancient Indian administrative system should be adopted.

A study done in the historical perspective of public administration can play an important role for administrative reforms, but the historical perspective of public administration is generally ignored by the researchers, administrators, and the government. Changes and improvements in the prevailing administrative systems are necessary over time, but they cannot be separated from the past. The knowledge of ancient administrative system has conceptual and practical importance, it is likely to increase still further (Arora, 1995, p. 19).

**Administrative Structure and Principles**

Public administration is that branch of knowledge under which various theoretical and practical aspects related to the working of government machinery are studied. The administrative system in India started during the period of the Indus valley civilization, which is one of the oldest civilizations in the world. The script of the Indus Valley Civilisation is yet to be deciphered. In the era of this Civilization, knowledge about administration is based on assumptions and imagination.

We get information about the time after the decline of the Indus Valley Civilization from the *Vedas*, so we know this period as 'Vedic period'. Vedic knowledge provides the foundation of true and spiritual human culture (Frawley, 2002). The form of administration in the Vedic period was monarchical. At this time the position of the king was not autocratic even though he was hereditary and he was administered an oath to work for the welfare of the people. The main duty of the king was to defend the people. Various officers were present to assist the king in administration. In this period, there is a mention of democratic bodies, *Sabha and Samiti,* which used to control the king (Jayapalan, 2001). This shows that we were familiar with the democratic system from the beginning of civilisation.

*Kautilya's Arthashastra* is an important Sanskrit treatise, in which *Kautilya* gives a detailed account of Mauryan administration and manual of practical statecraft. The description of the administrative machinery is the most important part of *Arthashastra*. He mainly discusses three aspects of the science of public administration which are as follows: the principles of public administration; the machinery of government; the management of personnel system (Prasad and Prasad, 1991, p. 3).

*Kautilya* has discussed directly and indirectly about organizational structure, hierarchy, delegation, authority and responsibility, control, decentralization, supervision, coordination etc. Along with this, *Kautilya* has also expressed his opinion about administrative behaviour like decision making, communication, leadership, motivation etc. The principles of public administration govern the working of the machinery of public administration (Prasad and Prasad, 1991, p. 26). These principles discussed by *Kautilya* are still prevalent in public

administration. The insights contained in *Arthashastra* are as relevant today as they were in their time and their efforts have made it an enduring contribution to the world (Agarwal, 2008, p. 30).

Kautilya and Max Weber were also similar in thinking in aspects of administrative efficiency and rationality and there were certain common concerns and views regarding the administrative system (Arora, 1995, p. 18). The *Rajmandal* theory in *Arthashastra* gives an account of the diplomatic approach adopted by the king to succeed in the art of diplomacy. His knowledge and approach towards such universally relevant principles is really in line with the modern administrative requirements. For instance, Altekar argues that 'The Arthasastra is more a manual for the administrator than a theoretical work on polity, discussing the philosophy and fundamental principles of Administration or of political science' (Mahajan*, 2019, p. 162-163).*

The Mahabharata and the Ramayana also contain many insightful observations about the organization and working of government (Polinaidu, 2004, p. 55). The *ShantiParva* of Mahabharata deals with the *Raj-dharma* or the duties of the king and government. Along with this, the duties of the king and his ministers have been discussed in detail. The *Sabha Parva* of Mahabharata deals with the ideal of administration.

### *Administrative Values and Ethics*

In ancient India, special attention was paid to the ethical character of administrators. Ethics and values have always been an important part of public administration. Kautilya noted that people' will be moral and hardworking only when the king and his administration are also ethical and efficient. He further says that the king should not only be honest and efficient but his administrative machinery should also have those qualities (Agarwal, 2008, p. 22). Ethics is a step towards controlling and directing human conduct and behaviour.

Since the beginning of human civilisation, the main objective of administration has been the welfare of the people. Along with this, the importance of religious education and moral teachings was more in life. Ancient Indian system of administration is considered ideal all over the world. Administrative culture indicates the behaviour of public servants, which comes out in the form of their actions, values, perception and attitudes. Administrative culture indicates the social, Political and economic environment of administration.

The focus on citizen centric and participatory governance along with efficient service delivery will be possible only when administrators follow ethical principles. The *ShantiParva* of Mahabharata deals with administration, which discusses administrative ethics. Apart from this, the texts of *Valmiki's Ramayana,*

*Kautilya's Arthashastra,* and *Manusmriti* etc. give serious consideration to the various welfare aspects of the state and governance.

Due to the moral degradation of administrators in present times, rules and regulations are given priority over a person's needs and emotions, because of which red-tapism and corruption flourishes in the organisation. The problem of corruption in public services has existed since ancient times, but post-independence corruption is widespread in the Indian bureaucracy and political system. Bureaucracy follows a certain set of rules and regulations. This leads to lack of flexibility and efficiency. Corruption is such an issue, which remains in discussion every day. This is a matter of concern not only for the government but also for the entire country because every citizen of the country is facing the problem of corruption in some form or the other.

Indian philosopher Kautilya says, 'it is impossible not to misuse government money by public servants as it is impossible not to taste the honey kept on the tongue'. Kautilya further says, 'no one knows when a fish swimming in water drinks two drops of water, just like government employees do with public money (cited in Hoadley and Hatti, 2020). This confirms the fact that corruption was so widespread in ancient India. According to Kautilya, there is bound to be some degree of corruption in any administrative system, but at this time corruption has spread on a large scale in India.

*Arthashastra* provides detailed information about administrative corruption in ancient times. Writing in detail on corruption, he had given 40 types of it. Corruption refers to behaviour without etiquette or morality. Kautilya, who considers corruption as an inevitable evil, has suggested several practical measures to control it. The required improvement in the administration can be made by modernising the administration, but the real change in administration does not come unless the attitude of public servants is changed.

Establishment of integrity, ethics and morality in Indian administration is an odd problem. Indian civil servant suffers from a specific ego, which is basically belongs to urban areas and upper class families. They do not have knowledge of the real rural conditions, urban slums of the country or the problems of the common man. Concepts like administrative ethics and sensitivity are confined only in books, which are still far from being adopted on the ground of reality. For the fulfilment of administrative functions, the strict Execution of laws, rules and regulations, the file system started in British India, which continues even today.

The decline of moral values in our society is responsible for it, so it is necessary to change the behaviour or attitude of public servants. Administrative ethics has also been given importance in the fourth report (Ethics in Governance)

of the Second Administrative Reforms Commission. In addition, the report of the Santhanam Committee on the Prevention of Corruption also gave importance to the development of ethics and values among administrators to eliminate administrative corruption.

## Co-relating Ancient Personnel Administration and Good Governance

The system of government in India in ancient times was primarily monarchical. In the form of monarchical government, the king was responsible for the welfare of state. The administration of the state administrators were small in number, the personnel administration was selected based on the merit system and in some cases at the will of the monarch.

Kautilya has written extensively on personnel administration. He has given a very deep thought on human resource development for the government machinery (Griffin, 2005, p 799).And specifically discussed classification, recruitment, training, promotion, and division of work and salary administration. Kautilya has given detailed attention to salary administration (Maheshwari, 2003,pp. 9-10). He indicated that the wage should be sufficient to maintain the loyalty and efficiency of the high-ranking officers. He recommended that the total wage bill of the state should not exceed one-fourth of its revenue. His ideas related to wage administration have immense potential to be put to use at present, which cannot be denied. According to him, lack of proper training of officers and absence of effective control and supervision over them is the major reason for low efficiency.

Even knowing the current relevance of ancient Indian history, we are not able to apply them on the ground and this is a big irony of our country. *Kautilya* has given importance to a comprehensive training program for the king and princes of the royal family (Jayapalan, 2001, p. 12). *Kautilya* believes that the employees should be paid such a salary that their life can go on smoothly and the level of motivation should also be maintained. In case of low salary, the person moves towards corruption and bribery. He has laid great emphasis on education, qualification and skill of higher officials and has formulated a code of conduct for them. Similar views are held by Henri Fayol who suggested a special focus on the training of higher officials.

## Public Relations and Removal of Grievances

Grievance Redressal Mechanism is one of the important tools for ensuring public services in any governance system. So that the grievances and problems of the general public can be resolved in a transparent and sensitive environment according to the sentiments of the public. Grievance is a type of dissatisfaction, which needs to be redressed. 'Grievance' as an expression of dissatisfaction made to an organization related to its products, services and process, where a response or

resolution is explicitly or implicitly expected (12th Report Second ARC, 2009, p. 79). In ancient times, kings used to go among the public and try to understand their problems. The powers to administer the states were centralised in the hands of the king. The king and officers acting against the public interest were dismissed. Community participation had a special place in public policy making. In present time, bureaucrats are unaware of the ground reality due to their detachment from the public.

Public relations has always been given importance in the ancient administrative system. The lack of communication gap between the government and the common people hinders the proper and effective implementation of public service delivery and consequently made the reforms less effective and less efficient when implemented. Lack of awareness among the citizens about their rights and duties of public administrator also creates problems for efficient and effective implementation of reforms.

**Concept of Good Governance: Is it New?**

The principles of good governance have been at the core of political thought and philosophy right from the origin and existence of the state (Mishra and Mishra, 2003, p. 925).Good Governance as a word emphasise on efficient, inclusive and sustainable governance (Dhameja and Mishra, 2016, p. 267). Ensuring responsibility, transparency and accountability along with public participation, effective service delivery and representative decision-making are some issues that need to be addressed, which are the characteristics of good governance. The concept of good governance currently prevalent is the core content of the *Bhagavad Gita*. The *Bhagavad Gita* provides guidelines for achieving the heights of human excellence. It teaches honesty, sincerity, righteousness and truthfulness. It can act as a guide for administrative officers. The knowledge of *Bhagavad Gita* not only leads to spiritual enlightenment but also through it one acquires leadership, ethics in life, value, motivation skill, self-Management, goal setting and many other aspects which take the work of any administrative officer towards excellence (Srivastava, 2018).

In ancient Indian epics like *Ramayana* and *Mahabharata*, the quality of righteousness is described in the king as an essential quality. According to *Bhishma Pitamaha*, the foundation of good governance is righteousness in public affairs (Farazmand and Pinkowski, 2006, p. 712). Righteousness includes devotion to duty, moral integrity, values and virtue in administration. Chinese philosopher Confucius has some similar thoughts. He described righteousness as the foundation of good governance and peace. He also emphasises the righteousness for life and character building (4th Report Second ARC, 2007).

*Kautilya*'s definition of good governance includes provision of infrastructure and national security, formulation of efficient policies, and their effective implementation and ensuring clean and caring administration (Agarwal, 2008, p. 23). According to *Kautilya*, to establish good governance, the king needs to rule for the welfare of the people. He mentions the following ten imperatives of good governance for a king: merge his individuality with his duties; guide administration; avoid extremes without missing the goal; lead a disciplined life with a code of conduct; pay fixed salaries and allowances; maintain law and order; stress the role of writers; carry out preventive measures against corrupt officials; replace bad ministers bye good ones; and emulate positive administrative qualities (Sharmasastry, 1929).

This shows that the concept of good governance, which has become the focal point of administration today, has been adopted in Indian culture since ancient times. The Second Administrative Reforms Commission has also accepted that the concept of good governance is not new (12th Report Second ARC, 2009, p. 8).The issue of good governance has been in discussion for the last two to three decades.The concept of good governance was first highlighted in a 1989 World Bank document on sub-Saharan Africa. The document gave a comprehensive meaning to the concept and mentioned four key dimensions of good governance: public sector management; accountability; legal framework for development; and information and transparency. Apart from this, good governance has also been discussed by the World Bank in its document Governance and Development (1992) and organization for economic cooperation and development (Sahni and (98-97 .p ,2009 ,Vayunandan.

The concept of New Public Administration (NPA) also emphasizes on citizen-centric administration and good governance. The same issues have been considered for the establishment of good governance in our ancient administrative system as well. The main objective of good governance is the welfare of the citizens. The welfare state or *Ramrajya* in ancient India has been envisaged in the modern era as good governance.

## Establishment of Welfare State

If our civilisation fails, it will be mainly because of a breakdown of administration (Donham, 1936, p. 409).In the modern administrative state, public administration lies at the centre of the society and the importance of administration is increasing day by day in the present democratic system. It serves as a basis for the government. In a developing country like India where resources are available in limited quantities, achieving the goals of a welfare state is no less than a challenge for the administration. Public administration has always played an

important role in ensuring public welfare and social service in the society since ancient times. The ancient education system presents high ideals for the society. Which provides the ideological basis for the establishment of a modern public welfare state.

This line of *Rig-Veda* teaches ancient society and administration about the maximise welfare of maximum people. According to '*Yajnavalkya Smrti*' the ultimate aim of human existence is to achieve the welfare of humankind (Thottakara, 2000, p. 464). In the *Bhagavad Gita* Lord Krishna has given this message to *Arjuna* that the leader should put the overall welfare of the entire community and society before his own personal welfare and emotions. Lord Krishna emphasises that the wise leader should always act for the benefit of mankind (Srivastava, 2018, p. 22).

*Kautilya* advocated the establishment of a welfare state, which is still relevant in modern times. It discussed the principles and mechanisms of public administration and outlined the duties and responsibilities of various state functionaries (Polinaidu, 2004, p. 55). The following verse of Kautilya engraved on the Parliament of India gives priority to the public interest -

*Praja sukhe sukham rajyaha, prajanamcha hitehitam,*

*Natma priyyam hitam rajanaha, prajanam cha hitam priyam*

Which means that in the happiness of the public is the happiness of the king, in their welfare his welfare. Whatever pleases himself, he does not consider as good, but whatever pleases his public, he considers as good (Agarwal, 2008, p. 13). According to *Kautilya,* the welfare and protection of the people is the main function of the King.*Kautilya* envisions such a welfare state where the prosperity and welfare of the people is given the highest priority. *Kautilya*'s concept of '*Yogakshema'*welfare of the people- is now described as the concept of welfare state (Kohli, 1995, p. 98).

In this concept *Kautilya* has touched almost all aspects of human life, civilisation and culture for the welfare of citizens (Boesche, 2003, p. 67). The main concern of this concept was the establishment of good governance. In our constitution also administration has been directed to establish welfare state. Provisions have been made in the Directive Principles of State Policy (DPSP) described in our constitution to ensure happiness, peace, prosperity and socio-economic justice of the people and to establish India as a welfare state. In the present welfare state, the administration is not limited to maintaining law and order, but its objective is the all-round development of the entire society. *Vasudhaiva Kutumbakam* is the basic ideology of *Sanatan Dharma,* which

considers the whole world as one family. This great concept of ours inspires not only the Indian society but also the whole world for its welfare and development by considering it as one's family. In the present times when the demand for modernization and globalization is in full swing, then we should adopt the values contained in this philosophy.

**Conclusion**

At present, the development of public administration as a discipline has paved the way for the theoretical development and research of the subject. Public administration is passing through a period of continuous change and improvement. Therefore, there have been constant changes in the role of administration according to the changing scenario. Despite significant changes in the functions and nature of the state, the relevance of ancient public administration has not diminished in the present times. In the present times, it is necessary that the administration should be reformed by taking lessons from ancient wisdom and historical texts. Ancient public administration is not described separately in our history, but political system as well as administration is mentioned. Therefore, it is up to the researchers and administrators, how they use this knowledge to tackle the problems of their daily lives.

**References**

1.      Agarwal, S.K. (2008). *Towards Improving Governance*. Academic Foundation.

2.      Appleby, P.H. (1952). *Morality and Administration in Democratic Government*. Louisiana State University Press.

3.      Arora, Ramesh Kumar (1995). *Indian Public Administration: Institution and Issues*. Wishwa prakashan.

4.      Boesche, Roger (2003). *The First Great Political Realist: Kautilya and His Arthashastra*. Lexington Books.

5.      Dhameja, Alka andSweta Mishra (2016). *Public Administration: Approaches and Applications*. Pearson Education.

6.      Donham, W.B. (1936). 'The Theory and Practice of Administration. *Harvard Business Review*. Vol. 14, summer, 409.

7.      Farazmand, A. and Jack Pinkowski (2006). *Handbook of Globalisation, Governance and Public Administration*. Routledge.

8.      Frawley, David (2002). *From the River of Heaven: Hindu and Vedic Knowledge for the modern age*. Motilal Banarsidass Publishers Pvt. Ltd.

9.      Griffin, Ricky (Eds.). (2005). *Management*. Dreamtech Press.

10.     Jayapalan, N. (2001). *Indian Administration*. Atlantic Publishers.

*11.*     Hoadley, Mason C. and Neelambar Hatti (2020). *Understanding Corruption: Traditional and Legal Rational Norms*. Social Science Press.

*12.*     Kohli, Ritu (1995). *Kautilya's Political Theory: Yogakshema, the Concept of Welfare State*. Deep Publications.

13.     Kumar, C. R. (2003). 'Corruption and Human Rights: Promoting Transparency in Governance and the Fundamental Right to Corruption Free Service in India'. *Columbia Journal of Asian Law*, 17(1), https://doi.org/10.7916/cjal.v17i1.3219.

14.     Laxmikanth, M. (2019). *Public Administration*. Tata McGraw-Hill Education.15.

15.     Maheshwari, S.R. (Eds.). (2003). *Administrative Thinkers*. Macmillan Publishers.

16.     Mahajan, V. D. (2019). *Ancient India*. S. Chand Publishing.

# Affirmative Action Policies and the Critical Issues Involved: An Analytical Review

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**Abstract**

*Affirmative action policies are always central to the issues questioning their structure, considerations and mode of delivering. This paper aims to explore various critical considerations concerning such policies. Beginning with the meaning of merit in context of open competitive exams this paper analyses the justifications for departing from the merit principle. Further critical question of using factors such as caste, race etc. as basis of providing reservation are discussed at length. Whether group as a whole could be allocated benefits instead of individuals is another contented question which has been discussed. Similarly, issues of whom to bear the 'burden', if any, for the compensatory justice policies is elaborately discussed. The overall aim of the paper is to discuss the rationale for affirmative action measures while taking up concerns about its efficacy and mechanisms.*

**Keywords:** Affirmative Action, Reservation, Law, Caste, and Justice

**Introduction**

The Oxford English dictionary defines 'merit' as the quality of being good and of deserving praise, reward or admiration. Naturally, it seems logical to give due preference to person who holds merit over others. As a result, all the public institutions ensure to consider merit as their foremost pillar for selection or appointment of candidates. However, this colloquial idea of merit is challenged when the idea of social justice is taken into account. The proposition is, when at the beginning of a competition the candidates do not stand equal, then how can the whole process or the final result can be deemed fair? In other words, when for example, in India people are being discriminated on the basis of their caste, race, gender or religion and as a result of which they lose equal opportunities, which the

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higher caste or other dominant groups enjoy. In order to adverse this issue the Constitution makers introduced the provision for affirmative action. This research paper would analyse justification for departure from merit principal. The three major justifications for affirmative action that is redistributive justification, compensatory justice and diversity as a justification would be analysed.

**The Concept of Merit**

Before moving forward, it would be fruitful to discuss the concept of merit a little further. In the most basic sense merit involves certain quality in a person because of which it becomes justified to provide a certain beneficial treatment to that individual. For instance, for an entrance examination in a medical College, an individual with a high score in the given examination would have 'merit' to be entitled a seat. It is important to note that there are mainly two conceptions of merit relevant for entry into education institutes or public employment. First, is having qualities of general value. These qualities involves having excellence in indicators which are considered to be holding general intelligence or ability. The standard test and examination generally tend to assess the merit possessing qualities of general value. The second conception of merit involves specific qualities for a particular objective. These are required to undertake or perform a specialised task. Such kind of merit is mostly required in public employment where the efficiency and specialized knowledge is warranted. For instance, for seeking employment at Defence Research and Development Organisation there will be required specialist qualification and knowledge.

The above two conceptions of merit are the major foundations for deciding the scheme of entrance into education institutes of public employment. However, the biggest shortcoming in these conceptions is that they emphasise over the past achievements. For instance, by soul emphasis on the marks scored in an examination, it tends to rule out factors which led to produce those scores. In other words, not everyone is placed fairly equal to access due opportunity to perform in these examinations. Till the role of advantages or disadvantages positions in producing these scores are factored in it it will not be just to reward individuals just based on their scores in the examinations.

**The grounds for Compensatory Justice**

The primary debate concerning affirmative action is whether grounds such as caste, race, gender *et cetera* could be used for positive discrimination. It is being argued that instead of abolishing discrimination, it further propels discrimination. In the *Parents Involved in Community Schools* vs *Seattle school district No. 1 (2007)* case the chief Justice Roberts had argued that the way to stop discrimination on the basis of race is to stop discriminatory practices on the basis of race. This raises a

tough question about how to compensate the people who have been denied equal opportunities based on caste, race, religion, gender etc. Even if, hypothetically speaking, if there exist any mechanism to stop discrimination on these grounds would it be fair to not to provide some benefits in form of compensation for the loss they have incurred because of the past discriminatory practices.

It is useful to highlight justification for compensatory justice raised by Robert Nozick in his illustrious work titled *Anarchy, State and Utopia.*

> What obligations to the performance of injustice have towards those whose position is worse than it would have been had the injustice not been done? Or, than it would have been had compensation been paid promptly? How, if at all, do things change if the beneficiaries and those made worse off are not the direct parties in the act of injustice, but, for example, their descendants? Is an injustice done to someone whose holding was itself based upon an unrectified injustice? How far back must one go in wiping clean the historical state of injustices? What may victims of injustice permissibly do in order to rectify the injustices being done to them, including the many injustices done by persons acting through their government? (Nozick, 1999, p. 152).

The US Supreme Court view about whether characteristics like race, caste could be used for positive discrimination has not been congruent. For instance, in the *Regions of University of California versus Bakke* (1978)*,* justice Powell held that race alone in itself can't be a sole factor in affirmative action policies. On the other hand, in *Richmond versus J.A. Crowson* (1989) justice Scalia was of the view that neutral measures which are not explicitly based on race could be held as valid. Justice Scalia further held that individuals who have previously been discriminated based on race alone could be compensated for this even if it involves withdrawing benefits from the person who had earlier benefited from such discrimination. In such case, there is no wrongful discrimination towards person who has been given lower preference since earlier he or his ancestors had benefited from their social advantages position.

At the heart of this issue lies the question whether in order to provide compensatory justice a differential treatment could be awarded based on caste, race, religion etc. American philosopher and professor of law James Nickel argues that these grounds may prima facie seem to be morally irrelevant however they are not used today in the same manner as it was used earlier. He explains that they are being used to facilitate integration of the historical discriminated sections back in the society. Applying the same argument in the Indian context it seems justifiable that Dalits are

being provided reservation for access to education institute or public employment since because of the same Dalit identity they have been denied equal opportunities. Professor Michael D. Bales argues that there exist no contradiction in compensating based on morally irrelevant ground because there do exists justifying moral principle for affirmative action in favour of a discriminated group (Beyles, 1976, p. 177). Dworkin provides his own view point on the issue. He argues that just like any other qualification discriminatory rules should also be treated just like one of the qualifications (Dworkin, 1990, p. 410-432). He justifies this by the reason that there exist limited state resources to be distributed in just and fair manner and in order to make a more equitable and peaceful society, policies like that of affirmative action are to be viewed in a positive manner (Dworkin, 1989, pp. 299-310).

## Groups as Unit for Providing Compensation

Whether groups as a whole could be regarded as a unit for providing compensatory justice?

A common argument is that groups can't be taken up as a whole. This is based on the ground that not all members of the group are being discriminated against. Prolific writers on the subject like Alan Goldman argue that it is individual and not the group as a whole that can be considered for preferential treatment (Gouldman, 1997, pp. 118-136). He reasons that it is the individual who ultimately suffers because of the unjust harm. Not all members equally experience search harm and thus it would be inappropriate to extend compensation to all the current members of the group. Argument that being a part of the group which is subject to discrimination resulted into loss of ambition and self-respect is rejected by Goldman as based on mere assumption and without any substantial evidence.

The counter argument to the views of writers such as Goldman also carry substantial weight. It is argued that because of the historical marginalization of the groups from access to opportunities in education, employment and position of power it kept affecting legitimate interest of the subsequent generations and as a result the current generation do inherit the loss because of the discrimination. For instance, Dalit in India have been historically been discriminated against as a group. The current generation continue to suffer from the deprivation and thus has a legitimate claim for preferential treatment. Further, the claim for compensation is provided to the group since it is the group's social identity which has been target of discrimination. Individual members of the group are subjected to discrimination because of them being part of the group. It is the class of individual as a group that was subjected to collective target of unfair institutionalized practises. Thus, the right has been provided for the group as a whole.

**Compensatory Justice and Its Cost**

Another important question associated with affirmative action debate is regarding the bearing of 'cost' involved. Would it be right that the upper caste bear the cost for providing preferential treatment to the members of the backward classes? Professor Sandra Friedman from University of Oxford has in one of her papers titled *Reverse the Discrimination* has highlighted this point (Friedman, 1998, p. 580). She argues that it goes against the merit principal that an individual is made to suffer the loss for factors such as caste, religion or other discriminatory practice where she herself has no role to play in the fault. Against this motion, Professor Robert underlines that first it is important to understand the precise meaning of terms like 'cost of compensation' or 'burden of compensation'. *Prima facie*, it appears that the cost or burden for the compensation is squarely put on individual who are losing out on reservation. However, this is not the correct assessment of the process and object of compensatory justice. The true nature and effect could be determined if there existed no provision for compensatory justice. In that case the individuals who are said to be paying the cost would have disproportionately benefited from discrimination. It is this disproportionate benefit that is being set aside through affirmative action policies. In conclusion, members of the dominant group are not being denied fair opportunity but their disproportionate advantage is offset for providing equitable chances to the members of the discriminated groups.

A critical question associated with the cost for burden of compensatory justice is about the effect it causes on the society. Whether the society as a whole stand to suffer because of it? To answer this question, it is important to take into consideration the objective behind the policy of compensatory justice. It involves a positive element to rectify the wrong done towards the discriminatory groups. It promotes fair and equitable opportunity to the members of the discriminated groups. As a result, it promotes social cohesion and growth for all. By this vital goal envisioned, it is fair to judge that rather than being called to suffer, society in fact stand to gain from the policies of compensatory justice.

**Providing Compensatory Justice**

The discussion till now justifies providing for compensatory justice. However, vital important question arises whether it is just way of providing compensation through mode of education and job opportunities alone? The major concern associated with this is that there exists differences in capacity to take benefit from these opportunities. This is so because some within the group are in more advantages position than the other. As a result, they take away disproportionate benefits. Eventually, the marginalized sections get more marginalized.

For instance, not all within the Dalit groups are similarly placed. Policymakers tend to overlook the heterogeneity within the Dalits. There do exist caste and class which although being grouped with the Dalits but still are in a better social and economic status than the others. It is easier for them to push away the marginalised sections further away. In order to reduce the inequality within, it is suggested that by some scholars that cash payments in place of education and employment opportunities would be more efficacious (Greenwalt, 1983, pp. 76-98). This is considering the fact that firstly, the education and employment opportunities are limited in number. Secondly, not everyone is equally placed to access them. Thirdly, monitory compensation is not dependent upon any prior qualification or skill which education and employment opportunities may require.

On the flip side, the education and employment opportunities have certain inherent advantages over monetary compensation. It cannot be equated with mere distribution of goods. They tend to develop skill and knowledge of the beneficiaries. As a result, the beneficiaries become more capable to access other opportunities in life. Further, they are not one time benefits like monetary compensation rather they make capable the beneficiary for the rest of their lives. Moreover, the benefit is not limited to the individual but the family and friends tend to benefit as well. When an individual attain an education degree or an employment, it not only supports financially to other members of family and friends but also helps in breaking the psychological barrier that things which seemed inaccessible till now are not so anymore. It is known without a doubt that education presents a far wider range of opportunities to pursue various endeavours in life. On the other hand, money does not hold the same value for everyone in their lives in terms of pursuing their goals.

**Ensuring Fair Distribution within a Group**

It is quite visible that groups carry certain characteristics which identified them as a group to be eligible for affirmative action. However, at the same time it is also evident that not all castes within a group are equally placed in social or educational or economic terms. These differences create further gaps in their capacity to access the benefits of affirmative action. Recognition of internal differences within a group becomes essential to ensure achievement of objectives of compensatory justice. This is more important because the impact of such differences are further aggravated if not timely addressed. In other words, the marginalised sections could get further marginalised. In order to ensure fair distribution of benefits it becomes essential to apply the merit principle carefully. It is important to require that merit is not applied as a straight jacket formula across all sectors. It needs to factor in the internal differences within a group. Otherwise, the competition based policy which the merit system promotes would

make it difficult and unfair for the more marginalised sections to gain from affirmative action policies. Undoubtedly, some jobs require certain minimum level of skills to be eligible to perform. Similarly, there could be certain education courses which requires the same. However, it would not be fair if uniform merit rules are applied to different sectors which may have different requirements. In other words, merit system could be applied with related flexibility depending upon the requirements of the field and need for social justice.

Here, it would be beneficial to learn about distinction between rules and principles as explained by Robert Galaxy (Galexy, 2003, pp. 51-53). While the rules by definition are rigid in nature that is they are either to be followed or not to be followed. There is no room for flexibility. On the other hand, principles are not rigid in nature. Depending upon the circumstances and policy goals one principal can give way for the other. Giving one principle preference over the other does not mean that it would be so always be so. With different factors it could well be the case that principle which was earlier side-lined is given more weight age the next time. Application of the above understanding about principles helps us to determine the framework of application of merit. The broad principal should be to balance the minimum requirement of merit and on the other hand ensuring that the compensatory justice reaches to the most marginalised sections within a group.

Further, there is a strong criticism of compensatory justice being limited to providing educational and employment benefits. While these are much desirable but given the limited number of quality educational courses in jobs, it is essential that other measures are also made available by widening the scope. Thus, for making compensatory justice stronger a wide range of benefit should be provided that look beyond education, employment and representation in legislative bodies.

## Redistributive Justice and Affirmative Action

An important questionnaire that keeps cropping up is about what should be the fair means to distribute employment and educational opportunities. Lottery system is suggested by some as one of the possible means. It is based on the premise that it is ignorant of the differences in the society and thus for the same reason would be acting without any prejudice. In fact this could be substantiated by the work of famous philosopher John Rawls advocating for principle of veil of ignorance (Rawls, 1971, pp. 89-112). Under the principle of veil of ignorance given by John Rawls the policy makers are not aware about the differences existing in the society for which they have to frame a policy. Thus, it promotes a model for developing free and fair policy public policy. However, major flaw with this approach is that it leaves the redistribution work at the chances of lottery

system. While, it may be in favour of the least advantaged person while at other time it may be in favour of the most advantage sections of the groups.

Here, Alan H. Goldman proposes only partial veil unlike the full wheel of John Rawls. As per Goldman the policymakers must have information about the discrimination existing in the society. This will help in framing the policy in such a way that it balances the distribution among the discriminated by allowing them some benefits and to those who are the most qualified based on merit (Goldman, 1997, p. 23).

## Diversity as a Justification for Affirmative Action

Diversity here refers to people coming from different backgrounds. What constitutes different backgrounds for the purpose of affirmative action holds the debate. In United States Supreme Court case of *Regions of the Union California versus Bakke* (1978) case the issue was whether seats in medical school could be reserved for minority groups?  Minority number of judges agreed that race could be the criteria for positive discrimination. They held that it does not violate the right to equality concept enshrined under the 14[th]amendment. However, the majority opinion did not agree with this view. They held that discrimination based only on racial bases goes against the principle of 14[th]amendment. They went on to hold that in order to compensate past social discrimination it is not in state interest to use racial classification as a means for that end. Justice Powell in the judgement held that while race could be one of the criteria for judging diversity, it could not be the sole basis. The judgement went on to establish the US policy of emphasising on the broad diversity to be achieved in educational institutes. Among grounds of diversity included were exceptional talent, work experience, leadership potential, history of overcoming disadvantages *et cetera*. As a result of this policy agenda a candidate is expected to establish how she could contribute to the diversity of the campus. This move tends to promote diversity rather than focusing on providing remedy for historic marginalisation of some communities.

Advocates of diversity as the means for social integration rely upon their assumption that this leads to far more tolerant attitude and respect towards each other. This in turn not only bring better social cohesion but also sustainable economic growth in the society. However, the main criticism is that the diversity here is limited to cultural diversity. This limited view overlooks the hierarchical differences existing in the society. This completely changes the reasons for bringing in affirmative action.  While diversity could be regarded as one of the justification but using it as sole reason for affirmative action has altogether different impact. As a result individuals are forced to justify their contribution to

diversity on the basis of racial identity. This traps them into racial identity and limits their ability to prove there significance beyond the racial identity.

In the Indian context, it is interesting to study the interaction of social hierarchies and cultural diversity. Castes in India have their own set of cultural way of living. This is associated with their clothes, jobs they undertake, food choices, rituals *et cetera*. However, this does not mean that the more powerful social hierarchy could be replaced. In fact, in developing the cultural practises of the cast their position in social hierarchy has played a major role. For instance, under the *jajmani* system the jobs of different castes were fixed by birth which ultimately develop their cultural practises around it. This argument is substantiated by the constitutional assembly debate. While language, religion and tribes are given cultural protection no suchcultural protection provision is given for the castes. Constitution assembly members through the debates accept caste as a social construct prevailing in the form of hierarchies. The Constitution assembly debates makes clear that cultural differences were never regarded as the ground for caste discrimination. On similar lines the Supreme Court of India while adjudicating many issues concerning schedule caste[1], schedule tribe[2] classes and other backward classes[3] has differentiated among them. While dealing with Schedule Tribes cultural issues were taken up but when schedule castes and other backward classes issues arose cultural practises were not emphasised but rather their social position was given due emphasis.

## Conclusion

It is important to discuss the concerns arising in relation to the affirmative action policies in India. Compensatory justice and distributive justice as grounds for affirmative action are important part of the affirmative action policy. Departure from the merit principle could be made in interest of benefitting the least advantaged sections of the society. Groups can be legitimately be beneficiaries for the purpose of compensatory justice recognising their social identity as a whole.

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[1]   The former 'Untouchable' groups make up the majority of Scheduled Castes. Untouchability was abolished under Article 17 of the Constitution, yet it remains a severe worry in modern India, even if its manifestations have altered. In 1950, a Presidential Order under Article 341 outlined the various groups in each state that would be declared as Scheduled Castes. .

[2]   Scheduled Tribes are indigenous peoples who reside on the outskirts of Indian society. In independent India, there has been much controversy about the best way to achieve their assimilation into mainstream Indian society. Reservations in higher education and government jobs are intended to give them a significant interest in the advancement of society and the Indian state. Under the authorities conferred in Article 342, Scheduled Tribes are listed by state.

[3]   Lower caste groups, Dalit converts to Islam, and Christians are all classified as OBCs based on social, educational, and economic factors.

However, at the same time it is essential to ensure that the benefits are equitably distributed within the groups as well.

## References

1.  Beyles, D., (1976). *Reparations to Wronged Group.* Plymouth University Press.

2.  Dworkin, R. (1989). *A Matter of Principle*. Oxford University Press.

3.  Dworkin, R. (1990). *Affirmative Action: Is it Fair*. Oxford University Press.

4.  Friedman, S. (1998). 'Reversing the Discrimination'. *Law Quarterly Review*, Vol. 14,  pp. 567-575.

5.  Galexy, R. (2003). *A Theory of Constitutional Rights*. Oxford University Press.

6.  Goldman, A. (1997). *Justice and the Reverse Discrimination*. Princeton University Press

7.  Greenwallt, K. (1983). *Discrimination and the Reverse Discrimination*. Knopf Press.

8.  *Indra Sawhney Etc. vs. Union of India And Others* (1993) AIR SC 477.

9.  *Jarnail Singh  &  Others  Vs. Lachhmi Narain Gupta  &  Others* (2018)  10 SCC 3.

10. *M. Nagaraj v. Union of India* (2006) 8 SCC 212.

11. Nozick, R. (1999).*Anarchy, State and Utopia*. Blackwell Press.

12. Rawls, J. (1971). A *Theory of Justice*. Harvard University Press.

13. *Parents Involved in Community Schools v Seattle School District* (2007) 551 U.S. 701.

14. *Regents of University of California vs Bakke* (1978) 438 U.S. 265.

15. *Richmond vs J.A. Croson* (1989) 488 U.S. 469.

# Working of Indian Federalism during COVID-19 Pandemic:
## A Comparative Study of Indian and US Federal Response

Surabhi Gupta[*]

**Abstract**

*Corona virus pandemic has come as a global crisis of unprecedented nature unseen before and both federal and state governments across the world have found it hard to grapple with this. In this paper I have unravelled the strength and weakness of Indian federalism brought out while dealing with pandemic of a highly infectious disease and the key legal and institutional mechanisms that the federal and state governments have embraced in view of the situational exigencies. COVID -19 pandemic has affected all aspects of federalism-legislative, executive and financial federalism in India.*

*I have also made a comparative study of response mechanism employed by two different federal countries USA and India. Indian federalism has been long criticized for its unitary bias and American federalism has always been hailed as a pure version of federalism with more powers to state. But COVID-19 pandemic has exposed the vulnerabilities of American federalism where health is an exclusive domain of states and federal government in initial phase was slow to respond and take the leadership leaving the burden on the states alone to contain the spread of virus. On the other hand, in India, the Centre took the lead in controlling the situation and Indian states largely cooperated well with the federal government.*

*It raises pertinent question as to what are the responsibilities of the federal and state governments in inter-jurisdictional emergency situations such COVID-19 pandemic and is federal government supposed to do more.*

**Keywords**: Pandemic, Federalism, Epidemic, Lockdown, Quarantine

## Introduction

Corona virus pandemic has come as a global crisis of unprecedented nature unseen before and both federal and state governments across the world

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have found it hard to grapple with this. All forms of political systems and structures, democratic or authoritarian unitary or federal, parliamentary or presidential have found struggling to cope with this formidable challenge.

COVID-19 virus is not local. It is global. It doesn't respect state or national boundaries or sovereignty, no matter how much efforts are being made to close the borders to keep it out. In the aftermath of COVID-19 pandemic, debate has arisen particularly over the efficacy of federalism in dealing with pandemic of such scale or magnitude. When it comes to strategies for containment, constituent unit's assertion of autonomy or non-coordination seems not charmingly democratic but rather troublesome. If some states are not on the same page or are too slow to check the spread of virus, then it might prove a disaster for others because the virus will gain momentum and will eventually spread further to the places that have imposed restrictions on movement. Emergency situations and disaster management always require a prompt unified command and control approach. To deal with this was a challenge for federal countries which are saddled with multi- tier agencies and authorities resting on inter- agencies and cross-sectoral collaborations.

In this paper I have unravelled the strength and weakness of Indian federalism brought out while dealing with pandemic of a highly infectious disease and the key legal and institutional mechanisms that the federal and state governments have embraced in view of the situational exigencies. At the same time, I have put forth several recommendations to strengthen the federal mechanism of India to deal with crisis of similar proportions in future. The COVID pandemic around the world has put federal structures to the test. I have also made a comparative study of response mechanism employed by two different federal countries USA and India. Indian federalism has been long criticized for its unitary bias and American federalism has always been hailed as a pure version of federalism with more powers to state. But COVID-19 pandemic has exposed the vulnerabilities of American federalism where health is an exclusive domain of states and federal government in initial phase was slow to respond and take the leadership leaving the burden on the states alone to contain the spread of virus. On the other hand, in India, the Centre took the lead in controlling the situation and Indian states largely cooperated well with the federal government.

**Constitutional and Legal Provisions with respect to Pandemic and Indian Response**

India's constitution lays out a detailed scheme for the separation of powers between the centre and the states, albeit with a unitary bias. Healthcare is a state subject under Indian Constitution. However there are some constitutional

and legal provisions which permit the Union government to take the lead in extraordinary circumstances in directing and coordinating between and supporting the states. Epidemic Diseases Act, 1897 and Disaster Management Act, 2005 are the two primary laws which provide the legal framework for these interventions (Agarwal, 2020).

Indian federalism rests on three pillars: a strong centre, co-operative federalism and flexibility. These characteristics have now assumed a pivotal role in India's handling of the COVID-19 pandemic. The nature of the virus and its transmissibility necessitated or made it imperative of robust federal public health governance system to be put in place. It raises pertinent question as to what are the responsibilities of the federal and state governments in   inter-jurisdictional emergency situations such COVID-19 pandemic and is federal government supposed to do more.

The Epidemic Diseases Act authorizes both the central and state governments to regulate the spread of epidemic diseases. As per this act, the Centre is empowered to take preventive steps with respect to epidemic diseases at ports of entry and exit. This act at the same time also empowers the state governments to take preventive and regulatory measures to curb the spread of epidemic diseases within their own jurisdiction. Using the provisions of this act, states were able to impose bans on mass gatherings, shut down educational institutions including schools, colleges and universities, and instruct companies to devise work from home strategies within their territories. The state of Karnataka was the first to use this act, and put the powers assigned under it into action on 11 March 2020 (Saxena, 2020). After that other states followed the suit. Subsequently, the central government asked all the states to invoke the provisions of Section 2 of the act, which relates to the enforceable character of advisories released by both the Union health department and state governments. It is important to note that despite health being a state competence, there was no conflict of interest between the Centre and states with respect to the implementation of this act.

It is noteworthy that disaster management competences are missing in all the three lists of Schedule VII of the Indian constitution, it is considered a residual power under Entry 97 of the List 1. However, the Disaster Management Act. 2005 is rooted in Entry 23 of the concurrent list, namely, 'Social security and social insurance, employment and unemployment', thereby empowering all tiers of government to contribute to disaster management and mitigation (Sahoo and Ghosh, 2021). This was a wise decision on pat of the central government to not invoke its residuary powers and to provide for cooperative efforts of centre and

states. The act enabled both the central and state governments to impose a complete lockdown and regulate the movement of people.

In the Indian Constitution, entry 81 of Union List of Schedule VII gives "Inter-State migration; inter-State quarantine" subject to the centre. "Public order," "police" and "public health and sanitation; hospitals and dispensaries" are mentioned in entries 1, 2 and 6 of the State List. The entries 23 and 29 of the Concurrent List provides for "social security and social insurance; employment and unemployment" and "prevention of the extension from one state to another of infectious or contagious diseases or pests affecting men, animals or plants" thus giving legislative competence to both the centre and states (Agarwal, 2020). As per the interpretation of the Constitution, during the COVID-19 pandemic, the centre has the power to legislate and execute the laws and policies with respect to interstate migration, interstate quarantine, social security and social insurance, employment and prevention of the spread of infection in the country; and the states had powers in the area of public order, police, public health, sanitation, hospitals, social security, and containment of infection.

Thus, as per the interpretation of the existing constitutional scheme, the state governments are expected to play the primary role in the management of healthcare, as well as law and order, while the Centre is tasked to provide the overarching national leadership, facilitate coordination among key federating units, monitor the overall pandemic situation, and provide financial and other critical assistance to the states. States have sweeping police powers to protect their citizen's health during ordinary times. Various sections of the Indian Penal Code, 1860 were used by the states as a guide for laying down punishments for violators, much before the Centre started to issue its own guidelines. However, these existing laws that were supposed to ensure effective federal response to the pandemic proved inadequate in many instances. It forced both the Centre and states to resort to ordinances, and use the IPC and other provisions to make up for the constitutional and legal deficiencies.

**Working of Indian Federalism during COVID-19 Pandemic**

The response varied in the two waves. In the first wave response was more in the nature of unilateral centralization which later became more of unilateral decentralized response in the second wave. Though the primary responsibility of 'health' and 'law and order' lies with the state but looking at the worsening situation in other parts of the world, Centre assumed the sole leadership and anchored the entire central and state machinery towards managing the crisis (Chokkakula, 2020). As the pandemic threatened human lives and livelihoods, demanding quick response the Centre took over many responsibilities which otherwise fall within the domain of

the state by issuing wide range of directives and deciding on range of issues from procuring key medical supplies, medicines and equipments, PPE kits, procuring and allotment of Oxygen gas cylinder, knowledge production for setting standards and guidelines for the state and local governments, and mitigation of inter-state externalities. Right from the beginning of the pandemic in 2020, the Central government had taken the onus of coordinating and facilitating the entire process of vaccination in India; and rightly so. Government at centre is undoubtedly endowed with greater resources and technical knowhow for approaching the international vaccine manufacturers, conducting trials, giving clearances, providing logistical and financial incentives to the manufacturers, and subsequently, procuring the vaccines.

Though unilateral decision on the part of the centre to impose nationwide lockdown by invoking the Disaster Management Act came as a shock to some of the states as they had to grapple with him with humanitarian crisis of food, clothing, shelter, worsening plight of migrant workers and unprecedented unemployment .However, the states largely cooperated and it saved many human lives. In fact, state governments requested the central government to continue with its administration of the national lockdown during its initial phase.

However, most of these Central initiatives were found wanting when the more infectious second wave began overwhelming states and the country's health systems. Subsequent phases of the lockdown saw state's autonomy being restored. State governments were seen openly fighting with each other over essential medicines and oxygen cylinders and went to the extent of even blocking each others' supplies (The Print, 2021). Inter-state coordination was totally absent. It became so conspicuous and as the Centre faltered and lost its initiative, the Supreme Court intervened to resolve the deadlock between the warring states.

The earlier system of federal management was not well received in the second wave with the state raising the bogey of centralisation and founding it easy to sell lack of autonomy as a scapegoat. Central government also found it easy to blame the states citing that health was a state subject and sub-national governments should not have lowered their guard to the pandemic (Arora, 2021)

But the two measures undertaken during this period - the increase in borrowing limits and the agricultural reforms which created trust deficit and found centre using the pandemic as an opportunity to address long-standing governance issues in many Indian states which otherwise seemed impossible. The central government enhanced the borrowing limit of state governments from 3 per cent to 5 per cent of their gross state domestic product. But only the first 0.5 per cent of this increase is unconditional — a further 1 per cent will be permitted only if the

borrowing is linked to specific reforms such as debt sustainability, job creation, power sector reforms and urban development. A final 0.5 per cent will be permitted only if states achieve key milestones in these areas (Chandrakant, 2021) Agriculture is a state matter in India, and states tend to oppose even modest reforms suggested by the central government. The recent reforms completely dismantle the long-standing agricultural marketing system, which monopolised trade in agriculture within states and prevented the growth of a more efficient agricultural marketing system. Ordinances passed by the central government side-step the powers of states in this regard. It also brought out unique financial and political vulnerabilities of  state governments created during pandemic and  has increased the chances of state government giving up  to the governance priorities of the centre in future also (Burman, 2020).

**Federal Issues and Challenges during the Pandemic**

COVID -19 pandemic has affected all aspects of federalism-legislative, executive and financial federalism in India. Fiscal federalism was the biggest grey area which saw significant changes. The Centre took advantage of the pandemic situation to appropriate certain financial instruments where the states have legitimate claims. States' GST collections were severely affected and delayed with their dues still not fully disbursed by the Centre.

Due to the Covid-19 induced economic shutdown, the sources of states' revenue have collapsed. But the expenditure on the other hand either remained unchanged such as on interest payments, social sector schemes and on salaries of employees or has exceedingly increased for example to prevent and contain the spread of virus. States were required to take proactive steps on critical health infrastructure and healthcare including testing, treating and quarantining.

There was huge resistance from the states when the Union government took over key areas of jurisdiction and revenue of state such as banning liquor and stopping/resuming public transportation system. There was a sharp reduction in the revenue of the state plunging the state into a situation of fiscal deficit and increasing their dependence of centre and reducing their autonomy. The arbitrariness of the centre also became visible. The Centre rather than giving unconditional relief grants which was the need of the hour started rolling out conditional loans to the states.

Furthermore,  the states objected to the modus operandi of the PM-CARES relief fund and Cm Relief fund which indirectly disincentives donations to any Chief Minister's Relief Fund and diverts potential State revenues to PM-CARES making the States largely dependent upon the Centre. Contributions to PM-CARES Relief fund has been put under the ambit of Corporate Social

Responsibility (CSR) contributions. However, contributions to the 'Chief Minister's Relief Fund' or 'State Relief Fund for Covid-19' do not qualify as admissible CSR expenditure. Furthermore, MPLADS funds were suspended and were diverted to the Consolidated Fund of India which was not in line with cooperative federalism and state's specific needs (Sahoo and Ghosh, 2021)

Thus India's initial COVID-19 response was marked by fiscal centralisation with the Centre monopolizing certain scare financial resources and supply of kits, oxygen cylinders, state governments in many instances were left at its mercy. Given the situation and the erosion of the financial capital of the state, the states had no choice but to succumb to the temporary loss of power and autonomy. There were certain other areas and initiatives which led to huge outcry from states. For instance, the zone classifications into 'red', 'orange' and 'green' as per the number of COVID cases. The States demanded more autonomy in making such classifications since state consultation is mandatory upon the centre under the Disaster Management Act of 2005. Also centre and states failed to build a coherent and all-comprehensive plan of action to mitigate the migrant crisis.

**Working of Indian and American Federalism during COVID-19 pandemic: A Comparative Study**

When the pandemic broke out, it was anticipated/expected that America with an advanced and robust healthcare system will be able to withstand such an emergency as compared to other countries. However, the immense human loss which occurred in the first wave itself contrasted the popular assumption and also affected its standing in the world (Feldman, 2020). US accounted for almost a third of all cases worldwide and nearly 30 percent of all deaths. As compared to USA, many of Asian countries including India was better off in the first wave and were quick to impose lockdown and take measures at war footing.

The reasons which were cited in the inept handling of pandemic were the federal inaction and the rigid model of federalism which US has adopted. The response was inconsistent and uncoordinated and overlapping jurisdiction and competing authorities can partly be blamed for it. It also busted the widely held American belief that decisions made closer to home are inherently better.US President Trump was found instructing the states that they have to manage on their own to procure the required Personal Protective Equipment for their health-care workers while the governors of the state demanding for a national leader in this moment of crisis who will unlock the emergency powers of the federal government (Selin, 2020)

In USA, on the other hand President Trump neglected the pandemic for quite some time and  shy / were reluctant  away to take leadership to control the

spread including declaring a state of national emergency and taking real time actionable measures for it. On the other hand rather than providing the states with the requisite federal resources, he blamed the states especially those which were ruled by the opposition party to be delinquent in their responsibility. The slow Washington response can be attributed not to constitutional infirmities of federalism but to party politics and absence of political will. Escapist tendencies exist when a conflictive and rather less responsible political culture prevails.

Federal response in the US was slow to develop creating delay and confusion about the nature of the virus and measured needed to address it. Federal government had done too little and so the state governments had to intervene where the federal government fell short of. Governors of all the 50 states issued partial or total emergency and used their sweeping powers to issue directives regarding lockdown, quarantine and health orders, stay at home orders. The patchwork response in epidemic is not conducive.

One of the weirdest things in this weird historical moment is the hodgepodge nature of the corona virus responses from different state, county, and local governments throughout the United States. Throughout history, the U.S. responses to major crises reflect an attempt to balance the exercise of power between the federal and state governments and maintain each within its constitutionally prescribed boundaries. This balancing act becomes difficult during inter-jurisdictional emergency situations such as the COVID-19 pandemic which requires proactive role of federal government.

Federal response roles during this pandemic time should have been shared between the Department of Homeland Security and state and local public health departments under the aegis of Federal Department of Health and Human Services (Price, 2020). The federal government's ability to intervene in matters of public health stems from its constitutionally mandated right to regulate interstate commerce. Still, other federal healthcare regulation operates through the Constitution's spending clause purview and responsibility of the state under its police powers.

In India on the other hand, central government was directing and leading the response to Covid-19. The Centre was in the forefront and took the lead in controlling the situation rather than putting the entire onus on the states as discussed earlier. Our constitution makers had already displayed exemplary farsightedness by incorporating emergency provisions in the constitution which alters the regular distribution of scheme of powers and states had semblance and experience of the change in nature warranted by the situation. In India the Ministry of Home Affairs at Union level and not state governments prescribed the duration

and regulation of several lockdowns. This was unlike other federal countries such as United States or Canada where state and provinces determined the conditions of lockdown. Over and above, India like in most of other federal countries did not activated emergency powers but rather action was taken by invoking ordinary legislation on epidemic, disaster management and civil protection. Decentralization of powers has a hard time.

**Conclusion**

Comparative analysis of working of American and Indian federalism during pandemic period shows that quality of response is not decided by the degree of degree of decentralization as it is seen that though in almost all federal countries healthcare is a state subject but some countries were much more effective in coping with the crisis than in others. It depends on quality of governance as to how it tries to control the progression of virus. Federalism is more of a functional than structural system and its success or failure in any situation depends on the political will, coordination and harmony between centre and states. The quality of response is proportional to the quality of political, institutional and procedural cooperation among the levels of government. All federal constitution are in principle "good weather constitutions". Emergency is not a friend of constitutions.

Thus the entire working is proves that federalism has never been a hurdle or obstacle when certain immediate and far-reaching decisions are to be made with the sole purpose of protecting public health and national security. In exceptional and rare situations there is always a scope to streamline procedures and to shorten the line of command and this is possible in a more regular way in federalism rather than derogating from the constitutional order.

It was observed during the handling of pandemic that in this moment of crisis, health sector could not afford a system handling with different authorities at different levels bringing out different regulations which can potentially delay the implementation and complicate the decision making. Uniform decisions are certainly necessary to contrast a pandemic. More levels of government mean more discussions and dialogue. Centralised unitary response is much more effective. Countries with rigid federal model and who did not tailored federalism to suit the requirements had a hard time. Some political analysts came to an extent of appreciating the Chinese model of sovereignty where power is vested in national government or to better say in the leader. Scientific responses are supposedly identical in each place and therefore at odds with territorial divergence: the rules to contain the virus must be the same everywhere, as a matter of logic.

The pandemic has provided much impetus to inter-governmental collaboration. This pandemic has consolidated a new phase of federal relations, where states increasingly accept the reform priorities of the centre in a manner not seen in a generation.

## References

1. Agarwal, P. (2020). COVID-19 and dwindling Indian federalism. *Economic and Political Weekly*, 55 (26)

2. Arora, Vij (2021), As Covid Situation Worsens, centre tries to shift blame on the states. *Outlook*, April 22, 2021

3. BQ Desk (2020), Covid-19 Economic Package: Government Allows Increased State Borrowings with Conditions Attached", *Bloomberg Quint*, May 17, 2020

4. Burman, Anirudh (2020). How Covid-19 is changing Indian federalism. *Carnegie* India, July 28, 2020

5. Chokkakula, Srinivas (2020). India's response to Covid-19 reflects the power, problems, potential of federalism. *The Indian Express*, September 18, 2020.

6. Feldman, Naoh (2020). US Federalism isn't great at handling pandemics. *Bloomberg,* March 19, 2020

7. Lahariya, Chandrakant (2021). Covid vaccination was always centre's job, what else must be done. *The Quint*, June 9, 2021

8. Price, Polly J. (2020). *A Coronavirus Quarantine in America Could Be a Giant Legal Mess.The Atlantic*, February 16, 2020

9. Sahoo, Niranjan and Ghosh, Ambar Kumar (2021). The COVID-19 Challenge to Indian Federalism. ORF Ocassional Papers, June29, 2021

10. Selin, Jennifer (2020, June 8). *How the Constitution's federalist framework is being tested by COVID-19*. Brookings.

11. Saxena, Rekha. Federalism and the COVID-19 crisis: Centre-State apposite relations in Pandemic Federalism – India. *Forum of Federations*

12. The Print Team (2021. Delhi hospitals gasp as Haryana refuses to share oxygen, then centre steps in to resolve row. *The Print*, April 21, 2021.

# India-Nepal Relations since 2014:  Understanding Changing Perceptions

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**Abstract**

*Since Narendra Modi first became Indian prime minister, he has invested a great deal of political capital to improve India-Nepal relations in line with his 'neighbourhood first' policy. However, relations took a frosty turn in 2015, after Nepal promulgated a new constitution and the subsequent imposition of a blockade along the open border. Since then, there have been many attempts from India to normalise and improve relations with Nepal. Though Nepal's current Prime Minister Sher Bahadur Deuba has been trying to course correct his predecessor KP Sharma Oli's ultra-nationalist position, the article argues that obstacles to good relations are more due to differences in mutual perceptions. The article recommends that though geopolitical realities need to guide India's foreign relations with Nepal, the preferred option for the Modi government is to welcome the recent Nepalese rapprochement and conduct its Nepal policy under congenial atmosphere.*

**Keywords:** China, Earthquake, SAARC, Madhesi, Blockade

## Introduction

India's neighborhood policy has been shaped by the need to enhance regional connectivity as well as to mitigate security concerns precipitated by a surge in Chinese strategic presence in South Asia. In this regard, India's ties with Nepal are unique. India and Nepal share not only the ties of history, culture and religion, but they also share an open border allowing uninterrupted movement of

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people. Nepal shares 1,750 km border with five Indian states – Sikkim, West Bengal, Bihar, Uttar Pradesh and Uttarakhand.

Both have also shared close military links as New Delhi has been the major arms and ammunition provider to the Nepalese Army. Moreover, both countries award each other's Army chiefs the honorary rank of General. The tripartite agreement signed between India, Nepal, and the United Kingdom allowed the recruitment of Gurkhas in Indian army as Nepal's former Rana rulers felt that their country was not able to bear the burden of rehabilitating 200,000 solders discharged from the British India army at the end of Second World War, and there were fears that highly trained but unemployed soldiers might pose a threat to their rule. From Indian perspective, the recruitment of Gurkhas was a soft power tool to enhance the goodwill between two countries (Bahadur 2019). Due to its larger-than-life presence, India is the most significant international actor in Nepal. However, their relationship has witnessed marked downslide and distrust during the last one decade due to several domestic and regional factors. India faces several hurdles in keeping its ties with Nepal on track.

Modi considered strategy of wide ranging engagement with Nepal as a viable way to deepen bilateral ties as well as to secure India's interests amid Chinese inroads in the Himalayan nation. His initial outreach to Nepal in 2014 managed to hit the right notes, and captured the imagination of the Nepalese people and politicians alike. Unlike his predecessor, Manmohan Singh, who could not visit Nepal during his entire 10 years period as prime minister, Modi visited Nepal twice in 2014.

During the first visit in August, Modi announced $1 billion as concessional line of credit for Nepal. This grant was meant for infrastructure development and energy projects. He also addressed Nepal's constituent assembly. It was only the second time a foreign leader got the opportunity to address such an assembly in Nepal. During this historic address, Modi highlighted how Buddhism contributed to shared civilizational bonds between the two neighbours. He also declared that while Buddha attained enlightenment in India, he was born in Nepal. Modi's declaration was seen as an attempt to assuage those Nepalese who have been critical of claims by some Indians that India was the birthplace of Buddha (Mazumdar 2018).

Modi visited Nepal again in November 2014 in connection with the 18th SAARC summit in Kathmandu. He was supposed to directly arrive in Janakpur by land before flying to Kathmandu. But some Nepalese opposition political parties opposed the preparations made by the committee headed by a ruling party leader. As the protests escalated, Modi's visit to Janakpur was cancelled (Pradhan 2014).

He was disappointed over his inability to travel to Janakpur. According to a media report, Modi gave a speech in Kathmandu indicating that there was a lack of consensus in the efforts to frame the Nepalese Constitution. Besides, the obvious reason by the opposition protests over Modi's plans to address a public rally in Janakpur, an observer has pointed out another reason which led to the cancellation of Modi's Janakpur visit; it was his plan to drive to Janakpur by road through the Birgunj-Raxaul checkpoint on India-Nepal border. Nepal feared that crowds would accompany his convoy from India which would likely overrun the open border between India and Nepal. Feeling snubbed when informed about this apprehension, Modi decided to call off his plans to visit Janakpur (Haidar 2018).

After a devastating earthquake caused havoc in Nepal in April 2015, India carried out extensive rescue operations and extended much-needed financial assistance for post-earthquake reconstruction projects. Moving away from a purely realist position, Modi displayed commendable generosity towards Nepal (Mukherjee 2016). PM Modi was personally involved in framing India's swift response to the Nepal earthquake. Within hours, Modi chaired an emergency meeting of senior Indian ministers and key bureaucrats so that relief could reach affected people as early as possible. He personally telephoned half a dozen chief ministers, including Bihar's Nitish Kumar, Uttar Pradesh's Akhilesh Yadav and West Bengal's Mamata Banerjee, and asked them to send buses to Nepal for evacuating people. Named as 'Operation Maitri', India quickly mobilized one C-130J, two C-17 and one IL-76 aircrafts along with 295 members of the National Disaster Response Force (NDRF) within and outside Nepal (NDTV 2015). Reaching out to the people of Nepal through his monthly radio programme 'Mann ki Baat', Modi said that for Indians, "Nepal is their own country and India will make all efforts to wipe the tears of every person in Nepal, hold their hands and stand with them" (Economic Times 2015).

While India's rescue efforts were praised by all sections of the society, Indian media's coverage of the tragedy and the relief operations aroused resentment among some Nepalese. They took to social media platforms to complain about "insensitive" reportage, which they felt was the public relations exercise on behalf of the Modi government, on Nepal's worst earthquake in 80 years (Parashar 2015). To dispel the misconceptions, India's ambassador to Nepal, Ranjit Rae wrote an article in *Kantipur*, requesting the Nepalese not to have doubts about India's sincere intentions in helping Nepal (Parashar 2015). Except for this minor irritant, India's swift response under Modi's leadership generated considerable goodwill in Nepal. In other words, Modi was largely successful in using disaster diplomacy as a strategic tool to strengthen ties with Nepal. During an international donors' conference in Kathmandu a few months later, India's then

external affairs minister Sushma Swaraj announced $1 billion in assistance to Nepal for its reconstruction efforts, asserting that India was deeply committed to see a "stronger, united and more confident Nepal" soon (Press Trust of India 2015).

**Unofficial blockade**

Nepal is a heterogeneous country in terms of geography, ethnicity, language and culture. As in other heterogeneous regions of the world, historical grievances in Nepal have festered and new ones have been found over the years, leading to the emergence of identity movements. Disgruntlement among Madhesi people in Nepal's Terai region – who speak languages such as Maithili, Bhojpuri, Awadhi, Urdu, Hindi – has always been a factor in the Indo-Nepalese relationship. Feeling excluded from Nepal's political structures, this community has been seeking greater space in the polity. It required elections of two constituent assemblies for republican Nepal to draft the constitution which was not popular among Madhesi activists who demanded an ethnically-defined federalism, as well as a separate province spanning the Tarai.

Things began to take an ugly turn when Nepal decided to promulgate the new constitution that gave less than adequate powers to the Madhesis. This led to violent protests in many parts of Nepal, prompting India to express concern over the ongoing protests. India called for continuing flexibility on the part of all the political parties so that contentious issues could be addressed through dialogue. India's then foreign secretary S. Jaishankar, as a special envoy of prime minister, also visited Kathmandu, and held many meetings with Nepal's leaders across the political spectrum. But they did not listen to India's suggestion to postpone the Constitution by two weeks. Consequently, Madhesi protesters' blockade stopped all essential supplies from India from reaching Nepal and created a humanitarian crisis. Though the Modi government never officially admitted that India was blockading Nepal, New Delhi's siding with the demands for constitutional changes and use of its border forces and customs to block goods traffic was remembered in Nepal as an India-backed blockade.

Coming a few months after the earthquake, the economic blockade magnified the sufferings of the Nepalese and turned the popular sentiment decisively against New Delhi. Consequently, India became the only talking point in Nepalese politics. From politicians to the media to the intelligentsia to the common person, almost everyone blamed India for what they called an 'undeclared blockade'. Besides whipping up a nationalistic backlash against India, especially because it happened even before Nepal could recover from the

earthquake, the blockade marked a new low in Nepal's ties with India, reviving allegations of India's big brother attitude towards its small neighbour.

As the perception grew in Nepal that the Indian government was being complicit in an unofficial blockade and consequent economic hardships, Kathmandu began to play 'China card' to balance India's influence in the Himalayan country. The KP Oli government found it particularly convenient to scapegoat India for many political and constitutional problems within Nepal. In 2016, internal political turmoil led to the downfall of the Oli government and the installation of a government led by Pushpa Kamal Dahal or 'Prachanda' with support from the Nepali Congress. Prachanda built upon a cordial relationship with India and also made a few amendments in the Nepali constitution. During his India visit in September 2016, the two countries signed an agreement for a line of credit of $750 million for the post-earthquake reconstruction of Nepal (IANS 2016).

Then Indian President Pranab Mukherjee's three-day state visit to Nepal in November 2016 was an important event which helped restore a degree of balance in bilateral ties that were passing through a turbulent period. Besides underlining the historical and cultural bonds between the people and the intertwined destinies of the two countries, Mukherjee gave a clear message that Nepal must complete the political transition that had began a decade ago when the Maoists were mainstreamed in the political process, and all sections of Nepalese society should come together to form the new constitution (Sood 2016). During his visit to Pokhara, he did not forget to highlight the positive aspect of the 1950 Treaty of Peace and Friendship that enables Nepalese to find easy employment in India.

**China factor**

China shares its Tibet autonomous region's border with Nepal, making it strategically significant for Beijing. China became a factor in India-Nepal relations since 1960 when the two countries signed a Treaty of Peace and Friendship. Nepal remained neutral during India-China war in 1962. Chary of dissent among Tibetan exiles living in Nepal, China has been leaving no stone unturned in deepening ties with the Nepalese politicians. Since the announcement of the Belt and Road Initiative (BRI), China has taken several initiatives with Nepal to increase the economic integration between Nepal and Tibet. The BRI is often viewed as a Trojan horse for China's global dominance through debt traps.

Due to inconsistent policies and conflicting priorities of New Delhi as well as the emergence of a new generation of politicians and opinion makers in Nepal who are either exposed to the western world or have little emotional bonds

with India, India's leverage in Nepal's internal politics has shrunk in recent years. China is more than willing to fill the vacuum. It has been argued that Nepalese policymakers would prefer "Chinese model of economic engagement without political dictation" than "Modi's 'neighborhood first' policy" (Haegeland 2016). Oli's repeated assertions that Nepal would seek a balance between a distant China and the next-door India with which it has had an open border and age-long cultural, economic and political ties, can be read as a significant signal of how the power balance is shifting in Nepal. In order to diversify its trade and transit routes as well as to reduce its dependence on India, Kathmandu has signed on to ambitious BRI plan that is likely to cement China's communication links with Nepal. In the context of India's concerns about the BRI, the Chinese attempts to open an economic corridor between Nepal and India are going to add to India's persistent worries of Chinese encirclement. The economic viability of linking Nepal through land routes via Tibet has always been suspect. As argued by a scholar, for Beijing, the major "objective of the connectivity initiatives in Nepal is not Nepal in itself; the target of Chinese connectivity initiatives is to connect the Indian market through Nepal" (Thaliyakkattil 2019). Since the railway projects proposed under the BRI are almost along tunnels and bridges through remote mountains which would miss all major cities on the Kathmandu-Kerung highway, it has been reasonably argued that China-backed railway projects in Nepal are not likely to benefit local Nepalese (Bhushal 2019).

In January 2018, the Nepal-China optical fibre link became commercial operational. Two state-owned telecommunication companies from China and Nepal set up the linkage, providing Nepal with an alternative route for receiving Internet services through China from major Internet hubs. This development was viewed as ending India's long monopoly of Nepal's cyber connectivity network (Himalayan Times 2018). China has also financed the Nepal Armed Police Force Academy, located at Chandragiri municipality on the outskirts of Kathmandu. The training academy is the first of its kind in Nepal and has been built under the China-Aid project, which seems to be a part of the BRI. It was hinted by Chinese Ambassador to Nepal when he said that "cooperation under the framework of Belt and Road Initiative will bring new opportunities to the development of Nepal" (Xinhua 2018). The Nepal Armed Police force plays a key role in managing Tibetan refugees in Nepal. Ironically, India had promised to build this training academy. When Modi visited Nepal in 2014, he not only criticised the previous government for not delivering on many promises to Nepal, but also unveiled a plaque of the academy amid much fanfare. But then the project went to backburner again. Starting the work in 2015, the Chinese completed it within two years (Chowdhury 2018). This particular project was reflective of Nepal's

changing attitude that it would not wait indefinitely for India to honour its commitments.

As a key stakeholder in Nepal's peace process since 2006, India has insisted the need for Nepal to have an inclusive constitution. India's indirect support to the Madhesis in 2015 precipitated an economic crisis in Kathmandu. One cannot absolve New Delhi of the manner in which the resulting crisis was handled, but Nepal's ruling elite, instead of addressing the genuine grievances of Madhesis, resorted to anti-India strand of Nepalese nationalism and sought Chinese help. It signed a transit agreement with China in an attempt to reduce Indian monopoly on the supply of petroleum. Praising the new constitution, Chinese foreign minister Wang Yi said that "China has all along believed that countries irrespective of their size are equal. China and Nepal have always treated each other sincerely and as equals. We hope that the same policy and practices will also be adopted by India" (Verma 2015).

Portraying himself as a David against India's Goliath, KPS Oli rode the nationalist wave to sweep the December 2017 parliamentary elections. The surprise victory of the Left coalition in Nepal's parliamentary and provincial elections was not seen a positive development for India. At the height of the economic blockade which had triggered a wave of anti-India sentiment in Nepal, then prime minister KPS Oli was seen as standing up to India, and this helped him to get reelected. The Modi government soon read writing on the wall and serious diplomatic efforts were made to ensure that KP Oli visited India first after his re-election. KP Oli also reached out to Modi when he expressed his desire to work with the Indian government and expected "further close cooperation between our two countries and the people" (Giri 2018). Sushma Swaraj's surprise 'goodwill' visit to Kathmandu in early February 2018 was a sincere attempt to bury previous misunderstandings and make a fresh beginning.

**Multiple Irritants**

It is believed that India-Neal relations are back to normal. However, there are several tricky issues between the two countries, like differences over the SAARC process, open border, India's poor performance in aid delivery projects in Nepal, and Nepal's national identity etc.

Despite socio-cultural commonalities, Nepalese elite seems to have become very sensitive about preserving a distinct Nepalese identity, which they feel is different from that of the mainstream Indian identity. They do not want their country to be seen as an extension of India. For instance, during a webinar sponsored by Confederation of Indian Industry (CII) in August 2020, External Affairs Minister S. Jaishankar's remarks that the Buddha was one of the two

greatest Indians ever led to protests in Nepal. Nepal's foreign office issued a statement that Buddha's birthplace is Lumbini which is located in Nepal, and also cited how Indian Prime Minister Modi had in 2014 said that "Nepal is the country where the apostle of peace in the world, Buddha, was born" (Telegraph 2020). There is no doubt that people of Nepal feel proud of the fact that Buddha was born in Nepal, and over the years this historical fact has become integrated into Nepal's national identity.

Prime Minister Oli had taken the politics of national identity to an almost absurd level when he remarked in July 2020 that India had created a fake Ayodhya in India because the real Ayodhya was near Birganj in Nepal. He said: "We did not give Sita who was born in Janakpur to an Indian prince but Sita was married to Ram of Ayodhya, not the one in India" (IANS 2020). Though he was severely criticised for these unproven remarks by many in Nepal, Oli's statement is a reflection of an intense nationalistic view rejecting the deep-rooted ancient cultural linkages that Nepal share with India. Nepal's identity dilemma is aptly summarized by Ranjit Rae, who observes "What is Nepal's own sense of its identity? How is it different from India? Given the asymmetry in size and in population, the fact that Nepal is surrounded on three sides by India, engenders a siege mentality and a desire to break away… Two unique markers that Nepal has claimed for its own national identity are being the birthplace of the Buddha and home to the highest peak in the world, Mount Everest. Unfortunately for Nepal, both these markers are shared, the former in terms of the common Buddhist heritage with India, and the latter with China" (Rae 2021). Increased interdependence and enhanced connectivity between Nepal and India is the only solution to Nepal's sense of siege mentality.

Divergence of views on regional cooperation and integration is an irritant. The SAARC was created to enhance regional cooperation in South Asia. However, it has come under stress in the last few years as its performance has been less than satisfactory. Suspicion and mistrust among member countries have prevented the organisation in strengthening regional cooperation. Disputes among the member countries often hamper consensus building. SAARC faced serious setback after the 19th summit, scheduled in Pakistan in 2016, was suspended for an indefinite period because it was boycotted by the Modi government due to terror attacks in India. Three other member states – Bangladesh, Bhutan and Afghanistan – also supported India in boycotting the summit. Nepal, then chair of SAARC, had little option but to cancel the summit (Giri and Jacob 2016). The group has remained in limbo ever since. Due to need for consensus for decision making in SAARC, it has very few achievements during three decades of its existence.

On the other hand, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) has gained more traction for promoting regional cooperation in South Asia. After India hosted the BIMSTEC leaders to the BRICS outreach summit in Goa in 2016, support for BIMSTEC has been gaining momentum. In the August 2018 summit in Nepal, it was due to India's efforts that BIMSTEC passed a resolution demanding action against states that "encourage, support or finance terrorism, provide sanctuaries to terrorists and terror groups" (Ministry of External Affairs 2018). However, the summit was not without a controversy.

Nepal had initially agreed to participate in the inaugural BIMSTEC's first ever joint military exercises, which followed the BIMSTEC summit in Kathmandu. But the Nepalese Army withdrew its contingent at the last moment due to political reasons. There was no official explanation for the Oli's government decision to pull out of the military drills which created diplomatic confusion. It was speculated that Oli was not happy with Modi's unilateral announcement of the multilateral exercises during the BIMSTEC summit, without putting forth a formal proposal to Nepal, who was the host. The Thai contingent too did not join the exercises due to lack of adequate notice (Editorial, Hindu 2019). The platoon-level joint military drills were finally held in Pune without Nepal and Thailand. Instead, Nepal deemed it fit to join China for a Mount Everest Friendship Exercise in China's Sichuan province, which was also focused on counter-terrorism drills. Nepal's decision came soon after China allowed it access to its four seaports – Tianjin, Shenzhen, Lianyungang, and Zhanjiang – and the three land ports of Lanzhou, Lhasa and Xigatse, which would reduce Nepal's dependence on India for trading routes (Wagle 2018). However, some observers believed that Oli's volte-face was due to his inability to deal with political manoeuvring and contradictions with the ruling party, which was divided into pro-India and pro-China factions (Lo 2018).

During his tenure, KP Oli kept on urging for SAARC's revival which has been moribund since 2016 when India suffered terror attacks at the hands of Pakistan-based terrorists. In an interview in June 2019, Oli had said that "as the chair, Nepal wants to revive SAARC and make it effective again. Developing relations in the region is better than anything else" (Mohan 2019). On S. Jaishankar's appointment as a minister in the Modi government, Oli had remarked that friendship with "neighbouring countries does not depend on an individual but with the government…Whoever takes whatever portfolio, our friendly ties are not dependent on such appointments" (Mohan 2019). It needs to be recalled that Jaishankar had a difficult relationship with Nepal when he was Foreign Secretary

in 2015; he had made a vain attempt to deal with the crisis at the time of promulgation of Nepal's new constitution.

There are also differences among Nepalese politicians regarding the Indo-Pacific strategy, which is seen as an American-led initiative aimed at countering China's BRI. The Oli government was cognizant of the need to enhance Nepal's relationship with the United States, which is Nepal's traditional development partner. But it was wary of antagonising the Chinese. Nepal had received a $500 million grant under the Millennium Challenge Corporation (MCC), which is widely perceived to be part of the Indo-Pacific Strategy (Bhattarai 2019). Due to sharp differences among the leaders of Nepal's ruling party, the implementation of MCC projects has run into rough weather. This issue has almost divided the nation, and is indicative of Nepal's challenge in charting its foreign policy amidst geopolitical rivalry between the US and China (Gurung 2021). As Kathmandu increasingly attempts to balance its ties, the India-China strategic competition for influence in Nepal may have taken the backseat for now.

The open border is a great facilitator between the people of two countries. However, it also opens the floodgates to the cross-border mobility of the terrorists and insurgents. Over the years, India has informed to Nepal that Pakistan's intelligence agencies are taking advantage of the open border to engage in anti-India activities. For instance, Pakistan-based terrorists used Nepalese territory to stage the December 1999 hijacking of Indian Airlines flight IC-814. Abdul Karim Tunda, the Lashkar-e-Taiba's notorious bomb maker, and Yasin Bhatkal, the co-founder of the Indian Mujahideen, were arrested by Nepalese police and handed over to Indian agencies in August 2013 (IANS 2013.). India's Intelligence Bureau had been keeping a tab on Bhatkal ever since he was identified in the CCTV footage of Hyderabad's Dilsukh Nagar planting a bomb. Accused of being involved in six other major bomb blasts in India since 2008, he was shuttling between India and Nepal for carrying out more terror attacks (Sharma 2013).

In the past, many north-east Indian insurgent groups such as United Liberation Front of Assam, the National Democratic Front of Bodoland and Kamtapur Liberation Organisation also misused the open border. Many hardcore criminals pursued by Indian police often escape into Nepal resorting to open border. Nepal has also emerged as a transit point for the flow of narcotics and fake Indian currency notes into India. But it is not possible for India to close the open border with Nepal, given the cross-border kinship ties. Multiplicity of the routes along the India-Nepal border, the well-developed markets on the both sides and the comparatively low presence of law enforcement agencies makes the task of countering terrorist and criminal activities a bit difficult. As argued by an Indian scholar, "India has an open border with Nepal permitting passport-free passage.

This open border is becoming the Indian internal security's Achilles heel" (Chellaney 2018).

China often appreciates "the Nepali government's commitment towards independent foreign policy" (*Himalayan Times* 2018). China's internet service providers are trying to break Indian monopoly. Most importantly, Chinese tourists are flooding Nepal, and more Nepalese students are travelling to China than to India. As part of a unique charm offensive, China invites hundreds of Nepalese officials for training. China's involvement in Nepal's social, political and economic life will increase significantly in the coming years. On the other hand, Kathmandu is also introducing Chinese language classes for high school Nepalese students, so that they can better communicate with their Chinese counterparts (Nepali Times. 2019). China has many explicit and implicit goals and interests in Nepal. By employing the 'Educational Soft Power Model' as part of its broader statecraft instrument in Nepal, China has been trying to use higher education as a channel to expand its strategic frontiers (Jain 2020).

**Current Dynamism**

The two-year long power struggle in Nepal's ruling alliance could not deliver the political stability despite having a two-thirds majority in the House of Representatives. Nepal was plunged into a political crisis in December 2020 when the House was dissolved with announcement of fresh elections at the recommendation of Prime Minister Oli. But the country's Supreme Court reinstated the dissolved House, and paved the way for another governing alliance led by Nepali Congress in July 2021 with Sher Bahadur Deuba as Prime Minister (Press Trust of India 2021).

While China's capacity in rebuilding the leftist alliance remains limited under current circumstances, it is not expected to give up its efforts. Fortunately, some of the anti-India feeling has recoiled to China due to Beijing's interference in Nepal's domestic politics in recent years. As long as the principle of non-interference is respected in letter and spirit by India and there is a high degree of political engagement between the top leadership, there will be enhanced cooperation between two neighbours. The downturn in bilateral ties after 2015 blockade as well as virulent Nepalese backlash was a huge shock to Indian foreign policy establishment which was caught off guard. Learning appropriate lessons from that episode, the Modi government has been trying since to reassure Nepal that India will follow a policy of non-interference in Nepal's domestic affairs. It remains to be seen how the Modi government tackles Kathmandu's complicated request to concede Kalapani to Nepal. Most importantly, Nepalese nationalists,

republicans and other nationalist will vehemently thwart the restoration of any form of Hindu monarchy (Mehta 2021).

The Modi government seems to have learnt from past mistakes and now trying to deepen trust between India and Nepal which is so important for regional peace and security. A seasoned observer of India's foreign policy, Happymoon Jacob, has remarked that the policy design, articulation and implementation of the Modi's government's latest foreign policy initiatives are being defined in a professional manner with an emphasis on substance over style, further arguing that "India's new Nepal policy is devoid of Hindutva fantasies and diplomatic imperiousness" (Jacob 2021).

New Delhi has assured the supply of COVID-19 vaccines to Nepal. In terms of political exchanges, there have been many visits of high-level delegations. For instance, a special delegation of the ruling Nepali Congress Party arrived in New Delhi in October 2021, which held meetings with External Affairs Minister S Jaishankar. PM Deuba also met his Indian counterpart on the sidelines of the COP26 meeting in Glasgow in November 2021 during which he invited Modi to visit Nepal (Bhattarai 2021). In April 2022, Deuba visited India in his first bilateral visit after taking charge as the Prime Minister last year. During this visit, the use of Indian RuPay card in Nepal was also jointly launched. This is likely to open new avenues for cooperation in financial connectivity as well as facilitate bilateral tourist flows between India and Nepal (Ministry of External Affairs 2022).

The regular meetings will result in good rapport between Modi and Deuba, and also help in removing many misunderstandings between the two countries. It is in India's interests to institutionalise the current dynamism. There is an added realisation in New Delhi that India should not lose any opportunity to steer Nepal back to its more traditional pro-India foreign policy orientation.

**Conclusion**

The impressive gains of PM Modi's first Nepal visit in August 2014 and of India's swift response in the wake of devastating 2015 earthquake in Nepal were frittered away within a year due to several missteps by New Delhi. In particular, India's backing of the Madhesi movement resulted in an avoidable five-month blockade on the cross-border movement of essential supplies from India to Nepal. Since then, India has been attempting to cosy up to Nepalese leadership. India's stated objective of seeking a stable and prosperous Nepal converges with that of the Nepalese people.

Whatever the current status of India-Nepal relations, India will remain vital for tiny Himalayan country in foreseeable future. However, India cannot take

this fact for granted indefinitely. It has been seen generally that Nepalese nationalism often takes an anti-Indian colour, particularly at the time of internal political differences within Nepal. The perception in Nepal of India's 'big brother' attitude coupled with New Delhi's inability to fulfill the expectations of Nepalese people have been contributory factors in Kathmandu's visible drift towards Beijing.

Nepal is still in transitional phase, where the political leadership is not as strong as one would expect. There is still a lack of clarity on the country's foreign policy objectives as there are disagreements on what kind of foreign policy Nepal should pursue. Given the shifting regional geopolitical dynamics, India needs to figure out in what new ways it can move forward in its bilateral relationship with Nepal. The visible deliverables, such as road and railway links and power projects will determine the success of the partnership. Fast-tracking implementation of reconstruction and development projects should be in keeping with the new thrust of 'neighbourhood first' policy. India should provide an alternative narrative for India-Nepal ties, one that takes into account people-to-people contacts and deep-rooted cultural connection without resorting to religious symbolism.

## References

1.    Bahadur, B. K. Upendra. 2019. 'Nepal-India Open Border: A Rationale of Regulation', in Nasir Uddin and Nasreen Chowdhory, *Deterritorialised Identity and Transborder Movement in South Asia*, Singapore: Springer, p. 138.

2.    Bhattarai, Kamal Dev. 2019. 'The $500 million US grant to Nepal under the Millennium Challenge Corporation is part of the Indo-Pacific Strategy', *The Annapurna Express*, 10 February, accessed from https://theannapurnaexpress. com/          news/the-500-million-us-grant-to-nepal-under-the-millennium-challenge-corporation-is-part-of-the-indo-pacific-strategy-1201

3.    Bhattarai, Kamal Dev. 2021. 'Nepal's New PM Deuba Seeks Better Ties With India', *The Diplomat*, 30 November, accessed from https://thediplomat. com/2021/11/nepals-new-pm-deuba-seeks-better-ties-with-india/

4.    Bhushal, Ramesh. 2019. 'China-Nepal railway: fantasy or reality?', *The Third Pole*, 18 June,  accessed from https://www.thethirdpole.net/en/regional-cooperation/best-of-2019-china-nepal-railway-fantasy-or-reality/

5.    Chellaney, Brahma. 2018. 'Decoding Narendra Modi-Khadga Prasad Oli chemistry', *DNA*, 7 May, accessed from https://www.dnaindia.com/analysis/ column-decoding-narendra-modi-khadga-prasad-oli-chemistry-2611675

6.    Chowdhury, Debasish Roy. 2018. 'Driven by India into China's arms, is Nepal the new Sri Lanka?', *South China Morning Post*, 25 February.

7.    *Economic Times*. 2015. 'India will try to wipe the tears of Nepali people: PM Narendra Modi', 27 April.

8.    Editorial, *Hindu*. 2019. 'Himalayan divide: on the drift in India-Nepal ties', *The Hindu*, 18 September.

9.    Giri, Anil and Jacob, Jayanth. 2016. 'SAARC summit collapses after India and three other members pull out', *Hindustan Times*, 29 September.

10.   Giri, Anil. 2018. 'Nepal's Oli reaches out to Modi, says ready to work with India', *Hindustan Times*, 31 January.

11.   Gurung, Tim. 2021. 'Why a $630-million US investment project in Nepal has run aground', *Scroll*, 13 December, accessed from https://scroll.in/article/1012182/why-a-630-million-us-investment-project-in-nepal-has-run-aground

12.   Haegeland, Hannah E. 2016. 'Nepal's Pivot to China May Be Too Late', *National Interest*, 20 May, accesed https://nationalinterest.org/blog/the-buzz/nepals-pivot-china-may-be-too-late-16285

13.   Haidar, Suhasini. 2018. 'Faith and diplomacy: on the India-Nepal relationship', *The Hindu*, 11 May.

14.   *Himalayan Times*. 2018. 'China lauds Nepal's foreign policy', 30 March, accessed from https://thehimalayantimes.com/nepal/china-lauds-nepals-foreign-policy

15.   *Himalayan Times*. 2018. 'Nepal-China optical fibre link operationalised', 12 January, accessed from https://thehimalayantimes.com/nepal/sino-nepal-cross-border-optical-fibre-link-starts-operations-today

16.   IANS, 2013. 'Yasin Bhatkal, Abdul Karim Tunda were arrested in Nepal: Report', *India Today*, 30 August.

17.   IANS, 2016. 'India extends $750 million credit line to Nepal for post-quake reconstruction', *Business Standard*, 16 September.

18.   IANS. 2020. 'Oli's shocker: India created fake Ayodhya, Ram was from Nepal', *Outlook India*, 13 July, accessed from https://www.dtnext.in/world/2020/ 07/13/oli-shocker-india-created-fake-ayodhya-ram-was-from-nepal

19.   Jacob, Happymon. 2021. 'Under Modi 2.0, a course-corrected foreign policy', *The Hindu*, 25 December, p. 6.

20.   Jain, Romi. 2020. 'China's Strategic Foray into Higher Education: Goals and Motivations vis-à-vis Nepal', *Diplomacy & Statecraft* 31 (3).

21.   Lo, Kinling. 2018. 'Did Nepal snub India for China with military drill decision, or is it just a nation in flux?', *South China Morning Post*, 16 September.

22.    Mazumdar, Arijit. 2018. 'India's soft power diplomacy under the Modi Administration: Buddhism, Diaspora and Yoga', *Asian Affairs* 49 (3), p. 472.

23.    Mehta, Ashok. 2021. 'Is India working its way back in Nepal?', *Daily Pioneer*, 30 November, accessed from https://www.dailypioneer.com/ 2021/columnists/is-india-working-its-way-back-in-nepal-.html

24.    Ministry of External Affairs, Government of India, 2018. 'Prime Minister's Keynote Address at Shangri La Dialogue', 1 June, accessed from https://mea.gov.in/outoging-visit-detail.htm?29943/Prime+Ministers+Keynote+Address+at+Shangri+La+Dialogue+June+01+2018

25.    Ministry of External Affairs, Government of India. 2022 'Visit of Prime Minister of Nepal, H.E. Mr. Sher Bahadur Deuba to India (April 01-03, 2022)', 2 April, accessed from https://mea.gov.in/press-releases.htm?dtl/35147/Visit_of_Prime_Minister_of_Nepal_HE_Mr_Sher_Bahadur_Deuba_to_India_April_0103_2022#:~:text=The%20Right%20Hon'ble%20Mr,2.

26.    Mohan, Geeta. 2019. 'BIMSTEC cannot replace SAARC: Nepal's PM KP Sharma Oli', *India Today*, 1 June.

27.    Mukherjee, Kunal. 2016. 'Security Challenges Faced by the Modi Administration in the Indo-Pacific Region', *Journal of Comparative Asian Development* 15 (1), p. 161.

28.    NDTV. 2015. 'India's 'Operation Maitri' in Earthquake-Hit Nepal Ends', 4 June, accessed from http:// www.ndtv.com/india-news/indias-operation-maitri-in-earthquake-hit-nepal-ends-768795

29.    Nepali Times. 2019. 'Why Nepalis are learning Mandarin, and Chinese are learning Nepali', 25 January, accessed from https://www.nepalitimes.com/ here-now/why-nepalis-are-learning-mandarin-and-chinese-are-learning-nepali/

30.    Parashar, Utpal. 2015. 'Nepal earthquake: Indian media faces complaints about 'insensitivity', *Hindustan Times*, 4 May.

31.    Pradhan, Shirish B. 2014. 'Narendra Modi's visit to Janakpur in Nepal cancelled', *Livemint*, 20 November, accessed from https://www. livemint.com /Politics/5jssjhORP9x145P9hrW3aL/Narendra-Modis-visit-to-Janakpur-in-Nepal-cancelled.html

32.    Press Trust of India. 2015. 'India to donate $1 billion to Nepal', *The Telegraph*, 25 June, accessed from https://www.telegraphindia.com /india/india-to-donate-1-billion-to-nepal/cid/1478626

33.    Press Trust of India. 2021. 'Nepal's apex court orders appointment of Deuba as prime minister; reinstates dissolved lower house', *The Hindu*, 13 July.

34.    Rae, Ranjit. 2021. 'In a 'bhai-bhai ka rishta', Nepal refuses to be India's younger brother. It wants equality', *The Print*, 12 September, accessed from https://theprint.in/pageturner/excerpt/in-a-bhai-bhai-ka-rishta-nepal-refuses-to-be-indias-younger-brother-it-wants-equality/731591/

35.    Sharma, Aman. 2013. 'Yasin Bhatkal, face of Indian Mujahideen, arrested in an operation from Nepal', *Economic Times*, 30 August.

36.    Sood, Rakesh. 2016. 'Reaching the new normal', *The Hindu*, 18 November.

37.    Telegraph. 2020. 'Nepal objects to Jaishankar's Buddha statement', 10 August.

38.    Thaliyakkattil, Srikanth. 2019. *China's Achilles' Heel The Belt and Road Initiative and Its Indian Discontents*, Singapore: Palgrave Macmillan, p. 15.

39.    Verma, K J M. 2015. 'Nepal mustn't become India, China arena', *Asian Age*, 25 December.

40.    Wagle, Geja Sharma. 2018. 'Nepal bares China-tempered steel. India better get used to it', *South China Morning Post*, 13 September.

41.    Xinhua. 2018. 'Nepal Armed Police Force Academy built under Chinese aid to address security challenges', 19 March, accessed from http://www.xinhuanet. com/english/2018-03/19/c_137050775.htm

# The Indian National Congress: A Saga of Shrinking Fortune

Vibhuti Singh Shekhawat[*]

*Terminal Retreat of Congress - A Repeat of History:* there is an old adage that repeats itself. Critics do not accept this old adage but share its essence. The Congress fortunes bears an unmistakable resemblance with that of Mughal empire, which was founded by Babar in 1625, only to be lost by his weakened successor Humayun. But the latter regained possession eleven years after his ignominious exit from India. He briefly ruled India when calamity struck him again and he fell from stairs. He had tumbled all his life and tumbled out of life, to be succeeded by a chain of three illustrious emperors. They were Akbar, Jahangir and Shahjehan whose reign witnessed the pinnacle of imperial glory. Then, came the communalist maverick Aurangzeb whose reign was marked by multiple revolts. His death was followed by a chain of weak successors who lost area after area and suffered great territorial diminution. Finally the end came in 1857 when the last post was sounded and Bahadur Shah Jafar, the last Mughal was hounded out of India to the far off Burma, now Myanmar where he breathed his last.

The Congress party is undergoing a similar fate of disintegration. Founded in 1885, the party in 2020 is exhibiting definite signs of terminal decline. Ruled by Jawaharlal Nehru from 1947 to 1964, it became a family fiefdom with Indira Gandhi and Rajiv Gandhi holding the fort for a long time. Rajiv Gandhi's exit was followed by an eleven months reign of Vishwanath Pratap Singh and then by Narsimha Rao who managed to survive for full five years, to be followed by lackluster reign of H.K. Deve Gowda and I.K. Gujral, both non-Congress Prime Ministers. Then, came a breather and Atal Behari Vajapayee provided a semblance of stability in his three successive terms. The year 2004 witnessed the emergence of Sonia Gandhi who gave the crown to Manmohan Singh, who was Prime Minister for full ten years - 2004 to 2014. The last part of his office was marked by

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scams and scandals and this facilitated the entry of Narendra Modi in 2014 who is in his second term now - solid, safe and secure.

*The Rot Begins:* the Congress suffered major ebbs in 2014 when it was swept away by Modi's juggernaut. In 2014, it suffered a huge loss of popularity and its number shrank to 44 seats in the Lok Sabha, the lowest ever. The Lok Sabha Election of 2019 did not add much to the Congress tally which definitely rose to 52, indicating marginal gain of eight seats. Even so the law of diminishing return has started now and a party which appeared indispensable at one time has become totally dispensable now and is losing state after state. It is on a terminal retreat now and appears heading for a final eclipse.

What has caused this dismemberment needs to be probed. It is being led by an ageing and ailing Sonia Gandhi and her not so illustrious son Rahul Gandhi and a totally non-descript Priyanka Vadra. The end of Nehru Gandhi clannish rule appears imminent and inevitable, given the party's penchant for committing self-goals. It opposed triple talaq and sided with reactionary Muslims. It opposed the abrogation of article 370 and thus alienated a large chunk of Indian population. Her flipflops on Ram Mandir are too well known to merit further elaboration and elucidation. It is travelling on a road to nowhere, and the final collapse is in sight now.

*Chronology of Disintegration:* Unlike BJP and Communist parties, which is supported by ideologically committed cadres, the Congress is a party of volunteers and time servers for whom power is the glue that keeps them attached to the party. Once this glue disappears and evaporates in thin air, the loyalty of Congress members begins to shrink and the party undergoes through a process of split and disintegration. The 1960s saw the Congress being dislodged from the seat of power in Tamil Nadu when Kamraj Nadar's government was replaced by C. Annadurai's DMK. This was followed by Congress's virtual extinction in West Bengal in 1977. The CPM led by Jyoti Basu roundly defeated Congress and removed it from power. The 1990s saw further erosion in the fortunes of Congress party and it lost power in Uttar Pradesh, Bihar and Odissa. Having lost power once in these three states, the Congress never regained power there. In Gujarat, she has been out of power for nearly thirty years and is still gasping for breath before the trained cadres of BJP. Incidentally, it may be mentioned that Modi and company has raised the BJP strength to 180 million members[1], thereby making it the largest political party in the world.

Not to be outdone, the BJP raised her strength in Karnataka also. Here, thirteen Congress MLAs resigned to pave the way for BJP victory. The same thing happened in Manipur and Goa where despite being the numerically largest party, she lost power and let it slip out of her hands owing to sheer neglect and

indecisiveness of her leaders. In Bihar, it won in 1917 on the crutches support of Nitish Kumar and Laloo Prasad Yadav but this was at best a temporary victory and with the desertion of Nitish Kumar who joined hands with the BJP, the Congress today is in tatters. The drift continued and further widened in 2019 when Congress was completely routed and in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal and Tamil Nadu and she was reduced to complete insignificance. How strong was the rout is borne out by the fact that in these five states, out of 249 Parliamentary seats, her share was just 12 seats and in the assembly, out of 1462 seats, she succeeded only in 130 places. This shows the extent of her rout in these states. Worst still, in the states of Delhi, Andhra Pradesh, Tripura, Sikkim and Nagaland, her score is zero and she does not have a single member here.[3] This is the tale of her receding fortunes in India.

All this happened because many of her old stalwarts left the party. Chronologically one can recount the exit of her tall leaders between 1967 and 2020. The exodus began in 1967 when Charan Singh, the tallest Jat leader of Uttar Pradesh bade good bye and formed his own party. In 1969, Morarji Desai quitted the Congress. V.P. Singh left Congress because of his differences with the then Prime Minister Rajiv Gandhi in 1988. Mamta Banerje found her continued stay in Congress irksome and formed her own Trinamool Congress in 1997.

Sharad Pawar left the Congress in 1999 because he would not accept a lady of foreign origin as the Prime Minister of India and formed the Nationalist Congress Party in 1999. Jagan Mohan Reddy left the Congress in 2010 because Sonia Gandhi refused to make him the Andhra Pradesh Chief Minister after the death of his father YSR Reddy and he created his own political formation YSR Congress. The case of Himanta Biswa Sarma is interesting. He developed differences with Assam Chief Minister Tarun Gogoi in 2015 and spoke to Rahul Gandhi about it but the latter gave him the short shrift and he quitted the Congress as a consequence. The latest to desert Congress is Madhya Pradesh Congress leader Jyotiraditya Scindia because he was constantly being sidelined and humiliated by Chief Minister Kamal Nath and his ally Digvijai Singh. He complained to Sonia Gandhi but it fell on her deaf ears and she refused to meet him. In sheer disgust and desperation, he left the party and joined the BJP which made him a Rajya Sabha member.

Thus the list of deserters gets longer and longer. It is only illustrative, nor exhaustive. One reason why quite a few leaders joined the BJP is because of better political prospects. The Congress party was completely flattened by Narendra Modi in 2014 and 2019. A large number of erstwhile Congress members joined the BJP because Lotus was a more attractive option than the Hand of Congress which

was shrinking at a fast pace. Modi's personal charisma was too alluring for them and that explains the steady erosion in the ranks of Congress party.

*Rahul's Leadership Style:* This was yet another contributing factor that hastened the pace of desertion from Congress to BJP. Rahul Gandhi's leadership style left much to be desired. It was inept and arrogant. His inexperience and immaturity as a leader questioned its seriousness, given by trolls but the sad part is that this tag has stuck in public perception. This is largely owing to his own gaffes and periodic vanishing acts. He would disappear from India at a time when his presence was most needed. To add to it was his inaccessibility to his own partymen that encouraged desertion from Congress. It is widely accepted that anger and inflated ege are the twin enemies of any person and Rahul Gandhi imbibed these qualities in full measure, with the result that a good many old timers and Rahul Gandhi acolites preferred to leave Congress than to stay there and put up with continued neglect and humiliation. One can give several examples. Ashok Tanwar, the S.C. leader from Haryana had to quit Congress because of his continued differences with Hooda. Pradyot Debarmma and Ajoy Kumar were compelled to leave Congress in Tripura and Jharkhand respectively. Jyotiraditya Scindia, who was personally close to Rahul Gandhi found his stay irksome and humiliating.

In Manipur, the royal scion, Rajkumar Imo with nine followers rebelled against the former Chief Minister of Manipur Okram Ibobi Singh. The worst and most damaging case is that of Himanta Biswa Sarma of Assam who complained that instead of giving him an attentive hearing, Rahul Gandhi kept playing with his pet dog when he was narrating his tale of woe to him. So bitterly humiliated he felt that he left the Congress in total disgust and joined the BJP in 2015. Once in BJP, he became instrumental in dislodging Tarun Gogai from the pedastal of power and BJP camp to power in Assam. While in opposition, Himanta Biswa Sarma saw to it that Congress is not only out of power in Assam but the entire northeast's seven states, either through outsight electoral victory or by engineering defections. This shows what damage the enraged and estranged leaders can do. Jyotiraditya Scindia got the Congress dethroned in Madhya Pradesh and Himanta Bisma Sarma ensured the exit of Congress from the entire length and breadth of the Seven Sisters. And, recently, Gulam Nabi Azad left the Congress and commented harshly on Rahul Gandhi's leadership.

*Loss of Amethi:* nothing was more humiliating for Rahul Gandhi than his resounding defeat in his pocket borough Amethi and that too at the hands of a non-descript politician Smiriti Irani. It was a big blow to the prestige of Nehru-Gandhi family and reduced Congress's representation in Uttar Pradesh to just one seat, held by his mother in Rai Bareli. For the rest, Congress continued to cave in before casteist forces led by SSP leader Mulayam Singh Yadav and BSP supremo

Mayawati. It has lost its territory to some regional satraps in Telangana, Andhra Pradesh, Tamil Nadu, West Bengal, Odissa and Haryana. Everywhere in the country the BJP seems to be replacing Congrees as if by default options and Congress is waging an asymmetrical war against the formidable Narendra Modi, Amit Shah duo.

All this happened because Congress easily caved in before casteist forces unleased by Mandal Commission and religion-based divide caused by Ram Mandir agitation, not to talk to ethno-nationalism in north eastern states and regional pockets in India. She is now up against ethno-nationalism in Assam and other states of north easters India, regional satraps in Telangana, Andhra Pradesh, Odissa, Tamil Nadu and Karnataka and casteist forces in Haryana, Uttar Pradesh and Bihar. In West Bengal, she is up against religious polarisation of both Mamta Banerji and the Hindutva-led BJP. There is a slide and slippage everywhere and Congress continues to lose ground before castiest, religious and regional urges.

*BJP's Real Challenge:* It may be added that the Congress discomfiture is not only because of her own acts of commission and omission but also due to a divided and fractured opposition which is the real strength of BJP. This is because as Pavan K. Varma has pointed out 'politics in India in never static. Conventional assumptions, popular responses and interplay equations are forever in flux' (Varma, 2019). Political parties stick to the glue of power and not to the attachment to principles and ideology. One can take the example of Maharashtra where there was a fight between imperium and accommodation. The Shiv Sena demanded power on a 50:50 sharing formula despite being much shorter numerically than the BJP which exacerbated a cleavage between the two Hindustua-led political formations. Such instances can be multiplied. They forcefully indicate that despite periodic exhibition of hand raising and chest-thumping among opposition segments, they remain divided as ever. This gives a political edge to the dominant party BJP. One can cite the example of Uttar Pradesh where SSP and BSP continue to nail each other. So is the situation in West Bengal where a resurgent BJP is challenging the might to Trinamool Congress of Mamta Banerji. Here, the Marxists and Congress are there to split opposition vote. The case of Haryana is interesting. In the election that was held-there, three parties viz., Congress, BJP and Chautala's regional outfit fought against each other and were unsparing in their criticism of each other but the moment, the results were declared, two fighting foes came together to sideline the Congress. In down south, H.D. Deve Gowda and his son Kumarswami temporarily came closer to Congress but this unity at best ephemeral and did not last long. In Tamil Nadu Congress continues to be a marginal player, playing a second fiddle to D.M.K. In Kerala, there is no love lost between the Marxists and the Congress through elsewhere in the country, they are firmly opposed to the BJP. In Delhi,

Aap Admi party is the lone challenger to BJP as the Congress opposes Aam Admi Party and BJP both, thus dividing the anti-B.J.P. vote.

Instances such as these indicate the fissures among opposition ranks and they fail to provide a challenge to the unilateral supremacy of BJP which thus acquires an artificial veneer of invincibility. To quote Pavan K. Verma again 'BJP's real strength is a status quoist and splintered opposition with no face that can match the charisma of Narendra Modi. Sometimes this rag tag opposition can come together to finesse the BJP as in Maharashtra' (Varma, 2019). But ultimately, to provide a tough challenge leaders of the opposition have to be something more than some venting their individual angst in a few regional strongholds. The biggest lession in this for the Congress, the largest opposition party. It stood fourth and at the bottom of electoral sweepstakes in Maharashtra.

Occasionally the opposition may exhibit unity through chest-thumping and hand raising on a public platform but this is no substitute for a structured pan-Indian opposition narrative. The need of the hour is a supra-national formation against a pro-active BJP. People of India want peace and political stability and not constant turbulence and acrimony associated with the noise of polarised politics. People cannot be swayed away by constant drum-beating about polarisation theory. People want stability and not incremental gains promised by a divided opposition. The coming years do not portend well for the oldest political party. It has to move ahead of the short term gains of cleavage mobilisation by bringing all opposition segments under one umbrella.

**References**

1.    Verma, Pavan K. (2019).'BJP's Real Strength? The Opposition'. *Times of India*, 7 December 2019.

# Book Review

T. C. A. Raghavan and Vivek Mishra (2021), *Sapru House: A Story of Institution Building in World Affairs*. New Delhi, KW Publishers. Pp – 200, 980 and ISBN is 9789383445578.

*Tanvee Bijarnia**

The book tries to provide an overview of institutional history in India and detailed development of study of international relations and area studies in the subcontinent. T.C.A. Raghavan and Vivek Mishra have made a sincere effort to provide a realistic sense with this well- researched and balanced account which has been summarised below.The authors describe in detail that how amidst the horrors of World War ll a meeting took place considering the post war reconstruction of nation and envisaged the establishment of an organisation (ICWA) Its objective and aims which would be mainly the study and development of informed opinion about IR.

The ICWA was formed in 1943 as a democratic multidisciplinary organization with wide membership including non- Indian citizens. This formation was not in spirit of rivalry with any institution and it is not a party organisation. It is a public institution committed to public service and focused on IR. It was pan Indian organization rather than being capital focused. It fostered independent thinking. The institution experienced a quick development, it grew from 625 members to 1604 members in December,1949 and 35 branches all over India.

It deal with issues like India and neighbours, Asia-led world order and Anglo- American alliance against Russia with its constant focus on research. It published several monographs and pamphlets. The author has provided several examples of the same (pp. 10-11). The author has described in brief the early strife between ICWA and Indian Institute of International Affairs, commentary by Sir

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F.E. Jones and response given by HN Kunzru and Sir Tej Bahadur Sapru. The ICWA has created a network through its vast institutional links for research. It acquired consultative status at Economic and Social Council (UN) on 18th July, 1949. It has links with Institute of Pacific Relations, US, RIIA, MSIMO, CPIFA and several others that ensured cooperation in many ways in India and abroad.

The author concludes the founding by elaborating the acquisition of physical identity- The Sapru House by the ICWA. The building was named after Sir Tej Bahadur Sapru who died on 20th January, 1949. Lastly the author has commented on formation and architecture of the building with pictures of key places like Foundation stone at the entrance porch of Sapru House (p. 17), grand entrance with plaques of donors at the head of staircase (p. 20) etc. It was result of support and help of many. The workers from Makrana to PWD minister everyone has played their role.The author has provided a brief of three important figures of ICWA i.e. Sir Tej Bahadur Sapru, HN Kunzru and Angadipuram Appadorai.

**A Formative Moment: The Asian Relations Conference**

The Asian Relations Conference held at Purana Qila,  New Delhi from 24th March to 02nd April 1947 with core ideas of nationalism, pan- Asianism, decolonisation and anti-aircraft imperialism was a defining event for ICWA.

The conference was based on 05 broad themes:
1.    National movement for freedom in Asia
2.    Racial problem with special reference to racial conflicts
3.    Inter- Asian migration and the status and treatment of immigrants
4.    Transition from colonial to national economy
5.    Agricultural reconstruction and industrial development in Asian countries

Besides everything that ICWA was doing there were doubts as it was yet to hold international conference of that stature and scale. It had slender financial resources and limited staff. The documentation of conference was also a major challenge as author described in detail. But to everyone's surprise when acceptance to invitations started coming in the number of delegates reached 250 by 1st week of March, 1947. The authors commented on the role of India's national leadership and particularly Jawaharlal Nehru.

These developments were taking place midst of a bitter political division in the country. The author provides with statement of Muslim League which considered this event an agenda to boost Indian Hindu Congress and advised to boycott. Jinnah also gave advisory to Arab countries to not to participate. To this there came a clarification in press by the secretary Appadorai that this conference will not consider internal politics of any country or controversial political

problems. It is completely unofficial. The event then saw representation from 28 countries and observers from 08 institutions.

There were three exhibition on sideline. Gender representation was kept in consideration. The event was successful. This renewed confidence of the ICWA and increased its research and organisational capacity. This opened gates for several institutions and the ICWA participated in series of conferences. Its focus remained on research and scholarship. An introspective review of the ICWA's research activities shows that it strike a balance between topical, policy- oriented studies and more fundamental and basic research.

## Unbounded Confidence

The chapter deals with the relationship between Indian School of International  (ISIS) which was an initiative of ICWA to firmly establish IR as a discipline of scholarly research and teaching in India and the council. The author has provided detailed information about the development of ISIS, its administration and its journey.

The school and council shared a mutually synchronous relation as they were mutually beneficial for each other. There was joint library which was by 1957 became an institution in itself and by 1960s it became Asia's one of the biggest libraries on International Affairs and area studies. The authors elaborate that how the division of library and physical relocation of ISIS was an equal loss for both ISIS and ICWA. The ICWA's relation with IPR and RIIA and the continuation of scholarly research along with conferences, events and publications despite financial struggle.

## Turbulent Waters 1965- 1980

Some part of the book depicts the separation of ISIS and the aftermath, how institute of Chinese Studies came into existence, achievements of ICWA and expansion of ISIS along with problems and challenges it brought, parliamentary interest, establishment of JNU and the merger.

Finances were deteriorated, executive council of ICWA was replaced by trust and elections were politicised. To deal with financial concerns several institutes were provided space as tenants. But all of this could not prevent the gradual shrinking of research. There is elaboration of these financial constraints, the turmoil, generation change and uncertainties ahead of ICWA. This chapter ends with author's tribute to Pt. HN Kunzru.

## Gale Force Winds

The author has elaborated the downfall of ICWA by elaborating the effect of politicised elections, involvement of government, diversion from aim and discontinuation of funds. The council was handed over to a committee of officers

of MEA followed by ugly politics and debates by parliamentarians, several angles were pointed out by different newspapers. It became an event orientated institution, quality and research declined despite the presence of high profile VIPs and political leaders. There is detailed information of activities and efforts of committee until the council was declared an institution of national importance by legislation in 2001.

In sum, the major changes and current status of council and library is briefly described along with publications, outreach and agenda of deepening interest in and encouraging the study of IR in India. They have pointed out the future aims and goals of the council where the basic premise remains sustaining knowledge creation and knowledge sharing. As the title of the book suggests it truly seems a story of institution- building in world affairs. The author begins with the foundation stone of Sapru House and leads the readers to future of ICWA as an institution in contemporary times.

The use of simple language, relevant photographs, introduction to personalities, detailed information, chronology of events adds novelty to the book. Whereas the author fails to provide a neutral outlook on political events, the text clearly shows how few people are promoted and favoured over others and uncertainty about the realities of ICWA in contemporary times. Besides this there are important works and publication of ICWA throughout the book which makes it an essential reading for those who want to pursue serious study of international relations in India.

**About the Journal**

The **Political Science Review (PSR)** is a flagship, peer-reviewed, biannual journal of the **Department of Political Science, University of Rajasthan (India)**.

Since 1961-62, the **Rajasthan University Press (RUP)** has been publishing the journal.

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The Journal serves as an intellectual forum for political science and social science scholars to put forward and converse on local and global issues, both from academic and policy perspectives. The main objective is to provide a platform for researchers from academia and industry to share and disseminate ideas in critical issues.

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