

Polity Class 10

30th May, 2023 at 9:00 AM

APPROACH OF THE PRACTICE QUESTION(9:28 AM):

- - Practice question:** Explain the concept of federalism as per the Indian context. (150 words/10 marks).
- We can introduce a brief description of federalism- the decentralization of powers. local governance, etc.
- In the main body, we need to focus on the special features of Indian federalism.
- We can compare some features of Indian federalism with American federalism like:
 - I. Constitutional Amendment.
 - II. Indestructive union of destructive states V/S indestructive union of in destructive states.
 - III. Centralizing tendency
 - IV. Appointment of important functionaries.
- We can conclude by mentioning the need for special federalism features that we have seen in India.

Demand for smaller/newer states in India:

- The demand for smaller states has been as old as the Indian independence.
- The reasons for such a demand can be social, economic, or a combination of these factors.
- Some of the prominent examples of such demands are:
 - **I. Vidarbha:**
 - This region is situated in Maharashtra.
 - It is a dry, landlocked region that sees one of the largest numbers of farmer suicides in India.

- **II. Saurashtra:**

- The region is the peninsular region of Gujarat.
- The native people allege that the government has focussed more on the Surat industrial area since the state of Gujarat has been formed.

- **III. Bundelkhand:**

- The region lies both in parts of Uttar Pradesh and Madhya Pradesh.
- The region sees economic backwardness, dry conditions, and a culture distinct from both mainland UP and MP.

- **IV. Gorkhaland:**

- The region lies mainly in Northern West- Bengal.
- The native Nepali ethnic community has been demanding a separate state for some time now.

- **V. Ethnic issues in Manipur:**

- There have been tensions brewing between Kuki, Meities, and Nagas in Manipur.
- Recently, these tensions have culminated in violent events.

- **VI. Ethnic Issues in Assam:**

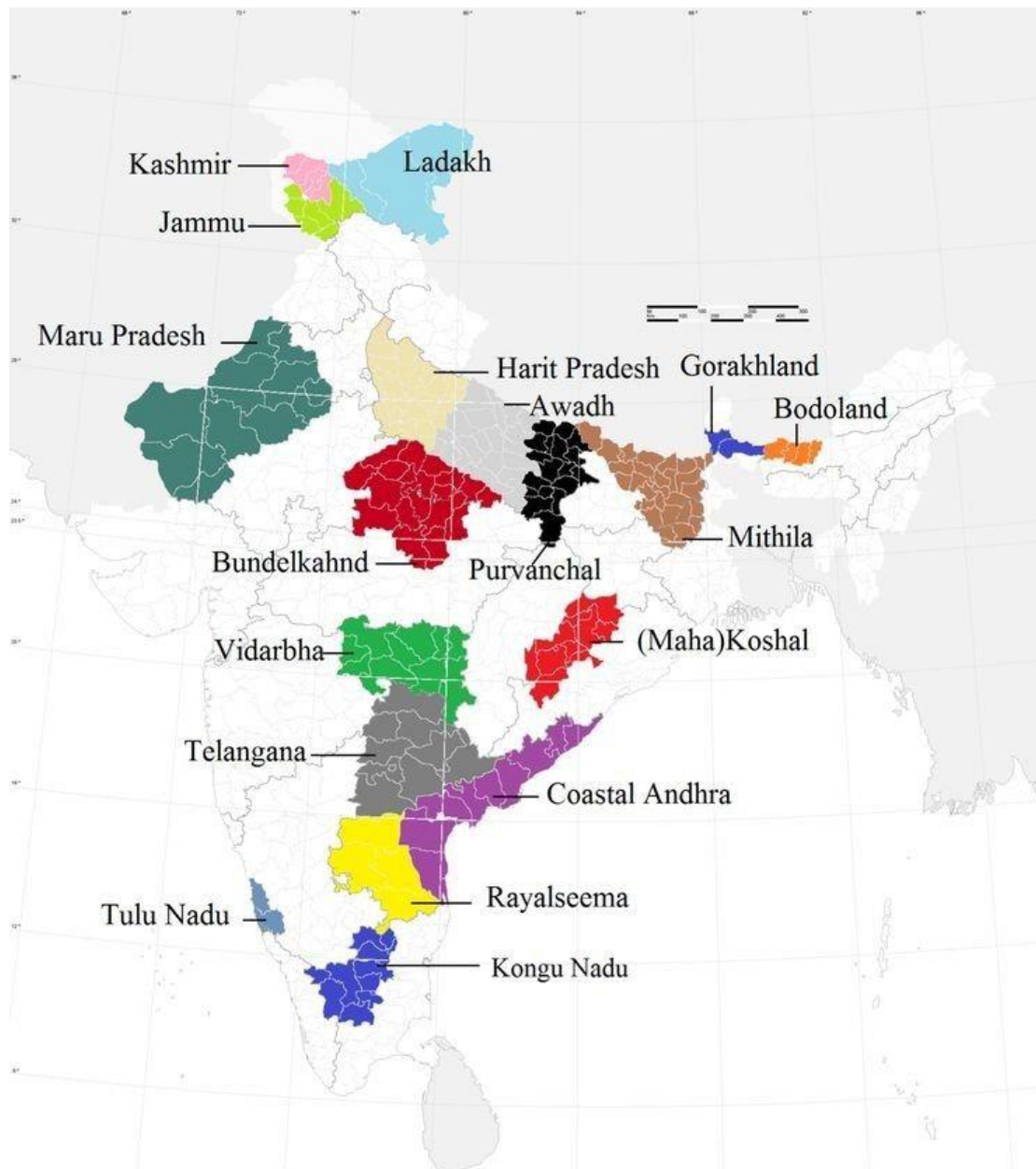
- The people of **Karbi Anglong** have been demanding a separate state due to both economic neglect and cultural homogeneity.
- Karbi Anglong has a special status under the **6th schedule of the Constitution**.
- **Bodo** is the largest non-Assamese ethnic group in Assam and they have been demanding a separate Bodoland.
- Bodos have been given a separate administrative unit within Assam-**Bodoland Territorial Council (BTC)** under the 6th Schedule.

- **VII. Issues in Karnataka:**

- The speakers of the **Tulu** language of the Tulu-Nadu region of Dakshin Kannada, Udupi have been demanding a separate Tululand.
- They allege preferential treatment of the Kannada language by the state government.
- The **Kodagu** region of **Coorg** is inhabited by **Kodava** people who demand a separate state based on cultural differences with mainland Karnataka.
- The people also point out historical and even genetic differences.
- Many people believe that Coorg natives are genetically closer to the natives of Punjab and Kashmir.

- **VIII. Kongunadu:**

- The residents of the **Kongu** region of Tamil Nadu demand a separate state for themselves.
- They allege favoritism of the government towards the coastal regions of Tamil Nadu.
- The above list is not exhaustive.



Reasons for such demands:

- I. Backwardness caused economic neglect.
- **For example-** Vidarbha, Purvanchal, etc.
- II. Assertion of a separate cultural and ethnic identity.
- **For example-** Bodoland, Gorkhaland, etc.
- III. Popular mobilization is supported by political parties in anticipation of political gains in a smaller state.
- **For example-** Multiple such demands in Uttar Pradesh- Harit Pradesh, Bundelkhand, Purvanchal, and Awadh.
- IV. Uneven economic development of certain regions.
- **For example-** Saurashtra, Vidarbha, etc.

ARGUMENTS IN FAVOR OF SMALLER STATES (9:53 AM):

- I. It would help in the decentralization of power and bring the government closer to the people.
- We saw this in many cases like in Uttarakhand being separated from Uttar Pradesh.
- Earlier some regions of Uttarakhand had no direct road connectivity with Uttar Pradesh's seats of power- Lucknow(secretariat) & Allahabad (High Court).
- Connectivity can affect many other social and administrative dimensions as we see in the case of North East.
- II. Smaller states can better ensure government accountability to the citizens.
- III. It would help in resolving issues related to an identity crisis for some of the ethnic groups.
- IV. It would help in the more efficient utilization of resources.
- Jharkhand and Chattisgarh have shown better socio-economic development than their parent states- Bihar and Madhya Pradesh respectively.
- Several years have passed since the fear of **Balkanization** lurked in India.
- It prevented the creation of smaller states.
- The list of reasons above is not exhaustive.

Takeaways from 2023 Prelims:

- Self-study has no substitute.
- Only relying upon coaching or any other material is not going to be enough.
- The paper was as difficult or as easy for most of the students.
- The paper tested the calmness and composure of the aspirant, as much as knowledge.
- The test is after all of the relative grading- easy paper would mean higher cutoff and a difficult paper would mean lower cutoff.
- To tackle the abundance of reading material compilations, UPSC has started increasing the difficulty level of the examination.
- Newspaper analysis must be done and current affairs compilations and newspaper summaries can only supplement the preparation, but they cannot replace the newspapers.
- Unexpected questions are getting more and more common.
- The uncertainty of examination indicates that students must be conscious about having alternate career options rather than being perpetually stuck in the exam cycle.
- The CSAT Paper II has been getting more and more difficult; more for the aspirants with humanities background.
- Social media glorification has increased the fascination surrounding the exam, even at a time when we have more career options than any older generation.

- At the end of the day, this is just an exam and our life must not pivot only around the exam.

ARGUMENTS AGAINST THE CREATION OF SMALLER STATES (10:34 AM):

- It may lead to an increase in the number of disputes between the states over natural resources such as river water.
- The creation of new states is a resource-consuming process and may lead to unnecessary expenditure on the creation of new infrastructure and administrative machinery.
- Lack of coordination in dealing with issues such as Naxalism, terrorism, climate change, etc.
- It may promote the feeling of regionalism and further create bitterness between the communities.
- Certain states may suffer due to the diversion of natural resources- Bihar lost its natural resources to Jharkhand.
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Dutch Disease:

- It refers to the apparent cause-effect relationship between the abundance of natural resources and the economic slowdown of any region.
- There can be many factors responsible for this.
- This is named after the effects seen in the **Netherlands** after the discovery of the vast natural gas deposits in the **North Sea** in 1959.

PART III OF THE CONSTITUTION: FUNDAMENTAL RIGHTS(11:05 AM):

- Rights are the reasonable claims of the individuals or a community which are protected by the law and recognized by society.
- Rights can be categorized into different categories as per different sources:
- **I. Natural Rights:**
- These are those rights that are given to an individual by being a human.
- These are the rights given by nature and they may or may not enjoy the protection of the law.
- **For example-** The rights to think, procreate, sleep, over one's body, etc.

II. Statutory/Legal Rights:

- These are those rights that are protected by ordinary law made by the legislature.
- Since these are given protection by the law, they can also be taken away by the law itself.
- **For example:**
- I. The right to employment under MGNREGA.
- II. The right to seek information under RTI, etc.

III. Constitutional Rights:

- These are the rights that are drawn from the Constitution.
- They may be classified into fundamental rights and other constitutional rights.
- **For example** right to property under Article 300 (A) is a constitutional right, but it is not a fundamental right.
- Rights under Article 17, 19, etc are both constitutional rights and fundamental rights, but fundamental rights are a more specific classification for them.

IV Fundamental rights:

- These constitutional rights are mentioned in **Part III** of the Constitution.
- These rights enjoy certain special protections like:
- **I. Article 13:** The state cannot make a law against Fundamental Rights.
- **II. Article 32:** In case a fundamental right is violated, a citizen may approach the Supreme Court directly for its enforcement.
- All the fundamental rights are either constitutional rights(if mentioned in the Constitution), or legal/statutory rights(if added by an amendment).
- But all constitutional or legal rights are not necessarily fundamental rights.

ARTICLE 12 (11:35 AM):

- Definition of "**State**".
- " Definition In this part, unless the context otherwise requires, the State includes the:
 - I. Government and Parliament of India.
 - II. Government and the Legislature of each of the States.
 - III. All local or other authorities within the territory of India or under the control of the Government of India.
- The definition is very important because the definition will determine whether we can approach the court or not for enforcement of our rights.
- **For example**, We cannot go to court to seek remedy against our mother for preferring our sibling because our parents are not under the definition of "State".
- Maximum fundamental rights have been written with the objective of limiting the powers of the state.
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Positive Rights:

- These rights encourage /empower states/individuals to commit some action.
- **For example Article 19, etc.**

Negative Rights:

- These rights restrict states/individuals from committing some action.
- **For example Article 17, etc.**
- The constitution of India does not define "local or other authorities", but they have been defined by the judiciary.

Definition of Local Authorities:

- Supreme Court relied upon the **General Clauses Act 1895** to define the term local authorities.
- As per the act, a local authority would be any such authority that functions locally and exercises government-like functions.
- **For example-** Municipalities, panchayats, district boards, cantonment boards, etc. can be characterized as local authorities.

Definition of Other Authorities:

- Later the Supreme Court through its various judgments expanded upon the meaning of the term "other authorities".
- Initially, the Supreme Court held that only an authority exercising government-like functions and possessing a sovereign character would be designated under "other authorities".
- And not the bodies created by any law.
- **For example-** In the **University of Madras V/S Shantabai case of 1954**, the court held that the university is not a state within the meaning of Article 12.
- Therefore, the limitations imposed by the fundamental rights are not applicable to it.
- In the **Mohanlal V/S Rajasthan Electricity Board of 1967**, the court held that other authorities should include all the authorities created by the constitution or other statutes or have been conferred powers by law.
- Hence, the court overruled its judgment of the **University of Madras V/S Shantabai case of 1954** and states that an authority need not possess a sovereign character to be labeled as a state.
- Therefore, the definition of the state expanded and several bodies including universities and corporations of the state such as LIC, ONGC, etc. can now be termed as a state.

The topic for the next class is the continuation of the definition of the state through several other cases