Headlines

The Collegium - Page No.6 , GS 2
Enhancing governance the digital way - Page No.6 , GS 2
The end of global climate policy - Page No.7 , GS 3
Text and Context - National Anthem controversy

Join me on Telegram :- Prashant Tiwari
Username:- UPSCwithPrashant

"Every work has got to pass through hundreds of difficulties before succeeding. Those that persevere will see the light, sooner or later."

Swami Vivekananda

The Collegium and changes — it may still be early days

Suhrith Parthasarathy

an advocate practising in the Madras High Court

Two interesting nuggets of information have emanated in recent days about the functioning of the Supreme Court of India's Collegium. As is often the case with the body's processes, reports in the media attribute the news of these decisions to unnamed sources. The collegium, the accounts say, will now conduct interviews of candidates who have been recommended for elevation as judges to the High Courts. The panel will also, to the extent possible, exclude from selection those whose close relatives have served or continue to serve as judges of the High Courts or the Supreme Court.

By themselves, neither of these resolutions might seem especially remarkable. One would think that appointments to important positions in the State – in this case, to the higher judiciary – would require careful consideration, including a meeting by the decision-makers with the nominated candidates.

One would also think that some amount of pruning of nominees is inevitable in any process of selection. Here, the collegium is conscious that a few deserving candidates might miss out in a move to exclude those with kin on the Bench, but it believes, on a balance, that this will help create a more diverse judiciary.

There is still a concern

It is too early to judge the merits of these choices. In time, they may well come to be seen as harbingers of change and reform, but, for now, a familiar concern looms large, threatening to militate against that prospect. Any reform of the collegium system – much needed as it is – will only go so far, if the government is permitted to stonewall proposals, on arbitrary, whimsical and often undisclosed grounds.

At its foundation, the collegium is a product of judge-made law. Thus, it seems to forever stand at a crossroad. It has no formal rules to bind it; it is answerable to nobody; and its functioning – whether it is in the publication of its decisions or in the opacity and the mystique of its methods – is suffused in a certain ad hocism.

Replacing this with a clear set of binding rules is essential to the maintenance of the system's integrity. For example, we are told that there exists a "memorandum of procedure". But does a breach of that manual carry with it any consequences? Will the interviewing of candidates be written into those set of rules? Who is to say how the collegium under future Chief Justices of India (CJI) will function?

In recent weeks, as we have marked the 75th anniversary of the Constitution's adoption, we have seen many a paean sung to the document's text and vision. Its survival has enlivened our commitment to equality and social justice. But that we have been unable to determine quite how best to appoint our judges is an enduring blemish.

Any meaningful reform of the collegium system is possible only when the government stops stonewalling proposals on arbitrary and often undisclosed grounds

The Constitution's framers debated the question over many days. They were mindful of the foundational ideas underlying the republic: that the legislature, the executive and the judiciary must remain separate. But striking a balance and ensuring that the sovereign function of making judicial appointments would not come in the way of ensuring the autonomy of the courts was always going to be a sticky issue.

The 'middle course' it was

All manners of suggestions were made in the Constituent Assembly. But the drafters, in the Assembly's chairperson Dr. B.R. Ambedkar's words, chose to go down a "middle course". To that end, the Constitution provides that judges to the Supreme Court are to be appointed by the President of India in consultation with the CJI and such other judges that he or she deems fit. Judges to the High Courts are to be appointed by the President in consultation with the CJI, the Governor of the State and the Chief Justice of that court. In the case of transfers, the President may move a judge from one High Court to another, but only after consulting the CJI.

These stipulations are by themselves clear. But in failing to define what manner of consultation ought to be made, in failing to explicate how transparent this process needs to be, the provisions opened themselves up for judicial consideration.

In 1993, in what is popularly known as the Second Judges Case, the Court held that "consultation" must mean "concurrence". And concurrence not only from the CJI, but from a "collegium" of judges. In the process, the Court fashioned a whole new procedure that it believed would maintain both a fidelity to the bare text of the Constitution's words and the chief objective of ensuring an independent and autonomous judiciary

The process has a number of nuts and bolts to it. But, in short, it postulates the following: the recommendation to appoint a new judge to a High Court or to the Supreme Court, to transfer a judge from one High Court to another, and to elect a new Chief Justice to a High Court, would come from the collegium – a body comprising the CJI and his senior colleagues, in some cases, two members, and in others four. The collegium will make this recommendation after taking the views of "consultee" judges. Once this recommendation is made, the Union government can either choose to accept the proposal or return the proposal for reconsideration. Upon reconsideration, if the proposal is submitted anew, the government has no choice but to sanction the resolution.

While this seems simple enough, seeing as the law was laid down by the Court sans any attendant and binding rules, the government has a variety of means available to it to block recommendations it deems inconvenient. It can either keep the proposal pending at its end or, on a re-recommendation, stop short of issuing a presidential warrant authorising the appointment or transfer.

This has led to a curious paradox: in theory, the collegium retains primacy over judicial appointments. But the government's capacity to forestall any recommendation made means that the question of primacy remains moot, despite the Court having previously spelled out – in the Fourth Judges Case (2015) – that it is the judiciary alone that must retain pre-eminence and that any tinkering with that position would impinge on the Constitution's basic structure.

The Judges' cases and rule of law

Whatever our position on the collegium's constitutional suitability may be, today, the system represents the rule of law. The government is legally obliged to follow the procedure laid down in the Judges' cases. It enjoys no discretion in the matter. When it sits over recommendations endlessly, and when it resists proposals by simply failing to act, it is effectively stymieing the legal process.

There is no doubt that until such time we manage to find a process that can marry the requirements of accountability with independence, embracing meaningful reforms within the extant process remains critical. The law as it stands must be followed. The collegium's newest proposals address some of the long-standing concerns over its processes. But at some stage, we must also take seriously the question of implementation.

Until now, while the Court has, on occasion, asked questions of the government when it has failed to follow through on a resolution, it has stopped short of issuing express directions for compliance. Perhaps the Court has felt that orders of this kind might be seen as unnecessarily confrontational. Ultimately, in matters such as these, one would want different wings of the state working together collaboratively to ensure that the procedure stands fulfilled.

But for the collegium system to retain salience, and for it to achieve its purported objective – the maintenance of our judiciary's independence – the rulings in the Judges' cases must be accorded due respect. The Court's ability to function as a counter-majoritarian institution depends as much on its ability to declare the law as it does on its ability to ensure that the law is followed. For, as Chief Justice Coke put it, way back in 1611, summing up the essence of the rule of law, "The king hath no prerogative but what the law of the land allows him."

Page No. 6, GS 2

Content.

- **The collegium, the accounts say, will now conduct interviews of candidates who have been recommended for elevation as judges to the High Courts. The panel will also, to the extent possible, exclude from selection those whose close relatives have served or continue to serve as judges of the High Courts or the Supreme Court.**

- **By themselves, neither of these resolutions might seem especially remarkable. One would think that appointments to important positions in the State — in this case, to the higher judiciary — would require careful consideration, including a meeting by the decision-makers with the nominated candidates.**

- **Any reform of the collegium system — much needed as it is — will only go so far, if the government is permitted to stonewall proposals, on arbitrary, whimsical and often undisclosed grounds.**

- **At its foundation, the collegium is a product of judge-made law.**
- **It has no formal rules to bind it; it is answerable to nobody; and its functioning — whether it is in the publication of its decisions or in the opacity and the mystique of its methods — is suffused in a certain ad hocism.**
- **Replacing this with a clear set of binding rules is essential to the maintenance of the system's integrity.**
- **Constitution provides that judges to the Supreme Court are to be appointed by the President of India in consultation with the CJI and such other judges that he or she deems fit.**
- **Judges to the High Courts are to be appointed by the President in consultation with the CJI, the Governor of the State and the Chief Justice of that court. In the case of transfers, the President may move a judge from one High Court to another, but only after consulting the CJI.**

Fact

- **These stipulations are by themselves clear. But in failing to define what manner of consultation ought to be made, in failing to explicate how transparent this process needs to be, the provisions opened themselves up for judicial consideration.**

- **In 1993, in what is popularly known as the Second Judges Case, the Court held that “consultation” must mean “concurrence”.**

- **And concurrence not only from the CJI, but from a “collegium” of judges. In the process, the Court fashioned a whole new procedure that it believed would maintain both a fidelity to the bare text of the Constitution’s words and the chief objective of ensuring an independent and autonomous judiciary**

Fact

- **in short, it postulates the following: the recommendation to appoint a new judge to a High Court or to the Supreme Court, to transfer a judge from one High Court to another, and to elect a new Chief Justice to a High Court, would come from the collegium — a body comprising the CJI and his senior colleagues, in some cases, two members, and in others four.**

- **The collegium will make this recommendation after taking the views of "consultee" judges.**

- **Once this recommendation is made, the Union government can either choose to accept the proposal or return the proposal for reconsideration.**

- **Upon reconsideration, if the proposal is submitted anew, the government has no choice but to sanction the resolution.**

Fact

- **S P Gupta Vs Union of India, 1981 (First Judge Case): Supreme Court held that consultation in the process of appointing judges does not require concurrence, and instead only involves the exchange of views.**
- **Supreme Court Advocates-on-Record Association Vs Union of India, 1993 (Second Judge Case): The Supreme Court reversed it's previous and altered the definition of consultation to mean concurrence.**
- **It was decided that the advice tendered by the CJI in regard to the appointment of judges to the Supreme Court is binding on the President.**
- **Further, the CJI is required to consult with two of his most senior colleagues before tendering such advice.**

Fact

- **Third Judge Case,1998: Supreme court stated that the consultation process to be adopted by the CJI requires ‘consultation of plurality judges’.**
- **The CJI should consult a collegium of four senior most judges of the Supreme Court. Even if two judges give an adverse opinion, they should not send the recommendation to the government.**
- **National Judicial Appointments Commission (NJAC) Act, 2014: It was brought to replace the existing collegium system for appointing judges.**
- **However, a five-judge Constitution Bench declared it as unconstitutional and nullified it, stating that it posed a threat to the independence of the judiciary.**

UPSC IAS

P2I Foundation

New Year Batch

- Success in Prelims
- Mains Residential Program
- Interview Guidance Programme
- One to one Mentorship

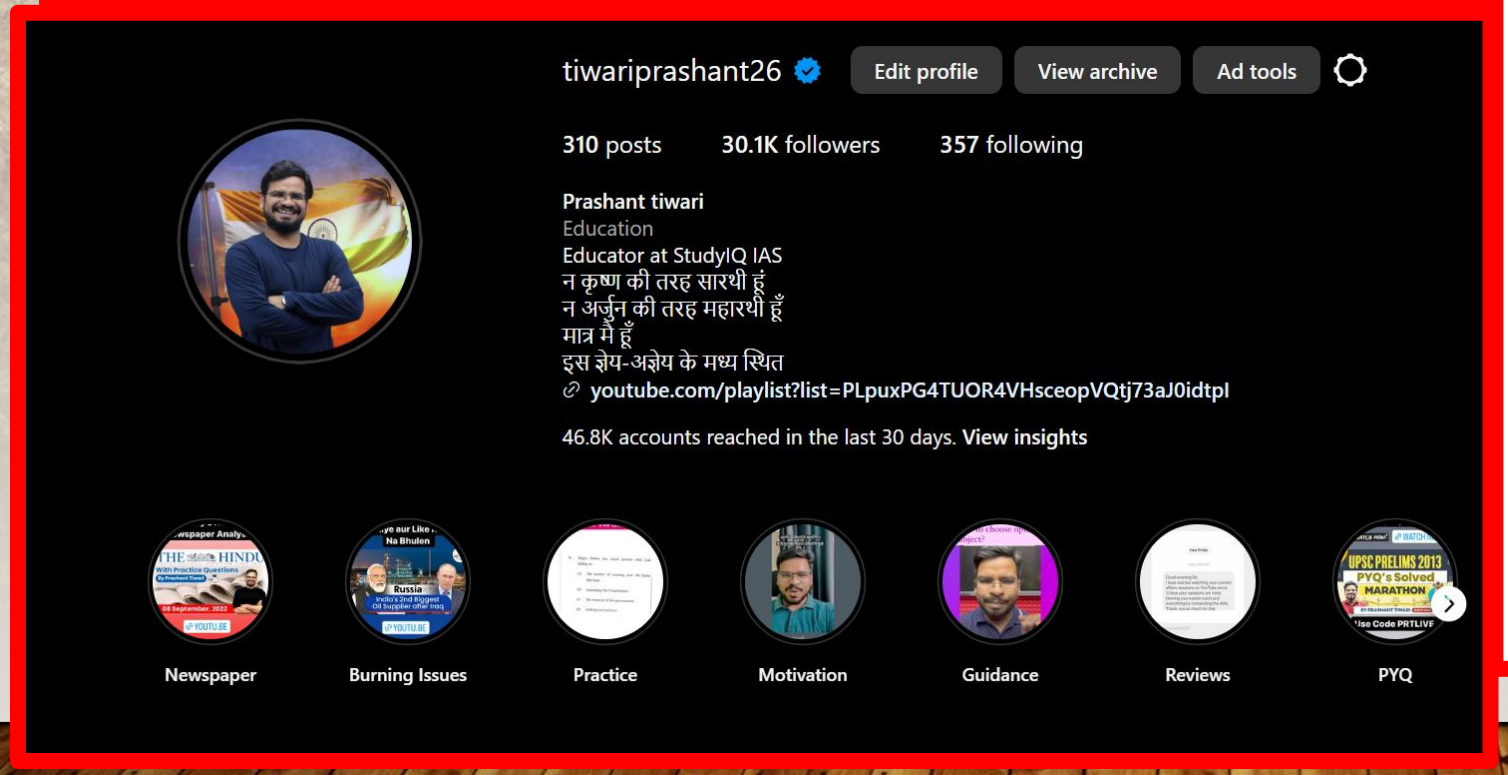
2026
₹29,999

2027
₹34,999

Use Code
PRTLIVE

Batch Starting On 7th Jan 2025 | 6:00 PM

Join Me:
Instagram:- tiwariprashant26
Twitter:- Prashantt26
Telegram:- UPSCwithPrashant (Prashant Tiwari)



Prashant Tiwari

93,436 subscribers

t.me/UPSCwithPrashant

Link

1. The Hindu Playlist - https://youtube.com/playlist?list=PLpuxPG4TUOR4VHsceopVQtj73aJ0idtpl

2. NCERT Playlist:- https://youtube.com/playlist?list=PLpuxPG4TUOR5Q3pN6ivhc77yZ6HY9v7Ad

3. PIB Weekly:- https://youtube.com/playlist?list=PLpuxPG4TUOR59OtRNhFu

Description

Enhancing governance the digital way

Page No. 6, GS 2

Pallawi Anand

a 2015 batch civil servant, I.R.S. (Indirect Taxes and Customs), who has completed her Master's in Public Policy from McGill University, Montreal, Canada

Venkatesh Raghavendra

a global social entrepreneur working with local communities across India, and a social innovation expert advising State governments and civil society organisations

In recent years, India has embarked on an ambitious journey toward digital governance – a transformation designed not only to improve citizen services but also to bolster the capabilities of government employees. This effort underscores a critical truth: the efficiency of public service delivery is inextricably linked to the skills and competencies of the workforce behind it. Yet, despite the strides made, the question remains – what more needs to be done to fully realise the potential of this digital shift?

At its core, governance is a complex web of decision-making processes that involves stakeholders, from government bodies and non-governmental organisations to local community leaders and influential citizens. Chanakya's governance principles have left a lasting impact, particularly in South Asia, shaping modern governance theories, public administration, and strategic diplomacy, with the Arthashastra's insights into statecraft, economic policy, and ethical leadership continuing to serve as a framework for political strategy and governance ethics. In this context, building the capacity of participants to integrate digital tools has become essential to reimagining governance at every level.

Capacity building in digital governance

Digital governance represents a paradigm shift in how government employees and associated service providers or intermediaries such as contractors should engage with their work. The adoption of technology in governance facilitates more effective communication, informed decision-making, and streamlined workflows. As public expectations evolve, so too must the skill-set of those in governance roles. The pressing need for government employees to become adept at navigating digital platforms is paramount in a world that is increasingly technology-driven.

Initiatives such as the iGOT Karmayogi platform have taken centre-stage. Launched in 2020, this online training portal aims to equip government officials with essential skills in data analytics, public administration, and digital technologies. The flexibility of personalised learning paths fosters continuous improvement – a vital trait where adaptability defines success.

As public expectations evolve, so too must the skill-set of those in governance roles

Equally transformative is the e-Office initiative, which digitises government workflows, drastically reducing reliance on paperwork and enhancing operational efficiency. By automating file management, workflows, and grievance redress, the initiative promotes real-time communication and transparency. Another initiative is the transition of procurement processes to the online sphere, with platforms like the Government e-Marketplace (GeM) playing a crucial role.

The government's commitment to enhancing digital literacy is commendable, with various programmes aimed at familiarising employees with the essential tools of e-governance, cybersecurity, and digital communication. However, as we celebrate these advancements, it is imperative to recognise the challenges that lie ahead in this digital governance journey.

Taking digital empowerment forward

Despite these initiatives, hurdles remain that could undermine progress. The resistance to change among some segments of the workforce presents a tangible challenge. Bureaucratic structures can sometimes be slow to adapt, with varying levels of enthusiasm and readiness among employees. While some quickly embrace new technologies, others may benefit from extra training and support to effectively navigate the digital landscape. The government must foster an environment that encourages innovation while providing the necessary resources for those who may resist or struggle to adapt.

The lack of incentives raises concerns that government initiatives such as the iGOT Karmayogi platform could become merely attendance trackers. True success should not be measured by participation numbers alone but by the platform's ability to deliver real value to employees. It is worth considering whether these trainings lead to meaningful outcomes – such as opportunities to apply new skills through relevant job postings – rather than just enhancing performance reviews.

Additionally, the digital divide is a pressing issue, especially in rural areas where access to high-speed Internet and digital tools can be limited. Without addressing this disparity, we risk leaving many employees, and by extension, many citizens behind in an increasingly digital world.

Cybersecurity also looms large as a concern in the digital governance landscape. As government operations shift online, the risk of data breaches and cyberattacks escalates. Protecting sensitive information is non-negotiable, and training employees in cybersecurity protocols is critical to fortifying digital governance systems.

Finally, the need for continuous learning cannot be overstated. The rapid evolution of digital tools necessitates ongoing training and upskilling opportunities to ensure that employees remain capable and confident in their roles. Ensuring that capacity-building programmes remain dynamic and adaptable to new developments is crucial.

A perspective

India's digital governance initiatives have laid a strong foundation, but much remains to fully harness the potential of digital transformation.

With robust infrastructure, targeted training, and a commitment to building a dynamic workforce, India can set a global benchmark for digital governance. The key lies in ensuring that every employee, regardless of background, rank, or location, is equipped to excel in the digital age. Only then can we achieve a governance model that is accountable, transparent, and inclusive for all.

Fact

- **In recent years, India has embarked on an ambitious journey toward digital governance — a transformation designed not only to improve citizen services but also to bolster the capabilities of government employees. This effort underscores a critical truth: the efficiency of public service delivery is inextricably linked to the skills and competencies of the workforce behind it.**

- **At its core, governance is a complex web of decision-making processes that involves stakeholders, from government bodies and non-governmental organisations to local community leaders and influential citizens.**

- **Chanakya's governance principles have left a lasting impact, particularly in South Asia, shaping modern governance theories, public administration, and strategic diplomacy, with the Arthashastra's insights into statecraft, economic policy, and ethical leadership continuing to serve as a framework for political strategy and governance ethics.**

- **Digital governance represents a paradigm shift in how government employees and associated service providers or intermediaries such as contractors should engage with their work.**

- **The adoption of technology in governance facilitates more effective communication, informed decision-making, and streamlined workflows. As public expectations evolve, so too must the skill-set of those in governance roles.**

- **The pressing need for government employees to become adept at navigating digital platforms is paramount in a world that is increasingly technology-driven.**

- **Initiatives such as the iGOT Karmayogi platform have taken centre-stage. Launched in 2020, this online training portal aims to equip government officials with essential skills in data analytics, public administration, and digital technologies. The flexibility of personalised learning paths fosters continuous improvement — a vital trait where adaptability defines success.**

Content.

- **Equally transformative is the e-Office initiative, which digitises government workflows, drastically reducing reliance on paperwork and enhancing operational efficiency. By automating file management, workflows, and grievance redress, the initiative promotes real-time communication and transparency.**

- **Another initiative is the transition of procurement processes to the online sphere, with platforms like the Government e-Marketplace (GeM) playing a crucial role.**

- **The government's commitment to enhancing digital literacy is commendable, with various programmes aimed at familiarising employees with the essential tools of e-governance, cybersecurity, and digital communication.**

- **However, as we celebrate these advancements, it is imperative to recognise the challenges that lie ahead in this digital governance journey.**

Content.

- **Despite these initiatives, hurdles remain that could undermine progress. The resistance to change among some segments of the workforce presents a tangible challenge. Bureaucratic structures can sometimes be slow to adapt, with varying levels of enthusiasm and readiness among employees.**

- **The lack of incentives raises concerns that government initiatives such as the iGOT Karmayogi platform could become merely attendance trackers. True success should not be measured by participation numbers alone but by the platform's ability to deliver real value to employees. It is worth considering whether these trainings lead to meaningful outcomes — such as opportunities to apply new skills through relevant job postings — rather than just enhancing performance reviews.**

- **Additionally, the digital divide is a pressing issue, especially in rural areas where access to high-speed Internet and digital tools can be limited. Without addressing this disparity, we risk leaving many employees, and by extension, many citizens behind in an increasingly digital world.**

Content.

- **Cybersecurity also looms large as a concern in the digital governance landscape. As government operations shift online, the risk of data breaches and cyberattacks escalates.**
- **Protecting sensitive information is non-negotiable, and training employees in cybersecurity protocols is critical to fortifying digital governance systems.**
- **Finally, the need for continuous learning cannot be overstated.**
- **The rapid evolution of digital tools necessitates ongoing training and upskilling opportunities to ensure that employees remain capable and confident in their roles.**
- **Ensuring that capacity-building programmes remain dynamic and adaptable to new developments is crucial.**

The end of global climate policy

Mukul Sanwal

Former UN diplomat

Bringing justice centre stage requires an alternate sustainability forum

The climate conference in Baku in 2024 turned the climate treaty on its head by scrapping the defining feature of the post-colonial world divided between 'donors' and 'recipients' and suggesting the need for an alternate global sustainability forum. The shift requires that developing countries take charge of their own destiny.

The purpose of the climate treaty in 1992 was to collectively deal with a common concern. In an unequal world, this was defined by the G7 reducing future emissions of carbon dioxide despite the treaty acknowledging cumulative emissions alone matter. Developing countries agreed to take on a problem they did not create in exchange for technology transfer and funds, not realising that the imbalance in research capacity had set the stage for shifting the burden.

The backbone of the current arrangement is the disconnect between academic treatment and rules and practice, providing continuing advantage to the G7. The way global concerns have been selected, agenda defined, and rules implemented – all the time dealing with the symptoms rather than the causes of problems – provides continuing advantages to the G7. The pressure to provide incentives for private finance and dealing with trade restrictions at the same time was never part of the 'grand bargain'. The G7 have now absolved themselves of any responsibility for climate change with, in India's words, the "optical illusion" of providing financial support by 2035.

Two world views

The former colonial powers morphed into the G7 in 1973. Climate change with its reduction in emissions of carbon dioxide is only for the G7 who have overused their fair share of the common atmospheric resource. For the others, the greatest challenge is sustainable development, that is, modifying pathways, lifestyles and energy transition. The way the agenda was set masks the injustice within the climate crisis and the extent it is underestimated.

The impact of the Global South, representing four-fifths of the global population and half the GDP, no longer following the lead of the G7 has been felt most significantly in climate change with growing calls for climate justice. The Nationally Determined Contributions of 72 countries explicitly include the concept of a "just transition", reflecting recognition of the social dimensions of climate action.

Climate justice is not about perceptions of fairness of specific policies. It questions the framing of existing distinctions between global and local levels and between mitigation and adaptation. It is not just the disproportionate continuing levels of emissions but also solutions such as carbon pricing and trade restrictions that widen the income gap and increase inequality. Current global rules do not reflect the interests of the Global South.

These views reflect conflicting visions of how society is organised and what constitutes progress. Distinguishing between total emissions of countries and trends, drivers, and patterns of natural resource use as causes of climate change masks the impact of the most stable global trend of urbanisation covering three-quarters of global emissions and natural resource use. A middle class and more equal world is adopting opinions, pathways, and actions distinct from those who developed earlier.

The foundational fact is that patterns of urban natural resource use of the G7 are not being followed by the Global South. The G7 with one-fifth the population was consuming three-quarters of global resources in 1950, with the U.S. alone consuming 40%. By the 1970s, three-quarters of the population of the G7 had shifted to cities and their lifestyles based on commodity prices kept low by the former colonial powers directly led to climate change. The real price of the most traded commodity, oil, was not allowed to increase over a century, leading to its wasteful use. In 2050, the G7 will account for 25% of global emissions with a 10% share of the global population, while Asia is expected to account for 55% of the world's emissions equal to its share of the global population.

The time is ripe for new foundational principles of sustainability with justice at its centre. India would have to match the strategic thinking of the U.S. in setting up interlinked voluntary arrangements of the 'rules-based order', with the rules determined by the G7, for a new order for 'shared prosperity' seeking comparable levels of well-being within ecological limits.

Global governance

With global cooperation itself in danger, three initiatives are suggested. First, BRICS and partner countries should take the strategic leap for an alternate sustainability forum to support each other in the urban energy transition. This would not be an anti-G7 forum, but focused on units located in member countries in different continents researching sustainability science, urbanisation, monitoring G7 climate policy and supporting exchange of experiences.

Second, the UN Climate negotiations should be limited to reviewing emissions reductions in the G7 and grants in the $300 billion to the most vulnerable – Small Island States and Least Developed Countries.

Third, international fora should be seen as what they are: annual stocktaking that helps the world assess its position and decide course-correction accordingly. The World Trade Organization with its dysfunctional dispute settlement could also be allowed to wither away.

The BRICS playing a bridging role in the new multilateralism will entitle them to their rightful place in the UN Security Council.

Page No. 7, GS 3

Content.

- **The purpose of the climate treaty in 1992 was to collectively deal with a common concern. In an unequal world, this was defined by the G7 reducing future emissions of carbon dioxide despite the treaty acknowledging cumulative emissions alone matter.**

- **Developing countries agreed to take on a problem they did not create in exchange for technology transfer and funds, not realising that the imbalance in research capacity had set the stage for shifting the burden.**

- **The backbone of the current arrangement is the disconnect between academic treatment and rules and practice, providing continuing advantage to the G7.**

- **The way global concerns have been selected, agenda defined, and rules implemented — all the time dealing with the symptoms rather than the causes of problems — provides continuing advantages to the G7.**

Content.

- **The pressure to provide incentives for private finance and dealing with trade restrictions at the same time was never part of the ‘grand bargain’.**
- **The G7 have now absolved themselves of any responsibility for climate change with, in India’s words, the “optical illusion” of providing financial support by 2035.**
- **The former colonial powers morphed into the G7 in 1973. Climate change with its reduction in emissions of carbon dioxide is only for the G7 who have overused their fair share of the common atmospheric resource.**
- **For the others, the greatest challenge is sustainable development, that is, modifying pathways, lifestyles and energy transition. The way the agenda was set masks the injustice within the climate crisis and the extent it is underestimated.**

Content.

- **The impact of the Global South, representing four-fifths of the global population and half the GDP, no longer following the lead of the G7 has been felt most significantly in climate change with growing calls for climate justice.**

- **The Nationally Determined Contributions of 72 countries explicitly include the concept of a “just transition”, reflecting recognition of the social dimensions of climate action.**

- **The foundational fact is that patterns of urban natural resource use of the G7 are not being followed by the Global South. The G7 with one-fifth the population was consuming three-quarters of global resources in 1950, with the U.S.**

- **With global cooperation itself in danger, three initiatives are suggested. First, BRICS and partner countries should take the strategic leap for an alternate sustainability forum to support each other in the urban energy transition.**

Content.

- **Second, the UN Climate negotiations should be limited to reviewing emissions reductions in the G7 and grants in the $300 billion to the most vulnerable — Small Island States and Least Developed Countries.**

- **Third, international fora should be seen as what they are: annual stocktaking that helps the world assess its position and decide course-correction accordingly. The World Trade Organization with its dysfunctional dispute settlement could also be allowed to wither away.**

- **The BRICS playing a bridging role in the new multilateralism will entitle them to their rightful place in the UN Security Council.**

Decoding the National Anthem controversy

What is the practice followed in the Tamil Nadu Legislative Assembly during and after the Governor's address? Why did Tamil Nadu Governor R.N. Ravi leave the Assembly without delivering his address? Is the singing of the National Anthem during certain occasions mandatory?

EXPLAINER

D. Suresh Kumar

The story so far:

On January 6, Tamil Nadu Governor R.N. Ravi left the Legislative Assembly without delivering the customary address on the opening day of the first session of the year complaining that the National Anthem was not played before his scheduled address. Last year too, he had refused to read out his address.

What did the T.N. Raj Bhavan say?

The Raj Bhavan has alleged "the Constitution of Bharat and the National Anthem were once again insulted in the Tamil Nadu Assembly". It said respecting the National Anthem is among the first fundamental duties enshrined in our Constitution. It is sung in all the State legislatures at the beginning and at the end of the Governor's address. Not to be a party to such "brazen disrespect to the Constitution and the National Anthem," the Governor left the House.

What is the practice in Tamil Nadu?

As per convention, the State anthem – 'Tamil Thai Vazhthu' – is played at the beginning of the Governor's address. The National Anthem is played at the end of the address. The practice of playing the State anthem at the commencement of the Governor's address and the national anthem at the end in the Tamil Nadu Assembly was introduced in July 1991 when the All India Anna Dravida Munnetra Kazhagam (AIADMK) government, led by Jayalalithaa, was in power. At that time, Bhishma Narain Singh was Governor. Prior to that, the Governor would enter the House, deliver the address, and leave.

What is the practice in other States?

Each House follows its own convention. For instance, in Nagaland, the national anthem was not played at all for several decades. It was played for the first time in February 2021 when R.N. Ravi was the Governor of the northeastern State. Likewise, it was only in March 2018, that the national Anthem was played for the first time in the Tripura Assembly.

Problems in procedure: Tamil Nadu Governor R.N. Ravi and Chief Minister M.K. Stalin salute the national flag, in Chennai on January 26, 2024. S. R. RAGHUNATHAN

What is the practice when the President's address is delivered?

When the President reaches his seat on the dais, a band installed in the lobby of the central hall to the right of the President, plays the National Anthem. The President then reads the printed address, in Hindi or English, followed by a reading of the address in another version if necessary, by the Chairman of the Rajya Sabha. After the conclusion of the address, the President rises in his seat, followed by the members and visitors in the galleries, when the National Anthem is played again. The President, thereafter, leaves the central hall in a procession.

What does the Constitution say?

Section 51 (A) (a) of the Constitution of India dealing with fundamental duties, says, "It shall be the duty of every citizen of India to abide by the Constitution and respect its ideals and institutions, the national flag and the national anthem."

What does the order issued by the Ministry of Home Affairs say?

The full version of the National Anthem shall be played on the following occasions – during civil and military investitures; when the national salute is given in accompaniment with the National Anthem to the President or to the Governor/Lieutenant Governor during ceremonial occasions within their respective States/ Union Territories; during parades; on arrival of the President at formal State functions and other functions organised by the Government and on his departure from such functions; immediately before and after the President addresses the nation over All India Radio; on arrival of the Governor/Lieutenant Governor at formal State functions within his State/Union Territory and on his departure from such functions; when the National Flag is brought on parade; when the regimental colours are presented; and for the hoisting of colours in the Navy.

When is mass singing of the national anthem required?

The full version of the anthem shall be played accompanied by mass singing on the following occasions – on the unfurling of the National Flag, on cultural occasions or ceremonial functions other than parades; and on the arrival of the President at any government or public function (excluding formal State functions) and also immediately before his departure from such functions.

Can punishment be imposed if it isn't played at official functions?

On January 29, 2019, the Prime Minister, Tamil Nadu Governor and Chief Minister had participated at a function in Madurai for laying the foundation stone for an AIIMS building. The national anthem as well as 'Tamil Thai Vaazhthu' were not played at this function. Objecting to this, a woman had moved the Madras High Court seeking a direction to the Ministry of Information and Broadcasting to frame the rules for imposing punishment, and also to take action against the Chief Secretary for disobedience in not playing the National Anthem.

The court pointed out that a bare reading of her representation made it abundantly clear that when the petitioner herself has stated that there is no mandate for the National Anthem to be sung, and is only a customary practice, mandamus sought against the respondents, cannot be issued. The court dismissed her petition.

THE GIST

- Each House follows its own convention. For instance, in Nagaland, the national anthem was not played at all for several decades.
- In Tamil Nadu, as per convention, the State anthem — 'Tamil Thai Vazhthu' — is played at the beginning of the Governor's address. The National Anthem is played at the end of the address.
- Section 51 (A) (a) of the Constitution of India dealing with fundamental duties, says, "It shall be the duty of every citizen of India to abide by the Constitution and respect its ideals and institutions, the national flag and the national anthem."

Content.

- On January 6, Tamil Nadu Governor R.N. Ravi left the Legislative Assembly without delivering the customary address on the opening day of the first session of the year complaining that the National Anthem was not played before his scheduled address. Last year too, he had refused to read out his address.
- The Raj Bhavan has alleged “the Constitution of Bharat and the National Anthem were once again insulted in the Tamil Nadu Assembly”.
- It said respecting the National Anthem is among the first fundamental duties enshrined in our Constitution.
- It is sung in all the State legislatures at the beginning and at the end of the Governor’s address.
- Not to be a party to such “brazen disrespect to the Constitution and the National Anthem,” the Governor left the House.

Content.

- As per convention, the State anthem — ‘Tamil Thai Vazhthu’ — is played at the beginning of the Governor’s address. The National Anthem is played at the end of the address.

- Each House follows its own convention. For instance, in Nagaland, the national anthem was not played at all for several decades. It was played for the first time in February 2021 when R.N. Ravi was the Governor of the northeastern State. Likewise, it was only in March 2018, that the national Anthem was played for the first time in the Tripura Assembly.

- Section 51 (A) (a) of the Constitution of India dealing with fundamental duties, says, “It shall be the duty of every citizen of India to abide by the Constitution and respect its ideals and institutions, the national flag and the national anthem.”

Fact

- When the President reaches his seat on the dais, a band installed in the lobby of the central hall to the right of the President, plays the National Anthem.
- The President then reads the printed address, in Hindi or English, followed by a reading of the address in another version if necessary, by the Chairman of the Rajya Sabha.
- After the conclusion of the address, the President rises in his seat, followed by the members and visitors in the galleries, when the National Anthem is played again.
- The President, thereafter, leaves the central hall in a procession.

Fact

- **The full version of the National Anthem shall be played on the following occasions — during civil and military investitures; when the national salute is given in accompaniment with the National Anthem to the President or to the Governor/Lieutenant Governor during ceremonial occasions within their respective States/ Union Territories; during parades; on arrival of the President at formal State functions and other functions organised by the Government and on his departure from such functions; immediately before and after the President addresses the nation over All India Radio; on arrival of the Governor/Lieutenant Governor at formal State functions within his State/Union Territory and on his departure from such functions; when the National Flag is brought on parade; when the regimental colours are presented; and for the hoisting of colours in the Navy.**

- **The full version of the anthem shall be played accompanied by mass singing on the following occasions — on the unfurling of the National Flag, on cultural occasions or ceremonial functions other than parades; and on the arrival of the President at any government or public function (excluding formal State functions) and also immediately before his departure from such functions.**

Fact

- **On January 29, 2019, the Prime Minister, Tamil Nadu Governor and Chief Minister had participated at a function in Madurai for laying the foundation stone for an AIIMS building. The national anthem as well as ‘Tamil Thai Vaazhthu’ were not played at this function.**

- **Objecting to this, a woman had moved the Madras High Court seeking a direction to the Ministry of Information and Broadcasting to frame the rules for imposing punishment, and also to take action against the Chief Secretary for disobedience in not playing the National Anthem.**

- **The court pointed out that a bare reading of her representation made it abundantly clear that when the petitioner herself has stated that there is no mandate for the National Anthem to be sung, and is only a customary practice, mandamus sought against the respondents, cannot be issued. The court dismissed her petition.**

UPSC IAS

P2I Foundation

New Year Batch

- Success in Prelims
- Mains Residential Program
- Interview Guidance Programme
- One to one Mentorship

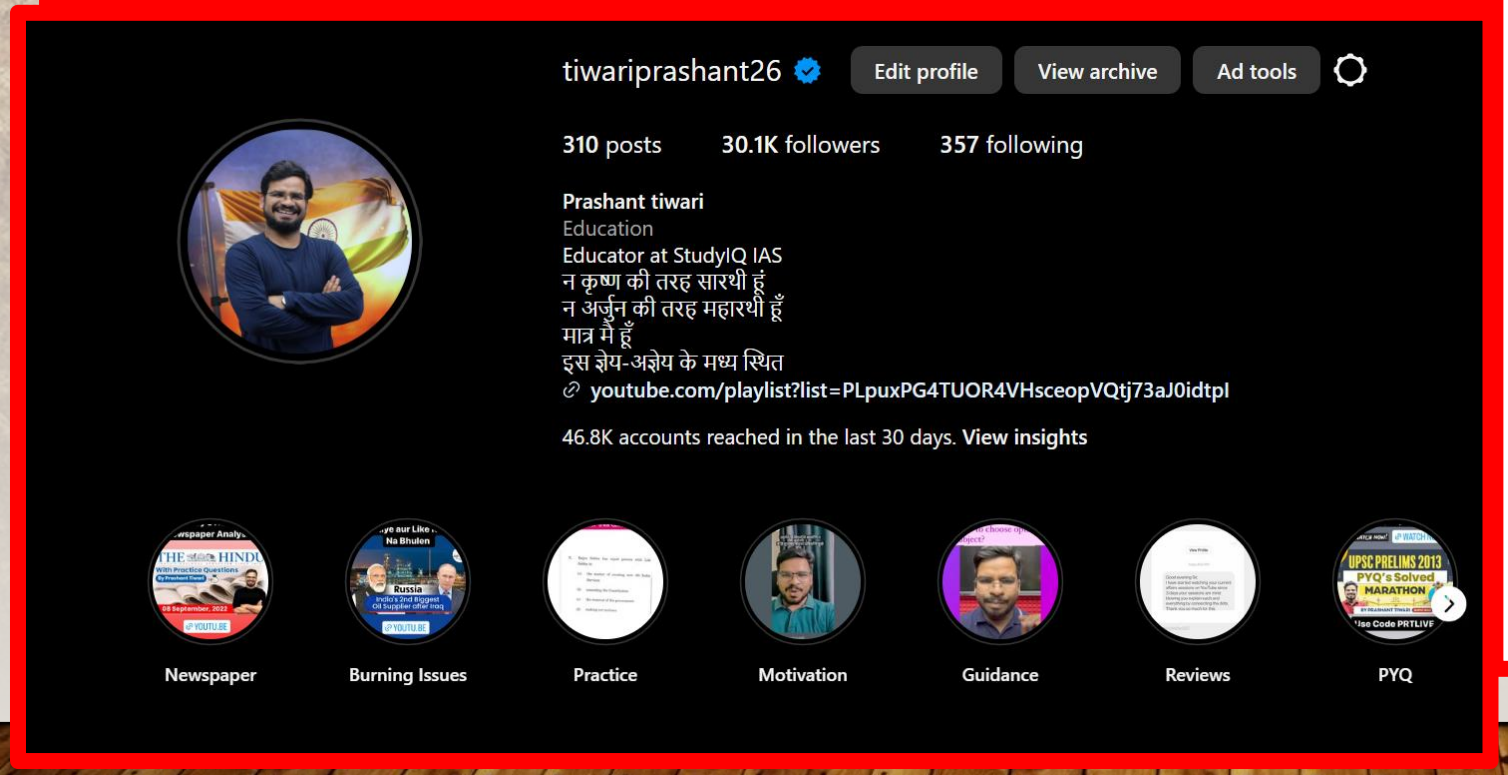
2026
₹29,999

2027
₹34,999

Use Code
PRTLIVE

Batch Starting On 7th Jan 2025 | 6:00 PM

Join Me:
Instagram:- tiwariprashant26
Twitter:- Prashantt26
Telegram:- UPSCwithPrashant (Prashant Tiwari)



Prashant Tiwari

93,436 subscribers

t.me/UPSCwithPrashant

Link

1. The Hindu Playlist - https://youtube.com/playlist?list=PLpuxPG4TUOR4VHsceopVQtj73aJ0idtpl

2. NCERT Playlist:- https://youtube.com/playlist?list=PLpuxPG4TUOR5Q3pN6ivhc77yZ6HY9v7Ad

3. PIB Weekly:- https://youtube.com/playlist?list=PLpuxPG4TUOR59OtRNhFu

Description

Thank You!