

UPSC EDITORIAL ANALYSIS 21 JUN 2021

EDITORIAL 1: THE COMRADES AND THEIR DIVERGENT PERSPECTIVES

Topic: General Studies Paper-2 (Policies of Developed & Developing Countries that affect India's Interests)

Context:

- Recently, Russian President Vladimir Putin made a statement that both the Indian Prime Minister, Narendra Modi, and the Chinese President, Xi Jinping, are “responsible” enough to solve issues between their countries, and there is no need for any “extra-regional power” to interfere in the process.
- Russia wants India to give up all efforts to reverse Beijing's encroachment strategies.
- The Russians are not considering China's growing aggressiveness, and China's unremitting effort to undermine India's global position, by destroying their confidence in themselves and the confidence of others in them and reducing India to a state of isolation and impotence in global affairs.

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The Quad factor

- According to Russia, the Quadrilateral or Quad (comprising India, the United States, Japan and Australia) is aimed at containing Beijing's influence in the Indo-Pacific region.
- A few months ago, Russia's Ambassador to India, Nikolay Kudashev advised New Delhi to take a "larger look at Chinese foreign policies", and describing the Indo-Pacific strategy as an effort to revive the Cold War mentality.
- Russia too like China is against the formation of the quad.

A giant leap forward for the Quad

- India has been able to maintain amicable ties with Russia, Yet, Russia's continued criticism of the Indo-Pacific and the Quad gives ample evidence of the divergent perspectives of New Delhi and Russia on how to deal with China's rise to global prominence.
- Russia is against the quad Indo-Pacific construct in favour of the Asia-Pacific because it is initiated by America and is designed to contain both China and Russia.

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- In reply to the Russian Ambassador comments, India's External Affairs Minister, S. Jaishankar, while having a meeting with Australian and French counterparts, asserted that no country can have a veto on India's participation in the Quad.
- Further, Mr Jaishankar also asserted that incorporation of the Indo-Pacific concept in Indian diplomacy means that India can no longer be confined between the Malacca Strait and the Gulf of Aden.
- Russia's support for Pakistan and China has generated some unease in India.
- For many policymakers, the Russian attitude toward China's growing power and influence will determine Russia's relations with India.
- While the Sino-Indian relationship has experienced a sharp decline since the Galwan clashes in June 2020, India is concerned why Moscow is downplaying China's display of coercive military pressure against India.
- The resolution of the Sino-Indian boundary dispute appears a hopeless dream and India is confronting a situation in Ladakh which is far uglier and more recalcitrant than is generally recognised.

Beginnings of looking West

- The disintegration of the Union of Soviet Socialist Republics (USSR) led to great turbulence in global politics and Russia was much weaker than the former USSR and incapable of helping New Delhi balance potential threats from Beijing.
- However, India did not completely abandon external balancing strategies; instead, it began to diversify its sources of external balancing. While Russia began to cast Moscow as the leader of a supposed trilateral grouping of Russia-India-China against a U.S.-led unipolar world.
- Leaving aside the bitterness of China and Russia during the Cold War, Russia became an early proponent of the 'strategic triangle' to bring together the three major powers.
- New Delhi too became a part of this initiative, But China's dismissive attitude toward Indian capabilities, and increasing China-Pakistan nexus, prevented the success of this trilateral.
- In turn, India invested its diplomatic energies in rapprochement with the United States.
- Unlike Russia, which tried to build an alternative international economic architecture, India decided to get integrated into the existing economic order which it once denounced.
- Economic liberalisation, allowed India to buy weapons from Israel and France, which boosted New Delhi's bargaining capacity with Moscow.
- India's cooperation with the West, especially the U.S. has strengthened further due to the perceived terrorism threat, and China's growing assertiveness across the world.
- However, Russia's ability to influence the India-China relationship has become doubtful. India is searching for other major powers to balance against China, as such, it has deepened its ties with Japan and Australia for soft balancing.
- Among all Indian efforts, India's increasing ties with the U.S. has been the greatest source of concern for China.
- India needs Russia's partnership for its defence needs, but at the same time, it cannot endorse the Russian perspective on the Indo-Pacific and the Quad.
- After the first-ever summit of the four leaders in the 'Quadrilateral framework' in March, the Quad is being formalised into a functional strategic alignment.

Maritime structures

- The real 'strategic triangle' in the maritime domain will be between India, U.S and China, While other powers such as France, Australia, Japan and Russia will have an impact on the emerging maritime structures of the Indo-Pacific region.
- Russia has to realise that multilateralism, which the Indo-Pacific seeks to promote, would help Russia to achieve power ambitions.
- Putin Russian policy has arrived at a flawed assessment of the current situation and by supporting China it is undermining its power ambition in Indo Pacific region.
- The way Russia has a rivalry with the U.S, in the same way, India has a rivalry with China, which Russia understands.
- However, there is an inherent danger in permitting it to harden into a permanent attitude as an increasingly pro-Beijing Russia might adopt more aggressive blocking of India's policy agendas.
- India is in favour of the normalisation of ties between Washington and Moscow as it would help to steer ties among the great powers and diminish Moscow's propensity to closely coordinate its South Asian policies with Beijing.

India-China ties

- Historically, India and China had shared identities and beliefs in the principle of non-alignment, painful memories of colonial subjugation, opposition to great-power hegemony, and strong beliefs in sovereignty and strategic autonomy.
- However, in recent times Beijing is asserting its hegemony over Asia and Various multilateral forums such as the Russia-India-China (RIC) grouping and BRICS (Brazil, Russia, India, China and South Africa) have little practical value for Indian diplomacy.
- Both India and China need to take steps to have a friendly relation by having material evidence of reciprocity otherwise it may lead to Sino-Indian rapprochement.
- Dealing with the bigger neighbour, China
- China seems to be acting as though it is immune not only from the strategic consequences for its actions but also from conventional rules of international politics.

Conclusion:

- China though is the most powerful actor in its neighbourhood, it cannot simply dominate Asia's new geopolitics.
- Beijing's policies must be constrained and altered in fundamental ways so that there is a friendly relationship between India, China and its neighbouring countries and worldwide.

Reference:

The comrades and their divergent perspectives: <https://thg.page.link/CSfFWAizcVqWhMdu6>

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EDITORIAL 2: IN INDIA, LOOKING BEYOND THE BINARY TO A SPECTRUM

Topic: General Studies Paper-2 (Social Issues)

Context:

- Last month, When the High court was about to pick up the case of same-sex marriages, the Solicitor General of India requested the court to have the matter adjourned on the ground that it was not urgent during the time of the pandemic. Due to this, the plight of persons in same-sex and queer relationships looking after each other, without legal protection was further exacerbated.
- It is a matter of some concern that the Union Government does not find urgency in a matter of extending civil rights to a class of persons who have approached a constitutional court.



International jurisprudence

- In the last two decades, there has been tremendous progress in establishing civil rights for the LGBTQIA+ community.
- In 2005, the Constitutional Court of South Africa in the case of Minister of Home Affairs and Another vs Fourie and Another; Lesbian and Gay Equality Project and Eighteen Others vs Minister of Home Affairs and Others [2005] ZACC 19, held same-sex marriage legal by giving its judgement that, common law definition of marriage i.e. “a union of one man with one woman” was inconsistent with the Constitution of the Republic of South Africa, 1996.
- As a result, the Parliament of South Africa was given 12 months to amend the Marriage Act 25 of 1961, failing to do so, automatically by the decision of the Constitutional Court, the words “or spouse” after the words “or husband” would be included in the law.
- As a result, the Civil Union Act, 2006 was enacted, enabling the voluntary union of two persons above 18 years of age, by way of marriage.

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- In 2007 in Australia, the reforms to civil rights of the queer community were promoted by the Honourable Michael Kirby (then judge of the High Court of Australia) by asking the Attorney-General of Australia to extend judicial pension scheme to his gay partner of 38 years (at that time).
- After initial opposition, the Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) Act 2008 came to be enacted to provide equal entitlements for same-sex couples in matters of social security, employment and taxation.
- In England and Wales, the Marriage (Same-Sex Couples) Act 2013 was enforced to enable same-sex couples to marry in civil ceremonies or with religious rites.
- Further, In 2015, the Supreme Court of the United States decided that the fundamental right to marry is guaranteed to same-sex couples.
- In the case of Obergefell vs Hodges, United States Supreme Court held that the denial of marriage rights to same-sex couples be a “grave and continuing harm, serving to disrespect and subordinate gays and lesbians and thus paved the way for reforming the rights of LGBT Community.
- Across the world, the recognition of the unequal laws discriminating against the LGBTQIA+ community has helped to trigger reform and modernise legal architecture to become more inclusive and equal.
- Based on International and domestic jurisprudence of expanding human rights, provision of marriage rights to same-sex and queer couples is only a matter of time, any further delay in granting the same would foul our Indian constitutional guarantees, judgments rendered by various High Courts and evolving international jurisprudence.

Courts and civil rights

- In India, marriages are legal under personal laws such as the Hindu Marriage Act, 1955, Indian Christian Marriage Act, 1872, Muslim Personal Law (Shariat) Application Act, 1937 and so on, but there is no such law for same-sex marriage.
- In the case of Arunkumar and Sreeja vs The Inspector General of Registration and Ors., 2019, the Madurai Bench of the High Court of Madras employed a beneficial and purposive interpretation that the term ‘bride’ under the Hindu Marriage Act, 1955 includes transwomen and intersex persons identifying as women, and thus a marriage between a male and a transwoman, both professing the Hindu religion, is deemed to be a valid marriage under the Act.
- However, in this judgement, it is related only to Hindu Marriage Act, 1955, this can be used progressively and set the stage for re-imagining the marriage rights of the LGBTQIA+ community.
- The judgment of the Madras High Court was based on the tenets laid down by the Supreme Court of India in Shafin Jahan vs Asokan K.M. and Others AIR 2018 SC 1933 (Hadiya case), wherein the right to choose and marry a partner was considered to be a constitutionally guaranteed freedom.
- According to the judgement, intimacies of marriage lie within a core zone of privacy, which is inviolable and society has no right to determine one's choice for Individual partners.
- Thus, any legal or statutory bar to same-sex and queer marriages must be held unconstitutional and violative of Articles 14, 15 and 21 of the Constitution of India.

- The Union Government position that marriage is a bond between “a biological man and a biological woman” is not acceptable.

Expanding the scope of marriage:

- There is a need to reform and review the domain of religious marriages.
- Self-respect marriages were legalised in Tamil Nadu and Puducherry through amendments to the Hindu Marriage Act, 1955.
- Self-respect marriages require an exchange of rings or garlands or tying of the mangalsutra doing away with the traditional practices of priests and religious symbols such as fire or saptapadi.
- Such reform of the Hindu Marriage Act, 1955, is a strong move towards breaking caste-based practices within the institution of marriage.

Conclusion:

- In ways similar to self-respect marriage, the needs of the LGBTQIA+ community have to be understood and the law must be amended to expand the institution of marriage to include all gender and sexual identities.
- More than 29 countries in the world have legalised same-sex marriage, It is high time for India to think beyond the binary and reviews its existing legal architecture to legalise marriages irrespective of gender identity and sexual orientation.

In India, looking beyond the binary to a spectrum: <https://thg.page.link/r97TodvX44YYPd1D9>