

# UPSC EDITORIAL ANALYSIS 29 JUL 2021

## EDITORIAL 1: A JUDGMENT THAT MUST BE TAKEN IN THE RIGHT SPIRIT

---

### Topic: General Studies Paper 2 (Judiciary)

#### Context:

- In 71 Years, since the Constitution came into being there have been only 104 cases of Constitutional amendment.
- Further, a court striking down a constitutional amendment is a very rare event that has occurred only seven times before last week.
- In the recent judgement passed by the Supreme Court in the case Union of India vs Rajendra N. Shah on July 20, 2021, the 97th Constitutional Amendment was struck down, albeit in a limited manner.



#### The background

**Gradeup UPSC Exams  
Super Subscription**  
(UPSC CSE & UPSC EPFO)

Access to All  
Structured Courses  
& Test Series

**ENROL NOW**

- On February 15 2012, The 97th Constitutional Amendment was enforced and it brought about many changes to the legal regime of cooperative societies.
- It included “cooperative societies” to the protected forms of association under Article 19(1)(c), thus making the Formation of Cooperative a fundamental right of citizens.
- The amendment also inserted Part IXB in the Constitution which laid down the terms by which cooperative societies would be governed.
- Article 368 provides the procedure for the amendment of the Constitution.
- According to this, the amendment requires a majority of the total strength of each of the Houses of Parliament and a two-thirds majority of those present and voting.
- Further, there are some articles and chapters of the Constitution, which can be amended only by a special procedure in which the amendment will also have to be ratified by the legislatures of half of the States.
- In the recent case, there has been a violation of this additional requirement due to which the 97th Constitutional Amendment was challenged.
- The 92nd amendment which states that the cooperative sector ought to be controlled at the State level and not at the central or Union level is based on the Government of India Act, 1919 which placed cooperatives in the provincial list. Due to which cooperatives were placed in Entry 32 of the State List in the Seventh Schedule of the Constitution conferring power on the State legislatures to make laws pertaining to incorporation, regulation and the winding up of cooperative societies.

### Central control

- In recent years, the Union government has been acquiring greater control over cooperative societies.
- Cooperative banks have been brought under the purview of the Reserve Bank of India and recently the Union established a Union Ministry for Cooperation.
- The amendment in the cooperatives Bill, have inserted various provisions for the regulation of cooperative societies for greater independence and transparency in the functioning of the cooperatives.
- However, In 2013, The amendment bill was struck down by The Gujarat High Court on the grounds that it had failed to comply with the requirements under Article 368(2) by virtue of not having been ratified by the States and had also on the basis that the 97th Amendment violated the basic structure of the Constitution.
- The Gujarat High Court judgment was challenged by the Union Government before the Supreme Court, arguing that the amendment neither directly nor effectively changed the scheme of distribution of powers between the Centre and the States, hence there was no need for ratification by the States.
- In the High Court, the Amendment was challenged on the grounds that Part IXB, inserted by the 97th Amendment imposed mandatory obligations upon the State legislatures to legislate in a particular way in areas in which they ought to have had freedom and even Some clauses of the amendment override some existing State legislations.
- The High court then cited the example of the 73rd and 74th Amendments relating to panchayats and municipalities.
- Those amendments had a similar impact on the legislative power of the States and were passed by the special procedure involving ratification by State legislatures.
- However, the High Court just questioned the procedural lack, ignored the amendment being violative of the basic structure of the Constitution.

### Making a distinction

- The judgment of the High Court was limited to cooperative societies operating in one state it didn't take into consideration multi-State cooperative societies.
- However, A few were of opinion that the provisions of the newly added part which pertain to multi-State cooperative societies could not exist independently of the parts which pertain to cooperative societies, and hence the whole amendment should be struck down.
- In this case, The amendment has only been struck down by the Supreme Court on account of non-compliance of the right procedure, but for which Union Government can bring in another amendment which passes through the rigour of ratification by State legislatures.
- The National Democratic Alliance has a majority in 18 out of 28 State legislatures, further, the Amendment was introduced during the United Progressive Alliance era, hence there are less chances of political opposition to the amendment if it is brought again.

### A sector best left alone

- The cooperative sector has always been in the domain of the States or provinces.
- The principles and mechanism of these cooperatives differ from area to area and depend on the industry or crop which forms the fulcrum of the cooperative, but the Amendment which tries to bring in Homogeneity would only result in the creation of round holes in which square pegs no longer fit.

### Conclusion:

- ✓ Increased control over the cooperatives would lead to some political interests having much interest in cooperatives.
- ✓ The Government should take the judgment in the right spirit and stays away from meddling in the cooperative sector by providing them independence and freedom to work so that they can produce the best results.
- ✓ Also, the creation of the new Ministry on co-operatives must be given a second thought.

### Reference:

A judgment that must be taken in the right spirit: <https://thg.page.link/97EMLJ8EzzWMYKH16>

## EDITORIAL 2: JAPANESE EDUCATION SPELLS HOLISTIC DEVELOPMENT

---

### Topic: General Studies Paper 2 (Issues relating to Education)

#### Context:

- Investment in education yields both private and social returns like wages to individuals and Good citizens to the society.
- According to research, private returns rise with one's level of education, but social returns peak at the elementary levels.

**Gradeup UPSC Exams**  
**Super Subscription**  
(UPSC CSE & UPSC EPFO)

Access to All  
Structured Courses  
& Test Series

**ENROL NOW**

- When educated people follow rules such as queuing, using washrooms, washing hands, protecting public property, etc. the collective returns from such actions generates social values such as cleaner, healthier and disciplined societies.
- The recent pandemic has given us an opportunity to re-evaluate how our schools should expand our capabilities by just not only focussing on academic prowess in math, science and language but also taking into account the issue of household chores, connecting with the community, nature and so on.



### Reform in Education:

- The recent pandemic made the people realise that many people do their Household chores like cooking, laundry, cleaning etc., are dependent on the labour of others.
- Further, when the essential supplies are limited and overstretched public resources it leads to social disruption in India.
- To handle this, we can take example from Japan and inculcate such learning through our elementary schools.
- For Example, In 2011, when Japan was hit by tsunami, amidst massive devastation locals patiently queued up for rations . Even in the recent coronavirus pandemic, schools and public spaces have remained fairly open in Japan due to people's responsible behaviour.
- India needs to borrow some Insights from the Japanese system as it re-opens its schools along with the newly adopted New Education Policy.

### Non-cognitive elements

**Gradeup UPSC Exams  
Super Subscription**  
(UPSC CSE & UPSC EPFO)

Access to All  
Structured Courses  
& Test Series

**ENROL NOW**

- Japan ranks top in the Programme for International Student Assessment (PISA) which evaluates students on their prowess in core academic subjects.
- However, along with education, Japanese curriculum emphasize on non-cognitive elements.
- Japan's Ministry of Education, Culture, Sports, Science and Technology (MEXT) focuses on 'Chi-Toku-Tai' as the defining features of Japanese schooling.
- Chi, means 'know', which lays emphasis on building strong academic abilities.
- Toku, means 'virtue' and it emphasizes on mindfulness, self-discipline, and cooperative abilities.
- Tai, means 'body, and it refers to physical and mental well-being.
- In 1970s The Japanese education went through major change , where it transitioned itself from an extremely examination-focused, rote memorisation-based approach of education to the 'Chi-Toku-Tai' approach.
- The elementary school curriculum included subjects such as moral education, integrated studies and special activities which focused on holistic ability extending beyond academic prowess to include 'kansei' which roughly translates to 'sensitivity'.
- Japanese education system aims at developing a knowledgeable mind which can appreciate beauty and nature, hold a sense of justice, and respect life and labour.

### Shaping social behaviour

- Moral education includes norms which helps in being socially responsible and have considerate behaviour towards everyone including nature. For example, As a summer project, students venture out in nature observing beetles, cicadas, crickets and sketching or noting their characteristics in their 'insect diary'.
- From First grade, Students take turns to clean their classrooms, washrooms, serve school lunches, and water the plants at school.
- When students cross a pedestrian crossing while making a driver wait, they bow in a 'thank you' to express gratitude.
- From the above examples, it can be understood that, elementary school curriculum can play a tremendous role in building courteous and mindful societies.
- When students do various chores, it helps them to build respect for labour and humility at a young age.
- It makes students more responsible and helps to have a mindful behaviour towards the community.
- For Example, Japanese fans celebrated their victory in the 2018 football World Cup opening match against Colombia by cleaning up their rows in the stadium in Russia.

### Finding solutions

- The Education curriculum should focus on Integrated studies which encompasses experiential learning and independent thinking where students identify problems in their local communities and think of solutions.
- For example, Students may create a disaster preparedness map based on their own research.
- Community history can be shared by the Seniors which would help to integrate schools with the community.
- Children should be trained to identify problems in their local communities such as health ailments, pollution, waste disposal, etc. and coach them in developing solution road maps, the gains to both sides can be immense.

**Gradeup UPSC Exams**  
**Super Subscription**  
(UPSC CSE & UPSC EPFO)

Access to All  
Structured Courses  
& Test Series

**ENROL NOW**

- The special activities hour includes activities such as organising events, maintaining the library, etc. After task completion, students are asked to analyse on the problems they experienced in the process such as wastage, conflict, etc. and then ways to resolve them are suggested, it helps in inculcating practise of 'kaizen' — the Japanese philosophy of continuous improvement.
- Japanese society and education system emphasizes on 'collectivism'.
- Unlike the Capitalist West, Japan is a collectivist society.
- Working as a group and group harmony is fundamental to Japanese society and they work on the principle that one wins only when the group wins, which helps to generate equitable and united societies.

### It's about unity

- For Example, There was a treasure hunt activity for Third graders in Tokyo in which Teams had to find the hidden treasure but the primary target was not the treasure but to keep the unit together.
- Teams could move forward only when all its members were together and agreed on the next strategy. So, if there were students on wheelchairs or slow otherwise, the group respectfully waited for them to arrive.
- At last, the teachers had to pick one student per group to go to the stage to display the 'treasure' and receive the audience's applause. Surprisingly, they picked the ones who were usually lagging in this way everyone felt included and valued.

### Conclusion:

- ✓ The Pandemic has provided India an opportunity to redine its education system and in which it can take much meaningful insights from Japanese Education system and inculcate in Children Moral and Social responsibility along with the feeling of collectiveness.

### Reference:

Japanese education spells holistic development: <https://thg.page.link/ZAzMMNNQjnHKphw8A>

|  |   |                         |
|--|---|-------------------------|
| <p><b>Gradeup UPSC Exams<br/>Super Subscription</b><br/>(UPSC CSE &amp; UPSC EPFO)</p> | <p>Access to All<br/>Structured Courses<br/>&amp; Test Series</p> | <p><b>ENROL NOW</b></p> |
|--|---|-------------------------|