

Speaker's powers in a rebellion

(GS Paper 2, Indian Polity)

Why in news?

- While granting interim relief to rebel MLAs of the Shiv Sena, the Supreme Court made a crucial but unusual judicial intervention that **raises questions on the powers of the Speaker under the Tenth Schedule of the Constitution**.
- The Speaker's powers under the Tenth Schedule have been previously upheld by the Supreme Court itself; the **court has allowed judicial review only once the Speaker has made a decision**, and has ruled out interference with the process.
- The question of when a floor test will be held in the Maharashtra Assembly, meanwhile, remains unclear.



What does the interim order say?

- The interim order grants more time to the rebel MLAs to reply to the disqualification notice served on them. It seeks affidavits from them, and also a counter-affidavit from the Deputy Speaker on his removal as demanded by the rebels.
- In granting more time, the Supreme Court has essentially delayed the disqualification proceedings, which would have a direct impact on a trust vote in the Assembly, whenever it takes place.
- The issue of considering the removal of the Deputy Speaker himself is more complex and raises questions on the sanctity of the Tenth Schedule.

What does the Tenth Schedule say?

- The Tenth Schedule or the anti-defection law, introduced in 1985, gives the Speaker of the House the power to disqualify legislators who 'defect' from the party.
- In the landmark case *Kihoto Hollohan versus Zachillhu in 1992*, the Supreme Court upheld the power vested in the Speaker and said that only the final order of the Speaker will be subject to judicial review.
- Courts have refrained from interfering with the process itself. However, a 2016 ruling of a Constitution Bench of the Supreme Court has shifted the balance on the powers of the Speaker.
- In the landmark *Nabam Rebia v Bemang Felix case*, concerning a constitutional crisis in Arunachal Pradesh then, a five-judge Bench of the SC **limited the Speaker's powers**.

What was the Nabam Rebia ruling?

- While the larger legal issue in the Nabam Rebia ruling was on the contours of the powers and limitations of the Governor, the issue of anti-defection also came up.
- On that point, the Supreme Court held that it is “**constitutionally impermissible**” for a speaker to proceed with disqualification proceedings, if a no-confidence motion against him is pending.
- The action of the Speaker in continuing, with one or more disqualification petitions under the Tenth Schedule, whilst a notice of resolution for his own removal, from the office of Speaker is pending, would ‘appear’ to be unfair.
- If a Speaker truly and rightfully enjoys support of the majority of the MLAs, there would be no difficulty whatsoever, to demonstrate the confidence which the members of the State Legislature, repose in him.
- This ruling gave a window to defecting legislators to stall or circumvent the Tenth Schedule by seeking removal of the Speaker when disqualification proceedings are anticipated, effectively tying the hands of the Speaker.

Have legislators used this legal route?

- Yes, since 2016, this legal route has been a familiar playbook for legislators cutting across states and political affiliations.
- In 2016, rebel MLAs of the Congress including Vijay Bahuguna sought removal of Uttarakhand Assembly Speaker Govind Singh Kunjwal after shifting ranks to the BJP to stall anti-defection proceedings.
- In 2018, AIADMK legislator S Karunas sent a notice to the Tamil Nadu Legislative Assembly Secretary K Srinivasan, seeking removal of Speaker P Dhanapal at a time when the AIADMK leadership was mulling action against Karunas and three other MLAs for having pledged their support to T T V Dhinakaran.
- In June 2020, the Congress in Manipur served a notice for the removal of Speaker Y Khemchand as nine of its MLAs defected to the BJP.

How can the Speaker be removed?

- Under **Article 179 of the Constitution**, a Speaker can be removed by a resolution of the Assembly passed by a majority of “all the then members of the Assembly”. **The process begins with notice of at least 14 days.**
- In the 2016 Nabam Rebia ruling, the **Supreme Court interpreted Article 179, specifically the term “all the then members of the Assembly”**, to mean the composition of the house at the date/time of giving the notice for the removal of the Speaker.
- This interpretation would mean that the composition of the Assembly cannot be changed from the date of issuing of a notice of the removal of the Speaker, and therefore the Speaker cannot make any decisions under the Tenth Schedule to change the composition of the House until the question of his removal is settled.
- During the hearing on the Maharashtra situation, senior advocate Neeraj Kishan Kaul, appearing for the rebel Shiv Sena MLAs, referred to the 2016 Nabam Rebia ruling to argue that the **Deputy Speaker of an Assembly cannot decide on disqualification of MLAs while a motion for his or her removal is pending.**

What were the reasons for the Supreme Court’s 2016 decision?

- The Supreme Court’s reasoning in barring the Speaker from acting under the Tenth Schedule when a notice for his own removal is pending, is to ensure that the Speaker who disqualifies legislators must enjoy the confidence of the Assembly.
- “After all, disposal of the motion under Article 179(c), would take no time at all. As soon as the motion is moved, on the floor of the House, the decision thereon will emerge, forthwith. Why would a Speaker who is confident of his majority, fear a floor test? After his position as Speaker is affirmed, he would assuredly and with conviction, deal with the disqualification petitions, under the Tenth Schedule. And, why should a Speaker who is not confident of facing a motion, for his removal, have the right to adjudicate upon disqualification petitions, under the Tenth Schedule?” **the Supreme Court had said in Nabam Rebia.**
- This interpretation would mean defection is followed by an immediate floor test and not proceedings of the Tenth Schedule.
- A floor test is the ultimate step in ascertaining majority in the House, but legal experts have criticised that 2016 interpretation saying it would not lead to ascertaining “real majority” that is determined after punishing defecting MLAs.

G7 Leaders' Summit 2022 (GS Paper 2, International Organisation)

Why in news?

- Recently, the G7 Leaders' Summit 2022 took place in the Bavarian Alps, Germany.
- The meeting of G7 leaders was an important one since it took place **against the backdrop of a triple crisis:** The war in Ukraine, the challenge of post-pandemic economic recovery and the eternal issue of climate change.
- In the circumstances, the G7 countries managed to present a united front which was noteworthy.

Support for Ukraine:

- A standalone G7 Statement on Support for Ukraine was issued.
- There was an **unconditional commitment that the grouping will provide financial, humanitarian, military and diplomatic support and stand with Ukraine** for as long as it takes. Predictably, the statement comes down very hard on Russia and comes close to accusing it of war crimes.
- **Russia was also warned that any use of chemical, biological and nuclear weapons** would be met with severe consequences.
- **Further intensification of sanctions against Russia was contemplated**, including tariffs on Russian products, targeting gold exports, capping oil prices and restricting access to technology.



What it translates in real terms?

- Despite the toughly-worded statement, it is unlikely the war in Ukraine will come to a quick halt. Indeed, the G7 statement may have the opposite effect of increasing Russia's intransigence.
- Worse, **increasing military assistance by the West to Ukraine**, evidenced by the impending supply of the **Norwegian Advanced Surface-to-Air Missile System (NASAMS)**, used by the Americans to protect the White House) by the US to Ukraine, **could lead to an arms race**.
- Russia too, by relentlessly pursuing hostilities in the Donbas region, is not helping matters.

NATO's move:

- NATO, ahead of its summit meeting in Madrid following the G7 Summit, has already let it be known that its rapid reaction force, meant to protect the alliance's Eastern flank, will **be increased from its present strength of 40,000 to a whopping 300,000.**
- NATO's Secretary-General minced no words when he termed Russia as the most immediate threat to NATO's security and hinted that the alliance's deployments will now be much closer to Russian borders.
- More fundamentally, the NATO concept of deterrence when it comes to the Baltic states appears to have undergone a paradigm shift. The alliance has made its resolve clear to protect every inch of its territory.

G7 on China:

- Significantly, the G7 final communique has tough language on China as well. It says there is **no legal basis for China's expansive maritime claims in the South China Sea**, it calls on China to press Russia to withdraw troops from Ukraine and expresses grave concern about the country's human rights situation.
- It calls on China to respect universal human rights and fundamental freedoms in both Tibet and Xinjiang, highlighting the issue of forced labour in the latter.

India' bilateral meeting at G7 Summit:

- For India, G7 summits have always been an invaluable opportunity to exchange views not just in a plurilateral format but also in the bilateral meetings on the margins of the main meetings.
- Prime Minister Narendra Modi's meetings with the US President and President of France, as also with the leaders of the UK and Japan, were extremely timely.
- The meeting with the Canadian PM was useful, too, given the recent ups and downs in the relationship between the two countries.
- The meetings with Indonesian, South African and Argentinian leaders may be seen against the impending assumption of the G20 presidency by India. India will be consulting closely with Indonesia to see how the Ukraine issue plays out at the G20 meeting.

What it holds for India?

- As for India, its importance lies in the undeniable truth that no global problem can be seriously tackled without India's involvement.
- The question is whether India can use this to make the full transition from being a rule-taker to becoming a rule-shaper in at least some crucial areas.
- India has lent its name to two statements issued by the G7. One is titled **"Resilient Democracies Statement"** and the other is **"Joining Forces to Accelerate Clean and Just Transition towards Climate Neutrality"**.

"Resilient Democracies Statement":

- This statement talks of democracies as reliable partners seeking to promote a rules-based international order and supporting democracy worldwide including through electoral assistance.
- It is interesting to note that these democracies have also recommitted to fighting climate change, improving food security, pursuing concerted efforts to overcome the Covid-19 pandemic, fighting corruption, protecting freedom of expression, both online and offline, and ensuring an open and secure internet.
- This is a tall order for even perfect democracies. But it is an excellent message to send to countries like China and arguably, Russia.

"Joining Forces to Accelerate Clean and Just Transition towards Climate Neutrality":

- This is the statement to which India is a signatory is the one on clean and just transition towards carbon neutrality. PM Modi made a forceful intervention on how India, without being responsible for the problem of climate change, is doing everything in its power to be part of the solution.
- He also made a fervent plea to the Western countries to invest heavily in India's renewable energy market.

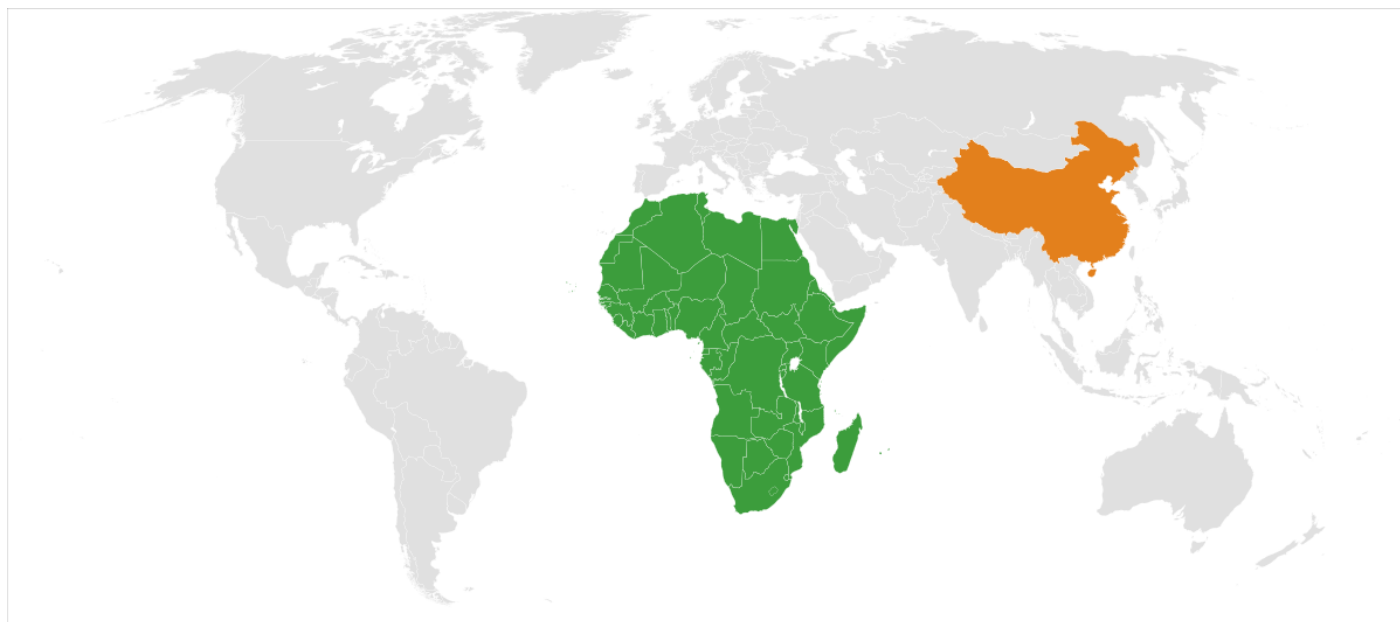
Way Forward:

- The G7 is trying hard not to be yesterday's club. It is still a powerful grouping, with seven of its members in the top 10 economies of the world, three of them permanent members of the UNSC and if you count the EU, it is still home to some of the best emerging technologies.
- India's participation in this meeting as an observer serves to advance its foreign and security policy objectives and will keep it in good stead when it assumes the G20 presidency in December.

China's interventions in the Horn of Africa (GS Paper 2, International Organisation)

Why in news?

- China has been investing across the African continent throughout the last decade. While the emphasis has been on investments and raw materials, it took a new turn recently, with the **first "China-Horn of Africa Peace, Governance and Development Conference."**
- China's first special envoy to the region Xue Bing, said that this is the first time **China aims "to play a role in the area of security"**.
- The conference held in Ethiopia witnessed the participation of foreign Ministries from the following **countries of the Horn:** Kenya, Djibouti, Ethiopia, Sudan, Somalia, South Sudan, and Uganda.



What are the recent projects between China and countries from the Horn of Africa?

- China's focus on the Horn is a part of its focus on Africa.
- In January 2022, during his 17th trip to Africa, China's Foreign Minister focused on increasing the infrastructural investments in African countries.

Three objectives:

- He refuted accusations of debt-trapping the countries and **asserted China's three objectives in Africa: controlling the pandemic, implementing a Forum on China-Africa Cooperation (FOCAC) outcomes, and upholding common interests while fighting hegemonic politics.**
- The FOCAC promotes China's role in the infrastructural and societal development of the Horn.
- In the 2021 forum, the entire region of the Horn participated and four resolutions were adopted: the **Dakar Action Plan**, the **China-Africa Cooperation Vision 2035**, the **Sino-African Declaration on Climate Change** and the **Declaration of the Eighth Ministerial Conference of FOCAC.**
- During the COVID-19 pandemic, China donated over 3,00,000 vaccines to Ethiopia and Uganda, and 2,00,000 vaccines to Kenya and Somalia. Sudan and Eritrea have also benefited from China's vaccine diplomacy.

2035 vision for China-Africa cooperation:

- China has also initiated the “2035 vision for China-Africa cooperation”; it aims to transform the health sector, alleviate poverty, promote trade and investments, and expand digital innovation.
- The vision also focuses on green development, capacity building, improving people-to-people exchanges and facilitating peace and security in the continent.

What are China’s primary interests/investments in the Horn of Africa?

- China’s interests are related to **four major areas: infrastructural projects, financial assistance, natural resources and maritime interests.**

Infrastructural Projects:

- Looking at Chinese investments in infrastructure, one of its landmark projects was **fully funding the \$200 million African Union headquarters in Addis Ababa.**
- It has also made significant investments in railways; it is building the **Addis-Djibouti railway line connecting the land-locked country with Eritrean ports** in the Red Sea.
- China has also invested in the **Mombasa-Nairobi rail link in Kenya**, and has already delivered on railway projects in Sudan.
- It also has a viable **military hardware market in Ethiopia** and has built over 80 infrastructural projects in Somalia, including hospitals, roads, schools and stadiums. In Djibouti, 14 infrastructural projects are funded by China.

Financial Assistance:

- With respect to financial assistance, Ethiopia, is one of the top five African recipients of Chinese investments, and also has a debt of almost \$14 billion.
- China accounts for 67% of Kenya’s bilateral debt. In 2022, China promised to provide \$15.7 million assistance to Eritrea.

Natural resources:

- The third major Chinese interest in Africa is the presence of natural resources; oil and coal. China has invested \$400 million in Mombasa’s oil terminal.
- China is also interested in minerals such as gold, iron-ore, precious stones, chemicals, oil and natural gas in Ethiopia.
- South Sudan, a source for petroleum products, has had continued Chinese investment in the industry since the latter’s initial entry in 1995.

Maritime interests:

- China’s first and only military base outside its mainland is in Djibouti.
- China is willing to develop Eritrea’s coast which would connect to China’s investments in land-locked Ethiopia.
- The U.S. has speculated that China wishes to build another military base in Kenya and Tanzania, thereby increasing its military presence in the region.

Has the Horn of Africa been welcoming of China’s presence?

- Despite the wariness surrounding China’s projects in Africa, the governments have mostly been welcoming. When conflict broke out in Tigray in November 2020, Addis Ababa appreciated China for respecting Ethiopia’s sovereignty.
- In December 2021, Kenya defended Chinese projects in the country; President maintained that China-Africa partnership was mutually beneficial.
- In November 2021, Uganda’s President suggested that China give access to its markets, in a fashion similar to the U.S. or Europe.
- Similarly, in May 2022, the East African Community (EAC) said the EAC would welcome Chinese investors to work in East Africa for the prosperity of the people.

Is China’s new focus on peace in the Horn a shift from Beijing’s principle of non-intervention?

- Peace and stability is a mutual requirement for China and Africa. For Africa, Chinese investments could lead to stable environments which could help the countries achieve their peace and development objectives. For China, conflict in the region comes at a heavy cost.
- In Ethiopia when the conflict broke out, over 600 Chinese nationals, working on different projects, were evacuated, putting several investments at risk.
- From a trading perspective, the region plays a significant role in achieving the objectives of the China-Africa Cooperation Vision 2035.

Way Forward:

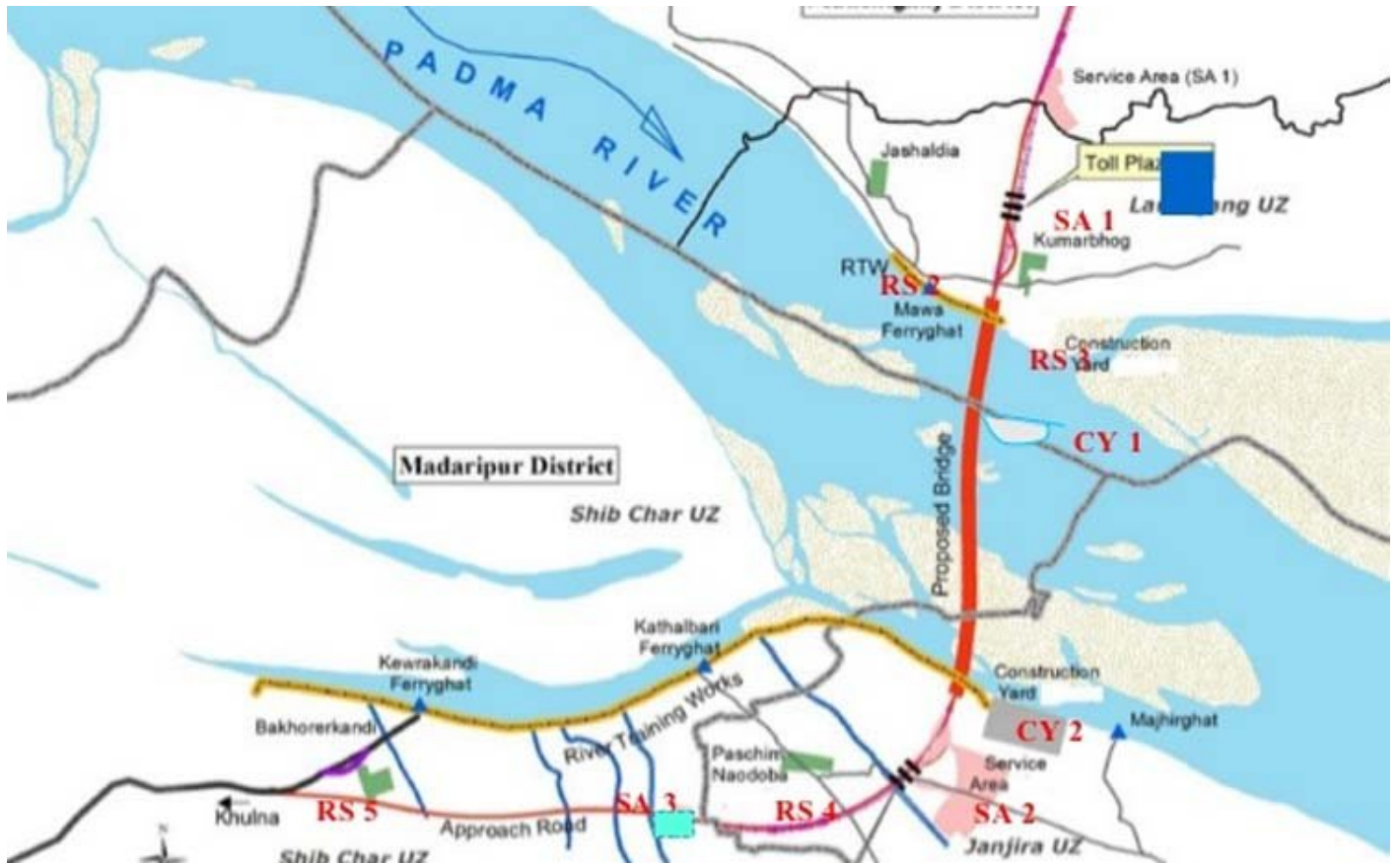
- China's move towards peace in Africa indicates a shift in its principle of non-intervention. It is China's message that its presence in the continent has a larger objective and is not likely to be limited to the Horn of Africa.
- This includes an aim to project itself as a global leader and boost its international status.
- Further, the recent developments imply that China is focussing on a multifaceted growth in the continent for the long run.
- For Africa, China's presence is an alternative to the European powers, many of whom are facing criticism from African governments.
- Further, African governments, which do not conform to Western standards of democracy, interact better with powers like China and Russia.

Bangladesh's Padma Bridge & its Chinese link

(GS Paper 2, International Organisation)

Why in news?

- Recently, Bangladesh's Prime Minister inaugurated the **Padma Multipurpose Bridge** across the Padma River, calling it "a symbol of pride." The bridge is currently the longest in the country.
- The bridge will connect nearly 30 million people living in the country's less-developed southwestern region with the capital Dhaka and other areas.
- A few days ahead of the inauguration, the Bangladesh government issued a clarification, **dismissing reports linking the construction of the bridge to the China-led Belt and Road Initiative (BRI).**



Self- Financed:

- The infrastructure project was self-financed by the Bangladesh government despite the apprehensions of experts. The bridge was constructed at a cost of \$3.6 billion.
- Besides its potential to transform trade and communication in the region, the government estimates that the Padma Bridge will boost the country’s GDP by 1.2 per cent
- A construction firm from China was involved in the construction of the bridge for Bangladesh.

Project timeline:

- Since its formation in 1971, building a bridge over the Padma to narrow the gap between developed and non-developed regions has been Bangladesh’s most ambitious project.
- In 1998-99, a pre-feasibility study was first conducted under the leadership of the then PM Sheikh Hasina. The project was started again after Ms. Hasina returned as the PM in 2009.
- In 2012, the World Bank cancelled its \$1.2 billion funding, saying it had “credible evidence” of high-level corruption among Bangladeshi officials.
- Following the setback, the Bangladesh government took matters into its own hands and decided to self-finance the ambitious project. In 2014, a deal was signed with China Railway Major Bridge Engineering Group, a state-owned entity in China. The construction began in the same year.

Features:

- The main structure, 6.15 km long and 22 m wide, has a four-lane highway and is accompanied by a 3-km-long viaduct and around 12 km of access roads to connect neighbouring districts.
- It connects the Mawa bank to the north and the Janjira area south of the Padma river, which is known for the vast volume of water it carries most of the year which makes it look like a sea.

Railway bridge connecting India:

- The lower level of the bridge has a railway track, which is expected to be opened by 2024. This railway line will drastically reduce the travel time between India and Bangladesh — giving a significant boost to trade and commerce between the two countries.

- At present, the Maitree Express completes the 400-km journey from Kolkata to Dhaka Cantonment in 10 hours. After the inauguration of the railway line, the distance will reduce to about 250 km, which the Maitree Express can cover in around three hours.

China's false claim:

- Earlier, a group called the 'Bangladesh-China Silk Road Forum', or BCSRF launched in 2019 to "focus on lasting links between the two countries under the Belt and Road Initiative (BRI) of China" sent media invites regarding a panel discussion on June 22.
- The topic of discussion was 'The Padma Bridge: An Example of Bangladesh-China cooperation under Belt and Road Initiative', with the invite mentioning the Chinese Ambassador in Dhaka as the chief guest for the occasion.
- The BRI, launched by Chinese President Xi Jinping in 2013, is a multi-billion-dollar initiative aimed at financing and building infrastructure projects, especially in developing countries, to enhance its influence across the world.
- However, Bangladesh did not seem pleased with these developments that took place hours before the inauguration of the Padma Bridge, with the Ministry of Foreign Affairs (MoFA) issuing a statement decrying attempts to link the Padma Bridge project with the BRI.

Concerns with BRI:

- Over the years, China has increased its investment rapidly in Bangladesh after the two countries began their strategic partnership in 2016.
- Bangladesh is one of the largest recipients of funding for infrastructure projects under the BRI, with over \$26 billion in Chinese investments and \$38 billion in funding commitments.
- Though the South Asian country is eager to develop its infrastructure, it has adopted a cautious and selective approach to handling its economic relationship with the BRI amid growing concerns over the Chinese debt trap.
- The initiative has attracted allegations of debt-diplomacy, especially after Sri Lanka handed over its Hambantota Port as a debt swap to China in 2017.
- Malaysia has also deferred several projects under the BRI, citing cost revaluation.

India-Bangladesh bilateral relations:

- Further, the BRI has been a major bone of contention between India and China as one portion of the corridor passes through Pakistan-occupied Kashmir.
- Bangladesh and India share close bilateral ties. To strike a balance and not to upset its neighbour, also its "most important partner", Bangladesh is therefore treading the path cautiously.