

PSIR & GS-2 Daily Brief

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PSIR
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| ForumIAS |



Article - 1

Rajya Sabha defections,
constitutional questions :
The Hindu

Article - 2

The G2 reality : Foreign
Affairs

Article - 3

Court backlogs call for
deeper repair : Deccan
Herald

Article - 1 : Rajya Sabha defections, constitutional questions

Rajya Sabha defections, constitutional questions

The recent developments within the Aam Aadmi Party (AAP), appear to have dealt a decisive blow to its representation in the Rajya Sabha. On April 24, 2026, seven out of its 10 sitting Members of Parliament, publicly announced that over two-thirds of the party's MPs had decided to merge with the Bharatiya Janata Party (BJP), invoking the provisions of the 10th Schedule of the Constitution.

While the development has attracted widespread political attention, its implications extend beyond immediate partisan concerns. It raises significant constitutional questions regarding the interpretation of the anti-defection law, particularly the scope of the "merger" exception under the 10th Schedule. Nor is the episode entirely unprecedented. Similar assertions of legislative strength have been witnessed at the State level, most notably in the case of the Eknath Shinde-led faction in the Shiv Sena within the Maharashtra Assembly. However, the present instance assumes greater significance as it unfolds at the national level, involving MPs in the Rajya Sabha, thereby amplifying its constitutional and political consequences.

Anti-defection framework, 'split' doctrine
The Constitution, as originally adopted in 1950, provided for disqualification of MPs on limited grounds under Article 103, to be decided by the President of India acting on the opinion of the Election Commission of India. The 10th Schedule, introduced by the 52nd Constitution Amendment Act, 1985, expanded this framework to address the persistent problem of political defections adding another ground for disqualification of members to be decided by the Speaker or Chairman. The objective was to curb the practice of elected representatives abandoning their parties for political gain, by attaching the consequence of disqualification.

At the same time, the Schedule originally carved out two exceptions, "split" under Paragraph 3 and "merger" under Paragraph 4. The first, which recognised a split in a legislature party where one-third of its members formed a



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The recent episode involving the Aam Aadmi Party and the invocation of the provisions of the 10th Schedule highlights the need for judicial clarity

separate faction, was subsequently deleted by the 91st Constitution Amendment Act, 2003, following recommendations of Electoral Reforms (Dinesh Goswami Committee) in May 1990 and the 170th Law Commission Report, 1999. This deletion marked a conscious shift away from recognising internal fractures within legislature parties as a legitimate defence to defection.

The omission of Paragraph 3 carries deeper implications. The concept of "split" had implicitly recognised a degree of autonomy in the legislature party vis-à-vis the political party. Its removal signals Parliament's clear intent to restore primacy to the political party as the central unit of democratic accountability.

The Supreme Court of India has also reinforced this position in Subhash Desai vs Principal Secretary, Governor of Maharashtra (2023), where a Constitution Bench declined to interpret the 10th Schedule in a manner that severs the figurative umbilical cord between a legislature party and its parent political party. The Court underscored that the political party continues to guide and control the actions of its elected members, even after electoral victory.

The merger exception in question

The present controversy centres on the interpretation of Paragraph 4 of the 10th Schedule, which provides immunity from disqualification in cases of merger. The key question is whether such a merger can be effected solely by two-thirds of the members of a legislature party, or whether it must necessarily be preceded by, or reflect, a decision of the original political party itself.

A plain reading of Paragraph 4 suggests that the exemption applies where the "original political party" merges with another political party. The emphasis, therefore, is on the merger of the political party, not merely a numerical alignment within the legislature party. Hence, Paragraph 4(2), which introduces a deeming fiction based on the consent of two-thirds of legislators, cannot be read in isolation so as to displace the primacy of the political organisation.

To do so would invert the constitutional design, effectively allowing the legislature party to dictate the fate of the political party.

This interpretation would be inconsistent with Parliament's decision in exercise of constituent power to abolish the "split" exception, which had earlier permitted even a one-third faction to claim legitimacy. The threshold may have changed, but the principle remains that the internal dissent within the legislature party cannot override the identity and continuity of the political party.

Beyond technicalities

At a broader level, the anti-defection law was not merely intended to regulate individual conduct but to preserve the integrity of the party system and, by extension, the institution of 'opposition' in democracy. While it does not entirely prohibit political realignments, it subjects them to constitutional discipline.

The recent AAP episode underscores the need for judicial clarity on whether legislative majorities can, in effect, appropriate the identity of the political party they were elected to represent. The answer will have far-reaching implications for parliamentary democracy.

As lyricist and former parliamentarian Javed Akhtar once observed in the Rajya Sabha, the essential distinction between democracy and dictatorship lies in the presence of an opposition. It is this opposition that the 10th Schedule seeks to safeguard. AAP has approached the Chairman of the Rajya Sabha under Paragraph 6 of the 10th Schedule to challenge the action of its seven "merged" MPs.

How the merger exception is ultimately interpreted will be significant, particularly for the continued vitality of the Opposition. In the absence of settled judicial clarity, the issue is likely, sooner rather than later, to invite authoritative determination by the Supreme Court. The hope, ultimately, is that constitutional adjudication will preserve the centrality of political parties within India's parliamentary framework.

Context The merger of seven AAP Rajya Sabha MPs with the BJP raises a constitutional question: can a legislature party's numbers override the identity of the original political party?

Facts

The original constitution provided for disqualification of MPs under Article 103, decided by the President on the Election Commission's opinion.

The 10th schedule introduced by the 52nd constitutional amendment act, 1985 - disqualification is decided by the Speaker or chairman.

Analytical Crux

The tenth schedule protects the political party, not only the arithmetic of legislators. If two-thirds of legislators alone can decide a merger, then defection may get constitutional cover through numbers. The deletion of the "split" exception shows that Parliament wanted to reduce legislative opportunism.

Verbatim Quotes

"The threshold may have changed, but the principle remains that the internal dissent within the legislature party cannot override the identity and continuity of the political party. The hope is that constitutional adjudication will preserve the centrality of political parties within India's parliamentary framework."

- Vanshaj Azad

Article - 2 : The G2 reality - Foreign Affairs

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The G-2 Reality

America and China Cannot Dominate or Exclude Each Other

ZHENG WANG

May 26, 2026



Soldiers holding up U.S. and Chinese flags before the presidential summit in Beijing, May 2026

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[More by Zheng Wang →](#)

Context US and China have entered a new G2 phase where both can damage each other but neither can dominate, exclude or defeat the other.

Facts

US and China - accepting "the limits of coercion".

G2 world - not about joint global governance but about "competitive coexistence."

Analytical Crux

US & China are locked in rivalry, but it is limited by interdependence & mutual vulnerability. Neither side can remove the other from world politics, technology or trade. Taiwan is the test of competitive coexistence because military rivalry and economic interdependence meet there. US and China need strategic reassurance, restraint and conflict management around Taiwan.

Verbatim Quotes

“The new G2 will not be comfortable, nor built on friendship, shared values, or deep trust. Each side can hurt the other but cannot reduce it to strategic irrelevance.” Zheng Wang

“The U.S.-China rivalry is not a repeat of the US-Soviet Cold war because both remain embedded in the same global economy, technology ecosystem, financial networks and supply chains.”

Article - 3 : Court backlogs call for deeper repair

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Court backlogs call for deeper repair

Reform cannot wait when the system fails to deliver the fundamental principle of speedy justice to the maximum number of people.

DH DHNS Last Updated : 26 May 2026, 01:04 IST

Context Increasing the number of Supreme Court judges is useful, but India's real justice crisis needs reforms in court practices, appointments, litigation culture and lower judiciary.

Facts

Sanctioned strength of Supreme court judges - increased from 34 to 38.

Average time for case disposal in Supreme court is 1-3 years.

More than 5.6 million cases pending in High courts.

Over 43 million cases pending in district & subordinate courts.

Analytical Crux

Judicial delay is not a vacancy problem; it is a system problem. More judges are needed, but they will not solve pendency unless case management, adjournments, government litigation & technology use improves. The Supreme Court's backlog looks serious, but the common citizen suffers most in lower courts. Undertials and poor litigants show that delay is not just an administrative issue; it is a justice issue.

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- **2025 PSIR Paper II:** “China’s growing footprint and a tangible shift in power dynamics in Bangladesh has weakened India’s leverage in Dhaka. Comment.”
- **2025 GS Paper II:** “Discuss the evolution of collegium system in India. Critically examine the advantages and disadvantages of the system of appointment of the Judges of the Supreme Court of India and that of the USA.”
- **2025 GS Paper II:** "Constitutional morality is the fulcrum which acts as an essential check upon the high functionaries and citizens alike...." In view of the above observation of the Supreme Court, explain the concept of constitutional morality and its application to ensure balance between judicial independence and judicial accountability in India.
- **2024 GS Paper II:** Explain the reasons for the growth of public interest litigation in India. As a result of it, has the Indian Supreme Court emerged as the world's most powerful judiciary?

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