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DAILY BRIEF

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SOURCES SCANNED TODAY



ARTICLE

01

India's 'Act East' policy & the contest over Bay of Bengal : The Wire

ARTICLE

02

Indian strategic culture - Contemporary realities : VIF India

ARTICLE

03

In India, voting cannot remain merely a statutory right : The Hindu

India's 'Act East' policy & the contest over Bay of Bengal

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OPINION DIPLOMACY

The Bay Is the Bridge: India's 'Act East' Policy and the Contest Over the Bay of Bengal

Shyam Tekwani
04/Jul/2026 · 5 min read

The cancellation of the Japan prime minister's visit to Assam demands a look at the hurdles that policy corridors can move around, and what they cannot

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Context India's Act East policy's test is whether littoral states can build capacity and rules to keep their options open between India and China.

Facts

India - Vietnam ties: support for Russian origin jets & submarines, a rare-earth pact and a \$25 billion trade target.

Blue Economy doctrine: Bangladesh settled maritime boundary disputes with Myanmar in 2012 & India in 2014.

BIMSTEC Secretariat in Dhaka: but under-resourced i.e. have "the right map and too little muscle"

Analytical Crux

Act East is not a speech or a summit; it is everyday system of patrols, spare parts, routes where people move. The land bridge through the Northeast keeps failing not for want of money but because Assam's politics of "who is a local and who is a foreigner" cannot be engineered around, so the traffic has quietly shifted to sea & air. The trade rules, cleaner migration pipelines, redundant routes, port upgrades are autonomy. They give room to switch lenders & routes so India can be large without smothering its neighbours and China near without being inescapable. Therefore, strategic autonomy and de-risking in the neighbourhood are built brick by brick through capacity and rules, not proclaimed through summits.

Verbatim Quotes

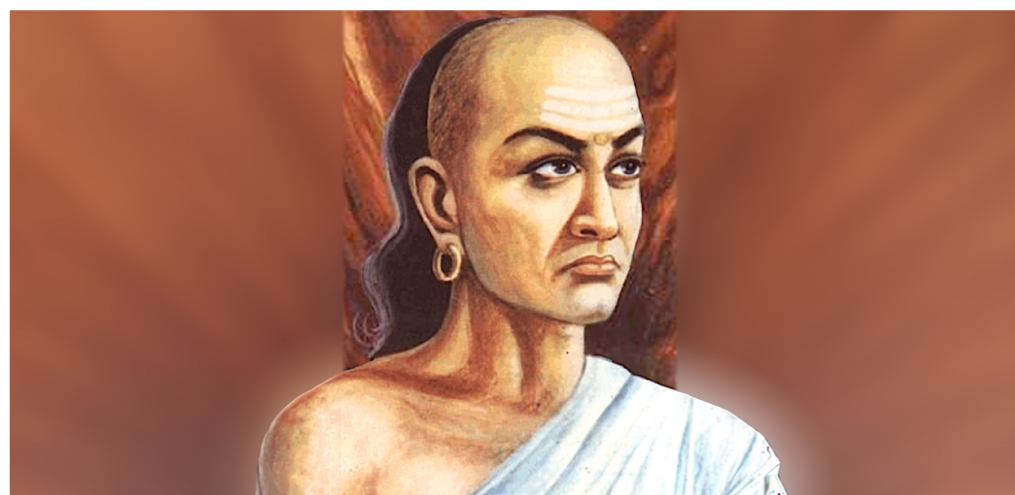
"India treats ASEAN as a theatre of strategy. Bangladesh, at the Bay's northern apex, treats it as a bridge anchored in maritime doctrine. Most of the rest still treat it as a marketplace or a lifeline."

-Shyam Tekwani

Indian strategic culture - Contemporary realities



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Author



Amb D.B. Venkatesh Varma, Distinguished Fellow, VIF

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Indian strategic Culture -Contemporary Realities

Amb D.B. Venkatesh Varma, Distinguished Fellow, VIF

July 6, 2026 Views: 109 Comments: 0

Context

India has a strategic culture but need conscious adaptation to face a widening power gap with China & a new age of multi-domain warfare.

Facts

1971 intervention that created Bangladesh is one of the most successful interventions globally since 1945.

National goal for 2047: VIKsit Bharat as a \$ 30 trillion GDP economy & an armed forces vision 2047 of an all domain force.

India's nuclear doctrine = No first use + a devastating second strike.

Analytical Crux

India has a strategic culture i.e. civilian-controlled restrained, non-expansionist, slow to spend but it may not suit an age of compressed timeline, multi-domain war and a widening gap with China. External balancing i.e. leaning on the US and the Quad has under-delivered. India must reinvest in genuine strategic autonomy and hard-power. India's real weak link has never been courage but doctrine consisting of budgeting, procurement and an updated war fighting doctrine that balances the continental & maritime theatres. The strategic culture must be made an "enabling" & "ennobling" force which is deliberately adopted, not passively inherited.

Verbatim Quotes

"War is a serious business; it is not a repetitive or a derivative exercise; it's a combative & creative exercise in relation to what the opponent can bring to bear to the battlefield."

— Amb. D.B. Venkatesh Varma

In India, voting cannot remain merely a statutory right

In India, voting cannot remain merely a statutory right

Recently, a Congress leader revived an old constitutional debate by demanding that voting should be recognised as a fundamental right. At first sight, the demand appears unexceptionable. In a democracy, what could be more fundamental than a citizen's right to choose those who govern? Yet, for more than seven decades, the Supreme Court of India has consistently held that the right to vote is not a fundamental right but merely a statutory right.

This judicial position, though well established, has become increasingly difficult to reconcile with the Court's own evolving jurisprudence. In a series of landmark decisions, the Court has gradually transformed the voter from a passive statutory creature into an active constitutional actor.

The result is a curious paradox: while the act of voting itself continues to be described as statutory, many of its essential facets have already acquired constitutional protection.

The traditional position dates back to *N.R. Ponnuswami vs Returning Officer* (1952), where the Court held that the right to vote and the right to contest elections are not common law rights but rights created by statute. The principle was reaffirmed in *Jyoti Basu & Others vs Debi Ghosal & Others* (1982), where Justice O. Chinnappa Reddy observed that the right to elect, "fundamental though it is to democracy", is neither a fundamental right nor a common law right, but "purely a statutory right". A Constitution Bench reiterated this position in *Kuldip Nayyar vs Union of India* (2006), holding that while democracy forms part of the basic structure of the Constitution, the individual right to vote flows from legislation, principally the Representation of the People Acts.

The logic behind this approach is understandable. The Constitution does not expressly enumerate the right to vote among the fundamental rights contained in Part III. Parliament, therefore, enjoys considerable latitude in prescribing qualifications, disqualifications and procedures governing elections.

However, the story does not end there. Constitutionalising the poll process Beginning in the early years of this century, the Court embarked upon a process of constitutionalising the electoral process. In *Union of India vs Association for Democratic Reforms* (2002), the Court held that voters have a right to know the criminal antecedents, educational qualifications and financial assets of candidates. This right was located squarely in Article 19(1)(a), the fundamental right to freedom of speech and expression. The Court reasoned that meaningful participation in democracy is impossible unless voters are adequately informed.



S.Y. Quraishi
Former Chief Election Commissioner of India and author of 'An Undocumented Wonder: The Making of the Great Indian Election'

A year later, in *People's Union of Civil Liberties vs Union of India* (2003), the Court drew an important distinction. While reiterating that the right to vote is statutory, it held that the freedom of voting – that is, the freedom to make an informed choice – is a fundamental right protected by Article 19(1)(a).

The most intriguing development came in the 2013 *NOTA* judgment. Recognising the option of "None of the Above", the Court held that a voter's decision to reject all candidates is a form of political expression protected by Article 19(1)(a). The Court further held that secrecy of the ballot must extend even to those who choose not to vote for any candidate.

This produces an extraordinary constitutional anomaly. The Court has effectively held that the right to know is fundamental, the freedom to make an informed choice is fundamental, the secrecy of the ballot is fundamental, and even the right to reject all candidates is constitutionally protected. Yet, the act of voting itself continues to be treated as a mere statutory entitlement.

One is tempted to ask: if the Constitution protects the right to reject all candidates, why does it not protect the right to choose one?

Recent constitutional jurisprudence also points in this direction. In *Anoop Baranwal vs Union of India* (2023), Justice Ajay Rastogi, in his separate opinion, expressly favoured recognising voting as a fundamental right. Although this view did not command a majority, the Constitution Bench repeatedly referred to voting as a constitutional right rather than merely a statutory one. This marks an important shift in judicial understanding. The Court may not yet have elevated voting to the status of a fundamental right, but it has undoubtedly moved beyond the narrow statutory conception that dominated earlier decisions.

The anomaly becomes even more striking when viewed through the prism of the basic structure doctrine. Since *Kesavananda Bharati vs State of Kerala* (1973), the Court has repeatedly held that democracy forms part of the Constitution's basic structure. In *Indira Nehru Gandhi vs Shri Raj Narain & Anr.* (1975), the Court underscored that free and fair elections are an essential feature of democracy. Subsequent decisions have consistently reaffirmed this principle.

Democracy begins with votes But democracy does not exist in the abstract. It operates through elections, and elections derive their legitimacy from the participation of citizens through the ballot. The vote is the very instrument through which popular sovereignty is exercised. It is through the vote that "We, the People" periodically renew the legitimacy of the state and hold governments accountable. If democracy is a part of the Constitution's

basic structure, and if free and fair elections are indispensable to democracy, it is difficult to explain why the citizen's right to vote should remain outside the constitutional core. To say that democracy is basic to the Constitution while the citizen's vote is merely a statutory right appears incongruous. A democracy without voters is inconceivable.

This does not necessarily mean that every aspect of voting should be elevated into an absolute fundamental right immune from regulation. Parliament must continue to prescribe qualifications, disqualifications and procedures necessary for the conduct of elections. Age requirements, electoral rolls, residency conditions, disqualifications for corrupt practices and other regulatory provisions are indispensable for orderly elections.

What requires constitutional recognition is not every procedural detail but the core right of every eligible citizen to participate in the democratic process.

This becomes particularly evident when one examines Article 326 of the Constitution. The Article mandates that elections to the Lok Sabha and State Legislative Assemblies shall be based on universal adult suffrage. Every citizen above the age of 18 is constitutionally entitled to be registered as an elector, subject only to narrowly defined disqualifications. The source of this entitlement is not legislation but the Constitution itself. The Representation of the People Acts merely operationalise that constitutional command.

Thus, while the mechanics of voting may be statutory, the citizen's entitlement to be a voter flows directly from the Constitution. Exclusion from the electoral roll, except in accordance with constitutionally permissible limitations, therefore, strikes at a constitutional guarantee.

A matter for the Court to revisit The distinction between statutory and constitutional rights may have served a useful purpose in the early years of the Republic, when electoral jurisprudence was still in its infancy. But the Court's own decisions have steadily blurred that distinction by progressively constitutionalising various facets of voting.

Perhaps the time has come for the Court to revisit an old doctrine. In a Constitution where democracy and free and fair elections constitute the basic structure, the citizen's vote cannot remain a constitutional orphan. The ballot is not merely a statutory privilege conferred by Parliament. It is the instrument through which popular sovereignty is expressed and the Republic periodically renews its democratic legitimacy.

After all, if the Constitution protects the right to reject every candidate, it can scarcely deny protection to the right to choose one.

Context Supreme Court has given constitutional protection to the right to know, the freedom of choice, the right to reject while calling the act of voting a mere statutory right.

Facts

■ *Union of India vs ADR* (2002): voters have a right to know candidates criminal antecedents, educational qualifications and assets under Article 19(1)(a).

■ *PUCL vs UoI* (2003): freedom of voting (informed choice) is a fundamental right under Article 19(1)(a).

■ *Anoop Baranwal vs UoI* (2023): Justice Ajay Rastogi recognised voting as a fundamental right; the Constitution Bench called it a constitutional right.

■ *NOTA judgement* (2013): right to reject all candidates is protected under Article 19(1)(a).

Analytical Crux

The Court has gradually transformed the voter from a passive statutory creature into an active constitutional actor. The right not to vote enjoys constitutional protection; paradoxically, the right to vote does not. If the constitution protects your right to say "none of these", it is coherent to deny protection to the right to choose one. Since democracy and free & fair elections are basic features, and Article 326 is the true source of the citizen's entitlement to vote, the vote cannot remain a "constitutional orphan". The argument is not for every procedural detail to become a fundamental right. Parliament keeps its power over qualifications and disqualifications but the core right to participate deserve constitutional recognition.

Verbatim Quotes

"In a constitution where democracy and free & fair elections constitute the basic structure, the citizen's vote cannot remain a constitutional orphan."

- S.Y. Quraishi

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