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GS-II

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NOTE: Please remember that following ‘answers’ are *NOT* ‘model answers’. They are NOT synopsis too if we go by definition of the term. What we are providing is content that both meets demand of the question and at the same time gives you extra points in the form of background information.



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General Studies Paper - II

Topic: Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure ;

Q) Critically analyse why the Gandhian concept of “village republics” could not find place in original constitution with regards to Panchayati Raj Institutions. (250 words)

Reference

Why this question:

The question is in the context of Gandhi's concept of democratic decentralization and why it could not find place in the original constitution.

Key demands of the question:

The answer must provide for a detailed discussion on the concept of village Swaraj and why Gandhian concept of Village Development was not taken into account in the original constitution.

Directive :

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When 'critically' is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction

Highlight the background of the constitutional debates with respect to Panchayati Raj.

Body

Discuss the following features in the answer:

- Concept of Village republic by Mahatma Gandhi – village will be a complete republic, independent of its neighbours for its own vital wants. The government of the village will be conducted by the Panchayat of five persons, annually elected by adult villagers.
- Importance of Democratic Decentralization.
- Contrast the ideas of B R Ambedkar and his ideas of Village system – the structure of village settlements reflected basic tenets of Hinduism that never recognized Dalits as equal. Dr. Ambedkar was of the view that the villages contributed to and sustained the divisive nature of the Hindu society, where the untouchables always remained “outside the fold. He was against the very idea of village republic mainly because he had seen the atrocities, isolation, discrimination and separation of Dalits during his early childhood.
- Also present the ideas of Nehru.
- Discuss the present constitutional features – DPSP , 73rd constitutional amendment act etc.

Conclusion

conclude your answer with significance o Gandhian idea and that for India, its villages are as important as cities.

Introduction:

- Gandhi's concept of democratic decentralization bears the stamp of his passionate belief in non-violence, truth and individual freedom. He called it **Panchayati Raj or village Swaraj**.
- He wanted to see each village a little republic, self-sufficient in its vital wants, organically and non-hierarchically linked with the larger spatial bodies and enjoying the maximum freedom of deciding the affairs of the locality.

Body:

Importance of Democratic Decentralization:

- Gandhi wanted **political power to be distributed among the villages in India**.
- Gandhi preferred the term 'Swaraj' to describe what he called true democracy. This democracy is based upon freedom.
- Individual freedom in Gandhi's view, could be maintained only in autonomous, self-reliant communities that offer opportunities to the people for fullest participation.



- Gandhi made it very dear that concentration of either economic or political power would violate all the essential principles of participatory democracy.
- To check centralization, Gandhi suggested the institution of village republics both as institutions of parallel polities and as units of economic autonomy.
- Village is the lowest unit of a decentralized system. Politically a village has to be small enough to permit everyone to participate directly in the decision-making process. It is the basic institution of participatory democracy.
- Gandhian decentralization means the creation of parallel politics in which people's power is institutionalized to counter the centralizing and alienating forces of the modern state.
- According to Mahatma Gandhi, utilization of the local resources is quite fundamental to the development of the Panchayat Raj system. The Panchayats with the Gram Sabhas should be so organized as to identify the resources locally available for development in the agricultural and industrial sectors.

- However, for Dr. Ambedkar, the structure of village settlements reflected basic tenets of Hinduism that never recognized dalits as equal. He was of the view that the **villages contributed to and sustained the divisive nature of the Hindu society**, where the untouchables always remained "outside the fold. He was **against the very idea of village republic** mainly because he had seen the **atrocities, isolation, discrimination and separation of dalits** during his early childhood.
- Similarly, Nehru was also in favour of making India a modern, industrialized and democratic socialist country. The difference between these leaders was such that at that time, village panchayats could find place only under an article of DPSP.

Conclusion:

- 73rd Constitutional Amendment Act, 1992 gave constitutional status to Rural local self government. It has helped bring concerns of disadvantaged classes to the fore encouraging grassroots democracy and upliftment of such sections where they are stigmatized the most.
- It can be said that 73rd amendment was a great leap forward in making local bodies autonomous and in ensuring their contribution necessary in any project of public importance.

Q) Discuss the matters with respect to which a Bill needs prior consent of the President before it is introduced in Parliament. (250 words)

Why this question:

The question is straight forward from the basics of the polity.

Demand of the question:

Discuss in detail the process involved in passage of Bill with emphasis on matters that require prior consent of the President.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

one can start by defining significance of passage of Bill in the parliament.

Body

The question is straightforward and conceptual , thus there is not much to discuss, Every bill passed by two houses becomes a law only after assent of president and hence president is an integral part of parliament.

Following matters must be covered in your discussion :

- Bills that seek to change or alter name, boundaries, area of a state or form a new state by separation of territory from any state under Article 3 of Indian constitution. This is essential to preserve principle of federalism.
- Money bill under Article 110 and financial bill under Article 117(I). This is to keep a check on arbitrary state power in matters of taxation.
- State bills which impose restriction upon freedom of trade under Article 304. This provision ensures unrestricted trade between states except on reasonable and non-discriminatory grounds.



- Bill which imposes or varies any tax or duty in which states are interested under Article 274, to ensure financial autonomy of state and fiscal federalism.

Conclusion

Conclude with significance of Presidential assent.

Introduction:

- A bill is the draft of a legislative proposal, which becomes a law after receiving the approval of both the houses of the Parliament and the assent of the President.
- There are four types of bills-ordinary bill, money bill, finance bill and constitutional amendment bills. After a Bill has been introduced, it is published in the Official Gazette. Even before introduction, a Bill might, with the permission of the Speaker, be published in the Gazette.

Body:

The bills introduced in the parliament can also be further classified as:

- **Ordinary Bills:** These bills concerned with any matters other than the financial matters.
- **Money Bills:** These bills are concerned with the financial matters such as taxation, public expenditure etc.
- **Finance Bills:** These bills are concerned with those financial matters which are not included in money bill.
- **Constitution Amendment Bills:** These are concerned with the amendment of provisions of the constitution.

There are some bills which require prior recommendation of the President. This means these bills need to be introduced in the parliament only on the recommendation of the President.

- Bill for **formation of new States and alteration of areas, boundaries or names of existing States**. This is essential to preserve principle of federalism (**Article 3**)
- Any matter relating to a **law for acquisition by the state of any 'estate' or other intermediate interest in land** means matters relating to **Article 31(A)**.
- **Money Bill (Article 110):** A money bill can be introduced in Lok Sabha only on the recommendation of the President. It contains only provisions that deal with all or any of the matters listed therein. These comprise a set of seven features, broadly including items such as the **imposition or regulation of a tax; the regulation of the borrowing of money by the Government of India; the withdrawal of money from the Consolidated Fund of India**; and so forth.
- **No demand for a grant** shall be made except on the recommendation of the President. (**Article 113**)
- **Financial bills** are of three kinds-Money bills-Article 110, financial bills (I) – Article 117 (1), Financial bills (II)-Article 117 (3). **All money bills are financial bills, but all financial bills are not money bills.** Financial bill (I) can be introduced only in the Lok Sabha and not in the Rajya Sabha and can be introduced only on the recommendation of the president. Financial bill (II) can be introduced in either House of parliament and recommendation of the President is not necessary for its introduction. Both the houses have power to reject or amend the bill.
- Bill which imposes or varies any tax or duty in which states are interested, to ensure financial autonomy of state and fiscal federalism. (**Article 274**)
- **State bills which impose restriction upon freedom of trade.** This provision ensures unrestricted trade between states except on reasonable and non-discriminatory grounds. (**Article 304**)

Conclusion:

- The prior recommendation of the President for certain bill acts to safeguard the interests of federalism and financial matters of India. The assent of the President makes the bill an Act.

Q) The historic leap of faith taken in granting universal adult suffrage democratized Indian governance in inconceivable ways. Analyse. (250 words)

Livemint

Why this question:

The article talks about democratic evolution of right to vote and its significance as a weapon to bring about large-scale social reconstruction.

Key demand of the question:

The answer must cover a detailed discussion on the evolution of universal adult suffrage and its role in democratizing Indian governance.

Directive word:

Analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary.



Structure of the answer:

Introduction:

Briefly narrate the historical coming of universal adult suffrage.

Body:

Discussion should have the following aspects :

- Evolution of voting as a right in Indian history.
- Importance of Universal adult suffrage and its recognition.
- Take cues from the article and discuss Ambedkar's struggle with emphasis on social reconstruction that necessitated adult franchise.
- Discuss the principles that formed the backbone of universal adult franchise in becoming part of the Constitution.
- Bring out how it democratized today's governance system .

Conclusion:

Conclude with significance of leaders and the fact that universal adult franchise played a key role in changing fate of India.

Introduction:

- **Universal suffrage, also known as general suffrage or common suffrage**, consists of the right to vote of all adult citizens, regardless of property ownership, income, race, or ethnicity, subject only to minor exception. Universal Adult Suffrage has been cornerstone of election process in India since its inception.
- BR Ambedkar, as the chairman of the Constitution's drafting committee, played a crucial role in ensuring that India got universal adult franchise after Independence. Despite this Election Commission of India has achieved the major feat of conducting elections for all adult population.

Body:

Principles that formed the backbone of universal adult franchise in becoming part of the Constitution:

- Adult suffrage had been one of the rallying cries of the freedom movement for around three decades preceding the drafting of the Constitution. It was enshrined, for example, in the **1931 Karachi Resolution**, a proto-constitutional document drafted by the Congress
- British made the use of limited franchise specifically to minimize their responsibilities to which nationalist leaders objected strongly.
- Indian nationalist leaders truly believed in the concept that all human are born equal and they have certain rights just on account of being human irrespective of their nationalities.
- Indian constitution makers were aware that limited adult suffrage would exclude the under-privileged and marginalized sections of the society to whom it is most needed. UAS makes government accountable and responsible to all citizens and compels them to work for all.
- **Ambedkar's** argument that voting was essential to citizenship and that voting served as a means of political education for the historically deprived sections was key to India's voting rights
- **Alladi Krishnaswamy Iyer** of the constituent assembly said in November 1949, "the Assembly has adopted the principle of adult franchise with an abundant faith in the common man and the ultimate success of democratic rule and in the full belief that the introduction of democratic government on the basis of adult suffrage will bring enlightenment and promote the well-being, the standard of life, the comfort and the decent living of the common man. The principle of adult suffrage was adopted in no lighthearted mood but with the full realisation of its implications."

Universal adult suffrage has democratized today's governance system:

- **Attributes of Citizenship:** the right of representation and the right to hold office under the State are the two most important rights that make up citizenship
- **Voter's participation:** the voter's participation is imperative as they become a part of the governance and the policies of the government will directly or indirectly impact them.
- **Political and Social emancipation:** voting could serve as a means of political education for those who had been denied any part of political and social life for all these years, and as a tool to "remove the evil conditions" that exists. The acknowledgment of electoral equality among all adult Indians, irrespective of class, caste, or community, was an entirely new experience for a society beset by historically entrenched inequalities.
- **Women empowerment:** the women's participation both in voters and as political leaders is present as UAS is universal. In fact women leaders form the one third proportion of total at the Panchayat level.
- **Rights to minorities and backward:** UAS has preserved, protected and nurtured the political, cultural and socioeconomic rights of the minorities and backward communities of India.



- **Quest for good governance:** UAS plays instrumental role in raising the standard of governance and making political leaders more accountable to the people.
- The process of nation-building began in a newly serious way. The ideals of the freedom movement had unfolded with a new fullness, setting a capstone atop the movement's momentous achievement.

Conclusion:

- The system of adult franchise is the bedrock of a democratic system. People are called political sovereign because they possess the right to vote a government into power, or to vote a government out of power.
- It contributed to forging a **sense of national unity and national feeling**, turned the notion of people's belonging to something tangible. They became the focus of the new state's leap of faith, in which they now had a stake.

Q) Independence of local level institutions in a democracy are the true barometer of governance. Discuss. (250 words)

Why this question:

The question is in the context of independence of local level institutions and their significance in bringing good governance.

Key demands of the question:

The answer must discuss whether the new social and political order calls for a reorganization and whether there is any guarantee for effective administration.

Directive :

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Introduce by underlining fundamentals of democracy and the role of local institutions in it.

Body

Discussion should revolve around how the independence of local self-governing institutions will ensure better functioning of democracy and good governance. Explain Governance and good governance concept, elements associated, role of Local government in promoting decentralization, how it can act as an effective tool for ensuring a greater match of the administrative agenda with expectations of the people.

Conclusion

conclude your answer with significance of local institutions in bringing good governance.

Introduction:

- Democracy is about meaningful participation. It is also about accountability. In a democracy, it is not sufficient to have an elected government at the centre and at the State level.
- It is also necessary that even at the local level, there should be an elected government to look after local affairs. Strong and vibrant local governments ensure both active participation and purposeful accountability.

Body:

- The **73rd and 74th Constitutional Amendment Acts** constitutionalized the local governments system at rural and Urban areas in India. It is now mandatory for the state governments to set up the local government and its machinery and devolve the sufficient powers and finance for them to perform the tasks.

Independence of local level institutions is imperative because:

- Grassroots democracy can be seen as a propensity towards designing political processes where as much decision making authority as practical is shifted to the lowest level of organization.
- It is at the level of local government that common citizens can be involved in decision making concerning their lives, their needs and above all their development.
- It is necessary that in a democracy, tasks, which can be performed locally, should be left in the hands of the local people and their representatives.
- Common people are more familiar with their local government than with the government at the State or national level.
- They are also more concerned with what local government does or has failed to do as it has a direct bearing and impact on their day-to-day life.



- If democracy means people's participation in running their affairs, then it is nowhere more direct, clear and significant than at the local level, where the contact between the people and their representatives, between the rulers and the ruled is more constant, vigilant and manageable.
- Decentralization is a main mechanism through which democracy becomes truly representative and responsive.
- Local governments being closer to the people can be more receptive to local needs and can make better use of resources.
- The democratic system in a country can be guaranteed only if there is huge participation in the governance.

Challenges to the independence:

- The experience with the functioning of local government in the past decade has shown that local governments in India enjoy limited autonomy to perform the functions assigned to them.
- Many States have not transferred most of the subjects to the local bodies. This means that the local bodies cannot really function in an effective manner.
- Some people criticise the formation of the local bodies because this has not changed the way in which decisions are taken at the central and the State level.
- People at the local level do not enjoy much powers of choosing welfare programmes or allocation of resources
- Local bodies have very little funds of their own. The dependence of local bodies on the State and central governments for financial support has greatly eroded their capacity to operate effectively.

Way forward:

- True devolution of powers to the local level of governance as recommended by the Second Administrative Reforms Commission.
- **Property taxation reforms** to be introduced to make local bodies self-sufficient financially.
- Introduction of Social Audit mechanisms and RTI to bring in more transparency and accountability in the operations of local bodies.
- Involvement of people by reservations to make local governance more inclusive and participatory.

Conclusion:

- Grassroots democracy is the political processes which are driven by groups of ordinary citizens, as opposed to larger organizations. Ultimately, democracy means that power should be shared by the people; people in the villages and urban localities must have the power to decide what policies and programmes they want to adopt. Thus, Independence of local level institutions in a democracy are the true barometer of governance.

Q) What makes the principle of federalism of Indian constitution unique compared to the other constitutions of the world ? Discuss. (250 words)

Indian Polity by Lakshmikant, D D Basu

why this question:

The question is about discussing the concept of Federalism in India and justifying as to what makes it different from other constitutions with federal features.

Demand of the question:

The answer must discuss the Emergence of Federalism and its Evolution in India, what makes it different from other countries and provide for a detailed analysis of what makes it different from others.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Start by explaining what you understand by Federalism.

Body

Discuss the following aspects –

- The history of Federalism in India and the Federal Scheme under the present-day Constitution of India.
- Postmodern Philosophy in Different Nations: Meaning, Definition, and Features of Federalism. – Two sets of government constitutionally coordinate, Division of powers between center and units, A federal court as a guardian of the constitution; and Supremacy of the constitution which is rigid.



- Constitutional Character of Federalism in India
- Judicial Character of Federalism in India
- What makes it different – comparison with other countries
- Challenges to Federal Character of India with recent examples

Conclusion

Conclude with Present and Future of Federalism in India.

Introduction:

- Federalism is a system of government in which power is divided between a central authority and constituent political units.
- The Constitution of India establishes a federal structure to the Indian government, declaring it to be a “Union of States”.
- Indian model of federalism is called **quasi-federal system** as it contains major features of both a federation and union.

Body:

Origin and Evolution:

- The turning point in India’s federal scheme came when it was taken over by the British forces.
- The genesis of the present federal system in India lies in the **Simon Report of May 1930** which supported the idea of a federal government in India.
- **The Government of India Act 1935** aimed to establish India as a Federation of States.

Uniqueness of principle of federalism in India:

The Constitutional Character of Federalism:

- Dual Government (that is, national government and regional government)
- Written Constitution
- Division of powers between the national and regional government
- Supremacy of the Constitution
- Rigid Constitution
- Independent judiciary
- Bicameral legislature

Judicial Character of Federalism in India:

- The Indian judiciary has heard a number of cases involving the issue of the federal character of the Indian constitution.
- The first significant case where this issue was discussed at length by the apex Court was **State of West Bengal v. Union of India**.
- The apex court held that the **Constitution of India is not truly Federal in character**.
- **State of Karnataka v. Union of India** -The Indian Constitution is not federal in character but has been characterized as quasi-federal in nature.
- **Kesavananda Bharati v. State of Kerala** -federalism to be a part of the basic structure of the constitution which means it can't be tampered with.

However, the Indian Constitution also covers **huge number of unitary or non-federal features**, viz., **a strong Centre, single Constitution, single citizenship, flexibility of Constitution, integrated judiciary, appointment of state governor by the Centre, all-India services, and emergency provisions**. The following four characteristics highlighting the fact that the **Indian Constitution is not a “traditional federal Constitution”**:

- Firstly, being that there is no provision of separate Constitutions for each State as required in a federal state. The Constitution of India is the supreme document, which governs all the states.
- Secondly, the Constitution can be altered only by the Union Parliament; whereas the States have no power to alter it.
- Thirdly, in contradiction to a federal Constitution, the Indian Constitution renders supreme power upon the Courts to invalidate any action which violates the Constitution.
- Fourthly, the distribution of powers facilitates local governance by the states and national policies by the Centre.



Challenges to Federalism in India:

- For a country like India which is divided on the linguistic and communal basis, a pure federal structure could lead to disruption and division of states.
- India's federal character has undergone, over the past sixty years, many trials and tribulations.
- **Formation of Telangana under Article 3** of the constitution raised a lot of questions against the federal nature of the polity.
- **100th amendment of the constitution** where land was transferred to Bangladesh posed as a threat to federalism in India.
- On the introduction of **GST**, critics argue on the autonomy of states.
- With too much power given to a state, it may want to shift away from the union. Jammu & Kashmir's special powers are in question in the public time and again.
- The continued existence of provisions such as Article 356 (President's rule) goes against the grain of federalism.
- States such as Karnataka, Tamil Nadu have asserted their linguistic and cultural rights in the wake of the Centre's interventions such as a promotion of Hindi.
- States perceive that their progress is being penalised: While the southern States contribute to the nation economically, they don't occupy a central space politically and are further marginalised culturally.
- Disputes between states over sharing of river water, for example between Karnataka and Tamil Nadu over Cauvery water.

Conclusion:

- The Indian Constitution is a **constitution sui generis**. On one hand, the constitution contains features which are of high importance for a federal arrangement, at the same time it contains provisions which fight for a strong Centre, thus making it quasi-federal in nature. The fact to be appreciated here is that these dual federalism provisions were deliberately incorporated to best fit a polyglot country like India.

Q) Discuss the reasons behind framers of the constitution of India approving the federal system of government in India, also discuss the key federal features of the constitution. (250 words)

Indian Polity by Lakshmi Kant, D D Basu

Why this question:

The question is direct from the static portions of GS paper II, it tends to evaluate the federal features of the constitution.

Key demands of the question:

The answer must discuss evolution of federalism as a feature of Indian constitution. And also discuss the key features of Indian federalism in detail.

Directive word

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Introduce by highlighting the significant federal features of India.

Body

The body of the answer should address the following dimensions:

- Brief upon history and evolution of federal features in India.
- Reasons for adopting federal features in Indian constitution – socio cultural context of the country, continental size, trauma of partition, integration of princely states etc.
- Then move on to discuss the federal features of the constitution in detail.

Conclusion

Conclude with significance federal nature of the constitution and also assert that we are a unique blend of federal and unitary constitution.

Introduction:

- Federalism is a system of government in which power is divided between a central authority and constituent political units. The Constitution of India establishes a federal structure to the Indian government, declaring it



to be a “Union of States”. Indian model of federalism is called **quasi-federal system** as it contains major features of both a federation and union.

Body:

The reasons behind framers of the constitution of India approving the federal system of government in India are

- Even before independence, most of our leaders of Nationalist movement were aware that to govern a large country like India, it would be necessary to have a federal system of the constitution.
- Federalism best suits to the conditions of India, which is a land of continental size with different regional, linguistic and religious diversities.
- The constitution of India has made provision for strong union government. It was necessary because at the time of framing of the constitution there were centrifugal forces operating in the country. To bring about consolidation of such forces and to bring social and political integration the strong centre was the need of the hour.
- Apart from it the presence of several million indigenous people also necessitates the federal setup.
- In a democratic polity the people of above mentioned diverse backgrounds have to share power and should govern themselves.
- At the time of independence there were more than 500 princely states which had to be merged with existing States or newly created States. It also necessitated framing a federal constitution.
- Apart from that they also wanted to create a strong centre to stem disintegration and bring about social and political change.
- Apart from the problems of integration, India was also confronted with socio-economic diversities which could be best handled by a strong central government.

The **main federal features of the Indian Constitution** are as follows:

- **Written Constitution:** The Indian Constitution is a written document containing 395 Articles and 12 schedules, and therefore, fulfils this basic requirement of a federal government. In fact, the Indian Constitution is the most elaborate Constitution of the world.
- **Supremacy of the Constitution:** India's Constitution is also supreme and not the hand-made of either the Centre or of the States. If for any reason any organ of the State dares to violate any provision of the Constitution, the courts of laws are there to ensure that dignity of the Constitution is upheld at all costs.
- **Rigid Constitution:** The Indian Constitution is largely a rigid Constitution. All the provisions of the Constitution concerning Union-State relations can be amended only by the joint actions of the State Legislatures and the Union Parliament. Such provisions can be amended only if the amendment is passed by a two-thirds majority of the members present and voting in the Parliament (which must also constitute the absolute majority of the total membership) and ratified by at least one-half of the States.
- **Citizenship:** The constitution of India introduced single citizenship like Canada, but there is no separate citizenship of States. All citizens enjoy same rights all over the country irrespective of their birth or place of residence. The other federal states like US, Switzerland and Australia have a dual citizenship i.e. national as well as state citizenship
- **Division of Powers:** In a federation, there should be clear division of powers so that the units and the centre are required to enact and legislate within their sphere of activity and none violates its limits and tries to encroach upon the functions of others. The Seventh Schedule contains three Legislative Lists which enumerate subjects of administration, viz., Union, State and Concurrent Legislative Lists.
- **Independent Judiciary:** In India, the Constitution has provided for a Supreme Court and every effort has been made to see that the judiciary in India is independent and supreme. The Supreme Court of India can declare a law as unconstitutional or ultra Vires, if it contravenes any provisions of the Constitution. In order to ensure the impartiality of the judiciary, our judges are not removable by the Executive and their salaries cannot be curtailed by Parliament.
- **Bicameral Legislature:** A bicameral system is considered essential in a federation because it is in the Upper House alone that the units can be given equal representation. The Constitution of India also provides for a bicameral Legislature at the Centre consisting of Lok Sabha and Rajya Sabha. While the Lok Sabha consists of the elected representatives of people, the Rajya Sabha mainly consists of representatives elected by the State Legislative Assemblies. However, all the States have not been given equal representation in the Rajya Sabha.



- **Dual Government Polity:** In a federal State, there are two governments—the national or federal government and the government of each component unit. But in a unitary State there is only one government, namely the national government. So, India, as a federal system, has a Central and State Government.

Conclusion:

- Federalism is like a rainbow, where each colour is separate, yet together they make a harmonious pattern. Federalism has to continuously maintain a difficult balance between the centre and the states.
- No legal or institutional formula can guarantee the smooth functioning of a federal polity. Ultimately, the people and the political process must develop a culture and a set of values and virtues like mutual trust, toleration and a spirit of cooperation. Federalism celebrates both unity as well as diversity.

Q) Compare and contrast Indian Constitution and French Constitution with respect to the attitudes of the general public and the political establishment and explain how they differ in each case. (250 words)

Reference

Why this question:

The question is straightforward and is about evaluating the attitudes of the general public and political establishments in Indian and the French constitution.

Key demand of the question:

The answer must explain the attitudes of political parties and the general public response towards their respective constitutional schemes, here one must compare and contract how the two set ups differ from each other and what are the similarities.

Directive word:

Explain – Clarify the topic by giving a detailed account as to how and why it occurred, or what is the particular context. You must be defining key terms where ever appropriate, and substantiate with relevant associated facts.

Structure of the answer:

Introduction:

Begin with importance of constitution.

Body:

- Discuss how the attitudes of the general public and the political establishment towards the constitutions are vastly different in France and India.
- Then move on to explain the Scope of the two constitutions.
- Discuss specific contrasting features.

Conclusion:

Conclude by stating how each scheme of constitution reflects the public sentiment and will .

Introduction:

The role of a constitution is to make certain that the government operates efficiently and in a fair and responsible manner. It does this in three ways:

- It holds the government to the law.
- It provides distinction of power so that no one part of the government is any more powerful than another.
- It provides a series of checks and balances so that when laws are made or amended, the government follows the correct procedure to pass a Bill.

Body:

Comparison between Indian and French constitution:

- **Nature of constitution:** France is a unitary semi-presidential republic country. The current constitution of France was adopted in 1958 and fifth in the row. India is a parliamentary democratic republic. Indian constitution was adopted in 1950 and has been the one serving the needs of Indians till date.
- **Written constitution:** Indian constitution is written and longest known in the world. Since French revolution, there have been four constitutions. The current one in force is the 5th and is a written constitution.
- **Ease of Amendability:** It is a mix of flexible and rigid measures in India as visible through the 103 constitutional amendments in 70 years of existence. Some of the amendments need special majority with approval of half of the states. In France, the constitution is rigid and needs special procedure where 60% of majority votes in both the houses of parliament is needed. Alternatively, President can call a national referendum on constitutional amendment.



- **Nature of Federalism:** In India, there is a federalism but with unitary bias also known as quasi-federalism. The constitution allows the central government to assume unitary powers in case of emergency. In France, it is a unitary federalism. The local governments are created and abolished by the central government only for administrative convenience.
- **Type of Government:** Indian constitution provides for a parliamentary form of government at both center and states. The parliamentary system is a Westminster model adopted from Britain. France has a quasi-presidential and quasi-prime ministerial. On one hand, it provides for a powerful president who is directly elected by people. On the other hand, there is a nominated council of ministers headed by prime minister which is responsible to the parliament.
- **Sovereignty:** In India, the people are sovereign. France has a parliament with limited powers vis-à-vis political executive. It can only make laws on those subjects which is mentioned in the constitution. On all other matters, the government is empowered to legislate by executive decree.
- **President:** president is a nominal head of state of Republic of India. The real executive is the council of ministers headed by the Prime minister. In France, President is the pivot of the constitution and occupies a dominant position as the real head of the state.
- **Citizenship:** Single citizenship for all of India. Possession of citizenship of other nation will lead to cancellation of Indian citizenship. Dual citizenship has been permitted in 1973.

Conclusion:

- India has borrowed constitutional features from the French constitution viz. the principles of Liberty, Equality and Fraternity which acts as a backbone to Indian pluralism.

Q) Discuss how the feature of Federalism of Indian constitution differs from that of the federalism of US constitution. (250 words)

Livemint

Why this question:

The question is about evaluating the constitutional features of the two constitution and one must discuss how the two are different or similar in various aspects.

Key demand of the question:

The answer should enlist the features corresponding to the two constitutional schemes.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with definition of Federalism – A federation is a state having one central (federal) government acting for the whole country and several state governments existing side by side having control over their areas.

Body:

In brief discuss –

- Explain that in a federation, there is a division of powers between the central (federal) government and state government. Countries like USA, Switzerland, Australia, Canada, etc. have a federal form of government. The salient features of federalism include the existence of dual government at the central and state level, separation of powers, rigid and written constitution, supremacy of the constitution, independence of judiciary, etc.
- Provide for a comparison between Indian federalism and the USA federalism.
- Similarities between the federalism of US and India – Written Constitution, Bill of Rights and Fundamental Rights, Supremacy of the Federal or Union Government, Separation of powers, Powers of Checks and Balances etc.

Conclusion:

Conclude that there are certain features of federalism which are common to both India and the USA. On the other hand, India and the USA differ in many aspects related to the federal character of their Constitution. However, both the US and the Indian Federalism despite having limitations are by and large successful.



Introduction:

- Federalism is a system of government in which power is divided between a central authority and constituent political units.
- The Constitution of India establishes a federal structure to the Indian government, declaring it to be a “Union of States”. Indian model of federalism is called **quasi-federal system** as it contains major features of both a federation and union.

Body:

Similarities between the federalism of US and India:

- **Written Constitution:** The Constitution of both US and India is a written Constitution, which provides for a federal political structure where both the governments exercise their respective powers.
- **Bill of Rights and Fundamental Rights:** The US Constitution has given its citizens fundamental rights such as the right to equality, freedom, right against exploitation, freedom of religion, cultural and educational rights, right to property, and the right to Constitutional remedies etc. by means of ‘The Bill of Rights’, Part III of the Indian Constitution guarantees the fundamental rights of the people as given in Articles 14 to 34.
- **Supremacy of the Federal or Union Government:** In both the countries, the federal government works at the centre in which various states have acceded to. While both the Central as well as State Government is empowered to make laws on subjects given in the concurrent list, the law enacted by the Federal or Union Government will prevail over the law enacted by the states on the same subject in case of dispute.
- **Separation of powers:** Both US and Indian Constitutions provide for separation of powers among three institutions namely executive, legislature and judiciary. Each division is empowered with a separate power.
- **Powers of Checks and Balances:** Though there is a clear-cut separation of powers between executive, legislature and judiciary in both countries, still there can be overlapping of these powers. There are chances of abuse of power or arbitrariness. Thus, there is a need for a system of ‘checks and balances’ prevalent in both countries.

Differences between the federalism of US and India:

- **Form:** While India has holding together federation where power is shared among various states and they derive their power from Indian constitution. USA has coming together federation where independent states come together to form a big unit and sacrifice some powers
- In India, there is indestructible union with destructible states while in USA, there is indestructible union with indestructible states.
- **Citizenship:** In India, there is single citizenship i.e. no separate citizenship of states but in USA, there is a dual citizenship of states i.e. citizenship of states as well.
- **Head of the state:** In India, it is nominal and appointed by the centre while in USA, head of state is real and elected by the people.
- **Residuary powers:** In India, there are vested to centre while in USA, same are given to states.
- **Constitution:** In India, there is single constitution while in USA, every state has their own constitution.
- **Judicial system:** In India, there is integrated judiciary while in USA, state and union level has separate jurisdiction.
- **Federation:** In India, there is federal polity with union bias whereas in USA, there is equal federal with rigid division of power.
- **Representation of upper house:** In India, it is based on the population of states for e.g. UP has 31 members while Sikkim has only 1. But, in USA, equal representation is given to all states irrespective of population.
- **Flexibility:** Indian constitution is flexible in term of amending federalism power for e.g. Renaming state, redefining state boundaries while USA constitution is rigid.

Conclusion:

- Thus, it can be concluded that there are certain features of federalism which are common to both India and the USA.
- On the other hand, India and the USA differ in many aspects related to the federal character of their Constitution. However, both the US and the Indian Federalism despite having limitations are by and large successful.



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Topic: Separation of powers between various organs

Q) “Theory of Separation of Powers in true sense is for the sake of individual liberty”, comment. (250 words)

Indian Polity by Lakshmi Kant, D D Basu

Why this question:

The question is direct from the static portions of GS paper II, it tends to evaluate the concept of separation of powers.

Key demands of the question:

The answer must discuss evolution of separation of powers and explain how the Separation of Powers is implemented in our nation.

Directive word

Comment— here we have to express our knowledge and understanding of the issue and form an overall opinion thereupon.

Structure of the answer:

Introduction

Introduce by highlighting the significance of separation of power in Indian context.

Body

The body of the answer should address the following dimensions:

- Understanding that a government's role is to protect individual rights, but acknowledging that governments have historically been the major violators of these rights, a number of measures have been derived to reduce this likelihood. Theory of Separation of Powers is in true sense for the sake of individual liberty .
- There should be a separation among all the three organs of the government. Each department should be allotted to a different set of persons confined to its own set of activities having independent jurisdictions. No organ of the government should discharge any functions which it is not meant to do.
- The theory of Separation of Powers revolves around the idea that, each section of the Government must be confined to the exercise of its own function and it should not be allowed to take upon the functions of other branches. Hence, each branch will be a check to others and so single group of people will be responsible for controlling the machinery of the state.
- Relevance of the separation of power and the associated changing dynamics with examples.

Conclusion

Conclude with significance.

Introduction:

- The concept of separation of powers was first coined by **Montesquieu** in the modern times **during French revolution**.
- According to The theory of Separation of Powers, there are three main organs of the Government in a State- (i) Legislature, (ii) Executive, and (iii) Judiciary.
- These three powers and functions of the Government must, in a free democracy, always be kept separate and be exercised by three separate organs of the Government.
- It means that one person or body of persons should not exercise all three types of powers of government.
- The legislature should exercise legislative functions and powers and should not administer or enforce it.
- The executive should not control the legislature nor should it take over the functions of the judiciary.

Body:

The theory of separation of the powers signifies the following three different things:

- One organ of the government should not interfere with any other organ of the government.
- One organ of the government should not exercise the functions assigned to any other organ.
- The same person should not form part of more than one of the three organs of the government.

Separation of Powers and protection of Individual liberty:

- Accumulation of power in any more than one of the branches of the government, would amount to the base of tyrannical rule, whether self-appointed or elected. Ex: Dictatorial rule of Saddam Hussein in Iraq; Emergency period in India during 1975-77.
- The main objective of the doctrine is to prevent the abuse of power within different spheres of government.
- In our constitutional democracy public power is subject to constitutional control. Different spheres of government should act within their boundaries.



- The courts are the ultimate guardian of our constitution, they are duty bound to protect it whenever it is violated.
- The system of checks and balances is one of the most striking aspects of Indian constitutional scheme.
- The three organs can practically not be segregated into three incontrovertible compartments due to their interdependence on each other to ensure effective governance.
- They have to work in harmony and in consonance to attain a meaningful sustenance and purposeful progress of inhabitants.
- The main object in the Doctrine of separation of power is that **there should be government of law rather than having will and whims of the official**.
- Also, another most important feature of the above-said doctrine is that **there should be the independence of judiciary i.e. it should be free from the other organs of the state** and if it is so then justice would be delivered properly.
- This would ensure individual liberty as guaranteed in the constitution.

Indian situation:

- The Indian Constitution has not expressly recognized the Doctrine of Separation of Powers, but there is also the assumption that one wing of the government will not interfere with the other.
- Apart from the directive principles laid down in **Article 50** which enjoins separation of judiciary from the executive, the constitutional scheme does not embody any formalistic and dogmatic division of powers.
- Cases like **R Coelho v. State of Tamil Nadu** and **Indira Gandhi v. Raj Narain**, observed the separation of powers was limited, unlike the United States.
- However, none of the three separate organs of the Republic can take over the functions assigned to the other, even by resorting to **Article 368**.
- In India, not only is there a functional overlapping but there is personnel overlapping also.
- The Supreme Court has the power to declare void the laws passed by the legislature and the actions taken by the executive if they violate any provision of the Constitution or the law passed by the legislature in case of executive actions.
- Even the power to amend the Constitution by Parliament is subject to the scrutiny of the Court.
- The Council of Ministers is selected from the Legislature and is responsible to the Legislature.
- The Legislature besides exercising law-making powers exercises judicial powers in cases of breach of its privilege, impeachment of the President and the removal of the judges.
- The Executive may further affect the functioning of the judiciary by making appointments to the office of the Chief Justice and other Judges.

Conclusion:

- Government is an organic unity. It cannot be divided into watertight compartments. The Doctrine of separation of power does play a vital role in the creation of a fair government and also fair and proper justice is dispensed by the judiciary as there is the independence of the judiciary. The smooth running of government is possible only by co-operation and mutual adjustment of all the three organs of the government.

Q) Discuss how the harmony between Legislature and Executive is inimitable to Indian constitutional scheme. (250 words)

Polity by Lakshmikanth

Why this question:

The question is to analyse the harmony Between Legislature and Executive as distinct feature of Indian constitution.

Key demand of the question:

The answer must explain this feature of harmony between the two wings as the greatest merit of parliamentary system of government.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with importance of Indian constitutional scheme.

**Body:**

The body of the answer should explain that the greatest advantage of the parliamentary system is that it ensures harmonious relationship and cooperation between the legislative and executive organs of the government. The executive is a part of the legislature and both are interdependent at work.

As a result, there is less scope for disputes and conflicts between the two organs.

Justify it with recent instances where the harmony was evident to substantiate your answer better.

Also compare and contrast it with constitutional schemes of other countries.

Conclusion:

Conclude by stating importance of such a feature of the constitution.

Introduction:

- A constitution is a set of rules through which a country or state operates. The Constitution of India has chosen the British parliamentary System.
- The parliamentary system is based on the **principle of collaboration and coordination between the legislative and executive organs**. It is also called the '**Westminster**' model of government, responsible government and cabinet government.
- The Constitution establishes the parliamentary system not only at the Centre but also in the states.

Body:

- **Montesquieu and Blackstone** maintained that the three organs of government should be kept separate and distinct and one should have no relation with the other.
- But strict separation of powers is neither desirable nor practicable. The government is an organic unity and the legislature and the executive must work in co-operation and collaboration.

Relationship between Executive & legislature in Indian Constitutional Scheme:**Executive Functions of the Legislature:**

- In a parliamentary system of government the legislature controls the executive through a vote of no-confidence, interpellation (asking of questions) and adjournment motion.
- The life of the executive depends upon the will of the legislature since it continues in office so long as it enjoys the confidence of the majority of members in the legislature. The moment a cabinet loses the confidence of the majority, it is liable to be thrown out of office by a vote of no confidence.
- Certain legislatures perform some direct executive functions e.g., the Senate of the United States shares with the President his power of making appointments and treaties.

Legislative Powers of the Executive:

Just as the legislature performs certain executive functions, similarly, the executive enjoys some legislative powers, which may be discussed as follows:

- The chief executive head in all parliamentary governments has the power to summon and prorogue both the Houses of the legislature. He may also dissolve the Lower House and order for fresh elections.
- The Bills passed by the legislature are submitted to the chief executive head for final approval. A Bill cannot become an Act unless it has been assented to by him. The chief executive, heads enjoy varying degrees of veto in this respect in different countries of the world.
- The chief executive head may issue ordinances during the recess of the legislature though the nature and life of ordinances differ from state to state. The ordinance issuing power, enjoyed by the executive, is a direct legislative authority in its hands.
- The executive head may address the legislature at any time, specially under the cabinet form of government. The sessions of the legislature open with the speech of the chief executive head.
- A parliamentary executive has more or less complete control over the legislative work of the legislature. It initiates and pilots all the important measures in the House. A Bill moved by a private member has very little chance of success if it does not enjoy the support of the ministry. In a presidential form of government, however, the executive has very little direct control over legislation.
- The executive exercises powers of 'delegated legislation'. The parliament makes laws in general broad terms and delegates the powers to the executive to fill in the details. The power takes the form of rules and regulations issued by the administration under a law of the parliament. This power has become so enormous that Chief Justice Haldane described it as 'new despotism.'



However, in the recent times, there has been disharmony in the relation between the two arms

- Excessive usage of the Ordinance making power of the President which infringes the powers of Legislature.
- Usage of alternative routes like Money bills to bypass the amendments of the upper house of Parliament.
- Lack of a true opposition spirit and overemphasis on the party and own ideologies over the welfare of the nation have led to washing out of many sessions of the parliament, thereby drastically reducing the time available to meaningfully scrutinise the Executive.
- Large parts of the annual budget are guillotined each year, without adequate discussion.
- The anti-defection law has to an extent reduced the ability of MPs to hold the government to account by forcing themselves to be in line with party ideology.

The Report of the **National Commission to Review the Working of the Constitution** under the Chairmanship of **Justice M.N. Venkatachalaiah** made recommendations on **strengthening the role of the Legislature**. Some of the recommendations were:

- establish new committees on the Constitution, National Economy and Legislation;
- discuss major reports of committees in Parliament;
- plan legislation in a more systematic manner so that major social and economic Bills are circulated for public discussion;
- Control treaty power of government.

Conclusion:

- In democracies, the general principle has come to be accepted that legislature performs one function, that is, to elect the executive and then entrust it with powers. It exercises only a supervision lest the executive betrays the trust. These are thus two wheels of the cart of the state and must move in harmony and cooperation.

Topic: Parliament and State Legislatures – structure, functioning, conduct of business, powers & privileges and issues arising out of these.

Q) Discuss the issues related to abuse of post of Governor in federal polity of India failing to function mainly with aspects of impartially and efficiently. (250 words)

Polity by Lakshmikant

Why this question:

The post of Governor has been marred with controversies , in such a context it is essential to evaluate its functioning from the exam point of view.

Key demand of the question:

The answer must explain in detail issues related to abuse of post of Governor in federal polity failing to function impartially and efficiently.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with significance of post of governor as head of administration to be appointed by President of India, holding office at his pleasure.

Body:

- Explain the incidences of Abuse of the post of Governor – Misuse of Article 356, power of reserving bill, As an agent of political party in power at center, her Partisan role in Hung assemblies and other discretionary powers.
- Give examples from recent incidences
- Suggest way forward – mention recommendations of Sarkaria commission.

Conclusion:

Conclude by significance of such posts in the polity of the country.

Introduction:

- The office of Governor is a British Indian transplant with a federalistic flavour. The role of office of Governor was confined to normal routine ceremonial functions earlier but now enjoys more powers.



- Discretionary powers of Governor in state are much more extensive in comparison to the President in centre in India. He/She is not bound to act on the advice of the council of Ministers in certain circumstances, even he need not seek its advice.

Body:

Issues related to abuse of post of Governor in federal polity:

- **Appointment of Governor:** Article 155 says that governor should be appointed (not elected) from amongst persons of high status with eminence in public. The elected government at the state is not even consulted while making appointment of the Governors. Further successive governments have reduced this important constitutional office to a sinecure and resting place for loyal and retired / about to retired / about to retire politicians apart from docile bureaucrats.
- **Appointment and dismissal of the Chief Minister :** Governor appoints Chief Minister, other ministers, Advocate General, Chairmen and members of the State Public Service Commission in the state. After elections in the state, there is a convention to invite the largest party to form government in the state. This convention has been flouted many times at the whim of the governor. E.g: the recent episode of Karnataka after 2018 hung assembly elections.
- **Reservation of Bills for Consideration of President:** As per Article 200 of the Constitution, the governor can reserve certain types of bills passed by the State Legislature for the President's consideration. The President can either give assent to it or ask the governor to send it back for the state legislature to reconsider it, along with his comments. The chief intent of this provision is for the centre to keep a tab on the legislation in the interest of the nation. However, the central government, through the office of the governor, has used this provision to serve partisan interests.
- **Misuse of Article 356:** Article 356 is the most controversial article of the Constitution. It provides for State emergency or President's rule in State if the President, on receipt of report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution. The duration of such emergency is six months and it can be extended further. In the Constituent Assembly, Ambedkar had made it clear that the Article 356 would be applied as a last resort. He also hoped that "such articles will never be called into operation and that they would remain a dead letter."
- **Removal of the Governor:** Article 156 says that the governor will hold office during the pleasure of the President for five years. President works on aid and advice of the Council of Ministers under Article 74. In effect it is the central government that appoints and removes the Governors. The governor has no security of tenure and no fixed term of office. E.g: The mass changing of the governors of state whenever a new government comes to power at Centre.

Major recommendations to improve Governor's office in federal polity of India:

Supreme Court rulings:

- On Appointment of CM during hung assembly:
 - Recent Karnataka case, 2018: SC observed that Governor's discretion cannot be arbitrary or fanciful.
- On President's rule:
 - **SR Bommai vs. Union of India, 1994:** The case was about the limits to the Governor's powers in dismissing a state government under Article 356 of the Constitution. The floor of the Assembly is the only forum that should test the majority of the government of the day, and not the subjective opinion of the Governor.
 - **Rameshwar Prasad Case, 2006:** Supreme Court was called upon to pronounce its verdict on the validity of the proclamation of President's Rule and the dissolution of the Assembly in Bihar in 2005. The SC held that the Governor could not decide based on his subjective assessments.
- On removal of Governor:
 - **BP Singhal vs Union of India:** The Supreme Court ruled that even though the President could dismiss a Governor without having to provide reasons for doing so, this power could not be exercised in an "arbitrary, capricious or unreasonable manner"

Sarkaria Commission Report (1988)

- On appointment of Governor:
 - Governor should be an eminent person and not belong to the state where he is to be posted.
 - State chief minister should have a say in the appointment of governor
 - Governor should be a detached figure without intense political links or should not have taken part in politics in recent past.



- Governor should not be a member of the ruling party.
- On Removal of Governor
 - Governors must not be removed before completion of their five year tenure, except in rare and compelling circumstances
- On appointment of Chief Minister during a hung assembly:
 - Leader of the majority party or parties,
 - Should seek the vote of confidence in the assembly within 30 days of his appointment as the CM.
 - As long as the council of ministry possess a majority in the assembly the governor cannot use his discretionary powers.

Venkatachaliah Commission (2002):

- On Appointment of Governor:
 - Governor's appointment should be entrusted to a committee comprising the prime minister, the home minister, the speaker of the Lok Sabha and the chief minister of the concerned state.
- On removal of Governor
 - If governor to be removed before completion of term, the central government should do so only after consultation with the Chief Minister.

Punchhi Commission (2010)

- The phrase "during the pleasure of the President" should be deleted from the Constitution
- Governor should be removed only by a resolution of the state legislature.
- It recommended the localizing of emergency provisions under Articles 355 and 356 of the Constitution. According to it, President's rule should be imposed in those parts of the state where there is constitutional breakdown of machinery — rather than the whole state. This will go a long way in preventing the dismissal of state governments on petty and manufactured grounds of lawlessness

Way forward:

- The recommendations of the Sarkaria Commission and the Punchhi Commission report need to be examined closely to make proper amendments to the functions of the post of governor.
- The Supreme Court Judgement (BP Singhal case) which curtailed the power of the Centre to dismiss state governments arbitrarily is commendable. Further the removal of governor from office must entail impeachment proceedings in the state assembly.
- Governor's office should be apolitical. There should be a panel involving the opposition, ruling party, civil society and the judiciary in the selection process of Governor. Governor should be appointed only after consultation with the CM of the state where he/she will work
- Discretionary powers should be curtailed. There should be proper guidelines on the appointment of CM.
- According to ex-PM Manmohan Singh, should facilitate in maintaining internal security, ensure communal harmony and welfare of SCs and STs and rise above partisan politics while discharging Constitutional obligations.

Q) The freedom of prime minister to provide decisive and authoritative leadership is important for the formulation of crucial policies. Analyse the statement in context of coalition politics. (250 words)

The hindu
Reference

Why this question:

The question is in the context of Coalition politics and its formulation centered with question of freedom of prime minister in the context of formulation of policies and programs.

Key demand of the question:

The answer must evaluate the current system of coalition politics , its pros and cons on the policy and programming front with respect to the effect it has on freedom of the prime minister.

Directive word:

analyze – When asked to analyse, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary.

Structure of the answer:

Introduction:



Start by explaining that except for bare outlines of the institutions of the prime minister and his cabinet provided in the constitution, the major objectives of the political executive in India are still left to the conventions or rules of business.

Body:

In brief discuss –

- What you understand by coalition politics?
- How does it impede the functioning and freedom of prime minister in operationalizing policies and programmes.
- Discuss some incidences to substantiate your stand and discuss relevance of coalition politics in keeping checks and balances in a democratic system.

Conclusion:

Conclude with way forward, need for balance between the 2 aspects as the key.

Introduction:

- Coalition is a phenomenon where more than two political parties come together to form a government, sinking their basic ideological differences in the event of the inability of any single party to command a workable majority in the lower House of the legislature.

Generally coalitions are said to be formed on account of one of the following reasons:

- No single political party is able to secure a working majority in the popular house on account of the presence of multi-party system. Under these circumstances a number like-minded political parties form the coalition to provide a workable majority and run the government.
- In a Bi-party system a deadlock may be created due of even balance between two parties allying itself with a minor group such as neutral or defectors till the majority in its favour.
- A coalition may be necessitated by a national crisis when the various political groups may suspend their political strife and collaborate in the general cause of protecting and promoting their national interest.

Body:

Coalition government trend in India:

- The advent of coalition Governments on the Indian political scene has altered the pattern of executive functioning in a significant
- Multiparty coalition Governments have meant a departure from or at least modifications in the pattern of executive functioning influenced by the Westminster Parliamentary tradition.
- The working of federal coalition cabinets has resulted in larger Cabinets and, in turn, greater federalization (in the sense of regionalization) of the Cabinet system in
- Coalition Governments in New Delhi have made possible a greater degree of State or regional autonomy. There has also been a wider power sharing between the national and regional parties which has promoted national unity and
- However, coalition Cabinets are also characterized by instability of Union Governments though state have become more autonomous and stronger coalition Governments are also bedevilled by policy in coherence and at times even policy paralysis or atrophy.

Coalition Government and Prime minister's powers:

Positives:

- Multiparty governance may stall reforms but also prevent bad ideas from being rammed down by a strong executive.
- Given perverse incentives created by the anti-defection law, and in the absence of a proper check from the legislature, coalition governments work to check executive overreach.
- The PMO has offlate, become a super-executive with unabated use of ordinances to put across the legislative agenda. A coalition government would check that.
- In theory, in our parliamentary system, the legislature holds the executive accountable by asking specific questions in parliament, debating motions, and fine-tuning legislation through committees. But, in reality, the government, especially a single-party government, wins the vote on every motion because of strong anti-defection laws.
- Coalition partners can prevent surprise moves like demonetization, which hurt most Indians.
- Coalition governments may prevent good reform, but, by the same principle, also prevent badly crafted ideas rammed down by a strong executive.

**Negatives:**

- The PM who is head of the council of ministers will not be able to take strong, decisive actions due to varied opinions and ideologies of coalition partner.
- The whole act of saving the government will take precedence over developmental issues.
- The goal of collective responsibility is at risk as any minister not on the same page with PM will not fear quitting the government leading to collapse of entire government.
- Key legislative issues cannot be passed easily to difference in ideologies.
- The problem of political deals required to keep the coalition together, and the corruption among coalition partners.
- Coalition government is actually less democratic as the balance of power is inevitably held by the small parties who can barter their support for concessions from the main groups within the coalition.
- Coalition government is less transparent, because a party has no real chance of forming a government alone, the manifestos they present to the public become irrelevant and often wildly unrealistic.
- Coalitions provide bad government because they are unable to take a long term view.

Conclusion:

- Since India is a diverse country with different ethnic, linguistic, and religious communities, it also has diverse ideologies.
- Due to this, the benefit that a coalition has is that it leads to more consensus based politics and reflects the popular opinion of the electorate.
- In order to have stable coalitions, it is necessary that political parties moderate their ideologies and programmes. They should be more open to take others point of view as well and must accommodate each other's interests and concerns for coalition to be a success.

Q) Discuss the significance of the concept of office of profit as enshrined in the Indian constitution ? Why has it been embroiled in controversies for a long time ? Comment on the role played by Judiciary in this context. (250 words)

Polity by Lakshmikant

Why this question:

The question is in the context of office of profit, and the controversies associated with .

Key demand of the question:

The answer must explain in detail what constitutes an 'office of profit', what are the issues and concerns associated with it and role of judiciary in determining the significance.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with what you understand by office of profit

Body:

- Office of Profit means any office that finds its origin as appointment by government and imparts a special position and/ or benefits to that person.
- This term has reference in Indian Constitution under article 102 (1)(A) and 191 along with this the representatives cannot hold an office of profit under section 9 (A) of the Representation of People Act.
- Discuss the cases involved – Pradyut Bordoloi vs. Swapan Roy
- Underlying principle of the office of profit.
- In detail discuss the role played by judiciary.

Conclusion:

Conclude by stating need for upholding the constitutionality of such concept.

Introduction:

- 'Office of Profit' is a position in the government which cannot be held by an MLA or an MP. The post can yield salaries, perquisites and other benefits.
- This was instituted so that there wouldn't be any undue influence from the royal household in administrative affairs.

**Body:****Significance of Office of Profit:**

- MPs and MLAs, as members of the legislature, hold the government accountable for its work.
- The essence of disqualification under the office of profit law is if legislators hold an ‘office of profit’ under the government, they might be susceptible to government influence, and may not discharge their constitutional mandate fairly.
- The intent is that there should be no conflict between the duties and interests of an elected member.
- Makers of the Constitution wanted that legislators should not feel obligated to the Executive in any way, which could influence them while discharging legislative functions.
- In other words, an MP or MLA should be free to carry out her duties without any kind of governmental pressure.
- At the outset, it should be noted that the disqualification doesn’t relate to having any other job or profession .It refers specifically to a position with the Central government or a state/UT government.
- This is because the idea behind providing for this disqualification is to ensure that there is no conflict of interest between the legislature and the executive.
- The office of profit law simply seeks to enforce a basic feature of the Constitution- the principle of separation of power between the legislature and the executive.

Reason for controversies:

- The expression “office of profit” **has not been defined** in the Constitution or in the Representation of the People Act, 1951.
- It is for the courts to explain the significance and meaning of this concept. Over the years, courts have decided this issue in the context of specific factual situations.
- But, **articles 102 (1) and 191(1)** which give effect to the concept of office of profit prescribe restrictions at the central and state level on lawmakers accepting government positions. Any violation attracts disqualification of MPs or MLAs, as the case may be.
- **Article 164 (1A)** limits the maximum no of ministerial posts to 15% of the strength of lower house. The **91st constitutional amendment act** had fixed this maximum number of ministerial posts to 15% of the lower house of Legislature. This limit is 10% for Delhi, as per article 239AA of Indian Constitution.

The case of Parliamentary Secretaries in New Delhi:

- In 2015 when AAP came to power it appointed its 21 MLAs as Parliamentary Secretaries. One of them, Jarnail Singh had resigned earlier to contest elections from Punjab.
- A petition was filed against their candidature in June 2015 for the disqualification of these MLAs on the grounds of holding offices of profit. Their disqualification was sought under section 15 of the National Capital Territory Act, 1991.
- To bypass this rule Delhi government passed the Delhi member of Legislative Assembly (Removal of Disqualification) Amendment Bill 2015, to exclude parliamentary secretaries from the office of profit.
- Former president Pranab Mukherjee had refused to give assent to this bill. Also, Delhi High Court had struck down the posts of Parliament secretaries.
- The matter was referred to the Election Commission of India (ECI) by the president Ram Nath Kovind.
- The President accepted the Election Commission’s recommendation to disqualify 20 MLAs of Delhi’s ruling Aam Aadmi Party for holding offices of profit.

Other instances of disqualification:

- In March 2006, President APJ Abdul Kalam disqualified Jaya Bachchan of the SP from Rajya Sabha with retrospective effect from July 14, 2004, for holding an office of profit as chairperson of the UP Film Development Council.
- In January 2015, UP MLAs Bajrang Bahadur Singh (BJP) and Uma Shankar Singh (BSP) were disqualified from the assembly after they were indicted by the Lokayukta for bagging government construction contracts by misusing their position.

Role of Judiciary in defining the ‘office of profit’:

- The Supreme Court in **Pradyut Bordoloi vs Swapna Roy (2001)** outlined the four broad principles for determining whether an office attracts the constitutional disqualification.
 - First, whether the government exercises control over appointment, removal and performance of the functions of the office
 - Second, whether the office has any remuneration attached to it



- Third, whether the body in which the office is held has government powers (releasing money, allotment of land, granting licenses etc.).
- Fourth, whether the office enables the holder to influence by way of patronage.
- The **Supreme Court**, while upholding the disqualification of Jaya Bachchan from Rajya Sabha in 2006, had said that for deciding the question as to whether one is holding an office of profit or not, what is relevant is whether the office is capable of yielding a profit or pecuniary gain and not whether the person actually obtained a monetary gain.

Way forward:

- Unlike in India, in England whenever a new office is created, the law also lays down whether it would be an office of profit or not. India can follow similar approach as well.

Conclusion:

- Separation of powers and independence of legislatures are the Bedrock of a democracy. Therefore, their independence must be maintained for their proper functioning, which is necessary for the success of democracy in India. Otherwise, it can lead to a crisis in the democratic culture of the nation.

Q) Does the Rajya Sabha hold a position at equals with the Lok Sabha ? Discuss any two provisions apart from money bill provisions that put the Rajya Sabha at disadvantage. (250 words)

D D Basu

Why this question:

The question is straight forward and direct from the static portions.

Key demand of the question:

The answer must evaluate the position of Rajya Sabha vis-à-vis Lok Sabha, discuss powers of RS and what are the factors that make its position weaker compared to LS.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin by stating importance of Rajya Sabha in the parliamentary system of the country.

Body:

In brief discuss the following points –

- Provide for a comparison between the powers and position of the lok sabha and the rajya sabha.
- Rajya Sabha enjoys equal powers with Lok Sabha in matters like the impeachment of the President, removal of the vice-president, constitutional amendments, and removal of the judges of the Supreme Court and the High Courts. In matter of creating All India Services Rajya Sabha enjoys special powers.
- Highlight how it keeps up the federal feature of the system.
- Discuss provisions where RS is at a disadvantage apart from money bill.

Conclusion:

Conclude with importance of Rajya sabha.

Introduction:

- Parliament is the head legislative body of India. It occupies a significant position in the country's constitutional set-up. The Constitution of India divided Parliament as consisting of the President and two Houses known as the Rajya Sabha (Council of States) and the Lok Sabha (House of the People).
- The President of India is the head of the Parliament. The two houses of Parliament chiefly vary in their powers and functions. The time period of Lok Sabha is for five years, after which it dissolves. The Rajya Sabha is a permanent house, but after every two years, one-third of its members retire.

**Body:**

Provisions where Rajya Sabha holds equal position with Lok Sabha:

Legislative Powers:

- In the sphere of ordinary law-making the Rajya Sabha enjoys equal powers with the Lok Sabha. An ordinary bill can be introduced in the Rajya Sabha and it cannot become a law unless passed by it.
- In case of a deadlock between the two Houses of Parliament over an ordinary bill and if it remains unresolved for six months, the President can convene a joint sitting of the two Houses for resolving the deadlock.
- This joint sitting is presided over by the Speaker of the Lok Sabha. If the bill is passed in the joint sitting, it is sent to the President for his signatures. But if the deadlock is not resolved, the bill is deemed to have been killed.

Executive Powers:

- “The Union Council of Ministers is collectively responsible before the Lok Sabha and not the Rajya Sabha.” Lok Sabha alone can cause the fall of the Council of Ministers by passing a vote of no-confidence.
- Although the Rajya Sabha cannot remove the Ministry from its office yet the members of the Rajya Sabha can exercise some control over the ministers by criticising their policies, by asking questions and supplementary questions, and by moving adjournment motions. Some of the ministers are also taken from the Rajya Sabha. Now the Prime Minister can also be from Rajya Sabha if the majority party in the Lok Sabha may elect/adopt him as its leader.

Amendment Powers:

- Rajya Sabha and Lok Sabha can together amend the constitution by passing an amendment bill with 2/3 majority in each House.

Judicial Powers:

- The Rajya Sabha acting along with the Lok Sabha can impeach the President on charges of violation of the Constitution.
- The Rajya Sabha can also pass a special address for causing the removal of a judge of the Supreme Court or of any High Court.
- The charges against the Vice-President can be levelled only in the Rajya Sabha.
- The Rajya Sabha can pass a resolution for the removal of some high officers like the Attorney General of India, Comptroller and Auditor General and Chief Election Commissioner.

Provisions where Lok Sabha is more powerful than the Rajya Sabha:

- The Council of Ministers is not responsible to the Rajya Sabha. Therefore, no-confidence motion cannot be introduced in the Rajya Sabha. The Council of Ministers is in fact, only responsible to the Lok Sabha, according to article 75(3). It can remove a government from office by passing a resolution of no-confidence.
- In case of a deadlock during the passage of the bill, the joint sitting called for by the President of India will be headed only by the Speaker of Lok Sabha.
- Under article 352, Lok Sabha in special sitting, can disapprove the proclamation of President, regarding continuance in force of national emergency. Hence, President has to revoke the emergency in this case.
- Censure motion, adjournment motion and No-confidence motion can be passed only in the Lok Sabha.

The Rajya Sabha enjoys two exclusive powers:

- **The Power to declare a subject of State List as a subject of National Importance:** The Rajya Sabha can pass a resolution by 2/3rd majority of its members for declaring a State List subject as a subject of national importance. Such a resolution empowers the Union Parliament to legislate on such a state subject for a period of one year. Such resolutions can be repeatedly passed by the Rajya Sabha.
- **Power in respect of Creation or Abolition of an All India Service:** The Rajya Sabha has the power to create one or more new All India Services. It can do so by passing a resolution supported by 2/3rd majority on the plea of national interest. In a similar way, the Rajya Sabha can disband an existing All India Service.

Conclusion:

- Disagreement between the two Houses on various amendments to a Bill is resolved by both the houses meeting in a joint sitting and resolutions are decided by majority vote.
- But it also has some exceptions like this provision of joint sitting does not apply to Money Bills and Constitution Amendment Bills. All matters which are related to legislation demands consent and approval from both the houses of the parliament.



Topic – Structure, organization and functioning of the Executive and the Judiciary; Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity.

Q) Access to judiciary is of critical importance in a democracy, for it provides justice undiluted. Critically analyse the statement in Indian context and suggest remedies. (250 words)

The hindu

Why this question:

The article evaluates the need for expanding the Judicial system of the country, it throws light upon reconsidering setting up Benches in different States in keeping with the recommendations of the Law Commissions (125th Report and 229th Report).

Key demand of the question:

Analyse in detail the need for Judicial reforms , the present fallouts with the system and what needs to be done on different fronts to overcome the concerns and ensure justice stays undiluted.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction:

In a few introductory lines explain the system of Judiciary in India – that the judiciary is an important part of our government and plays a critical role in the way our democracy works.

Body:

In brief discuss –

- Discuss the grave crisis our judiciary is facing – Judicial Accountability, alleged offence of bribery , collusion, misconduct of Judges, corruption, partisanship etc.
- Then move on to discuss the significance of a transparent judicial system in place for undiluted justice.
- What needs to be done – expansion of benches of supreme court across the geographical width, overcome the monopoly of lawyers in supreme court, managing work under Article 130 etc.

Conclusion:

Conclude with what needs to be done, suggest way forward.

Introduction:

- The justice system in any democracy is set up, under the Constitution to serve the public without “fear or favour, affection or ill-will” as far as judges are concerned. The Indian Judiciary plays an increasingly important role in the life and the governance of this country.

Body:

Present Status of Indian Judiciary:

Issues of Access to Justice:

- **Distance factor:** Under Article 130, the Supreme Court can sit in other places to deliver justice. In fact, around a decade ago, the Central Government advised the Supreme Court to sit in other places, but, the Supreme Court decided against the idea. It was felt that the authority of the Supreme Court would get diluted.
- **Strain on resources:** the Supreme Court sitting only in Delhi has resulted in **excellent lawyers from other High Courts not appearing before the Supreme Court**, possibly because it casts too large a monetary burden on their clients, many of whom are being middle class and lower-middle class.
- **Expensive affair:** All lawyers, whatever their calibre or competence, who happen to be in Delhi now appear in the Supreme Court. Some of the good lawyers who were able to leave lucrative practices in the High Courts have settled down in Delhi, but they have established a monopoly. As a result, **charge unconscionable fees** even from charitable concerns sometimes even when they do not appear at the hearing.
- **Over-Burdened SC:** the Supreme Court in Delhi has been flooded with work and been reduced to a District Court instead of a Court of Final Appeal and Constitutional Court as envisaged under the Constitution.
- **Unethical lawyers:** Some of the lawyers specialising in victim compensation cases thus take huge money as a **percentage of compensation amount awarded towards victim compensation**. Such a practice is frustrating

the whole purpose of victim compensation. The procedure is similar to that adopted by some advocates dealing with Motor Accident Claim Cases under Section 166 (application for compensation) of the Motor Vehicles Act, 1988.

- **Ineffective Bar Councils:** the disciplinary powers available to Bar Councils both in Delhi and in States are more often than not ineffective. Some are politically motivated and some States do not have disciplinary committees at all.

Measures needed:

- The Supreme Court should reconsider setting up **BENCHES IN DIFFERENT STATES** in keeping with the **recommendations of the Law Commissions (125th Report and 229th Report)**.
- The Bar Council of India should exercise its powers under the Advocates Act, 1961 more effectively. If not, the disciplinary jurisdiction must be returned to the judiciary as was the position prior to the Advocates Act, 1961 by repealing the 1961 Act.
- Lawyers should be made irrelevant by referring more cases to trained mediators, as the Supreme Court has done in the Ayodhya dispute.
- **Alternate dispute Resolution mechanism** can be looked into which reduces the cost, time and efforts.
- Initiatives like **Tele-law through CSCs** can make legal aid easily accessible to the marginalized communities and citizens living in rural areas.
- Common Service Centre (CSC) can engage **Para Legal Volunteers (PLV)**, who will be the first point of contact for the rural citizens and will help them in understanding the legal issues, explain the advice given by lawyers and assist in further action required in cases as per the advice of the lawyer.

Conclusion:

- **Self-realisation** is the first step towards change. The Supreme Court has an ideal opportunity to brainstorm on this. In this connection, former judges of the Supreme Court and High Courts, sitting judges and academic luminaries can be a part of the process.

Q) CAG is instrumental in securing accountability of the executive to the parliament in the sphere of financial administration. Explain. List the constitutional provisions to ensure the independence of the CAG. (250 words)

Indian Polity by Lakshmi Kant, D D Basu

why this question:

The question is direct from the static portions of GS paper II, it tends to evaluate role of CAG in ensuring accountability of executive to the parliament in financial administration.

Key demands of the question:





The answer must bring out in what way CAG is responsible for bringing accountability of the executive to the parliament with respect to financial administrative decisions. One has to as well discuss constitutional provisions that ensure the independence of the CAG.

Directive word

Explain – Clarify the topic by giving a detailed account as to how and why it occurred, or what is the particular context. You must be defining key terms where ever appropriate, and substantiate with relevant associated facts.

Structure of the answer:

Introduction

Introduce by highlighting how executive is accountable to the Parliament in a parliamentary democracy.

Body

The body of the answer should address the following dimensions:

- CAG is the guardian of the public purse.
- Financial Accountability and CAG.
- The CAG submits three audit reports to the President, namely, audit report on appropriation accounts, audit report on finance accounts and audit report on public undertakings.
- The Public Accounts Committee examines public expenditure not only from legal and formal point of view to discover technical irregularities but also from the point of view of economy, prudence, wisdom and propriety to bring out the cases of waste, loss, corruption, extravagance, inefficiency and nugatory expenses.
- discuss how parliament enforces financial accountability upon executive with the help of PAC and the role of CAG in it.
- Conclude by enumerating the constitutional provisions for ensuring independence of the CAG.

Conclusion

Conclude with significance of CAG in Indian polity and administration.

Introduction:

- The Constitution of India provides for an **independent office of the Comptroller and Auditor General of India (CAG) in chapter V under Part V**. The CAG is mentioned in the Constitution of India under Article 148 – 151. He is the head of the Indian Audit and Accounts Department.
- He is the **guardian of the public purse and controls the entire financial system** of the country at both the levels- the centre and state. His duty is to uphold the Constitution of India and the laws of Parliament in the field of financial administration.

Body:

CAG and financial administration:

- The existence and mandate of the Comptroller and Auditor General of India emanates from Articles 148 to 151 of the Constitution. Article 149 stipulates the Duties and Powers of the Comptroller and Auditor General.
- **DPC Act, 1971 (Duties, Powers and Conditions of Service Act)** lays down the general principles of Government accounting and the broad principles in regard to audit of receipts and expenditure
- CAG audits the accounts related to all expenditure from the **Consolidated Fund of India, Consolidated Fund of each state and UT having a legislative assembly**.
- CAG audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the Contingency Fund and Public Account of each state.
- CAG audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and the state governments.
- CAG audits the receipts and expenditure of all bodies and authorities substantially financed from the Central or State revenues; government companies; other corporations and bodies, when so required by related laws.
- He submits his audit reports relating to the accounts of the Centre and State to the President and Governor, who shall, in turn, place them before both the houses of Parliament and the state legislature respectively.
- He submits 3 audit reports to the President: audit report on appropriation accounts, audit report on finance accounts and audit report on public undertakings.
- He ascertains and certifies the net proceeds of any tax or duty and his certificate is final on the matter.
- He acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.



- The Public Accounts Committee examines public expenditure not only from legal and formal point of view to discover technical irregularities but also from the point of view of economy, prudence, wisdom and propriety to bring out the cases of waste, loss, corruption, extravagance, inefficiency and nugatory expenses.
- CAG along with its mandatory regulatory and compliance audit performs the performance as well as efficiency audit to question executive's wisdom and economy in order to identify cases of improper expenditure and waste of public money.

Constitutional provisions which ensure the independence of CAG are:

- CAG is provided with the security of tenure. He can be removed by the president only in accordance with the procedure mentioned in the Constitution. Thus, he does not hold his office till the pleasure of the president, though he is appointed by him.
- He is not eligible for further office, either under the Government of India or of any state, after he ceases to hold his office.
- His salary and other service conditions are determined by the Parliament. His salary is equal to that of a judge of the Supreme Court.
- Neither his salary nor his rights in respect of leave of absence, pension or age of retirement can be altered to his disadvantage after his appointment.
- The conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the CAG are prescribed by the president after consultation with the CAG.
- The administrative expenses of the office of the CAG, including all salaries, allowances and pensions of persons serving in that office are charged upon the Consolidated Fund of India. Thus, they are not subject to the vote of Parliament.
- Further, no minister can represent the CAG in Parliament (both Houses) and no minister can be called upon to take any responsibility for any actions done by him.
- **Appointment and Term to Constitutional Posts:**
 - The CAG is appointed by the President of India by a warrant under his hand and seal.
 - The CAG, before taking over his office, makes and subscribes before the president an oath or affirmation: to bear true faith and allegiance to the Constitution of India; to uphold the sovereignty and integrity of India; to duly and faithfully and to the best of his ability, knowledge and judgement perform the duties of his office without fear or favour, affection or ill-will; and to uphold the Constitution and the laws.
 - He holds office for a period of six years or upto the age of 65 years, whichever is earlier

Conclusion:

- CAG helps the **parliament/state legislatures hold their respective governments accountable**. He is one of the bulwarks of the democratic system of government in India. It is for these reasons Dr. B R Ambedkar said that the CAG shall be the most important Officer under the Constitution of India and his duties are far more important than the duties of even the judiciary.

Q) While the contribution of the Judiciary towards asserting the inviolability of constitutional rights is undeniable, Do you think the rightful limits of judicial intervention in the executive and legislative domains need to be questioned ? Discuss. (250 words)

epw

why this question:

The article debates on the necessities of preserving the constitutionally intended jurisdictional symmetry between the legislative, executive and judicial branches of the Indian state even as we celebrate the expansion of fundamental freedoms and the resilience of our democracy.

Key demand of the question:

The answer must evaluate the reach of judicial review power exercised by the Supreme Court and the high courts, often extended through public interest litigation (PIL) or social action litigation and in what way the contributions of the apex court in asserting the inviolability of constitutional rights, particularly the right to dignity as the core constitutional value notwithstanding, pertinent questions about the rightful limits of judicial intervention in the executive and legislative domains need to be addressed.

Directive word:



Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with definition of Judicial Review.

Body:

In brief discuss –

- The system of Judicial review present in the country.
- Role of the tools of Public interest litigation.
- Discuss how our constitution had a clear disapproval of concentration of authority, in favor of dispersal and accountable power through institutional balances.
- Discuss the concept of judicial supremacy , pros and cons. Critically analyse it against Judicial activism.
- Discuss the need to strike a balance between the two for effective functioning of all the three wings – Executive, Judiciary and the legislative.
- Discuss and suggest way forward.

Conclusion:

Conclude with optimism, that there is a need to reconcile constitutional authority with popular sovereignty.

Introduction:

- Judicial review is the power of Judiciary to review any act or order of Legislative and Executive wings and to pronounce upon the constitutional validity when challenged by the affected person. In other words, the power exerted by the courts to examine the action of the legislative, executive and administrative arms of government and to ensure that such actions are in conformity with written provisions of the national constitution is termed as the power of judicial review.

Body:

Judicial review present in India:

- The power of Judicial Review comes from the Constitution of India itself (Articles 13, 32, 136, 142 and 147 of the Constitution).
- The power of judicial review is evoked to protect and enforce the fundamental rights guaranteed in Part III of the Constitution.
- Article 13 of the Constitution prohibits the Parliament and the state legislatures from making laws that “may take away or abridge the fundamental rights” guaranteed to the citizens of the country.
- The provisions of Article 13 ensure the protection of the fundamental rights and consider any law “inconsistent with or in derogation of the fundamental rights” as void.
- Under Article 13, the term ‘law’ includes any “Ordinance, order, bye-law, rule, regulation, notification, custom or usage” having the force of law in India.
- Examples of Judicial Review: The striking down of the Section 66A of the IT Act as it was against the Fundamental Rights guaranteed by the constitution.
- Through an expansive interpretation of Article 21 of the Constitution in *Maneka Gandhi v Union of India* (1978),³ the Court held that the “procedure established by law” envisaged in the said article had to be just, reasonable and fair to pass the test of constitutionality. Most significantly, through a conjoint reading of Articles 14, 19 and 21, the Court read the right to life under Article 21 as a right to live with dignity.

Against concentration of power:

- The Constituent Assembly debates that led to the framing of our Constitution demonstrated likewise, a clear disapproval of concentration of authority, in favour of dispersal and accountable power through institutional balances.
- It is in this framework of history and philosophy of limited government that the rationale of judicial review power has been repeatedly reiterated by the Court.
- Thus, in *I R Coelho v State of Tamil Nadu* (2007),³¹ the Court, referring to Articles 14, 19 and 21, articulated judicial review as “the principles of constitutionality ... apart from the rule of law and separation of powers,” reasoning that “the principle of constitutionalism is now a legal principle which requires control over the exercise of Government power.”



- The contrarians persist with a view in favour of restraint, arguing that in a democracy, people exercise their sovereignty through elected representatives and not through the unelected judges who must defer to the wisdom of parliamentary majorities.

Judicial Activism and PIL:

- Judicial Activism has no constitutional articles to support its origin. Indian Judiciary invented it. There is a similar concept in the United States of America.
- Suo Motto cases and the innovation of the Public Interest Litigation (PIL), with the discontinuation of the principle of Locus Standi, have allowed the Judiciary to intervene in many public issues, even when there is no complaint from the concerned party.
- Although the earlier instances of Judicial Activism was connected with enforcing Fundamental Rights, nowadays, Judiciary has started interfering in the governance issues as well.
- Examples of Judicial Activism: Invention of the ‘basic structure doctrine’ in the ‘Keshavanad Bharati case’ (1973) by which Supreme Court further extended the scope of Judicial Review, incorporation of due process of law instead of procedure established by law, collegium system, institutionalization of PIL, banning smoking in public places based on PIL, the order by Supreme Court in 2001 to provide mid-day meals to schoolchildren, the order passed by the National Green Tribunal (NGT) banning diesel trucks older than 10 years in Delhi etc.

Questions are raised not so much about the advisability of review jurisdiction itself but with its perceived overreach to encompass areas of governance considered outside its purview and about the finality of judicial wisdom.

Judicial supremacy:

- “Judicial supremacy”, “Judicial overreach” “judicial excessivism,” or “despotism of an oligarchy” are seen as antithetical to democracy and contrary to its first principles.
- The line between Judicial activism and Judicial Overreach is very narrow. In simple terms, when Judicial activism crosses its limits and becomes Judicial adventurism it is known as Judicial Overreach.
- When the judiciary oversteps the powers given to it, it may interfere with the proper functioning of the legislative or executive organs of government.
- This is undesirable in any democracy.
- Judicial Overreach destroys the spirit of separation of powers.
- In Arun Gopal v. Union of India (2017), the Supreme Court fixed timings for bursting Diwali fireworks and prohibited the use of non-green fireworks, although there are no laws to that effect.
- In M.C. Mehta v. Union of India (2018), the court annulled the statutory Rule 115(21) of the Central Motor Vehicle Rules, 1989, when it directed that no BS-4 vehicle should be sold after March 30, 2020, and that only BS-6 vehicles can be sold after that date.
- the National Green Tribunal (NGT) ordered that no 15-year-old petrol-driven or 10-year-old diesel-driven vehicle will ply in Delhi, and the Supreme Court has directed impounding such vehicles, though neither the NGT nor the Supreme Court are legislative bodies.

Conclusion:

- If judges are free to make laws of their choices, not only would that go against the principle of separation of powers, it could also lead to uncertainty in the law and chaos as every judge will start drafting his own laws according to his whims and fancies.
- Our Constitution is our act of revolution and the Judiciary its protector. Today when the same Judiciary oversteps its limits, it is indispensable that the decision is corrected, reviewed and reversed by a larger Bench.

In a country governed by a written Constitution, the democratic right flows from the attribute of constitutional sovereignty. We cannot claim our fundamental right or any other legal rights, unless we retain the structure of our sovereignty.

Q) The Right to Information (RTI) has emerged as an effective tool for citizen's dispute resolution. Should the ambit of RTI be expanded to politicians and Judiciary too ? Give your opinion with substantial justification. (250 words)

Indian Polity by Lakshmikant, D D Basu

Why this question:

RTI is one of the landmark acts which has led to a significant boost in accountability of the govt towards the people. The question is direct from the static portions of GS paper II, it tends to evaluate the mechanism of RTI as a tool to check the politicians and Judicial system.



Key demands of the question:

The answer must discuss evolution RTI as an effective tool to address citizen's dispute resolution. And the need for expanding it to cover politicians and the judicial system under its ambit.

Structure of the answer:

Introduction

Introduce by highlighting the significance of RTI.

Body

The body of the answer should address the following dimensions:

- Discuss the Benefits of right usage of RTI: how it helps in effective governance.
- Explain the Proposed Amendment in RTI act, 2018 – The Right to Information (Amendment) Bill empowers the Central government to decide the tenure and salary and allowances of Information Commissioners of the Central Information Commission and also of State Information Commissions through rules.
- Discuss Where RTI is applicable? And not applicable and why?
- Why should RTI in Judiciary be applicable? What are the counter arguments.
- Way forward.

Conclusion

Conclude that though the right to information has unfolding challenges, however in today's age of prevalence of individual centric rights RTI has a key role to play.

Introduction:

- The Right to Information (RTI) Act, operationalised in October 2005, was seen as a powerful tool for citizen empowerment.
- Democracy requires an **informed citizenry and transparency of information** which are vital to its functioning and also to contain corruption and to hold governments and their instrumentalities accountable to the governed. It showed an early promise by exposing wrongdoings at high places and bringing to limelight various scams.
- The act now faces multiple challenges.

Body:

RTI and its effectiveness:

- **Fight corruption:** Its ability to fight corruption has significantly increased its hold in India.
- **Ensure Transparency:** The enactment of this act ensured transparency in the bureaucratic systems.
- **Fight for Rights:** It has increased its position as a major in charge for the fight of rights of the people. It aims to bring an end to the culture of governmental secrecy
- The right to information laws, alongside expanding the citizen's rights, should be systematically employed to **transform governance**.
- These laws could be a powerful magnet for mobilizing the people and enthusing them to use these laws to enhance and expand their choices for their own betterment.
- RTI laws directly contribute to improvement in governance by breaking down the barriers between the government and the people by enhancing trust.
- RTI is the most powerful assault on developing countries endemic corruption.

RTI and political parties:

- If political parties are kept out, it sets a precedent whereby other institutions can argue that they too be kept out of its purview because there are too many frivolous claims, too much paperwork, too many NGOs with suspect motivations and so on and so forth.
- Political parties in our country occupy a very central space in democracy. People don't vote so much for individuals as they do for parties.
- Parties come out with great statements before elections. People vote on the basis of which party says what. Parties finally form the government. And the government's policies are decided based on the ideologies of the political parties.
- In India, it is widely accepted notion that fountain head of the corruption is political funding.
- It is therefore, necessary to introduce internal democracy, financial transparency and accountability in the working of the political parties.
- To ensure less influence of industrial houses on policy making: Most of the parties have almost 75% of their income from unknown sources. Generally corporate and industrial houses give them funds to change policies,



give illegal clearance and to hamper their competitor's interest. It may also hamper people and national interest.

- Political parties enjoy a "stronghold" over their elected MPs and MLAs under Schedule 10 of the Constitution. The Schedule makes it compulsory for MPs and MLAs to abide by the directions of their parent parties.
- It would be within the average voter's fundamental right to information to know the financial details of political parties.
- Under Section 29A of the Representation of the People Act, 1951 all political parties must affirm their allegiance to the Constitution of India and such allegiance is made compulsory for the purpose of registration under sub-section (7) of Section 29A. Therefore, political parties so registered must furnish information to the public under the right of information under Article 19(1) (a) of the Constitution of India, since right of information has been held to be a part of freedom of speech and expression under Article 19(1)(a).
- The Law Commission of India in its 170th Report on 'Reform of the Electoral Laws' in May 1999 had recommended transparency in the functioning of political parties.

However, the move has attracted sharp protests from all major parties on account of one argument – that the political parties are not public authorities.

- Political parties were not established by the constitution or an act of parliament and therefore should not be under the RTI.
- Political parties are not public authorities as they are not set up under the Constitution or any law enacted by Parliament – they can't be treated as an institution or establishment.
- If political parties come under the RTI it will affect their smooth internal functioning.
- Political rivals will start using RTI tool with malicious intent.

RTI and judiciary:

- The Supreme Court has time and again lauded the role of the Right to Information (RTI) Act as an "integral part of any vibrant democracy."
- But the apex court itself has refused to come under the ambit of the information transparency law for the past one decade.
- RTI will compromise independence of judiciary as specified by constitution.
- Being under RTI act, SC has to compromise secrecy & security involved in certain cases. This may prove detrimental.
- Judiciary would become puppet in the hands of people rather than being the sole justice provider of the country.
- It will increase the political involvement in judiciary.

However,

- Accountability and transparency of judiciary is now in question.
- It will give less power to people to get their answers easily without any delay & informal paperwork.
- With RTI option available to public, Corruption will be checked with increasing lucidity.
- Courts have always been questioned for pending cases. RTI can place yardstick among judiciary for timely disposal of justice. So resistance to be under RTI a barrier to decrease pending cases.
- It will decrease the faith of people if they could also know about judicial working.

Conclusion:

- RTI Act has transparency, accountability and participation as its mandate and is considered equally important legal document after the Constitution.
- There is a necessity to undertake the measures to strengthen this powerful tool that can deliver significant social benefits.
- It can provide a strong support to democracy and promote good governance by empowering citizen's ability to participate effectively and hold government officials accountable rather than just an information provider.



Q) The recent controversies surrounding the office of Chief Justice of India (CJI) have turned Judiciary into crisis of credibility , discuss the need to create a credible internal culture in the Indian Judicial system. (250 words)

Indianexpress

Why this question:

The question is around the recent controversies plaguing Judiciary that have questioned the credibility of the system and its functionalities.

Key demand of the question:

The article provides for a detailed analysis of recent issue – The allegation of sexual harassment against the Chief Justice of India (CJI) and the way it is being investigated has put questions on the functioning of the entire judicial system.

Directive:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

State the issues concerning the system.

Body:

- Explain the crisis surrounding Judiciary off late – associated with the office of chief justice.
- Discussion should bring out the errors with which the case is being handled.
- Discuss the controversy of independence of the judiciary vs supremacy and respective misuse of power.
- Why is there a lack of credible internal structure ?
- What needs to be done to facilitate a conducive environment and restore the losing identity of the office.

Conclusion:

Conclude with significance of the office of CJI and what should be done to preserve the Dignity of the office .

Introduction:

- The Chief Justice of India (CJI) is the head of the judiciary of India and the Supreme Court of India. The CJI also heads their administrative functions.
- The recent allegation of sexual harassment against the Chief Justice of India (CJI), is now turning into a crisis of credibility, not just for the CJI but the judiciary and our constitutional scheme of government as a whole.

Body:

The crises surrounding Judiciary off late:

- The Chief Justice's conduct in the sexual harassment allegations has sent a signal that he is above all principles of natural justice, above all due process, above all law and entitled to be a **judge in his own cause**.
- The controversies regarding the CJI being the master of the roster and how the cases were allotted to various benches in partisan manner.
- The issue of 4 senior most judges holding a public press conference wrt the above issue.

Issues in the handling of the sexual harassment allegations case:

- The decision to hold an open court hearing is questionable.
- The bench did not include the two senior-most judges after the CJI; nor was there a woman judge on the Bench.
- A complaint of this nature requires an institutional response on the administrative side.
- There was no mechanism created to handle the allegations.
- The CJI remarks were more petulant than dignified which has compromised the independence of the judiciary by politicising the case.
- Alleging conspiracy theories for which they themselves have furnished no evidence does not befit a judge.
- Moreover, the way in which the “two” judge-bench was constituted violates the demands that were behind the whole press conference drama this very CJI had participated in.
- By not fixing issues of process and bench allocation, CJI has now made it even more difficult for any future judges to complain about wrongdoing in the Court.



Supremacy of the Judiciary v/s Independence of Judiciary:

- On hearing the case, the Supreme Court bench dismissed the allegations as “wild and baseless”.
- It said the allegation was designed to attack and erode the independence of the judiciary.
- CJIs conduct has generated more cynicism.
- The manner in which the Supreme Court responded shows shades of Judicial supremacy where nobody can question it or point fingers at it.
- With this, the judiciary is again into a major controversy, after concerns were raised on its credibility in the recent times.

Measures needed:

- An independent enquiry towards complaints of Sexual harassment is needed to uphold the credibility of the SC.
- The Gender Sensitization and ICC should inquire into the affidavit of the complainant to ensure justice is done.
- The focus now shifts to the judges, excluding the CJI, who were all sent a copy of the affidavit and the complaint.
- Their response, as members of the Supreme Court, is bound to define the path which will guide the institution in dealing with the crisis.
- The apex court could also respond to the institutional crisis through a full court being convened on the administrative side.

Conclusion:

- The politicisation of this case in all its dimensions is not a good portent for the judiciary. There is a need for the SC judges and the authority they command to create a credible internal culture which ensures the independence of the judiciary

Q) Discuss the recent major environmental orders taken by the Judicial wing of the country and analyse their significance in keeping a check on the decisions of the executive. (250 words)

Reference

Why this question:

The article brings out a detailed narration of recent verdicts with respect to environmental concerns by the judicial wing.

Key demand of the question:

The answer must evaluate top environmental cases heard in the supreme court, high courts and national green tribunal recently and their impact.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with importance of such verdicts in tackling environmental concerns.

Body:

In brief discuss –

- The recent verdicts ranging from – SC permitted felling of 202 trees in Perumalai Forest for road with conditions, Joint committee to look into compliance of NGT orders on solid waste dumping in Vrindavan etc.
- Then highlight how these verdicts provide for a check against the decisions of the executive.
- Quote examples where the executive and the judiciary are at rift and conclude that despite the turf, such relationship best favors in addressing the concerns of the environment in the country.

Conclusion:

Conclude by suggesting way forward.

Introduction:

- In recent years, there has been a sustained focus on the role played by the higher judiciary in devising and monitoring the **implementation of measures for pollution control, conservation of forests and wildlife protection.**



- Many of these judicial interventions have been triggered by the **persistent incoherence in policy-making as well as the lack of capacity-building amongst the executive agencies**. Devices such as **Public Interest Litigation (PIL)** have been prominently relied upon to tackle environmental problems, and this approach has its supporters as well as critics.

Body:

The recent major environmental orders by judiciary to keep a check on Executive:

- SC permits felling of 202 trees in Perumalai Forest for road, but with conditions**
 - The Supreme Court (SC) granted permission for removal of 202 trees in the Perumalai Reserve Forest at Lingavadai Village in Natham Taluk, Dindigul district from L Malaiyur Forest Road upto Rajakadu for road construction.
 - The permission was granted subject to the fulfilment of conditions including payment of Net Present Value (NPV) and compensatory afforestation to be undertaken in the non forest area identified for the purpose under the Forest (Conservation) Act, 1980.
 - Further, the SC ordered that a six monthly report be submitted to the CEC with respect to plantation and its rate of survival and growth of newly planted trees.
- Joint committee to look into compliance of NGT orders on solid waste dumping in Vrindavan**
 - The National Green Tribunal (NGT) ordered that a joint committee be formed, comprising representatives of the Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB) and Nagar Palika Parishad, Vrindavan, to look into the compliance of orders passed by the tribunal from 2016 to 2017 on unregulated dumping of municipal solid waste on the flood plain area of river Yamuna and burning of municipal solid waste.
- TSDF facility violating environmental norms in Karnataka: NGT asks for a report**
 - The NGT was hearing a case on the violation of environmental norms by **M/s Ramky Enviro Engineers Ltd and M/s Ramky Infrastructure Ltd** while operating Treatment, Storage and Disposal Facility (TSDF). The case has been transferred from the High Court of Karnataka.
 - The NGT directed that a factual analysis report be submitted by a joint committee, comprising representatives of the Ministry of Environment, Forest & Climate Change (MoEF&CC), CPCB and Karnataka State Pollution Control Board (KSPCB) within a period of two months.
- Darjeeling District Magistrate to submit report on construction on the banks of river Balasan**
 - The NGT was hearing a case filed by Monojit Das on the violation of environmental laws in raising illegal constructions on two sides of the river bank barrage near Balasan river and Chamta river, near Siliguri town in West Bengal.
 - The tribunal directed the District Magistrate, Darjeeling, to furnish a report on the issue.

However, there have been situations where the judicial activism in order to protect the environment has been judicial overreach.

- Gujarat High Court has ordered that all new vehicles registered in the state should run on compressed natural gas.
- Iron ore mining has been banned in Karnataka and Goa.
- The National Green Tribunal (NGT) ordered that no 15-year-old petrol-driven or 10-year-old diesel-driven vehicle will ply in Delhi, and the Supreme Court has directed impounding such vehicles, though neither the NGT nor the Supreme Court are legislative bodies.
- In **C. Mehta v. Union of India (2018)**, the court annulled the statutory Rule 115(21) of the Central Motor Vehicle Rules, 1989, when it directed that no BS-4 vehicle should be sold after March 30, 2020, and that only BS-6 vehicles can be sold after that date.
- In **Arun Gopal v. Union of India (2017)**, the Supreme Court fixed timings for bursting Diwali fireworks and prohibited the use of non-green fireworks, although there are no laws to that effect.

Conclusion:

- The Indian judiciary plays a remarkable role in uplifting the goal of preservation through its various landmark decisions and the Acts and laws which provides a platform so as that one cannot exploit the nature and its gift for his or her greedy needs.
- Others measures such as educational camps, and other movements such as **Swacch Bharat Abhiyan** should be introduced further. Environment is the gift of nature and we have to respect it. It is the duty of every individual to conserve the beauty of environment.



Extra information: Some remarkable principles and doctrines propounded by the Indian judiciary:

- **Polluter Pays Principle** has become a very popular concept lately. 'If you make a mess, it's your duty to clean it up' - this is the fundamental basis of this slogan. The Supreme Court in **Vellore Citizen's Welfare Forum v. Union of India** has declared that the polluter pays principle is an essential feature of the sustainable development.
- **Doctrine of Absolute Liability** in **THE Bhopal CASE: Union Carbide Corporation v. Union of India**. In this case, the court held that, where an enterprise is occupied with an inherently dangerous or a hazardous activity and harm results to anybody by virtue of a mishap in the operation of such dangerous or naturally unsafe movement coming about, for instance, in getaway of poisonous gas, the enterprise is strictly and completely obligated to repay every one of the individuals who are influenced by the accident and such risk is not subject to any exemptions.
- **Precautionary Principle**: The Supreme Court of India, in **Vellore Citizens Forum Case**, developed the following three concepts for the precautionary principle: Environmental measures must anticipate, prevent and attack the causes of environmental degradation; Lack of scientific certainty should not be used as a reason for postponing measures; Onus of proof is on the actor to show that his action is benign.
- **Public Trust Doctrine** in **C.Mehta v. Kamal Nath and Others**: The Public Trust Doctrine primarily rests on the principle that certain resources like air, water, sea and the forests have such a great importance to people as a whole that it would be wholly unjustified to make them a subject of private ownership.
- **Doctrine of Sustainable Development** in **Rural Litigation and Entitlement Kendra v. State of UP**: The court for the first time dealt with the issue relating to the environment and development; and held that, it is always to be remembered that these are the permanent assets of mankind and or not intended to be exhausted in one generation.

Q) Do you think the CJI enjoys unquestioned authority over allocation of judicial work and over selection of Benches, even in cases where a conflict of interest is to be presumed ? Give your opinion with sufficient justifications. (250 words)

The hindu

Why this question:

The article evaluates in detail the need for applicability of due process of law equally to the judicial system of the country amidst recent controversies gathering air around the office of Chief Justice of India.

Key demand of the question:

The answer has to capture the significance of the due process of law and how it applies to judiciary as well. One must bring out the bounds and limits of the CJI and that the authority he enjoys is not unlimited.

Structure of the answer:

Introduction:

Begin with recent controversies surrounding the CJI and judiciary.

Body:

- What are the recent incidences of conflict of interest that the CJI faced.
- Explain the controversies of selection of Benches, allocation of work, special hearing and associated discretion etc.
- Discuss the significance of due process of law.
- What reforms are required to preserve the integrity of the office of CJI

Conclusion:

Conclude by suggesting need for overhaul in the system.

Introduction:

- The Chief Justice of India (CJI) is the head of the judiciary of India and the Supreme Court of India. The CJI also heads their administrative functions.
- The recent allegation of sexual harassment against the Chief Justice of India (CJI), is now turning into a crisis of credibility, not just for the CJI but the judiciary and our constitutional scheme of government as a whole.

**Body:****The recent crises surrounding Judiciary off late:**

- The Chief Justice's conduct in the sexual harassment allegations has sent a signal that he is above all principles of natural justice, above all due process, above all law and entitled to be a **judge in his own cause**.
- The controversies regarding the CJI being the master of the roster and how the cases were allotted to various benches in partisan manner.
- The issue of 4 senior most judges holding a public press conference wrt the above issue.

There have been many controversies in the recent months about the role and powers of CJI but **Supreme Court passed a judgement recently declared the Chief Justice of India an “institution in himself” with “exclusive prerogative” to constitute Benches and allocate cases.**

The CJI enjoys unquestioned authority:

- With respect to the recent allegations against CJI, SC saw the decision to hold an open court hearing is questionable. The bench did not include the two senior-most judges after the CJI; nor was there a woman judge on the Bench.
- The CJI remarks were more petulant than dignified which has compromised the independence of the judiciary by politicising the case.
- Alleging conspiracy theories for which they themselves have furnished no evidence does not befit a judge.
- With respect to the administration of the court the chief justice is the “first among equals”. The chief justice
 - decides when a case may be listed for hearing
 - Also decides which judges will hear it.
- The authority is entrusted to the Chief Justice because such an entrustment of functions is necessary for the efficient transaction of the administrative and judicial work of the court.
- There is no constitutional foundation on the basis of which the suggestion that senior judges being part of constitution benches can be accepted
- This would intrude into the exclusive duty and authority of the Chief Justice to constitute benches and to allocate cases to them.
- To suggest that one judge is more capable of deciding particular cases or that certain categories of cases should be assigned only to the senior-most among the judges of the Supreme Court has no foundation in principle or precedent.
- 1998 Supreme Court judgement held that the Chief Justice of a high court was the master of the court roster and said that it applied to the top court as well.

Reforms required to preserve the integrity of the office of CJI:

- An independent enquiry towards complaints of Sexual harassment is needed to uphold the credibility of the SC.
- The Gender Sensitization and ICC should inquire into the affidavit of the complainant to ensure justice is done.
- The focus now shifts to the judges, excluding the CJI, who were all sent a copy of the affidavit and the complaint.
- Their response, as members of the Supreme Court, is bound to define the path which will guide the institution in dealing with the crisis.
- The apex court could also respond to the institutional crisis through a full court being convened on the administrative side.
- In the issue of allocation of cases
 - A just and fair roster must be one that is divided subject-wise among judges according to their experience and expertise in those subjects must be decided.
 - Politically sensitive matters should be before the five senior judges of the Supreme Court. Among them, the allocation of individual cases must be by random computer allocation not by the individual decision of any human.
 - For other cases as well, if there is more than one judge dealing with a particular subject then cases belonging to that subject should be randomly allocated among the various judges to whom that subject has been allocated.

**Conclusion:**

- The court's institutional integrity is at stake here. It's therefore imperative that the court articulates and espouses a commitment to the rule of law.
- It needs to show that the principles of due process that it holds applicable to all of us are just as applicable to one of its own. It is integral to the court's foundations and to the Constitution's guarantee of equal protection.

Topic: Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.

Q) Discuss the powers, functions and responsibility of the office of Speaker in India, why does it often come under criticism of being affiliated to some or the other political party ? (250 words)

Polity by Lakshmikanth

Why this question:

The question is upon the significant role played by the office of speaker and the concerns associated with the political affiliation of the speaker's office.

Key demand of the question:

The answer must evaluate the recent controversies surrounding the office of speaker, where in the role of speaker from being impartial and politically neutral have been put to questions and doubts.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with constitutional position of Speaker in Indian polity.

Body:

In brief discuss – without much deliberation Role of the Speaker, Administrative and discretionary powers vested by the constitution . The Speaker of the Lok Sabha enjoys a position of great respect and dignity. He has the supreme responsibility to conduct the proceedings of the House. He acts as the representative of the House, and as its impartial chairman. His authority is supreme in the House and no one can challenge his decisions and rulings. The office of the Speaker is of great dignity and respect. Discuss why the speaker's position often comes into limelight for siding with political parties. Explain using examples and suggest way forward.

Conclusion:

Conclude with significance of the position of Speaker.

Introduction:

- The **Speaker of the Lok Sabha** is the **presiding officer of the Lok Sabha** (House of the People), the lower house of the Parliament of India.
- The speaker is elected generally in the very first meeting of the Lok Sabha following general elections. Serving for a term of five years, the speaker chosen from sitting members of the Lok Sabha (House of the People), and is by convention a member of the ruling party or alliance.

Body:

Powers and Functions of the Speaker

According to the Constitution of India, a Speaker is vested with immense administrative and discretionary powers, some of which are enumerated below:

- The Speaker presides over the meetings in the House. In other words, the business in the House is conducted by the Speaker, ensuring discipline and decorum amongst its members.
- He/she guards the rights and privileges of the members of the two Houses, deciding who should speak at what time, the questions to be asked, the order of proceedings to be followed, among others.
- A Speaker uses his/her power to vote, in order to resolve a deadlock. That is, when the House initiates a voting procedure, he does not cast a vote in the first instance. However, when the two sides receive equal number of votes, the Speaker's vote is used to resolve the deadlock, making his position as impartial as in the English system of democracy.



- In the absence of a quorum in the House, it is the duty of the Speaker to adjourn the House or to suspend any meeting, until the quorum is met. The Speaker decides the agenda that must be discussed in a meeting of the Members of the Parliament.
- The Speaker is invested with the immense powers of interpreting the Rules of Procedure. That is, since he/she is the member of the House as well as the Presiding Officer at the same time, he ensures the discipline of the House. The Speaker ensures that MPs are punished for unruly behaviour.
- A Speaker can also disqualify a Member of Parliament from the House on grounds of defection. It is in the power of a Speaker, to permit the various parliamentary procedures such as the motion of adjournment, the motion of no confidence, the motion of censure, among others.
- The Speaker of the Lok Sabha presides over a joint sitting of the two Houses of Parliament.
- Once a Money Bill is transmitted from the Lower House to the Upper House, the Speaker is solely responsible for endorsing his or her certificate on the Bill. In other words, he/she is given the pivotal power to decide whether any Bill is a Money Bill. This decision is considered final, and all procedures henceforth, must be carried along accordingly.
- The Speaker has under his or her jurisdiction, a number of Parliamentary Committees such as the Rules Committee, the Business Advisory Committee and the General Purposes Committee. The Speaker nominates the various Chairmen of these Committees, as well as looks into the procedural hindrances of the workings of these Committees, if any.
- Besides heading the Lok Sabha, the Speaker is also the 'ex-officio' President of the Indian Parliamentary Group. He/she also acts in the capacity of Chairman of the Conference of Presiding Officers of Legislative Bodies in India.
- As part of the Speaker's administrative role, he or she is the head of the Lok Sabha Secretariat, maintaining absolute security surveillance in the Parliament.

Role and Responsibility of Speaker:

- Since the Indian system of government follows the Westminster Model, the Parliamentary proceedings of the country are headed by a presiding officer who is called a Speaker.
- In other words, the Speaker of the two houses of the Parliament is responsible for ensuring the smooth functioning of the House.
- The responsibility entrusted to the Speaker is so onerous that she cannot afford to overlook any aspect of parliamentary life. Her actions come under close scrutiny in the House and are also widely reported in the mass media.
- The Lok Sabha or the Lower House of the People in India, which is the highest legislative body in the country, chooses its Speaker who presides over the day-to-day functioning of the House.
- The Speaker plays the crucial role of ensuring that the Parliament carries forward its role of legislation peacefully, maintaining harmony in the Houses of Parliament and taking crucial procedural decisions of the House.
- The Speaker is thus, in every sense, considered the true guardian of the Indian Parliamentary democracy, holding the complete authority of the Lok Sabha.

Criticism faced by office of the Speaker:

- **Appointment and tenure:** The structural issues regarding the manner in which the Speaker is appointed and his tenure in office. Usually the speaker is from the ruling party and this makes it a more of a political liability on speaker to favour his party.
- **Anti-defection law:** In recent times, there are number of instances where the role of speaker has been criticised for decision on membership of MLAs under the anti-defection law and their ruling have been challenged in courts. The Tenth Schedule says the Speaker's/Chairperson's decision on questions of disqualification on ground of defection shall be final and can't be questioned in courts. It was anticipated that giving Speakers the power to expel legislators would prevent unnecessary delays by courts and make anti defection law more effective.
- **Discretionary power:** There are various instances where the Rules vest the Speakers with unbridled powers such as in case of declaration of bill as money bill (Lok Sabha Speaker). This discretionary power comes under criticism when Aadhar bill was introduced in Lok Sabha as Money Bill.
- **Referral to DSRCs:** The Speaker is also empowered to refer the Bill to a Standing Committee. As per prevailing practice house members or speaker usually refers all important bills to the concerned Departmentally Related Standing Committees for examination and report. But in recent time speaker uses its discretionary power to pass many important bills on day after introduction of bill without proper discussion and references.



- **Increased disruptions:** Frequent disruptions reduced the time required for important discussions and compel speaker to allocate less time for discussion. This often questions the impartiality of speaker as he allegedly provides more time to ruling party. Also, it is alleged that speaker took harsh punishment against the disrupting member of opposition compared to government

Conclusion:

- The office of the Speaker in India is a living and dynamic institution which deals with the actual needs and problems of Parliament in the performance of its functions. It is in her that the responsibility of conducting the business of the House in a manner befitting the place of the institution in a representative democracy is invested.
- The founding fathers of our Constitution had recognised the importance of this office in our democratic set-up and it was this recognition that guided them in establishing this office as one of the prominent and dignified ones in the scheme of governance of the country.

Q) Discuss the powers, functions and responsibilities of Comptroller and Auditor General (CAG) in India. (250 words)

Polity by Lakshmi Kanth

Why this question:

The question is straight forward and direct from the static portions.

Key demand of the question:

The answer must discuss powers, functions and responsibilities of Comptroller and Auditor General (CAG) in India.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin by stating that the Constitution of India provides for an independent office of the Comptroller and Auditor General of India (CAG). CAG helps the parliament/state legislatures hold their respective governments accountable.

Body:

In brief discuss the following points –

- The coming of CAG office into existence – The role of the CAG evolved in British India with Lord Canning initiating a major administrative drive before the Mutiny of 1857. In May 1858, for the first time, a separate department was set up with an Accountant General, who was responsible for accounting and auditing the financial transactions under the East India Company. After Mutiny, the British Crown took over and passed the Government of India Act 1858.

This laid the foundation stone of Imperial Audit. Sir Edward Drummond took charge in 1860 as the first Auditor General and the term ‘Comptroller and Auditor General of India’ was first used in 1884. Under the Montford Reforms of 1919, the Auditor General became independent of the government. The Government of India Act 1935 strengthened the position of the Auditor General by providing for Provincial Auditors General in a federal set-up.

- Then discuss the Constitutional provisions of the CAG.
- Explain the duties and powers, with limitations.

Conclusion:

Conclude with importance of CAG office.

Introduction:

- The Constitution of India provides for an **independent office of the Comptroller and Auditor General of India (CAG) in chapter V under Part V**. The CAG is mentioned in the Constitution of India under Article 148 – 151. He is the head of the Indian Audit and Accounts Department.
- He is the **guardian of the public purse and controls the entire financial system** of the country at both the levels- the centre and state. His duty is to uphold the Constitution of India and the laws of Parliament in the field of financial administration.

**Body:**

Powers: CAG derives its audit mandate from different sources like:

- Constitution (Articles 148 to 151)
- The Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971
- Important Judgments
- Instructions of Government of India
- Regulations on Audit & Accounts-2007

Duties:

- He audits the accounts related to all expenditure from the Consolidated Fund of India, Consolidated Fund of each state and UT having a legislative assembly.
- He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the Contingency Fund and Public Account of each state.
- He audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and the state governments.
- He audits the receipts and expenditure of all bodies and authorities substantially financed from the Central or State revenues; government companies; other corporations and bodies, when so required by related laws.

Functions:

- He audits all transactions of the Central and state governments related to debt, sinking funds, deposits, advances, suspense accounts and remittance business.
- He audits the accounts of any other authority when requested by the President or Governor e.g. Local bodies.
- He advises the President with regard to prescription of the form in which the accounts of the Centre and states shall be kept.
- He submits his audit reports relating to the accounts of the Centre to the President, who shall, in turn, place them before both the houses of Parliament.
- He submits his audit reports relating to the accounts of a State to the Governor, who shall, in turn, place them before the state legislature.
- He ascertains and certifies the net proceeds of any tax or duty and his certificate is final on the matter.
- He acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.
- He compiles and maintains the accounts of state governments. In 1976, he was relieved of his responsibilities with regard to the compilation and maintenance of accounts of the Central government due to separation of accounts from audit.
- He submits 3 audit reports to the President: audit report on appropriation accounts, audit report on finance accounts and audit report on public undertakings.

Responsibilities:

- His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration.
- The accountability of the executive (i.e., the council of ministers) to the Parliament in the sphere of financial administration is secured through audit reports of the CAG.
- The CAG is an agent of the Parliament and conducts an audit of expenditure on behalf of the Parliament.
- Therefore, he is responsible only to the Parliament.
- The CAG has more freedom with regard to the audit of expenditure than with regard to the audit of receipts, stores, and stock. —Whereas in relation to expenditure he decides the scope of the audit and frames his own audit codes and manuals, he has to proceed with the approval of the executive government in relation to rules for the conduct of the other audits.
- The CAG has to ascertain whether money shown in the accounts as having been disbursed was legally available for and applicable to the service or the purpose to which they have been applied or charged and whether the expenditure conforms to the authority that governs it.
- In addition to this legal and regulatory audit, the CAG can also conduct the **propriety audit**, that is, he can look into the **wisdom, faithfulness and economy 'of government expenditure and comment on the wastefulness and extravagance of such expenditure**.
- However, unlike the legal and regulatory audit, which is obligatory on the part of the CAG, the **propriety audit is discretionary**.

Conclusion:

- CAG helps the **parliament/state legislatures hold their respective governments accountable**. He is one of the bulwarks of the democratic system of government in India. It is for these reasons Dr. B R Ambedkar said that



the CAG shall be the most important Officer under the Constitution of India and his duties are far more important than the duties of even the judiciary.

Q) Explain the Powers of Union Public Service Commission with special focus on its advisory powers. (250 words)

Polity by Lakshmikanth

Why this question:

The question is straightforward and from static portions based on the theme of Union Public Service Commission.

Key demands of the question:

The answer must discuss Powers of Union Public Service Commission with special focus on its advisory powers.

Directive word

Explain – Clarify the topic by giving a detailed account as to how and why it occurred, or what is the particular context. You must be defining key terms where ever appropriate, and substantiate with relevant associated facts.

Structure of the answer:

Introduction

Introduce with a brief on significant role played by Union Public Service Commission.

Body

The body of the answer should address the following dimensions:

- Discuss that UPSC is a central agency that has great responsibility for conducting examinations pertaining to Civil Services, Engineering Services, Defense Services, and Medical Services. It also conducts Economic Service, Statistical Service, and Police Forces examination.
- Explain the Constitutional Provisions.
- Discuss Functions of Union Public Service Commission.
- Explain advisory powers of the UPSC in detail – It can give advises to the President and the governors of any State of the following affairs:
 - On all matters related with the appointment of the civil services of the governments.
 - The evaluation of the standard and efficiencies of the candidates for appointment, promotion or transfer in all civil posts.
 - On all matters regarding the discipline and punctuality of the employees of All India Services.
 - Affairs associated with the demands and benefits of employees working under the All India Civil Services and injured while on duty.
 - Whether the payment or expenditure for any work of an employee of All India Civil Services will be borne by the consolidated fund of India.
 - Regarding discipline and promptness in government functions of paying compensation to a government employee if he suffers any problem or financial loss due to the negligence on the part of the government, matters related with the punishment measures of those employees who have violated discipline or of all matters related with the interest of the government employees working under the central government.

Conclusion

Conclude with significance of UPSC.

Introduction:

- The Union Public Service Commission is India's premier central recruiting agency. It is responsible for appointments to and examinations for All India services and group A & group B of Central services.
- The Department of Personnel and Training is the central personnel agency in India.
- Established on 1 October 1926 as Public Service Commission, it was later reconstituted as Federal Public Service Commission by the Government of India Act, 1935; only to be renamed as today's Union Public Service Commission after the independence.

Body:

Constitutional Provisions:

- Article-315: Public Service Commissions for the Union and for the States.
- Article-316: Appointment and term of office of members.
- Article-317: Removal and suspension of a member of a Public Service Commission



- Article-318: Power to make regulations as to conditions of service of members and staff of the Commission.
- Article-319: Prohibition as to the holding of offices by members of Commission on ceasing to be such members.
- Article-320: Functions of Public Service Commissions.
- Article-321: Power to extend functions of Public Service Commissions
- Article-322: Expenses of Public Service Commissions
- Article-323: Reports of Public Service Commissions

Powers of UPSC:

Main power of Union Public Service Commission is its advisory power. It can **give advises to the President and the governors of any State** of the following affairs:

- On all matters related with the appointment of the civil services of the governments.
- The evaluation of the standard and efficiencies of the candidates for appointment, promotion or transfer in all civil posts.
- On all matters regarding the discipline and punctuality of the employees of All India Services.
- Affairs associated with the demands and benefits of employees working under the All India Civil Services and injured while on duty.
- Whether the payment or expenditure for any work of an employee of All India Civil Services will be borne by the consolidated fund of India.
- Regarding discipline and promptness in government functions of paying compensation to a government employee if he suffers any problem or financial loss due to the negligence on the part of the government, matters related with the punishment measures of those employees who have violated discipline or of all matters related with the interest of the government employees working under the central government.

However the government is not bound to take advises of the Union Public Service Commission in regard to the issues of making reservation in services for the schedule caste, schedule tribe and other backward communities or for making some special provision and privileges for making such reservations for them under Act 335 under the constitution of India.

Conclusion:

- Being a constitutional authority, UPSC is amongst the few institutions which function with both autonomy and freedom, along with the country's higher judiciary and lately the Election Commission.

Q) Elucidate on the role played by India's National Human Rights Commission (NHRC) in dealing with serious violation of human rights. (250 words)

Economictimes

Why this question:

The article discusses the role played by India's National Human Rights Commission (NHRC) in dealing with serious violation of human rights.

Demand of the question:

The answer must evaluate the role played by India's National Human Rights Commission (NHRC).

Directive word:

Elucidate – When you are asked to elucidate, you have to pass a sound judgement about the truth of the given statement in the question or the topic based on evidences. You have to appraise the worth of the statement in question. There is scope for forming a personal opinion here.

Structure of the answer:

Introduction

Define the coming of India's National Human Rights Commission (NHRC) in India as a protector of human rights.

Body

- The body of the answer should address the following dimensions:
- Discuss – Human Right means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International covenants and enforceable by courts in India.



- This Commission was established after the thorough assessment of needs for such bodies to address the human rights related issues and by keeping in consideration the ways and measures to apply for their protection.
- Explain the Composition of National Human Rights Commission of India.
- Roles and responsibilities with limitations, use recent examples to highlight its significant role.

Conclusion

Conclude with importance of such institutions.

Introduction:

- The Rights Commission (NHRC) of India is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (TPHRA).
- The NHRC is the National Human Rights Commission of India, responsible for the protection and promotion of human rights, defined by the Act as “rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants”.

Body:

- In February, the Global Alliance of National Human Rights Institutions (GANHRI), a UN body based in Geneva, re-accredited India's apex rights watchdog with the 'A' status, a perfect score.

Major issues tackled by NHRC are as follows

- Custodial Torture
- Right to Work and Labour Rights
- Extrajudicial Killings
- Arbitrary Arrest and Detention
- Excessive Powers of the Armed Forces and the Police
- Sexual Violence
- Conflict-Induced Internal Displacement
- Child Labour
- Manual Scavenging
- Violence and discrimination against Women, Children
- Lesbian, Gay, Bisexual, Transgender Rights
- Problems faced by Scheduled Castes and Scheduled Tribes, Religious Minorities, Persons with Disabilities

Role of NHRC in safeguarding human rights

- Since its development, the NHRC has extensively dealt with issues relating to application of human rights. NHRC has established its reputation for independence and honesty. There is increasing number of complaints addressed to the Commission seeking redressal of grievances. The NHRC has pursued its mandate and priorities with determination and considerable success.
- In recent times, the rights panel has taken cognisance in the case of killing of 10 people in police firing during anti-Sterlite protest in Tuticorin in Tamil Nadu, and intervened in the case of killing of Rising Kashmir editor Shujaat Bukhari after an appeal via press, by a network of editors and media practitioners, which had urged the NHRC and the Jammu and Kashmir State Human Rights Commission to push for a swift probe into the case.

Death in police custody and Torture:

- The commission observed that death in police custody is one of the worst kinds of crimes in a civilized society governed by the rule of law and poses a serious threat to an orderly civilized society.
- Torture in custody flouts the basic rights of the citizens and is an affront to human dignity. The National Police Commission in its 4th Report of June 1980, noticed the prevalence of custodial torture and observed that nothing is “so dehumanizing” as the conduct of the police in practicing torture of any kind on the person in their custody, based on the following cases :
- Death of Sher Mohammad in police custody by torture: Uttar Pradesh
- Custodial death of Haji Mohammad Tent wala in police custody: Ahmadabad, Gujarat

Violation of rights of SC/ST:

- The National Human Rights Commission is expanding in the field of violation of rights of the Scheduled Castes and the Scheduled Tribes.
- In case- Death of workers in silicon factories of Madhya Pradesh: The report indicated that there were 134 slate factories which were set up in Mandsaur District of Madhya Pradesh. The health of the majority of the



workers employed in these factories was affected due to inhalation of silicon dust. The Government had taken steps to provide medical facilities and ensure that all these workers were covered under the Employees State Insurance (ESI) scheme.

Juvenile Justice:

- The Juvenile Justice towards the prevention and treatment of juvenile delinquency and provides a framework for the protection, treatment, and rehabilitation of children in the purview of the juvenile justice system.
- The condition of Child inmates in Juvenile Home, Meerut: Uttar Pradesh- The commission on 26th Sep. 2005 took suo-motu cognizance of a news item published in "Amar Ujala" on 21st September 2005, captioned "Massoomo ke Liye Kale se Kam Nahi Hai Jail". According to the news item, 59 child accused were taken to the Meerut court for appearances before the magistrate on 20 September 2005. The van carrying 59 children was parked in an open area outside the court premises under direct sun for five hours and the inmates were not given food and water.

Rights of HIV patients:

- Some of the famous interventions of NHRC include campaigns against discrimination of HIV patients.
- It also has asked all State Governments to report the cases of custodial deaths or rapes within 24 hours of occurrence failing which it would be assumed that there was an attempt to suppress the incident.

Sexual Abuse and murder of children:

- An important intervention of the Commission was related to Nithari Village in Noida, UP, where children were sexually abused and murdered.
- Recently, NHRC helped to bring out in open a multi crore pension scam in Haryana. It also is looking up the sterilization tragedy of Chattisgarh.

Challenges of NHRC:

- In the process of selection of the members of the Commission, the Chairman is not consulted.
- Because of certain weakness in the Act, at times the Commission feels the need for the amendments. But the Commission has constraints in doing so.
- Another major weakness of the Commission is that it does not have powers to investigate armed forces, BSF or any other paramilitary forces.
- Finally, NHRC is only an investigative and recommendatory body. It does not have power of prosecution.
- It is dependent on the Government for manpower and money. The Central Government shall pay to the Commission by way of grants such sums of money as it may consider fit.

Way forward:

- The effectiveness of commissions will be greatly enhanced if their decisions are immediately made enforceable by the government.
- A large number of human rights violations occur in areas where there is insurgency and internal conflict. Not allowing NHRC to independently investigate complaints against the military and security forces only compounds the problems and furthers cultures of impunity. It is essential that commission is able to summons witnesses and documents.
- As non-judicial member positions are increasingly being filled by ex-bureaucrats, credence is given to the contention that NHRC is more an extension of the government, rather than independent agency exercising oversight. If it is to play a meaningful role in society, it must include civil society human rights activists as members. Many activists have the knowledge and on-the-ground experience of contemporary trends in the human rights movement to be an asset to the Commission.
- NHRC needs to develop an independent cadre of staff with appropriate experience. This problem can be rectified by employing specially recruited and qualified staff to help clear the heavy inflow of complaints.

Conclusion:

- Every commission set up by the government is to serve the people and maintain public law and order, and just so, the NHRC has been doing work for the country.
- It has to date disposed off a lot of complaints pertaining to the violations of Human Rights reported by the media, Defenders or has taken suo-motu cognizance of it.
- The NHRC, under the guidance of senior members, like the ex-Chief Justice of India(ex-CJI) being the Chairperson has shown an upward trend in disposing of the cases and has been instrumental in keeping the violations in check and punishing the perpetrators.



Topic – Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.

Q) What are the different institutional arrangements in India to promote cooperation between the Centre and States ? Critically analyse the role of Inter-State Council to enhance cooperative federalism in India. (250 words)

Why this question:

The question is about discussing the role of Inter-State Council in enhancing cooperative federalism in India. One has to analyse the different institutional arrangements that can promote centre – state relations.

Demand of the question:

Discuss in detail the necessity of cooperation between center and states.

Why it is important, what steps are needed to enhance it.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction

The question is straightforward and conceptual , thus there is not much to discuss, one can start by defining significance of centre-state relations.

Body

- Write in brief the existing institutional arrangements which enhance Centre-State Cooperation.
- Then, write the aim of Inter-State Council. Analyse the performance of Inter-State Council since its inception.
- Give examples wherein the council has catalyzed developmental activities like crucial in the implementation of many of the Sarkaria Commission’s 247 other recommendations, such as altering the states’ share of central taxes. council has helped bridge the trust deficit between the centre and the states

Conclusion

Give concluding remarks for the answer with a way forward

Introduction:

- The Constitution of India provides a dual polity with a clear division of powers between the Union and the States, each being supreme within the sphere allotted to it. The Indian federation is not the result of an agreement between independent units, and the units of Indian federation cannot leave the federation. The constitution contains elaborate provisions to regulate the various dimensions of the relations between the centre and the states.

Body:

The various institutional arrangements between centre and state are:

Executive Mechanisms

- Institutions set up under the Constitution (Article 263): **Inter-State Council (ISC)**
- Institutions set up by Parliamentary Act: **Five zonal councils** under States Reorganization Act 1956 plus **North-Eastern Council** constituted in 1971
- Institutions set up by cabinet resolution: **NITI Aayog** (previously National Development Council (NDC), Planning Commission)
- Agreements between different orders of governments, e.g. MOUs
- **National Integration Council:** intergovernmental with wider scope
- Civil services especially federally-based **All-India Services**, a unique feature of the Indian federation

Legislative Mechanisms

- There are no formal or informal modes of cooperation between the legislatures of the Union and the states
- All-India conferences of speakers and presiding officers of the respective legislatures
- Most important legislative forum of intergovernmental significance is the Rajya Sabha Seats in Rajya Sabha are in proportion to the population of the state like in the popular chamber
- No house committee either in the parliament or state legislature with oversight on intergovernmental affairs



Other Mechanisms and Techniques

- Fiscal federal institutions: **Finance Commission** (Art.280) a constitutional body but not permanent, and **Planning Commission** (1950) a statutory body but permanent (replaced by NITI Aayog in 2015)
- Union Agencies with Federal Implications: **Election Commission, Union Public service Commission, Central Bureau of Investigation, Central Auditor General of India, National Investigative Agency, paramilitary forces**
- Independent Regulatory Authorities in national economy in post-liberalization phase in various sectors like telecom, electricity, banking, insurance, companies' affairs: **Telecom Regulatory Authority of India (TRAI), Central Electricity Regulatory Commission (CERC), Securities Exchange Board of India (SEBI), Competition Commission**
- Tribunals set up under **Inter State River Water Disputes Act 1956** resolve water disputes: Narmada, Krishna, Godavari, Cauvery, Sutlej-Yamuna and environmental issues (National Green Tribunal), and Constitutional Courts

The **Inter-State Council** is a **constitutional body** to facilitate coordination between states and the centre. It was set up on the basis of provisions in **Article 263** of the Constitution of India by a Presidential Order, 1990 based on the **recommendation of Sarkaria Commission**.

Functions of inter-state council:

- Inquiring and advising upon disputes which may have emerged between the States:
- Investigating and discussing subjects in which the States or the Union has a common interest.
- Making suggestions on any such subject, for the better coordination of policy and action with respect to that subject.

Benefits of ISC:

- The ISC is the only multilateral centre-state forum that operates directly within the framework of the Constitution (Article 263 (b) and (c)) where topics like the GST and contemporary issues like disaster management, terrorism and internal security can be taken up.
- The constitutional backing of ISC puts the states on more solid footing—an essential ingredient in building the atmosphere of cooperation needed for calibrating centre-state relations.
- The council will help bridge the trust deficit between the centre and the states. If not always a problem solver, it at least acted as a safety valve.

Limitations:

- It is a recommendatory body to investigate and discuss subjects, in which some or all of the states or the Central government have a common interest.
- The Inter-state council is not a permanent constitutional body for coordination between the states and Central government. Rather, President can establish it at any time if it appears to him that the public interests would be served by the establishment of such a council
- The interstate council is proposed to meet thrice a year. Inter-State Council has had just 12 meetings since it was set up in 1990. There was a gap of a decade between the 10th meeting in 2006 and the 11th meeting in 2016, and the council met again in November 2017.
- The ISC also has to have a permanent secretariat which will ensure that the periodic meetings are more fruitful.

Conclusion:

- The interstate council is the most dynamic platform to discuss policies and strengthen the Centre- State relations. This works as an instrument for cooperation, coordination and the evolution of common policies and acts as a bridge to trust deficit between center and state. The Inter-State Council should become the forum for political and legislative give and take between the centre and states

Q) Explain the discretionary powers of the Governor mentioned in the Indian Constitution. Why is it held that the post of governor has become highly politicized in recent times ? (250 words)

Timesofindia

Why this question:

The question is from the static portions of GS paper II, you must enumerate the discretionary powers of the Governor mentioned in the Indian constitution. The discussion in second half should focus on the recent controversies involved around the office of Governor.



Key demand of the question:

The answer must discuss discretionary powers of the governor and the factors that have led to the politicization of the governor's post.

Directive:

Explain – Clarify the topic by giving a detailed account as to how and why it occurred, or what is the particular context. You must be defining key terms where ever appropriate, and substantiate with relevant associated facts.

Structure of the answer:

Introduction:

Briefly narrate the significance of the office of Governor.

Body:

The discussion should have the following points :

- The first half should discuss the powers – Constitutional discretion and Situational discretion of the Governor.
- Discuss how the office of Governor has become a tool of Centre to interfere in the working of state governments.
- factors that have led to such a situation of politicization
- what needs to be done
- quote some examples of recent controversies.

Conclusion:

Conclude with significance of the office of Governor and that issues associated with it should be addressed necessarily.

Introduction:

- The office of Governor is a British Indian transplant with a federalistic flavour. The role of office of Governor was confined to normal routine ceremonial functions earlier but now enjoys more powers. Discretionary powers of Governor in state are much more extensive in comparison to the President in centre in India. He/She is not bound to act on the advice of the council of Ministers in certain circumstances, even he need not seek its advice.

Body:

The constitution does not specify these matters but the matters in which he can act without the advice of the council of ministers are as follows:

- **Appointment of the Chief Minister:** Generally, the leader of the party with majority is appointed as the Chief Minister. But in situation where no party gets absolute majority, the Governor exercises his discretionary powers in appointing the Chief Minister.
- **Dismissal of a Ministry:** A minister holds offices during the pleasure of the Governor. When the ministry losses support of the house, the governor will dismiss the ministry. But he cannot dismiss it until it losses majority support.
- **Advising the President for proclamation of Emergency:** The Governor advises the President to proclaim emergency when he is satisfied that the Government cannot carried on in accordance with the provisions of the constitution, under Article 356.
- **Reservation of a bill for the consideration of the President:** On his/ her discretion, the Governor can reserve a bill passed by the state legislature for president's assent. However, situations are mentioned in Article 200, when he will reserve the bill, yet he can use, discretion regarding this matter. Governor has discretion to refuse to sign to an ordinary bill passed by the state legislature.
- **Dissolution of Legislative Assembly:** The Governor summons, prorogues and dissolves the Legislative Assembly, according to article 174. When the ministry loses the majority and the Governor is satisfied he may dissolve the House.
- Governor determines the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration.
- **Seeking information:** Governor can seek information from the chief minister with regard to the administrative and legislative matters of the state.

Thus, though the Governor is made the constitutional head of a state like president of India, yet there is a thin line as the Constitution empowers the Governor to act without the advice of the Chief Minister and his council and can use discretion on certain matters.



Under **Article 168**, the Governor is considered part of the State Legislature which is the body responsible for discharging governmental functions. However, the post of Governor has seen numerous controversies. Although the post of Governor is constitutional, it is usually seen as a hand of central government in the state.

The recent case of Karnataka:

- There was no absolute majority for any party post assembly elections, the Karnataka Governor misused his powers.
- Governor could not call the party with majority votes i.e., BJP to form government as there was no simple majority.
- But the Governor called the BJP to form the government and prove its majority within 15 days.
- This act is seen as abuse, because the Governor did not take into account the other two major parties Congress and JDP.
- Even though these parties did not gain majority they formed post poll alliance and thus had majority to form the government.
- Since the post of Governor is seen as a link between the Union and State Government, this decision is seen as an act to align with the ideals of the government at the centre and not with people.

Imposition of President's rule:

- The Assemblies of Uttarakhand, Arunachal Pradesh had been placed under suspended animation on the recommendation of the Governor due to alleged failure of Constitutional Machinery (Article 356).
- However, the State Governments were reinstated by reversal of President's rule by Supreme Court due to lack of sufficient evidence.
- The President's rule envisaged as a dead letter by Dr. B.R Ambedkar has now become a potent tool for dislodging the state governments by Union Government.
- This makes the role of Governor as a partisan towards the Central Government.

Way forward:

- In India, the balance in power is tilted towards the Union
- The importance of the Governor's position arises not from the exceptional circumstances that necessitate the use of his discretion, but as a crucial link within this federal structure in maintaining effective communication between the Centre and a State
- As a figurehead who ensures the continuance of governance in the State, even in times of constitutional crises, his role is often that of a **neutral arbiter in disputes settled informally within the various strata of government**, and as the **conscience keeper of the community**
- **The Supreme Court** has time and again ruled (e.g.: SR Bommai Case) that the office of Governor must not be misused to the advantages of Union Government.
- **Expert Committees like Sarkaria and Punnchi Commissions** have laid out the procedure in case of constitutional machinery breakdown, appointment of CM during hung assembly, no-confidence motion etc. which needs to be codified and followed.
- There is need to **ensure proper checks and balances to streamline the functioning of this office**
- However, misuse of a position of power should not serve as a justification for removing the office altogether, unless such a position has totally lost its relevance

Q) In your opinion can more number of smaller States bring in effective governance at State level ? Discuss. (250 words)

Why this question:

The question is in the context of creation of small states their advantages and disadvantages with respect to the federal character of the constitution.

Key demands of the question:

The answer must discuss whether the new social and political order calls for a reorganization and whether there is any guarantee for effective administration.

Directive :

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.



Structure of the answer:

Introduction

Highlight briefly the significant features of Indian federalism.

Body

Discuss the following features in the answer:

- The current demand for the break-up of large states – Maharashtra, Gujarat, Punjab etc , discuss the factors driving the cause of bifurcation.
- The debate of linguistic bifurcation vs administrative bifurcation based on regionalism and other associated factors.
- The question whether smaller states are better governed than bigger ones.
- Discuss with examples.

Conclusion

conclude your answer with significance of strong federal features.

Introduction:

- The Indian ‘model’ of federalism has several marked differences from the classical federal models one finds in countries like the United States, Canada, and Australia. A notable difference has been the unilateral power of the union parliament to reorganize the political structure of the country by forming new states and to alter the areas, boundaries or names of existing states. The **article 1** of the constitution, “India is a Union of states”, means that states were created for administrative convenience. States have no right to secede from the union and hence states do not have a say in their creation.

Body:

Reasons for demand for the break-up of large states:

- The regions include Gorkhaland and Kamtapur in West Bengal; Coorg in Karnataka; Mithilanchal in Bihar; Saurashtra in Gujarat; Vidarbha in Maharashtra; Harit Pradesh, Purvanchal, Braj Pradesh and Awadh Pradesh in Uttar Pradesh and Bundelkhand comprising areas of Uttar Pradesh and Madhya Pradesh.
- Significantly, some of these regions have **enormous populations comparable to countries** of the global north in terms of territory and population.
- **Electoral politics in the ‘post-Congress polity’** has been marked by the politicization and mobilization of social cleavages along territorially confined lines of **caste, religion and region** by state-level ‘ethnic’ parties.
- The **issue of language and culture**-which had shaped the earlier process of reorganization– shifted to those of better governance and greater participation, administrative convenience, economic viability in the developmental needs of sub regions.
- **Centralized federalism** under the shadow of the development-planning model failed to achieve its avowed aim of bringing about equitable development across and within the regional states.
- India has also been witness to what may be called the ‘**secession of the rich**’ as regions attracting huge private investments and registering impressive growth, have started resenting the dependence of relatively underdeveloped regions on the revenues transferred to them (for example, Harit Pradesh in Uttar Pradesh).

Creation of smaller states is a much needed move:

- It’s a well-known fact that creation of smaller state in India had experienced the betterment of Indian economy. The growth of GDP, better governance and development.
- Factual analysis shows the development and efficiency argument does work in favour of the new states when compared with the parent states.
- During the tenth five-year plan period, Chhattisgarh averaged 9.2 percent growth annually compared with 4.3 percent by Madhya Pradesh, Jharkhand averaged 11.1 per cent annually compared with 4.7 percent by Bihar, and Uttarakhand achieved 8.8 per cent growth annually compared with 4.6 percent by Uttar Pradesh.
- Arguably, getting ‘a territory of their own’ unleashes the untapped/suppressed growth potentials of the hitherto peripheral regions.
- Comparatively smaller but compact geographical entities tend to ensure that there is better democratic governance, as there is greater awareness among the policy makers about the local needs.
- Smaller spatial units having linguistic compatibility and cultural homogeneity also allow for better management, implementation and allocation of public resources in provisioning basic social and economic infrastructure services.
- Smaller states provide gains for the electorates in terms of better representation of their preferences in the composition of the government.



- In a patronage-based democracy like in India, the amount of the transfer of state resources/largesse a constituency/region gets depends crucially on whether the local representative belongs to the ruling party.

However, there are challenges too:

- Reminiscent of ‘partition anxiety’, many fear the rise of regional and linguistic fanaticism as threats to national unity and integrity. A global surge in ethno-nationalist conflicts serves to rekindle these fears. No region has ever experienced secessionist movement after being reorganised as a separate state except for a brief time in Punjab.
- Many believe that bigger states ensure cohesion and stability; however, there are myriad forms of political violence going on unabated in the big states (eg. Uttar Pradesh, Andhra Pradesh and West Bengal).
- In these cases, violent movements are expressions of a demand for recognition, justice and autonomy; relatively homogeneous smaller states would always be better poised to provide a wider range of policies in response to local conditions.
- Political expediency and opportunism rather than the objective evaluation of democratic and developmental potential are said to be involved in the making of new states.
- A new state may find itself lacking in infrastructure, which requires time, money and efforts to build. On the political front too there are many challenges that smaller states have to face, as the dream of new smaller states was ushered in by the leaders need.
- Small states depend to a substantial extent on central government for financial aid. It will not be economically prudent to set up new states as it would incur expenditure to set up state machinery.
- With India however the diversity and multiculturalism is so connected in Indian culture that the idea of separate sovereign nation states wouldn’t be viable as all Indian states have such a diverse mix of Indians.
- To create a nation state based on the idea of culture or language in such a diverse society would cause hatred of the outsiders who the natives felt didn’t belong in that state.

Way forward:

- The federal polity of India does need to accommodate the ongoing demands for smaller states.
- In most regions, even if the local, urban entrepreneurial/middle classes (with a hidden class agenda in some cases) lead the demands, these demands **represent the democratic aspirations of the hitherto politically dormant, neglected and discriminated masses from the peripheral regions.**
- For democratically negotiating such demands, a second state reorganization commission must be constituted by the centre.
- The commission must have the quasi-judicial power to ascertain a set of objective and coherent criteria (not lopsided political considerations) that can be uniformly applied, like in the case of the state reorganisation commission set up in 1953.
- It could be a constitutional body to oversee transparency of the consultation process.
- **Concomitant revenue raising powers** may also be devolved to such an autonomous institution to avoid its undue financial dependence on the state government.
- The creation of smaller states would contribute to the federal agenda of enhancing democratic development based on decentralized governance and greater autonomy for units.

Q) The 73rd and 74th Constitutional amendments have remained as unfinished agenda. How does it hinder the accomplishment of economic democracy ? Examine. (250 words)

Why this question:

The question is with respect to local self-government – The 73rd and 74th Constitutional amendments that provided for devolution of power to Panchayats and Municipalities and the lacunae posed by it.

Key demand of the question:

The answer must analyse why the local self-government systems in India have remained an unfinished agenda and thus failing the goal of economic democracy.

Directive:

Examine – When asked to ‘Examine’, we have to look into the topic (content words) in detail, inspect it, investigate it and establish the key facts and issues related to the topic in question. While doing so we should explain why these facts and issues are important and their implications.

Structure of the answer:

Introduction:

Briefly narrate the significance of the 73rd and 74th Constitutional amendments.

**Body:**

The discussion should have the following points :

- The first half should discuss the 73rd and 74th Constitutional amendments, their evolution, characteristic features.
- Discuss what factors lead to the lacunae – the Act containing mandatory and discretionary provisions and thus how devolution of powers and finances up to local level have remained an unfinished agenda in India.
- Discuss other factors too – issues of Subjects shared by local bodies, taxation related autonomy , inefficient devolution etc.

Conclusion:

Conclude with how vision of these amendments can be made real by proper political will and true deliberation and power devolution in a responsible manner.

Introduction:

- The **73rd , 74th constitutional amendment** gave constitutional status to local self-governments. At present India has around 2.5 lakh institutions of local self-governance with 32 lakh representatives.
- They were created to realize the objectives of **Article 40 of the Indian constitution** to create a truly participatory democracy.

Body:

However, even after 25 years of existence, they have failed to be effective instruments of governance. The factors mentioned below combinedly resulted in ineffectiveness of local self-governments.

- **Systemic issues:**
 - State finance commissions are not as effective as central finance commission
 - State election commissions are alleged over issues like delimitation of constituencies.
- Issues related to funds functions and functionaries
 - Devolution of powers as per eleventh schedule except in few states like Kerala, Madhya Pradesh is not satisfactory.
- Capacity building of both panchayats and urban local bodies is not proportional to the responsibilities they are assigned.
- Departmentalization of development: A lot of government bodies have sidelined local bodies. For example, recently in Haryana, a **rural development agency**, presided over by the Chief Minister, to enter into the functional domain of panchayats.
- Legislative approval of these parallel bodies legitimises the process of weakening decentralised democracy.
- **Mani Shankar Aiyyar committee** observed that decentralization has led to decentralization of corruption
- There are criticisms that initiatives like smart city projects affect the autonomy of urban local bodies.
- In urban areas, participation from people in elections as well as in governance is very limited.
- **Structural lacunae:**
 - No secretarial support – No dedicated cadre of people or service is working for Panchayati raj. This make administrative and documentation work very difficult.
 - Low technical knowledge – has restricted the aggregation of planning from village to block to district to state to centre. Hence bottom up approach of planning is very limited.
 - Adhoc meetings – lack of clear setting of agenda in gram sabha, gram samiti meetings; there is lot of adhoccism; no proper structure

There have been lots of positives too like **improvement in women participation, building the foundation for participatory democracy , utilization of local resources, customization of projects to local needs.**

Following steps can be taken to improve the effectiveness of LSG to realize their true potential.

- Devolution of powers: Decentralization of governance as per eleventh schedule like in Kerala and Madhya Pradesh. More financial resource generation powers should be given to these institutions.
- Reservation for women should be increased from 33 % to 50 % like in Maharashtra and Bihar.
- **Principle of subsidiarity** to be upheld at all levels like recommended by **Second Administrative Reforms Commission.**
- **Property taxation reforms** to be introduced to make urban bodies self-sufficient financially.



- Platforms like **Mahila Gram Sabha** need to be encouraged to help women voice their needs and participate in decision making process.
- Adequate training: to develop expertise in the members so that they contribute more in planning process and in implementation of policies and programmes. Capacity building of all elected representatives especially women.
- Social empowerment: must precede political empowerment. Only then problem of proxy members could be solved.
- In the NREGA programme, 40% of the money allocated is for the material component, whereas the remaining 60% is for salaries. These funds are available with the states and can be used to build **panchayat bhavans**.

Conclusion:

- Local bodies need to be empowered to create greater inclusiveness, participation and women empowerment at the grassroots level. Integrating institutional reforms in local governance with economic reforms was **Gandhiji's far-sighted vision of 'Poorna Swaraj'**.
- The 73rd and 74th Amendments of the Constitution which seek to create an institutional framework for ushering in grass roots democracy through the medium of genuinely self-governing local bodies in both rural and urban areas of the country.

Topic: Statutory, regulatory and various quasi-judicial bodies

Q) Discuss the growing need to place a digital layer on top of existing dispute resolution methods in India in the current age of electronic transactions. (250 words)

Livemint

Why this question:

The question highlights the necessity of a robust online dispute settlement system that is being necessitated by the rapidly developing electronic age of transactions in all spheres of economy, polity and social life.

Key demand of the question:

The answer must evaluate the current systems of dispute resolution available in India, and then examine them why they are not sufficient and thus bring out the necessity of Online dispute resolution system.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with definition of dispute mechanism as a structured process that addresses disputes or grievances that arise between two or more parties engaged in business, legal, or societal relationships.

Body:

In brief discuss –

- The present available dispute redressal mechanisms.
- Their effectiveness in the growing age of technology and digitization.
- Indian scenario.
- Need for online resolution system – quote examples
- Discuss and suggest way forward.

Conclusion:

Conclude with optimism, that India is fast moving and It is not beyond its capabilities to harness the merits of technology in its governance systems.

Introduction:

- **Online dispute resolution (ODR)** is a branch of dispute resolution which uses technology to facilitate the resolution of disputes between parties. It primarily involves negotiation, mediation or arbitration, or a combination of all three.



- In this respect it is often seen as being the online equivalent of alternative dispute resolution (ADR). However, ODR can also augment these traditional means of resolving disputes by applying innovative techniques and online technologies to the process.

Body:

Indian legal scenario:

- Justice delayed is justice denied is the basic legal principle, which means if the justice has not been administrated timely it is equal to no justice at all.
- This phrase is reflecting in Indian judicial system from times. Indian judicial system has been overburdened by huge pendency of cases, which has resulted delay in Justice.
- Another drawback of Indian legal system is high costs of litigation.
- These factors have resulted in loss of faith of people in the Indian judicial system. Therefore people avoid going to courts for their claims and disputes.

Present available dispute redressal mechanisms:

- With the enactment of Information Technology Act, 2000 in India, e-commerce and e-governance have been given a formal and legal recognition in India.
- Even the traditional arbitration law of India has been reformulated and now India has Arbitration and Conciliation Act, 1996 in place that is satisfying the harmonised standards of UNCITRAL Model.
- Even the Code of Civil Procedure, 1908 has been amended and section 89 has been introduced to provide methods of alternative dispute resolution (ADR) in India.
- There is another initiative called **ODRways**, started by students of NUJS, which is working towards promoting mediation in India, by integrating it with technology.
- They have developed an online mediation platform for small civil claim disputes.
- They are also working towards building an online platform for mediators in India, which will make it easier for the general public to engage with mediators when they have disputes.

Need for online resolution system:

- Online dispute resolution in India is an important part of Legal Enablement of ICT Systems in India and Legal Framework for Information Society in India.
- Online dispute resolution (ODR) in India is in its infancy stage and it is gaining prominence day by day.
- With a rapid growth of e-commerce in India, the number of disputes related to online transactions is on the rise.
- The existing dispute redressal mechanisms are falling short of the business growth and customer expectations.
- Conventional redressal systems require presence of the parties, and are not in sync with modern online platforms.
- The necessity of the same has arisen due to the growing use of alternative dispute resolving mechanism in India it will reduce the burdening of the already overburdened Courts in India.

Advantages of ODR system:

- This system is very efficient to solve the disputes which arises in cyber space specially domain name disputes because such disputes are unique to the electronic platform.
- This system enhances trust and confidence in the e-commerce environment which will ultimately promote the e-commerce.
- ODR system is very important for small-value disputes due to low cost of this mechanism. In small disputes parties do not prefer to go to the court or to resort traditional ADR system.
- ODR is also helpful to solve cross-border international commercial disputes, due to jurisdictional and procedural obstacles in traditional ADR system.
- ODR system overcomes the geographical barriers. Parties need not to travel anywhere for filling the case. Wherever internet is accessible ODR is possible.
- Similar to the ADR system, ODR mechanism will also help to reduce the pendency in the higher courts as well as in lower courts.

Conclusion:

- Today it has become an international phenomenon to resolve commercial disputes through arbitration and not through normal judicial system. Majority of the persons do not want to become involved in lawsuits due to delays, high costs, unwanted publicity. ADR's provide best solution to these concerns. With the digital prowess in India, we can go a step ahead to come up with the Online Dispute Redressal Mechanism which will ensure timely justice to people.



Topic: Election mechanism and issues; Salient features of Representation of People's Act, etc.

Q) Do you think camouflaging the identity of donors in electoral bonds goes against the fundamental tenet of democracy of transparency? Critically analyse. (250 words)

The hindu

Why this question:

The article discusses in detail in the run-up to the general elections the aspects of concealing the identity of donors in electoral bonds , and how this goes against the fundamental tenet of democracy — transparency.

Key demand of the question:

The question expects us to evaluate the quotient of transparency involved in the issue of electoral bonds . One has to express opinion as to whether the newly introduced EBS propagates corruption and inhibits meaningful participation of the citizens in the democratic exercise, or not. We have to form our opinion based on a proper discussion and presentation of valid arguments and facts.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction:

Begin with brief on electoral bonds, how they function.

Body:

- Discussion should include the following aspects – Electoral bonds were conceived with a view to keeping the identity of the donor secret.
- The bond does not carry the name of the buyer. The donor does have a genuine fear that if parties in the Opposition get to know how much he has contributed to the ruling party, he will be in trouble when the former come to power. The electoral bond scheme is informed by an appreciation of such fears.
- Discuss how these bonds were conceived? – their evolution ; money bill, notifications, SC judgements etc.
- Discuss what can be done to overcome the concerns associated?

Conclusion:

Conclude with a reassertion that Democracy requires an informed citizenry and transparency of information which are vital to its functioning.

Introduction:

- Electoral bonds will allow donors to pay political parties using banks as an intermediary. Although called a bond, the banking instrument resembling promissory notes will not carry any interest.
- The electoral bond, which will be a bearer instrument, will not carry the name of the payee and can be bought for any value, in multiples of Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh or Rs 1 crore.

Body:

Rationale behind the electoral bonds:

- Electoral bonds have been introduced to promote transparency in funding and donation received by political parties.
- The scheme envisages building a transparent system of acquiring bonds with validated KYC and an audit trail. A limited window and a very short maturity period would make misuse improbable.
- The electoral bonds will prompt donors to take the banking route to donate, with their identity captured by the issuing authority. This will ensure transparency and accountability and is a big step towards electoral reform.
- The previous system of cash donations from anonymous sources is wholly non-transparent. The donor, the donee, the quantum of donations and the nature of expenditure are all undisclosed.
- According to government the system of Bonds will encourage political donations of clean money from individuals, companies, HUF, religious groups, charities, etc.



- After purchasing the bonds, these entities can hand them to political parties of their choice, which must redeem them within the prescribed time.
- Some element of transparency would be introduced in as much as all donors declare in their accounts the amount of bonds that they have purchased and all parties declare the quantum of bonds that they have received.
- The electoral bonds are aimed at rooting out the current system of largely anonymous cash donations made to political parties which lead to the generation of black money in the economy.

Concerns expressed:

- The move could be misused, given **the lack of disclosure requirements for individuals purchasing electoral bonds.**
- Electoral bonds make electoral funding even **more opaque**. It will bring more and more black money into the political system. electoral bonds would cause a “serious impact” on transparency in funding of political parties
- With electoral bonds there can be a legal channel for companies to **round-trip their tax haven cash** to a political party. If this could be arranged, then a businessman could lobby for a change in policy, and legally funnel a part of the profits accruing from this policy change to the politician or party that brought it about.
- The amendments would pump in black money for political funding through shell companies and allow “unchecked foreign funding of political parties in India which could lead to Indian politics being influenced by foreign companies
- Companies no longer need to declare the names of the parties to which they have donated so shareholders won’t know where their money has gone.
- They have potential to load the dice heavily in favour of the ruling party as the donor bank and the receiver bank know the identity of the person. But both the banks report to the RBI which, in turn, is subject to the Central government’s will to know.

Alternative mechanisms for electoral funding:

- According to Former Chief Election Commissioner S.Y. Quraishi, an alternative worth exploring is a **National Electoral Fund** to which all donors can contribute.
- The funds would be allocated to political parties in **proportion to the votes** they get. Not only would this protect the identity of donors, it would also weed out black money from political funding.
- The total cost of MPLADS funding for all MPs is nearly ₹4,000 crore every year, and scrapping the scheme even for one year in an MP’s five-year term will be enough to bankroll state funding of Lok Sabha candidates. This is a legalized way of allowing MPs and MLAs to shower money on their constituencies at state expense.
- **Direct funding of candidates**, who will be reimbursed according to their final share of the votes cast.
- The best way to bring about such transparency in political funding is to put a complete ban on cash donations by individuals or companies to political parties.
- Making it **mandatory for all parties** to receive donations **only by cheque, or other modes of money transfer**.
- There should be **clear provisions for getting tax benefits** for all those making such donations.
- Make it mandatory for political parties to **submit details of all donations received** with the Election Commission and also with the income-tax department.
- State funding of political parties can be considered. The **Indrajit Gupta Committee on State Funding of Elections** had endorsed partial state funding of recognised political parties.
- The mechanics of this process need to be carefully worked out to establish the allocation of money to national parties, State parties and independent candidates, and to check candidate’s own expenditure over and above that which is provided by the state.
- Voters have to be made aware through awareness campaigns about ill effects of money power during elections. Bringing political parties under the preview of RTI act.

Q) What do you understand a Service Voter ? how can he cast vote ? Discuss significance and challenges associated. (250 words)

Reference

Why this question:

Recently the soldiers of Indo-Tibetan Border Police (ITBP) were the first to cast their vote for the 2019 Lok Sabha elections in Arunachal Pradesh as Service Voters. Thus it is important from the point of examination for us to learn who is a service voter and what are its significance.

Key demand of the question:

The question is upfront on the concept of service voter and its importance.



Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

In a few introductory lines state the background of the context of question.

Body:

In brief discuss –

- Who is a service voter? – Service voter is a voter having service qualification. According to the provisions of sub – section (8) of Section 20 of Representation of People Act, 1950, service qualification means:
 - Being a member of the armed Forces of the Union ; or
 - Being a member of a force to which provisions of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modification ;
 - Being a member of an Armed Police Force of a State, and serving outside that state; or
 - Being a person who is employed under the Government of India, in a post outside India.
- How is a service voter different from an ordinary elector?
- Are members of all Armed Forces / Para Military Forces eligible to be enrolled as service voters?
- The process of registering as a service voter – who is eligible?
- Challenges if any
- Way forward.

Conclusion:

Conclude with significance of such tools in a democracy.

Introduction:

Service voter is a voter having service qualification. According to the provisions of **sub – section (8) of Section 20 of Representation of People Act, 1950**, service qualification means:

- Being a member of the **armed Forces of the Union** ; or
- Being a member of a **force to which provisions of the Army Act, 1950** (46 of 1950), have been made applicable whether with or without modification ;
- Being a member of an **Armed Police Force of a State**, and **serving outside that state**; or
- Being a person who is **employed under the Government of India, in a post outside India**.

Body:

The **voting procedure** for a service voter is as follows:

Postal Ballot:

- When elections are announced, Returning Officer of the constituency shall send service voter the postal ballot.
- He must record his vote by placing clearly a mark opposite the name of the candidate of his choice on the ballot paper.
- The voter must not sign or give any of his identity on the ballot paper.
- Sign the declaration in Form 13A also sent herewith in the presence an officer appointed by the Commanding Officer of the Unit, ship or establishment.
- The officer will attest your signature and return the declaration to you;
- The declaration and the ballot paper must be put in a cover and must ensure that the cover reaches the Returning Officer before the specified date.

Electronically Transmitted Postal Ballot System:

- To reduce the transit time for sending a postal ballot, ECI has now introduced ETPB whereby the postal ballot is sent electronically to the Service Voter.
- When there is an election announced, the Returning Officer of the concerned constituency sends the ballot electronically to the Service Voter with the voters' details already filled in.
- A One Time Password (OTP) is also provided to enable the voter to download the ETPB. Along with ETPB, the Service Voter gets the declarations form (Form 13A), Form 13B and Form 13C.



- The ETPB has to be filled up in the same manner as the conventional postal ballot and sent by post back to the Returning Officer.

Classified Service voter:

- Service voter belonging to Armed Forces or forces to which provisions of Army Act, 1950 are applicable, has option of either voting through postal ballot or through a proxy voter duly appointed by him.
- A service voter who opts for voting through a proxy is called Classified Service Voter (CSV).
- A service voter may appoint (by applying to Returning Officer in Form 13 F of Conduct of Elections Rules, 1961 – Form available at the website of Election Commission) any person as his / her proxy to give vote on his / her behalf and in his / her name at the polling station.
- The proxy shall have to be ordinary resident of that constituency. He need not be a registered voter but he / she must not be disqualified to be registered as a voter.
- The provision for voting through proxy is valid till the person making the appointment is a service voter.

Challenges faced by Service voters:

- Under the existing law, this facility is available only to the wife of a male service voter and **is not available to the husband of a female service voter.**
- A son / daughter / relative / servant etc. residing ordinarily with a service voter cannot be enrolled as service voter.
- The issue of proxy voter remains – proxy shall have to be ordinary resident of that constituency. One thing to note here is that he or she need not be a registered voter but he or she must not be disqualified to be registered as a voter. The chances of fake voting increases.
- The **logistics** is a major challenge – There are **roughly 30 lakh service voters** including defence and paramilitary forces who (in many cases with families at family stations) will cast their votes through service voter facility.

Conclusion:

- The **use of ICT** can be made use for providing an opportunity for the Service voters to cast their votes. The proxy voting can be strengthened with **stronger KYC norms and use of Aadhar** to link the service voters to proxies.

Q) In view of the idea of holding simultaneous elections to the Lok Sabha and State Legislative Assemblies, discuss the advantages that its implementation would lead to and the concerns that it raises. (250 words)

pib

Why this question:

The question is direct and it is debating about feasibility of simultaneous elections in India.

Key demands of the question:

The answer must provide for a detailed discussion on the possibility of Simultaneous elections in India, associated advantages, disadvantages and way forward.

Directive :

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Highlight why the issue has come up in recent times in your introduction.

Body

Discuss the following aspects in the answer:

- As per the question's demand write the advantages of simultaneous holding of elections in Lok Sabha and State Legislative Assemblies.
- It will drastically reduce the cost of elections for both governments and political parties, and the administrative burden on the Election Commission to conduct elections.
- The imposition of the Model Code of Conduct at regular intervals puts many activities of the government on hold and affects governance. The policy paralysis would be done away with.
- There will be significant impact on delivery of essential services as more time would be devoted to the developmental activities. Political and social workers would have more time to invest in people oriented programme and grass root democracy.



- Concurrent polls would reduce the burden from central armed forces and manpower that is deployed at regular intervals for election duty.
- Enumerate the concerns related with the concurrent elections.
- feasibility of constitutional amendments
- Many voters may not be able to discern the difference between national and local issues etc.
- What can be done?

Conclusion

conclude your answer with a balanced approach. You can quote some Committee's report in the conclusion.

Introduction:

- Simultaneous elections refer to holding elections to Lok Sabha, State Legislative Assemblies, Panchayats and Urban local bodies simultaneously, once in five years. The idea of holding elections simultaneously is in news after it got a push from Prime Minister and ex-President of India. However, political parties are divided on the issue of holding simultaneous elections
- The political parties of Kashmir recently impressed upon the **Election Commission of India (ECI)** to hold the assembly polls in Jammu and Kashmir simultaneously with the upcoming Lok Sabha elections

Body:

- The Law Commission of India has also proposed holding simultaneous state and general elections and has sought public opinion on its recommendations regarding the same. Simultaneous elections were held in India during the first two decades of independence.

Merits of Simultaneous elections:

- **Governance and consistency:**
 - The ruling parties will be able to focus on legislation and governance rather than having to be in campaign mode forever.
 - Parties and workers spending too much time and money in electioneering, can make use of the time for social work and to take people-oriented programmes to the grassroots.
 - To overcome the "**policy paralysis and governance deficit**" associated with imposition of the Model Code of Conduct at election time which leads to putting on hold all developmental activities on that area and also affects the bureaucracy's functioning.
- **Reduced Expenditure of Money and Administration:**
 - The entire State and District level administrative and security machinery will be busy with the conduct of elections twice in a period of five years as per the current practice.
 - Expenditure can be reduced by conducting simultaneous elections.
 - It is felt that crucial manpower is often deployed on election duties for a prolonged period of time. If simultaneous elections are held, then this manpower would be made available for other important tasks.
 - For instance for the 2014 Lok Sabha polls, which was held along with 4 state assemblies saw the deployment of **1077 in situ companies and 1349 mobile companies of Central Armed Police Force(CAPF)**.
- **Continuity in policies and programmes:**
 - Will limit the disruption to normal public life associated with elections, such as increased traffic and noise pollution.
 - Large numbers of teachers are involved in the electoral process which causes maximum harm to the education sector.
- **Efficiency of Governance:**
 - Simultaneous elections can bring the **much-needed operational efficiency** in this exercise.
 - Populist measures by governments will reduce.
- **Curbs Vices:**
 - During frequent elections there is increase in "vices" such as communalism, casteism, corruption and crony capitalism.
 - Simultaneous elections can also be a means to **curb corruption** and build a more conducive socio-economic ecosystem.
 - The impact of black money on the voters will be reduced as all elections are held at a time.



Challenges to simultaneous elections:

- **Illiteracy:**
 - Not all voters are highly educated to know who to vote for. They may get confused and may not know whether they are voting for candidates contesting assembly or parliament elections.
 - **IDFC study** says that there is 77% chance that the Indian voter will vote for the same party for both the state and centre, when elections are held simultaneously.
 - Evidence from Brazil, Argentina, Canada, Germany, the US and Europe supports the idea that elections that are held simultaneously produce greater alignment between national and regional election outcomes.
- **Functional issues:**
 - Frequent elections bring the politicians back to the voters, create jobs and prevent the mixing of local and national issues in the minds of the voters.
 - There is a dearth of enough security and administrative officials to conduct simultaneous free and fair elections throughout the country in one go.
- **Changes in Constitution and Legislations:**
 - The following constitutional changes need to be made:-
 - Amendments needed in the following articles:-
 - **Article 83** which deals with the duration of Houses of Parliament need an amendment
 - **Article 85** (on dissolution of Lok Sabha by the president)
 - **Article 172** (relating to the duration of state legislatures)
 - **Article 174** (relating to dissolution of state assemblies)
 - **Article 356** (on President's Rule).
 - The Representation of People Act, 1951 Act would have to be amended to build in provisions for stability of tenure for both parliament and assemblies. This should include the following crucial elements:
 - Restructuring the powers and functions of the ECI to facilitate procedures required for simultaneous elections
 - A definition of simultaneous election can be added to section 2 of the 1951 act
 - Articles 83 and 172 along with articles with articles 14 and 15 of the 1951 act be appropriately amended to incorporate the provision regarding remainder of the term i.e., post mid elections, the new lok sabha/assembly so constituted shall be only for the remainder of the term of the previous lok sabha or assembly and not for a fresh term of five years.
- **Constructive vote of no confidence:**
 - The **170th law commission report** suggested a new rule i.e., **rule 198-A** has to be added to rules of procedure and conduct of business in Lok Sabha and similar amendment to such rules in the state legislatures.
 - The report suggested introduction of motion of no confidence in the incumbent government along with a motion of confidence in the alternative government.
 - To avoid premature dissolution of the house/state assemble in case of Hung parliament /assembly and to advance simultaneous elections the rigour of anti defection law laid under in tenth schedule be removed as an exception.
- Local and national issues will get mixed up distorting priorities.
- The terms of different state governments are ending on separate dates and years.
- **Spirit of Constitution:**
 - One nation, one election" would make sense if India were a unitary state. So "one nation, one election" is anti-democratic.
 - Simultaneous elections threaten the federal character of our democracy.
 - Frequent elections act as checks and balances on the functioning of elected representatives.

Way forward:

- Any changes must require **both a constitutional amendment and judicial approval** that they do not violate the "basic structure" of the Constitution.
- **A focused group of constitutional experts, think tanks, government officials and representatives of political parties** should be formed to work out appropriate implementation related details.
- Other alternatives should be explored to reduce election related expenses like
 - **State funding of elections**



- Decriminalisation of politics
- Bringing in transparency in political funding
- Setting up National Electoral Fund to which all donors can contribute.
- One year one election as suggested by Election Commission can be executed by amending Section 15 of the RP Act 1951. If the six-month stipulation is extended to nine or 10 months, elections to all states, whose term is expiring in one year, can be held together.
- The Law Commission of India in its report of 1999 has dealt with the problem of premature and frequent elections. It had recommended an amendment of this rule on the lines of the German Constitution, which provides that the leader of the party who wants to replace the chancellor has to move the no-confidence motion along with the confidence motion. If the motions succeed, the president appoints him as the chancellor.
 - If such an amendment to Rule 198 is made, the Lok Sabha would avoid premature dissolution without diluting the cardinal principle of democracy that is a government with the consent of the peoples' representatives with periodical elections.
 - It will also be consistent with the notion of collective responsibility of the government to the House as mentioned in Article 75 (3) of the Constitution.

Conclusion:

- Election Commission's idea of "one year one election" will better suited as it will require fewer amendments to the constitution, it will respect the essence of the exercise of popular will, unlike one nation one election which prioritizes economic costs of elections over the exercise itself, it will avoid clubbing of national and state issues, it will not disturb federalism much, not much issues generated by emergencies like need to hold by-election etc will be addressed by this option.

Q) Critically analyse the continued suspicion of political parties in the integrity of the EVM system. (250 words)

The hindu

Why this question:

The article provides for a detailed analysis of concerns and about alleged tamperability of ECI-EVM that have been raised frequently by the politicians.

Questioning the integrity of EVM systems.

Key demand of the question:

The answer must discuss the significance of integrity of the EVM system and highlight the importance of recognizing its credibility by the political foreground. One has to mainly focus on analyzing what makes politicians criticize the system.

Directive:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When 'critically' is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction:

Briefly discuss the current scenario – provide for a backgrounder.

Body:

The discussion should have the following points :

- What are the major problems of the EVM system being pointed at by the politicians?
- Background of evolution of EVM , various verdicts of courts with regards to credibility of EVMS.
- Why the doubts amongst politicians?
- Suggest a way forward.

Conclusion:

Conclude with what needs to be done to overcome the doubts in minds of politicians.

Introduction:

- Electronic Voting Machines ("EVM") are being used in Indian General and State Elections to implement electronic voting in part from 1999 elections. EVMs have replaced paper ballots in local, state and general (parliamentary) elections in India.



- Political parties have time and again raised voice against the credibility of the ECI-EVMs, alleging tampering of EVMs during the said elections. However, the Election Commission has rejected these allegations.

Body:

Issues and Allegations against EVMs:

- Alleged tamperability
- Alleged hacking
- EVMs only stores vote. Verification of vote is not possible
- Technical issues
- Leads to favouritism: A candidate can know how many people from a polling station voted for him. This may lead to favouritism.

Such concerns, about alleged tamperability of ECI-EVM have been raised earlier also since their introduction including before HC/SC. These allegations have been dismissed. ECI unequivocally reiterate that given effective technical and administrative safeguards, EVMs are not tamperable and integrity of electoral process is preserved.

Reliability of EVMs:

- EVMs are standalone systems and not connected to internet unlike EVM used in other countries like USA.
- Program which controls the functioning of the control unit is burnt into a micro chip on a “one time programmable basis”. Once burnt it cannot be read, copied out or altered
- EVM's use dynamic coding to enhance security of data transmitted from ballot unit to control unit
- As an additional precautionary measure, the machines prepared for a poll are physically sealed in the presence of candidates or their agents and guarded by CRPF
- Allegation regarding modification of votes using an external chip (not much base found by SC and EC)
- Two-stage randomization is done, to make sure nobody is able to determine constituency-EVM mapping

However, some experts opine that election results could be compromised by inserting a ‘dishonest display’ into an EVM control unit before elections by insiders in-charge of devices. But, EVM's are kept under strict security protocols and mock voting drills are conducted before releasing the EVM to polling stations, which doesn't provide much base to the theory.

Judicial Pronouncements on use of EVMs:

The issue of possible tampering of EVM has been raised before various High Courts since 2001 as mentioned below:-

- Madras High Court-2001
- Delhi High Court-2004
- Karnataka High Court- 2004
- Kerala High Court-2002
- Bombay High Court (Nagpur Bench)-2004

All the above High Courts after going into all aspects of the technological soundness and the administrative measures involved in the use of EVMs at elections in India, have held that the EVMs in India are credible, reliable and totally tamperproof. In some of these cases, even Supreme Court has dismissed appeals filed by some petitioners against High Court orders.

Measures taken by ECI:

- The ECI has said that if the proportion of EVMs whose vote count will be verified with the help of a VVPAT is increased substantially, the declaration of results will be delayed by up to six days.
- In 2009, ECI invited sceptics to demonstrate the alleged fallibility of EVMs, using 100 randomly sourced machines from 10 states. The outcome was that none of the persons who were given opportunity could demonstrate that ECI-EVM could be tampered in any of the 100 machines put on display.
- ECI said that EVMs can **neither be reprogrammed nor controlled** by the external device. The source code is so designed that it allows the voter to cast the vote only once. The next vote can be recorded only after the Presiding Officer enables the ballot on the Control Unit. In between, the machine becomes dead to any signal from outside.



- ECI has also offered opportunities more than once to those alleging the tamperability of EVM, no one has been able to demonstrate to the Commission that the EVM with ECI and used in the country's election process, can be manipulated or tampered with.
- Following a PIL by Subramanian Swamy, Supreme Court asked EC to introduce VVPAT.

Conclusion:

- ECI has put in place an elaborate technical and administrative system of safeguards to ensure error-free functioning of EVMs in elections. ECI says it is thus fully satisfied with the tamper proof functioning of the ECI-EVMs.
- The Commission does not find any merit in such allegations and reject all such allegations and suspicions raised by some political parties. Therefore, ECI has assured all citizens that EVM of ECI are temper proof and fully satisfied with the integrity of electoral process using EVM.



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Q) Discuss the questions of transparency associated with Electoral bonds. Do you think voter must know the source of political funding ? Analyse. (250 words)

Indianexpress

Indianexpress

Why this question:

The question is about discussing the fact whether Electoral bonds will pave way for clean and transparent political funding. The article is in the light of recent controversies surrounding the donor source of the electoral bonds and involvement of Supreme court and its interpretations.

Demand of the question:

Discuss in detail the concept of Electoral bonds, the entire controversy around it ; the merits and demerits.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

one can start by defining significance of passage of Bill in the parliament.

Body

The question is straightforward and one has to put the theme of electoral bonds to trial and analyse the merits and demerits associated with it.

Discuss whether voters have the right to know about their candidates, should they know where the money of political parties is coming from.

Are there genuine reasons to protect donors under the electoral bond scheme from disclosing their identity etc.

Conclusion

Base on your opinion conclude with a balanced reasoning and take a stand.

Introduction:

- **The Finance Bill, 2017** introduced “electoral bonds” — interest-free bearer bonds (like Promissory Notes) that can be purchased from specified branches of the State Bank of India in a designated 10-day window in every quarter of the financial year.
- Electoral bonds will allow donors to pay political parties using banks as an intermediary. It can be bought for any value, in multiples of Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh or Rs 1 crore.

Body:

Merits of the electoral bonds:

- Electoral bonds have been introduced to promote transparency in funding and donation received by political parties.
- The scheme envisages building a transparent system of acquiring bonds with validated KYC and an audit trail. A limited window and a very short maturity period would make misuse improbable.
- The electoral bonds will prompt donors to take the banking route to donate, with their identity captured by the issuing authority. This will ensure transparency and accountability and is a big step towards electoral reform.
- The previous system of cash donations from anonymous sources is wholly non-transparent. The donor, the donee, the quantum of donations and the nature of expenditure are all undisclosed.
- According to government the system of Bonds will encourage political donations of clean money from individuals, companies, HUF, religious groups, charities, etc.
- After purchasing the bonds, these entities can hand them to political parties of their choice, which must redeem them within the prescribed time.
- Some element of transparency would be introduced in as much as all donors declare in their accounts the amount of bonds that they have purchased and all parties declare the quantum of bonds that they have received.
- The electoral bonds are aimed at rooting out the current system of largely anonymous cash donations made to political parties which lead to the generation of black money in the economy.



Concerns expressed as it affects the transparency of funding:

- The move could be misused, given **the lack of disclosure requirements for individuals purchasing electoral bonds.**
- Electoral bonds make electoral funding even **more opaque**. It will bring more and more black money into the political system. electoral bonds would cause a “serious impact” on transparency in funding of political parties
- With electoral bonds there can be a legal channel for companies to **round-trip their tax haven cash** to a political party. If this could be arranged, then a businessman could lobby for a change in policy, and legally funnel a part of the profits accruing from this policy change to the politician or party that brought it about.
- Electoral Bonds Scheme has “opened the floodgates to unlimited corporate donations to political parties and anonymous financing by Indian as well as foreign companies which can have serious repercussions on the Indian democracy”.
- The amendments would pump in black money for political funding through shell companies and allow “unchecked foreign funding of political parties in India which could lead to Indian politics being influenced by foreign companies
- The contribution received by any eligible political party in the form of electoral bonds will be **exempt from income-tax as per Section 13A of the Income Tax Act.**
- With the **removal of the 7.5% cap** on the net profits of the last three years of a company, corporate funding has increased manifold, as there is now no limit to how much a company, including loss-making ones, can donate.
- This opens up the possibility of companies being brought into existence by unscrupulous elements primarily for routing funds to political parties through anonymous and opaque instruments like electoral bonds.
- Companies no longer need to declare the names of the parties to which they have donated so shareholders won’t know where their money has gone.
- They have potential to load the dice heavily in favour of the ruling party as the donor bank and the receiver bank know the identity of the person. But both the banks report to the RBI which, in turn, is subject to the Central government’s will to know.

Voters' necessity to know the source of funding:

- The transparency in the source of funding will help the voters to know the true source of money flow to the party. It helps them choose the party which is just and non-corrupt. This in turn helps in bringing the much need intra-party democracy and reducing the dynastic politics and nepotism plaguing the political parties. The transparent funding helps in decriminalization of the politics as well as bringing in peaceful and harmonious society.

Conclusion:

- Alternative means of funding like **National Electoral fund, Direct funding of candidates, State funding of elections, making it mandatory to file the returns, bringing in political parties under ambit of RTI** can help in bringing transparency in electoral funding.

Q) Public policy shouldn't be shaped in an ethical vacuum. Discuss in the context of current battle of political parties racing for a win in elections. (250 words)

Livemint

Why this question:

The article discusses in detail how Political parties should institute a culture of examining what a policy decision implies by way of ethics. It highlights the importance of public policy that must be centered around by ethical backing.

Key demand of the question:

The answer must discuss the current context of elections in detail, the political manifesto being propagated to bank on votes which is purely lacking ethical grounds.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer

Introduction:

Introduce by highlighting the significance of public policy.

**Body:**

- The answer must centre around Ethical public policy making , what should be its components, features to ensure strong social safety net and continuous improvement in regulations as well as social and welfare conditions.
- The answer must explain recent examples to justify varying from – demonetization, “National Mission” focused on sunrise technologies, AI or Internet of Things etc.
- Students must take cues from the article and come up with lacunae and solutions to suggest.

Conclusion –

Emphasize the importance of ethics in public policy making and suggest a way forward.

Introduction:

- A Public Policy is a goal oriented course of action adopted and implemented by the government bodies and officials in pursuit of certain objectives or goals of public.
- Although the trend of privatization made the governments to relax from many areas of development still there are many important areas which needs to be focused for the sake of public interest and for social welfare and growth interest.

Body:**Public policy and ethics:**

- In the making of public policy, politicians must weigh their own ethical code carefully especially with respect to the issues of power, justice, religious / societal issues and law.
- Ethical dilemmas in public policy making arise because resources are inadequate to meet all demands, and because people are committed to different values and
- Indian political parties empirically have not been too fond of mixing business with ethics.
- Political parties have to carefully consider the ethical plane while framing new policy. In recent times, demonetization has been an example of how the ethical implications were ignored in favour of some short-term political gains.
- The Congress, under the influence of influential businesses in western India, had implemented a freight equalization policy that significantly contributed to the de-industrialisation of eastern India, especially West Bengal.
- The discussion on a social security and welfare system has degenerated into something akin to throwing money from a helicopter, especially in the politically charged atmosphere of competitive claims.
- The variants of a universal basic income proposed by both those national parties are, in effect, a veiled admission of mismanagement and failure to provide citizens with basic public goods.
- There is no guarantee that assured income programmes, by whatever names they're called, will result in the poor gaining improved access to quality education or healthcare infrastructure.
- The rush to announce competing schemes should be preceded by deliberations on the ethics of replacing public goods with hard cash. Fiscal slippage should be the least of the worries.

Way forward:

- Policies will have to correspondingly incorporate an ethical outlook on how these impact society. In India, for example, AI's effect on employment and human dignity will become critical.
- **Evidence based policy making** should be the mantra of the parties rather than blindly framing populist policies.
- **Social Policy Evaluation and Research committees** must be set up at the governmental levels to check the viability of policies.
- **Increased public involvement** by making bills and policies open for public discussions and opinion.
- **Right to Information and Social Audit** can be imperative tools in bringing in the much needed transparency and accountability in matters of public policy.

Conclusion:

- The political parties would do well to institute a culture in which the ethical implications of public policy are examined before they are unleashed on an unsuspecting public.
- Sound public policy is informed by relevant evidence, including monitoring and evaluation of ‘what works’.



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Q) The anti-defection law and issuance of whips by political parties curtail the freedom of independence of MPs. Critically analyse. (250 words)

Indian Polity by Lakshmi Kant, D D Basu
prsinia.com

Why this question:

The question is centered around the idea of anti-defection law and issuance of whips by political parties and their role in curtailing freedom of independence of Members of parliament.

Demand of the question:

The answer must discuss the role of anti-defection law and issuance of whips by political parties and its interrelationship with freedom of independence of Members of parliament.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction

Start by explaining what you understand by the anti-defection law.

Body

- The question is straightforward, one has to first discuss the basic understanding of What is the anti-defection law, role of whip issued by political parties – features, how it puts a restraint on MPs etc.
- Discuss – What are the grounds for disqualification under the Anti-Defection Law?, questions of ‘split’ and ‘merger’: Loopholes in anti-defection law.
- Reforms to anti-defection law: 91st amendment.
- Discuss Kihoto Hollohan vs Zachilhu and others case of SC – It held that the law does not violate any rights or freedoms, or the basic structure of parliamentary democracy.
- What should be the possible reforms to overcome the above challenges.

Conclusion

Conclude with way forward.

Introduction:

- The Anti-Defection Law was passed in **1985** through the **52nd Amendment** to the Constitution, which added the **Tenth Schedule** to the Indian Constitution.
- The main intent of the law was to combat “the evil of political defections” which may be due to reward of office or other similar considerations. The law applies to both Parliament and state assemblies. However, there are several issues in relation to the working of this law.

Body:

Grounds for disqualification:

- If a member of a house belonging to a political party:
 - Voluntarily gives up the membership of his political party, or
 - Votes, or does not vote in the legislature, contrary to the directions of his political party.
 - However, if the member has taken prior permission, or is condoned by the party within 15 days from such voting or abstention, the member shall not be disqualified.
- If an independent candidate joins a political party after the election.
- If a nominated member joins a party six months after he becomes a member of the legislature.

Exception:

- **Merger:** A person shall not be disqualified if his original political party merges with another, and:
 - He and other members of the old political party become members of the new political party, or
 - He and other members do not accept the merger and opt to function as a separate group.
- This exception shall operate only if not less than two-thirds of the members of party in the House have agreed to the merger.

Power to disqualify:

- The Chairman or the Speaker of the House takes the decision to disqualify a member.
- If a complaint is received with respect to the defection of the Chairman or Speaker, a member of the House elected by that House shall take the decision.



Advantages of anti-defection law:

- Provides stability to the government by preventing shifts of party allegiance.
- Ensures that candidates remain loyal to the party as well the citizens voting for him.
- Promotes party discipline.
- Facilitates merger of political parties without attracting the provisions of Anti-defection
- Expected to reduce corruption at the political level.
- More concentration on governance is possible.
- Provides for punitive measures against a member who defects from one party to another.

Challenges posed by anti deflection law:

- The anti-defection law raises a number of questions, several of which have been addressed by the courts and the presiding officers.
- **The law impinge on the right of free speech of the legislators:**
 - This issue was addressed by the **five-judge Constitution Bench of the Supreme Court in 1992 (Kihoto Hollohan vs Zachilhu and others)**. The court said that “the anti-defection law seeks to recognise the practical need to place the proprieties of political and personal conduct...above certain theoretical assumptions.” It held that the law does not violate any rights or freedoms, or the basic structure of parliamentary democracy.
- **Doubts regarding “voluntarily” resigning from a party:**
 - According to a Supreme Court judgment, “voluntarily giving up the membership of the party” is not synonymous with “resignation”.
 - It has interpreted that in the absence of a formal resignation by the member, the giving up of membership can be inferred by his conduct.
 - In other judgments, members who have publicly expressed opposition to their party or support for another party were deemed to have resigned
- **Regarding Whips:**
 - Political parties issue a direction to MPs on how to vote on most issues, irrespective of the nature of the issue.
 - It restricts a legislator from voting in line with his conscience, judgement and interests of his electorate.
 - Such a situation impedes the oversight function of the legislature over the government, by ensuring that members vote based on the decisions taken by the party leadership, and not what their constituents would like them to vote for.
- **Challenging the decision of the presiding officer in the courts:**
 - The law states that the decision is final and not subject to judicial review. There are several instances that presiding officers take politically partisan view.
 - The Supreme Court struck down part of this condition. It held that there may not be any judicial intervention until the presiding officer gives his order. However, the final decision is subject to appeal in the High Courts and Supreme Court.

Various Recommendations to overcome the above challenges:

- **Dinesh Goswami Committee on electoral reforms:** Disqualification should be limited to following cases:
 - A member voluntarily gives up the membership of his political party
 - A member abstains from voting, or votes contrary to the party whip in a motion of vote of confidence or motion of no-confidence. Political parties could issue whips only when the government was in danger.
- **Law Commission(170th Report)**
 - Provisions which exempt splits and mergers from disqualification to be deleted.
 - Pre-poll electoral fronts should be treated as political parties under anti-defection
 - Political parties should limit issuance of whips to instances only when the government is in danger.
- **Election Commission**
 - Decisions under the Tenth Schedule should be made by the President/ Governor on the binding advice of the Election Commission.

Conclusion:

- The anti-defection law seeks to provide a stable government by ensuring the legislators do not switch sides. The true objective to enhance the credibility of the country's polity by addressing rampant party-hopping by



elected representatives should be pursued rather than using it as a political tool to pursue narrow interests of party.

Q) Election finance is at the root of much corruption in India. Critically analyse. (250 words)

Livemint

Why this question:

The article discusses in detail the alarming issue of election finance which is at the root of much corruption in India and how until it is completely overhauled, the country shouldn't rest.

Key demand of the question:

The answer must discuss the current context of elections in detail, the focus of the answer must be upon the finance aspects of the elections and the corruption involved therein.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When 'critically' is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer

Introduction:

Introduce by highlighting the alarming situation of election finance in India and corruption involved therein.

Body:

- The answer must centre around types of election financing methods available in India , the corrupt means.
- Lack of accountability and transparency.
- Open admission that votes are in fact secured through large, illegal and illegitimate expenditure on elections.
- Discuss the various methods of election funding ; associated issues.
- Provide solutions – overcoming the clandestine collection of election funds would be to introduce state funding of elections as so many countries have done.

Conclusion –

Conclude with how Cleansing political parties and elections of illegal money is the first step towards tackling the evil of corruption.

Introduction:

- India, even 70 years after Independence doesn't have a transparent method of funding political parties which is important to ensure free and fair elections. According to a **report by Association for Democratic Reforms** nearly 70% of political funding came from unknown sources during 11 years of study.
- The Election Commission of India has been deeply concerned about the use of black money in elections. Estimates say **nearly \$5billion was pumped into 2014 Lok Sabha elections**, most of which was black money. Such gargantuan sums of money, coupled with the fact that there is visible involvement of some corporates in the campaign, gives an appearance of corruption.

Body:

Current state of election finance in India:

- Indian elections are the world's biggest exercise in democracy but also among the most expensive. India's campaign spend is only matched by the American presidential race, the world's most expensive election.
- Unreported cash continues to make its way into the reserves of political parties and individual candidates. There is very little transparency in who gives and receives corporate contributions.
- Political parties often sidestep any independent audit of their accounts, leaving the public uninformed.
- The parties, whose main source of income comes from donations by individuals and corporations, use loopholes in the law to avoid disclosing identities of even the big individual donors. As regards corporate donations, despite the availability of tax breaks, most of it is done off-the-books mainly to avoid reprisals in case the opposing party wins.
- On the other hand, the candidates grossly underreport expenditure while actually spending far higher than the legal limits allow. Most of the illegal spending by candidates comes from the assistance given to them by their parties which carry greater financial heft, and have no ceiling on expenditure.



- The system of electoral bonds for making political contributions to political parties is nowhere near the system of transparent political funding that is needed.
- Chief election commissioner recently said, Electoral bonds will not solve all problems pertaining to transparency in political funding, but hoped that it will be a step in the “right direction”.

However, along with the opacity in the electoral financing, there are other reasons attributing to the corruption:

- India does a poor job of its electoral rolls and de-duplication is mired in corruption and inefficiency.
- India's biometric registration system of Aadhaar is not a citizenship registry and it is not easy to verify people's age (18 years or above for franchise eligibility) or citizenship in a foolproof way.
- By most accounts, minorities, women and young voters are under registered on voter rolls.
- An area that needs significant review and modernization is the Model Code of Conduct (MCC).
- Contrary to popular opinion, this is a code agreed upon by the various political parties, and while the EC has many suo moto powers, aspects of the MCC are more like guidelines than prosecutable rules.
- With the significant new role of social media and the very creative sidesteps around current guidelines, the time has come to modernize and update it; an EC led exercise for this is overdue.
- Overall, 174, or 33.34% of the 521 sitting MPs from the country have declared criminal records, as per ADR findings.

Way forward:

- The government should consider state funding of political parties contesting elections. But such funding should be limited to parties recognised as 'national' or 'State' by the Election Commission of India, and to candidates directly fielded by such recognised parties.
- Budgetary constraints could come in the way. Therefore, a good start could be made with partial funding — that is, with the state taking care of certain expenditures of the recognised parties. The aim should be to discourage political parties from seeking external funding (except through a nominal membership fee) to run their affairs, carry out their programmes and contest elections.
- A separate Election Fund with an annual contribution of some Rs 600 crore by the Centre and a matching amount by all States put together should be created. Only those parties which have submitted their income tax returns up to the previous financial year could avail of state funding.
- Every candidate of the party eligible for state funding should be given a specified quantity of fuel for vehicles during an election campaign and a specified quantity of paper to prepare electoral literature.
- Strong disclosure norms, strict statutory limits on election expenses and ceiling on corporate donations to political parties can further strengthen the Electoral System in India.
- The decision to limit cash contribution up to 2000 rupees is right step in right direction, but not declaring the source hampers the transparency. So, the govt should properly address the apprehension related to this issue.
- Education of the voters through SVEEP, effective use of social media can curb corruption in Elections in India.

Conclusion:

- The opaque and gargantuan nature of electoral finance is at the root of the twin evils of corruption and black money. The only permanent solution is to strike at its foundation.

Q) Whether exercised as an individual protest mark or a tactical tool to defeat a candidate, Do you agree that emergence of NOTA as a powerful democratic tool is beyond doubt ? Discuss. (250 words)

Reference

Why this question:

The article discusses the 'None of the Above' provision on electoral voting machines and in what way it is turning out to be a decentralized protest.

Demand of the question:

The answer must evaluate in detail the aspects of NOTA system in making electoral process more effective and how it has emerged as a powerful democratic tool.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.



Structure of the answer:

Introduction

Start by explaining the what you understand by NOTA.

Body

- Discuss what is the provision of NOTA.
- Its evolution and significance in Indian electoral system.
- Explain how NOTA triggers more political participation, it involves a very cumbersome process and also compromises privacy of the decision. Given the rising disappointment from politicians, the NOTA option is turning out to be the most effective forum to protest at every individual level. The campaigns by civil society groups to appeal for NOTA may emerge as the next big political participation in the world's largest democracy.
- Discuss pros and cons of such a system, provide for a comparison with other countries.

Conclusion

Conclude with way forward.

Introduction:

- The **Supreme Court, in September 2013**, upheld the right of voters to disapprove all candidates contesting the elections, saying it would go a long way in cleansing the political system of the country.
- The apex court directed the Election Commission to have an option of '**None of the above**' (NOTA) on the electronic voting machines (EVMs) and ballot papers in a major electoral reform.

Body:

Provision of NOTA:

- It was introduced in India following the 2013 Supreme Court directive in the People's Union for Civil Liberties v. Union of India judgment.
- India became the 14th country to institute negative voting.
- However, **NOTA in India does not provide for a 'right to reject'**.
- The candidate with the maximum votes wins the election irrespective of the number of NOTA votes polled.
- The EVMs have the NOTA option at the end of the candidates' list.
- Earlier, in order to cast a negative ballot, a voter had to inform the presiding officer at the polling booth.
- A NOTA vote doesn't require the involvement of the presiding officer.

NOTA and political participation:

- NOTA polling figures are still small.
- In the 2013 Assembly elections held in four States NOTA constituted 1.85% of the total votes polled.
- Then it dropped to 0.95% in the 2014 Assembly elections held in eight States.
- It increased to 2.02% in the 2015 Assembly elections held in Delhi and Bihar. While Delhi polled a mere 0.40%, Bihar saw 2.49% of NOTA votes, which remains the highest NOTA votes polled so far in any State in Assembly elections.
- According to an analysis by the Association for Democratic Reforms, during 2013 and 2017, 13.3 million people exercised this option in various elections. In the Lok Sabha elections of 2014, six million people exercised this right.
- An analysis by researchers from the University of Houston showed that NOTA increased voter turnout by approximately 1-2 per cent of the eligible voting population between 2006 and 2014. In fact, they specifically mentioned that first-time voters participated in polls just to exercise this mode of protest.
- **Reserved constituencies:** Reserved constituencies have seen a relatively larger number of NOTA votes. This point to the continued social prejudice against political reservation for SC/STs.
- **Left-Wing Areas:** Constituencies affected by left-wing extremism have also recorded higher NOTA performance and here probably it served as an instrument of protest against the State itself.
- **Mainstream Parties:** It is comparatively higher in the constituencies which have seen a direct contest between the Congress and the Bharatiya Janata Party. This might be some indication of the people's disenchantment with two mainstream political parties.
- NOTA is also used to express their protest against many things they perceive wrong in the political system.

Pros of NOTA:

- NOTA option will force the political parties to select the honest candidates, i.e with no criminal records.
- NOTA ensures people's 'right to freedom of speech and expression'.
- The disadvantage of 49-O will be overcome with the implementation of NOTA.
- This will increase the polling percentage.



- NOTA gives people dissatisfied with contesting candidates an opportunity to express their disapproval. This, in turn, increases the chances of more people turning up to cast their votes, even if they do not support any candidate, and decreases the count of bogus votes.
- Also, the Supreme Court has observed that negative voting could bring about “a systemic change in polls and political parties will be forced to project clean candidates”.

Current limitations of NOTA:

- NOTA in India does not provide for a ‘right to reject’. The candidate with the maximum votes wins the election irrespective of the number of NOTA votes polled.
- The NOTA votes have not been accounted while calculating votes polled by candidates for making them eligible (1/6th of valid votes) for getting back their security deposits.
- An Association of Democratic Reforms analysis says that since 2013 till March 2018, NOTA has secured a total of 1.33 crores votes from all assemblies and Lok Sabha polls combined.
- Election Commission currently has no plenary power to call a fresh election even if NOTA secures highest votes.

Way Ahead:

- Maharashtra State Election Commission (MSEC) recently made an order for local body polls that fresh elections should be held if NOTA ‘emerges winner’.
- Election Commission of India should follow suit to call a fresh election if NOTA secures highest votes.
- To give greater sanctity to NOTA and even order a fresh election, Rule 64 of Conduct of Election Rules will have to be amended and can be done by the law ministry. It will not require Parliament sanction.

Conclusion:

- NOTA emanates from our fundamental right of ‘Right to liberty’ and ‘Freedom of Expression’ as it gives a way for the voter to register her consent or discontent for candidates chosen by the political parties.
- NOTA as an electoral option will become a meaningful means of negative voting only if it becomes a ‘right to reject’ rather than being a symbolic instrument to express resentment as it is now.

Q) Discuss how the election process of India is unique to the Indian constitutional scheme, provide for a comparison with other schemes of other countries .(250 words)

Polity by Lakshmikant

Why this question:

The question is direct evaluation of electoral process of our country with respect to other countries that also exercise electoral process as a tool of democracy.

Key demand of the question:

The answer must evaluate the current systems of elections and the processes in comparison with processes practiced in other countries. Provide for a Comparative study of Electoral Systems and their Features.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with significance of Indian electoral system and how it has evolved over time.

Body:

In brief discuss – the aspects of origins of electoral systems, simplicity, geographic accountability of voters, Questions concerning the relationships between electoral systems, proportionality, and the number of political parties in a party system etc. should be discussed in comparison with other popular countries that use elections as a tool of Democracy.

Then have a dimension specifically dedicated to discuss Indian electoral process – how it has evolved? Solutions it came up with EVM machines, VVPAT system etc.

Conclusion:

Conclude with optimism, that Indian electoral system has evolved a long way and there is still scope to improve upon.



Introduction:

- India is the world's largest democracy and Indian elections are a magnanimous democratic exercise. Elections express the will of the people as well as the authority decided to be the driver of the society for a specified period of time. A strong democracy can function only when the elections are free and fair without manipulation.

Body:

- The Indian and the US democracies are two of the largest democracies in the world. While the subcontinental system is just about 70 years old, the United States version has been in action for nearly 240 years. These systems basically mean that the citizens of the respective nations have a major say over who comes into power and how they approach their policies. However, one of the most prominent part of these two democracies is that of the election systems they have in place.

Political parties:

- United States has two prominent parties that have the most power, both in terms of reach and popularity. These parties are the Republican Party and the Democratic Party, both of which are built on a specific ideology. Although, there are other parties like the Libertarian Party and the Green Party, they are mostly considered to be the outliers and are commonly referred to as independent entities.
- In India, the Congress Party takes the mettle for being the most popular party, the Bharatiya Janata Party comes a close second in terms of reach. Apart from these two, India is riddled with countless other regional parties which often differs from one state to the other. For instance, in Tamil Nadu, both BJP and Congress have no reach whatsoever as the state is dominated by regional parties like AIADMK and DMK among others. However, most of these parties don't adhere to a specific ideology and form policies based on the general population's response, their needs, and requirements.

Voting system:

- Both the nations have a robust voting system in place, however the US system is a lot more flexible and advanced when compared to that of India. For instance, the US offers plenty of methods to cast a vote such as voting at poll booths on poll day, absentee voting through mail, early voting in person. In India, on the other hand, the only way to vote is by furnishing a valid voter ID, choose a candidate on the Electronic Voting Machine, and get inked. Also, scanning and counting of votes are done in more or less the same way in both countries.

Election boards:

- India and US both have autonomous election bodies which take up the responsibility for hosting the elections. In the case of the US, it has two federal bodies called the Federal Election Commission and US Election Assistance Commission (EAC). However, these entities don't have the liberty to exert control as their role is mostly confined to setting up campaign finance regulations. On the other hand, the Election Commission of India (ECI) has a larger power to yield, wherein it deals with setting up elections, counting votes, setting up financial regulations, enlisting the service of police of domestic military forces to keep the voting process as incident-free as possible.

Registration of Eligible voters:

- The onus to register as a voter lies on the voter and it is neither compulsory to register nor to vote. The last date for registration varies from one month prior to the poll to the same day (polling day). Online registration is allowed in 31 states plus DC. Any person turning 18 even on polling day is eligible to register. The registration of voters is very low. While in India over 95 per cent of all eligible persons are already registered, in the US it was just above 71 per cent in 2012. The voter identification system varies too — from different photo identity proofs to self-authentication without a photo.

Voter turnouts:

- India boasts of a much larger voter turnout when compared to the United States. For instance, here's how the statistics stand from the latest national elections in both the countries. During the recently concluded elections, US saw a turnout of just 61.8% when compared to 66.8% in India. Also, voter demographic in the US is primarily older people above the age of 65 who vote 25% more than that of the 18-24 age group.

Conclusion:

- A fully empowered but **fiercely independent and neutral election commission** has worked well for India. The biggest reason of the success of Indian system is extreme simplicity.
- All things considered, Indian elections are regarded as a model for a large part of the world.



Q) Discuss the powers and limitations of Election commission of India in conducting free and fair elections. (250 words)

The hindu

Why this question:

The Election Commission (EC) has come under intense scrutiny over the last few weeks for its inability to take swift action against those violating the Model Code of Conduct (MCC). Thus the question tends to evaluate the powers and limitations of Election commission of India.

Key demands of the question:

The answer must discuss how Election commission plays a vital role in organizing elections. The most critical challenge before the Election Commission of India is to implement norms and the Model Code of Conduct to ensure free and fair elections in the country. Its existence and independence are necessitated by history, which has revealed that self-governing elections are not free from disruption.

Directive word

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Introduce by highlighting the significance of ECI.

Body

The body of the answer should address the following dimensions:

- Role of Election Commission of India.
- Key Functions and Powers.
- Independence of the Election Commission
- Electoral Reforms
- Use of Scientific and Technological Advancements.
- Discuss the recent cases where ECI went vociferously and also instances where it was rendered toothless.

Conclusion

Conclude with significance and way forward.

Introduction:

- The Election Commission of India is an autonomous constitutional authority responsible for administering election processes in India. The body administers elections to the Lok Sabha, Rajya Sabha, state legislatures, and the offices of the President and Vice President in the country. The Election Commission operates under the authority of Constitution per Article 324, and subsequently enacted Representation of the People Act. It was established on January 25, 1950.
- The Election Commission (EC) has come under intense scrutiny over the last few weeks for its inability to take swift action against those violating the Model Code of Conduct (MCC).

Body:

The powers of ECI include:

- The Election Commission of India is considered the guardian of free and reasonable elections.
- It issues the Model Code of Conduct in every election for political parties and candidates so that the decorum of democracy is maintained.
- It regulates political parties and registers them for being eligible to contest elections.
- It publishes the allowed limits of campaign expenditure per candidate to all the political parties, and also monitors the same.
- The political parties must submit their annual reports to the ECI for getting tax benefit on contributions.
- It guarantees that all the political parties regularly submit their audited financial reports.
- EC can repress the results of opinion polls if it deems such an action fit for the cause of democracy.
- The Commission can recommend for disqualification of members after the elections if it thinks they have violated certain guidelines.
- In case, a candidate is found guilty of dishonest practices during the elections, the Supreme Court and High Courts consult the Commission.
- The Commission can postpone candidates who fail to submit their election expense accounts timely.



ECI currently faces some challenges which are seen as its limitations:

- **Model code of conduct:**
 - The lack of statutory backing of MCC makes it difficult to be implemented in its true letter and spirit.
 - MCC has become increasingly more difficult in recent times due to evolution of new mediums of communications and innovative and overzealous campaigning.
 - Social media is an evolving platform. It provides an intimate, immediate and democratic space for information dissemination and interaction. The scale and depth of this platform is so vast that it is practically impossible to oversight and regulates it in a liberal democracy like India.
- **Lack of Autonomy:**
 - According to the Supreme Court of India, The Election Commission has to act in conformity with the law (representatives of People's Act) made by Parliament and it cannot transgress the same.
 - The election process of Chief election commission is not interference proof. The expenditure incurred by it is not charged on consolidated fund of India.
 - It doesn't even has a separate dedicated staff for conducting election process and has to be dependent on various government departments for roping in personnel.
- **Decreasing credibility:**
 - Many political parties challenged the tampering with the EVMs which led to victory of a particular party.
 - Frequent use of money power and muscle power is being viewed as rude shock to fairness of election pr
- **Insufficient Plenary powers:**
 - The EC can only disqualify a candidate if the money expenditure is no shown in his accounts. Other than that use of illicit money and black money tackling is outside the purview of EC.
 - However, it has recommended the govt. to amend RPA and make it an offence. It has also suggested to include new clause 58 (B) to empower itself to cancel poll in case of muscle power use.
- **Structural issues:**
 - The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
 - The Constitution has not debarred the retiring election commissioners from any further appointment by the government.
 - The tenure of Election commissioner not fixed hence not safe and independent of government's intervention.

Way forward:

- ECI has taken stringent measures to overcome many of the challenges like VVPAT, open challenge to hack the EVM, multi- stakeholder involvement of social media companies to regulate the Social media during MCC, cVIGIL to involve people also in MCC activities etc.
- However, there needs to be some positive action from the side of the Government too to incorporate changes.
- Further, full usage of the powers of EC is the need of the hour to ensure MCC is followed in true letter and spirit.
- Technology has been a saviour for ECI over a period of time. Innovative usage of the social media and apps like cVIGIL can be leveraged to make elections free and fair.

Conclusion:

- EC has transformed itself into an institution which is trusted by Indian people. Its various recommendations and moves to keep up with the challenges of the times have strengthened the elections process. Its neutrality, efficiency and work ethic are well established now.
- Robustness of our election results, peaceful transition of power and people's faith in the EC stand testimony to all its virtues. It certainly is the dark knight of our democracy.

Q) Government advertisements have been often viewed as misuse of taxpayer's money for enhancing the image of political parties. Critically analyse the context with the views of apex court in this regard. (250 words)

Livemint

Why this question:

The question highlights the usual deluge of political propaganda.



Key demand of the question:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with the controversies surrounding the political advertisement using tax payer’s money.

Body:

In brief analyse SC ruling on govt ads and how they trample on executive’s domain. Discuss how there are other angles that leaders should be mindful of. The use of taxpayer money for popularizing governmental narratives puts Opposition parties at a disadvantage, tempting them to use similar devices when in power and perpetuating the spin cycle. Regulatory standards can be devised but compliance will be challenging to ensure.

Parties may be better off reflecting on the content of advertisements to enhance credibility of ministers. Relentlessly positive narratives become a tough sell when reputations are constantly under pressure amid the media glare. Being visible in representative democracy is admittedly difficult.

But politicians should know that the citizen’s aesthetic demands are a lot more evolved now.

Conclusion:

Conclude with way forward.

Introduction:

- The use of government advertising as a tool for political propaganda, especially during election time, has been a key concern in many democracies.
- Government advertisements are required to create awareness among citizens for giving publicity to different government schemes, initiatives, programmes, conveying messages to public commemorating/ celebrating events of several public holidays etc.

Body:

- Political communication is an integral part of our democratic system and political campaigning is its most widely experienced form. It involves use of various media to reach out to its voters as well as create a favourable voting behavior.
- Due to the fundamental shift in the balance of political communication from news to advertising, public is now exposed to greater amounts of these campaigns during each election cycle. Thus, the use of media forms like television, radio, newspapers, etc. has evidently increased.

Political advertisements are misuse of tax-payers' money because:

- It is becoming inevitable that in the name of disseminating information about government performance and programmes, many a regime makes use of official advertising to drive home politically loaded messages, focus on personality.
- It gives the impression those huge allocations of budgetary resources and framing of policies and schemes are solely because of particular leaders.
- Public funds could be misused by releasing information and announcements in a politically partisan way so that the gains of publicity rebound to the ruling party or a reigning leader.
- The generous use of advertisements as an incentive to select media houses in return for favourable coverage.
- While in normal circumstances ruling parties tend to use advertising as a site for self-glorification, in the run-up to elections it could be a form of electioneering that is free of cost.
- There is a lack of guidelines which is against public interest

However, there are measures taken against this,

- In a landmark judgment, the Supreme Court had barred using pictures in government advertisements.
- Except for the pictures of President, Prime Minister and Chief Justice of India and Chief minister, no pictures of anyone else can be used in government ads as the court felt that it is encouraging personality cults at the government expense.



- Election Commission of India (ECI) has told the Bombay High Court that it will issue directions prohibiting all social media platforms from displaying political advertisements, not pre-verified by it.

Way forward:

- Experts have counselled against mentioning the party in power by name and attacks against the views of the opposition.
- It seeks to prohibit party symbols, logos or flags, or any links to websites of political parties and politician
- Need to disfavour use of government advertising aimed at favourable coverage for the party or person in power.
- A 2004 Supreme Court order laid down a rigid, pre-censorship regime for political advertising through electronic resources should guide the parties.

Q) The Model Code of Conduct has been violated by several candidates and parties during campaigning for the Lok Sabha elections. Critically examine the authority of election commission to take against such candidates and parties. (250 words)

Deccanherald

Why this question:

The question is about discussing role of election commission in checking violations of MCC.

Key demand of the question:

The answer must discuss the recent violations in MCC and the role of ECI in addressing these violations

Directive:

Critically Examine – When asked to ‘Examine’, we have to look into the topic (content words) in detail, inspect it, investigate it and establish the key facts and issues related to the topic in question. While doing so we should explain why these facts and issues are important and their implications. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer

Introduction:

Introduce by highlighting the recent incidences of violation of MCC.

Body:

The body of the answer should address the following dimensions:

- Discuss the recent incidences of violation of model code of conduct.
- Role of Election Commission of India in such scenario.
- Key Functions and Powers and Independence of the Election Commission.
- Discuss the recent cases where ECI went vociferously and also instances where it was helpless and handcuffed.

Conclusion –

Conclude with way forward.

Introduction:

- Model code of conduct is the guidelines issued by the Election Commission of India for conduct of political parties and candidates during elections mainly with respect to speeches, polling day, polling booths, election manifestos, processions and general conduct. It aims to ensure free and fair elections.

Body:

Instances of violation of MCC by candidates:

- The recent incident where the Prime Minister made a public announcement on 27 March 2019 about the successful launch of India’s first anti-satellite weapon (ASAT), which made India the fourth nation in the world with anti-satellite missile capabilities, was against the MCC guidelines.
- Former Chief Election Commissioner Dr SY Quraishi also criticised Prime Minister’s speech on India’s Anti Satellite Test capability (ASAT), saying it **was not in conformity with ethics and spirit of the model code of conduct for the upcoming Lok Sabha elections.**
- The NaMo TV channel launched on 31 March 2019, which, without any formal approval of the Ministry of Information and Broadcasting, is propagating the image and views of Shri Narendra Modi.
- The incumbent Governor of Rajasthan has made certain statements that virtually amount to canvassing for a specific political party.



- The present Chief Minister of Uttar Pradesh had, at a recent public election meeting, referred to the armed forces as the army of incumbent PM.
- Previously, A law minister was censured by the president after EC filed a complaint against him for violating MCC by announcing a scheme when MCC was in force.
- Election Commission served a show cause notice to Bengal chief minister for announcing a new district during 2016.

Authority of ECI vis-à-vis MCC:

- Article 324 says the superintendence, direction and control of all elections to Parliament, the State legislatures, and the offices of the President and Vice-President shall be vested in the EC.
- The Article has been interpreted by courts and by orders of the EC from time to time to mean that the power vested in it is plenary in nature.
- In other words, the EC can take any action it deems fit to ensure that elections and the election process are free and fair.
- The EC monitors the adherence of political parties and candidates to the 'Model Code of Conduct'.
- If the **violations are also offences under election law and the criminal law of the land, the EC has the power to recommend registration of cases against the offenders.**
- However, for some violations — such as canvassing for votes during a period when **electioneering is barred, making official announcements while the MCC is in force, and making appeal to voters on sectarian grounds** — the EC has the **power to advise or censure candidates, in addition to directing registration of cases.**
- In some cases, as recent incidents would show, the **EC may bar candidates or leaders from campaigning for specified periods.**
- Asking individuals to leave a constituency or barring entry into certain areas are other powers that the EC may exercise.
- These powers are not necessarily traceable to any provision in law, but are generally considered inherent because of the sweeping and plenary nature of the EC's responsibility under the Constitution to ensure free and fair elections.
- Its powers extend to postponing elections to any constituency, cancelling an election already notified, and even to abrogate or annul an election already held.

Limitations of the EC's powers:

- The EC does not have the power to disqualify candidates who commit electoral malpractices. At best, it may direct the registration of a case.
- The EC also does not have the power to deregister any political party. However, the Constitution empowers the EC to decide whether a candidate has incurred disqualification by holding an office of profit under the appropriate government, or has been declared an insolvent, or acquired the citizenship of a foreign state.
- When a question arises whether a candidate has incurred any of these disqualifications, the President of India or Governor has to refer it to the EC. The poll panel's decision on this is binding.

Way Forward:

- Under **Chief Election Commissioners like T.N. Seshan and J.M. Lyngdoh**, the commission has in the past shown the capacity to come up with creative solutions that adhere to both the spirit and the letter of the law.
- MCC should be provided with **statutory backing**. It should be made a part of the **Representation of the People Act, 1951** to make the MCC more powerful.
- Establishment of **special fast track courts** to solve the MCC violation cases at a faster rate.
- The **law commission recommendations** should be implemented to save the unnecessary spending of public money during elections.
- **Public awareness** about MCC needs to be developed. The use of app like **cVIGIL** should be encouraged to reduce violations during polls.
- Stakeholders including Internet companies should come up with a **code for Social Media and Internet.**

Conclusion:

- MCC has an **indisputable legitimacy** and parties across the political spectrum have generally adhered to its letter and spirit. Elections are the bedrock of democracy and the EC's credibility is central to democratic legitimacy. The independence of the Commission can be strengthened further if the Secretariat of the Election Commission consisting of officers and staff at various levels are also insulated from the interference of the Executive in the matters pertaining to their appointments, promotions, etc.



- It is time that action is taken to depoliticise constitutional appointments and the EC empowered to de-register parties for electoral misconduct. It is a step needed towards restoring all-important public faith in the institution.

Q) With many constituencies objecting upon faulty voting machines, what steps should the Election Commission take to restore the confidence of voters on the elections process? Explain. (250 words)

Why this question:

The question is amidst frequent allegations that have recently been gathering under various constituencies regarding the reliability of Electronic voting machines. It has been alleged that voting machines have been tampered to favor of a particular party.

Key demand of the question:

The answer must narrate recent controversies related to electronic voting machines and what should be the course of action by election commission to restore the public faith in the free and fair process of election.

Directive word:

Explain – Clarify the topic by giving a detailed account as to how and why it occurred, or what is the particular context. You must be defining key terms where ever appropriate, and substantiate with relevant associated facts.

Structure of the answer:

Introduction:

Begin with the recent issues raised with respect to EVMs.

Body:

- One must list the various plethora of issues raised against the EVM- EVM-tampering.
- Discuss how election commission has been evolving with technological innovations , processes and procedures to plug loopholes.
- Explain the processes such as coming of VVPATs, evolution of ballot boxes etc.
- Discuss how ECI should come up with awareness camps, use of social media to disseminate information etc.

Conclusion:

Conclude by asserting the significance of ECI and highlight the fairness with which the ECI works.

Introduction:

- Electronic Voting Machines (“EVM”) are being used in Indian General and State Elections to implement electronic voting in part from 1999 elections and in the current Lok Sabha elections too.
- EVMs have replaced paper ballots in local, state and general (parliamentary) elections in India. some political parties have raised voice against the credibility of the EVMs, alleging tampering of EVMs during the said elections. However, the Election Commission has rejected these allegations.

Body:

Reliability factor of the EVMs:

- EVMs are standalone systems and not connected to internet unlike EVM used in other countries like USA.
- Program which controls the functioning of the control unit is burnt into a micro chip on a “one time programmable basis”. Once burnt it cannot be read, copied out or altered
- EVM’s use dynamic coding to enhance security of data transmitted from ballot unit to control unit
- As an additional precautionary measure, the machines prepared for a poll are physically sealed in the presence of candidates or their agents and guarded by CRPF
- Allegation regarding modification of votes using an external chip (not much base found by SC and EC)
- Two-stage randomization is done, to make sure nobody is able to determine constituency-EVM mapping

Steps taken by ECI to restore credibility of EVMs:

Pre poll safeguards:

- Before every election, a **first level checking (FLC)** is done for every EVM to be used in the election by the engineers of the manufacturers in the presence of political parties’ representatives. Any malfunctioning EVM is kept separately and is not used in the election.
- Manufacturers certify at the time of FLC that all components in the EVM are original. After this, the plastic cabinet of Control Unit of the EVM is sealed using a “**Pink Paper Seal**”, which is signed by representatives of



political parties and stored in strong rooms. After this stage, the plastic cabinet of control unit of the EVMs cannot be opened. There is no access to any component of inside of EVMs.

- Additionally, at the time of FLC, at least 1000 votes are cast by the representatives of political parties on 5% of EVMs randomly selected by them. A printout of the results is shown to the representatives of political parties. Representatives of political parties are allowed to pick machines randomly for this purpose.
- Representatives of political parties are allowed to do mock poll themselves. It is all documented by DEOs/ROs.
- Subsequently, stored EVMs are randomized by computer software twice once for allocation of machines to assembly constituencies and second to polling stations in the presence of candidates or their representatives before they are distributed for use in individual polling stations. Such lists of EVM containing serial number of EVM allocated to particular polling station are provided to the political parties/candidates.
- **Candidates and their representatives are allowed to conduct mock polls on EVMs** at the time of candidate setting and also before the actual poll on the poll day to satisfy themselves about the satisfactory functioning of EVMs being used.

Day of Polling:

- On the poll day, a mock poll by casting at least 50 votes is conducted at every polling station in the presence of the representatives of the candidates/polling agents with their signature and a mock-poll certificate to that effect is obtained from every Presiding Officer.
- After the mock poll is over, another thread seal and green paper seals are put on the EVM to block access to all buttons on the EVM, except those, which are used for the conduct of poll. These paper seals and thread seals are allowed to be signed by the polling agents. After the poll is over, the Presiding officer presses the "Close" button on the EVM in the presence of polling agents. Thereafter, no votes can be polled in the EVM.
- After this, the entire EVM is sealed. Candidates and their agents are allowed to put their signatures on the seals, which they can check for the intactness of the seal before counting. Candidates/representatives travel behind vehicles carrying EVMs from polling stations to counting storage rooms.

Way forward:

- **Addition of VVPAT** has assuaged the fears of the voters as they can now verify themselves about their polled votes.
- Education of the voters about EVMs and their working through SVEEP.
- Arranging EVM hackathon and inviting technical teams from across the globe to check for any vulnerabilities.
- Using Social media to reach out to people about EVM credibility and allay fears of the voters.
- Continuous R&D by BHEL and ECIL to improve the toughness of the EVMs.
- An Electronic Voting Machine is "information" under the Right to Information Act and can be demanded by an applicant from the Election Commission of India on a payment of Rs 10, the Central Information Commission has ruled.

Conclusion:

- The Commission has put in place an elaborate administrative system of security measures and procedural checks-and-balances aimed at prevention of any possible misuse or procedural lapses.

Q) Discuss the salient features of Anti-defection law in the light of 91st constitutional amendment Act. (250 words)

Reference

Why this question:

The question is direct and is based upon the concept of Anti-defection law in the background of 91st constitutional amendment Act.

Key demand of the question:

The answer must provide for salient features enshrined in the Anti-defection law. State how historically the constitution had no reference to political parties and their existence and later the anti defection law evolved through historical milestones around the elections.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.



Structure of the answer:

Introduction:

Begin with definition – The tenth schedule of the Indian Constitution, also called the Anti-Defection act, was amended in 1985 to prevent such defections and stop politicians from changing parties for the lure of office.

Body:

In brief discuss –

- What is 91st Amendment Act?
- What is meant by anti-defection law?
- Under Anti-Defection Act, an elected member of a party can be disqualified on two grounds –
 1. If he voluntarily gives up his membership or
 2. He votes or abstains from voting in the House, contrary to his party's direction and without obtaining prior permission.

According to the anti-defection law, at least two-thirds of the members of a party have to be in favor of a 'merger' for it to possess validity in the eyes of the law.

- Explain the exceptions –
 1. If a complete political party merges with another political party
 2. If a new political party is created by the elected members of one party
 3. If the party members don't accept the merger between the two parties and opts to perform as a separate group from the time of such a merger.

Another condition is that his abstaining the voting should not be overlooked by his party within 15 days of such incident.

Conclusion:

Conclude with importance of such an act in conducting free and fair elections.

Introduction:

- Defection is "desertion by one member of the party of his loyalty towards his political party" or basically it means "When an elected representative joins another party without resigning his present party for benefits".
- The Anti-Defection Law was passed in 1985 through the 52nd Amendment to the Constitution, which added the Tenth Schedule to the Indian Constitution. The main intent of the law was to combat "the evil of political defections" which may be due to reward of office or other similar considerations. The law applies to both Parliament and state assemblies. However, there are several issues in relation to the working of this law.

Body:

Salient features of Anti-defection law:

Grounds for disqualification:

- If a member of a house belonging to a political party:
 - Voluntarily gives up the membership of his political party, or
 - Votes, or does not vote in the legislature, contrary to the directions of his political party. (Whip).
 - However, if the member has taken prior permission, or is condoned by the party within 15 days from such voting or abstention, the member shall not be disqualified.
- If an independent candidate joins a political party after the election.
- If a nominated member joins a party six months after he becomes a member of the legislature.

Exception:

- **Merger:** A person shall not be disqualified if his original political party merges with another, and:
 - He and other members of the old political party become members of the new political party, or
 - He and other members do not accept the merger and opt to function as a separate group.
- This exception shall operate only if not less than two-thirds of the members of party in the House have agreed to the merger. (91st Constitutional Amendment, 2003)
- Earlier, a 'defection' by one-third of the elected members of a political party was considered a 'merger'. The 91st Constitutional Amendment Act, 2003 changed this. So now at least two-thirds of the members of a party have to be in favor of a "merger" for it to have validity in the eyes of the law.
- The 91st Amendment also makes it mandatory for all those switching political sides – whether singly or in groups – to resign their legislative membership. They now have to seek re-election if they defect.


Power to disqualify:

- The Chairman or the Speaker of the House takes the decision to disqualify a member.
- If a complaint is received with respect to the defection of the Chairman or Speaker, a member of the House elected by that House shall take the decision.

Conclusion:

- The anti-defection law seeks to provide a stable government by ensuring the legislators do not switch sides.
- The true objective to enhance the credibility of the country's polity by addressing rampant party-hopping by elected representatives should be pursued rather than using it as a political tool to pursue narrow interests of party.

Q) Do you think educational qualification to stand for polls is against the very spirit of democracy ? Critically analyse. (250 words)
Why this question:

The question is about analyzing whether having a minimum educational qualification for contesting polls is problematic or a step forward in fulfilling true values of Democracy.

Key demand of the question:

The answer must give a detailed explanation and provide for a critical analysis of whether educational qualification should be made compulsory or not and what are the pros and cons associated with it. What should be the way forward.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When 'critically' is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:
Introduction:

Begin with a brief background of the entire scenario.

Body:

- The answer should provide for a balanced opinion, start with historical factors such as – Restrictions on voting rights on the basis of property, education, etc., were colonial concepts — upon independence, the framers of the Constitution extended the voting rights to all citizens above the age of 21 years, irrespective of their educational qualifications. The literacy rate in 1951 was a mere 21.82%.
- Also provide for the viewpoint that literacy has not much bearing on this point; a man may be illiterate, none the less he may be very intelligent.
- There is no empirical study which establishes that an educational qualification infuses administrative capabilities in an individual. Instead, individuals bereft of education or devoid of social justice and necessities can generate better ideas to counter the lack of the same. This leads to a more participatory form of government, where citizens can connect more with those at the helm of administration rather than seeing them as ruling elites.
- Also discuss the aspect that – whether school-level education be made a criterion if there are quality concerns around the education imparted in government schools?
- although the job of MLAs and MPs requires a more complex understanding of Constitutional processes and administrative skills, there are no minimum educational qualifications for them — this is patently discriminatory.
- Discuss how minimum educational qualifications has also led to further marginalization of the marginalized.

Conclusion:

Draw a fair and balanced conclusion.

**Introduction:**

Rajasthan government has approved to do away with the minimum education qualification required to contest panchayat and urban bodies' elections. The education criteria was introduced by the previous government. The criteria was

- To contest the municipal, zila parishad or panchayat samiti polls, a contestant must have a minimum qualification of secondary education (Class X).
- To contest the sarpanch elections, an aspirant from the general category must have passed Class VIII and a SC/ST aspirant must have passed Class V.

Body:**Rationale behind Minimum Education Criteria:**

- The Minimum Education Criteria was introduced in Haryana too in 2015.
- The constitutional validity of decision was subsequently upheld by Supreme Court in Rajbala vs. State of Haryana
- The SC had ruled that "it is the education which gives a human being the power to discriminate between right and wrong, good and bad".
- The uneducated or illiterate can be easily misled by officials.
- Supporters claim that the criteria will incentivize women's literacy in rural areas.
- To ensure that people who come into governance are socially and ethically aware of their duties and responsibilities.
- There are other criteria like two-child policy too present in states. About 12 states currently have the policy, Assam being the latest entrant into the list.

Cons of Minimum Education Criteria:**Social:**

- The criteria penalises the people for failure to meet certain social indicators. E.g.: India which is home for 35% of World's illiterate population will be at disadvantage.
- The already marginalised sections like Dalits, women will be excluded. g.: The literacy rate (Census 2011) for women in Rajasthan is 52% and most of the literate women are in urban areas.
- The criteria discriminates on the lines of religion, caste and sex, because mostly those who are deprived of education are the SC's, ST's and women.
- The Right to Education became a fundamental right as recent as 2002, thereby putting many at disadvantage prior to it.
- Mainstreaming of many sections of people will be hindered.

Political:

- It violates the right of every citizen to vote and to contest elections, which forms the basic structure of our constitution.
- There are no minimum education qualifications for MP's or MLA's in the Constitution.
- The very essence of involving people at grass-roots level envisaged in 73rd and 74th Constitutional Amendments will be defeated by excluding a large chunk of people.
- The State's ineffectiveness in imparting education will bear a brunt on the people now.
- To mandate what makes a person good goes against the spirit of democracy.

Ethical:

- Honesty, reliability, ability to connect with people, deal with crisis are traits of a leader for which education is not necessary.
- Experiences have shown that wisdom plays a greater role than education at local governance levels.
- As Dr. B.R Ambedkar opined, an illiterate person is not necessarily an unintelligent person.

Pros of Minimum Education Criteria:

- The candidates will be better aware of the provisions of Constitution and cannot be misled by conniving officials or vested interests.
- With education, the states will have to truly devolve the functions that local governments can take care of by themselves.
- Ministry of Panchayat reports have successively highlighted difficulty in training uneducated representatives.
- The issue of "Token Representation" or "Panchayat-Pati" system would be eliminated as education gives a sense of confidence among the marginalised sections.
- The criteria in itself promote the awareness of importance of education among the parents which will benefit the generations to come.

**Conclusion:**

- The need of the hour is to implement the ground reforms like adult education, right to free and compulsory education better before implementing such laws.
- There is more imperative need to tackle challenges like criminalization of politics, transparent electoral funding currently.

Q) Rising media has facilitated the drawing together of people in tight networks of like-mindedness in the context of recent Lok Sabha elections, evaluate the pros and cons of this new form of emergence of pressure groups. (250 words)

Reference**Why this question:**

As nearly 900 million Indians engaged in voting over recent weeks to select the country's next government, social media companies have come under pressure to try to control fake news and misinformation. The question highlights how the social media has come to facilitate forming pressure groups.

Key demand of the question:

The answer must evaluate social media as facilitator of pressure groups and a stage for coming together of like-minded people. One should weigh the pros and cons associated.

Directive word:

Evaluate – When you are asked to evaluate, you have to pass a sound judgement about the truth of the given statement in the question or the topic based on evidences. You have to appraise the worth of the statement in question. There is scope for forming a personal opinion here.

Structure of the answer:**Introduction:**

Begin by highlighting the trends of rising social media.

Body:

In brief discuss –

- Discuss the evolution of social media such as WhatsApp, Facebook ,twitter etc. as a platform for airing views.
- Discuss how social media and messaging platforms may have accelerated the ways in which people share rumors and mobilize mob violence.
- Need to tackle the scourge of fake news, rumors, and hate speech online.
- Quote examples – India has a long history of communal and caste-based violence. Successive central and state governments have failed to prosecute those most responsible, including public officials accused of complicity or dereliction of duty in high-profile cases. For instance, vigilante “cow-protection” groups have killed at least 44 people since May 2015 on suspicions that the victims were trading or killing cows for beef in violation of Hindu religious beliefs.
- Discuss the need for WhatsApp and other social media and messaging companies to become more transparent, devote more resources to respond to legitimate threats, and work with fact-checkers, nongovernmental groups, activists and journalists on the ground.
- Discuss and suggest way forward.

Conclusion:

Conclude with necessity of having checks and curbs on such facilitating platforms.

Introduction:

- A pressure group refers to any organized group that has members with common interests and these members making joint efforts to pressurize or influence the formal political system to protect and pursue their interests.
- They can also be described as ‘interest groups’, ‘lobby groups’ or ‘protest groups’. The Social media has given rise to a platform to draw people in tight networks of like-mindedness.
- On the contrary, Disinformation, ranging from false reports of what politicians said to manufactured photographs depicting an opposition leader meeting with a suicide bomber, is spreading rapidly through social media platforms and regulators are struggling to cope.

**Body:****Pros of social media pressure groups:**

- Social media is filling the gap of pressure groups and a free press in tightly controlled countries.
- The rise of digital media allows social activists to address this challenge, providing new mechanisms to influence public policy.
- Social media would play a major role in persuading young people to cast their votes. The young voters form a major chunk of the electorate.
- Electioneering: Social media with its vast reach has helped in placing in public office persons who favour their interests.
- By means of social media, political parties or politicians can mobilize public and invites them to participate in discussion on some issues of public interest.
- Lobbying: Persuading public officers to adopt and enforce policies of their interest.
- Propagandizing: Influencing the public opinion. This has shown its effects in the US Presidential elections recently.
- Politicians promote their controlled speech and present their point of view without being interrupted by journalists or by media format limitation.
- By using the social media tools, politicians and political parties interact apparently with more efficiently with their supporters, beyond institutional and bureaucratic rigors.

Cons of social media pressure groups:

- The ease of use of specific platforms and their capabilities due to the digital divide.
- Disparity of information available, issues with trustworthiness and reliability of information presented.
- The rising “fake news” and objectionable content has negatively influenced the people too.
- Over the past year, India has seen cascades of rumors spread through WhatsApp with the same techniques used to great effect in Brazil: Public links allow people to join political WhatsApp groups.
- Ownership of media content, and the meaning of interactions created by social media, sometimes they have biased interests limited to few members.
- Most Pressure groups except business groups & big community groups do not have autonomous existence; they are unstable and lack commitment, their loyalties shift with political situations which threatens general welfare.
- India has a long history of communal and caste-based violence. Successive central and state governments have failed to prosecute those most responsible, including public officials accused of complicity or dereliction of duty in high-profile cases. For instance, vigilante “cow-protection” groups have killed at least 44 people since May 2015 on suspicions that the victims were trading or killing cows for beef in violation of Hindu religious beliefs.

Measures needed:

- It is important that efforts to curtail misinformation do not affect one political party more than the other, or they may skew the elections even further.
- There are guidelines for the mass media during elections. We need clear guidelines for social media platforms as well.
- WhatsApp and other social media and messaging companies to become more transparent, devote more resources to respond to legitimate threats, and work with fact-checkers.
- Election commission of India has recently met the heads of social media platforms and has asked them to provide a mechanism to regulate the fake news related to Elections.

Conclusion:

- Regulators, companies and other stakeholders need carefully calibrated strategies to cope with online disinformation — or they risk the very foundations of Indian democracy.

Topic: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Q) Trace the evolution of Aadhaar system, Has Aadhaar improved welfare delivery ? Discuss the associated concerns and suggest way forward. (250 words)

Livemint

why this question:

The question is about evaluating the Aadhaar concept and its evolution into the welfare system.



Key demands of the question:

The answer must discuss evolution of Aadhar system and critically provide for an analysis if Aadhaar has evolved into an invisible tool to monitor all aspects of welfare programmes or vice-a-versa.

Directive word

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Introduce by explaining the concept of Aadhaar- world's largest biometric .

Body

The body of the answer should address the following dimensions:

- Role of Aadhaar in welfare programs – discuss the benefits and associated concerns.
- Discuss how it has evolved as a tool to plug leakages in welfare schemes.
- The controversy of choosing privacy over identity. Here students can provide for comparison of such systems in other countries.
- Discuss relevant SC judgements .

Conclusion

Conclude with need for a level-headed approach and ensure that ample safeguards are put in place for data protection and privacy.

Introduction:

- Aadhaar number is a **12-digit random number** issued by the **UIDAI Authority under Aadhaar Act** to the residents of India after satisfying the verification process laid down by the Authority.
- Any individual, irrespective of age and gender, who is a resident of India, may voluntarily enroll to obtain Aadhaar number.
- There are now 1.24 billion Aadhaar numbers in India, covering approximately 98% of the country's population (using 2011 Census projections).

Body:

Evolution of Aadhaar in India:

Aadhaar Timeline

2006

- The ministry of communications and information technology approves the 'Unique ID for Below Poverty Line (BPL) families' project under the chairmanship of Arvind Virmani, then principal advisor, Planning Commission

2008

- Empowered group of ministers formed by former Prime Minister Manmohan Singh decides to collate two schemes — the National Population Register under the Citizenship Act, 1955 and the UID project — to conceive Aadhaar.

2009

- Planning Commission issues a notification to constitute the Unique Identification Authority of India (UIDAI).
- Government appoints Infosys co-founder Nandan Nilekani as the first chairman of UIDAI, with the rank and status of a cabinet minister.

2012

- Former Karnataka high court judge Justice K Puttaswamy files a public interest litigation before the Supreme Court (SC) declaring that Aadhaar violates an individual's right to privacy and that the scheme lacks legislative backing.

2014

- In an interim order, the SC restrains the UIDAI from transferring biometric information with an Aadhaar number to any other agency without the individual's consent in writing.

2015

- Three-judge bench of the apex court rules the unique identity number is not mandatory to avail of benefits from government programmes, restricting the use of Aadhaar to beneficiaries of the public distribution system and subsidies on cooking gas and kerosene, and refers the question on privacy to a larger constitution bench.
- Centre moves SC seeking a review and modification of the August 11 interim order. A five-judge constitution bench modifies the same and extends the use of Aadhaar to Mahatma Gandhi National Rural Employment Guarantee Scheme, Jan Dhan Yojana, pensions and the Employees' Provident Fund scheme.

2016

- Finance minister Arun Jaitley announces in the budget speech that the government will offer statutory backing for Aadhaar. The Lok Sabha passes the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 as a Money Bill, rejecting Rajya Sabha recommendations.



2017

- Aadhaar is made mandatory for three dozen schemes with 84 more expected under direct benefit transfers, including midday meal scheme and universal education.
- SC again rules that Aadhaar cannot be made mandatory for welfare schemes.

Aadhaar and welfare delivery:

- In 2016, the government mandated its use in welfare programme delivery.
- Proponents argue that Aadhaar, by providing a unique identity and allowing biometric authentication, delivers the gains to actual beneficiaries, instead of fake or duplicates, thereby cutting leakages.
- The expansion in reach has enabled Aadhaar to become an integral component of several flagship government programmes.
- This includes the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and the public distribution system (PDS), two of India's largest welfare programmes where nearly 90% of beneficiaries are linked to Aadhaar (Aadhaar-seeded).
- Jan-dhan accounts, which are Aadhaar-seeded, are now being used for programme delivery via direct benefit transfer (DBT) and are part of the much-vaunted JAM (Jan Dhan-Aadhaar-Mobile) trinity.
- The 2014-15 Economic Survey heralded JAM as a potential game changer because DBT through JAM can circumvent corrupt intermediaries and reduce market distortions.
- Over the last two years, DBT has significantly picked up. In 2018-19, ₹2 trillion (around 8% of total government expenditure) was delivered through DBT into beneficiary accounts according to the DBT Mission. Within this, transfers for MGNREGS and PAHAL (the LPG subsidy) are the largest components.
- The DBT Mission estimates that Aadhaar and DBT have helped save the government around ₹1.2 trillion since 2014.

Concerns:

- **Global impacts not considered:**
 - The PAHAL savings estimate (₹56,000 crore) does not account for a slump in global oil prices since 2014. The bigger problem, though, is the lack of clarity about the source of Aadhaar-related savings.
- **Inclusion-Exclusion errors:**
 - The government claims that Aadhaar has generated savings by eliminating duplicate and fake beneficiaries. However, savings could simply be a result of Aadhaar excluding genuine beneficiaries.
 - In a 2017 study published in the Economic and Political Weekly, economist Jean Dreze and others pointed out that Aadhaar-based authentication in Jharkhand's PDS has led to serious exclusion problems and prevented vulnerable groups, such as widows and the elderly, from accessing their entitlements.
 - **State of Aadhaar Report 2017-18, IDinsight**, a development consultancy, uses survey data from Andhra Pradesh, Rajasthan and West Bengal to estimate that around two million individuals every month are excluded from the PDS because of Aadhaar-related reasons.
- **Privacy and Security concerns:**
 - Most developed countries have already dropped the idea of having Aadhaar-like identification system to protect people's privacy.
 - Even the US, one of the first countries in the world to have a national identification number for its citizens, does not collect fingerprints or scan iris to create social security number (SSN)
 - Unlike India, the US has a privacy law that makes it unlawful for government agencies to deny benefits just because the individual refuses to disclose his SSN.
- **Systemic corruption still persists:**
 - Aadhaar-based authentication increases transaction costs, including time spent collecting grains, and did little to decrease corruption in the PDS
- **Technical flaws:**
 - Aadhaar-related reasons tend to be failures in biometric authentication (for example, fingerprints not being recognized) and connectivity issues, which are particularly acute in rural areas.
 - Given these problems, the shift to Aadhaar-based authentication in the PDS has not enjoyed universal support. For instance, in Andhra Pradesh only 55% of beneficiaries' preferred Aadhaar authentication in the PDS, while in Rajasthan the figure was 67%.



Way forward:

Policy measures:

- Government should assure the citizens that it has the technology and systems to protect the data collected.
- It should assure the citizens of India that it will do everything possible to prevent unauthorised disclosure of or access to such data.
- It should recognise all dimensions of the right to privacy and address concerns about data safety, protection from unauthorised interception, surveillance, use of personal identifiers and bodily privacy.
- Supreme Court's recent judgement in the Aadhaar case makes Aadhaar mandatory for availing facilities of welfare schemes and government subsidies as it empowers the poor and marginalised.
- An independent and participatory review of the system is long overdue
- A data protection law with strong protective provisions is need of the hour.

Technological measures:

- Designating UID databases as "critical infrastructure".
- Crafting an encryption policy that specifically addresses encryption for Aadhaar-enabled apps. ♣ Security testing of all Aadhaar-enabled applications.
- Encouraging device-level encryption for mobile phones and laptop computers.
- Creating a Computer Emergency Response Team to monitor attacks on Aadhaar.
- Working with the private sector at forums like the International Electronic and Electrical Engineers (IEEE) and the Internet Engineering Task Force to create interoperable security standards for platforms relying on national identity databases.

Conclusion:

- Policymakers should focus more on beneficiary experience and the context in which programmes operate in. This, more than fiscal savings, should inform how Aadhaar is deployed to improve programme delivery.

Q) Discuss the debates surrounding the Citizenship (Amendment) Bill, 2016. how does the bill seeks to distress the interests of indigenous people ? (250 words)

[Hindustantimes](#)

Why this question:

The citizenship Bill does not require any changes if Clause 6 of the Assam Accord is implemented properly according to Assam Chief Minister Sarbananda Sonowal. If Clause 6 is implemented in letter and spirit, then the indigenous people of Assam are well guarded and protected. Thus we need to evaluate Citizenship (Amendment) Bill, 2016 and how it affects the interests of indigenous people.

Key demand of the question:

Discussion should be around the controversy and issues surrounding the bill, how the bill seeks to affect the interests of indigenous people.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Introduce with context of the question.

Body:

- Explain what is the citizenship amendment bill 2016?
- The Citizenship Amendment Bill 2016 seeks to allow illegal migrants from certain minority communities in Afghanistan, Bangladesh and Pakistan eligible for Indian citizenship. In other words, it amends the Citizenship Act of 1955.
- The Citizenship Amendment Bill seeks to allow illegal migrants belonging to the Hindu, Sikh, Buddhist, Jain, Parsi or Christian religious communities coming from Afghanistan, Bangladesh or Pakistan to not be imprisoned or deported.
- It also appeals for the minimum years of residency in India to apply for citizenship to be lessened from at least 11 to six years for such migrants.
- The Bill, however, does not extend to illegal Muslim migrants. It also does not talk about other minority communities in the three neighbouring countries, such as Jews, Bahais etc.



Conclusion:

Conclude with what should be the way forward.

Introduction:

- The Citizenship Amendment Bill 2016 seeks to allow illegal migrants from certain minority communities in Afghanistan, Bangladesh and Pakistan eligible for Indian citizenship.
- In other words, it amends the Citizenship Act of 1955.
- The Bill was recently passed in the Lok Sabha. Nagaland, along with other north-eastern States, has witnessed several protests following the passage of the Bill in the Lok Sabha.

Body:

The key features of the bill are:

- **Definition of Illegal migrants:**
 - The Citizenship Act, 1955 prohibits illegal migrants from acquiring Indian citizenship.
 - The Bill amends the act to provide that the following minority groups will not be treated as illegal migrants: **Hindus, Jains, Sikhs, Parsis, Christians and Buddhists** — from Pakistan, Afghanistan and Bangladesh who came to India before 2014
- **Citizenship by naturalisation:**
 - Under Citizenship Act, 1955, one of the requirements for citizenship by naturalisation is that the applicant must have resided in India for 12 of the 15 years preceding the date of application.
 - It appeals for the minimum years of residency in India to apply for citizenship to be lessened from at least 11 to six years for such migrants.
- **Cancellation of registration of OCI cardholder:**
 - The Bill provides that the registration of Overseas Citizen of India (OCI) cardholders may be cancelled if they violate any law.

The issues surrounding the bill:

- **Endorsing Hindus:**
 - The Citizenship (Amendment) Bill, 2016 imagines India as a Hindu homeland, which is a refutation of the constitutional idea of the republic.
 - Experts see it as a move to endorse Hindus from Bangladesh who migrated to Assam after 1971.
 - The Bill makes illegal migrants eligible for citizenship on the basis of religion. This may violate Article 14 of the Constitution which guarantees right to equality.
- **OCI:**
 - The Bill allows cancellation of OCI registration for violation of any law. This is a wide ground that may cover a range of violations, including minor offences
- **Discrimination of Muslims:**
 - Alleged illegal migration from Bangladesh has been at the heart of Assam's discontent. Not just the Muslim Bengali, but the Hindu Bengali has also been a reason for political mobilisation in the state. But only Hindu Bengalis are being favoured by the bill.
 - While Hindus and Parsis, Sikhs, Buddhists and Christians might be naturalised, Muslims will not be offered the same advantage even if they are persecuted

Citizenship bill and indigenous people's interests:

The proposed legislation has polarised the Northeast and triggered a process of social and political realignment. Most disquietingly, it threatens to expose the faultlines that had led to the **rise of sub-nationalist politics** in the region in the 1980s. The bill is leading to following issues in North east:

- The Citizenship Amendment Bill has not been sitting well with the Assamese as it **contradicts the Assam Accord of 1985**, which clearly states that illegal migrants heading in from Bangladesh after March 25, 1971, would be deported.
- There are an estimated **20 million illegal Bangladeshi migrants in Assam** and they have inalienably **altered the demography** of the state, besides putting a severe strain on the state's resources and economy.
- Mizoram fears **Buddhist Chakmas and Hindu Hajongs from Bangladesh** may take advantage of the Act.
- Meghalaya and Nagaland are **apprehensive of migrants of Bengali stock**.
- Groups in Arunachal Pradesh fear the new rules may benefit **Chakmas and Tibetans**.
- Manipur wants the **Inner-line Permit System** to stop outsiders from entering the state.

Conclusion:

- India's citizenship provisions are derived from the perception of the country as a secular republic. In fact, it is a refutation of the two-nation theory that proposed a Hindu India and a Muslim Pakistan. Independent India



adopted a Constitution that rejected discrimination on the basis of religion and the birth of Bangladesh undermined the idea that religion could be the basis of a national community. So citizenship bill amendments need to be on this line.

Q) The Burqa ban, is it an unreasonable limitation on religious freedom or a justifiable restriction ? Critically analyse in the light of recent bans on Veils imposed by the Sri -Lankan government post Easter attacks. (250 words)

The hindu

Why this question:

The question is in the light of recent ban imposed by the Srilankan government on all types of veils used by women from different communities for the sake of security reasons post Easter attack.

Key demand of the question:

The answer must evaluate critically whether the ban on veil is an irrational restraint on religious freedom or a admissible control. Provide for a fair argument suggesting pros and cons of such a decision.

Directive:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer

Introduction:

Introduce by highlighting a brief background of the question.

Body:

- Highlight some data – on countries that have already taken steps in this direction like the recent one being France.
- Discuss why banning Burqa is a progressive step, a step towards democracy.
- Explain how burqa ban oughts’ to be a neutral provision; it should refrain from mentioning any specific religion or community, and its main concerns should be the promotion of gender equality and women’s rights, and the protection of national security. However, it is common knowledge that the ban is aimed at eliminating the burqas, niqabs, and sitars, worn almost exclusively by Muslim women- thus this is one damaging aspect that needs attention from the world across to ensure nobody’s religious sentiments are hurt, at the same time religion can not back true values of democracy.
- Justify the recent decision taken by the Srilankan government. Suggest your opinion as to what needs to be done.

Conclusion –

Conclude with a balanced opinion and suggest measures to overcome associated concerns and how a balanced solution can be arrived at.

Introduction:

- Sri Lanka has banned veils citing “security” reasons following Easter attacks, but the decision has sparked a host of concerns within the Muslim community.
- President Sirisena said that the ban, being brought under emergency law, was in the interest of national security and public safety, so that individuals were easily identifiable.
- A burqa is an outer garment that covers the entire body and the face, a niqab is a veil that also covers the face, while a hijab covers only the hair.

Body:

Burqa ban in other countries:

Burqa ban – an unreasonable limitation:

- The niqab is currently banned in France and Belgium (since 2011), Austria (since 2017), Denmark (since 2018).The Netherlands also has a partial ban on wearing any kind of face cover in public transport, schools and hospitals. In Germany, the niqab is banned while driving. The full face veil is banned in Quebec in Canada and in Barcelona in Spain.



- In October 2018, the UN Human Rights Committee had declared that France's ban disproportionately harmed the right of women to manifest their religious beliefs and could have the effect of confining them to their homes, impeding their access to public services and marginalising them.
- The Burqa Ban's Burden Is Excessive Relative to its Objective. While it is sometimes necessary to identify an individual for security purposes, prohibiting a woman from wearing the religious garb of her choice in scenarios apart from those already addressed by existing legislation is an excessive burden compared to the speculative, marginal improvement in security that may result.
- The decision from a secular state will be seen as an "arbitrary" decision and an "indirect violation of women's freedom of expression".
- It is against the tenets of equality to all religions and is seen as a majoritarian suppression of the minorities in a country.
- This can foment into anger and violence against state leading to disharmony in the society in the form of communal riots.
- It further leads to polarization of the society by targeting a particular community.
- For some women living in rough areas the burqa , and other headdresses, can act as a defence against abuse.

Burqa ban – a justifiable restriction:

- The burqa is a reflection of culture rather than an accepted interpretation of Islam and it remains an alien imposition in large areas of the Muslim world.
- The Koran enjoins all Muslims – whether male or female – to dress modestly and refrain from revealing "any parts of their bodies, except that which is necessary".
- Beyond this general instruction, the holy book offers no specific guidance on female clothing. Its pages contain no mention of the burqa or, for that matter, of the other varieties of dress that are now associated with Islam, including the hijab, or veil.
- The burqa appears to have originated in Persia in the 10th century, before slowly spreading to the Arabian Peninsula and present-day Afghanistan and Pakistan.
- Elsewhere in the Muslim world, the garment remained largely unknown until relatively recently. It was the rise of the Wahhabi and Deobandi traditions which spread the burqa to areas where it was previously invisible, including West Africa.
- Against Right to freedom: the compulsory wearing of burqa is imposition of the religious tirade on the personal freedom of women and girls. It is also seen as a form of patriarchal dominance. Promotes gender equality and helps in women empowerment.
- Progressive women's organisations argue that the ban is justified because the burqa oppresses women. Others reject the burqa as a neocolonial import from the Gulf states.
- Security concerns: It is argued that wearing the burqa could help criminals and terrorists hide their identities. Indeed, several criminals have reportedly used the burqa or niqab – a veil that covers the face but not the eyes – to perpetrate crimes, including theft and terrorist activities.

Conclusion:

- Women's liberation is a battle that has been fought for over a century, and will have to continue through sheer dedication, advocacy and dialogue. Equally, **ensuring national security and cohesion is a tedious task, which requires enormous amounts of personnel, intelligence and dialogue.**
- In neither cases will a law banning the burqa truly help. It might give the illusion of political action, and reassure some that 'sacred Western values' are being preserved. But in fact, it will go a long way towards entrenching positions further, rendering dialogue harder, and making tensions run higher.

Topic: Issues relating to development and management of Social Sector/Services relating to Health, Education, Human Resources.

Q) Discuss the highlights of Global Report on Food Crises 2019 with special focus on Indian scenario. (250 words)

Reference

Why this question:

The question is in the light of the recently released Global Report on Food Crises 2019 jointly by the Food and Agriculture Organization (FAO), World Food Programme (WFP) and EU.

Key demand of the question:



The answer must evaluate in detail the highlights of report and assess the global food crises associated concerns, causes and measures needed to tackle it.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer

Introduction:

write a few introductory lines bring out the significant points of the report.

Body:

Answers must discuss the following aspects :

- Key findings in the latest report published – Approximately 113 million people in 53 countries experienced high levels of food insecurity last year. These crises are primarily driven by conflict and climate-related disasters. The number going chronically-hungry has remained well over 100 million over the past three years, with the number of countries affected, rising. According to the report, nearly two-thirds of those facing acute hunger come from just eight countries: Afghanistan, the Democratic Republic of the Congo, Ethiopia, Nigeria, South Sudan, Sudan, Syria and Yemen. Climate and natural disasters pushed another 29 million people into acute food insecurity in 2018 and that number excludes 13 countries – including North Korea and Venezuela – because of data gaps.
- Discuss the causative factors – wars, genocides, poverty, instability etc.
- What are the associated concerns? – the figure is still way too high.
- What needs to be done – policies, global coordination etc.

Conclusion –

Conclude with way forward.

Introduction:

- Global Report on Food Crises 2019 report was released jointly by the Food and Agriculture Organization (FAO), World Food Programme (WFP) and EU.

Body:

Key findings in the latest report:

- More than 113 million people across 53 countries experienced “acute hunger” last year because of wars and climate disasters, with Africa the worst-hit region.
- Yemen, the Democratic Republic of Congo, Afghanistan and Syria were among the eight nations accounting for two-thirds of the total number of people worldwide exposed to the risk of famine.
- African Nations were “disproportionally” affected as close to 72 million people on the continent suffered acute hunger.
- The key factors which drove the hunger were Conflict and insecurity along with economic turbulence and climate-related shocks like drought and floods.
- In countries on the verge of famine, up to 80 per cent of the populations were dependent on agriculture. They need both emergency humanitarian aid for food and measures to help boost agriculture.
- The strain put on countries hosting a large number of refugees, including war-torn Syria as well as Bangladesh, which has received more than a million Rohingya Muslims from Myanmar has been highlighted in the report.
- The overall situation slightly improved in 2018 compared to 2017 when 124 million people suffered acute hunger. This reduction in numbers was partially owed to the fact that some countries in Latin America and the Asia Pacific region, for instance, were less affected by weather disasters that had struck in previous years.
- The year-on-year trend of more than 100 million people facing famine was unlikely to change in the face of continued crises.
- High levels of acute and chronic malnutrition in children living in emergency conditions remained of grave concern.

Challenges of Food Security in India:

- The crux of India’s food problem today pertains not so much on increasing food availability or production but with the distribution of food.
- Meeting the demand for food to feed this growing population from scarce land resources is one of the major challenges of the new century—a fact that was highlighted in World Food Day.



- Estimates show that each one degree rise in temperature will cause grain yields to decline by 5%, posing a serious threat to food security.
- Rising levels of atmospheric carbon can influence the growth and productivity of agricultural crops.
- The soil-plant/crop-atmosphere continuum poses serious challenges under changing climate scenarios with reference to scale, scope and magnitude.
- According to the IPCC, reduction in the quality of soil, compounded by climate change, will lead to a worldwide decline in agricultural production, thereby threatening food security
- In the next 25 years, land degradation and desertification may lead to a decline in global food production by up to 12 per cent, which might trigger a rise in food price by 30 per cent.

Food security in India can be achieved by

- Guarantee coverage of farmlands with crop insurance
- Ensure procurement of produce at the right time with minimum support price (MSP) for rice and wheat
- Include minor millets and promote the same through the public distribution system
- Restructure the entire **Food Corporation of India** by efficient management and enlarged storage capacity so that precious food grains are not left to rot in the open and sold as cattle feed at half the price
- **Encourage urban agriculture using biodegradable municipal solid waste** to grow rice and vegetables near urban centres to reduce transportation cost.
- Example: Produce from East Kolkata Wastelands covering 1,200 hectares provides 25-35 per cent of fish and vegetables at affordable prices
- Promote **salt-tolerant rice varieties in coastal regions**
- Promote **sustainable agriculture** under the **National Action Plan on Climate Change** through organic farming using farmers' seeds

Conclusion:

- The Global Food Crises Report is an annual study launched three years ago which takes stock of the countries facing the greatest difficulties in tackling hunger. **Ending conflicts, empowering women, nourishing and educating children, improving rural infrastructure and reinforcing social safety-nets** are essential for a hunger-free world.

Q) With health accessibility and affordability still remaining a crucial healthcare problem facing the 21st century, Discuss the significance of Universal Health Coverage along with concerns associated also explain what needs to be done to overcome these challenges. (250 words)

[Financialexpress](#)

Reference

Why this question:

The article is in the backdrop of World health day that is celebrated on 7th of April every year. The theme for World Health Day 2019 is Universal Health Coverage. Thus the question is important from the point of view of GS paper III.

Key demand of the question:

The answer must cover a detailed discussion on significance of Universal Health Coverage along with concerns associated, also provide for what steps can be taken.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with April 7 is observed as World Health Day. The day is celebrated under the leadership of World Health Organization to draw people's attention towards the importance of global health.

Body:

Discussion should have the following dimensions :

- The highlights of World Health Day 2019: Theme and Significance.
- What is Universal Health Coverage? – UHC is visualized as an ideal state of health system organisation in which all individuals and communities receive quality health services as per needs, without suffering financial hardship.



- What are the objectives of UHC?
- Discuss the indicators of UHC, its context in India.
- Issues and Challenges – large health disparity between social classes, urban and rural populations and geographical locations, Lack of actual database to provide actual financial cost of the programme. there are large variations and inequities in the supply-side readiness, in terms of availability of infrastructure, equipment, essential drugs and staffing, to deliver on the promises of UHC.
- non-affordability of healthcare services is a major problem with the vast majority of our people. The coverage is still not universal but linked to poverty. Etc.
- Discuss what needs to be done?

Conclusion:

Conclude with way forward.

Introduction:

- Universal health coverage means that all people have access to the health services they need (prevention, promotion, treatment, rehabilitation and palliative care) without the risk of financial hardship when paying for them.
- **Health accessibility and affordability** remain a crucial healthcare problem even in the 21st century. Therefore **World Health Organisation** chose “Universal Health Coverage” as the theme for World Health Day 2019. India started working towards the universal problem of affordability and accessibility with the introduction of Ayushman Bharat.

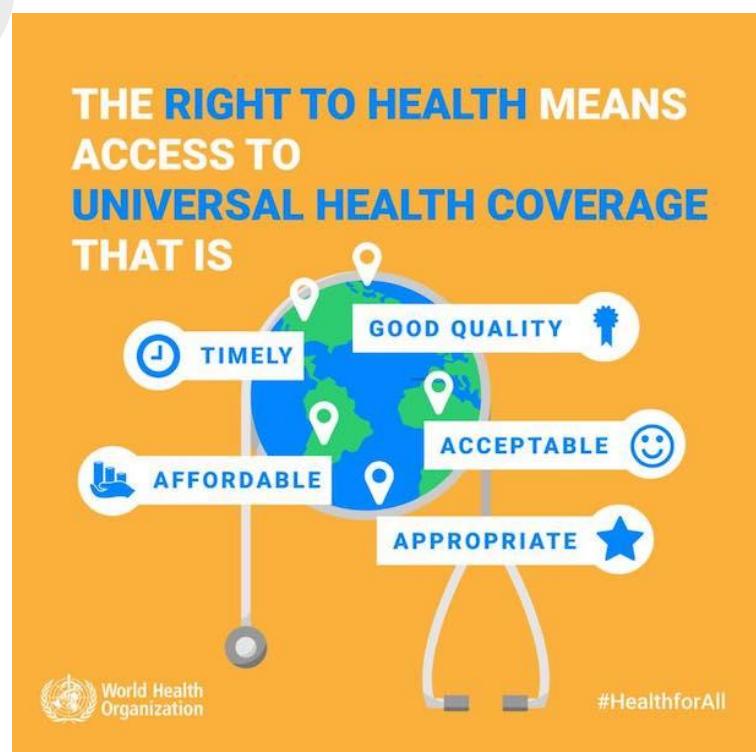
Body:

Significance of UHC:

- Universal health coverage has a direct impact on a population's health and welfare.
- Access and use of health services enables people to be more productive and active contributors to their families and communities.
- It also ensures that children can go to school and learn.
- At the same time, financial risk protection prevents people from being pushed into poverty when they have to pay for health services out of their own pockets.
- Universal health coverage is thus a critical component of sustainable development and poverty reduction, and a key element of any effort to reduce social inequities.
- Universal coverage is the hallmark of a government's commitment to improve the wellbeing of all its citizens.

Issues and Challenges:

- **Finance:** At about 1.3% of the national income, India's **public healthcare spending** between 2008 and 2015, has virtually remained stagnant. This is way less than the global **average of 6 per cent**. It is a herculean task to implement a scheme that could potentially cost Rs 5 lakh per person and benefit 53.7 crore out of India's 121 crore citizenry, or roughly about 44% of the country's population. **Over 70 per cent of the total healthcare expenditure** is accounted for by the private sector.
- **Crumbling public health infrastructure:** Given the country's crumbling public healthcare infrastructure, most patients are forced to go to private clinics and hospitals. There is a shortage of PHCs (22%) and sub-health centres (20%), while **only 7% sub-health centres and 12% primary health centres meet Indian Public Health Standards (IPHS) norms**.
- **High Out of Pocket Expenditure:** Reports suggest that 70% of the medical spending is from the patient's pockets leading to huge burden and pushing many into poverty.





Most consumers complain of rising costs. Hundred days into the PMJAY, it remains to be seen if private hospitals provide knee replacement at Rs 80,000 (current charges Rs 3.5 lakh) bypass surgery at Rs 1.7 lakh (against Rs 4 lakh).

- **Insurance:** India has one of the lowest per capita healthcare expenditures in the world. Government contribution to insurance stands at roughly 32 percent, as opposed to 83.5 percent in the UK. The high out-of-pocket expenses in India stem from the fact that 76 percent of Indians do not have health insurance.
- **Doctor-Density Ratio:** The WHO reports the doctor-density ratio in India at 8 per 10,000 people as against one doctor for a population of 1,000. To achieve such access, merely increasing the number of primary and secondary healthcare centres is not enough.
- **Shortage of Medical Personnel:** Data by **IndiaSpend** show that there is a staggering shortage of medical and paramedical staff at all levels of care: 10,907 auxiliary nurse midwives and 3,673 doctors are needed at sub-health and primary health centres, while for community health centres the figure is 18,422 specialists.
- **Rural-urban disparity:** The rural healthcare infrastructure is three-tiered and includes a sub-center, primary health centre (PHC) and CHC. PHCs are short of more than 3,000 doctors, with the shortage up by 200 per cent over the last 10 years to 27,421. Private hospitals don't have adequate presence in Tier-2 and Tier-3 cities and there is a trend towards super specialisation in Tier-1 cities.
- **Social Inequality:** The growth of health facilities has been highly imbalanced in India. Rural, hilly and remote areas of the country are under served while in urban areas and cities, health facility is well developed. The SC/ST and the poor people are far away from modern health service.
- **Poor healthcare ranking:** India ranks as low as 145th among 195 countries in healthcare quality and accessibility, behind even Bangladesh and Sri Lanka.
- **Commercial motive:** lack of transparency and unethical practices in the private sector.
- **Lack of level playing field between the public and private hospitals:** This has been a major concern as public hospitals would continue receiving budgetary support. This would dissuade the private players from actively participating in the scheme.
- **Scheme flaws:** The overall situation with the National Health Mission, India's flagship programme in primary health care, continues to be dismal. The NHM's share in the health budget fell from 73% in 2006 to 50% in 2019 in the absence of uniform and substantial increases in health spending by States.

Steps taken up currently:

- The **National Health Policy (NHP) 2017** advocated allocating resources of up to two-thirds or more to primary care as it enunciated the goal of achieving "the highest possible level of good health and well-being, through a preventive and promotive healthcare orientation".
- A 167% increase in allocation this year for the **Pradhan Mantri Jan Arogya Yojana (PMJAY)** — the **insurance programme** which aims to cover 10 crore poor families for hospitalisation expenses of up to ₹5 lakh per family per annum.
- The government's recent steps to **incentivise the private sector to open hospitals** in Tier II and Tier III cities.
- Individual states are adopting technology to support health-insurance schemes. For instance, Remeditnet Technology (India's first completely electronic cashless health insurance claims processing network) has been signed on as the technology partner for the Karnataka Government's recently announced cashless health insurance schemes.

Measures needed to strengthen the existing state of Health infrastructure in the country are:

- There is an immediate need to **increase the public spending to 2.5% of GDP**, despite that being lower than global average of 5.4%.
- The achievement of a distress-free and comprehensive wellness system for all hinges on the performance of health and wellness centres as they will be instrumental in reducing the greater burden of out-of-pocket expenditure on health.
- there is a need to depart from the current trend of erratic and insufficient increases in health spending and make substantial and sustained investments in public health over the next decade.
- A **National Health Regulatory and Development Framework** needs to be made for improving the quality (for example registration of health practitioners), performance, equity, efficacy and accountability of healthcare delivery across the country.
- Increase the **Public-Private Partnerships** to increase the last-mile reach of healthcare.
- **Generic drugs and Jan Aushadi Kendras** should be increased to make medicines affordable and reduce the major component of Out of Pocket Expenditure.



- The government's **National Innovation Council**, which is mandated to provide a platform for collaboration amongst healthcare domain experts, stakeholders and key participants, should encourage a culture of innovation in India and help develop policy on innovations that will focus on an Indian model for inclusive growth.
- India should take cue from other developing countries like Thailand to work towards providing **Universal Health Coverage**. UHC includes three components: Population coverage, disease coverage and cost coverage.
- Leveraging the **benefits of Information Technology** like computer and mobile-phone based e-health and m-health initiatives to improve quality of healthcare service delivery. **Start-ups** are investing in healthcare sector from process automation to diagnostics to low-cost innovations. Policy and regulatory support should be provided to make healthcare accessible and affordable.

Conclusion:

- India needs a holistic approach to tackle problems in healthcare industry. This includes the active collaboration of all stakeholders public, private sectors, and individuals.
- A more dynamic and pro-active approach is needed to handle the dual disease burden. A universal access to health makes the nation fit and healthy, aiding better to achieve the demographic dividend.

Q) What are FDC drugs and why has the govt decided to ban them ? Do you think the battle on combination drugs seems far from over. Critically analyse. (250 words)

Govt may ban over 150 combination drugs (mint ePaper, 8 Apr 2019, Page1)

Why this question:

Fixed-dose combination (FDC) medicines, which are a cocktail of two or more active drugs packed in a single dose, are in the spotlight currently due to government's ban on them.

Key demand of the question:

The answer must discuss in detail the importance of Fixed drug combinations, why is the government putting ban on them, What is the controversy around it and what needs to be done to overcome this issue.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When 'critically' is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer

Introduction:

write a few introductory lines about what you understand by FDCs.

Body:

Answers must discuss in detail the following points :

- What are FDCs and What is the logic behind FDCs? – behind FDCs is to improve adherence, simplify therapy and/or to maximise benefit for the patient courtesy the added effects of the multiple medicinal products given together.
- Explain the current scenario – Popular FDCs, now banned, include the painkiller Saridon, the skin cream Panderm, antibiotic Lupidiclo and combination diabetes drug Gluconorm PG.
- What makes them so popular? – because of cost. Instead of buying two, or more, separate medicines, a patient can buy just one FDC medicine to treat multiple illness symptoms, which typically works out easier on the wallet. Pharma companies, meanwhile, love them because it is far cheaper and quicker to combine existing active ingredients to make new products than to discover new medicines and manufacture them separately.
- Why has the government banned them?
- How will the pharma sector get affected by this ban?
- What needs to be done?

Conclusion –

Conclude with way forward.

Introduction:

- A **fixed dose combination drug** is a medicine containing two or more active components (Active pharmaceutical ingredients) in fixed proportions in a single dosage form. According to US healthcare provider



IMS Health, almost half the drugs sold in India in 2014 were FDC, making it a world leader in combination drugs.

Body:

- The **Chandrakant Kokate**-led expert panel, which was probing the efficacy of about 500 fixed dose combination (FDC) drugs, suggested quite a number of FDCs are irrational and hence recommended them to be banned.

Popularity of FDCs are due to:

- **Cost to customer:** Instead of buying two, or more, separate medicines, a patient can buy just one FDC medicine to treat multiple illness symptoms, which typically works out easier on the wallet.
- **Cheaper Manufacturing cost:** Pharma companies, meanwhile, love them because it is far cheaper and quicker to combine existing active ingredients to make new products than to discover new medicines and manufacture them separately.
- **Evades Price Control:** pharma companies preferred them to circumvent price control rather than single-ingredient drugs which fall under price control.
- **Market capture:** Companies vie with one another for a share of the market for the same class of drugs. In order to provide something ‘new’ to prescribers, they develop and market FDCs (often irrational, but promoted as a unique and innovative product by each company) purely for commercial reasons, and support its sales through sophisticated (and often unethical) marketing strategies.
- **Ease of Availability:** Mostly sold as the Over the Counter drugs and needs no prescription.
- FDCs have shown to be particularly useful in the treatment of infectious diseases like HIV, malaria and tuberculosis, where giving multiple antimicrobial agents is the norm.
- FDCs are also useful for chronic conditions especially, when **multiple disorders co-exist**.

Reasons for the Government to ban FDC drugs:

- Therapeutic benefits of many combination drugs could be doubtful and some may even pose health risks. Side effects like dizziness, nausea, hallucinations. It is also addictive.
- FDC drugs are the highest self medication drugs in India. Consumed without prescriptions (especially cough syrups) – Not safe for patients.
- FDC drugs especially Cough syrups with Codeine are suppressants rather than Curative. Hence, it distorts the perception of patients (that is the better medicine).
- With FDC drugs, side effects cannot be traced out to a single API. Hence, it may lead to lot of adverse effects on patients. It can leads to complications resulting from adverse interactions of the drugs
- Antibiotic resistance can be reduced – Since, multiple combinations of same therapeutic value are clubbed together, it provide chance for microbes to develop resistance. Ban may bring some relief in this respect
- Elimination of irrational drug combinations and control the irrational prescriptions
- Encourages the use of home remedies having same result without side effects like use of Honey, pepper, turmeric to remedy against Cough and cold.

Problems in banning FDCs:

- The problem of unapproved FDCs mainly affects those who get treated in the private sector. In the absence of a strong pharmacovigilance mechanism in India, there is no data on adverse events of these unapproved FDCs.
- There are multiple deficiencies in the **Central Drugs Standard Control Organisation (CDSCO)**, the country’s drug regulator’s approval process for FDCs.
- Main amongst them are institutional problems such as understaffing, lack of skills, and inadequate infrastructure.
- The most significant issue is the issuance of manufacturing licenses by the State Licensing Authority without the prior clearance of the Drug Controller General of India DCG (I), the head of CDSCO.
- According to a study, of the 110 anti-TB (tuberculosis) Fixed Dose Combinations (FDCs) available in India, only 32 (less than 30%) have been approved by the CDSCO.
- The market size of the banned drugs is estimated to be around Rs 20-22 billion. The ban, if comes into force, will thus impact the country’s top drug-makers.
- Large pharma companies have reportedly said that the impact is expected to be negligible since the FDCs in question are less than 2% of the pie.
- They added that over the last couple of years, they have either phased out such drugs or changed the combination.



Way forward:

- It is not advisable to ban each and every FDC drug considering the huge market size. However, the rationality of FDCs in the future should be determined based on certain key aspects as follows
- The ingredients in the combination should work by different mechanisms.
- The pharmacokinetics (effect of the drug in the body) of ingredients must not be widely different.
- FDC should not have toxins created due to a combination of ingredients.
- Only those FDCs approved by WHO can be made available.

Q) A Healthcare system without a foundation of primary care is a sure recipe for disaster. Discuss in the context of current Indian healthcare system. (250 words)

Indianexpress

Why this question:

The article provides for a detailed analysis of Healthcare system in India, it emphasizes on the importance of a robust Primary healthcare system.

Key demand of the question:

The answer must discuss the significance of robust Primary healthcare system as a basic necessity to run a successful healthcare system. The answer must evaluate the present conditions of Indian healthcare system, bring out the recent reforms like Insurance facilities, emphasis on tertiary care etc.

Directive:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Briefly discuss the current Healthcare system in India.

Body:

The discussion should have the following points :

- What are the major problems of Health sector in India? – healthcare infrastructure, understaffed and under-financed, insufficient health care facilities in rural areas, India has one of the lowest per capita healthcare expenditures in the world. The high out-of-pocket expenses in India stem from the fact that majority of Indians do not have health insurance etc.
- Discuss the primary health care system and its status in India, why is it important? Take hints from the article.
- Provide for a comparison with steps taken by government , why and how they have failed due to lack of a standard primary healthcare system.
- Suggest a way forward.

Conclusion:

Conclude with way forward and re-assert the significance of robust primary healthcare system.

Introduction:

- Primary healthcare, similarly defined, is healthcare provided to all, especially the most marginalised, with their participation and for their needs. If the primary healthcare system of a country is not functioning well, it is symptomatic of problems in its democracy itself.

Body:

Importance of Primary health care:

- Primary Health Care (PHC) is the heart and soul of medicine. It is the foundation of every health care system: the first contact and ongoing link between people and their health providers.
- PHC is how individuals and families connect with the health care system throughout their lives, for everything from prenatal checkups and routine immunizations to the treatment of illness and the management of chronic conditions.
- When PHC works, people are able to get the care they need to stay healthy. The vast majority of a community's health needs can be met by a well-functioning primary care system.
- PHC explicitly ensures a focus on equity, accessibility and quality of care. PHC is people-focused: organized around people rather than diseases, and encompassing the full range of interventions that foster good health.



- The principles of the PHC approach of the **Alma Ata declaration** (1978) such as healthcare closest to home and appropriate technology that is effective, safe, cheap, and simple to use, need to be applied to the healthcare system as a whole. The PHC-infused-UHC could facilitate such a shift.

The major challenges faced by healthcare system in India are:

- Finance:** At about **1.3% of the national income**, India's **public healthcare spending** between 2008 and 2015, has virtually remained stagnant. This is way less than the global **average of 6 per cent**. It is a herculean task to implement a scheme that could potentially cost Rs 5 lakh per person and benefit 53.7 crore out of India's 121 crore citizenry, or roughly about 44% of the country's population. **Over 70 per cent of the total healthcare expenditure** is accounted for by the private sector.
- Crumbling public health infrastructure:** Given the country's crumbling public healthcare infrastructure, most patients are forced to go to private clinics and hospitals. There is a shortage of **PHCs (22%)** and **sub-health centres (20%)**, while **only 7% sub-health centres and 12% primary health centres meet Indian Public Health Standards (IPHS) norms**.
- High Out of Pocket Expenditure:** Reports suggest that 70% of the medical spending is from the patient's pockets leading to huge burden and pushing many into poverty. Most consumers complain of rising costs. Hundred days into the PMJAY, it remains to be seen if private hospitals provide knee replacement at Rs 80,000 (current charges Rs 3.5 lakh) bypass surgery at Rs 1.7 lakh (against Rs 4 lakh).
- Insurance:** India has one of the lowest per capita healthcare expenditures in the world. Government contribution to insurance stands at roughly 32 percent, as opposed to 83.5 percent in the UK. The high out-of-pocket expenses in India stem from the fact that 76 percent of Indians do not have health insurance.
- Doctor-Density Ratio:** The WHO reports the doctor-density ratio in **India at 8 per 10,000 people** as against **one doctor for a population of 1,000**. To achieve such access, merely increasing the number of primary and secondary healthcare centres is not enough.
- Shortage of Medical Personnel:** Data by **IndiaSpend** show that there is a staggering shortage of medical and paramedical staff at all levels of care: 10,907 auxiliary nurse midwives and 3,673 doctors are needed at sub-health and primary health centres, while for community health centres the figure is 18,422 specialists.
- Rural-urban disparity:** The rural healthcare infrastructure is three-tiered and includes a sub-center, primary health centre (PHC) and CHC. PHCs are short of more than 3,000 doctors, with the shortage up by 200 per cent over the last 10 years to 27,421. Private hospitals don't have adequate presence in Tier-2 and Tier-3 cities and there is a trend towards super specialisation in Tier-1 cities.
- Social Inequality:** The growth of health facilities has been highly imbalanced in India. Rural, hilly and remote areas of the country are under served while in urban areas and cities, health facility is well developed. The SC/ST and the poor people are far away from modern health service.
- Poor healthcare ranking:** India ranks as low as 145th among 195 countries in healthcare quality and accessibility, behind even Bangladesh and Sri Lanka.
- Commercial motive:** lack of transparency and unethical practices in the private sector.
- Lack of level playing field between the public and private hospitals:** This has been a major concern as public hospitals would continue receiving budgetary support. This would dissuade the private players from actively participating in the scheme.
- Scheme flaws:** The overall situation with the National Health Mission, India's flagship programme in primary health care, continues to be dismal. The NHM's share in the health budget fell from 73% in 2006 to 50% in 2019 in the absence of uniform and substantial increases in health spending by States.

Steps taken up currently:

- The **National Health Policy (NHP) 2017** advocated allocating resources of up to two-thirds or more to primary care as it enunciated the goal of achieving "the highest possible level of good health and well-being, through a preventive and promotive healthcare orientation".
- A 167% increase in allocation this year for the **Pradhan Mantri Jan Arogya Yojana (PMJAY)** — the **insurance programme** which aims to cover 10 crore poor families for hospitalisation expenses of up to ₹5 lakh per family per annum.
- The government's recent steps to **incentivise the private sector to open hospitals** in Tier II and Tier III cities.
- Individual states are adopting technology to support health-insurance schemes. For instance, Remedinet Technology (India's first completely electronic cashless health insurance claims processing network) has been signed on as the technology partner for the Karnataka Government's recently announced cashless health insurance schemes.



Measures needed to strengthen the existing state of Health infrastructure in the country are:

- There is an immediate need to increase the public spending to 2.5% of GDP, despite that being lower than global average of 5.4%.
- The achievement of a distress-free and comprehensive wellness system for all hinges on the performance of health and wellness centres as they will be instrumental in reducing the greater burden of out-of-pocket expenditure on health.
- There is a need to depart from the current trend of erratic and insufficient increases in health spending and make substantial and sustained investments in public health over the next decade.
- A National Health Regulatory and Development Framework needs to be made for improving the quality (for example registration of health practitioners), performance, equity, efficacy and accountability of healthcare delivery across the country.
- Increase the Public-Private Partnerships to increase the last-mile reach of healthcare.
- Generic drugs and Jan Aushadi Kendras should be increased to make medicines affordable and reduce the major component of Out of Pocket Expenditure.
- The government's National Innovation Council, which is mandated to provide a platform for collaboration amongst healthcare domain experts, stakeholders and key participants, should encourage a culture of innovation in India and help develop policy on innovations that will focus on an Indian model for inclusive growth.
- India should take cue from other developing countries like Thailand to work towards providing Universal Health Coverage. UHC includes three components: Population coverage, disease coverage and cost coverage.
- Leveraging the benefits of Information Technology like computer and mobile-phone based e-health and m-health initiatives to improve quality of healthcare service delivery. Start-ups are investing in healthcare sector from process automation to diagnostics to low-cost innovations. Policy and regulatory support should be provided to make healthcare accessible and affordable.

Conclusion:

- India needs a holistic approach to tackle problems in healthcare industry. This includes the active collaboration of all stakeholders public, private sectors, and individuals.
- A more dynamic and pro-active approach is needed to handle the dual disease burden. A universal access to health makes the nation fit and healthy, aiding better to achieve the demographic dividend.

Q) Can weeding out corruption help higher education, when there is a mismatch between number of aspirants and the number of opportunities that are available ? Critically analyse. (250 words)

Epw

Why this question:

The question is in the context of corruption involved in higher education system of India and vis-vis the incongruity between number of aspirants and the number of breaks that are available for students.

Demand of the question:

Discussion should focus mainly on two aspects – 1. Corruption in higher education system of India. 2. Lack of opportunities to students for jobs and any inter relationship between the two if any.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When 'critically' is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction

one can start by highlighting the current education system and the alarming picture of corruption in it.

Body

The question must analyse the corruption scenario in the higher education system – explain how corruption has invaded whole systems of higher education and threatens the reputation of research products and graduates, regardless of their guilt and innocence.

- sale of fake degree certificates of well-established universities and the operation of institutions that provide degrees with hardly any period of study, commonly known as degree mills.



- involvement of fraudulent recruitment agents, universities graduating poorly qualified or unqualified, widespread plagiarism, cheating and exploitation.
- Corruption is also suspected among faculty and senior administrators who may clandestinely negotiate any number of benefits for themselves.
- Examples – Vyapam scam

Then move on to relating it to lack of opportunities and thus the desperation of students to obtain degrees.

Conclusion

Base on your opinion conclude with a balanced reasoning and suggest what should be done to overcome the menace.

Introduction:

- Education is the foremost sector that shoulders the biggest responsibility of shaping the future of nation.
- India, though renowned since ancient time for higher educational institutions like Nalanda, is presently facing multiple challenges in education.
- India's education system is mired in corruption which needs to be addressed at the earliest.

Body:

Reasons for Corruption in Higher Education:

- Dramatic increase in output from secondary sector, Higher Education Institutes cannot accommodate all the students.
- Over-regulation by regulators such as UGC, MCI, which decide on aspects of standards, appointments, fees structure and curriculum has further deterred new institutions from opening campuses.
- Pressure for admission to best universities and to professional programmes—medicine, law, engineering. This has led to increased middle-men.
- A university degree now a prerequisite for most white-collar jobs—many jobs even require a Masters or PhD
- A degree enables moving up the social ladder and increasing family income
- National Assessment and Accreditation Council (NAAC) in its assessment report pointed out that 68% of institutions in India are of middle or poor quality. Recruitment of undergraduates as teachers, ad-hoc appointments and low pay scale, inadequate teacher training are all factors that have caused deterioration in the quality of education. As a result, nearly three-fourth the numbers of graduates remain unemployable.
- Insufficient funds in public HEIs: need to generate income in a competitive environment
- Commercialization of Higher education: private HEIs operate as corporate, profit-making entity by politicians, businessmen etc.
- Withdrawal of public sector has left the space open for private institutions that have turned education into a flourishing business. Most of the teachers in private colleges are underpaid and over-worked. There has been a rampant expansion in the number of colleges with scant regard for standards and quality. This phenomenon also shows the lapses in the regulatory structure which are riddled with corruption.
- Multiplicity of regulatory bodies and regulatory standards has prevented foreign educational institutions from opening campuses in the country. As a result curricular and pedagogy lacks competitiveness.
- Dramatic improvement in IC

Measures to tackle the corruption:

- **Alternate methods:** Alternative, perhaps more humane way of examining students' aptitude and competence needs to be identified. However, if the root cause of the problem is left unaddressed, then decontextualised pedagogic solutions alone are unlikely to solve the problem.
- **Financing:** Tiered Funding model can be adopted, whereby institutes with higher performance standards get more funds and also more autonomy. This approach is followed in Singapore and has enabled it to develop world class institutes. Besides, mobilisation of funds in state universities should be explored through other means such as endowments, contributions from industry, alumni, etc
- **Regulatory overhaul:** National Knowledge Commission recommended that UGC be stripped off its powers of sanctioning grants and should not exert influence on administrative decisions.
- **Accreditation:** A robust credit rating system involving rating agencies, media houses and industry associations will further enhance competition among universities. Further, National board of accreditation is to play a key role in quality enhancement and quality assurance.
- **Entrepreneurship skills:** Students should be helped in honing their entrepreneurship skills



- **Meaningful choices:** Make education more meaningful that supports students to make choices that are not influenced by their social prestige (like engineering and medicine) and more importantly, be given opportunities and supported to develop different facets of their personality.
- **Responsive education:** Make education responsive to employment skills required. However, a unilateral relationship between education simply responding to market needs will do more harm than good.
- **More jobs:** Establish more public institutions of high quality and create more job opportunities. Clearly the state needs to take this responsibility and the private sector, despite their enormous contribution cannot be relied upon for an equitable economic growth of the country. In the neo-liberal environment, where private is celebrated and public, condemned, further withdrawal by the state will only intensify the struggle for a large majority of people and one will have to continue to contend with paper leakages, cheating and student suicides etc.

Conclusion:

- The first step in systemic reform is recognizing that a problem exists. India has a storied history of excellence in higher education.
- To overcome the corruption that impairs confidence and quality, India's epic history should serve as an archetype for a post secondary system that promotes research and workforce development.
- At the moment, the ethical base underpinning India's educational system is being eroded, undermining the very basis of mutual trust and educational standards.

Q) How common is hemophilia in India ? It is often observed Majority of hemophilia cases go undiagnosed in the country. Discuss reasons and suggest way forward to tackle the issue. (250 words)

Reference

Why this question:

World Haemophilia Day, celebrated on April 17 every year, aims to increase awareness about haemophilia and other inherited bleeding disorders. The day also marks the birth anniversary of Frank Schnabel, founder of World Federation of Haemophilia (WHF). The theme for this year's WHD is 'Reaching out – connect to your community', encouraging to meet and connect with others with similar experiences and know what it is like.

Key demand of the question:

The answer must explain the occurrence of Haemophilia in India, why most cases remain undiagnosed and what needs to be done.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Introduce with context of the question – world Haemophilia day.

Body:

- Explain why majority of haemophilia cases go undiagnosed in India , provide for facts to justify – reports suggest ;around 16,000 haemophiliacs registered in India but actual number could be seven times more.
- Of all the haemophilia cases in India, just around 15% are identified while the remaining go undiagnosed. While there are about 16,000 haemophilia patients registered in the country, reports indicate that the number could be as much as seven times more.
- Discuss the types of Haemophilia in India; reasons causing it.
- What needs to be done – policy level? Individual level and societal level.

Conclusion:

Conclude with importance of tackling such health issues with a dedicated policy approach.

Introduction:

- Haemophilia is a **disorder characterized by uncontrolled bleeding and inability of the blood to clot properly**.
- Even a small cut or a minor injury can result in severe bleeding.
- Haemophilia is **one among the many X-linked recessive inherited genetic disorders**, where the **gene causing the disorder or dysfunction is located on the X-chromosome**.

**Body:**

- It results in massive internal bleeding (known as haemorrhaging) in the joints such as the knees, elbows, ankles, and also in the tissues and muscles. This can lead to considerable consequences, such as swelling and pain in the affected areas.
- It can even cause permanent damage to the affected body parts. When bleeding happens in a vital organ, especially in the brain, it has the potential to turn fatal.

Haemophilia in India:

- **Haemophilia A**, occurs in about 1 in 5,000 births, while **Haemophilia B** is even rarer at about 1 in about 20,000 births.
- According to the **World Federation of Haemophilia's Annual Global Survey 2017**, with nearly two lakh cases, India is estimated to have the second highest number of haemophilia patients in the world.

Reasons for high incidence of Haemophilia in India:

- The disorder can be acquired sometimes because of a spontaneous genetic mutation. It is estimated that about one-third of new cases are caused by a new mutation of the gene in the mother or the child.
- Haemophilia tends to affect men more than women as the gene can be passed from mother to son. It is estimated that 1 in every 5,000 males is born with this condition.
- There is an erratic supply of medicines (for blood clotting factors 8 and 9) which are required for treatment.
- Given the low volumes at which the drugs needed to treat such diseases would be consumed, pharmaceutical companies have little commercial incentive to produce them.
- High cost of treatment owing to the unavailability of free services with the Haemophilia Society of India (HSI) and government hospitals also contribute to the lack of treatment options.
- Unavailability of hematologists in the state
- A lack of effective alternate treatment.
- **Lack of awareness especially among rural and tribal people** about the blood disorder result in patients remaining unregistered.

Measures to tackle the issue:

- Currently, there's no known cure for haemophilia, however, treatment can help a person with the condition enjoy a good quality of life.
- Though **factor replacement therapy** is the treatment of haemophilia there may be complications. Earlier the risk was viral infection- like hepatitis B and C or HIV. However with better purification and safety measures this has reduced in plasma derived factor and is not present in recombinant factor.
- **Antifibrinolytic medicines** (such as tranexamic acid and epsilon aminocaproic acid) may be used along with replacement therapy. They can be used alone for minor bleeds especially mouth bleeds.
- **State** has responsibility for providing affordable, accessible and reliable health-care services to every citizen. In fact constitution also mentions importance of health-care services under **articles like 21, 38 and 47** and thus state cannot evade this responsibility under the pretext of non-justifiability of articles.
- **A nationwide policy on orphan drugs** could incentivize Pharma companies.
- **Blood testing centres at PHCs and Secondary Health centres** can help diagnose the disorder at the earliest and take necessary care.
- **Genetic counselling of the families having history of haemophilia** can help prevent further occurrences in offsprings.
- **Gene therapy:** Researchers are trying to find ways to correct the defect in the genes that cause haemophilia. Gene therapy has not yet developed to the point that it's an accepted treatment for haemophilia. However, researchers continue to test gene therapy in clinical trials for haemophilia B
- **Precautions:** Avoid injury as much as possible, children should be watched for falls, avoid intramuscular injections. Most children's vaccines can be given in the skin with a thin needle
- Strong muscles may help to protect the joint, so **physical therapy** is part of treatment for haemophilia. The benefit of physical therapy may not be immediate, it is important for long term mobility.

Conclusion:

- There is a major lack of awareness of haemophilia in India. It is important that parents get timely information about this lifelong disorder so that they can get the best help for their children and handle their lives in a better way when they are well aware of the condition, including the impact of disease on the lives of individuals.



Q) Examine the status of Malaria in India. What is your assessment of the potential of Mosquera – world's first Malarial vaccine in this regard ? (250 words)

Reference

Why this question:

The question is in the context of World Malaria day celebrated on 24th April.

And recently

Demand of the question:

The answer must evaluate in detail the recent controversies surrounding GST, about making it a single rate platform. Evaluate the pros and cons of such a move and an African Nation, Malawi is in plans of undertaking large scale pilot tests for the world's most advanced experimental malaria vaccine in a bid to prevent the disease.

Directive word:

Examine – When asked to 'Examine', we have to look into the topic (content words) in detail, inspect it, investigate it and establish the key facts and issues related to the topic in question. While doing so we should explain why these facts and issues are important and their implications.

Structure of the answer:

Introduction

Start by explaining the expanse of the disease across the world.

Body

- Discuss the status of Malaria in India – a good way would be to provide for a timeline, associated policies and programmes that focused on elimination of the disease.
- Explain the coming of World's first vaccine against a parasitic disease: Mosquirix.
- What are its significance?
- Impact on global scenario of Malaria.
- India's efforts in this regard.
- State few examples of initiatives such as Odisha's Durgama Anchalare Malaria Nirakaran (DAMaN).

Conclusion

Conclude with way forward.

Introduction:

- Malaria is a disease caused by the infectious single-celled microorganisms of the Plasmodium group, which is spread by female Anopheles mosquitoes.
- Malaria is a leading cause of human morbidity and mortality. Despite huge progress in tackling the disease, there are still 212 million new cases of malaria and 430,000 malaria-related deaths worldwide each year according to the World Health Organisation (WHO).
- Most cases (80%) and deaths (90%) were in sub-Saharan African.

Body:

Extent of the Malaria in India:

- As per **World Health Organisation's World Malaria Report of 2018**, India is the only country among the 11 highest-burden countries that saw substantial progress in reducing disease burden: it saw a 24% decrease in 2017 compared to 2016.
- Large number of cases treated in the private sector, are not reported to the government
- 80% of malaria cases occurring among 20% of India's population in 200 high-risk districts
- The Indian record stands in sharp contrast to some of its neighbours — the Maldives was certified malaria-free in 2015, and Sri Lanka followed last year.
- In India, malaria is caused by the parasites Plasmodium falciparum (Pf) and Plasmodium Vivax (Pv). Pf is found more in the forest areas, whereas Pv is more common in the plains.
- Majority of malaria cases in the country occur in its bordering districts, forests and tribal areas.
- The majority of reporting districts are in the country's eastern and central parts — the largest number of cases are found in Odisha, Chhattisgarh, Jharkhand, Madhya Pradesh and the North-eastern states of Tripura, Mizoram and Meghalaya.
- Since 2000, India has reduced malaria deaths by two-thirds and halved the number of malaria cases.



Mosquirix:

- It is the world's first vaccine against the deadly Malaria.
- **RTS,S, known by its trade name Mosquirix**, uses antibodies to target proteins presented by sporozoites (such as the circumsporozoite protein of falciparum) to enhance the immune system and help prevent the parasite from infecting the liver.
- Mosquirix is also engineered using a hepatitis B viral protein and a chemical adjuvant to further boost the immune response for enhanced effectiveness.
- The vaccine offers partial protection from the disease, with clinical trials finding that it prevented approximately 4 in 10 malaria cases, according to WHO.
- African Nation, Malawi will be undertaking large scale pilot tests for the world's most advanced experimental malaria vaccine in a bid to prevent the disease. Some 360,000 children a year in three African countries will receive the world's first malaria vaccine as part of a large-scale pilot project.
- The vaccine has been recommended by **WHO for pilot introduction** in selected areas of 3 African countries- Ghana, Kenya and Malawi.

India's efforts to fight Malaria:

- India's progress in fighting malaria is an outcome of concerted efforts to ensure that its malaria programme is country-owned and country-led, even as it is in alignment with globally accepted strategies.
- Indian government has released a **National Strategic Plan (NSP) for malaria elimination for years 2017-2022, targeting eradication by 2030**.
- This marked a **shift in focus from malaria "control" to "elimination"**. The plan provides a roadmap to achieve the target of ending malaria in 571 districts out of India's 678 districts by 2022.
- Scaling up a diagnostic testing, treatment and surveillance
- Ensuring an uninterrupted drug and diagnostics supply chain
- Training community workers to test all fever cases and provide medicines, and distributing medicated bed-nets for prevention, under its 'test-treat-track' in the endemic north-eastern states and Odisha.

Way forward:

- Strong surveillance system requires high levels of access to care and case detection, and complete reporting of health information by all sectors, whether public or private.
- **Lessons from Srilanka:**
 - Most of these people live in forest-rich districts also affected by the Naxalite problem. By reaching out to marginalised communities living in inaccessible areas and also to Naxal cadres with the help of civil society India can expect to eradicate malaria.
 - Improving public health system and rolling out malaria control interventions in these areas is critical if India wants to eliminate malaria by 2030.
 - Malaria control in border districts in the north and the north-east.
- **Web-based surveillance:**
 - All fever cases were tested for malaria and each case notified with the Anti 'Malaria Campaign at the ministry of health. People with a travel history to countries with malaria transmission were closely tracked for symptoms, as were people in the armed forces on peacekeeping missions, immigrants, emigrants, tourists and pilgrims.
- **Rationing medicines:**
 - Anti-malarial medicines were only available with the AMC, which compelled the private health sector to notify all cases. With malaria cases sharply falling, it soon became unprofitable for the private sector to stock anti-malarial medicines.
- **24x7 hotline:**
 - AMC ran a 24-hour hotline to notify, track and treat the patient in isolation to stop further spread of infection.
- **Parasite control:**
 - In the early 1990s, the AMC changed from vector-control (mosquito control) to parasite control strategy to contain infection. From 1999 onwards, cases have steadily declined and by 2008, less than 1,000 cases were being reported per year.
- **Health access:**
 - A strong public health system, sanitation and roads lowered mosquito breeding and took treatment to people in the remotest of places. Early diagnosis and prompt treatment by trained health workers with focus on high-risk areas lowered disease and deaths.



- **Stakeholder partnerships:**
 - Intensive disease surveillance, integrated vector (mosquito) management, rigorous community engagement and research increased social, technical and financial support for eradication.

Case Study: Durgama Anchalare Malaria Nirakaran (DAMaN) initiative:

- Among states, Odisha's Durgama Anchalare Malaria Nirakaran (DAMaN) initiative is significant.
- The initiative aims to deliver services to the most inaccessible and hardest hit people of the State. The initiative has in-built innovative strategies to combat asymptomatic malaria.
- The programme is jointly implemented by Indian Council of Medical Research-National Institute of Malaria Research (ICMR-NIMR), National Vector Borne Disease Control Programme (NVBDCP), Odisha and Medicines for Malaria Venture (MMV).

Q) India's health system faces multipronged challenges, with most alarming one being acute shortage of doctors, discuss what are the constraints and challenges involved and what measures should be taken to combat this issue ? (250 words)

NewIndianexpress

Why this question:

Recently Niti Aayog, agreed to a proposal of Dental Council of India to allow dentists to practice as general physicians after a bridge course. The advancement has come following a meeting in the Prime Minister's Office earlier this month in which it was urged that unconventional methods are to be adopted to address the shortage of doctors in the country, particularly in rural areas.

Key demand of the question:

The answer must explain the situation of shortage of doctors in the country's health system and the recent approaches taken by the government to resolve it.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Introduce by highlighting the fact that India has a shortage of doctors and that the doctor patient ratio is one of the lowest in the world.

Body:

- As India's health system faces multipronged challenges, deficiency of doctors has emerged as one of the biggest roadblocks in the making of a new healthcare ecosystem. Currently, there is a shortfall of nearly two million doctors and four million nurses. Moreover, doctors' numbers are also skewed towards a few States.
- Quote statistics – India has less than one doctor for every 1,000 citizens, which is less than the World Health Organisation (WHO) standard that prescribes a doctor population ratio of 1:1,000. If Ayush practitioners are included, India has 1.3 doctors for 1000 population. A Medical Council of India (MCI) report suggests that in July 2017, there were a total 10,22,859 allopathic doctors registered with the MCI or with state medical councils. As per the Aarogya Bharat Report, the shortfall of doctors is likely to continue till 2039. India is passing through a critical phase, and to deal with the situation, it needs urgent structural reforms.
- Explain the causes of the situation of shortage.
- Suggest what needs to be done and that such steps of bridge course are a welcome step.

Conclusion:

Prioritizing areas with critical shortage of healthcare professionals especially doctors will be important. Moreover, regulations that enable private participation in medical education need to be created. Exploring public-private partnership (PPP) models to enable a rapid increase in medical education seats needs to be given priority. Focusing on primary care can help reduce hospitalization rates. And telemedicine and remote monitoring tools can be used to widen the reach of existing doctors and increase their productivity.



Introduction:

- India's health care system consists of a mix of public and private sector providers of health services. Networks of health care facilities at the primary, secondary and tertiary level, run mainly by State Governments, provide free or very low cost medical services.
- To address the shortage of doctors in the country, particularly in rural areas, The Centre's top advisory body, NITI Aayog, has agreed to a Dental Council of India proposal to allow dentists to practice as general physicians after a bridge course.

Body:

The major challenges faced by healthcare system in India are:

- **Doctor-Density Ratio:** The WHO reports the doctor-density ratio in India at 8 per 10,000 people as against one doctor for a population of 1,000. To achieve such access, merely increasing the number of primary and secondary healthcare centres is not enough.
- **Shortage of Medical Personnel:** Data by IndiaSpend show that there is a staggering shortage of medical and paramedical staff at all levels of care: 10,907 auxiliary nurse midwives and 3,673 doctors are needed at sub-health and primary health centres, while for community health centres the figure is 18,422 specialists.
- **Finance:** At about 1.3% of the national income, India's public healthcare spending between 2008 and 2015, has virtually remained stagnant. This is way less than the global average of 6 per cent. It is a herculean task to implement a scheme that could potentially cost Rs 5 lakh per person and benefit 53.7 crore out of India's 121 crore citizenry, or roughly about 44% of the country's population. Over 70 per cent of the total healthcare expenditure is accounted for by the private sector.
- **Crumbling public health infrastructure:** Given the country's crumbling public healthcare infrastructure, most patients are forced to go to private clinics and hospitals. There is a shortage of PHCs (22%) and sub-health centres (20%), while only 7% sub-health centres and 12% primary health centres meet Indian Public Health Standards (IPHS) norms.
- **High Out of Pocket Expenditure:** Reports suggest that 70% of the medical spending is from the patient's pockets leading to huge burden and pushing many into poverty. Most consumers complain of rising costs. Hundred days into the PMJAY, it remains to be seen if private hospitals provide knee replacement at Rs 80,000 (current charges Rs 3.5 lakh) bypass surgery at Rs 1.7 lakh (against Rs 4 lakh).
- **Insurance:** India has one of the lowest per capita healthcare expenditures in the world. Government contribution to insurance stands at roughly 32 percent, as opposed to 83.5 percent in the UK. The high out-of-pocket expenses in India stem from the fact that 76 percent of Indians do not have health insurance.
- **Rural-urban disparity:** The rural healthcare infrastructure is three-tiered and includes a sub-center, primary health centre (PHC) and CHC. PHCs are short of more than 3,000 doctors, with the shortage up by 200 per cent over the last 10 years to 27,421. Private hospitals don't have adequate presence in Tier-2 and Tier-3 cities and there is a trend towards super specialisation in Tier-1 cities.
- **Social Inequality:** The growth of health facilities has been highly imbalanced in India. Rural, hilly and remote areas of the country are under served while in urban areas and cities, health facility is well developed. The SC/ST and the poor people are far away from modern health service.
- **Poor healthcare ranking:** India ranks as low as 145th among 195 countries in healthcare quality and accessibility, behind even Bangladesh and Sri Lanka.
- **Commercial motive:** lack of transparency and unethical practices in the private sector.
- **Lack of level playing field between the public and private hospitals:** This has been a major concern as public hospitals would continue receiving budgetary support. This would dissuade the private players from actively participating in the scheme.
- **Scheme flaws:** The overall situation with the National Health Mission, India's flagship programme in primary health care, continues to be dismal. The NHM's share in the health budget fell from 73% in 2006 to 50% in 2019 in the absence of uniform and substantial increases in health spending by States.

Steps taken up currently:

- The **National Health Policy (NHP) 2017** advocated allocating resources of up to two-thirds or more to primary care as it enunciated the goal of achieving "the highest possible level of good health and well-being, through a preventive and promotive healthcare orientation".
- A 167% increase in allocation this year for the **Pradhan Mantri Jan Arogya Yojana (PMJAY)** — the **insurance programme** which aims to cover 10 crore poor families for hospitalisation expenses of up to ₹5 lakh per family per annum.
- The government's recent steps to **incentivise the private sector to open hospitals** in Tier II and Tier III cities.



- Individual states are adopting technology to support health-insurance schemes. For instance, Remeditnet Technology (India's first completely electronic cashless health insurance claims processing network) has been signed on as the technology partner for the Karnataka Government's recently announced cashless health insurance schemes.

Measures needed to strengthen the existing state of Health infrastructure in the country are:

- There is an immediate need to **increase the public spending to 2.5% of GDP**, despite that being lower than global average of 5.4%.
- The achievement of a distress-free and comprehensive wellness system for all hinges on the performance of health and wellness centres as they will be instrumental in reducing the greater burden of out-of-pocket expenditure on health.
- There is a need to depart from the current trend of erratic and insufficient increases in health spending and make substantial and sustained investments in public health over the next decade.
- A **National Health Regulatory and Development Framework** needs to be made for improving the quality (for example registration of health practitioners), performance, equity, efficacy and accountability of healthcare delivery across the country.
- Increase the **Public-Private Partnerships** to increase the last-mile reach of healthcare.
- **Generic drugs and Jan Aushadi Kendras** should be increased to make medicines affordable and reduce the major component of Out of Pocket Expenditure.
- The government's **National Innovation Council**, which is mandated to provide a platform for collaboration amongst healthcare domain experts, stakeholders and key participants, should encourage a culture of innovation in India and help develop policy on innovations that will focus on an Indian model for inclusive growth.
- India should take cue from other developing countries like Thailand to work towards providing **Universal Health Coverage**. UHC includes three components: Population coverage, disease coverage and cost coverage.
- Leveraging the **benefits of Information Technology** like computer and mobile-phone based e-health and m-health initiatives to improve quality of healthcare service delivery. **Start-ups** are investing in healthcare sector from process automation to diagnostics to low-cost innovations. Policy and regulatory support should be provided to make healthcare accessible and affordable.

Conclusion:

- India needs a holistic approach to tackle problems in healthcare industry. This includes the active collaboration of all stakeholders public, private sectors, and individuals.
- A more dynamic and pro-active approach is needed to handle the dual disease burden. A universal access to health makes the nation fit and healthy, aiding better to achieve the demographic dividend.

Q) Discuss the challenges facing Indian universities. Do you think they require some kind of “cultural revolution” to join the lines of global world-class universities. (250 words)

The hindu

Why this question:

The Article discusses specific issues being faced by the Indian universities, more so specifically the issues that hinder Indian universities to join the ranks of global world class initiative.

Key demand of the question:

The answer must discuss the detailed challenges that are being faced by the Indian universities and also should discuss what needs to be done to improve the current conditions of the university education in India.

Directive:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer

Introduction:

Introduce briefly the context of the question.

Body:

- Discuss specific issues that surround Indian universities which make them substandard to the International benchmark. Issues such as – abysmal infrastructure, Governments and their



regulators have also weakened the abilities of universities by prescribing how every decision had to be made and how the lecture could be imagined, bad teaching quality, issues associated with autonomy, lack of quality standards in teaching faculties etc.

- Discuss specific policy failures – why and what needs to be done?
- What kind of cultural revolution is needed to change the existing system?
- Suggest way forward.

Conclusion –

Conclude with need for overhaul of the system, suggest solutions and best practices that need to be adopted.

Introduction:

- India is a rapidly changing country in which inclusive, high-quality education is of utmost importance for its future prosperity. The country is currently in a youth bulge phase. It has the largest youth population in the world—a veritable army of 600 million young people under the age of 25.

Body:

Challenges facing Indian higher education:

1. Gross Enrolment Rate issues:

- India's higher education system, does not have the capacity to achieve enrolment ratios anywhere close to those of other middle-income economies.
- The country's tertiary gross enrolment rate is growing fast, but remains more than 20 percentage points below that of China or Brazil, despite the creation of large numbers of higher education institutions (HEIs) in recent years.

2. Brain-Drain:

- Educational attainment in present-day India is also not directly correlated to employment prospects—a fact that raises doubts about the quality and relevance of Indian education.
- Such bottlenecks have caused a large-scale outflow of labour migrants and international students from India.
- The number of Indian students enrolled in degree programs abroad has grown almost fivefold since 1998, while hundreds of thousands of labour migrants leave the country each year.
- Many of these migrants are low-skilled workers, but there is also a pronounced brain drain of skilled professionals of 950,000 Indian scientists and engineers lived in the U.S. alone in 2013 (a steep increase of 85 percent since 2003).

3. Regulation:

- High control and low on support and facilitation
- UGC has been accused of biased granting of funds
- Undermining independence of autonomous universities
- UGC's flawed method of determining recruitment and career advancement of faculty: Academic Performance Indicator (API).

4. Indian Talent Pool of IIT's:

- The Indian Institutes of Technology are synonymous with excellence and the national academic frontier.
- But, the IITs' ability to live up to these expectations in terms of research output and the quality of education is contingent on its faculty. However, of late, the shortage of faculty members in the IITs has been under the spotlight.
- It was reported recently that there are just 40 foreign teachers at all of the Indian Institutes of Technology (IITs) that is just 1% of the total faculty of 5,400 — despite the government's goal to attract 20% international faculty at higher education institutions such as the IITs.

5. Scales of salary:

- Indian academic salaries are not globally competitive, even taking into account variations in living costs.
- In the U.S., senior academics at research universities typically earn around Rs.8,970,000 and up annually, and those at top universities can earn Rs.13,800,000 or more.
- The average salary for a full-time academic is Rs.5,037,000, with those in high demand fields in the sciences, business and others earning significantly more.
- China, which is also actively luring top international faculty to its research universities, is offering salaries of Rs.6,900,000 or more along with additional research funding.



- International faculty cannot be offered long-term appointments in Indian public institutions. A five-year contract is all that is available. Thus, there is little job security.

6. Private colleges and Deemed Universities:

- Arbitrary nature of fees; “capitation fees”
- Admissions manipulated- Management quotas
- Ill equipped to organize courses
- De facto management—the trustees of the sponsoring societies or trusts

Recent Government Initiatives:

- To counter this “brain drain” and to quickly improve top Indian institutions, the government introduced flagship programmes such as the Global Initiative of Academic Networks (GIAN), Visiting Advanced Joint Research Faculty Scheme (VAJRA), and Scheme for Promotion of Academic and Research Collaboration (SPARC).
- Government of India has launched **SWAYAM** as a Massive Open Online Course (MOOC). Swayam is a platform that would bind Indian higher education both online and offline.
- **Revitalising Infrastructure and Systems in Education (RISE):** Aims to Increase investments in research and related infrastructure in premier educational institutions. The RISE initiative will be funded by a restructured Higher Education Financing Agency (HEFA). Total investment of ₹1, 00,000 crore in next four years.
- **IMPRINT India:** Joint initiative of IITs and IISc to address major and science and technology challenges in India.
- **Ucchtaar Aavishkar Abhiyaan:** To promote industry-specific need-based research

Measures needed to improve status of Indian Universities:

- The best Indian universities would require a kind of “cultural revolution” to join the ranks of global world-class universities and to be able to lure top faculty.
- It is virtually impossible for India to attract large numbers of international professors of high standing and ability without dramatic changes in many aspects of the existing governance structure in higher education. **Dramatically enhanced funding would also be required.**
- The Ministry of Human Resource Development should be working closely with the Ministry of Corporate Affairs to have a road map that **incentivises CSR funding to be made available for universities.**
- There need to be an immediate move to attract more candidates, such as the faculty recruitment drive in the US, and monetary incentives like the **Young Faculty Incentive Fellowship Scheme.**
- **Parallel development in infrastructure** is necessary to accommodate the research needs of incoming faculty.
- The **structural and practical realities of Indian universities** make them generally unattractive to academic talent from abroad, this must be rectified at the earliest.
- The key motivation for hiring foreign faculty must be to improve international competitiveness and secure positions in global rankings, which in turn would also attract more motivated students.
- Attracting foreign nationals, Indians who studied at prestigious foreign universities by offering higher salaries and other benefits.
- The moral and motivation of the academics have to be maintained. Not only attract the quality but also retain the quality of teachers. For this, the recruitment and the promotion policy has to be looked into. Recruitment policy on merit, kind of promotion on merit and in intervals would retain good teachers.

Conclusion:

- If universities become centre of fresh knowledge production then things change. Complete freedom of thought in direction and ideas is need of the hour. There is a prevailing culture that knowledge is finite and job of student is to master pre-existing knowledge. This has a limiting problem in educational culture which needs to be challenged.
- **Infrastructure, competition within and competition outside, the kind of funding received** plays an important role in university building. It may be a good idea to promote competition between public and private universities and their release combined rankings. Improvement of ranking is a real challenge as decline of institutions is a serious concern due to under-funding as well as limited teaching faculty.



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TOPIC: Important aspects of governance, transparency and accountability, e-governance- application, models, successes, limitations, and potential; citizens charters, transparency & accountability and institutional and other measures. Role of civil services in a democracy.

Q) The recent storm related to demand for more transparency by means of reinforcing the social audit mechanisms holds widespread importance but it may also lead to overlap in priorities. comment. (250 words)

Ethics by Lexicon

Why this question:

The question is about analyzing the ethical angle involved in social auditing mechanisms that are meant to provision for greater transparency and accountability in the system of welfare policies and provisions.-

Key demand of the question:

The answer must discuss the importance of social auditing mechanisms and their role in ensuring transparency in the system and one has to also bring out how it may lead to overlap of priorities.

Directive:

Comment– here we have to express our knowledge and understanding of the issue and form an overall opinion thereupon.

Structure of the answer:

Introduction:

In a few introductory lines write about social auditing mechanism and their importance in public administration.

Body:

Answer to such questions are best explained with case studies and example , one can explain it with policies such as MGNREGA and the respective social auditing associated with it. What are the challenges faced by it ? how can it be overcome? What needs to be done? Why is it often known to jump priorities? Its association with bringing transparency and accountability in public administration.

Conclusion:

Conclude with significance of such mechanisms and need for a balanced approach.

Introduction:

- Social auditing is a process by which an organization / government accounts for its social performance to its stakeholders and seeks to improve its future social performance. A social audit helps to narrow gaps between vision/goal and reality; and between efficiency and effectiveness. It allows us to measure, verify, report on and to improve the social performance of any government effort or organization.

Body:

Recent steps by legislature and judiciary:

- **Legislature:**
 - **Right to information Act, 2005:** This is also a key pillar of support for Social Audit system in India. This was enacted by Parliament of India to provide for setting out the practical regime of the right to information for citizens.
 - **National Rural Employment Guarantee Act, 2005\ (NREGA):** Section 17 of this Act provides for regular "Social Audits" so as to ensure transparency and accountability in the scheme.
 - **Meghalaya** became first state in country to operationalize The Meghalaya Community Participation and Public Services Social Audit Act, 2017, a law that makes social audit of government programmes and schemes a part of government practice.
- **Judiciary:**
 - The **Supreme Court** has recently passed a series of orders to give social audits the robust infrastructural framework they need.
 - Citing the statutory requirements in the **MGNREGA and the National Food Security Act**, the court has ordered that the **CAG-formulated Social Audit Standards** be applied to set up truly independent state-supported State Social Audit units.
 - It has also ordered that social audits be conducted of Building and other Construction Workers Cess, and the implementation of the Juvenile Justice Act.



Impediments to institutionalising social audits in India:

- Lack of support from government machineries has side-lined social audits:
 - The lack of adequate administrative and political will in institutionalising social audit to deter corruption has meant that social audits in many parts of the country are not independent from the influence of implementing agencies.
 - Social audit units, including village social audit facilitators, continue to face resistance and intimidation and find it difficult to even access primary records for verification.
 - Most Indian states have delayed conducting social audits, despite these being in place since 2006. They are held back by a lack of political will and entrenched vested interests.
- There has been no delivery on legal accountability frameworks such as the Lokpal Bill and the Whistle Blowers Protection Bill
- Lack of any legal proceedings for not following social audit principles: Unless there is a stringent penalty on authorities for not implementing social audit, they will not give up control because it reduces their kickbacks and authority
- Lack of education among the common masses: Since common people are not that educated, they do not know their rights.
- Untimely transfer of functionaries makes it difficult to have appropriate responsibility fixation
- Lack of people participation: Most of the people still think themselves as being ruled by the politicians, while politicians think that they are the rulers. Due to this reason, common people do not get involved in the developmental activities
- Timely meetings are not held.
- No follow up: The analysis of administrative data on social audit findings in Andhra Pradesh suggests that follow-up and enforcement of punishments was weak
- Corruption has not reduced: It hasn't led to reduced corruption and improved MGNREGA delivery
- Analysis of data from official audit reports of almost 100 mandals during 2006-10, however, shows that repeated social audits of MGNREGA projects did not reduce the number of corruption-related labour complaints, while there was a substantive rise in material-related complaints.
- The impact of audits on other programme outcomes like employment generation, targeting of the SC/ST population was absent.
- Failure of the social audit process to deter leakage of programme fund
- Systematic and regular audits with beneficiary participation have not taken off in other parts of the country.
- Problem of difference in work culture.

Way forward:

- The system of social audits needs synergistic endorsement and a push by multiple authorities to establish an institutionalised framework which cannot be undermined by any vested interests.
- Citizens groups need a campaign to strengthen social audits, and make real progress in holding the political executive and implementing agencies to account.
- Organization of a mass campaign to increase public awareness about the meaning, scope, purpose and objectives of social audit.
- Establishment of a team of social audit experts in each district who are responsible for training social audit committee members (stakeholders).
- Implementation of training programmes on social auditing methods conducting and preparing social audit reports, and presentation at Gram Sabha.

Conclusion:

- In an age where phrases such as open data and open government are used in any conversation around governance, social audits should serve as a critical point of reference. An open and transparent system involves the presence of real platforms for people to be informed by official statements and records, with an opportunity to compare that with ground realities.



Q) The antimicrobial resistance is turning into a global concern. Discuss the possible causes for the Candida Auris rampage and suggest what should be done to overcome the issue. (250 words)

Indianexpress

Why this question:

The drug-resistant fungus “Candida Auris” has sickened hundreds of people across the United States (US) and around the world, and its rise embodies a serious and growing public health threat of antimicrobial resistance

Key demand of the question:

The answer must cover a detailed discussion on the antimicrobial resistance, onset of Candida Auris, causes and effects. And what needs to be done to overcome the challenge concerning the world.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Highlight the situation , explain the background in brief.

Body:

Discussion should have the following aspects :

- About Candida Auris (C. Auris) :
- is a drug-resistant superbug fungus which causes serious infections; it is an emerging fungus that presents a serious global health threat.
- The fungus has also been called “a creature from the black lagoon.”
- It is multidrug-resistant, which means it is resistant to multiple antifungal drugs commonly used to treat Candida infections.
- The fungus, a type of yeast called Candida auris, can lead to an infection of the bloodstream, heart, or brain and these infections are difficult to treat.
- Why is it such a big worry? – causes and consequences (take leads from the article)
- Origin of the global threat.
- How it can be prevented – preventing the spread, intensive clinical care, controlled intake of antibiotics, reduced usage of fungicides in agriculture etc.

Conclusion:

Conclude with road ahead – Battling the superbugs requires aggressive responses and, ultimately, scientific advancements.

Introduction:

- The killer germ, a **fungus called Candida auris**, has showed up in countries as far apart as **Australia and Canada, Venezuela and Japan**, over the past few years. It has set alarm bells ringing because it is **often resistant to multiple anti-fungal drugs**. Healthcare facilities in several countries have reported that it has been causing severe illness in hospitalized patients.

Body:

Candida Auris:

- **Infections Caused:** auris can cause bloodstream infections, wound infections, ear infections and even death, particularly in hospital and nursing home patients with serious medical problems.
- **History:** Although C. auris was first identified in 2009 in Japan, it has spread quickly and caused infections in more than a dozen countries.
- **Drug resistance:** Antifungal medicines commonly used to treat Candida infections often don't work for Candida auris. Some C. auris infections have been resistant to all three types of antifungal medicines.
- **Symptoms:** The most common symptoms of invasive Candida infection are fever and chills that don't improve after antibiotic treatment for a suspected bacterial infection.

Possible causes for Auris rampage:

- Drug-resistant strains of microorganisms commonly develop from flawed prescription regimes, a matter of concern for decades.
- Offlate, there has been an **explosion of resistant fungi** as well, adding a new and frightening dimension to a phenomenon that is undermining a pillar of modern medicine.



- Simply put, **fungi**, just like **bacteria**, are evolving defences to survive medicines.
- Antibiotics and antifungals are both essential to combat infections in people, but antibiotics are also used widely to prevent disease in farm animals, and antifungals are also applied to prevent agricultural plants from rotting.
- Scientists cite evidence that rampant use of fungicides on crops is contributing to the surge in drug-resistant fungi infecting humans.

Measures to tackle the problem:

- Placing the patients with C. auris in single rooms and using Standard and Contact Precautions.
- Increasing emphasis on hand hygiene.
- Cleaning and disinfecting patient care environment and reusable equipment with recommended products.
- Inter-facility communication about patient's C. auris status – when a patient is being transferred to another healthcare facility.
- Conducting surveillance for new cases to detect ongoing transmission.
- Everyone who has come in contact with a patient should be screened for the fungus is a vital part of infection prevention and control.
- Guidelines for treatment say that only when there are symptoms of an infection should the patient be given anti-fungals such as Caspofungin and Micafungin.

CAUSES OF ANTIBIOTIC RESISTANCE



Antibiotic resistance happens when bacteria change and become resistant to the antibiotics used to treat the infections they cause.



Over-prescribing of antibiotics



Patients not finishing their treatment



Over-use of antibiotics in livestock and fish farming



Poor infection control in hospitals and clinics



Lack of hygiene and poor sanitation



Lack of new antibiotics being developed

www.who.int/drugresistance

#AntibioticResistance



World Health Organization

Conclusion:

- Anti-Microbial Resistance is not a country specific issue but a global concern that is jeopardizing global health security. Antimicrobial resistance is one of the major public health problems. Reducing the incidence of infection through effective infection prevention and control. As stated by WHO, making infection prevention and hand hygiene a national policy priority is need of the hour.



Q) Recently National Sample Survey Office (NSSO) has been marred with politicization of data, in the context of the statement discuss how cherry picking of data can affect government policy decisions ? Suggest solutions. (250 words)

The hindu

Why this question:

The article captures a detailed critical analysis of the data issue associated with National Sample Survey Office (NSSO) and the extent of politicization of the office.

Key demand of the question:

The answer must provide for a critical analysis of the National Sample Survey Office (NSSO) and the way data is being cherry picked, in what way it affects Government's policy decisions.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Introduce with role of National Sample Survey Office (NSSO) in providing accurate data .

Body:

Explain in detail the roles and responsibilities of National Sample Survey Office (NSSO), what are the controversies involved. Discuss the recent cases with respect to employment data where the data was politicized affecting the policy decisions in the Job scenario.

Take cues from the article and explain what needs to be done to overcome the issues and concerns associated with the office.

Conclusion:

Conclude with need to give teeth to the National Sample Survey Office (NSSO), so that the data is not manipulated or mismanaged and the office performs its roles and responsibilities duly.

Introduction:

- The National Sample Survey Office (NSSO) is responsible for conduct of large scale sample surveys in diverse fields on All India basis. Primarily data are collected through **nation-wide household surveys on various socio-economic subjects, Annual Survey of Industries (ASI)**, etc.
- Besides these surveys, **NSSO collects data on rural and urban prices and plays a significant role in the improvement of crop statistics through supervision of the area enumeration and crop estimation surveys of the State agencies**. It also **maintains a frame of urban area units for use in sample surveys in urban areas**.

Body:

Controversies relating cherry-picking of data by the Government:

- Over the past few months, headlines have focussed on declining employment between 2011-12 and 2016-17; loss of jobs under the National Democratic Alliance government, particularly post-demonetisation; and the government's refusal to release a report using the Periodic Labour Force Survey (PLFS) documenting this decline, leading to resignations of two members of the National Statistical Commission.
- It did not announce the data on employment created by the 'Mudra' scheme.
- Earlier, the National Sample Survey Office (NSSO) data on employment were withheld. Data on farm suicides have not been available since 2016.
- Data are being withheld precisely where experts have flagged problems, such as on employment, farmers' crisis and economic growth.
- Data from the Centre for Monitoring Indian Economy (CMIE) and others have confirmed the loss of jobs.
- GDP data also become suspect and so does the claim of 7% rate of growth. A 7% growth rate of the economy is not consistent with this crisis. They are based only on the corporate sector data and not even the organised sector. Thus, they are even less representative of growth of the economy.

Dangers posed due to such false data:

- It only helps in diverting attention from real issues to the trivial ones while the condition of economy goes from bad to worse.
- Economic statistics as a "public good" that was vital for policy-making and informed public discourse in democracies where citizens seek accountability from their governments.
- For decades, India's statistical machinery has enjoyed a high level of reputation for the integrity of the data it produced on a range of economic and social parameters. The credibility will be wiped out.



- Transparency and Accountability which are the chief characteristics of good governance is lost. It masks the government's performance thereby creating a curtain of opacity.
- Reduces the trust of foreign investors in Indian Economy, thereby hampering the economy further.
- It increases the trust deficit between the citizens and government machinery.
- Institutional independence, integrity, reliability and impartiality of the statistical organisations is at stake.

Measures needed:

- The Indian National Sample Survey is respected the world over. Not just because of its size, but also for its sample design, that uses methods make perfect by some of the world's most reputed statisticians. It must be kept above the realm of politics.
- There is an immediate need to dismiss the concerns about alleged political interference in statistical data.
- The economists have pointed out that economic statistics are a public good and are essential for policy-making and informed public discourse.
- They also underlined the need for the use of scientific methods for data collection and estimation and their timely dissemination, which form vital public services.
- A better way of building a robust data infrastructure may be to ensure that each major data collection activity is augmented by an analytical component led by domain experts, recruited from diverse sources, including academia.
- India, with its vastness and complexities, poses tremendous challenges for data collection.
- The dualistic nature of the economy means a large unorganised sector coexists with the organised sector that the data collection systems are unable to fully cover.

Conclusion:

- This is the time for all professional economists, statisticians, independent researchers in policy — regardless of their political and ideological leanings — to come together to raise their voice against the tendency to suppress uncomfortable data, and impress upon the government authorities, current and future, and at all levels, to restore access and integrity to public statistics, and re-establish institutional independence and integrity to the statistical organisations.

Q) “It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it.” Critically analyse the statement in the light of Indian political scenario and the rising menace of corruption. (250 words)

The hindu

Why this question:

The article gives a detailed account of corruption in India , it provides for analysis of how the governments of the past till present have been ignorant of the menace of corruption and that there is absolutely no evidence of any check on everyday corruption that impacts the delivery of services to people.

Demand of the question:

The answer must evaluate in detail the corruption incidences with example, the lacunae on the policy and legislation front and what needs to be done to make India corruption free.

Directive word:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction

Start with few facts/ stats highlighting the scenario.

Body

- Discuss how there have been consistent attacks on anti-corruption laws and institutions.
- For e.g. – In 2015, the government proposed amendments to the Prevention of Corruption Act. The amendment Bill, which was later approved by Parliament, narrows down the definition of corruption, increases the burden of proof necessary for punishing the corrupt, and makes things more arduous for whistle-blowers.
- strengthening of the shield available to officials accused of corruption.



- Investigating agencies have been barred from even initiating an inquiry or investigation into allegations of corruption without prior approval from the government.
- undermining of the autonomy of the Central Bureau of Investigation (CBI).
- Issues associated with Lokpal law etc.
- Discuss how Corruption in India is not limited to collusive high-level scams. Even petty corruption, affects the delivery of basic services and rights to people, is rampant.
- Explain what needs to be done to overcome the issue.

Conclusion

Highlight the importance of strong political will to take necessary steps to curb the menace of corruption.

Introduction:

- Corruption in India is not limited to collusive high-level scams. Petty corruption, which affects the delivery of basic services and rights to people, is rampant. This especially impacts the poor and marginalized, who are most dependent on public provisioning of rations, pensions, health, and education.
- Serious cases of several big corruptions have surfaced in the last five years, including banking frauds and the Rafale deal. The popular sentiment that helped the incumbent Government in the 2014 general election was resentment against corruption in public life.

Body:

Corruption in India:

- According to the **Transparency International's Corruption Perception Index**, India is ranked 76 out of 167 nations
- India's ranking increased from 81st in 2017 to 78 in 2018. India had slid from 79th rank in 2016.
- The **annual Kroll Global Fraud Report** notes that India has among the highest national incidences of corruption (25%).
- The same study also notes that India reports the highest proportion reporting procurement fraud (77%) as well as corruption and bribery (73%).

Consistent attacks on anti-corruption laws and institutions:

Central Bureau of Investigation:

- Recent months have witnessed a brazen undermining of the autonomy of the Central Bureau of Investigation (CBI).
- To insulate the organisation from government influence, the selection and transfer of the CBI Director is vested in a committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India.
- However, the government, without consulting the selection committee, removed the erstwhile CBI Director Alok Verma and appointed an Interim Director, M. Nageswara Rao.
- Although the Supreme Court eventually struck down these decisions as being illegal, it was not before the credibility of the institution was seriously eroded.

Prevention of Corruption Act

- Amendments to the Prevention of Corruption Act narrows down the definition of corruption, increases the burden of proof necessary for punishing the corrupt, and makes things more difficult for whistle-blowers.
- Investigating agencies have been barred from even initiating an inquiry or investigation into allegations of corruption without prior approval from the government.
- Effectively, this empowers political masters to decide whether they wish to allow a corruption inquiry against a government employee or not
- The amendments have done away with the offense of abuse of position by a public servant unless the element of bribery is established.
- This frustrates people's' ability to fight corruption in cases which may not involve the payment of a bribe.
- Also, cases involving gratification are often impossible to trace as they may be deferred in the form of post-retirement benefits or paid through clandestine off-shore accounts.
- Currently, there is no domestic legislation in India which can punish the acts of international bribery i.e. the acts of bribery committed by foreign public officials.

Lokpal Act:

- The Lokpal law was enacted to set up an independent and empowered anti-corruption ombudsman, who would work without fear or favour to tackle cases of big-ticket corruption involving high-level government functionaries.



- The BJP government failed to take the necessary steps to appoint a Lokpal for nearly five years.
- To ensure the independence of the Lokpal, the law provides for a balanced selection committee, including the recognised Leader of the Opposition.
- After the 2014 general election, no one was recognised as the Leader of the Opposition.

Whistleblower's protection act:

- Government has failed to promulgate rules and operationalize the Whistle Blowers Protection Act, 2014. Whistle-blowers, who speak truth to power by exposing corruption and wrongdoing, continue to be denied protection.
- Many Right to Information (RTI) users who have exposed corruption have been killed.

Right to Information Act:

- The RTI Act, one of the most effective tools to fight corruption and abuse of power, has been under constant attack by the government.
- In 2018, the government proposed regressive amendments to undermine the independence of information commissions. These were eventually abandoned due to public pressure.
- Lack of coordination between various investigation agencies is another shortfall of anti-corruption legislation. The lack of coordination results into acquittal of the accused.

Measures needed:

- Legislation for an effective mechanism to hold officials accountable was introduced in Parliament in the form of a Grievance Redress Bill in 2011. Unfortunately, it lapsed with the dissolution of the Lok Sabha in 2014 and needed to be reintroduced.
- Mere enacting anti-corruption laws are not enough. There must be a strong agency to implement those Acts effectively and prevent corruption in public life.
- The collective effort of the legislature along with a proactive approach taken by the judiciary may be very helpful in bringing some positive results in the context of prevention of corruption.
- It is the need of the hour to bring Central Bureau of investigation and other Central and State investigation agencies out of control of the government so that a fair investigation may be brought out and the culprit may be punished as per the provisions of law.
- There should be a comprehensive package to fight against corruption. The government must strengthen existing laws like whistle blower protection act, lokpal act etc.
- The government should also address the regulatory concerns in Competition act, the companies act, income tax etc.
- Government must ensure citizen participation and transparency in decision making to eradicate corruption.
- There should be an equal focus on judicial reform and police reform to create deterrence.

Topic-Development processes and the development industry the role of NGOs, SHGs, various groups and associations, donors, charities, institutional and other stakeholders

Q) Differentiate between Pressure Groups, Civil Society Organizations and NGOs. Discuss role played by them in achieving true values of Democracy. (250 words)

Polity by Lakshmikanth

why this question:

The question is amidst the growing uncertainty of Oil imports for India amidst rising geopolitics that has encircled the oil rich countries and how it has changed the price scenario of India and created feeling of uncertainty.

Key demands of the question:

The answer must

Directive word

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Introduce with a brief on significance of these elements in polity.



Body

The body of the answer should address the following dimensions:

- CSOs can be defined to include all non-market and nonstate organizations outside of the family in which people organize themselves to pursue shared interests in the public domain. Examples include community-based organizations and village associations, environmental groups, women's rights groups, farmers' associations, faith-based organizations, labour unions, co-operatives, professional associations, chambers of commerce, independent research institutes and the not-for-profit media.
- Non-governmental organization (NGO) is a term that has become widely accepted as referring to a legally constituted, non-governmental organization created by natural or legal persons with no participation or representation of any government.
- A pressure group is an organization with shared aims which seeks to influence policy through political means, without seeking political office itself.
- Civil society is an organization formed in the society to push societal interest to the government without any political affiliation whiles pressure groups are groups formed by group of people with similar interest and mind to push their interest to the government for the benefit of their members only and sometimes have political affiliations.
- Discuss how these groups act as a check on instruments of democracy.

Conclusion

Conclude with significance of such groups.

Introduction:

In a democracy, the individual transits from subject to citizen. Yet there is no one more vulnerable and more helpless than our rights-bearing citizen. The Indian Constitution provides a distinct legal space to social capital / civil society institutions:

- through its Article on the right to form associations or unions – Article 19 (1)(c);
- through Article 43 which talks of States making endeavour to promote cooperatives in rural areas;
- Through explicit mention in entries made in Schedule 7.

Body:

A **pressure group** refers to any organized group that has members with common interests and these members making joint efforts to pressurize or influence the formal political system to protect and pursue their interests. They can also be described as 'interest groups', 'lobby groups' or 'protest groups'.

Some Types of PG in India:

- Business and Industry, Professional Pressure Groups – ASSOCHAM, SIAM, FICCI, Trade Unions
- Peasants Pressure Groups – AIKS, Bhartiya Kisan Sangh
- Student's Pressure Groups – AISF, ABVP, JNUSU
- Community associations – VHP, LGBT rights movement, Jat committee, etc.
- Linguistic groups – Tamil Sangh, Hindi Vikas Mandal

Role:

- **Representation and voice:** Providing mouthpiece for groups and interests that are not adequately represented through the electoral process or by political parties thus striving for equality and justice. Role in strengthening democracy through promotion of representation and participation of people and Promotion of debate, discussion, criticism.
- **Education:** Many PG devote significant resources to carry out research, commenting on Govt. policy, information dissemination, facilitate collaboration between academicians and industrialists E.g.: ASSOCHAM research on boosting agri-processing
- **Policy formulation:** Provides vital source of information, advice and criticism to the governments and are regularly consulted in policy decisions. E.g.: SIAM lobbying for less tax on automobile, and rate cuts by RBI; Trade unions for rebates in export duties
- **Direct action:** Can organize strikes, blockades through effective mobilizing of people. E.g.: Anna Hazare's Anti-Corruption movement, Jat-stir for reservation
- **Balances development and environmental conservation.** g.: Narmada Bachao Andolan



Non Governmental Organizations (NGO) are legally constituted organizations, operate independently from the government and are generally considered to be “non-state, non-profit oriented groups who pursue purposes of public interest”. The primary objective of NGOs is to provide social justice, development and human rights. NGOs are generally funded totally or partly by governments and they maintain their non-governmental status by excluding government representatives from membership in the organization. Types and Examples:

- BINGO: business-friendly international NGO (example: Red Cross)
- ENGO: environmental NGO (Greenpeace and World Wildlife Fund)
- GONGO: government-organized non-governmental organization (International Union for Conservation of Nature)
- INGO: international NGO (Oxfam)
- QUANGO: quasi-autonomous NGO (International Organization for Standardization [ISO])

Role:

- **The Advocacy/Social Safety-Valve Role:** Non-profit organisations play vital role in mobilizing public attention to societal problems and needs. They are the principal vehicle through which communities can give voice to their concerns.
- **Improving government performance:** NGOs can broaden government's accountability by ensuring government is responsive to citizens at large rather than to narrow sectarian interests. They also induce innovation and flexibility in policymaking by bringing their own independent expertise and research teams.
- **The Service Role:** The non-profit sector acts as a flexible mechanism through which people concerned about a social or economic problem can begin to respond. It also caters to groups of the population who desire a range of public goods that exceeds what the government or society is willing to support.
- **Conflict Resolution:** NGOs help in constructive conflict resolution. In the international arena Track II diplomacy (involving non-governmental bodies) plays a crucial role in creating an environment of trust and confidence.
- **Building Community Participation:** The non-profit organisations offer alternative perspectives; and most importantly, the capacity to conduct a meaningful dialogue with communities, particularly those that are disadvantaged. They foster pluralism, diversity and freedom. Many NGOs work to preserve and promote India's diverse culture. For example SPIC MACAY is a society for promoting Indian classical music and culture amongst youth.

Civil Society Organizations can be defined to include all non-market and nonstate organizations outside of the family in which people organize themselves to pursue shared interests in the public domain”.

Examples include community-based organizations and village associations, environmental groups, women's rights groups, farmers' associations, faith-based organizations, labour unions, co-operatives, professional associations, chambers of commerce, independent research institutes and the not-for-profit media.

Role: Civil society organisations function outside the conventional space of both State and Market, but they have the potential to negotiate, persuade and pressurise both these institutions to make them more responsive to the needs and rights of the citizens. Voluntary Organisations can offer:

- Alternative perspectives
- Committed expertise
- An understanding of the local opportunities and constraints
- Capacity to conduct a meaningful dialogue with communities, particularly those that are disadvantaged.

Conclusion:

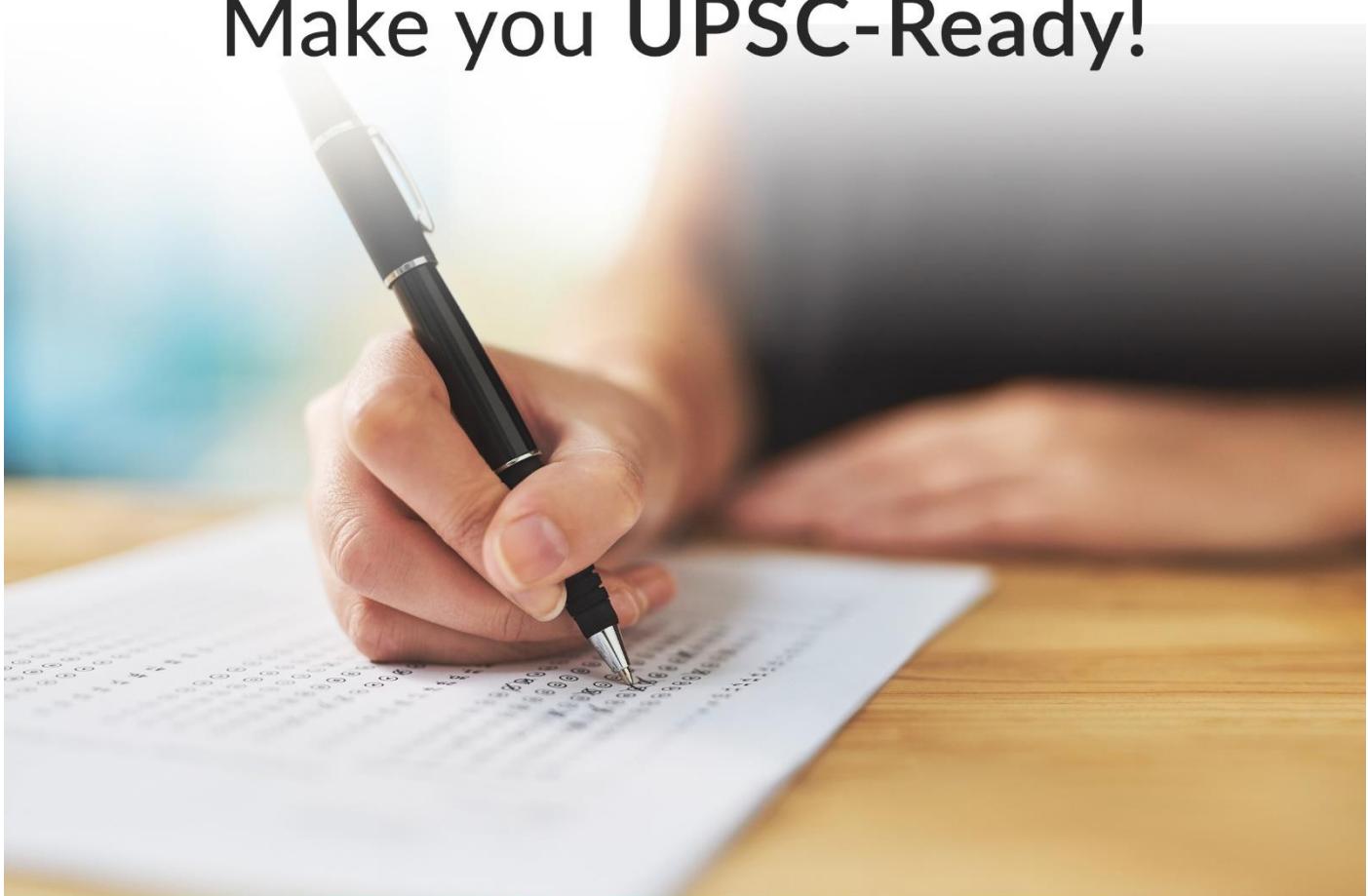
- Pressure groups, NGOs and CSOs form the backbone of democracy. Democracy does not just revolve around what happens once in five years (elections) but how rights of the citizens are protected and are allowed to hold power holders accountable.
- The state must respect the articulation of the politics of voice and not just the politics of the vote. The promises of democracy can only be realised through collective action in civil society.
- A democratic state needs a democratic civil society and a democratic civil society also needs a democratic state. They mutually reinforce each other.



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Topic -India and its neighborhood- relations

Q) The New foreign policy doctrine is manifesting a gradual shift from the fundamental non-aligned past of Nehruvian foreign policy. Illustrate. (250 words)

Hindustantimes

Why this question:

The article provides for a brief analysis of changing foreign policy directive of our country, how the foreign policy is gradually transforming from the Nehruvian doctrine to a newer dimension. Thus the question is important to ponder upon from the point of view of GS paper II.

Key demand of the question:

Analyse in detail the shift in Indian foreign policy and illustrate with current diverging policies with countries across the world.

Directive word:

Illustrate – means use examples; data, diagrams and charts to make it clearer (clarify by giving an example).

Structure of the answer:

Introduction:

Narrate a brief background of the context of the question – salient features of the new policy.

Body:

In brief discuss –

- Discuss the evolution of Indian foreign policy in brief.
- Then move on to discuss the change in attitude that is posited in relations with India's neighbors and partners, and incidental events that justify the gradual shift.
- Quote example of India's relations changing with Israel, United States, Japan , Australia, China, Russia and the recent incidences with Pakistan

Conclusion:

Conclude with what needs to be done, suggest way forward.

Introduction:

- India's foreign policy, ever since independence, remained focused on the principles of **peace, non-violence, non-alignment, anti-imperialism, anti-racism, anti-war** etc, which are derived from the faith and ideals of **human goodness, innate equality of the people, universal brotherhood, unity in diversity and secularism**.

Body:

- However, in recent times, especially since the NDA Government came to power in 2014, commerce, trade and security have taken prominent positions.
- Not non-alignment but alignment with all has been the maxim of India's foreign policy and the country is reaching out to several nations like Fiji and Israel to fulfil its diplomatic needs.

The shift in the foreign policy:

- India's foreign policy is currently focused on **improving relations with the neighbouring countries in South Asia**.
- **Engaging extended neighbourhood** in the Southeast Asian region and other major global powers. In pursuit of this, the Prime Minister has made several official visits to countries like Bhutan, Nepal, Japan, the United States, Myanmar, Australia, Fiji, Israel among many others.
- Through '**fast track diplomacy**', which means adopting a policy that is proactive, strong and sensitive; and '**paradiplomacy**', where states and cities are encouraged to forge special relations with other countries or federal states of another country or even cities of their interest in order, India has pursued a very dynamic and unique policy to pursue its desired goals.
- However, the **main objective** of the foreign policy has been **promotion of trade; maintaining security; promoting transit facility among member states; sprucing infrastructure and enabling connectivity**



- Through ‘neighbourhood first’ policy, more emphasis has been given to our immediate neighbours. Indeed, maintaining relations with immediate neighbours has been a priority for the current Government.
- India has entered into several **Memorandum of Understanding** and **agreements** to encourage cooperation in regional issues like trade, connectivity, infrastructure and transit facility among the member states of the South Asian Association for Regional Cooperation (Saarc).
- **Greater people-to-people contact; better connectivity; and commercial linkages within the region** are the core issues discussed in the **SASEC, BIMSTEC summit** due to non-functionality of SAARC.
- To play more proactive role in the **Southeast Asian region**, India follows the ‘**Act East**’ Similarly, India has also initiated the ‘**link West**’ policy to ensure energy security, trade and employment linkages with the West Asian countries. E.g.: LEMOA, QUAD grouping.
- With the U.S. designating India as a Major Defence Partner, it is one India’s closest strategic partners today. In 2016, India had signed the Logistics Exchange Memorandum of Agreement with the U.S. which gives both sides access to designated military facilities for refuelling and replenishment.
- In 2014, the U.S. replaced Russia as India’s largest defence supplier, and the Russians started negotiating arms sales with Pakistan that same year.
- With the **European countries**, India has increased collaboration in the cultural, economic, social, technological and military realms. India is promoting its ambitious **Make in India programme** in a bid to make the country a manufacturing hub in the US, Russia, Germany and China with cooperation in areas of natural resource, trade and terrorism.
- Under Arab pressure, India had maintained distance from Israel for decades but it is now seeing advantages in a complementary relationship with Israel. In a historic visit to Israel last year, the first ever by an Indian Prime Minister added a new chapter in India’s foreign policy.
- Israel has been a global leader in water and food systems, which are two critical fields that India needs to upgrade. India wants to strengthen its manufacturing base and is looking to do so with technologies coming from Israel.

Conclusion:

- ❖ We have moved forward from our traditional foreign policies, namely **Non-Aligned Movement** and **Panchsheel treaty** to a more proactive trade and security-oriented foreign policy.
- ❖ ‘**Act East**’ policy, ‘**neighbourhood first**’, ‘**link West**’ and ‘**Connect Central Asia**’ policy are practical manifestations of it.
- ❖ **Globalisation and liberalisation** are the realities of the present times and India is currently more focused on crucial areas like trade, economy, energy, security, terrorism.

Q) Demonstrate the strategically important locations of multiple countries present in Indian Ocean. Also discuss why Indian Ocean is becoming a zone of contest ? (250 words)

Reference

Why this question:

The question is in the context of significance of Indian ocean from the resource perspective.

Demand of the question:

This question seeks to examine the prospects of Indian ocean as a resource and its strategic importance for countries around the region. And how this has led to it becoming a zone of contest in the present world.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Start with brief introduction on Indian ocean resources and its strategic importance.

Body

Discuss the following points in detail:

- economic significance of the Indian ocean region for India – privileged location at the crossroads of global trade, connecting the major engines of the international economy in the Northern



Atlantic and Asia-Pacific. This is particularly important in an era in which global shipping has burgeoned.

- Resource perspective – oil resources, fishing, aquaculture, Polymetallic nodules, other mineral resources – nickel, cobalt, and iron, and massive sulphide deposits of manganese, copper, iron, zinc, silver, and gold present in sizeable quantities on the sea bed.
- Strategic significance – India, China, US etc and their stakes.

Conclusion

Conclude with inevitability of global competition among resource hungry world countries and need for moderation and togetherness in sustainable management of IOR.

Introduction:

- Indian Ocean has gained tremendous importance over the years and has now become the most concerted area where global economic activity conjoined political interests.
- The combination of economic growth and slowdown, military expansion, increasing demand for natural resources, demographics combined with the geo-political situation, increased presence of nuclear capable actors and variances in regional structures of governance, highlights the geo-political significance of this area.



Body:

Economic significance:

- **Trade and Commerce:**
 - It enjoys a privileged location at the crossroads of global trade, connecting the major engines of the international economy in the Northern Atlantic and Asia-Pacific. This is particularly important in an era in which global shipping has burgeoned.
 - Today, the almost 90,000 vessels in the world's commercial fleet transport 9.84 billion tonnes per year. This represents an almost four-fold increase in the volume of commercial shipping since 1970.
 - The Indian Ocean has vital sea lanes of communication crisscrossing it and which feeds Asia's largest economies. Around **80 per cent of the world's seaborne oil trade** passes through the choke points of this ocean and therefore it literally connects the east to the west with 40 percent passing through the Strait of Hormuz, 35 percent through the Strait of Malacca and 8 percent through the Bab el-Mandab Strait.



- The Ocean's vast drainage basin is important in its own right, home to some two billion people. This creates opportunities, especially given the high rates of economic growth around the Indian Ocean rim, including in India, Bangladesh, Southeast Asia, and Eastern and Southern Africa.
- The Indian Ocean is rich in natural resources.
- Oil and Natural Gas:
 - Forty per cent of the world's offshore oil production takes place in the Indian Ocean basin.
 - Energy security and resources are absolutely critical. The Indian Ocean Region is immensely rich in that.
 - 28 million barrels per day—or nearly **80 per cent of India's crude oil requirement**—is imported by sea via the Indian Ocean. Taking into account India's offshore oil production and petroleum exports, India's sea dependence for oil is about 93 per cent, according to the Indian Navy.
- Mineral wealth:
 - Mineral resources with nodules containing nickel, cobalt, and iron, and massive sulphide deposits of manganese, copper, iron, zinc, silver, and gold present in sizeable quantities on the sea bed.
 - Indian Ocean coastal sediments are also important sources of titanium, zirconium, tin, zinc, and copper.
 - Additionally, various rare earth elements are present, even if their extraction is not always commercially feasible.
 - Energy security and resources are absolutely critical. The Indian Ocean Region is immensely rich in that
- Fisheries:
 - Fishing in the Indian Ocean now accounts for almost 15 per cent of the world's total.
 - Aquaculture in the region has also grown 12-fold since 1980. Although global fishing is reaching its natural limitations, the Indian Ocean may be able to sustain increases in production.
 - The largely unregulated overexploitation of its fishery resources. The consequences of over fishing, which is actually largely a result of activity by countries outside the region, could eventually have serious consequences for littoral states that depend heavily on maritime resources to feed their populations and also provide valuable export revenues.
- Indian trade:
 - 95 per cent of India's trade by volume and 68 per cent of trade by value come via the Indian Ocean.
 - India captured 4.1 million tonnes of fish in 2008, placing it sixth in the world and its fishing and aquaculture industries employ some 14 million people.

Strategic Significance:

- It is a home to world's busiest waterways and chokepoints such as the Suez Canal, Bab al Mandeb, Strait of Hormuz and the Strait of Malacca. All these chokepoints and waterways are highly important for the rising nations of the world.
- More than half the world's armed conflicts are presently located in the Indian Ocean region.
- It is also home to
 - Continually evolving strategic developments including the competing rises of China and India
 - Potential nuclear confrontation between India and Pakistan
 - The US interventions in Iraq and Afghanistan
 - Islamist terrorism
 - Growing incidence of piracy in and around the Horn of Africa
- There has been a gradual to an accelerated expansion of maritime forces and their capabilities in the region.
- The growing presence of **extra regional powers and nuclear capable nations** has further altered the existing security framework. This is affecting the existing military balance and the impending imbalance could create a new architecture that could affect the prevailing security scenario.
- Naval bases:
 - US uses the island of Diego Garcia as a major air-naval base and logistics hub for its Indian Ocean operations.
 - France, meanwhile maintains significant presence in the north and southwest Indian Ocean quadrants, with naval bases in Djibouti, Reunion, and Abu Dhabi.



- **India:**

- India imports about 70 percent of its oil through the Indian Ocean Region to its various ports. As a consequence, it has been enhancing its strategic influence through the use of soft power, by becoming a major foreign investor in regional mining, oil, gas, and infrastructure projects.
- In addition, India has aggressively expanded its naval presence reportedly to include the establishment of listening posts in the Seychelles, Madagascar and Mauritius
- Its governance and security are under constant threat of being undermined, whether by non-state actors such as pirates, smugglers, and terrorists, or by furtive naval competition between states

Conclusion:

- Indian Ocean is an “**ocean of economic opportunities**”. The growing interests of major powers (US, UK, Russia, France and Japan) in the region, and the many Chinese infrastructure projects in the region create an imperative for India to actively limit the military maritime activity of external powers in the region.
- India should use the multilateral route to create a consensus for peaceful and sustainable use of the Indian Ocean and its resources.

Q) Suspension of cross LoC trade between Jammu & Kashmir and Pakistan-Occupied-Kashmir (PoK) is part of a larger change in the strategy for dealing with Kashmir at the policy level. Discuss. (250 words)

Indianexpress

Why this question:

The article discusses the effects of the suspension of cross LoC trade between Jammu & Kashmir and Pakistan-Occupied-Kashmir (PoK) that was in force with effect from April 19. The article discusses the possible ill effects it has on the relations and stability of the region.

Demand of the question:

The answer must evaluate in detail the reason for suspension of cross-LoC trade, the impact it had on other aspects and whether the decision was in favor of the situation.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction

Start by narrating a brief background of the situation amidst which the decision was taken.

Body

- First explain the Importance of LoC trade – how it benefits the local economy, helps generate employment, political value it carries , catalyzes peace negotiations etc.
- Then move on to discuss the concerns it poses – security concerns, regional imbalance in terms of trade etc.
- Discuss the policy level changes associated with it.
- What are the strategic impact that it brings.
- Conclude with what should be done?

Conclusion

Conclude with way forward.

Introduction:

- The trade between the two parts of Jammu and Kashmir, across the Line of Control (LoC), which started in 2008, was stopped in April 2019. The suspension of the cross-LoC trade, announced by the Union Home Ministry, is part of a larger change in the strategy for dealing with Kashmir at the policy level.
- The consistent violation of Ceasefire, pumping in of terrorists, the recent incident of hostage crisis of Indian Air force Lt. Commander have together resulted in this decision.

Body:

Importance of LoC trade:

- The trade survived major political crises during the last decade emphasizing the importance of economics of the people on either sides of the region.
- the annual trade volume cranked up to Rs 3,500 crore last year despite hostility between Indian and Pakistani Governments.



- This was almost evenly split between goods “traded out” and “traded in”. This with a truncated list of barely two dozen commodities. The business potential stands well established.
- It is a model of regional economic integration that could have been replicated in the Subcontinent. For instance, Tamil Nadu could develop similar trade links with Sri Lanka, the two Punjabs could build a mutually beneficial economic interdependence, as might West Bengal and Bangladesh or parts of Rajasthan and Sindh.
- As against regional cooperation between governments, this one is a process that binds the societies and economies of neighbouring countries together much more closely.
- Going beyond economics, the essence of LoC trade was to extend the familial and social interconnectedness into the arena of business and commerce.

Reasons for cessation of LoC trade:

- Guillotining the trade appeared a thoughtless action.
- The timing and method suggest a hidden agenda linked to the issue of Article 35A. For this trade was meant only for locally-produced goods to be traded by local traders; in other words, “state subjects”, a category that the present dispensation wants to get rid of.
- The stated reasons for the drastic action are that the trade was being “misused” for fake currency, weapon supply and narcotics. Incidentally, as soon as the trade was started, traders from Amritsar and Lahore started the bogey of LoC trade being a conduit for fake currency and hawala operations.

Potential of Loc Trade:

- To start with, this trade was meant to result in interaction between people and help build partnerships across the two parts of J&K.
- In the second phase, it would have progressed into an economic and commercial interdependence between the two parts of J&K.
- Finally, it would result in a network of institutions like banks, trade bodies, and regulators across the LoC aligning with each other.
- An institutionalisation of relations would automatically happen. In this process, a constituency of commerce for peace and normalisation of relations between India and Pakistan would be built.
- LoC trade was a major Confidence Building Mechanism, and a step towards the resolution of the impending issue of Kashmir crisis.

Way forward:

- A financing mechanism comprising of a banking arrangement and payments system is complex but the most critical of the five networks.
- A creative solution, which avoids the minefields of sovereignty, political control, medium of exchange, its risk, and credit arrangements, has to be worked out.
- A communication system for reliable transmission of information as a decision support system.
- A transport and logistics network for off-take and delivery, a regulatory framework for ensuring legitimate transactions and banning contrabands.
- A legal mechanism for dispute resolution and settlement.

Conclusion:

- The three progressions — **interactions, interdependence and institutionalisation** — would, over time, make the LoC less of a barrier by forging a functional unification between the two parts of J&K; a de facto unification without disturbing the sovereignty claims and the de jure political status of either side.

Topic: Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests

Q) Do you think India's participation in WTO rules on e-commerce will boost the interests of its small businesses ? Analyse the effect of international trade negotiations in the context of new e-commerce policy of India. (250 words)

Livemint

Why this question:

The article discusses in detail in the run-up to the participation in WTO on the discussions of e-commerce policies and the effects it will have on India's MSME sector and small businesses in particular.

Key demand of the question:



The question expects us to evaluate the potential of international trade negotiations in the context of e-commerce policy of India and significance of WTO participation for Indian economy.

Directive word:

Analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary.

Structure of the answer:

Introduction:

Begin with brief on e-commerce industry across the world.

Body:

Discussion should have the following dimensions :

- The highlights of Indian e-commerce policy
- Role of WTO negotiations in promoting fair trade with respect to e-commerce policy.
- Relevance of small scale businesses, MSME sector in e-commerce for India.
- Importance of International negotiations in this context for India.
- How can India benefit by participating in the WTO Talks? Give recent examples.

Conclusion:

Conclude with significance of such negotiations.

Introduction:

- E-commerce is expected to become the largest retail channel in the world by 2021. The fast growing e-commerce market in India will touch USD 84 billion in 2021 from USD 24 billion in 2017 on account of a healthy growth in organised retail sector.
- A **fast growing economy and robust demographics** provide a positive outlook to the consumer businesses in India, the report by Deloitte India and Retail Association of India said. A group of 75 countries has launched negotiations on the trade-related aspects of e-commerce at the WTO

Body:

Draft national e-Commerce policy of India:

- The Department For Promotion of Industry and Internal Trade (DPIIT) has released the draft National e-Commerce Policy for public comments.
- It lays down strategies to address issues pertinent to the sector-Consumer protection, data privacy, and maintenance of a level playing field.
- A regulatory environment is necessary to ensure that there is genuine competition in the market, which encourages entrepreneurship and innovation.
- To address a few challenges arising out of e-Commerce of law and order, revenue-base erosion, privacy, anti-competitive behavior, consumer protection, etc without harming the growth in the e-Commerce sector.
- **Individual Right:** An Individual owns the right to his data. Therefore, data of an individual is must be used with his/ her express consent.
- **Indian Control Over Data:** There should be a restriction on cross-border data flow. The policy bats for data localization and states that the data generated within India must be stored within India.
- It stressed on developing physical infrastructure for a robust digital economy and suggested steps for developing the capacity for data storage in India.
- The policy mentions that foreign direct investment (FDI) is allowed only in the marketplace model, not in inventory based model. This is in line with the e-Commerce guidelines given by the government in December.
- To promote export it is necessary to lower the cost of transport, reducing paperwork, reducing delays at ports and airports etc

Agenda of WTO negotiations in promoting fair trade with respect to e-commerce policy

- Free flow of data located on computer servers without data localization requirements
- Permanent moratorium on customs duties over existing temporary moratorium
- Non-disclosure of source code
- Prohibition of forced technology transfer.



Possible impacts of the WTO negotiations on Indian MSME, small business and e-Commerce:

- India would lose out as its domestic suppliers cannot gain from cross-border e-commerce due to adoption of a guarded stance in the country's draft e-commerce policy.
- According to its domestic e-commerce policy, India is endeavouring to give an advantage to domestic platforms, but without distinguishing between small and big domestic firms.
- The draft e-commerce policy doesn't disallow large domestic firms from adopting an inventory-based model for e-platforms, which is out of bounds to foreign platforms.

Importance of International negotiations in this context for India:

- The key underlying narratives of having WTO rules on e-commerce is that it would help micro, small and medium enterprises (MSMEs, or small businesses) in enhancing their opportunities to do cross-border trade.
- In theory, it would be cost-effective for small businesses to use e-platforms and their logistical facilities to sell their products in wider geographical areas.
- The vision of the draft e-commerce policy of India includes "providing a level-playing field to all stakeholders, including the individual consumers and MSMEs and start-ups".
- MSMEs, considered engine for "inclusive" growth, not only provide large employment opportunities, but also make a significant contribution to exports; on a per capita basis, it is more than that of large enterprises.

Way forward:

- Many experts in India view that, by staying out of the negotiations on e-commerce, India is missing out an opportunity to influence the rules that may get finalised.
- But this view totally ignores the reality and past experience, at the negotiating table.
- This is because the developed countries inevitably write the core rules and the influence of developing countries has been limited to fighting for some exceptions.
- Further, there is hardly any issue in e-commerce negotiations, on which India may stand to gain.
- Instead, its participation would be more about limiting the damage that might arise from binding rules in this area.
- Thus, India is unlikely to wield any meaningful influence on the final rules.
- There is also a view that prospects of exports of IT and IT-enabled services would improve on account of e-commerce negotiation at the WTO.

Conclusion:

- To push the interests of its small businesses at the multilateral level, it will be good for India to join the international negotiations and participate actively.
- This does not necessarily mean that India should agree to all the terms and conditions proposed.

Q) India's achievement rate in deporting fugitives is appallingly low. what are the problems to extradition treaties that India has with different countries ? Also, give some recommendations to improve India's extradition process. (250 words)

Livemint

Reference

Reference

Why this question:

The question is in the context of low rate of deporting fugitives in India, the associated problems with India's extradition process.

Key demand of the question:

The answer must discuss the lacunae in the India's extradition process, the low levels of achievements with respect to deporting fugitives. One should suggest what needs to be done to improve the current system of deportation.

Structure of the answer

Introduction:

Introduce by highlighting the alarming situation of extradition process and the lacunae involved therein.

Body:

- The answer is straight forward and must be explained with recent cases such as that of deportation and extradition process in case of Vijay Mallya, Nirav Modi etc.
- Discuss the pros and cons of extradition treaties that India has with different countries.
- What are India's extradition laws ? – Discuss Indian Extradition Act, 1962 India.



- What are the internationally accepted extradition conditions? In what situations can the government deny extradition?

Conclusion –

Conclude with what should India do is to sign extradition treaties with more countries. That is the best way forward.

Introduction:

- Extradition is the recognised international mechanism for the timely return of fugitives from foreign countries. It is defined as the “delivery of an accused or convicted individual from the country he is found in, to another country that requests his extradition”.
- Given India’s unsuccessful attempts to bring back offenders like David Headley, Warren Anderson, Vijay Mallya, for example, it becomes important to understand the obstacles that face the country in extraditing fugitives from abroad. India’s track record with securing the extradition of fugitives from justice is modest, with only about a third of all requests since 2002 being accepted.

Body:

India's extradition laws:

- In India, the Extradition Act, 1962 regulates the surrender of a person to another country or the request for arrest of a person in a foreign land.
- The Act specifies a list of extradition offences –an offence provided for in the extradition treaty with that state. The process has to be initiated by the central government.

Problems to extradition treaties that India has with different countries:

- A reason for the low success rate in the past is the perception that India’s criminal justice system delivers too slowly.
- As we have extradition treaties with **only 44 countries** and extradition arrangements with another 9 countries, where there is no treaty the central government is empowered to take action by releasing a notification and treating any convention to which India and the foreign country are parties as the extradition treaty.
- With the absence of a defined treaty mechanism, India may find it difficult to secure the surrender of criminals who flee to India’s Border States.
- Extradition is usually not granted for “political offences”; for nationals of the requested country; offences where death penalty may be imposed; where there will be “double jeopardy”; or where there could be actual or potential discrimination on account of religion, race and nationality.
- The “double jeopardy” clause, which debars punishment for the same crime twice, is the primary reason why India, for example, has been unable to extradite David Headley from the US. Headley, an American terrorist involved in plotting the 26/11 Mumbai attacks, has already been sentenced to imprisonment by US courts, for killing six Americans.
- Challenges to extradition orders can also be raised outside treaty terms. These are generally based on concerns of human rights violations, such as torture or cruel, inhuman and degrading treatment. For instance, Vijay Mallya’s lawyers argued that the poor conditions in Arthur Road Jail (Mumbai) will be tantamount to inhuman and degrading treatment.
- Extradition procedures are further complicated by unreasonable delays and variance in documentary requirements of foreign countries.

Successes so far:

- The extradition to India of British businessman Christian Michel, alleged to be the middleman in the Agusta Westland helicopters case who bribed officials to secure the deal, is a diplomatic success for a number of reasons.
- Amongst the 44 countries, India has extradition treaties with, the United Arab Emirates has been the most amenable and it has deported or extradited 19 of 66 fugitives to India in the past decade and a half.
- Since 2002, 66 fugitives have been extradited by the Foreign Governments to India. The majority of them were Indian citizens. 25 persons Violent crimes like murder, kidnapping. 17 persons Economic Offences like fraud, cheating. 13 persons Terrorism

Measures needed:

- India has about 150 pending requests at present. Therefore, CBI must resort to internationally accepted norms of interrogation, otherwise, it gives other fugitives reasons to oppose the request for extradition to India.
- **Leveraging diplomacy and bilateral negotiations** to persuade countries to process requests expeditiously, is an important step.



- Likewise, India should, on the basis of reciprocity and comity process extradition requests received from foreign states swiftly and efficiently.
- Extradition arrangements work on the basis of trust and any failure to abide by the assurances would doubtlessly affect the trust between this court and the GoI.
- If properly dealt with Michel case could bolster India's reputation as a Country serious about ensuring that justice is served, and expeditiously also.
- Other mechanisms that can facilitate arrest and extradition of offenders, viz. mutual legal assistance treaties, issuing letters rogatory and information exchange MoUs can be utilised where necessary.
- Preventive law and policy measures that can deter the escape of offenders may also be explored.
- India also needs to take steps to dispel concerns regarding poor prison conditions and potential human rights violations of the requested person.
- Additionally, India could consider signing international instruments, such as the UN Convention against Torture (1984) to establish India's zero tolerance towards torture and custodial violence.
- For addressing investigational delays, it is imperative to improve the capacity and organisational efficiencies of law enforcement agencies so that they may conduct speedy investigation in these cases.
- The Justice Malimath Committee report (2003) recommends setting up a Central Agency, on similar lines with the Federal Bureau of Investigation (USA), to exercise jurisdiction over crimes and offences affecting national security.
- No doubt measures such as The Fugitive Economic Offenders Bill, 2018 are steps in the right direction as far as dealing with such fugitives is concerned.
- But what we need to do, if we really want to put an end to this menace, is sign extradition treaties with more countries. That is the best way forward.

Conclusion:

- With the benefits of globalisation and integration comes the pressing challenge of offenders fleeing India. Given the obstacles India faces in securing the return of these fugitives, the country must swiftly introduce reforms and leverage diplomacy to create a simpler, frictionless extradition mechanism.

Q) The Indo-Pacific region is not anymore only about China's growth but also about regional countries adopting independent foreign policy approaches. Comment. (250 words)

Economictimes

Why this question:

The article discusses the viewpoint of USA's policy of "Indo pacific strategy". Thus it is necessary for us to analyse how the region is important for countries surrounding it and it is not anymore just about the countries like China and their growth.

Demand of the question:

The answer must evaluate Indo-Pacific strategy – the role being played by each stakeholder involved differently and in what way US's strategy differs and hinges on Sino – Indian differences. One must re assert that the region is not anymore about China's growth alone but is also about all countries involved therein.

Directive word:

Comment– here we have to express our knowledge and understanding of the issue and form an overall opinion thereupon.

Structure of the answer:

Introduction

Start by explaining the Indo pacific region and its significance.

Body

- Bring out the significance of Indo-Pacific strategy in general
- Explain how the strategy differs from the perspective of each country.
- Narrate the background of Sino Indian differences.
- How Indo-Pacific region has been associated with China's growth.
- Discuss the emergence of other smaller countries and their role in changing dynamics.

Conclusion

Conclude with way forward.



Introduction:

- Indo-Pacific region is a **multi-polar region**, contributing more than half of the world's GDP and population. Countries falling in the direct hinterland of the vast Indian and Pacific oceanic expanse are termed 'Indo-Pacific countries'.
- The attributes of the Indo-Pacific are also highly appealing. The region comprises **at least 38 countries that share 44 percent of world surface area and 65 per cent of world population, and account for 62 per cent of world-GDP and 46 per cent of the world's merchandise trade.**

Body:

China's growth in Indo-Pacific region:

- The Belt and Road Initiative lacked transparency and is aimed at fulfilling China's own security and strategic interests rather than promoting economic development.
- Chinese investment and activities are undermining sovereignty and economic stability in the region and will also encounter global vision of a free and open Indo-Pacific.
- China's aggression and debt trap diplomacy, which impinge sovereignty, is going to test Indian diplomacy.
- China is trying to hegemonize the open seas which goes against the rules-based order.
- China is very active in India's maritime space but takes a different view when it comes to the South China Sea considered as "**Beijing's Lake**".
- In many cases, Chinese investment has harmed rather than helping the economic wellbeing of communities within the region by burdening the governments with unsustainable debts and funding projects that have no commercial job creation value

The regional countries in the Indo-pacific region are also adopting independent foreign policy approaches in line with the global rules based order.

India:

- India appears to have set a **long-term plan** during which it will build its capabilities—**economic and military strength, network of military facilities and agreements to access military facilities in countries across the Indo-Pacific, expanding economic and military ties.**
- With opening of economy, India has been connecting with its **Indian Ocean neighbours** and **major maritime powers of the world**.
- With impetus to **Blue Economy**, there has been a **new reliance on the sea for energy and mineral resources**.
- India has been engaging with regional actors on **bilateral as well as multilateral framework**.
- From **Look East policy**, there has been a graduation towards **engage East policy** with growing economic relations with the ASEAN, China, Japan and Australia.

USA, Japan and Australia:

- US administration is pushing the Free and Open Indo-Pacific (FOIP) strategy as its major economic initiative.
- From the US perspective, members would include its military partners in the Asia-Pacific region, such as Japan and Australia, as well as a major strategic partner like India, whom the US recognises as a defence partner.
- India's inclusion in the US FOIP is inevitable, given the US' visualising of Indo-Pacific as a geography engulfing the Indian Ocean.
- Japan, Australia and India are clearly the three most important strategic allies of the US in Asia.
- Any US plan to counterbalance Chinese influence particularly the ambitious Belt and Road Initiative (BRI) requires the active support of all the three countries.
- Australia judges that the United States' long-term interests will anchor its economic and security engagement in the Indo-Pacific. Most regional countries like South Korea, Vietnam clearly consider a significant US role in the Indo-Pacific as a stabilising influence.

Other countries:

- Being in the center of the Indo-Pacific region creates stress for the ASEAN countries regarding the way they relate to major powers.
- The ASEAN has always looked at the involvement of major powers as a measure of the region's importance.
- While New Delhi and Tokyo have identified regional cooperation across the Indo-Pacific as a major objective of their bilateral partnership, cooperation with ASEAN remains at the heart of their Indo-Pacific approach.



Way Forward for India:

- **Economically and strategically**, the global centre of gravity is shifting to the Indo-Pacific. If the region's stakeholders don't act now to fortify an open, rules-based order, the security situation will continue to deteriorate—with consequences that are likely to reverberate worldwide.
- With **joint military exercises**, India will develop interoperability and standard operating procedures, which will help in any joint military operation or even possibly a military alliance in the future.
- The **Quad Security cooperation** among **Japan, India, the US and Australia** is increasingly plausible. The time has come to proactively further this cooperation to ensure prosperity and stability in the whole of Indo-Pacific.
- Groups like **ASEAN** and **APEC** will have to collectively approach China. Standing up to it and physically stopping illegal Chinese construction will gain international attention and the sympathy and backing of major powers.

Conclusion:

- India is already assuming her responsibilities in securing the Indo-Pacific region. A strong India-US partnership can anchor peace, prosperity and stability from Asia to Africa and from the Indian Ocean to the Pacific. It can also help ensure security of the sea-links of commerce and freedom of navigation on seas.

Q) Despite holding many debates and votes on Brexit, the U.K. Parliament seems unable to find a way out of the deadlock and avoid a disastrous no-deal crash out of the European Union. Critically analyse. (250 words)

Reference

Why this question:

The Article discusses the Brexit issue and the imbroglio associated with it.

Key demand of the question:

The answer must discuss the entire situation of Brexit; the complications involved ranging from withdrawal agreement to 21-month “transition” period. Discuss in detail the present scenario, effects of it on EU.

Directive:

Critically analyze – When asked to analyze, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer

Introduction:

Introduce by bringing out the current scenario of Brexit.

Body:

- Discuss – After months of negotiation, the United Kingdom(UK) and European Union(EU) have come up with a draft withdrawal agreement. To buy more time, both have agreed on a 21-month transition period to smooth the way towards post-Brexit relations. However, Eurosceptics in Theresa May’s (British P.M) own Conservative Party and opposition lawmakers expressed dissatisfaction over the way deal has evolved.
- Detail upon the Withdrawal Agreement and Transition Period.
- Discuss the Effect of BREXIT on the EU.

Conclusion –

Suggest way forward.

Introduction:

- Despite 2 years of Brexit vote, Britain remains as divided as ever, over the issue of leaving the EU.
- Demonstrations demanding a reconsideration of the issue and a new referendum have been plenty on the streets of U.K. Contrarily; there have also been mobilisations by pro-leave lobby albeit in smaller numbers as things are already moving in their favour.

Body:

The major challenges to be faced by Britain before exiting EU are:

- Exiting the single market of EU, in a phased manner and the consequent levy of charges of trade to be faced later
- Britain is represented by EU at several of world forums. Britain will have to chart separate aims and appoint new representatives for the respective forums.



- Britain will have to make its own market more attractive than EU, to keep the flow of investment intact. This will mean lower taxes, which can impact the economy
- The promises of better economy and lesser outside pressure for the citizens, will have to be fulfilled by the govt to maintain people's faith
- Another issue in the deal is regarding the physical border between Northern Ireland (part of UK) and the Republic of Ireland (part of EU) which will become the frontier between the UK and the EU.
- To address this, the withdrawal agreement includes a “backstop” plan to ensure the border remains as smooth as possible until a trade deal between the UK and the EU is struck.
- But the backstop plan could also leave the UK subject to EU regulation even after Brexit, with no room for negotiations.
- Therefore British Prime Minister Theresa May postponed her vote on the withdrawal bill anticipating its non-passage in the Parliament.
- Following this, the Prime Minister survived the vote of no-confidence from members of her own Conservative Party.
- And also hit a stumbling block when EU leaders refused to renegotiate the deal.

Effect of BREXIT on EU:

- Britain can be the starting point of future departures of other nations, leading to question mark on existence of EU in the future
- Britain was one of the major financial and military contributors to the EU but with BREXIT, the financial of EU will suffer.
- Brussels being seen as the alternative to London, will need adequate infrastructure and policy framework to handle the investment inflow
- The major exporting countries such as China and India would get affected as EU is one of the major export market
- Post Brexit, EU will have to deal with the uncertainty in value of euro as a currency So, it can be said that the impact on UK will be bigger and negative, as compared to EU, where a comparatively smaller impact can be observed.

Global Impact of BREXIT:

- The globalization has increased correlation between the countries. If there is a disturbance in one country then there will be impact on other countries
- The BREXIT would affect the global growth
- It is a big blow when more countries are moving towards multilateral trade arrangements
- It will further alienate the investors and the capital will move from risky markets to more safer havens
- As per one of the estimates BREXIT would lead to 25% reduction in imports by Britain
- BREXIT was a referendum which rode on many components-anti immigration, increasing protectionism etc. with this these sentiments are going to increase in other parts as well
- With BREXIT there are calls for NEXIT(Netherlands exit), Italeave (Italy leaving) and FREXIT (France Exit) etc
- With BREXIT there have been demands for Scotland exiting from UK

Conclusion:

- The lack of clarity on Brexit-EU divorce deal has placed all stakeholders on tenterhooks. The need of the hour is to include all the stakeholders impacted by the deal and draw up a bilateral trade deal between India and Britain.

Topic- Effect of policies and politics of developed and developing countries on India's interests, Indian diaspora

Q) Critically analyse Africa as the rising China's sphere of influence. (250 words)

Economictimes

Why this question:

Sino-African relations are a vibrant, two-way dynamic in which both sides adjust to policy initiatives and popular perceptions emanating from the other. China is both a long-established diplomatic partner and a new investor in Africa. Chinese interests on the continent encompass not only natural resources but also issues of trade, security, diplomacy, and soft power. Thus it is necessary for us to examine the rising China's sphere of influence in Africa.



Key demand of the question:

The question expects us to critically analyse the rising influence of China in Africa and its effects.

Directive word:

Critically analyze – When asked to analyse, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary. When ‘critically’ is suffixed or prefixed to a directive, one needs to look at the good and bad of the topic and give a fair judgement.

Structure of the answer:

Introduction:

Begin with brief introductory lines on the current engagements of China in Africa.

Body:

- Narrate the context of the question, provide for a backgrounder – Chinese President Xi Jinping enfolded his Europe tour earlier this week, which saw Italy signing up for China’s Belt and Road Initiative. What was evident was European concern over China’s spreading influence, riding allied on investment, particularly in Africa.
- Explain how China’s interests have been in energy and infrastructure, besides mines, with little backward or forward linkages in the host economy of Africa.
- Explain the flux in African condition – Debt, if unserved, can lead to Chinese takeover of assets.
- Role of India in such a scenario.

Conclusion:

Conclude with way forward

Introduction:

- China is not new to Africa but the change over the decades in its relations with the continent is as revolutionary as China’s own internal revolution. Chinese President grabbed headlines by announcing a hefty \$60 billion package for Africa towards end of 2018. According to the South African President Cyril Ramaphosa, China’s relationship with Africa is now entering “the golden age”.

Body:

China’s interests in Africa:

- China is **Africa’s largest trading partner since 2008** with goods worth \$170 billion being traded in 2017.
- Trade volume of the US and Africa is not even one-third of that amount.
- About 70 percent of Africa’s exports to China are crude oil and another 15 percent is raw materials, mostly minerals.
- Some fifteen African oil and mineral exporters have large trade surpluses with China while more than thirty others have sizeable trade deficits.
- According to Xinhua, Xi committed China to eight major initiatives in the next three years and beyond in industrial promotion, infrastructure connectivity, trade facilitation and green development.
- China is already involved in a slew of infrastructure connectivity plans in Africa, ranging from the upgradation of the Nairobi-Mombasa railway to the building of Bagamoyo port and they have enhanced their presence in other countries as well.
- China also committed itself to offer vocational training for 1,000 high-end technical personnel and provide 50,000 government scholarships and an equal number of opportunities for young Africans to participate in seminars and workshops in China.
- China is also setting up a China-Africa peace and security fund which will provide free military aid to the African Union and a number of security assistance programmes will be taken up in the areas of UN peacekeeping, fighting piracy and counter-terrorism.

Concerns raised over China’s African relations:

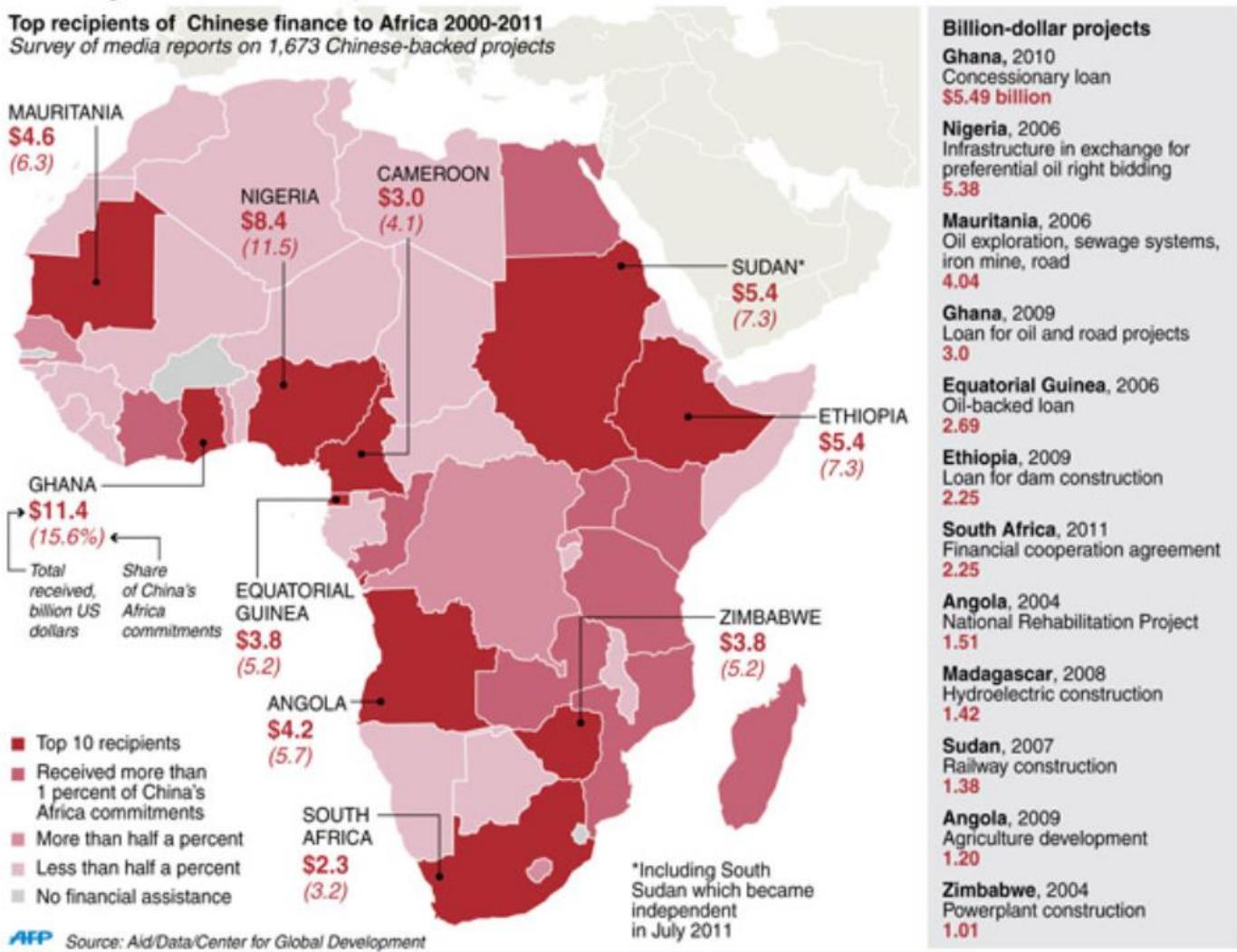
- **Unidirectional trade:**
 - The direction of the trade has been one way — raw material and unprocessed goods flow from Africa to China, while cheap manufactured goods flow the other way.
- **Vulture Capitalism:**
 - Beijing’s focus in Africa has been in energy and infrastructure, besides mines, with little backward or forward linkages in the host economy. Debt, if unserviced, can lead to Chinese takeover of assets.



- In the garb of providing net security, China established military base at Djibouti to further promote her **Belt and Road Initiative**.
- China provides labour from her own people, this is reducing the job opportunities for the locals and their socio-economic conditions are worsening.
- **Human rights issues:**
 - China has invested in the oil industry of South Sudan and some years ago it had to evacuate some 350 Chinese oil workers because of instability there.
 - In 2011, China had to evacuate 35,000 people from Libya, and more recently from Yemen. All this has led to the Chinese setting up their first overseas military base in Djibouti.
 - China's role in southern Africa has prompted a growing backlash especially after the labourers were killed in many projects like in Zambia.
- **Meddling in the internal affairs:**
 - Its involvement in the Zimbabwe coup against President Mugabe in 2017 remains murky.

China assistance to Africa

During the last decade, China has been investing heavily in African natural resources, developing mines, oil wells and running related construction companies



Options for India:

- New Delhi cannot match China's investment and aid, but it is working along other options. One of these is the **Asia Africa Growth Corridor**, an Indo-Japanese venture that seeks to promote connectivity and economic relations with Africa.
- New Delhi's biggest challenge has been its **inability to deliver on the promises** that it makes. India must promptly work on this front.
- The objective is to be to **promote south-south cooperation** and boosting trade and investments between India and Africa across key sectors such as Agriculture, Renewable Energy, Education & Skill Development, Healthcare, Information Technology, IT enabled Services and so on.



- India must **look beyond energy and infrastructure**. It must encourage companies to invest in Africa, expanding value-added processing plants to reduce dependence on imports of finished goods, boost employment and promote a stronger business culture.
- New Delhi must work with partners — France, Germany, UK and Japan — providing a viable alternative to China.
- The term '**Indo-Pacific**' is a recognition of India's pivotal role in establishing trading regimes and rules-based maritime freedom of navigation, and noted that Africa "counts" on India to play a very important part strategically and politically for the same.

Conclusion:

- Working with allies, India must leverage its historic ties with Africa and its shared colonial past to essay a development pathway that is based on partnership and mutual benefit, especially in education, training and measures to counter climate change, reduce poverty and boost agriculture.

Q) The strain of exclusionary nationalism has permeated South Asian cultures. Discuss in the context of Rohingya issue of Myanmar. (250 words)

The hindu

Why this question:

The question is about discussing the exclusionary nationalism that is being exhibited by the south Asian societies of today. The article talks in detail about manifestation of exclusionary nationalism and in special context of Rohingyas.

Key demand of the question:

The question expects us to evaluate the concept of exclusionary nationalism permeating our societies.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Begin with brief introductory lines highlighting what you understand by exclusionary nationalism.

Body:

- Define what is exclusionary nationalism, whether its good or bad?
- Quote examples – The exclusionary nationalism has permeated China where Han nationalism have virtually turned Tibetan Buddhists and Uighur Muslims into extra-systemic others or enemies, ethnic cleaning of Tamils in Sri Lanka and the expulsion of the Rohingya from Myanmar. As well in India, the frequent use of the term 'anti-national' for those critical of the current dispensation smells of the same fatal disease.
- What are the causes of such a manifestation?
- Discuss what needs to be done.

Conclusion:

Conclude with way forward.

Introduction:

- Nationalism has come to be associated with **attempts by majority ethnic groups to exclude and persecute minorities**.
- Not only is this detestable, it is **quite clearly an abuse of the term: an attempt to appropriate for one component of a society**, a designation which by definition must include the whole. In effect, **exclusionary nationalism** asserts 'we constitute the nation, so you are not part of it'.

Body:

Exclusionary Nationalism:

- Carl Schmitt, a pro-Nazi legal and political theorist, made the friend-enemy distinction as constitutive of politics itself.
- To be political was necessarily to work with a distinction between an extreme version of us and them, friends and enemies.
- Those not on our side, or disloyal to us, are automatically, irredeemably, enemies.



- Schmitt was exploiting a distinction perfected by some strands within Abrahamic religions that invented the idea of an 'extra-systemic other', a radical other with whom no conversation is possible, one who is outside one's semantic universe.
- Those who do not adhere to the doctrine defining the system are enemies to be fought. Internal dissent too is anathema, akin to betrayal, of joining the camp of the enemy, signifying treachery.
- Felt as existential threats, both outsiders and deviant insiders must be 'converted', brought in line or altogether expunged.

Illustrations of Exclusionary Nationalism:

- The expulsions of Jews, and to the final solution of the concentration camps; and outside Europe, in the liquidation, for example, of native Americans.
- in the 20th century in both fascism and Stalinism and more pervasively in a host of ultra-nationalisms that have led to ethnic cleansing and genocide in several parts of the world, including Indonesia, Cambodia and Rwanda.
- This strain of exclusionary nationalism has permeated China where undercurrents of Han nationalism have virtually turned Tibetan Buddhists and Uighur Muslims into extra-systemic others or enemies.
- It has infected South Asian cultures too, causing the partition of the 'subcontinent', ethnic cleaning of Tamils in Sri Lanka and the expulsion of the Rohingya from Myanmar.
- In India, the frequent use of the term 'anti-national' for those critical of the current dispensation smells of the same fatal disease.

The issue of Rohingyas:

- Rohingyas are muslims in the Rakhine state of Myanmar.
- They are persecuted by the Buddhist Myanmars over allegations of terrorism and Sedition.
- Rohingyas fled Myanmar and now refugees in Bangladesh, India, South east Asian nations.
- However, the feeling of exclusionary nationalism in the nations like India, Bangla has further affected the Rohingyas.
- The lack of ample resources to serve the refugees, the fear of the nationals about losing their benefits and identity has made them hostile towards Rohingyas.
- The Indian Government has also thrown its hands up in the air claiming that ROhingyas are threat to National Security. Critics allege that this is a form of exclusionary nationalism.

Measures to tackle exclusionary Nationalism:

- Knowing the difference between an enemy and an adversary is absolutely critical in a functioning democracy.
- **Humanitarian values** to be taught to children from a young age.
- **Promoting more people to people contact** to reduce the differences and appreciate the diversity.
- **Education and awareness** to the people about negatives caused to society due to such exclusionary principles.
- State should be secular, bound by rule of law rather than driven by Majoritarian Ideologies.
- **International co-operation** with the Global bodies like UNHCR driving the changes to protect the dignity of refugees and persecuted.
- **Regional co-operation** through bodies like SAARC, ASEAN to solve the localised issues like that of Rohingyas in South East Asia.

Conclusion:

- The idea that membership in a group comes with an enemy to be fought was a powerful resource in the doctrines of some religions has slowly taken root in Asian religions, including modern Hinduism. It has now entered Indian democratic politics. It is a sign of danger which must be cleared at once and for all.

Q) The United States recently moved Iran's elite military Islamic Revolutionary Guard Corps as a foreign terrorist. Do you think these are new methods of increasing economic and political pressure on the regime in Tehran? Discuss. (250 words)

Economictimes

Why this question:

The article captures the recent move of President Donald Trump, he has announced that the United States is designating Iran's elite military force, the Islamic Revolutionary Guard Corps (IRGC), a terrorist organization.

The move could have widespread implications for U.S. personnel and policy in the Middle East and elsewhere. This will mark the first such designation by any American administration of an entire foreign government entity.



Key demand of the question:

The answer must cover a detailed discussion on the economic and political pressure on the regime in Iran that US wants to assert and what will be its implications.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Highlight the situation , explain the background in brief.

Body:

Discussion should have the following dimensions :

- About the About Islamic Revolutionary Guard Corps.
- The move could have widespread implications for U.S. personnel and policy in the Middle East and elsewhere. This will mark the first such designation by any American administration of an entire foreign government entity.
- The “unprecedented” move recognizes the reality that Iran is not only a state sponsor of terrorism, but that the IRGC actively participates in, finances, and promotes terrorism as a tool of statecraft.
- Businesses and banks around the world now have a clear duty to ensure that companies with which they conduct financial transactions are not conducted with the IRGC in any material way.
- The measure would criminalize contact with the Guards and enable the prosecutors to bring charges to those that bring material support to the IRGC.
- Russia and China may start designating U.S. agencies for punitive actions.
- Iraq could be caught in a double bind, as it purchases electricity from Iran, including from entities tied to the IRGC etc.

Conclusion:

Conclude with possible impacts of such a move on a geopolitical scenario.

Introduction:

- USA President Donald Trump recently moved to name Iran's elite Islamic Revolutionary Guard Corps a terrorist organization, in an unprecedented step that drew Iranian condemnation and raised concerns about retaliatory attacks on U.S. forces. The action by Trump, who has taken a **hard line toward Iran by withdrawing from the 2015 Iran nuclear deal and re-imposing broad economic sanctions**, marks the first time the United States has formally labelled another nation's military a terrorist group.

Body:

Islamic Revolutionary Guard Corps:

- The Islamic Revolutionary Guard Corps (IRGC) is **Iran's elite military force responsible for protecting the Islamic regime from internal and external threats**.
- A 125,000-man force, it also **controls the paramilitary Basij militia**, which has about 90,000 active members, and **runs the foreign special operations Quds force**.
- The IRGC was **established at the end of Iran's 1979 Islamic Revolution** as an elite armed militia whose role was to **protect the then embryonic Shiite clerical regime**.
- It also formed an **important counterweight to Iran's conventional military**, many of whose leaders were believed to be loyal to the exiled shah.
- The **IRGC initially operated as a domestic force**, but **expanded quickly after Iraqi dictator Saddam Hussein invaded Iran in 1980**, when **Ayatollah Ruhollah Khomeini gave the group its own ground, naval and air forces**.

Significance of Trump's move:

- According to Trump, The IRGC is the Iranian government's primary means of directing and implementing its global terrorist campaign.
- The US maintains sanctions on Iran and the IRGC over the supporting of terrorism, mainly due to their military support for Hezbollah and Hamas
- The IRGC is in charge of Iran's ballistic missile and nuclear programs. Tehran has warned that it has missiles with a range of up to 2,000 km (1,242 miles), putting Israel and U.S. military bases in the region within reach
- His administration has long criticized Iran for its influence in Iraq, Syria and Yemen.



- Critics of Trump's decision said it was largely symbolic because U.S. law already carried penalties of up to 20 years in prison for U.S. persons who deal with the IRGC because of its designation under another U.S. sanctions program, the U.S. Specially Designated Global Terrorist list.
- Analysts have argued the IRGC has since become a state-within-a-state, a visible manifestation of what is usually referred to as the "deep state" in other — less authoritarian — countries.
- The announcement aims to drive a stake through the heart of a central institution in Iran.

Impact of the move around the globe:

- The designation comes with sanctions, including freezes on some assets and a ban on Americans doing business with the group.
- The "unprecedented" move "recognises the reality that Iran is not only a state sponsor of terrorism, but that the IRGC actively participates in, finances, and promotes terrorism as a tool of statecraft."
- Businesses and banks around the world now have a clear duty to ensure that companies with which they conduct financial transactions are not conducted with the IRGC in any material way.
- The measure would criminalise contact with the Guards and enable the prosecutors to bring charges to those that bring material support to the IRGC.
- Russia and China may start designating U.S. agencies for punitive actions.
- Iraq could be caught in a double bind, as it purchases electricity from Iran, including from entities tied to the IRGC.
- The designation is likely to complicate U.S. actions in Iraq, where U.S. troops work to prevent the resurgence of the Islamic State and where Shiite militias tied to the IRGC operate close by. The IRGC is also tied to Hezbollah in Lebanon, where the political wing of the terrorist group is part of the government.
- The designation puts further distance between Trump's policies toward Iran and those of European allies who remain a part of the nuclear deal.
- The U.S. step, which takes effect on April 15, prompted an immediate response from Iran, whose Supreme National Security Council in turn designated U.S. military forces as a "terrorist organization,"
- Senior U.S. military commanders long opposed the designation due to concern over a potential backlash against U.S. forces in the Middle East and the problems it could create for U.S. partners who have a relationship with Iran.
- The only "theoretical benefit" the designation could provide is to make it slightly easier for the Justice Department to prosecute people for providing "material support" to the IRGC
- IRGC's involvement in Iran's banking and shipping industries could complicate matters with U.S. allies including the European Union. The new designation makes it easier to prosecute EU or other companies or individuals that do business with Iran.
- US troops in Syria and Iraq often find themselves operating in close proximity to members of the IRGC. The US has about 5,000 troops in Iraq and close to 2,000 in Syria. They could face danger.
- Iran has also threatened to disrupt oil shipments through the Strait of Hormuz in the Gulf if the US tries to strangle its economy.

Conclusion:

- The designation of IRGC as a Foreign Terrorist Organization highlights that Iran is an outlaw regime that uses terrorism as a key tool of statecraft. This makes it fundamentally different from any other government. But notably, this is the first time that the United States has designated a part of another government as an FTO. Designating a foreign military as an FTO may put the U.S. troops, particularly in the neighbouring Iraq, at risk.

Q) Discuss the impact of recent US sanctions on Iran on the geopolitics of the world with emphasis on effects it has on India. (250 words)

Reference

[NewIndianexpress](#)

Why this question:

The question is amidst the recent sanctions posed by US on Iran. President Trump, in a move that could have implications on India's energy security, recently decided not to grant sanctions exemptions to any oil customers of Iran, further squeezing Tehran's top export commodity. The US re-imposed sanctions on Iran last November, after Trump pulled out of the landmark 2015 Iran nuclear deal.

Key demand of the question:

The answer must thus evaluate the impact of such decisions on the world economy and India in particular.



Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Introduce with context of the question.

Body:

- Explain why the sanctions were imposed?
- What impact does it have on the Iranian economy?
- Impact on Indian economy?
- Should the sanction change the modus operandi of the Chabahar project? – take cues from the article, discuss associated pros and cons.
- Discuss what should be India's stand?

Conclusion:

Conclude with the impact it has on the world economies.

Introduction:

- The **Joint Comprehensive Plan of Action**, commonly known as the **Iran deal**, was signed on July 14, 2015 between Iran, the U.S., China, France, Russia, the U.K., Germany and the European Union. It was considered a landmark deal which would eventually bring peace and harmony to the turmoil-stricken Middle East. However, President Donald Trump recently decided to unilaterally pull the U.S. out of the Iran nuclear deal and to re-imposing nuclear sanctions against that country.

Body:

Details of the deal:

- Under this deal, Iran agreed not to build any more heavy water facilities, eliminate its stockpile of medium-enriched uranium, cut its stockpile of low-enriched uranium, and reduce the number of its gas centrifuges.
- Other nuclear facilities in Iran would have to be converted into non-nuclear facilities.
- In return, Iran will recover assets worth \$100 billion frozen in overseas banks, and sanctions on the country by the U.S., the U.N. and the E.U. will be lifted.

Impact on geopolitics of world:

- The United States pulling out does create more than a few uncertainties for regional security, for non-proliferation, and for American credibility more generally.
- Undermining it despite no clear evidence of Iranian violations could hasten an arms race or outright regional conflict.
- The JCPOA is a model for what diplomacy can accomplish its inspections and verification regime is precisely what the United States should be working to put in place with North Korea.
- Indeed, at a time when world is rooting for diplomacy with North Korea to succeed, walking away from the JCPOA risks losing a deal that accomplishes with Iran the very outcome that world is pursuing with the North Koreans.
- Keeping the deal's constraints on Iran's nuclear program will also help counter Tehran's aggressive regional behaviour.
- A number of French firms have signed billion dollar agreements with Iran since the nuclear accord was signed in 2015.
- Aside from Airbus, they include French oil giant Total and the car makers Renault and Peugeot. Companies would have to wind up investments by November or face US sanctions.

Implications for India:

- **Oil and Gas:**
 - The impact on world oil prices will be the immediately visible impact of the U.S. decision.
 - Iran is presently India's third biggest supplier (after Iraq and Saudi Arabia), and any increase in prices will hit both inflation levels as well as the Indian rupee.
 - The negotiations on the **Farzad-B gas field** remain stuck, with both sides blaming the other for shifting the goalposts. It was remained on paper because of Iranian unhappiness over India's stand in the IAEA.
- **Chahbahar port:**
 - India's moves over the last few years to develop berths at the Shahid Beheshti port in Chahbahar was a key part of its plans to circumvent Pakistan's blocks on trade with Afghanistan.



- India has already committed about \$85 million to Chabahar development with plans for a total of \$500 million on the port, while a railway line to Afghanistan could cost as much as \$1.6 billion.
- **INSTC:**
 - Beyond Chahbahar, India has been a founder of the International North South Transport Corridor (INSTC) since it was ratified in 2002.
 - It starts from Iran and aims to cut right across Central Asia to Russia over a 7,200-km multi-mode network, cutting down transportation and time taken by trade by about 30%.
 - New U.S. sanctions will affect these plans immediately, especially if any of the countries along the route or banking and insurance companies dealing with the INSTC plan also decide to adhere to U.S. restrictions on trade with Iran.
- **Shanghai Cooperation Organisation:**
 - India joined the SCO along with Pakistan last year, and both were formally admitted in June 2018, when Prime Minister travelled to the Chinese city of Qingdao for the SCO summit.
 - Chinese officials say they will consider inducting Iran into the 8-member Eurasian security organisation.
 - If the proposal is accepted by the SCO, which is led by China and Russia, India will become a member of a bloc that will be seen as anti-American, and will run counter to some of the government's other initiatives like the Indo-Pacific quadrilateral with the U.S., Australia and Japan.
 - The move may also rile other adversaries of Iran, like Saudi Arabia, UAE and Israel, with whom the government has strengthened ties in an effort to balance its West Asia policy.
- **Rules-based order:**
 - India has long been a proponent of a “rules-based order” that depends on multilateral consensus and an adherence to commitments made by countries on the international stage.
 - By walking out of the JCPOA, the U.S. government has overturned the precept that such international agreements are made by “States” not just with prevailing governments or regimes.

Way forward for India:

- Allowing Indian investment in rupees and initiating new banking channels to go ahead with oil trade.
- The near-term developments in its neighbourhood are a priority for Tehran even as India tries to find a balance with his stated preference to develop closer ties with both the U.S. and Israel.
- India and Iran are looking to swiftly conclude a preferential trade agreement and a bilateral investment treaty.
- Newly relaxed visa norms announced by Iran in addition to India's proposal for Indian businesses to invest in rupees in Iran are all moves in the right direction.
- Nonetheless, they may be insufficient to cement commercial ties if USA sanctions do return.
- India should give its full support for the effective implementation of the JCPOA. Only successful implementation of the JCPOA over a period of time can create the political space for additional negotiations.
- Both the nations can take leverage of their historical and civilizational relations to steer ties so much. The visit proved to be a much-needed reality check to the India-Iran partnership.

Q) In what way the revival of ancient silk route by China through BRI is changing the geopolitics of the region ? Analyse. (250 words)

The hindu

Why this question:

Recently China announced that the financial model for funding projects under its flagship Belt and Road Initiative (BRI) had been revamped, countering criticism that its mega-connectivity undertaking was opening “debt traps” for enhancing its geopolitical influence.

Key demand of the question:

The answer must thus evaluate the revival of ancient silk route and its impact on the geopolitics of the region.

Directive word:

Analyze – When asked to analyse, you have to examine methodically the structure or nature of the topic by separating it into component parts and present them as a whole in a summary.

Structure of the answer:

Introduction:

Introduce by highlighting the present context of BRI.

**Body:**

- Discuss the details of belt and road initiative project – policy has two components:
- Belt– The “One Belt” refers to the land-based “Silk Road Economic Belt”. Here Beijing aims to connect the country’s underdeveloped hinterland to Europe through Central Asia.
- Road – The “One Road” references the ocean-going “Maritime Silk Road”. It is to connect the fast-growing South East Asian region to China’s southern provinces through ports and railways.
- Explain how One Belt One Road (OBOR) is arguably one of the largest development plans in modern history.
- Discuss whether this initiative is merely economic one or geostrategic step by China?
- Discuss whether India will benefit by joining this initiative or not?
- Discuss the Geostrategic aspect in CPEC, its implications on India.
- What should be India’s stand?

Conclusion:

Conclude by bringing out both advantages and disadvantages of OBOR on the geopolitics of the region and suggest what should be the way forward.

Introduction:

- The Belt and Road Initiative (BRI) is China’s ambitious project announced in 2013. It covers about 65% of the world population, 60% of the world GDP and over 70 countries in six economic corridors.
- China recently announced that the financial model for funding projects under its flagship Belt and Road Initiative (BRI) had been revamped, countering criticism that its mega-connectivity undertaking was opening “debt traps” for enhancing its geopolitical influence.

Body:**Features of BRI:**

- BRI consisting of the **land-based belt**, ‘**Silk Road Economic Belt**’, and ‘**Maritime Silk Road**’, aims to connect the East Asian economic region with the European economic circle and runs across the continents of Asia, Europe and Africa.
- China is spending **almost \$1 trillion** to revive and renew the overland and maritime trade links between China, Europe, West Asia, and East Africa through construction of modern ports linked to high-speed road and rail corridors.

China's Belt & Road Initiative**Implications for China**

- China is obviously going to benefit from the “Belt and Road Initiative,” but what is unclear is to what extent. Critics said that Beijing is going for a bigger role as a global superpower.
- With this in mind, having a direct link to major countries may not only boost its economic power, but also its political clout in both the Western and Eastern hemisphere.
- Also, many of China’s production sectors have been facing overcapacity since 2006. The Chinese leadership hopes to solve the problem of overproduction by exploring new markets in neighbouring countries through BRI.



- The BRI initiative will provide more opportunities for the development of China's less developed border regions.
- China also intends to explore new investment options that preserve and increase the value of the capital accumulated in the last few decades. BRI has the potential to grow into a model for an alternative rule-maker of international politics and could serve as a vehicle for creating a new global economic and political order.
- China has cash and deposits in Renminbi equivalent to USD 21 trillion, or two times its GDP, and expects that the massive overseas investment in the OROB will speed-up the internationalization of the Renminbi.
- BRI is also seen as a strategic response to the military 're-balancing' of the United States to Asia.
- China can also benefit from the New Silk Road project through other means like the easing up of growth of state-owned enterprises as well as an increase in the Chinese people's income.

Implications on India:

- From Indian perspective the entire proposal has to be seen in the context of broader geo strategic implications for India particularly in the Indian Ocean.
- The strategic objectives of MSR raise questions of Chinese real intentions. China has steadily expanded its influence in the Bay of Bengal and Arabian Sea by building ports in Sri Lanka, Pakistan and helping build Sandia Deep Sea port in Bangladesh apart from other Indian Ocean littoral engagements through a strategy generally referred to as String of Pearls.
- Scenario is accentuated by Pakistan, Bangladesh and Sri Lanka pledging support to President Xi Jinping's MSR initiative as part of the overall Asian Security Plan.
- Given the emerging scenario, concerns in New Delhi are that countries like Bangladesh and Sri Lanka could be further drawn into the Chinese orbit. One of the reasons for the regional outreach of the Modi government is to prevent such a potentially disturbing development by restabilising Indian credibility with its neighbours.
- Indian Ocean is largely seen by Indian political and strategic establishment as an area of Indian domination and influence. Just like the Chinese, India needs to protect its core areas of interests such as trade, economy and resources driving the outreach of India's maritime interests
- The China-Pakistan Economic corridor runs through POK, thus politically it threatens to legitimise Pakistan's occupation of POK. India has always taken a very rational and democratic stand on issue of POK. The BRI will bring CPEC to life through trade and transport activities. In such case the Indian stand about its Geographical integrity comes under the question.
- The BRI project is essentially part of China's expansionist designs starting with Asia. The immediate fallout will be increased ease of cooperative action between Pakistan and Chinese forces. Also, worryingly, the Chinese Army will get deeper access and deployment in Kashmir.
- The economic purpose of the BRI is the type of new economic imperialism which will be established in very close vicinity of India geographically. Opening markets, building new trade routes, projecting power from the Suez to Shanghai, setting up alliances will distort the India trade patterns and profitable potential that exist for India in near future.

Steps to counter BRI

It is not possible for India to oppose and stop the expansion of BRI due to sheer strength of China along with the role of multiple International players. India can secure its position through various measures such as:

- **Promoting regional connectivity:** The neighbour first approach will help to counter certain elements of BRI initiative. The projects such as Mekong Ganga cooperation, BCIM initiative, India Myanmar Thailand highway are the some of the projects that needs immediate attention in order to strengthen the regional connectivity for India.
- **Internal connectivity:** India should ramp up its own internal connectivity especially in North East and on its border regions. The strong internal connectivity only can support the well-integrated networks of connectivity with neighbour countries.
- **Institutional building:** The trade related infrastructure need to be enhanced in order to sustain in the competition that will be created by BRI connectivity. The institution building is also important to maintain the intern security in efficient manner for longer duration.
- **Maritime security:** India has long coastline that provides huge opportunity for maritime trade to various part of the world. The maritime trade can provide a counter strategy to BRI in an efficient manner. India has a common long-term interest with Beijing, in promoting regional connectivity.

**Conclusion:**

- India must focus on debating the specific terms of individual projects rather than having to say “Yes” or “No” to the BRI as a whole. The integrated and cooperative approach can go a long way for mutual benefits of both the countries. Both neighbours share a highly strategic relationship spun around economic cooperation.

Q) Lack of domestic consensus and regional consensus on the terms of reconciliation has left Afghanistan’s Peace elusive. Discuss. Also suggest India’s role in reconstruction and rehabilitation of Afghanistan ? (250 words)

The hindu

Why this question:

The article gives for a detailed narration of Afghanistan’s different governance systems and the issues that it has been facing in coming to a stand for Peace.

Key demands of the question:

The answer must discuss the issues surrounding the Afghanistan – local level, regional level and global level. List the causes that have led to the instability in the region. Suggest India’s relationship with it and what role should India take in building the peace process in Afghanistan.

Directive:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:**Introduction**

Introduce by highlighting the situation on ground in Afghanistan.

Body

Discuss the current situation of Afghanistan – the plethora of problems; Taliban, the Trump exit, rising political instability in the region etc.

Then move on to discuss how the centuries-old ties between India and Afghanistan shaped by history, culture and strong people-to-people linkages have become the foundation of the deep and strong relationship between the two countries. Building on the mutual trust and commonalities in traditional and cultural values, India continues to play a major role in supporting Afghanistan’s journey towards peace and prosperity.

Discuss role played by India in the reconstruction and peace process of Afghanistan

India has played an important role in reconstruction and rehabilitation of Afghanistan, making significant investments in technical cooperation and capacity building in the country. India’s support and collaboration extends to the rebuilding of air links, power plants and investing in health and education sectors as well as helping to train Afghan civil servants and security forces.

Conclusion

Conclude with way forward.

Introduction:

- During the last 50 years, Afghanistan has been through different governance systems — monarchy till 1973; communist type rule, initially home-grown and then imposed by the U.S.S.R. with its 1979 intervention; jihadi warlordism in the early 1990s; shariat-based Taliban rule; and a democratic republic based on a presidential system since 2004.
- Wracked by a growing Taliban insurgency, peace today remains elusive. Reconciliation with the Taliban is increasingly projected as the way forward.

Body:**Peace is elusive in Afghanistan:**

- **Continuous attacks:**

- Recently there has been a spike in violence, with the Taliban carrying out a set of coordinated assaults around Afghanistan, rejecting an offer of a three-month ceasefire by President of Afghanistan and laying siege to Ghazni city.
- The violence this year has also put 2018 on course to be the deadliest year for Afghan civilians, with an average of nine people killed every day, according to UN data.



- **Pakistan factor:**
 - The major challenge is the cooperation of regional players. Peace in Afghanistan and the wider region can only be achieved through a multilateral mechanism involving the US as well as major regional players, including Pakistan, Russia, Iran, China, India and Saudi Arabia.
 - Despite six months of concerted American punitive actions on Islamabad, the Pakistan establishment is not shutting down support for Taliban fighters.
- **US role:**
 - The Afghan war has already become the longest war in US history. With the passage of time, the conflict has not only become more intense – it has also become more complicated
 - Situation puts serious doubt on any U.S. plans to draw down troops as US may have envisaged.
 - S. President's recent South Asia policy aimed at breaking the military stalemate by expanding the U.S. and NATO presence, putting Pakistan on notice and strengthening Afghan capabilities has clearly failed.
- **Iran factor:**
 - US administration's collision course with Iran is another hurdle to realising its South Asia policy. Iran is a neighbour to both Afghanistan and Pakistan, and any action against Tehran will have consequences on the region.
 - US is also against Iran which is important to give access to the sea to landlocked Afghanistan through Chahbahar port- which is in India's interests etc.
- **Islamic state:**
 - After losing occupied territories in and around Mosul, IS is now slowly enlarging its presence in neighbouring countries, particularly Afghanistan. It is now targeting mainly the Shias and the Hazara minority, joining forces with the Taliban thereby changing the dynamics of the war in Afghanistan.
- **Russia:**
 - Russia proposed an international conference on Afghanistan with the participation of all neighbours of Afghanistan including Iran, Pakistan, and India, but the US did not attend citing possible growing Russian military association with the Taliban.
- **Control of Afghan government:**
 - The Afghan government controls barely half the country, with one-sixth under Taliban control and the rest contested.
 - Most significant is the ongoing depletion in the Afghan security forces because of casualties, desertions and a growing reluctance to join
 - Afghanistan launched the Kabul Process for Peace and Security Cooperation and also made an unconditional dialogue offer to the Taliban. The Taliban rejected his overture, declaring that they were ready to engage in direct talks only with the Americans.

India's commitment towards peaceful Afghanistan:

- India's development assistance has been the source of its considerable influence and goodwill among Afghan citizens.
- Major projects, such as the Salma Dam and Parliament building in Kabul, that began in 2008-09, have now been completed.
- Current crop of Small Development Projects launched in 2016, encompassing drinking water plans for several cities including Kabul, supply of buses, construction of low-cost housing, and assistance in health and education are important.
- India inaugurated dam in Herat, which will boost the agricultural and industrial sectors of Herat. India has made long term commitment to Afghanistan's security and development.
- New Afghanistan Policy of USA supports India's greater role in Afghanistan. Apart from that the policy also emphasized that Pakistan should end its support to terror groups who are involved in destabilization of Afghanistan.
- Last year India and Afghanistan agreed to initiate an ambitious and forward-looking 'New Development Partnership', according to which India agreed to take up 116 high-impact community development projects to be implemented in 31 provinces of Afghanistan, including in the fields of education, health, agriculture, irrigation, drinking water, renewable energy, flood control, micro-hydropower, sports infrastructure and administrative infrastructure.



- The new projects are:
 - Shahtoot dam and drinking water project for Kabul that would also facilitate irrigation.
 - Low cost housing for returning Afghan refugees in Nangarhar province to promote resettlement.
 - Road connectivity to Band-e-Amir in Bamyan province that would promote tourism to the national park and economic development.
 - Besides these government-funded projects, Aptech, a private firm, is providing IT training for Afghan youth in the country.
- India has been giving a lot of non-lethal military assistance. In 2016 four MI 25 attack helicopters were given to Afghanistan.
- India is the biggest regional donor to Afghanistan and fifth largest donor globally with over \$3 billion in assistance.
- India has built over 200 public and private schools, sponsors scholarships and hosts Afghan students.
- India has shied away from involving itself in full scale war for the following reasons:
 - Any deeper security co-operation with Afghanistan would have negative impact on Pakistan-India ties.
 - India does not share border with Afghanistan. It poses limitation to physical access to Afghanistan.
 - In past years USA was reluctant to involve India into the war to avoid grating Pakistan's political sensitivities. Though it did try to promote regional economic cooperation between Delhi, Islamabad and Kabul
 - India does not want to strengthen security cooperation with Afghanistan as that may antagonize Pakistan.

Way forward for India:

- India must focus on assisting Afghanistan in every manner possible to ensure that the country's elections are as peaceful and participative as possible.
- On the military front as well, India must move quickly to provide helicopters as well as engineering/tech support for Afghan hardware.
- Indian government must realise that its consistent undermining of the South Asian Association for Regional Cooperation (SAARC) because of problems with Pakistan is also weakening Afghanistan's engagement with the subcontinent, which India had worked hard to foster
- For regional security there must be closer involvement of regional powers in international efforts to ensure non-interference and a stable Afghanistan; this also requires involvement of the Central Asian Republics, which border Afghanistan.
- It is important for India to coordinate its efforts with those of Russia and Iran to ensure success.

Conclusion:

- India is committed to "**Afghan-led, Afghan-owned and Afghan controlled**" peace process. India's engagement with Afghanistan is multi-dimensional.

Topic: Important International institutions, agencies and fora, their structure, mandate.

Q) Discuss the objectives, composition and significance of the Asia Pacific Broadcasting Union (ABU). (250 words)

Reference

Why this question:

The article captures the details of the 5th Asia Pacific Broadcasting Union (ABU) Media Summit on Climate Action and Disaster Preparedness that was held recently in Kathmandu, Nepal. Kathmandu Media Action Plan for Media Integration in Climate Action and Disaster Risk Reduction (DRR) was adopted at summit.

Key demand of the question:

The answer must explain the importance of ABU, its objectives, composition and significance.

Directive word:

Discuss – This is an all-encompassing directive – you have to debate on paper by going through the details of the issues concerned by examining each one of them. You have to give reasons for both for and against arguments.

Structure of the answer:

Introduction:

Introduce with recent event related to ABU – the 5th Asia Pacific Broadcasting Union (ABU) Media Summit on Climate Action and Disaster Preparedness .

**Body:**

- Discuss in detail – about the ABU : It is a non-profit, non-governmental, non-political, professional association of broadcasting organizations, which assist development of broadcasting in region.
- It was established in 1964, and has Secretariat in Kuala Lumpur, Malaysia. With over 272 member in 76 countries on four continents, ABU is biggest broadcasting union in the world.
- ABU is also member of the World Broadcasters' Union.

Conclusion:

Conclude with importance of such institutions.

Introduction:

- The Asia-Pacific Broadcasting Union (ABU), formed in 1964, is a non-profit, professional association of broadcasting organisations. It currently has over 280 members in 57 countries and regions, reaching a potential audience of about 3 billion people. **5th Asia Pacific Broadcasting Union (ABU) Media Summit** on Climate Action and Disaster Preparedness began in Kathmandu recently. The theme of the two-day summit is "Media Solutions for Sustainable Future: Saving Lives, Building Resilient Communities".

Body:**Objectives:**

- To establish relationships with organizations of broadcasting and other entities
- To promote and coordinate the study of all the problems involved in broadcasting, and to ensure the exchange of information on all these matters
- To encourage any initiative taken for the development of broadcasting in general, and especially in its use for purposes of education and national development.

Composition:

- Currently, the ABU has 272 members in 76 countries on four continents.
- It spreads from Turkey in the west to Samoa in the east, and from Russia in the north to New Zealand in the south.
- Director General of India's Doordarshan Supriya Sahu is the incumbent vice-president of ABU.

Significance:

- The Union was established in 1964 as a non-profit, non-governmental, non-political, professional association with mandate to assist the development of broadcasting in the region.
- ABU promotes the collective interests of television and radio broadcasters as well as key industry players and facilitate regional and international media co-operation.
- In the last decade, the Union has become a global player in using media for social development and nation-building.
- The ABU flagship outreach campaigns on gender empowerment and climate action and disaster preparedness have won the backing of numerous governments and the support of international organisations.
- The ABU runs a wide range of services, including the daily Asiasat TV news exchange, several co-productions, program exchanges and technical, programming, legal and management consultancies, as well as industry and international conferences and an international frequency planning and coordination.
- The Union negotiates rights for major sports events and organises their coverage for the region. It also runs the prestigious annual ABU Prizes, TV Song and Radio Song Festivals.
- ABU is a member of the World Broadcasters' Union and works closely with the other regional broadcasting unions on matters of common concern such as reserving frequencies for broadcasters, harmonisation of operating and technical broadcasting standards and systems and finalising the Broadcasting Treaty.

Conclusion:

- The ABU helps to develop new radio and television products to better educate and prepare people against natural hazards in Asia-Pacific countries.