



TLP PLUS - 2019

TEST - 17 SYNOPSIS

GS - 2

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1. Many political and legal commentators believe that the sedition law should be reviewed and amended. What are your views on this issue? Substantiate your viewpoints.

Introduction:

Sedition as defined by Sec.124-A of Indian Penal Code is any action whether by words, signs or visible representation which brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law. The section also contains a clarification to the effect that the word disaffection includes disloyalty and all feelings of enmity.

Body:

There has been severe criticism about existence of sedition law in independent India and there is call for removing it because:

- The law continues to be used to suppress critics and advocates of freedom of speech and expression.
- Successive governments in India have deployed it against journalists, activists and human rights defenders.
- The definition is very exhaustive and ambiguous, it does not leave out of its purview any possible mode of self-expression, simply by using the words “or otherwise”.
- It is the ordinary police constable who will in the first person decide whether the speech or expression will cause disaffection, contempt etc. towards the government.
- It provides the government with covert means to create Emergency-like situations, that too with no warning.
- Sedition, was a draconian law of the colonial era, its object was apparently to silence the Indian voice.
- However, the same law is misused till today and all above flaws in the act has frequently been posing danger to the life and liberty of Indian citizens who speak out against the government, thus impacting the fundamental rights of citizens.

However, the sedition law also needs to be kept in place for certain reasons:

- Helps in protecting the integrity and sovereignty of the nation.
- Helps in maintaining law and order.
- Curbs anti-national activities.

Conclusion:

Therefore, it is alleged by many that there is an urgent need to repeal this law and section 124-A is unconstitutional. However, the Supreme court upheld the

constitutional validity of Sec 124A (in the Kedarnath Singh v. State of Bihar case) as a necessary law in the interest of the survival of republic and also the law helps to place restriction on the fundamental right of freedom of speech Article 19 (2).

2. What is the freebie model of governance? How sustainable and justified is this model? Critically examine.

Introduction:

Freebies are “something that is given to you without you having to pay for it, especially as a way of attracting your support for or interest in something”. Today freebies cover a wide range of goods and services and it is given by each state of the Indian Union to their citizens.

Body:

States like U.P and Tamil Nadu have directed election campaigning based on freebies instead of developmental agenda.

Free or subsidized goods and services range from Amma’s canteens in Tamil Nadu to bicycles in Bihar to items such as colour TVs, cell phones, mixer-grinders, laptops, buffaloes, cows, goats, mangalsutras for the brides to be and several others. At the time of elections this list gets bigger.

Freebies are sustainable one:

- Scholarship to five crore students from minority communities and reserving half for girls will bring positive result in the long run.
- Mid-day meal is a successful scheme (freebie) which has given positive outcome in terms of enrolment, retention and nutrition etc.
- Freebies and subsidies helps in making things affordable and accessible for the weaker section.
- If these are used as ‘carrots’, for example: to purchase ‘cleaner’ vehicles as happens in Japan, it can lead to sustainability.

Freebies can be justified:

- They provide bare minimum needs and reduce expenditure for the poor.
- It helps in providing the Right to Life for individuals, which would help them focus on other aspects of life.
- It ensures the poor to get certain benefit for their upliftment.
- It creates equal level playing field.
- It provides a way to Affirmative Action.
- It ensures basic health and education of all citizens.
- It helps a country, especially India- to abide by its Constitution. (DPSPs and Fundamental Rights).

Freebies are not sustainable one:

- Freebies are band-aid solutions.
- These consume scarce resources of the sector and also shrinks public investment.
- It takes away focus from structural reforms.
- In India, several State Electricity Boards have become defunct because of subsidies.
- Freebies are causing irreversible Public Debt as happened in West Bengal and Tamil Nadu where a large component of public debt has originated from unproductive freebies.
- An increase in subsidies on non-merit goods such as freebies is going to make the fiscal deficit of any government unsustainable.

Freebies cannot be justified; in fact it does more harm than good:

- It puts huge burden on the resources of the country and increases fiscal deficit.
- Freebies reduce the work culture in a country.
- It takes out the importance related to hard work.
- It kills the need for work and may force individuals to take up wrong path (Gandhiji).
- It reduces competition and fight to produce the best.
- It increased dependency on subsidized products and reduces innovation.eg- heavy dependence on chemical fertilizers in India.
- It reduces the work potential of individuals of the society.
- Inclusion and Exclusion errors prevent the targeting of subsidies.

Examples:

- In Punjab, the trend of excessive groundwater drafting for agriculture has led to water tables dropping at an alarming rate; 79 per cent of the groundwater assessment divisions ("blocks") in the state are now considered 'overexploited' and 'critical' with extraction exceeding the supply.
- Punjab is also grappling with the consequences of rampant use of chemical fertilisers and pesticides, water for irrigation, and power subsidies, in the form of drying up of aquifers, degraded soil quality, polluted groundwater and rivers, increased cases of cancer in farming communities.

Not only India but other countries of the world have been also facing the problem of subsidies. The phenomenon of energy subsidies is a case in point. In Uzbekistan, Turkmenistan, Iraq, Iran, Saudi Arabia, and Egypt, energy subsidies account for more than 10 per cent of the economy.

The distribution of freebies was unsuccessfully challenged before the Madras High Court and also before the Supreme Court in *Subramaniam Balaji vs State of Tamil Nadu*.

Conclusion:

Being a welfare state and to fulfil the Directive Principles of State Policy under Article 38 and 39, freebies can be treated as legitimate one. But, rather than offering freebies if taxes are levied on water then it will become more sustainable, as it will reduce wastage of water as happened in Australia. In Denmark also household water consumption was reduced by 150% because of taxes.

3. What are the most striking features of the Unlawful Activities (Prevention) Amendment Act? Are these changes justified? Share your viewpoint.

Introduction

The Unlawful Activities (Prevention) Amendment Bill was recently introduced in the parliament. The bill seeks to amend the Unlawful Activities (Prevention) Act, 1967. It was passed by the Parliament in August.

Body

UAPA provides special procedures to deal with terrorist activities, among other things. Key amendments proposed in the bill are:

- To designate individuals as terrorists on certain grounds provided in the Act.
- The Bill empowers the Director General of NIA to grant approval of seizure or attachment of property when the case is investigated by the said agency.
- The Bill empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases of terrorism in addition to those conducted by the DSP or ACP or above rank officer in the state.

Need for the Amendment:

India faces one of the highest threats of terrorism in the world and therefore its counter-terrorism mechanism must be stringent.

- USA has a very successful example of counter-terrorism mechanism, especially after 9/11, and has been successful in curbing terrorist activities.

Designating individuals as terrorist would help in:

- Making strong preventive mechanism which is much more important than tackling acts of terror.

- Presently terrorist activities are done by “Lone Wolf” who does not belong to any organisation.
- Having a national provision to designate individuals as terrorists would support India’s demand to designate individuals such as Hafiz Saeed and Masood Azhar as terrorists from international organisations and other countries
- Terrorist acts are committed not by only organizations but by individuals as well. Declaring an organization as a terrorist organization might not stop the individuals behind it. Not designating individuals as terrorists, would give them an opportunity to circumvent the law and they would simply gather under a different name and keep up their terror activities.
- The amendment was needed to align the domestic law with international obligations as mandated in several conventions and Security Council resolutions.

Seizure of properties related with terrorism:

- A specialised investigating agency, NIA, cannot be dependent on state police for approval for seizure of property related to terrorism that has inter-state and international ramifications.
- Investigation by inspector rank officer would help solve the human resource crunch in the NIA. This move would quicken the delivery of justice in UAPA related cases, which are reviewed by senior officers at various levels.

Apprehensions regarding the Amendment:

- **Misuse:** Experiences of Anti-terror laws in India such as POTA (Prevention of Terrorism Act) and TADA (Terrorist and Disruptive Activities (Prevention) Act) reveals that they are often misused and abused.
- **Against Individual Rights:** It gives the state authority vague powers to detain and arrest individuals who it believes to be indulged in terrorist activities. Thus, state gives itself more powers vis-a-vis individual liberty guaranteed under Article 21 of the constitution.
- **Federalism:** Some experts feel that it is against the federal structure since it neglects the authority of state police in terrorism cases, given that ‘Police’ is a state subject under 7th schedule of Indian Constitution.
- Some experts feel that designating individuals as terrorists is unnecessary when they are already being prosecuted for the crime.

Conclusion

Terrorism is undoubtedly a big threat and must be tackled with stringent counter-terrorism laws. This amendment, if followed in letter and spirit, is a step in the right direction.

4. There is an urgent need to strengthen the judicial apparatus in India. Comment. Can you suggest few measures to achieve it?

Introduction

With the advent of economic liberalization, India has made significant progress in different sectors on the economic front, but somewhere the growth is stymied by the judicial apparatus. Not only the administration of justice has been inefficient for general public but also it has also increased instances of rent seeking* in India.

Body

Connecting the dots in judicial dispensation and growth

We want people to come and 'Make in India', we want people to come and invest in India, but those whom we are inviting are also concerned about the ability of the judicial system in the country to deal with the cases and disputes that may arise out of such investments.

- Efficacy of the judicial system is therefore vitally connected with the development of the country.
- It is, as such, not only the poor litigants who are languishing in jails, but also the development of the country.

The problem with judicial dispensation in India are:

Pendency and delay

- There is a high level of pendency (across the six tribunals, estimated at about 1.8 lakh cases)

Pendency has also risen sharply over time.

- Nearly every tribunal started with manageable caseloads, disposing instituted cases every year, but that soon spiralled out of control.
- Compared to 2012, there is now a 25% increase in the number of unresolved cases.
- The average age of pending cases across these tribunals is 3.8 years.
- It is noteworthy that in two cases — telecommunication and electricity — the explosion in pendency resulted from interventions by the Supreme Court.

High Courts

- Even with the creation of tribunals at different points in time did not alter pendency at the High Courts nor their ability to deal with other economic cases.
- Their average duration of pendency is arguably the worst in most cases, which is nearly 4.3 years for 5 major High Courts.
- The average pendency of tax cases is particularly acute at nearly 6 years per case.

Reasons for pendency and delay:

Expansion of Discretionary Jurisdictions

- Though economic cases are complex, in some cases increased overload is due to the expansion of discretionary jurisdictions by Courts, without any countervailing measures that either balance the scope of other jurisdictions or improve overall administration and efficiency.
- The higher judiciary has transformed into Courts of first rather than last resort, and have consistently fused constitutional law and tort law, dissolving traditional distinctions between public and private law.
- The immediate fallout of this expansion has been the steady de-legitimization of the capacity of lower courts' private law mechanisms.
- The possible reason for this is the ever-expanding Writ Petitions under Art. 226.
- There are currently more than one million Writ Petitions pending at the High Courts, constituting between 50-60% of the Court backlog, with average pendency fluctuating between 3-10 years.

Burden from Original Side Jurisdiction

- Some High Courts of the country retain a unique original jurisdiction, under which the High Court, and not the relevant lower court, transforms into the Court of first instance for some civil cases.
- These cases occupy a significant share of the Court's docket.
- The Delhi and Bombay High Courts have original jurisdictions that occupy nearly 10-15% of their workload.
- In 2014, the share of original side cases was as high as 30% for the Delhi High Court.

Supreme Court: Expansion of Special Leave Petition Jurisdiction

- Rising pendency also results from the injunction of cases by Courts.
- For example, in the case of Intellectual Property Rights (IPR) cases, injunctions have led to about 60 percent of cases being stayed, whose average pendency is 4.3 years. The average age of cases waiting for final judgment is inordinately high at 7.9 years.

How slow courts are detrimental to the economy?

Slow courts increase the cost of enforcing contracts by delaying the payoff of taking an agent to court.

- If contracts are costly to enforce because cases take years or even decades to resolve, parties may avoid making investments or engaging in potentially surplus-generating transactions.

Government effort in improving administration of justice:

- The average provision for the judicial sector is only 0.2% of GDP.
- Judges have lamented the condition of infrastructure of courts in judgements as well as in public platforms with little impact on successive governments.
- The problem is further compounded by the continuous tussle between the Judiciary and Executive.
- This can be best observed in the changing role of the Supreme Court from being a Constitutional Court to a Court of Appeal.

Way forward

- If enforceability problem is to be solved, sufficient number of judges must be recruited and vacancies in courts must be quickly filled.
- Investments in judicial infrastructure is also needed.
- Courts may revisit the size and scale of their discretionary jurisdictions and avoid resorting to them unless necessary (this can help reclaim the Constitutional and Writ stature of the higher judiciary as originally envisaged).
- Further, it is high time to introduce fully digital systems in the courts.
- There are courts like Delhi High Court, which has adopted a high level of digital transformation, while the Supreme Court still functions through manual systems.
- Lower courts around the country are mostly yet to be introduced to meaningful digitalization.
- Downsizing or removing original and commercial jurisdiction of High Courts and enabling the lower judiciary to deal with such cases can also speed things up.
- Early results from the Delhi High Court suggest that reducing the size of original jurisdiction in 2016 allowed the court more time to reduce its overall pendency.

Conclusion**Supreme Court's Successful Management of Tax Litigation**

- The Supreme Court's recent experiment with constituting an exclusive bench for taxation produced impressive results, which may be replicated for other subject matters, and emulated by other High Courts that do not have special rosters for daily hearings.
- This can serve as a good example of how to reduce the specialized cases.

5. In order to increase the efficiency of the overall public expenditure, there needs to be a decision-making body like the GST Council that would keep a check on the expenditure. Do you agree? Critically comment.

Introduction

The Indian economy is currently facing a slowdown and the PM Economic Advisory Council has suggested that there is a need to form a 'GST Council-like' body to strategise expenditure to have maximum impact. The decision-making body would keep a check on the expenditure of around 300 central sector schemes and 30 centrally sponsored schemes. Also, by March of 2020, the sunset clause would come into force for the bulk of schemes which were started after Planning Commission was wound up and plan years extended.

Body

The **significance** of creating such a body would be:

- It can look into need-based allocation for states.
- Create a transparent spending mechanism for the centre and the states.
- Enhance the speed and scale of decision making.

Challenges:

- In terms of expenditure management there are at least 20-30 ministers in each state. So, there will be a council of around 500 members and its functioning will be hampered by too much delay.
- Expenditure is a day to day affair. Problems like land acquisition and other delays require day to day management.
- GST council like body will be a challenge as in GST council states cannot decide unilaterally among themselves and if they want to veto the centre's proposal then some states have to come together which also depends on political environment and composition of council.
- Not all items in the Public Expenditure List are on the Concurrent List. Why would the state governments want to give up their sovereignty.

Suggestions:

- A Centre-state expenditure council can direct the states of their priorities on expenditure.
- State Headquarters can be formed for expenditure management.
- The body can have a voting mechanism for the states. Thus, it would follow the principle of cooperative federalism.
- Separate ministry wise councils can be formed so that the schemes are formulated in tandem with those in the states. So there is optimization and efficiency in the use of resources.
- Finance Minister can be the head of the council and the Chief Minister of the states can be the representatives.

Way forward:

- Resource gap between the states should be managed effectively.
- Two-tier system- One with the Finance Minister and NITI Aayog with Chief Ministers and State Finance Ministers together for major decisions. Second-tier can be ministry wise to understand the requirements of different states under different schemes.
- Speed up public expenditure and improve its efficiency.
- Requirements of the states should be taken into account by the council and the meeting to be held within the mentioned state.

Conclusion

Development is the final goal and there are differentiated needs of different states. The idea must be pushed with consent and extensive discussions with stakeholders involved.

6. The Supreme Court should be there to address everyone's fears, but Public Interest Litigations must be for the poor. Elucidate.**Introduction**

The Supreme Court of India on 10th September 2018 stated that Public Interest Litigation are there for people who cannot afford to approach the courts and dismissed a PIL filed by former Navy Chief Admiral Ramdas. Justice Ranjan Gogoi reportedly said that the Supreme Court is there to address everyone's fears but PILs are for the poor. The filed PIL was stated to be a case for Vigilance Commissioner by a bench of three judges.

Body

Public Interest Litigation (PIL) is one of the most potent weapons, the Judiciary in India has acquired in recent times in order to enforce the legal obligation of the

executive and the legislative. Its objective is to render justice and help in promotion of the Well-being of the People. It Can be defined as litigation involved in the protection of the interests of the public at large. It is generally used to protect group interest and not individual interest, for which Fundamental Rights have been provided. The right to issue PIL is available to the Supreme Court and the High Courts. The concept of the PIL has emanated from the power of judicial review of the Constitution. The relief provided by the Court is usually in the form of direction or order to the State including Compensation to the affected parties.

Through the Concept of PIL, the traditional rule of “locus Standi” that a person, whose right is infringed alone Can file a petition; has been Considerably relaxed by the Supreme Court. Now, the Court permits Public interest litigation at the instance of the So Called “public spirited citizens” for the enforcement of Constitutional and Legal rights.

Significance of PILs for poor:

PIL has succeeded in its original purpose of reaching the helpless. Judiciary has taken up number Social issues though PIL.

- Under PIL, the rights of under trials held under illegal detention have been restored. The Supreme Court ordered the release of many detenues without trial on the ground of their personal liberty, which Could not be Curbed due to Judicial or bureaucratic inefficiency.
- The Supreme Court has also taken up steps to free bonded labourers, and issues of tribals, slum dwellers, women in rescue homes, Children in juvenile homes, Child labour etc.
- In Case of environmental pollution and ecological destruction, the Supreme Court has ordered closure of a few factories, banned mining, road Construction, etc.
- It has enormously increased the awareness among the masses about their rights and the institutional arrangements in the form of the Judiciary to get them implemented. It is said that the PIL, has democratized the Judiciary.
- Through the PIL, the Supreme Court has Vastly expanded the Scope of the Fundamental Rights, Such as article 21, article 14 etc. It has forced the executive and the legislature to discharge their Constitutional Obligations towards the people.

Criticism of PILs:

The principled criticism against Public Interest Litigation (PIL) is that it detracts from the Constitutional principle of ‘Separation of powers’ by allowing the Courts to

arbitrarily interfere with Policy-choices made by the legislature and pass orders that may be difficult for the executive agencies to implement. In respect of practical Consideration, the criticism revolves around the behavior of litigants as well as judges. From time to time, it has been urged that the invent of PIL's has opened up the floodgates for frivolous cases that either involve the litigants' private interests or are vehicles for gaining publicity. Rather than seeking justice for disadvantaged groups. It has also been contended that in efficiency of Courts. From the Standpoint of the judges, it is reasoned that quite often there are no checks against decisions or orders that amount to 'Judicial overreach' Or 'Judicial Populism'.

Conclusion

Public Interest Litigation is effectively serving one of the Purposes of law as an instrument of Social Change. It has been used as a strategy to Combat the atrocities prevailing in Society. The innovation of this legitimate instrument proved beneficial for the developing country like India. It's an institutional initiative towards the Welfare of the needy Class of the Society. "The advent of Public Interest Litigation (PIL) is one of the key Components of the approach of 'judicial activism' that is attributed to the higher Judiciary in India. The Courts interventions have played a pivotal role in advancing the protection of Civil liberties, the rights of workers, gender justice, accountability of public, institutions, environmental Conservation and the guarantee of Socioeconomic entitlements such as housing, health and education among others. This has not only Strengthened the position of the judiciary vis-à-vis the other wings of government, but has also raised its prestige among the general populace.

7. On the question of gender equality versus religious sentiments, what should take precedence? Share and substantiate your views.

Introduction

In the west, the idea of secularism has been an extension of classical liberalism, where the state neither protects nor promotes a religion. In a society, where there is one major religion, this seemed to flow from the idea of "separation of powers" of state and the church. However, in the Indian context, where the society is essentially multicultural and so many sects and religions thrive together, it was difficult to adopt this version of secularism.

Body

Also, the conservative nature of Indian society and communal tensions prevalent at the time of framing of the Constitution made it even more difficult to transgress into such an open and liberal society. Thus, Indian secularism became more of a concept promoting "communal harmony and coexistence" where the state protects as well as promotes all the religions equally.

Notwithstanding, that Indian secularism has been lauded by the west as well, it has met with criticisms for being in contradiction to “freedom of expression” when it comes to criticizing religion, no matter how grounded that criticism is.

In the recent case of Indian Young Lawyers Association v. State of Kerala, that questions rules to bar women from the age 10-50 to enter the Sabarimala temple, “freedom of religion” and “gender equality” are the two counter-arguments that have been put forward by the defenders of the customary practice and the petitioners respectively.

Freedom of Religion

- Article 25: Freedom of conscience and free profession, practice and propagation of religion. According to it, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate a religion.
- Article 26: Freedom to manage religious affairs. Subject to public order, morality and health, every religious denomination or any section thereof shall have the right to establish and maintain religious institutions and manage its own affairs in matters of religion.
- In Sri Venkataramana Devaru v. State of Mysore (1958), the petitioners had claimed that the Madras Temple Entry Authorisation Act which allowed the entry of Harijans into the temple, was against the Article 26 of the Constitution and the temple was a denominational one having been founded exclusively for the Gowda Saraswath Brahmins. However, the Supreme Court held that not merely temples dedicated to the public as a whole but also those founded for the benefit of some sections are contemplated in Article 25 (2) which provides for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus
- Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, which states, “Women who are not by custom and usage allowed to enter a place of public worship shall not be entitled to enter or offer worship in any place of public worship.” The petitioners have challenged this law in court in the recent case.
- It has been argued that religion and social practices are interlinked. So, the prohibition of entry of women should not be seen as a gender inequality issue, but as a religious practice which has been followed by the people for ages. Such religious rituals should not be tampered with.
- Another argument which is being put forward is that Sabarimala temple ought to be seen as an institution where only males are allowed. Just like there are boy’s schools and girl’s school. Also, there are other institutions where men are not allowed. Further, even Mosques do not allow the entry of women.

- Another point raised by the defenders is that there is no “god” inside the Sabarimala temple. What is present inside the temple is a “deity”. A deity is a socio-cultural energy centre and on the other hand “god” is universal. Hence, a deity is a legal entity, and being so, its rights are protected by constitutional privileges.

Gender Equality

- Article 14: Equality before law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
- Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, states that “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”
- Article 51A(e) makes it a fundamental duty of every citizen of India to renounce practices derogatory to the dignity of women
- The ban on the entry of women of certain age groups was violative of various fundamental rights including Article 17 which deals with untouchability.
- Article 25(2)(b) enables the state “(to provide) for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of the Hindus.” In such case, the state ought to have brought an appropriate legislation to facilitate the constitutional direction.
- Discriminating against women on the basis of a biological process i.e. menstruation is unscientific and is against Article 51A(h) which states that it is the duty of every citizen of India to develop scientific temper, humanism and the spirit of inquiry and reform.
- Besides the gender inequality argument, the idea of individual liberty is also at stake here. Monopolisation of religious rights by a few, under the guise of management of religious institutions, corrupts the idea of individual liberty.
- From the societal point of view, such regressive practices in any sphere would inevitably constrict the natural development of human potential.

How Do We Need to Look Upon It?

- Historically, legal reforms usually precede socio-political change. Legal abolition of several antiquated practices such as Sati or untouchability did not witness a social transformation overnight. It took time for practices like Sati to vanish. Law very often stimulates a subsequent socio-cultural evolution.
- The court should look at it as whether the Sabarimala temple is a separate denomination or not. As it is open to the public, it is difficult for the authorities to claim that it is a separate denomination. This may strengthen the case of the petitioners.
- Also, it needs to inquire whether there actually is any religious custom of not allowing women from the age 10 to 50 from entering. We also need to revisit

our history to evaluate every act of discrimination that has been defended on the grounds of customs, traditions and religious practices.

- The court should see this as an opportunity not to rationalise religious practices, but to overturn its existing passé ideas on the subject. It is high time that the extent of applicability of religious rights is defined rationally. We need to keep in mind that our Constitution doesn't acquire its secular character merely from the words in the Preamble, but from a collective reading of many of its provisions, DPSP included, and particularly the various fundamental rights that it guarantees.

Conclusion

Given the inexorable relationship in India between religion and public life, it's time the court shattered the conventional divides of the public and the private. If the court can look beyond the essential practices doctrine and see this case for what it really is — a denial to women not only of their individual rights to freedom of religion but also of equal access to public space — it can help set the tone for a radical re-reading of the Constitution. This can help the court reimagine its jurisprudence in diverse areas, making a meaningful difference to people's civil rights across spectrums of caste, class, gender and religion.

8. What are electoral bonds? Explain. What are the controversies surrounding these bonds? Are they justified? Critically analyse.

Introduction:

Electoral bonds are a bearer instrument in the nature of a Promissory Note that is payable to the bearer on demand and is interest-free.

Body:

- The electoral bond scheme, which was introduced through the Finance Act of 2017, allows an individual, or any "artificial juridical person," including body corporates, to purchase bonds issued by the State Bank of India during specified days of the year.
- These bonds, which are in the nature of promissory notes, and which are issued in denominations extending from Rs 1,000 to Rs 1 crore, can be donated by the purchaser to a political party of its choice, and the party can then have the bonds encashed on demand.
- The provisions of the Representation of People Act, the Income Tax Act, the Companies Act and the Reserve Bank of India Act had been amended under the Finance Act, 2017 and Finance Act, 2016 to accommodate the scheme's objective of keeping the donors identity and details of the political parties receiving the electoral bond anonymous.

Controversy surrounding the bonds:

- The amendments create no obligations on the political party to disclose the amount received through electoral bonds to either the poll panel or the income tax department.
- Flouts the right to freedom of expression contained in Article 19(1)(a) of the Constitution: In a democratic system that does not have publicly-funded elections (such as ours), it therefore becomes crucially important for the public to know who funds political parties, in order to critically evaluate whether that party's policies are designed to actually serve the public good, or whether they are written to benefit its funders.
- Favours ruling party: The instrument finds itself in the centre of a major controversy over allegations that it is skewed towards the ruling party.
- Transparency: flouts the concept of free and transparent elections, as it will provide the donor's name but not the source of money.
- Corporate donations: It is criticized that it 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 Indian democracy.
- Anonymity: There is donor anonymity and elimination of caps on corporate donations which could lead to channelling of money laundering and dirty money into politics.

The amendments are justifying because:

- Election expense: India's election expenses are among the highest in the world due to diversity and frequency of elections and donor anonymity is necessary to ensure that funds flow in to meet the country's burgeoning poll expenses.
- No state funding of election: India doesn't have state funding of elections and funds are received from wealthy individuals, public and companies for which these amendments were necessary.
- Revenge: The person/companies funding to a particular party want it to win and in case the opposition party finds out then their maybe repercussions which the donors may want to avoid.

Conclusion:

Also the controversy of complete anonymity and secrecy doesn't stand because it is noted that, the Income Tax department will have access to this information, the instrument is, after all, purchased through proper banking channels using white money and political parties have to file returns before the poll panel giving accountability on how much money has come through electoral bonds.

9. The Gandhian dream of self-dependent village republics can be best achieved by the constitution of efficiently functioning self-help groups. Do you agree? Illustrate.

Introduction:

Mahatma Gandhi as a visionary of India, had a very clear perception of its villages and made an emphatic assertion that "India lives in its villages". Naturally the development of the country depends on the development of villages. All the goods and services necessary for the village members should be grown within the village. In a word, every village should be a self-contained republic.

Body:

A Self-Help Group (SHG) is a group that consists of about 10 to 20 persons of a homogenous class who come together with a view to address common problems. They collect voluntary savings on a regular basis and use the pooled resources to make small interest bearing-loans to their members. Collective wisdom of the group and peer pressure are valuable collateral substitutes.

Role of SHGs in making village self-dependent:

- **MITCON:** Self Employment Centre, Amravati MITCON has become best consultancy and training service center from last 25 years. It is well known for the contribution towards poverty alleviation and self-employment/setting up of enterprise in the Amravati district. Almost, all the scheme related to self-employment and poverty alleviation is being conducted/implemented by government in a district of Amravati.
- **Kudumbashree in Kerala:** It was launched in Kerala in 1998 to wipe out absolute poverty through community action. It is the largest women empowering project in the country. It has three components i.e., microcredit, entrepreneurship and empowerment. It has three tier structure - neighborhood groups (SHG), area development society (15-20 SHGs) and Community development society (federation of all groups). Kudumbashree is a government agency that has a budget and staff paid by the government. The three tiers are also managed by unpaid volunteers.
- **Mahila Arthik Vikas Mahamandal (MAVIM) in Maharashtra:** SHGs in Maharashtra were unable to cope with growing volume and financial transactions and needed professional help. Community managed resource Centre (CMRC) under MAVIM was launched to provide financial and livelihood services to SHGs. CMRC is self-sustaining and provides need-based services.
- **Finance:** Provide small finance to its members to engage in entrepreneurial ventures that help in employment generation and securing economic Independence.
- **Banking:** Reducing the dependence of rural people on informal sector of lending thus promoting financial inclusion by SHG bank linkage programme.

Social development:

- Reduction in poverty by improving livelihood avenues by skill development through scheme like DAY-NRLM.
- Women empowerment by raising confidence of women, increasing their participation in family and village and breaking shackles of patriarchy.

Role of SHG's in making village republics:

- **Ajeevika programme** : an example of SHG - has been changing the lives of women across the state. It plays a crucial role in women empowerment, checking corruption, information dissemination, and eradication of untouchability.
- **Agriculture**: Female farmers get together to purchase better seeds, test new & innovative technology.
- **Corruption**: the group raise voice against corruption against PDS dealers - which is quite rampant.
- **Literacy**: Literate women in the group help others access financial schemes of Govt. It has also taken steps toward Adult Literacy. A great tool to empower women.
- **Freedom**: provides a platform where they can share the information which otherwise they would not share with anyone. Ex: Menstruation.
- **Information Dissemination**: They talk about education, health, sanitation, security, etc.
- **Remove untouchability**: Women from different community and caste sit & eat together.

Conclusion:

Gandhi is of the view that full employment of human resources is the basic need of a country. This cannot be possible only with the development of large-scale industries because of their labor-saving nature. Self-dependent village economy is an alternative solution and in this context the role of institutions in the rural sector like the village panchayat and rural multipurpose co-operative can play a vital role.

10. Examine the factors that have made the Indo-Pacific region enter the geo-strategic discourse. What has been India's stand with respect to this region? In this light, discuss the guiding principles enunciated in the Shangri La dialogue.

Introduction:

The Indo-Pacific, is an integrated theatre that combines the Indian Ocean and the Pacific Ocean, and the land masses that surround them. Even though it is still an evolving concept, most analysts see it as an idea that captures the shift in power and influence from the West to the East. It is both a strategic as well as an economic domain comprising important sea-lines of communication that connect the littorals

of the two oceans. Since it is primarily a maritime space, the Indo-Pacific is associated with maritime security and cooperation.

Body:

Factors Responsible for Indo-Pacific region's geo-strategic discourse.

- China's assertive foreign policy and use of military strength to assert its sovereignty on disputed islands in the South China Sea
- Rise of India as an economic powerhouse and influential political actor in world affairs, particularly in Asian affairs. India is playing a big role in the Quad, or the Quadrilateral Security Dialogue that informally brings together for strategic talks and military exercises, the US, Japan, Australia and India.
- Erosion of self-confidence of Association of Southeast Asian Nations (ASEAN) that used to display its image as a triumphant political grouping in a region, despite diversity in terms of political system, economic philosophy, religious beliefs and socio-cultural traditions
- Non-traditional security threats, such as terrorism, nuclear proliferation, environmental degradation, drugs trafficking and health hazards.
- Critical regional security issues, such as sovereignty issues in South China Sea,

India's Stand with Respect to Indo-Pacific Region.

India's Prime Minister enunciated India's vision of a free, open, inclusive and rules-based Indo-Pacific, of which India is an important part. He explained India's Indo-Pacific vision at the "Shangri-La Dialogue" in Singapore.

- India has been an active participant in mechanisms like the Indian Ocean Rim Association (IORA).
- India noted that the Indo-Pacific is a natural region, and home to a vast array of global opportunities and challenges.
- A key aspect of India's policy in the Indo-Pacific is inclusiveness, openness and the complete absence of expansionist tendencies. For India's approach to flourish, a rules-based order is imperative.
- The ten countries of South East Asia connect the two great oceans in both the geographical and civilizational sense. Thus, India recognized that ASEAN centrality and unity lie at the heart of the new Indo-Pacific.
- India does not see the Indo-Pacific Region as a strategy or as a club of limited members, or as a grouping that seeks to dominate. It is not directed against any country.
- For India, Indo-Pacific peace stands for security, stability, prosperity and rules.

Shangri-La dialogue:

The Shangri-La Dialogue (SLD) is a “Track One” inter-governmental security forum held annually by an independent think tank, the International Institute for Strategic Studies (IISS) which is attended by defense ministers, permanent heads of ministries and military chiefs of 28 Asia-Pacific states. The forum gets its name from the Shangri-La Hotel in Singapore where it has been held since 2002. The summit serves to cultivate a sense of community among the most important policymakers in the defense and security community in the region. Government delegations have made the best out of the meeting by holding bilateral meetings with other delegations on the sidelines of the conference.

Guiding principles in the shangrila dialogue:

- Increasing engagement with the Association of Southeast Asian Nations (ASEAN)
- Developing friendship with China
- Maintaining cordial ties with Russia
- Pursuing interests with Australia and
- Engaging more with the U.S.
- Equal access as a right: equal access as a right under international law to the use of common spaces on sea and in the air that would require freedom of navigation, unimpeded commerce and peaceful settlement of disputes in accordance with international law. Calling for an end to protectionism in this age of globalization he said that solutions cannot be found behind walls of protection, but in embracing change.

Conclusion:

Economically and strategically, the global Centre of gravity is shifting to the Indo-Pacific. The Indo-Pacific has lately entered the geo-strategic discourse as a substitute for the more established term ‘Asia-Pacific’. India must ensure openness, transparency, and a healthy balance of power in the region.

11. The judiciary has, through various landmark judgements, given broader and deeper interpretations to the fundamental right to life and liberty. Expand upon some of these judgements and bring out their contemporary significance.

Introduction:

Article 21 of the Constitution says that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” It is the most precious and sacrosanct right. Having found it to be inadequate and unrealistic in view of the changing socio-economic needs and aspirations of the society, the Supreme Court resorted to liberal interpretation of the Art 21.

Body:

In the beginning with A.K Gopalan case, SC took literal sense of Personal liberty by narrowly interpreting meaning to “liberty of person concerning his body” and over the years it has evolved.

- **Right to Travel Abroad:** The Right to travel abroad is one of the vital elements of Personal liberty. It is also a human right. The scope of personal liberty was enlarged by the Supreme Court in Menaka Gandhi.
- **Right to education:** By making reference to International covenants of Child rights, SC held that the right to education is a part of right to life. It further stated that the dignity of an individual which includes basic requirements for subsistence includes right to education.
- **Right to Health:** In the wake of health hazards, the judiciary interpreted right to life to include right to health. Life is not mere living but living healthy. Health is not the absence of illness but a glowing vitality.
- **Right to Shelter:** One of the basic needs of man is adequate house.
- **Right to work:** It was in Olga Tellis v. Bombay Municipal Corporation, the Court interpreted the Right to Livelihood under Right to Life.
- **Right to Live with Dignity:** SC held that right to live in dignity and the right to live without one's reputation being degraded by others. It opined that the loss of reputation and consequent loss of character and dignity in one's life cannot be compensated in terms of money.
- **Right to Decent burial:** The right to accord a decent burial or cremation to the dead body of a person, should be taken to be part of the right to such human dignity.
- **Right to Food:** The right to food is a human right. It protects the right of all human beings to live in dignity, free from hunger, food insecurity and malnutrition. Court emphasized that the right to life necessarily includes the right to food within its fold.
- **Right to Live in Clean environment:** The Supreme Court observed that the right to life is a fundamental right under Art. 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life.
- **Right to Die:** SC while recalling the words of Mahatma Gandhi, stated that “death is our friend, the trust of friends. He delivers us from agony. I do not want to die of a creeping paralysis of my faculties-a defeated man”.
- **Right to Privacy:** In a landmark Justice Puttaswamy case, SC held that Right to Privacy also forms part of Right to Life.

Conclusion:

The above interpretation illustrates the fact that the expressions Right to Life and Personal Liberty have much wider meaning than its primary sense. The liberal interpretation of the expression has brought every law or every facet of life within the purview of Art. 21.

12. Is there a way-out to reconcile privacy concerns with identity based entitlement? Examine in the light of the controversy surrounding the use of Aadhar as a mandatory document for passing on government benefits to the citizens. What has been the response of the government and the judiciary in this regard? Discuss.

Introduction

Aadhaar Card is a rectangular paper that gives its holder i.e Indian resident, a unique 12-digit number along with displaying the details of the holder's residence, blood group, retina scan and thumb imprint which is known as biometric and demographic data.

Body

Unique Identification Authority of India (UIDAI), a statutory authority. Aadhaar as a biometric ID system views India in future as a country where each resident is accounted with a unique ID and hence aims for inclusion in necessity to address several problems including financial inclusivity, unemployment, benefits of government schemes. Currently, the Supreme Court has decided that non-possession of Aadhaar Card cannot be used to prevent subsidies or benefits to the public.

Aadhaar Card and Right to Privacy – Can They Co-Exist?

- In its zeal to aggregate data in electronic form and target subsidies better, the government cannot ignore its responsibility to protect citizens from the perils of the cyber era.
- Legislation- it is imperative that the Union Government enact a privacy legislation that clearly defines the rights of citizens and it should be consistent with the provision of the Constitution.
- The government should factor in privacy risks and include procedures and systems to protect citizen information in any system of data collection.
- It should create an institutional mechanism such as the Privacy Commissioner to prevent unauthorised disclosure of or access to such data.
- Our national cyber cell should be made well capable of dealing with any cyber-attack in the shortest time.
- We need to educate people on the risks involved and highlight examples of ID thefts and fraud.
- The government 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.
- We need to take a level-headed approach and ensure that ample safeguards are put in place for data protection and privacy.

Government's Response:**Data Protection Bill**

After a landmark judgment by the Supreme Court on the right to privacy, Ravi Shankar Prasad, Minister of Electronic and Information Technology, has indicated that the data protection law would be in place. The union minister said that the new bill would be drafted keeping the recent right to privacy judgment in mind. The bill will be drafted taking key inputs from the former Supreme Court Judge, BN Srikrishna. As of today, the committee has submitted its reports.

Supreme Court's Response

The Supreme Court declared the Centre's flagship Aadhaar scheme as constitutionally valid. The apex court, however, struck down some of its provisions including its linking with bank accounts, mobile phones and school admissions.

A five-judge constitution bench headed by Chief Justice Dipak Misra held that Aadhaar would remain mandatory for the filing of IT returns and allotment of Permanent Account Number (PAN). But, it would not be mandatory to link Aadhaar to bank accounts and also telecom service providers cannot seek its linking for mobile connections.

Aadhaar would not be mandatory for school admissions, as also for the examinations conducted by the Central Board of Secondary Examination, National Eligibility cum Entrance Test for medical entrance and the University Grants Commission.

The bench struck down the national security exception under the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act. It said Aadhaar is meant to help the benefits reach the marginalised sections of society and takes into account the dignity of people not only from personal but also community point of view. The top court said Aadhaar is serving much bigger public interest. Aadhaar means unique and it is better to be unique than being best.

Conclusion

Aadhaar presents a unique opportunity for people-centric governance by improving the processes and outcomes. It not only helps in social and financial inclusion but also helps in maintaining fiscal deficits and reducing the burden on State exchequer. It is a policy tool necessary for the upliftment of the marginalised sections of the society and inclusive growth.

13. What are your views on the provisions of the draft National Education Policy, 2019? Does the draft policy echo the aspirations of a young and dynamic India? Critically examine.

Introduction:

The Government of India has brought out a Draft National Education Policy to meet the changing dynamics of the population's requirement with regards to quality education, innovation and research.

Body:

Provisions of the draft National Education policy:

The idea that lifelong education is based on four pillars — learning to know, learning to do, learning to live together and learning to be — has inspired the committee to cover every aspect of the education sector: school, higher, vocational and adult education.

Early childhood education:

- In school education, the idea is to cover children of 3-18 years [instead of the present 6-14 years under the Right to Education (RTE) Act], three years under early childhood care and education (ECCE) and four years under secondary education.
- Restructuring the 10+2 education structure into a 5+3+3+4 structure so that the five years from age's three to seven or till the end of Std 2 are seen as one "foundational stage".
- The next two stages, of three years each, are "preparatory" and "upper primary", first ensure the acquisition of foundational skills and then their development. These stages are not only consistent with the development of children, but they are also useful to meet the overall goal of ensuring basic learning outcomes stage-by-stage.

- **Higher education:** The aim is to double the Gross Enrolment Ratio from 25% to 50% by 2035 and make universities the hubs of research.
 - Tier I universities/institutions devoted primarily to research and some teaching.
 - Tier 2 universities devoted to teaching and some research.
 - Tier 3 institutions comprising mainly colleges that are to be converted gradually into degree-giving autonomous institutions.
- Achieve 'universal foundational literacy and numeracy' through initiatives like the National Tutors Programme and the Remedial Instructional Aides Programme.
- Introduction of school complexes, a system of modular Board Examinations to allow flexibility, setting up Special Education Zones in disadvantaged

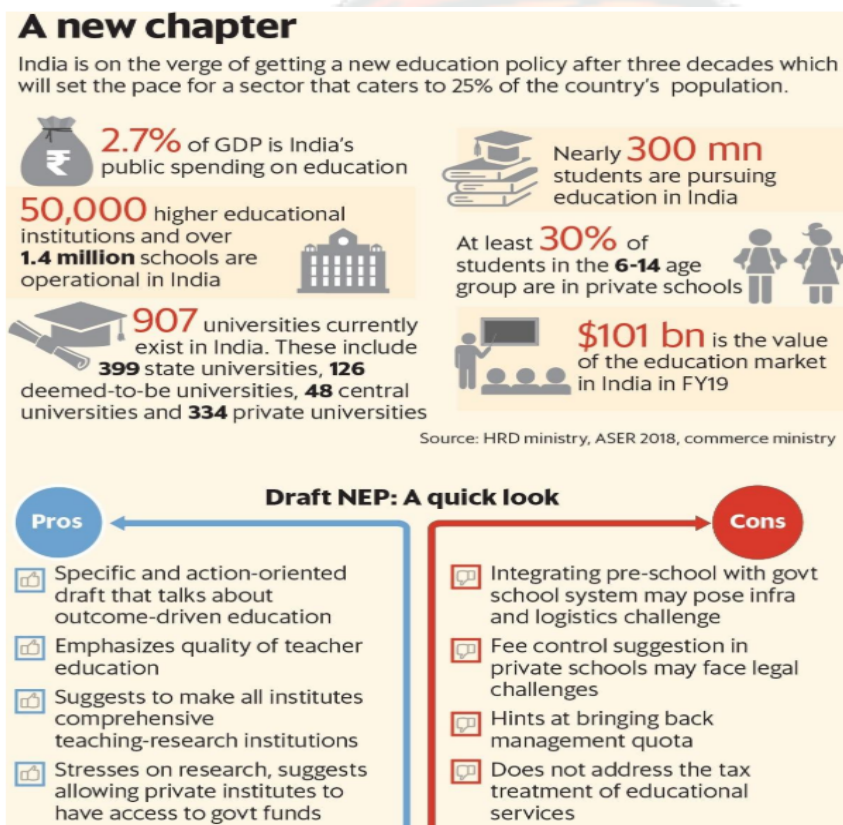
regions, recognising teachers at the heart of the system, moving teacher education into the university system, and stressing the importance of learning new languages are among the key recommendations.

- The policy recommends community and volunteer participation in collaboration with schools to overcome the current crisis. Schools generally work in isolation from the community they serve.
- The policy recognises the crucial importance of liberal arts (it recommends setting up five Indian Institutes of Liberal Arts offering four-year courses) and the study of modern and classical languages (it recommends setting up National Institutions for Pali, Prakrit and Persian). Reintroduction of the four-year undergraduate programme in Liberal Arts Science Education (LASE) with multiple exit options, and scrapping of the MPhil programme. The LASE curriculum will be designed to develop broadly “useful capacities” (critical thinking, communication skills, scientific temper, social responsibilities etc.), while offering rigorous education in specialisations (called majors or dual majors) across disciplines.
- It proposes separate institutions for regulation, funding, standard setting and accreditation, a National Research Foundation, and a Rashtriya Shiksha Aayog/ National Education Commission.
- Vocational education, meant for 50% of the students, is sought to be integrated with school and higher education.
- Technology in Education
- Training of teachers in the use of educational technology, and use of educational technology for professional development of teachers
- Classroom tools and curriculum, such as “computational training”, online course software etc.
- Access for those disadvantaged students who cannot attend a physical school.
- Overall educational records management with a National Repository of Educational Data.

Certain provisions of the policy have been criticized by various bodies as against the needs of aspirations of young and dynamic India, saying it has many drastic recommendations that would damage, rather than improve, the entire fabric of education system

- The draft policy does not make a compelling case for why radical alterations need to be carried out to the fundamental structure of the education system in the country.
- The scientific community is against the government on introducing a semester system in schools, clubbing last four standards starting with 9 into one slab.
- Several South Indian states are against imposing the three-language formula on below the class of 6.
- The draft does not focus more on how to teach and but only on what to teach.

- While an adequate exposure of ancient Indian educational traditions and institutions is desirable, this may be limited to the need to teach students about significant ancient Indian contributions to early developments in sciences, mathematics, medicine, engineering, agriculture and the fine arts.
- In addition, it would also be advisable to include instructions on geo-heritage, archaeology, palaeontology and biodiversity of India (in both marine and terrestrial realms) to provide a wholesome view of India and its natural heritage.



Conclusion:

The “learning crisis” is very deep. The education system — public and private — has been deteriorating rapidly and has affected the quality of our human resources. If this trend is not reversed, the dysfunctional system will become more and more expensive but will not deliver the goods. It will require a huge commitment and conviction to make it happen.

14. What are the most constraining impediments affecting the functioning of PRIs in India? Discuss. What measures would you suggest to address those impediments?

Introduction

Panchayati Raj Institution (PRI) is a system of rural local self-government in India. Local Self Government is the management of local affairs by such local bodies who have been elected by the local people.

Body

PRI was constitutionalised through the 73rd Constitutional Amendment Act, 1992 to build democracy at the grass roots level and was entrusted with the task of rural development in the country. In its present form and structure PRI has completed 27 years of existence. However, a lot remains to be done in order to further decentralisation and strengthen democracy at the grass root level.

Issues affecting the functioning of PRIs in India are:

- The grey area is the lack of adequate funds. There is a need to enlarge the domain of panchayats to be able to raise their own funds.
- The interference of area MPs and MLAs in the functioning of panchayats also adversely affects their performance.
- The 73rd amendment only mandated the creation of local self-governing bodies, and left the decision to delegate powers, functions, and finances to the state legislatures, therein lies the failure of PRIs.
- The transfer of various governance functions—like the provision of education, health, sanitation, and water was not mandated. Instead the amendment listed the functions that could be transferred, and left it to the state legislature to actually devolve functions.
- Because these functions were never devolved, state executive authorities have proliferated to carry out these functions. The most common example is the terrible state water boards.
- The major failure of the Amendment is the lack of finances for PRIs. Local governments can either raise their own revenue through local taxes or receive intergovernmental transfers.
- The power to tax, even for subjects falling within the purview of PRIs, has to be specifically authorised by the state legislature. The 73rd Amendment let this be a choice open to the state legislatures—a choice that most states have not exercised.
- A second avenue of revenue generation is intergovernmental transfers, where state governments devolve a certain percentage of their revenue to PRIs. The constitutional amendment created provisions for State Finance Commissions to recommend the revenue share between state and local governments. However, these are merely recommendations and the state governments are not bound by them.
- Though finance commissions, at every level, have advocated for greater devolution of funds, there has been little action by states to devolve funds.

- PRIs are reluctant to take on projects that require any meaningful financial outlay, and are often unable to solve even the most basic local governance needs.
- PRIs also suffer from structural deficiencies i.e. no secretarial support and lower levels of technical knowledge which restricted the aggregation of bottom up planning.
- There is a presence of adhocism i.e. lack of clear setting of agenda in gram sabha, gram samiti meetings and no proper structure.
- Though women and SC/STs has got representation in PRIs through reservation mandated by 73rd amendment but there is a presence of Panch-Pati and Proxy representation in case of women and SC/STs representatives respectively.
- Accountability arrangements remain very weak even after 27 years of PRIs constitutional arrangement.
- The issue of ambiguity in the division of functions and funds has allowed concentration of powers with the states and thereby restraining the elective representatives who are more aware and sensitive to the ground level issues to take control.

Suggestions to improve its functioning:

- Genuine fiscal federalism i.e. fiscal autonomy accompanied by fiscal responsibility can provide a long term solution without this PRIs will only be an expensive failure.
- 6th report of 2nd ARC, 'Local Governance- An inspiring journey into the future', had recommended that there should be a clear-cut demarcation of functions of each tier of the government.
- States should adopt the concept of 'activity mapping', wherein each state clearly delineates the responsibilities and roles for the different tiers of the government in respect to the subjects listed in the Schedule XI.
- The subjects should divided and assigned to the different tiers on the basis of accountability to the public.
- States like Karnataka and Kerala have taken some steps in this direction but overall progress has been highly uneven.
- There is need for bottom up planning especially at the district level, based on grassroots inputs received from Gram Sabha.
- Karnataka has created a separate bureaucratic cadre for Panchayats to get away from the practice of deputation of officials who often overpowered the elected representatives.
- The center also needs to financially incentivize states to encourage effective devolution to the panchayats in functions, finances, and functionaries.
- Training should be provided to local representatives to develop expertise so that they contribute more in planning and implementation of policies and programmes.
- To solve the problem of proxy representation social empowerment must precede the political empowerment.

- Recently states like Rajasthan and Haryana have set certain minimum qualification standards for Panchayat elections. Such necessary eligibility can help in improving effectiveness of governance mechanism.
- These standards should apply for MLAs and MPs also and in this direction government should speeden up efforts for universal education.
- There should be clear mechanisms to ensure that States comply with the constitutional provisions, particularly in the appointment and implementation of the recommendations of the State Finance Commissions (SFCs).

Conclusion

The need of the hour is to bring about a holistic change in the lives of beneficiaries among the villagers by uplifting their socioeconomic and health status through effective linkages through community, governmental and other developmental agencies. Government should take remedial action in the interest of democracy, social inclusion and cooperative federalism. People's demands for the sustainable decentralisation and advocacy should focus on a decentralisation agenda. The framework needs to be evolved to accommodate the demand for decentralisation. It is important to have clarity in the assignment of functions and the local governments should have clear and independent sources of finance.

15. What are your views on the decision to provide 10 per cent reservation in jobs and higher education to economically backward sections among the upper castes? Don't you think awarding reservations to newer sections of people is a retrograde step? Critically comment.

Introduction:

The Constitution (103rd Amendment) Act, 2019, the Act providing 10 percent reservation in government jobs and educational institutions to Economically Weaker Sections (EWS) of General Category, came into effect on January 14, 2019. The reservation of EWS of general category will be given without tampering the existing quotas for SC, ST and OBCs people.

Body:

The government has recently provided 10% reservations of economically backward sections among upper castes, this has resulted in:

- Instructions have been issued by the Ministry of HRD for increasing the total number of seats over a period of two years, to provide for 10% EWS reservation, without adversely affecting the proportionate seats of SCs, STs and OBCs.

- An amount of Rs.4315.15 crores has been sanctioned for creation of additional 2,14,766 seats (1,18,983 additional seats during 2019-20 and 9,783 additional seats during 2020-21) in 158 Central Educational Institutions.
- 10% reservation under EWS category is applicable to those persons who are not covered under the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes.

Reservations for EWS is a retrograde step and can also be called a failure on part of governments to do away with reservations which was provided only for 10 years during the initial years of implementation:

- When the reservation policy went beyond SCs and STs, despite the fact that the expansion was justified, it effectively diluted the sharpness of the tool — that it would be employed for extreme cases of discrimination and exclusion.
- The moral basis of the reservation policy is almost lost. Now, the reservation policy will no more be seen as an intermediate tool to address ingrained social injustice in the Indian social order.
- The enabling provision in the Constitution was predicated on the logic that the social order is fundamentally unjust and therefore the state should intervene in favour of the most oppressed sections to enable them to compete in the public sphere and stake their claims for a share in public power. This logic is no more applicable.
- Instead, the logic now is that there are different groups in society and they need to be accommodated, as far as possible, in a proportionate manner. This new logic implies that reservation is not a remedy for traditional social ills but a routine policy tool to arrange political and administrative power.
- Caste as the primary basis for making claims on the state: Not the injustice perpetrated by the caste system, but caste in itself has emerged as the primary social group for which demands are made, robbing policy-making of the more justifiable bases of deprivation.

The EWS reservations can be justified in certain circumstances:

- Right to equality: There are several families and communities among upper castes in India who have lived in chronic poverty over generations with no access to quality education and jobs, this will provide a means of hope for them.
- Completely Deprived: Children of below poverty line upper caste families cannot compete equally with the 2nd/3rd generation bureaucrat children of reserved category for government jobs or higher educational institution seats.
- It can also be highlighted that several Committees have been set up wherein quantifiable data has been collected highlighting the need for having reservation for the economically weaker sections of the society.

Conclusion:

There has been severe criticism about the legality and constitutional validity of the EWS reservations but the Centre has defended the amendment by stating that the newly inserted provisions are in conformity with the principle of affirmative action and that the argument that EWS quota will breach 50% limit of reservation is not true as this limit imposed by the Supreme Court in Indira Sawhney case is not applicable after constitution amendment.

16. What significance do non-governmental organisations (NGOs) hold for the Socio-economic development of the country? Discuss. Is there a need to regulate the activities of NGOs in India? Critically examine.

Introduction:

A non-governmental organization (NGO) is a non-profit, citizen-based group that functions independently of government. NGOs are organized on local, national and international levels to serve specific social or political purposes. In India, NGOs can be registered under a plethora of Acts such as the Indian Societies Registration Act, 1860, Religious Endowments Act, 1863, Indian Trusts Act, etc.

Body:

Role of NGO's in socio-economic development of the country:

- It brings in accountability and transparency to governance and Improves government performance.
- It acts as a human rights watchdog in the society.
- NGOs act as channels for donors to provide international development funds to low-income countries or developing countries.
- They play a vital role in mobilizing public attention to societal problems and needs.
- They enhance the efficiency of the delivery of many services at the local level through the involvement of residents.
- They also improve policy monitoring and evaluation as Comptroller and auditor general (CAG) takes cognizance of reports and social audits by NGOs while preparing its reports.
- 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.
- 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 the youth.

There is a need to regulate the activities of NGO's because:

- NGOs have acted as a cover for organized crime in past and are often seen as fronts for fundamentalist causes.
- Foreign-funded NGOs have been responsible for organizing agitations and scuttling development projects in India and have become detrimental to national development. Ex. NGO Green Peace International in Kudankulam Protest.
- Misappropriation of funds: Religious NGO like Zakir Naik's IRF is accused of diverting funds for terrorist activities and propagation of radicalization.
- Non-accountable, non-transparent undemocratic functioning: Only 10% of the total registered NGOs under the Societies Registration Act file annual financial statements.
- Absorber of black money: Due to tax exemption they absorb black money as donations and then use it for anti-social activities.
- Money Laundering: Corrupt or unscrupulous NGOs that receive foreign funds may serve as conduits for money laundering and a round trip of money.
- Create Hurdle in the internal security of the country. Ex. AFSPA against militants and LWE, opposed by NGO like Amnesty international for Human rights concerns.
- Political threat: International funding to NGO and Political parties manipulate election is a threat to a free and fair election and undermines democracy. It can even destabilize governments.
- Encroaching traditions-NGOs are often seen as encroaching on centuries-old tradition and culture of the people, and lead to mass protest at times. Ban of Jallikattu, after the PIL by PETA is one such example.

They are also a hurdle in economic growth and development of country:

- Stalling projects: They create hurdle for starting or running of the projects. Ex: Kudankulam, Narmada dam, Sardar sarovar etc.
- Judicial cases: Approach court and obtain stay order even when cleared by concerned ministries.
- Employment: Due to stalling of projects, huge potential for employment generation is prevented.
- Cost overrun: Due to delay in project completion, judicial cases etc. the costs overshoot leading to financial issues.
- NPA: Due to delayed production and cost overrun, the break-even point is not achieved as expected leading to Non-performing assets.
- Strikes and lockouts: They pursue workers to indulge in strikes against management leading to loss of precious man hours and production.
- Anti-development: Certain NGO's are misleading farmers to strike against GMO crops and Hybrid crop varieties leading to increase in import bills. Ex: Edible oils, Vegetables etc.

Conclusion:

The NGO's sponsored by corporates and foreign bodies are working for the interests of their sponsors and negatively impacted GDP growth of 2-3% as per the recent claims by IB report. Regulation of NGOs is very much required but it should be 'light' and consistent with the fundamental rights, so as to give effect to the objects for which voluntarism is being promoted. The new framework should enable a "national uniformity" of approach following the principle of "cooperative federalism".

17. What significance does Russia hold for India's economic and strategic interests? Discuss. What have been the major irritants in Indo-Russia relations? Examine.

Introduction:

The diplomatic relations between India and Russia were established more than 70 years back. Thus began a long journey of mutual discovery, resulting into a deep rooted friendship between the two countries. The Indo-Russian friendship is time tested and is based on trust, historical intimacy, mutual understanding and continuity.

Body:

The India Russia relations are multidimensional, and wide-ranging. These are spread over many domains covering economy, defense, science and technology, political and cultural spheres. These are based on similarity in views on various regional and international issues.

Significance of Russia for India's economic interests:

- **Banking sector:** The Indian ICICI Bank has opened its subsidiary ICICI Bank Eurasia in Russia, with branches in Moscow and St Petersburg.
- **Energy Sector:** ONGC-Videsh acquired 20% stake in the Sakhalin-I oil and gas project in the Russian Federation, and has invested about US \$1.7 billion in the project. Gazprom, the Russian company, and Gas Authority of India have collaborated in joint development of a block in the Bay of Bengal. Kudankulam Nuclear Power Project with two units of 1000 MW each is a good example of Indo-Russian nuclear energy co-operation.
- **Science and Technology:** Integrated Long-Term Programme of Co-operation (ILTP) is coordinated by the Department of Science and Technology from the Indian side and by the Academy of Sciences, Ministry of Science and Education, and Ministry of Industry and Trade from the Russian side. Development of SARAS Duet aircraft, semiconductor products, super computers, poly-vaccines, laser science and technology, seismology, high-purity materials, software & IT and Ayurveda have been some of the priority areas of co-operation under the ILTP. Under this programme, eight joint Indo-Russian centers have been established to focus on joint research and development work. Two other Joint Centers on Non-ferrous Metals and Accelerators and Lasers are being set up in India.

- **Transport:** The North–South Transport Corridor is the ship, rail, and road route for moving freight between India, Russia, Iran, Europe and Central Asia. The route primarily involves moving freight from India, Iran, Azerbaijan and Russia via ship, rail and road. Dry runs of two routes (Mumbai to Baku via Bandar Abbas and the second was Mumbai to Astrakhan via Bandar Abbas, Tehran and Bandar Anzali) were conducted in 2014. The results showed transport costs were reduced by "\$2,500 per 15 tons of cargo.
- **Automobile sector:** TATA Motors launched a project to assemble its light-duty trucks at Russia's Urals Automobile and Motors plant and assembling plant for buses at Volzhanin and Samotlor.
- **Pharmaceutical sector:** pharmaceutical companies like Dr. Reddy's Laboratories Ltd and Lupin Ltd have investments in Russia.
- **Other sectors:** Indian companies are exploring major investment options in Russia, especially in natural resources such as coal, fertilizers, hydrocarbons, minerals, and rare earth metals. Companies that are exploring possibilities for investment in Russia include GAIL, Indian Oil, Coal India, Reliance and Tata Tea.

Significance of Russia for India's strategic interests:

- India and Russia have enhanced their co-operation in the key areas of rocket, missile and naval technologies. The BrahMos missile system is an example of this type of co-operation.
- India and Russia have completed the trials of the Vikramaditya aircraft carrier, delivery of the Trikant frigate, the sixth stealth frigate that Russia has built for the Indian Navy, as well as licensed production of the Su-30MKI fighter plane and T-90S tanks.
- The sides also noted progress in the construction of the fifth-generation fighter aircraft and multi-role transport aircraft.
- India import more than 70 percent of its defense equipment from the Russia and Russia retaliate by providing transfer of latest technology.
- Russia is helping India in its space exploration by joint projects over various technologies eg cryogenic technology.
- India's major purchases from Russia over the last 18 years have been varied and extensive, including aircraft (MIG 29, MIG 29 SMT, SU 30K, SU MK1), helicopters (Mi-17, Mi-18, etc.) and air-defense systems (AK 630 30mm, etc.)
- Two space-related bilateral agreements were signed viz. Inter-Governmental umbrella Agreement on co-operation in the outer space for peaceful purposes and the Inter Space Agency Agreement on co-operation in the Russian satellite navigation system GLONASS.

Some major irritants in relation are:

- **India and USA defense relationship:** There is growing discomfort in the Moscow by India signing various defense pact with USA like COMCASA, LEMOA.

- Tilt towards china : Russia is increasing engagement with China evident by perform military exercise, transfer defense technology, and become part of the OBOR project ignoring India reservation on the same.
- Defense trade with Pakistan: Russia is trying to sell Su-35 and su-30 fighter jet to Pakistan and china despite the fact they are they can be used against India.
- Visa regime remains a major hurdle for business: Getting a business visa, even for an industrial head like Ratan Tata, involves delays and all sorts of procedural requirements.
- Intellectual Property Rights (IPR) Agreement: Russia had been putting pressure on India, during last many years, to sign the “Intellectual Property Rights Agreement” regarding cooperation in the field of defense.
- Custom and Bureaucratic Barriers: Bureaucracy is another bottleneck in the India-Russia relations. The practices such as providing indicative price established by the Russian customs for the goods exported from India are not right. Bureaucracies in both countries are often unaware of the national objectives and interests of the state.

Conclusion:

The fact is that Russia has been a long standing, significant partner of India. The bilateral relationship with Russia forms a cornerstone of India’s foreign policy and it is likely to continue so despite occasional concerns. The two countries have a political understanding underpinned by a strong economic and strategic relationship which continues to evolve and endure.

18. The ongoing outreach and deeper engagements with the Islamic nations shall reap long term economic and strategic benefits for India. Do you agree? Critically comment.

Introduction:

The current outreach to the Islamic world is marked by four important conceptual shifts in Indian foreign policy. The first is the transition from an ideological approach to a pragmatic one. A second important transition in Indian policy is on the economic front - from the mercantilism of the past to the quest for deeper economic integration. Third one is discovering a new common ground with the key nations of the Islamic world on the political front - support for political moderation and opposition to religious extremism. Finally, the biggest transition has been India's handling of the Pakistan factor in dealing with the Islamic world.

Body:

Deeper engagements with Islamic nations:

- India and UAE: UAE is India’s third largest foreign trading partner with bilateral trade at around 53 billion USD. India is UAE’s largest trading

partner. UAE is the second largest export destination of Indian Goods and Services. Indians form the largest Foreign Diaspora in UAE with over 3 million people. It is also largest population of Indian expatriates anywhere in the world. They form the soft power of India and the most important element in bilateral relationship – people to people tie. UAE is one of the important crude oil suppliers to India and important for India's energy security.

- **India-Indonesia:** Indonesia is an attractive destination for Indian investment in the region. Indian companies have made significant investments in infrastructure, power, textiles, steel, automotive, mining machinery, banking and consumer goods sectors. Prominent Indian groups/companies such as Tata Power, Reliance, Adani, L&T, GMR, GVK, Trimex Videocon, Punj Lloyd, CG Power, Madhucon, Spice, Indo Rama, Aditya Birla, BombayDyeing, JK Industries, Jindal Stainless Steel, ESSAR, Ispat, Tata Motors, Mahindra, TVS, Bajaj, Minda, Classic Stripes, BEML, Godrej, Wipro, Balmer & Lawrie, SBI, Bank of India, etc. have established fully-owned subsidiaries/joint ventures in Indonesia.
- **Invitation in OIC:** External Affairs Minister was invited as a guest of honor to OIC. This is the first time India has been invited to the OIC after 1969. This move is a major diplomatic victory for the country and a severe blow to Pakistan that has opposed India's entry to this group, despite India being the third largest Muslim populated country in the world.

Economic benefits for India:

Economic importance of West Asia for India:

- **Energy security:** 70 per cent of India's imported energy needs come from West Asia and this dependence will only increase as the Indian economy continues to grow at 8 per cent or more.
- **Security of Indian community:** India is the largest recipient of foreign remittances from West Asia. 11 million Indians working in West Asia. Therefore, stability in the region is high on India's core agenda.
- **Qatar:** it is an important trading partner for India in the Gulf region with bilateral trade in 2014-15 standing at \$15.67 billion of which India's exports accounted for nearly \$1 billion. It is also one of India's key sources of crude oil. India is the third largest export destination for Qatar after Japan and South Korea, with LNG being the major item of trade. Indians comprise the single largest group of migrants in Qatar.

Strategic importance of West Asia for India:

- **To counter radicalization:** close cooperation is essential to counter radicalization in India. Riyadh also extradited several terror suspects to India.
- **Gate way to central Asia:** West Asia is gate way to land locked and energy rich central Asia.

- Geostrategic importance: To reduce the influence of china in west Asia and in Arabian Sea. China is continuously making in road to west Asia through OBOR initiative.
- India-UAE: The UAE's support for India's candidature for a permanent seat in the United Nation's Security Council (UNSC).
- India-Iran: Chabahar port built by both countries is situated just 100 km from Pakistan's Gwadar port, the centerpiece of a \$46 billion economic corridor that China is building. The Chabahar port will act as a gateway for India to Central Asia bypassing the China-Pakistan arc. India's presence in Chabahar will offset the Chinese presence in Pakistan port of Gwadar.

Major concerns:

- US sanctions on Iran hinders growth of Indian energy sector.
- De-hyphenating indias relations with Israel and the Islamic world
- Saudi – Pakistan relation is a “Historically” of the Saudis.
- Saudi-Iran rivalry: destabilizing West Asia and influencing West Asian geopolitics.
- While Saudi Arabia denounces all forms of terrorism, Saudi money is funding Wahhabi Islamic groups around the world.
- Many extremist outfits are inspired by the Wahhabi branch of Islam.
- Saudi Arabia's aggressive foreign policy in West Asia: foreign policy is doing
- The rise of new religious fanaticism and extremism that threatens peace and regime stability in large parts of the Islamic world.

Conclusion:

India's recent engagement of the Islamic world has often been misrepresented as a strategy to cut Pakistan off from its traditional allies and friends. That is farthest from the truth. What India is trying to do is transcend the Pakistan question and find ways to build mutually beneficial political and economic relationships with key Islamic states.

19. Discuss the most significant contributors to India's soft power status in the world with special attention on the contributions made by the Indian diaspora. What measures have been taken recently to enhance India' soft power status? Examine.

Introduction:

The term soft power coined by Joseph Nye of Harvard University. "Soft power" is the ability of a country to persuade others to do what it wants without force or coercion. In simple words, soft power is a power of appeal and attraction, which has the ability to shape the preferences of others. The basis of India's soft power is its Culture, Secularism, Spiritualism, Music, dance, Bollywood, Yoga. Most importantly the "Indian Diaspora (ID)".

Body:

Most significant contributors to India's soft power are:

Culture:

Culture being one of the world's oldest civilizations, India's rich culture constitutes the single most important source of its soft power. India is the birthplace of Buddhism, which spread to Central, East and Southeast Asia, and Hinduism, which left its strong imprint on Southeast Asian cultures. India's art, classical music and dance, yoga, traditional medicine (Ayurveda), principles of non-violence, philosophy, spirituality and even cuisine and fashion find more and more followers around the world.

Political Values:

With its open, multi-ethnic and multi-cultural society and a secular, federal and democratic state, India has abundant resources for soft power. As a tolerant country built on the idea of 'unity in diversity', India can possibly serve as a model for many other internally divided countries. The endurance of a democratic system in a relatively poor, illiterate and immensely diverse society provides a strong argument for promotion of democracy as the best political system. Many in the West, therefore, hoped that India would become an important ally in global efforts for promotion of democracy.

Foreign policy:

India's non-violent struggle for independence and its support for decolonization, disarmament and peaceful co-existence of nations helped the country garner much appreciation in many parts of the world. Its active role in the NAM contributed to its positive image and helped position itself as a spokesperson for the developing world.

The contributions made by the Indian diaspora to showcase India's soft power:

- Culture: The Indian diaspora from the very beginning is conscious about their rich cultural heritage, knowing the fact that they are the inheritors of the world's oldest civilization. Therefore, they are naturally keen to maintain their cultural prestige as being part of such a rich legacy. This deep commitment to their cultural prestige has shown in numerous ways, and in every aspect of the Indian diaspora. Probably there is no other diaspora across the globe, having such an extra-ordinary diversity. This diversity is visible in terms of linguistic, ethnic and religious groups. Therefore, the first generation diaspora always carries with them the rich traditions of harmonizing different values, beliefs, customs and practices.
- In nuclear deal: the most successful role the diaspora played was in ensuring the passage of the India-US Nuclear Deal in 2008.

- Knowledge: India regarded, as a knowledge house and its engineers, doctors, scientists and software professionals have easy acceptability by the international community. Indian education boosted with high competitiveness, which shown in information technology sector where Indians like Sundar Pichai and Satya Nadella have made their major contribution. Due to the knowledge competitiveness of Indians, India's soft power has also increased.
- Yoga: One of India's most important therapy of longevity i.e. yoga has now embraced by almost everyone in the world. It is no less than a cultural winning for India. It is also true that much effort to propagate it at world level by Indian diaspora is commendable. It has manifested by the fact that a large chunk of people of host countries practice yoga in Indian diasporic yoga centers.
- Secularism: Indians known for the values of love, peace and goodwill and its prime examples are Gautama Buddha, Mahaveer, Swami Vivekananda and Mahatma Gandhi. ID also known for the same values of love, peace and unity and due to these very qualities they are winning the hearts of the people of the host society
- Food: Indian cuisine, spreading around the world, raises our culture higher in people's reckoning; the way to foreigners hearts is through their plates.
- Bollywood: Indian films and TV daily soaps are popular in many countries Including the US Bollywood became popular abroad also because of ID. Indian diasporic people whether it is first, second, third or fourth generation are always attached with India and this strong bond is shown when one sees that Bollywood stars have the same fan following among the ID as they have here in India.
- Indian Fusions: The Indian fusions whatever it is in Indian music, food, apparels, dance, etc.have an immense soft power potential. The famous western dancers and singers such as, Michael Jackson, Madonna, and Shakira have adopted elements of Indian dances or music in their performances. The efforts of Renowned figures like Pandit Ravi Shankar, the sitar player and composer is worth mentioning among those who have done much to popularize Indian instrumental music in the west.
- Indian Diaspora as a strategic Asset: Two good examples are Antonio Costa, the Portuguese Prime Minister, and Leo Varadkar, Ireland's Prime Minister. Both belong to the Indian diaspora, and come from two economically strong countries that can trade with India. Portugal has already signed MOUs with India in science and technology, double taxation avoidance, space, trade and investment. Further, the two countries have agreed to create a joint science fund of four million Euros where they will collaborate in science research projects. As for Ireland and other countries like the Netherlands with a large Indian diaspora, they are more likely to support India in her bid to join the United Nations Security Council (UNSC) and the Nuclear Suppliers Group (NSG). This will be even more likely with enough pressure from the diaspora.
- Indian diaspora's role in other countries: India can also benefit from the diaspora in North America in achieving her space, defense and security goals.

Groups like the United States India Political Action Committee (USINPAC), Friends of India, Canada India Foundation (CIF) and Canada India Business Council (CIBC), are already actively pushing for India's interests.

- **Diaspora and Foreign Policy Implications:** in the wake of globalization and radical structural changes in the Indian economy, Indian Diaspora was considered a viable and potential source to bail out the threatening foreign currency crisis of 1990s. The resumption of engagement with Indian Diaspora resulted in major implications on internal as well as external political and economic processes for India. US Indian community's stupendous lobbying efforts were laudable in relation with the cracking of the Indo-US Civil Nuclear Co-operation Agreement, defeating the Burton Amendment and justifying India's nuclear tests in 1998 and the Kargil war in 1999.
- **Diaspora and Economic Implications:** Diaspora finance in the form of remittance and investment helped India to come out from its foreign reserve crisis and fuelled its economic growth. India has overtaken China in terms of receiving foreign remittance recently. Some Venture capitalists of Indian origin in the US have funded Indian R&D companies who are likely to produce Intellectual Property and innovative products in the areas of wireless technology, semiconductor design technology.

The following measures have been taken to enhance India's soft power status:

- India has begun to play its soft power cards more systematically. Besides setting up a public diplomacy division within the Ministry of External Affairs and expanding the Indian Council for Cultural Relations (ICCR) worldwide, it has roped in the Ministry of Tourism, which is behind the "Incredible India" campaign.
- foreign policy initiatives such as the Look East Policy (now Act East), the Connect Central Asia policy, and developing strategic aid and trade partnerships in Africa.
- Under Central Sector Scheme of International Cooperation (IC), the Ministry of AYUSH undertook measures for global promotion and popularization of Yoga.
- The Union Ministry of Home Affairs introduced short term yoga programs in Tourist Visa and e-Tourist Visa. In order to promote the importance of yoga worldwide, the Union Government decided to include "attending a short term yoga program" in the list of permissible activities under Tourist Visa and e-Tourist Visa.

Conclusion:

With the versatile role of Diaspora, India could fulfil its cherished dream of being a super power and it could make much head way in its international and foreign affairs. Soft power has enabled the global recognition of India in spheres, where other nations cannot even think of competing with it. In fact, the preservation of this

very status of 'unity in diversity' can be attributed to India, because of its strength in soft power.

20. Keeping in mind the evolving geopolitics of South and South East Asia, it is imperative for India to have a more meaningful and deeper relations with her neighbours, particularly Nepal and Bhutan. Would you agree? Comment is anything being done on this front? Examine.

Introduction:

Over the years, certain geopolitical developments moulded the South and South East Asian landscape, forcing India to adapt and change their foreign policy priorities. In the last two decades, the rise of China as an economic and military power has challenged India in its own neighborhood. China's assertiveness in the military domain and its growing ties with other South Asian nations such as Bangladesh, Sri Lanka, and Pakistan have forced India to review its relationships.

It is imperative for India to have deeper meaningful relations with her neighbours because:

Nothing has had a more profound impact on South Asia than the rise of an increasingly aggressive China. While China has continued to portray its political, economic and military rise as 'peaceful' its relationship with Pakistan and actions in the South China Sea and Indian Ocean have demonstrated otherwise.

China's approach to South Asia rests on policies that prevent the rise of regional powers such as India. It has done this in several ways,

- primarily by increasing its influence in India's immediate neighborhood: Afghanistan, Nepal, Bangladesh, Myanmar, and Sri Lanka,
- denying India any support in regional and international organizations, such as the United Nations,
- As well as by providing economic, military, and development assistance to Pakistan.

A significant driver of change in South Asia's political geography has been the string of infrastructure projects in the subcontinent.

- China's Belt and Road Initiative (BRI) which envisages a large road and railway network.
- The China-Pakistan-Economic Corridor or CPEC, a vital part of BRI, which connects the western part of China to the Gwadar Port in Baluchistan, gives China easy access to the Arabian Sea.
- In Sri Lanka, China's development aid has grown at a rapid pace with Beijing acquiring the strategically located Hambantota port in the country.

- These projects in Pakistan and Sri Lanka have given China, strategic access points in the oceans surrounding India, a key area of Indian influence. Beijing has realized that maritime strength in the Indo-Pacific will provide it the strategic leverage necessary to become a regional hegemon.
- Nepal always has enjoyed a special place in China's South Asia policy given the situation in Tibet.
- Over the last few years, China has exploited the anti-India sentiment among the Nepali elite by engaging them as local partners in their investments.
- In addition, Beijing has worked to address Nepal's acute power shortages by building a \$2.5 billion hydropower plant near Kathmandu.
- China is pursuing virtual and physical connectivity with Nepal, with proposals to build railway lines connecting Lhasa, Tibet, and Kathmandu, cement factories, hydropower plants, airports, and several railway lines.
- Bhutan has recently opened up for the world.
- Bhutan is one among the few countries India has had a friendship treaty with.
- Bhutan is no more a subservient region to India and not guided by the 'aid and advice of India'.
- Bhutan has been taken as safe haven by insurgent elements like National Democratic Front for Bodoland (NDFB), United Liberation Front of Assam (ULFA) militants and Kamtapur Liberation Organization (KLO) that often pose threat to internal peace and security in the northeast region of India.
- China's soft power diplomacy, increasing Chinese tourists in Bhutan, massive Chinese investment in Tibet during recent times which is likely to make Tibet a possible access point for the nascent Bhutanese traders, visit of Chinese official to Bhutan can be seen as measures for opening up of bilateral engagements between the two countries.

Actions taken by India:

Acting on its perceptions of China's increasing footprint in South Asia, India has awakened, albeit late, to the realization of the importance of establishing its own footprint on the larger subcontinent, particularly its neighbours. India's relations with Southeast Asia are undergoing monumental changes.

- In January 2018, India hosted all ten ASEAN leaders as chief guests for Republic Day, setting a new benchmark in India's engagement with the region.
- ASEAN is India's fourth largest trading partner, accounting for 10.2 percent of the country's total trade.
- The creation of the India-ASEAN Free Trade Agreement in 2003 and the Agreement of Trade in Goods, implemented in 2010, bolstered overall trade between India and ASEAN.
- The ASEAN-India Free Trade Area, completed in July 2015, is expected to help in the facilitating the movement of both manpower and investments between ASEAN and India.

- The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is a two-decade-old regional grouping of seven nations (Bangladesh, Thailand, Myanmar, Sri Lanka, Nepal, Bhutan and India) that has been largely ignored until a recent push for revival from India.
- At its core, the organization seeks to promote economic and other forms of connectivity to revive the bay's past levels of integration and mutual interdependence.

India and Nepal.

- India and Nepal have launched bus services from Kathmandu in Nepal to Siliguri in West Bengal.
- India-Nepal Logistics Summit was organized in Kathmandu in July 2019.
- India extended a financial aid of 1.6 billion Nepalese Rupees to Nepalese Government for rebuilding earthquake hit houses in two districts that were mostly hit.
- India funded the Rs. 3.24 billion rupee Motihari-Amlekhgunj oil pipeline project, which has an annual capacity of 2 million metric tonnes and will enable Nepal to import fuel from India at a lower cost.

India and Bhutan.

- The Prime Minister of India in his recent visit to Bhutan invited more students to visit India for studies in traditional areas such as Buddhism
- The 720 megawatts Mangdechhu hydel power project was recently inaugurated
- A new blueprint for cooperation between India and Bhutan, identified space, education, and health as areas that would add a fresh dimension to ties dominated so far by cooperation in the hydel power sector.
- Jointly inaugurated the Ground Earth Station and SATCOM network, developed with assistance from ISRO for utilization of South Asia Satellite in Bhutan

Conclusion:

New Delhi has gone from championing decolonization and non-alignment, to outright distrust of the ASEAN countries during the height of the Cold War, to a newfound interest via Prime Minister Narasimha Rao's "Look East" policy of the 1990s and to the Modi government's "Act East" policy of today.