

**1. Critically evaluate the significance of the amendment provisions in the Indian Constitution.**

भारतीय संविधान में संशोधन प्रावधानों के महत्व का समालोचनात्मक मूल्यांकन करें।

**Demand of the question:**

It expects students to write about the significance of amendment provisions of Indian constitution along with critical evaluation about its ability to maintain constitution a living document.

**Introduction:**

Part XX of the Constitution under Article 368 deals with the amendment of the Constitution. Indian constitution provides for three kinds of amendment processes i.e., amendment by simple majority, amendment by special majority, and amendment by special majority and ratification by the States.

**Body:**

Significance of the amendment provisions of the constitution:

- The Constitution has to be amended at every interval of time. A Constitution which is a static document becomes a big hurdle in the path of the progress of the nation.
- As the time is not static; it goes on changing in the same way the political, economic and social conditions of the people also goes on changing so for that reason, provision of amendment of the Constitution is made with a view to overcome the difficulties which may encounter in future in the working of the Constitution.
- Technological changes create new fields of knowledge whose regulation becomes critical in the absence of amendment. E.g., need of constitutional status to upcoming institutions like Data protection authority of India.
- It maintains flexibility of constitution to accommodate new institutions, reform existing ones and accept international commitments within our own laws.
- Amendment provisions help to strengthen foundational principles of Indian constitution like cooperative federalism through GST council, constitutional status to National Commission for Backward Class to ensure equality.
- If there were no provision made for the amendment of the Constitution, people would have recourse to extra-Constitutional methods like revolution to change the same.

Even though, Parliament has unlimited power of amending constitution,

- Basic structure doctrine of Supreme Court acts as check on amending power of parliament. If Constitutional fathers wanted check on the amending power of parliament then they might have added those provisions in constitution. It can also be said that it has extra Constitutional origin as there is lack of basic

in the basic structure doctrine and what the Supreme Court has done is to assume to itself a power of veto on all Constitutional amendments. It is like the sovereign people through their representatives cannot bring about their desired change.

- It is also appeared from the few judicial pronouncements that the Supreme Court has assumed much power in the name of basic structure what may be termed as power of veto to every Constitutional amendment. This doctrine was meant for special use in times when Constitutional amendments threatened the basic framework of the Constitution. This doctrine is subjective and vague. As there is no clear cut list laid down by the judiciary that this constitutes the basic structure and has said that it will be decided on the case to case basis.
- Majoritarian process: Provisions of amendments makes easy to ignore minority voices while making important constitutional amendments.
- Inability of states to initiate constitutional amendment in Indian constitution does not represent matured cooperative federalism. There is skewed representation to states in Rajyasabha based on the population proportion rather than US like equality of representation.

However, Basic structure doctrine acts as legal compass for amendment provision executioners. It prevents parliamentarians from abuse of majoritarian power. There is need of some implied inherent limitation on the amending power of the Parliament as parliament is not sovereign in India.

### **Conclusion:**

The provisions relating to the amendment procedure leave a wide scope for taking matters to the judiciary. Despite of this, flexibility of amendment provisions has succeeded in meeting the changing needs and conditions of society without losing spirit and values foreseen by constitutional makers.

### **2. The 'basic structure' doctrine has gone a long way in ensuring that the State doesn't circumvent the implicit foundational principles enshrined of the constitution. Critically comment**

'मूल संरचना' का सिद्धांत यह सुनिश्चित करने के लिए एक लंबा रास्ता तय कर चुका है कि राज्य संविधान के निहित मूलभूत सिद्धांतों को दरकिनार नहीं कर सकता। समालोचनात्मक टिप्पणी करें

### **Demand of the question:**

It expects students to write about role played by basic structure doctrine in ensuring implicit foundational principles of constitution in state action along with limitations of basic structure doctrine in such role.

### **Introduction:**

Basic structure doctrine as evolved in the Keshavananda Bharti case (1973) seeks to resolve a legal conundrum which arises out of the interplay between those provisions of the Constitution which guarantees the fundamental rights and those which enable the Parliament to amend the Constitution.

**Body:**

There is no such exclusive definition of basic structure given by the judiciary. Judicial approach has been on case to case basis to define what basically includes in the doctrine of basic structure.

Role of Basic structure doctrine in protection of founding principles of Indian constitution:

- This doctrine has an anti-majoritarian flavour and is of prime importance as it prevents the Parliament from abusing its majoritarian power. This doctrine protects our basic rights and every acts of the Parliament is now subject to this doctrine, and puts a full stop on the unconstitutional Constitutional amendments.
- Judiciary came forward with this theory of 'implied limitation' in the form of basic structure that the Parliament can amend whatever it wants to, but cannot amend the basic structure of the Constitution as Article 368 itself says that the Constitution shall stand amended in accordance with the Bill.
- Minerva Mills (1980) case observed that the Indian Constitution is founded on the bedrock of the balance between Parts III (fundamental rights) and Part IV (directive principles). To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution.
- The rule of law and judicial review was held as basic structure in Waman Rao(1981), Sampath Kumar (1986), and Sambamurthy ( 1986) cases. Effective access to Justice is part of the basic Structure, according to the ruling in Central Coal Fields case(1980).
- In Kihoto Hollohon (1992), the Supreme Court has declared that democracy is a basic feature of the Constitution and election conducted at regular prescribed intervals is essential to the democratic system envisaged in the Constitution. So is the need of protect and sustain the purity of the electoral process that may take within it the quality, efficiency and adequacy of the machinery for resolution of electoral disputes.
- Bommai case (1994) have observed: Democracy and Federalism are essential features of our Constitution and are part of its basic structure. In the same case, the Supreme Court has ruled that secularism is a basic or an essential feature of the Constitution.
- In M. Nagraj v. Union of India case (2006) the court observed that the amendment should not destroy Constitutional identity and it is the theory of Basic Structure only to judge the validity of Constitutional amendment.



Doctrine of equality is the essence of democracy accordingly it was held as a Basic Structure of the Constitution.

- In *I. R. Coelho v. State of Tamil Nadu* (2007), the Supreme Court applied this doctrine and held that: All amendments to the Constitution made on or after 24th April, 1973, even though an Act is put in the Ninth Schedule by a Constitutional amendment, its provision would be open to attack on the ground that they destroy or damage the Basic Structure if the fundamental right or rights taken away or abrogated pertains or pertain to the Basic Structure.

However, this doctrine is not the result of an extra judicial effort but what actually led was the attempts which were made by the Parliament many times to bring changes in the Constitution in exercise of its constituent power, then only judiciary came forward with this theory of 'implied limitations' in the form of basic structure that the Parliament can amend whatever it wants to, but cannot amend the basic structure of the Constitution.

Limitations of basic structure doctrine in protecting foundational principles:

- Basic structure doctrine not always helped to ensure constitutional founding values as it acted as shield to resist judicial transparency and accountability in the name of independence of judiciary due to which judiciary remains accountable to none but themselves.
- Basic structure doctrine remains ineffective to reduce threats to federalism despite of *S. R. Bommai* judgement of 1994. Though use of article 356 has reduced it has not ended altogether. It is often circumvented by using the institution of governor to create troubles for state governments, which defeats the founding value of constitution.
- Pressure on judiciary itself is increasing, unprecedented press conference of judges couple of year back, appointments of judges after retirement increases questions of integrity of judges, which also goes against the separation of power as basic feature.
- Despite of parliamentary democracy being one of the principles of basic structure, there is consistent decline in the importance of parliament as number of bills referred to the standing committee drastically reduced in 16<sup>th</sup> Lok Sabha and further in 17<sup>th</sup> Lok Sabha. It is true that parliamentary structures remain intact formally but on weak grounds.

Day by day it is becoming difficult to maintain basic structure doctrine as check on the instincts of majoritarian executives and legislatures. Recent laws like Citizenship amendment act questions secular characteristics of Indian constitution however it remains sub-judice issue.

### **Conclusion:**

Basic structure is an open ending document without definition and codification which maintains it fluid and ready tool against state initiatives of unconstitutional

features. There is need of constant vigil and proactive measures by the judiciary at the same time equal insistence in reforming itself is also critical.

**3. Agriculture and rural industry could be India's strength post COVID-19. Do you agree? Substantiate your response.**

कृषि और ग्रामीण उद्योग COVID-१९ के बाद भारत की ताकत हो सकते हैं। क्या आप सहमत हैं? आपकी प्रतिक्रिया को सारगर्भित करें।

**Demand of the question:**

It expects students to write about whether agriculture and rural industry will be India's strength in economic revival or it will play marginal role in post COVID-19 India with examples and appropriate data.

**Introduction:**

India is predominantly a rural country. As per the 2011 Census, 68.8 per cent of country's population and 72.4 per cent of workforce resided in rural areas. Rural economy constitutes 46 per cent of national income. Despite the rise of urbanization more than half of India's population is projected to be rural by 2050. Thus growth and development of rural economy and population is a key to overall growth and inclusive development of the country in post COVID-19 India.

**Body:**

Criticality of the rural sector in the economy:

- As per NITI Aayog report, more than half of Indian industrial production comes from the rural areas. Rural construction also accounts for nearly half of the total building activity in the country. The value of rural services is about a quarter of the total services output.
- Agriculture has accounted for less than half of total rural output since the turn of the century. On the other hand, National Sample Survey Office (NSSO) data shows that more than one-fifth of rural households with self-employment in agriculture have income less than the poverty line.
- Agriculture labour productivity in terms of gross value added (GVA) in India is less than a third of that in China and 1% of that in the US. Rural sector is net importer vis-e-vis urban areas which indicate outward flow of money.

Agriculture and Rural industry as engine of economic recovery:

- Renewed focus on NREGA: The government's commitment to provide an additional Rs. 40,000 crore allocation for the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) for FY21 will help to spur rural demand.
- Investment in farm infrastructure: NABARD will facilitate Rs 1 lakh crore finance for funding Agriculture Infrastructure Projects at farm-gate and aggregation points like Primary Agricultural Cooperative Societies, Farmers

Producer Organizations, Agriculture entrepreneurs, Startups, etc. Local initiative for building community infrastructure, like water harvesting, canal irrigation network, huts for community market centers etc. may generate employment opportunities.

- Opportunity for Indian agriculture to tap world markets: As the global supply chains for agricultural products remains paralyzed in global market, Indian product can make headways as Indian rural sector is not as badly affected as the North American or European rural sector.
- If there is no universal access to a Covid-19 vaccine for another 18-24 months, then businesses in safer sectors and locations are likely to do well, here rural sector might act as net gainer.
- In rural India, where it is naturally easier to have physical distancing and outdoor work. This may shift the focus from urban markets to rural markets, for both demand and production.
- Surplus labour: Livestock, fisheries, dairy, vegetables, fruit and food processing are more labour-intensive and high value-yielding. After many decades of neglect in research and development, lack of market access, on-off policies for exports, and market distortions, the present adversity may be a timely opportunity for this sector. Recently, Finance Minister informed allocation of Rs 20,000 crore for fishermen through Pradhan Mantri Matsya Sampada Yojana (PMMSY). This will include Rs 11,000 crore for activities in marine, inland fisheries and aquaculture while Rs. 9000 crore to be spent on developing fishing Harbours, cold chain, markets etc.
- Self reliant rural sector: Local production of items of local requirement, the local weavers, artisans and craftsmen may establish micro enterprises and form local community marketing cooperatives. Finance minister announced Rs 10,000 crore scheme for the formalization of Micro Food Enterprises (MFE). This will help nearly 2 lakh MFEs to achieve technical up-gradation to attain FSSAI food standards, build brands and marketing.
- There may be community campaigns for buying local products, as far as possible, replacing some of the items coming from urban industrial sectors.

However, rural employment has shrunk after 2005 while the urban areas have not been able to absorb the millions who are leaving the farm. Rural India is incapable of absorbing the estimated 23 million interstate and intrastate migrant labours who might return home from urban areas due to the COVID-19 lockdown.

It would need support of a suitable policy framework and reforms in pricing policy, tax, market access, credit and rural infrastructure, like warehouses and cold storage. The next two years or so of how we learn to live with corona virus can redesign the economy towards safer and more sustainable production and consumption, with agriculture and the rural economy as its strength, rather than its weakness.

### **Conclusion:**



In this economic pandemic, the lifeline of Indian economy lies in the transformation of the rural sector into a matrix of local economies, striking a balance between their diversified local production for local needs and surplus trading.

**4. Is India's federal polity coping well with the threats of COVID-19? Critically comment.**

क्या COVID-19 के खतरों से भारत की संघीय राजनीति अच्छी तरह से जूझ रही है? समालोचनात्मक टिप्पणी करें।

**Demand of the question:**

It expects students to write about the response of states and centre to the threats of COVID-19 and critical analysis of the challenges posed by India's federal polity in a response to the threats of COVID-19.

**Introduction:**

Responsiveness of government becomes evident in the manner in which it addresses the crucial task of ameliorating suffering and reducing losses. India's handling of the present COVID-19 pandemic has highlighted significant challenges due to federal polity of India.

**Body:**

Indian response to pandemic of COVID-19 exemplified flexible nature of Indian federalism coming handy in a crisis.

- In a first, several Indian states announced lockdown and sealed their borders announced even before the Central government took any decision on lockdown.
- States have shown effective response in on ground management of administrative machinery and fiscal preparedness despite of significant loss of revenue.
- Both laws of Epidemic Disease act 1897 and National Disaster Management act of 2005 provides broad legal architecture to take a variety of emergency measures to contain the pandemic. It allows both the central and state governments to regulate the spread of epidemic diseases. While the Centre can take preventive emergency measures to control epidemic diseases at ports of entry and exit, states are constitutionally empowered to adopt preventive administrative and regulatory measures to check the epidemic.
- Inter-state cooperation and coordination played important role in managing crisis of migrant exodus. Cooperation through health expertise witnessed in Kerala's gesture to send 50 specialist doctors and 100 nurses to Maharashtra which has been worst hit by pandemic.
- Central government is getting actively involved in containment measures of national capital and recent cooperation between Delhi government and central government goes beyond petty politics.

However, autonomy of states and the imperative of federal division of powers under constitutional obligations did not empower the center with authority or leverage to enforce compliance in emergency situations like pandemic.

Challenges posed by federal polity to containment of COVID-19:

- **Political bickering:** Many states expressed dissatisfaction over extension of nationwide lockdown without consulting states in response to threat posed by COVID-19. However formulation of nationwide policy to deal with disaster remains domain of central government.
- **Lack of preparation by many states:** In the response stage, it consisted of emergency plans which included emergency support functions of procurement, hospital infrastructure, search and rescue teams, and communication networks. E.g. many states lie below the national level figure of 0.55 beds per 1000 population; these include Bihar, Jharkhand, Gujarat, Uttar Pradesh, Andhra Pradesh, Chhattisgarh, Madhya Pradesh, Haryana, Maharashtra, Odisha, Assam and Manipur.
- **Overlapping Authority:** Health is state subject, however, prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants come under concurrent list.
- **Siloed Approach:** Country's existing healthcare apparatus is highly regimented, with separate institutions in-charge of primary, secondary, and tertiary health care. Such a siloed approach is a serious impediment to the country's efforts at tackling any epidemic such as the current COVID-19. The imperative is for the formulation of a seamless approach.
- **Information asymmetry:** Despite the governmental assurances and policy declarations, the vulnerability of migrant workers is unlikely to be taken care of due to the ensuing lack of communication and absence of information sharing between the Centre and the migrants sending and receiving States. Such lack of coordination is posing health as well as socio-economic insecurity for these millions of returnee migrants in their native States.
- **Sub-national response:** As the lockdown demanded the closing of the inter-State borders, the crisis has witnessed the rise of the salience of sub-national identities in many states. Such rise of the regional identities might spell an imminent crisis in the inter-State relations in the near future. Such a tussle can disrupt the response to threats of COVID-19.

However, for a large federal country of a mind-boggling diversity, India's ability to fight Covid-19 pandemic largely rests on how well it manages its Centre-state relation. When compared with other large federal countries such as the US, the country has done very well to minimize the frictions and provide a sense of direction to the states.

The pandemic and the prolonged lockdown have given rise to unprecedented policy challenges that warrants systematic and sincere cooperation and coordination both between Centre and the States as well as amongst the States. In this regard, the



existing institutional mechanisms like Inter-State Council which has remained largely moribund can be rejuvenated during this crisis.

**Conclusion:**

Along with the state specific responses to the pandemic of COVID-19, there is need of national plan with coordinated efforts. Uniformity in decision making and measures to be adopted is critical in opening economy.

**5. Why is financial devolution a critical factor for the success of local governance? Substantiate your response with the help of suitable examples.**

स्थानीय प्रशासन की सफलता के लिए वित्तीय विकास एक महत्वपूर्ण कारक क्यों है? उपयुक्त उदाहरणों की मदद से अपनी प्रतिक्रिया दें।

**Demand of the question:**

It expects students to write about criticality of financial devolution for the success of local governance along with examples to substantiate arguments. Students should also mentions limitations of financial devolution at local level.

**Introduction:**

The 15th Finance Commission recommended giving greater financial freedom and powers to panchayats and urban local bodies for year 2020-21. Fiscal decentralization is nothing but the devolution of taxing and spending powers to lower levels of government.

**Body:**

Devolution of more powers and finances to local bodies will strengthen third tier of governance in India. 73<sup>rd</sup> and 74<sup>th</sup> Constitutional amendments provided recognition to the local bodies in constitution and paved way for establishment of political administrative system at local level.

Criticality of financial devolution:

Panchayats	Urban local bodies.
To strengthen democracy at grass root level.	Financial devolution create situation for more innovative, independent and stronger city administration.
Panchayats have very few revenue resources with them to provide services. Center and state can nudge local bodies for desired development agenda through financial devolution with conditions.	With the subsumption of taxes like octroi into GST, financial devolution has become much more critical. Basic service delivery will improve in Indian cities due to the lesser jurisdiction area and focused attention. E.g.,

	Municipality of Mumbai has decided to tax garbage to fulfill its revenue demand.
It helps to avoid duplication of efforts by government machinery. There can be creation of knowledge innovation activity center to render advice and expertise to local authorities for planning and prioritizing development goals.	Unique developmental projects can be executed. To improve creditworthiness, autonomous authority to set realistic tax-rates and user charges for the services provided by them and also for pursuing hiring-firing policies.
To use local resources in cost effective service delivery. Example of Patoda village of Maharashtra: It started its own local voluntary taxation of very minimal amount in return of free services like clean RO drinking water, hot water, sanitary pads, CCTV cameras in public spaces, flour mill, spice grinder machine and tractor for agricultural needs on minimal rent indicates realization of development model at village level with understanding of local needs.	International cooperation with sister city development initiative. E.g. Central government has allowed state government to borrow directly from the bilateral Official Development Assistance (ODA) partners for implementation of vital infrastructure projects same can be allowed for city administration.
Financial devolution increases accountability to people so performance can be realized as direct contact with people.	Center and state could provide intellectual and skill pool if necessary.
Devolution based on capital asset creation, Human resource development, social indices and gender equality will bring desired results.	Professional management of cities can be possible with reduction in wasteful expenditure.

Though there are various issues associated with devolution of powers and finances at local level, reluctance of Politicians and bureaucrats to relinquish power to local bodies remain major hurdle.

- Issues like lack of expertise to plan development priorities and use resources optimally, lack of resources to implement development agenda with minimal avenues for taxation and income.
- Fewer sources of finances at center and state level to devolve, lack of checks and balances on authorities at local level, myriad of social issues at rural level which can neglect minority social groups and position of women.
- Non-uniformity of various programmes at local level can make regulatory oversight difficult, organized cartel of few individuals can indulge in corrupt activities; state government interference can continue to influence the decision making at local level.

- Municipalities have not succeeded in realizing the potential of the property tax, though property values are on rise.

### Conclusion:

A vibrant India of the 21st Century, acting as an engine of inclusive growth, needs drastic reforms in the panchayat and municipal finance system of the country so as to broaden and deepen the resource base required to match the growing needs of infrastructure, socio-economic development, civic services including safe drinking water, clean air, sanitation, solid waste management for everyone.

### 6. What are the emerging geopolitical challenges for India during the ongoing COVID-19 pandemic? How is India handling it? Examine.

COVID-19 महामारी के दौरान भारत के लिए उभरती हुई भूराजनीतिक चुनौतियाँ क्या हैं? भारत इसे कैसे संभाल रहा है? जांच करें।

### Demand of the question:

It expects students to write about the emerging geopolitical challenges for India during the ongoing COVID-19 pandemic along with the way of dealing these challenges and solutions to it in near term.

### Introduction:

COVID-19 pandemic was a strategic surprise for rich and poor nations alike. The world still remains in the 'fog of war' phase; that the crisis will play out over a long time. It will accelerate the combination of forces that were already transforming international order and forces India to deal with challenges of emerging geopolitical environment.

### Body:

Emerging geopolitical challenges during pandemic of COVID-19:

Chinese assertion:

- China's strategy focussed on disinformation campaign designed to obfuscate its role in spreading the pandemic, control the public narrative and stoke domestic nationalism. Thus, China peddles the tale that the source of the corona virus could be the US or Italy and the exemplary actions of the CCP leadership have been instrumental in rapidly bringing the pandemic under control, while democratic Western nations are still floundering, thereby highlighting the superiority of its own political system.
- China's current belligerence on the LAC and increased physical tussles between Indian and Chinese soldiers rightly explained as reflection of endeavour to boost domestic nationalism.
- China's increasing use of wolf-warrior diplomacy as response to growing Chinese criticism is evidenced not only in combative words but aggressive



actions. For example, in early April, a Chinese coastguard ship allegedly sank a Vietnamese fishing trawler near the Paracel Islands. When Vietnam protested, the Chinese foreign ministry responded by saying Vietnam's claims to the area are illegal.

#### US retreat and Dynamics of Indo-Pacific:

- US has indicated retreat from world affairs with "leading from behind" of Obama times to President Trump's "America first" and during the current crisis, the U.S.'s efforts at cornering supplies of scarce medical equipment and medicines and acquiring biotech companies engaged in research and development in allied states, show that this may mean "America alone".
- Moreover, even as countries were losing trust in the U.S.'s leadership, its bungled response at home to the pandemic indicates that countries are also losing trust in the U.S.'s competence. The U.S. still remains the largest economy and the largest military power but has lost the will and ability to lead. This mood is unlikely to change, whatever the outcome of the election later this year.
- US retreat has become geopolitical challenge for India at multiple locations like Indo-pacific, Afghanistan and Central Asia.
- US continue to provide only verbal service to the increased Chinese expansion in South China Sea. ASIAN response remains fractured to Chinese pressure due to interlinked economies with China.
- Initiative of QUAD is yet to realise its full potential. China's increasing footprint in the Indian Ocean remains concern for India.

#### Instability in India's west and Afghanistan:

- Pakistan continues to indulge in cross border terrorism despite of global health crisis. Recent mischief in Sopore and Kupwara underlines it.
- In Afghanistan, the peace process was already facing the difficult transition to intra-Afghan negotiations and a US drawdown. Travel restrictions and political opportunism will make the process of negotiation difficult, adding to the difficulties of finding a sustainable peace.
- Pakistan will gain upper hand in the post American Afghanistan as Pakistan has always supported Taliban overtly and covertly threatens India's interest in the region.
- Iran is unlikely to wilt under sustained US pressure; in fact it may be tempted to increase its activities as the US elections draw near. The successful launch of Iran's first military satellite on April 22, 2020 is indicative of this.
- Tumbling oil prices and increased US-Iran tensions: India relies both for energy and remittances from its eight million strong diaspora in west Asia, which in turn could face displacement from their jobs in the region.
- Rapidly changing geopolitical situation in Islamic world continues to be challenge for India at both humanitarian and economic level.

Even though, this is also a time of opportunity for India to push reforms in international order and to gain place of responsible power.

- Prime Minister underlined that COVID-19 had shown us the limitations of the existing international system at G-20 virtual summit. A purely economic agenda had defined globalization so far, and we had cooperated more to balance competing individual interests, rather than advance the collective interests of all human kind. He called for a new template of globalization, based on fairness, equality and humanity in the post-COVID world.
- India's handling of emerging geopolitical challenges indicates India's belief in idea of global problems demand global responses. India's export of hydroxychloroquine drug to the various countries, rescue operation of stranded population of neighbouring countries from china, belief in strengthening independent WHO to deal with contagion.
- India has responded both at military and diplomatic level to Chinese adventure in the eastern ladakh and Sikkim and continues to build robust border infrastructure.
- Zero tolerance to terrorism remains India's stated policy to cross border terrorism and India repeatedly called out bluff of nuclear overhang of Pakistan. India remains committed to deal with every stakeholder in the Afghanistan to secure its interests.
- India's new alliance with France in Indian Ocean patrols and exercises and increasing strategic closeness with Australia indicates India's proactive geopolitical stance in indo-pacific.
- India has shown world that it is committed to fight pandemic in more responsible manner even at the cost of economic loss.

However, India's External Affairs Minister had observed that the real obstacle to the rise of India is not any more the barriers of the world, but the dogmas of Delhi. Traditional Indian strategic mindset of an inward looking third world nation concerned more with securing its borders than with shaping the regional and global environment in its favour remains concern. A multi-polar order inevitably calls for strategic coordination, or balancing, to prevent one pole overwhelming the others, one by one.

### Conclusion:

A vaccine for the novel corona virus, possibly by end-2020, will help deal with the global health crisis but these unfolding trends have now been aggravated by the more pernicious panic virus. Rising nationalism and protectionist responses will prolong the economic recession into a depression, sharpening inequalities and polarisations. Greater unpredictability and more turbulent times lie ahead.

### 7. The Authority for Advance Ruling (AAR) was in news recently. What is the mandate of AAR? Discuss. Bring out the significance of such institutions in reducing litigation.

अथॉरिटी फॉर एडवांस रूलिंग (AAR) हाल ही में खबरों में थी। AAR का जनादेश क्या है? चर्चा करें। मुकदमेबाजी को कम करने में ऐसे संस्थानों के महत्व को सामने लाएं।

**Demand of the question:**

It expects students to write about the authority of advance ruling and its mandate along with significance of such institution in reducing litigation.

**Introduction:**

ID Fresh Foods approached the Authority for Advance Ruling (AAR) in Karnataka to seek clarity on whether the preparation of whole wheat parotta and Malabar parotta should attract 5% GST. The Karnataka bench of AAR in its ruling differentiated between khakhra, plain chapati or roti and the parotta, and observed that ready-to-eat parotta needs additional processing by way of heating for consumption, and hence is liable for 18 percent GST.

**Body:**

Authority for advance ruling:

- Authority for Advance Rulings (AAR) is distinct quasi-judicial tribunal which delivers advance rulings in India regarding tax applicable.
- It started initially for foreign investments later on both residents and non residents could seek advance ruling where substantial tax impact involved.
- It is for both direct and indirect taxes. Central Board of Direct Taxes (CBDT), the apex organisation of the direct tax administration, issues circulars for advance ruling on direct taxes.
- Regarding indirect tax: As per CGST/SGST Law and UTGST law, 'advance ruling' means a decision provided by the authority or the Appellate Authority to an applicant on matters or on questions specified in CGST/SGST Act as the case may be, in relation to the supply of goods and/or services proposed to be undertaken or being undertaken by the applicant.
- The broad objective for setting up such an authority is to provide certainty in tax liability in advance in relation to an activity proposed to be undertaken by the applicant, attract Foreign Direct Investment (FDI), reduce litigation, pronounce ruling expeditiously in transparent and inexpensive manner.
- Authority for advance ruling' (AAR) shall comprise one member CGST and one member SGST/ UTGST. They will be appointed by the Central and State government respectively.

Mandate of AAR:

Advance ruling can be of two types on direct taxes:

- The tax administration issues public rulings to clarify a particular provision of the tax law for all or a large class, in the form of interpretative ruling or clarification. It is binding on the tax authorities, and taxpayers can rely on them if applicable to their facts. They are not binding on taxpayers.
- Authority of Advance Ruling also issues Private Rulings. These rulings are issued to a taxpayer regarding the tax treatment of a specific transaction. In



India, the AAR, an authority independent of the tax administration, gives these rulings, which are typically made public albeit the identity of the taxpayer concerned is kept anonymous.

- The direct tax dispute resolution scheme Vivad se Vishwas would not cover disputes, including those pending before Authority for Advance Ruling (AAR).

Advance Ruling can be sought for the following questions of indirect taxes:

- Classification of any goods or services or both applicability of a notification issued under provisions of the GST Act(s).
- Determination of time and value of supply of goods or services or both.
- Admissibility of input tax credit of tax paid or deemed to have been paid.
- Determination of the liability to pay tax on any goods or services under the Act.
- Whether applicant is required to be registered under the Act.
- Whether any particular thing done by the applicant with respect to any goods or services amounts to or results in a supply of goods or services, within the meaning of that term.

Significance of AAR in reducing litigation:

- A major source of tax uncertainty is the lack of a clear and timely dispute resolution mechanism, especially an advance resolution procedure, which reduces the likelihood of tax disputes arising in the first place.
- Tax authorities try to avoid tax disputes by issuing public rulings; in which they clarify the application of specific tax provisions to all (or a class of) taxpayers. Beyond this, recognising that individual taxpayers may need specific guidance, tax administrations also provide advance rulings.
- Tax litigation take huge time in Indian courts, the proportion of cases resolved in favour of tax administration in India is only 11.5% as against global average of 65%. Therefore, system of advance rulings in India that eliminates reliance on lengthy appeal process and provides certainty to taxpayers in a reasonable period.
- For GST an applicant can apply for advance ruling even before taking up a transaction proposed supply of goods or services or in respect of a supply which is being undertaken.
- Even though, ruling of AAR don't have precedent value, it has persuasive value to avoid unnecessary litigation.
- If the applicant is aggrieved with the finding of the AAR, he can file an appeal with AAAR, similar for the concerned or jurisdictional officer. The CGST /SGST Act do not provide for any appeal against the ruling of Appellate Authority for Advance Rulings.
- However, regarding direct tax AAR, in the initial years, with timely and noteworthy decision making, the functioning of the authority addressed the needs of the taxpayers.
- The disposal rate was 80 percent in FY 2006- 07. From FY 2010-11 onwards the disposal rate came down as low as 6 percent in FY 2010-11 and 7 percent in 2014-15. Disposal rate remained in single digit after that except FY-17 even

though number of new applications has reduced in recent five years and pendency has increased.

Original intention was to make the AAR ruling non-appealable by both the taxpayer and the tax administration. The actual situation now is that either party can institute an appeal against an AAR ruling as per Indian constitution, writ Jurisdiction may lay before Hon'ble High Court or the Supreme Court. The SC ruled that an appeal against an AAR ruling should be first made before the HC.

### Conclusion:

Issue of ID food product is not one off, disputes about Dabur, Nestle and Marico also exposed confusion of categorisation of products. There is need of more widespread thinking and broad categorisation to avoid disputes. About direct tax AAR, there is need to increase bench, term of members and reduce vacancy to reduce pendency.

### 8. What are your views on the frequent directions issued by the courts to the central and state governments with respect to governance and administration? Is it a good practice? Critically comment.

न्यायालयों द्वारा केंद्र और राज्य सरकारों को प्रशासन सम्बंधित में मुद्दों में जारी किए गए निर्देशों पर आपके क्या विचार हैं? क्या यह एक सही है? समालोचनात्मक टिप्पणी करें।

### Demand of the question:

It expects students to write about views about frequent directions issued by the courts to the central and state governments with respect to the governance and administration along with critical analysis about whether such practice is good.

### Introduction:

Supreme Court directed Delhi government based on suo motu cognisance about treatment meted out to COVID-19 patients and the bodies of those who lost the battle with the disease. In recent time Supreme Court issued various orders and direction to states and centre about the response to the pandemic of COVID-19, which remains turf of administration and governance.

### Body:

In State of Tamilnadu v K. Balu, the Supreme Court banned liquor shops within 500 m of highways, which was a legislative order. In Subhash Kashinath Mahajan case it amended the SC/ST Act. Supreme Court earlier fixed timings for bursting crackers on Deepavali, directed interlinking rivers and laid down regulations for the Board of Control for Cricket in India.

Case of judicial activism:

- Supreme Court being apex court in the country under article 142 of Indian constitution allowed passing any order necessary for doing complete justice in any cause or matter pending before it.
- Judicial activism makes the top court the most powerful Supreme Court in the world in words of former CJI PN Bhagwati.
- Instrument of PIL- Public Interest Litigation has done tremendous amount of good. It has practically tried to wipe away every tear of the underprivileged, disadvantaged and illiterate sections of the society.
- Progressive societal change led by judicial activism like women entry into temple and rights of LGBTQ community were long ignored by state.
- Many times inadequacy of the law or regulation in concerned matter obliges court to issue guidelines regarding. E.g. Vishakha guidelines issued by Supreme Court because there was no Sexual harassment at workplace act put in place.

However, the court is resorting more to judicial activism rather than judicial restraint, which is problematic. Recently, The Supreme Court asked Uttar Pradesh government to file a response on the quarantine norms being followed in the State.

- In positivist jurisprudence, the centre of gravity of the legal system is statutory law, i.e., law made by the legislature. It holds that lawmaking is not the job of the judges, but of the legislature. Hence, judges should be restrained and not activist in their approach.
- In view of the well-established principle of separation of powers of the three organs of the state, judges should not perform legislative or executive functions, and each organ of the state should remain within its own domain, in order to avoid chaos.
- Incursion on other's turf entails unpredictability in the law. In the process, some of the personal opinions of the judges metamorphose into legal principles and constitutional values.
- In a parliamentary democracy, citizens are represented by Members of Parliament. The Supreme Court was never envisaged to perform the role of an unelected, third legislative chamber.
- Of all the three organs of the state, it is only the judiciary that can define the limits of all the three organs.

The usage of judicial activism can be justified in very rare circumstances, such as in the Supreme Court's decision to strike down Section 377 of the Indian Penal Code.

**Conclusion:**

The Supreme Court should limit its usage of the sociological school of jurisprudence to only the most exceptional situations, and employ the positivist school as far as possible as three pillars of the state are equal and coordinate departments. They cannot encroach upon each other's powers



**9. The mass exodus of migrant labourers and the resulting economic slump have brought in focus the need to create robust institutions that can handle such crises with more deft and compassion. Discuss.**

प्रवासी मजदूरों के बड़े पैमाने पर पलायन और इसके परिणामस्वरूप आर्थिक मंदी ने मजबूत संस्थानों को बनाने की आवश्यकता को और अधिक उभारा है जो इस तरह के संकटों को अधिक निपुणता और करुणा के साथ संभाल सकते हैं। चर्चा करें।

**Demand of the question:**

It expects students to write about need of robust institution to keep track of migrant labourers to handle crisis times with more deft and compassion.

**Introduction:**

The COVID-19 crisis for India has also become a humanitarian one involving inter-State migrants on return journeys home racked by pain and suffering and no surety of any income going ahead. For a majority of migrant labourers, migration is either a livelihood accumulation strategy or survival risk reducing strategy whichever way we define the nature of migration.

**Body:**

Field studies indicate that the lead source States of internal migrants are Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Andhra Pradesh, Chhattisgarh, Jharkhand, Odisha, Uttarakhand and Tamil Nadu, whereas key destination areas are Delhi, Maharashtra, Gujarat, Haryana, Punjab and Karnataka. According to a UNESCO study, Surat at 58% has the highest percentage of migrant labour population in India, while the percentage of migrant population is 43% for Mumbai and Delhi.

Need of more deft and compassion towards migrant labourers:

- Lack of robust data about migrants in real time: According to the Census of India, 2011, more than 450 million Indians (37%) are internal migrants who change their residence within a country's national borders. About 30% of the migrants are youth aged 15-29 years and another 15 million are children. Women migrants are less represented in regular jobs and more likely to be self-employed than non-migrant women.
- Casual and informal nature of work: Domestic work has emerged as an important occupation for migrant women and girls. Facing relentless bouts of gender discrimination at home, and on the farms as wage workers, these migrant women are forced into various forms of servitude in the domestic spaces of affluent city dwellers.
- Lack of social security benefits: In between migration and settlement for employment and livelihoods, footloose army of migrants are often denied welfare rights in their destination place and imposed debilitating transaction costs in case they decided to negotiate their citizenship rights.

- Second class citizen: Lack voting rights, own home, fear son of soil politicians and casual nature of work make them second class citizen. A long pending issue is portability of migrant workers' voting rights. The Election Commission of India is already working, so time has come to empower migrant workers so that they gather better bargaining power and political voice in the system.
- Food and job security: Another urgent issue is portability of the public distribution system (PDS) for migrant labourers and also allowing migrant labourers to use their NREGA job cards in any part of the country. This portability of NREGA will be a great relief, if any migrant labourer is in crisis like the pandemic, he or she can take up NREGA work at the destination site rather than returning home.

Reforms for institutional framework for migrant labourers:

- The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 is largely a regulatory law failing to incorporate welfare rights of the migrant labourers.
- The most urgent revision is to introduce a National Migrant Workers Commission at the Central level backed up by State level Migrant Workers Commissions. Also, we need to expand the definition of migrant labourer and include next generation skills like IT, mobile repair, financial services related works. Act needs to include provisions for State-supported skill training services for migrant labourers.
- The proposal to establish the Migration Commission must interface with and build upon the National Migrant Information System, set up by National Disaster Management Authority, to create a robust and dynamic database for labour mobility in India.
- The commission must take up the registration of migrants as an urgent task. The lack of a unique worker identification number has prevented frequently mobile inter-state migrants from accessing existing social welfare mechanisms such as the Building and Other Construction Workers board (BOCW). Shramik cards used by states for identification of such workers have provided limited success. A coordinated single national ID for access to multiple benefits could introduce fiscal efficiencies as well.
- Migration Commission should have powers to coordinate among multiple ministries of the government of India. Deliberations of the Working Group on Migration, which submitted its report in 2017, revealed the importance of inter-ministerial coordination in resolving critical issues.
- The Migration Commission must also act as a hub for inter-state negotiations in creating protocols for the safe mobility of labour back to worksites, designing portability features in social welfare and reconciling fiscal issues that arise from portability.
- Other laws relating to workers must be synergised with the Inter-State Migrant Workmen Act. For instance, the Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996 should be integrated into the Inter-State Migrant Workmen Act. And it needs to be implemented by the Secretary of the Migrant Workers Commission.

- In this digital age, we must stress more digital administrative techniques such as smart cards and leverage JAM— Jandhan/Aadhaar/mobile payment infrastructure for portability of all.

### Conclusion:

Migrant labourers are a formidable force in India's economic life. The government must look beyond the lure of political gestures that pacify hurt migrants and those voters outraged on their behalf. Instead, a Migration Commission is an opportunity to craft a well-planned long-term system to manage labour mobility in India.

### 10. How does the legislature act as an instrument for enforcing government accountability? Explain with the help of suitable examples.

सरकारी जवाबदेही को लागू करने के लिए विधायिका एक साधन के रूप में कैसे काम करती है? उपयुक्त उदाहरणों की सहायता से समझाएँ।

### Demand of the question:

It expects students to write about the ways in which the legislature acts as an instrument for ensuring government accountability along with suitable examples.

### Introduction:

The Constitution provides for the legislature to make laws, the government to implement laws, and the courts to interpret and enforce these laws. While the judiciary is independent from the other two branches, the government is formed with the support of a majority of members in the legislature. Therefore, the government is collectively responsible to Parliament for its actions.

### Body

This implies that legislature (i.e. Lok Sabha and Rajya Sabha) can hold the government accountable for its decisions, and scrutinise its functioning.

- Collective responsibility: Executive or Ministerial responsibility to Parliament or what is often termed legislative control over the Executive is based on Article 75- the constitutional provision of collective responsibility of the Council of Ministers to the popular House of Parliament.
- Threat of 'no confidence' over poor policy decision: The House may at any time decide to throw out the Government by a majority vote i.e. if the ruling party loses the support of the majority of the members of the House. Want of parliamentary confidence in the Government may be expressed by the House of the People by passing a substantive motion of no-confidence in the Council of Ministers.
- Financial accountability: Financial control is a critical tool for Parliament's authority over the executive hence finance committees (Public Accounts Committee, the Estimates Committee and the Committee on Public



Undertakings) are considered to be particularly powerful. Parliament's control over the Budget through budget demand, capacity to refuse to vote supplies or of defeating the Government on a financial measure. In first session of 17<sup>th</sup> Lok Sabha, 11 of the 22 Bills have been passed without scrutiny by parliamentary standing committees, which indicate loosing legislative oversight on law making.

- Procedural devices: The various procedural devices like Questions, Calling Attention, Half-an-Hour Discussion, etc. constitute very potent instruments for effecting parliamentary surveillance over administrative action. During Question Hour, MPs may pose questions to ministers related to the implementation of laws and policies by the government. In the 16th Lok Sabha, question hour has functioned in Lok Sabha for 77% of the scheduled time, while in Rajya Sabha it has functioned for 47%. A lower rate of functioning reflects time lost due to disruptions which reduces the number of questions that may be answered orally.
- Reflection of public opinion: Significant occasions for review of administration are provided by the discussions on the Motion of Thanks on the President's Address. Specific matters may be discussed through motions on matters of urgent public importance, private members' resolutions and other substantive motions. Members are free to express themselves and to say what is good for the country and what modifications are required in the existing policies.

In a Parliamentary form of Government, such as we have, the function of Parliament is to legislate, advise, criticise, and ventilate the public grievances; and that of the Executive, to govern.

Under the Constitution of India to maintain accountability,

- The relationship between the Executive and the Parliament should be based on mutual trust and confidence.
- Parliament has almost unlimited right of information and criticism ex post facto and the Executive has likewise unlimited right to initiate and formulate proposals and policies and to give effect to the approved policies, unfettered and unhindered.
- In essence, Parliament must respect the Executive and the Executive must feel parliamentary influence all the time.
- So long as this equilibrium is maintained, there is every reason to believe that the government of the country will be carried on in accordance with the wishes of the people. The success of our system lies in our having in fact this happy balance and blending.

### Conclusion:

Nonetheless, there is scope for increasing the accountability and strengthening the control of Parliament over the Executive. One of the proposals which is debated and canvassed is the use of the existing Committees on an increasing scale and extending

the Committee System of Parliament. It is suggested that these are needed to oversee administration, to scrutinise the actions of Government, to collect, discuss and report, on actions and performance of Departments of Government.

**11. In philosophy and essence, the fundamental rights are similar to the bill of rights enshrined in the US constitution. Elucidate.**

दर्शन और सार में, मौलिक अधिकार अमेरिकी संविधान में निहित अधिकारों के बिल के समान हैं। स्पष्ट करें

**Demand of the question:**

It expects students to write about the similarities between fundamental rights of Indian constitution and bill of rights of US constitution in essence and philosophy.

**Introduction:**

At the time of the framing of the Indian Constitution, a vision for the future society that we aspired to become and a blueprint of the nation whose borders were soon to come into existence; both these imperatives came together to constitute the Fundamental Rights Chapter, which still remains the beating heart of the Constitution.

**Body:**

US case of bill of rights:	India's fundamental rights:
Not originally part of US constitution. First Congress amended the Constitution by adding what became known as the Bill of Rights in ten amendments to the Constitution which still stands as both the symbol and foundation of American ideals of individual liberty, limited government, and the rule of law.	Part 3 of the Indian constitution consists of fundamental rights. It included rights for equality, liberty, freedom of speech, movement, religion. It also ensures protection from arbitrary detention, exploitation and protection for minority language and religions.
Most of the Bill of Rights concerns legal protections for those accused of crimes.	This part of Indian constitution is legally enforceable and these rights are protected against state action.
The first amendment, perhaps the broadest and most famous of the Bill of Rights, establishes a range of political and civil rights including those of free speech, assembly, press, and religion.	Ironically first amendment in India actually curtailed then fundamental right of right to property to ensure land reforms.

Similarity in philosophy and essence:

- Two imperatives shaped India's freedom struggle. The first was liberation from oppressive colonial rule. The British government was autocratic and repressive, treated Indians as subjects to be ruled rather than equal participants in government, and frequently resorted to governing by arbitrary fiat rather than by the rule of law. Second imperative was the internal reforms to deal with social and economic inequality, caste system and untouchability.
- In response, Indians articulated a vocabulary of civil rights that would allow them to express their aspirations, engage in political and cultural dissent, and create a public sphere that would form the basis of self-government.
- Similarly, colonies of immigrants in the second half of the 18<sup>th</sup> century in North America, in the war of independence fought against British government for civil rights and economic rights.
- Actually, ideas of fundamental rights inspired from French revolution ideals of liberty, equality and fraternity. It took codified shape in US Congress passing the Bill of Rights. The core philosophy underlying fundamental rights was explained by Dr. Ambedkar in his last speech to the Constituent Assembly.
- Dr. Ambedkar observed that liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty would produce the supremacy of the few over the many. Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them.
- Federal polity: Federal nature and written constitution demanded codified common minimum rights enforceable by law to maintain unitary balance of constitution. Fundamental rights proved helpful over the course of time to strengthen national unity and integrity. It helped to fight regionalism in India like the right to move to any part of the country and settle. Similarly in US, it kept away forces of secessionism.
- Belief in the freedom of religion is also part of the philosophy behind fundamental rights in both countries. India and US share positive secularism which addresses religious plurality and peaceful coexistence of all the religions.
- Individual-centric nature of fundamental rights, priority of individual rights over community rights is another thread shared by the Bill of Rights and fundamental rights.

However, fundamental rights differ from the Bill of Rights in many aspects such as the right to bear arms for self-protection. Fundamental rights in India are not sacrosanct and clouded by reasonable restrictions due to violence witnessed in partition and



aftermath. In recent time, national security act, UAPA and defamation cases used by state to curtail fundamental rights.

### Conclusion:

Despite of restrictions and weak civil society to maintain enough surveillance on protection, fundamental rights make Indian constitution a transformative constitution. It transforms subjects to citizens, and brings ideas of freedom and equality into spaces they would otherwise never come. The task of future generation is to defend that precious heritage.

**12. What are the factors leading to escalation of skirmishes to violent face offs between China and India at the borders? What are the strategic implications of the ongoing tension along the Indo-China borders? Comment.**

चीन और भारत के बीच सीमाओं पर हिंसक झड़पों के बढ़ने के कारण कौन से कारक हैं? भारत चीन सीमाओं पर चल रहे तनाव के रणनीतिक निहितार्थ क्या हैं? टिप्पणी करें।

### Demand of the question:

It expects students to write about the factors which led to escalation of skirmishes to violent face offs between China and India at the borders along with strategic implications of the ongoing tensions.

### Introduction:

The deadly clashes at Galwan and the ongoing standoff between India and China on the ridges or fingers around the Pangong Tso are a metaphor for the wider conflict between the two countries over all the areas that Chinese strategy refers to as the five fingers of the Tibetan palm naming Ladakh, Nepal, Sikkim, Bhutan and North East Frontier province- Arunachal Pradesh.

### Body:

First time, after the 1962 War, soldiers have died in clashes on the India-China border in Ladakh. The last deaths on the Line of Actual Control (LAC) were an ambush of an Assam Rifles patrol in Arunachal Pradesh by the Chinese in 1975. But the last real military engagement between the two armies was at Nathu La in Sikkim in 1967. But all these incidents were prior to the two countries signing, starting from 1993, various agreements for maintaining peace and tranquility on the border.

As the border between two countries remains undefined, overlapping claims of Line of Actual Control often led to skirmishes, pushing and face to face standoffs for days. However escalation of skirmishes into violent face-off is almost once in half century incident.

Factors leading to violent face-off:

- Premeditated and planned: As Galwan valley was accepted Indian area of border and there was no dispute over it from Chinese, but Chinese incursion on Indian side of the LAC in early led to standoff situation on various frontiers of eastern Ladakh. It seems that PLAGF merely following the orders of higher echelons to carry out expansionist policy. Planning on the other side evident in the timing of Nepal's cartographic adventure. Use of barbaric weapons like iron rods, steel spikes-embedded batons, cantina wire wrapped rods, etc. redolent of the medieval age. Similar skirmish took place on Pan Gong Tso Lake on May 5 was also seen use of improvised weapons by Chinese.
- Larger plan to push LAC: Chinese policy of creeping annexation that will surreptitiously realize for Beijing its territorial claims to the fullest extent. On other border fronts of China have sunken Vietnamese fishing vessel in South China Sea, threats to Philippines and Indonesia and violent face-off with India comes in series of events unfolding recently. It suits the Beijing dispensation to keep the border undefined and to string Delhi along with promises of dispute resolution in the Special Representatives forum.
- CPEC at stakes: Beijing, mindful of the China-Pakistan Economic Corridor, its gateway to the warm water port in Gwadar, being vulnerable to Indian military actions off the Karakorum Pass, moved to pre-empt India from utilizing its new road (Darbuk-shyok-Daulag beg oldie) for the purposes of interdicting CPEC traffic by all but annexing the Galwan Valley areas deep inside the Indian claim line and, in fact, acquiring the location and the means to counter potential Indian pressure on CPEC.
- Violent face-off to check Indian resolve: As India has limited option vis-e-vis china as both countries are nuclear armed and largest by population in the world. China might want limited war to revive nationalism among domestic audience which is already humiliated by the criticism from the global community for COVID-19 pandemic.
- Challenge to the XI Jinping's leadership from PLA: It might be the Chinese military that wants to teach lesson to India rather than sanction from the highest authority as the popularity of XI in China has been on decline since the situation of pandemic.
- Situational misjudgement of border troupes on the clash sight: Violent face-off might be the situational misjudgement of border troupes during de-escalation execution. Chinese soldiers might have misread the agreements of de-escalation.
- Too much time given to military diplomacy: As the standoff continued for more than month, diplomacy at higher level should have come into picture. By various reports too much time was given to military diplomacy to resolve ongoing issue.
- Factors of terrain, climate: Violent face-off could have been reduced to physical injuries but the subzero temperature at the high altitudes up to 14000 feet, late night timing and delayed rescue might have aggravated the situation to the more violent level than it used to be.

Strategic implication of ongoing tension:

- Words at play: This is the first time India named china in direct criticism of its action since 1993. Statement from Indian foreign minister accused china as 'directly responsible' to the situation. India also threatened with serious impact on the bilateral relationship. However both sides have shown resolve to deescalate the situation and not commit itself to the ladder of escalation.
- India has already started increased scrutiny of Chinese investment, use of telecommunication equipments and contracts to Chinese firms in Indian infrastructure projects. India at the highest level could terminate trade with china as extreme strategic step to hurt China.
- At geo-strategic level Nepal has already raised ante with constitutionally changing map and Nepal Army chief visiting Kalapani area right after the day of violent face off in Galwan valley indicate actions in pattern. China might encourage Indian neighbours to look down at India.
- Expansionist China: Recent actions in Himalayas, expansionist and strong policies in Taiwanese strait, Hong Kong, South China sea are examples of China's new foreign policy strategy of 'Wolf warrior diplomacy'. It could further polarise frontiers of china in upcoming times.
- Economic recovery of India will be another challenge amid pandemic to protect foreign investment which demands lowering of ante on china border, which will be strategic challenge for India.
- Once again need of 'two front war strategy' will come in picture and modernisation of Air force, which over long time facing acute shortage of fighter jets will be strategic challenge.
- Importance of Quad might increase in Indo-Pacific theatre to respond Chinese expansionism in Indian Ocean along with Himalayas. India's proximity with middle powers of European Union like Germany, France will be equally critical.
- Use of nationalism to push external policy objective: China's stress on using nationalism to push external policy objective demand coordinated global opposition at both diplomatic and military level as it reminds fascist tendency of Second World War.

### Conclusion:

For time being, there is need to control domestic war horses and focus on tactical measures at border, Indian Ocean and international level. There is proof enough that now more than ever, as the government readies its hand on dealing with China; it must not lose sight of every finger in play with China.

**13. While on duty, a doctor treating COVID-19 patients receives a call from her husband. He has tested positive for COVID-19. What should the doctor be doing now? Should she leave the patients and leave for her home to take care of her sick husband or should she continue to serve the hospitalised COVID-19 patients? Share your views.**

**Demand of the question:**



It expects students to write from both the perspectives of doctor and also as a wife. Students should also write about the ethical questions raised by the given situation and possible steps the doctor can take.

**Introduction:**

The Covid-19 pandemic epidemic is a test not just of our mettle but also of our morals. The Covid frontline warriors especially the doctors are placed in tough ethical dilemmas that are influencing their professional ethics, morals, societal ethics, etc.

**Body:**

The doctor is subject to a number of competing duties:

1. A duty to patients
2. A duty to protect oneself from undue risk of harm
3. A duty to one's family
4. A duty to colleagues whose work loads and risk of harm will increase in one's absence
5. A duty to society

The given situation puts doctor into an ethical dilemma – where she has tough choice between her professional duty and social duty.

Her professional medical ethics wants her to take care of patients assigned to her, while social and emotional aspect demands her to take care of her husband.

She cannot leave patients in hospital and priorities husband's wellbeing as:

- it can put herself, her hospital staff – patients, her other family members at risk.
- Ethically it shows disrespect to oath and professional duty of doctor.
- This action also stands against social ethics as even family; society will be at risk.

So, on-duty doctor on getting call from Covid positive husband can take following steps:

- Tell her husband to be calm, and take necessary precaution, ask him to call local authorities and follow the established procedure.
- As chances of doctor herself being infected are high, she should responsibly inform the hospital authorities and her staff and further take necessary precautions.
- Get herself isolated and keep in touch with her husband and other family members via video call; ask about symptoms and whether local authorities are taking necessary steps.

- Even inform possible contacts to her and her family members about possible risk.
- As she knows the drill well, help family members and other affected in getting all necessary help from government authorities.
- Get herself tested and check on tests of other family members, hospital staff, etc.
- Keep in constant touch with family members, hospital staff via messages, audio-video calls and motivate each other.
- If her husband has serious symptoms – motivate him, give all positive energy. Though emotional very daunting but a very crucial and practical necessity, discuss about all financial, insurance, investment, etc. related matters. This will help the family in worst case scenarios.

**Conclusion:**

With right ethical choices, selfless duty and responsibility we can sustain our mettle and morals even against the toughest challenge to humanity, which will lay the foundations of prosperous and healthy future.

**14. What is environmental ethics? Does the ongoing pandemic teach us anything about environmental ethics? Examine.****Demand of the question:**

It expects students to define environmental ethics. Students also need to write about lessons learnt from pandemic about environmental ethics.

**Introduction:**

Pandemics like Ebola, Zika, MERS, SARS etc. had alerted human species about the imbalance in relation between humans and Environment. Ignorance causing Covid-19 pandemic has almost stopped the world for human species and has nudged humans to introspect on their relationship with environment.

**Body:**

The field of environmental ethics is about human beings' ethical relationship with the natural environment. It deals with societal attitudes, actions, and policies of humans directed towards environment.

Ongoing pandemic teaches following lessons about environmental ethics:

- Simplicity of existence:

Survival can be sustained with human basic needs like food, clothing, shelter and love. Humans can exist without extra material luxuries.

- **False sense of Ownership and leadership in Conservation:**  
Pandemic bust the myth of humans as conservator of the environment. Instead, human species are conserved by environment and any ignorance from human species has consequences.  
Example: Mangroves worked as barrier in Amphan cyclone – saving loss of life and property
- **Effectiveness of self-restrain:**  
Clean air, water, sighting of animals in their natural habitats, etc. calls for more emphasis on restraint. Even without funds, innovation, etc. positive change in climate can be brought through self-restraint
- **Fundamental rights of Environment:**  
Even environment and its entities have right to leave with dignity, freedom of movement, privacy, etc.  
Example: A pregnant elephant killed by feeding explosive stuffed pineapple, rumours causing alive dumping, poisoning of chicken chicks, culling and abandoning of pet animals highlight disregard to other right. This highlights lack of compassion and empathy of humans towards nature.
- **Selfless responsibly determination can overcome even the toughest of all challenges.** Such an ethical framework used to tackle pandemic can be used to tackle environmental challenges.
- **Inter-connect and dependency:**  
Humans are a part of a large family and for stable functioning of nature all have to work as a unit. For cordial relation we need to respect contribution of each entity in this ecological family. As the youngest member of this family humans are more dependent on nature.
- **Subjectivity in concept of equality concept:**  
Some animals are privileged than others, causing inequality in treatment. Care and Death of Pet, exotic animals are empathetic while feral and consumption based animals are neglected. Thus need to redefine concept of equality which includes environment.

### **Conclusion:**

Learning from environment and practising the teachings in our daily life can bring in moral revival of humanity which even includes environment. Thus a new beginning towards a prosperous, harmonious and sustainable world.



**15. How severe is the issue of mental health in India? Examine. Do social stereotypes and prejudices aggravate this problem? Examine.**

**Demand of the question:**

It expects students to write about severity of mental health in Indian context. Students should also write how social stereotypes and prejudices contribute in increasing this severity.

**Introduction:**

Threat of COVID-19 epidemic, its related rumours and side effects of social, economic stress has aggravated the existing mental health issue in India. Further, social stereotypes and prejudices aggravate the existing mental illness leading to rise in number of suicides.

**Body:**

Increasing number of Students, farmer's, female suicides highlight the neglect of mental disease.

Severity of mental health issue in India:

- As per a government study, Extreme anxiety amid the covid-19 pandemic has left over 50% people feeling depressed
- India also had the third-highest female suicide rate (14.7) and nearly a fourth of male suicides in the world
- As per National Crime Records Bureau (NCRB) data every hour one student commits suicide in India
- According to a Lancet report, suicide rates in India are highest in the 15-29 age group — the youth population.
- Inadequacy in infrastructure as well as in numbers of psychiatrists, psychologists, psychiatric nurses cause gap in treatment of mental illness.

Social stereotypes and prejudices are preconceived opinions, feelings for an entity which are not based on reason. They are mostly negative in nature and negative behaviour against the concerned entity.

Social stereotypes and prejudices aggravate mental health issue in following ways:

- Family, Educational institution, Society, Traditions and Culture, etc. inculcate mental illness as weakness in personality and character. This leads to lack of disclosure and rise in depression.
- High Expectations from youth: They are taught to be responsible, ambitious, competitive. Good job and a settled life is worshipped and others are condemned.
- Wrong notions of success – Money, luxury, status, material success are wrongly considered as measure of success. Causing neglect of real reason of mental illness

- Rapes, sexual harassment victims are considered as women of questionable character.
- Stereotypes and prejudices are negative consequences of ignorance and misinformation

Participation by family members, Yoga-meditation, sensitization to treatment and social inclusion, community-based intervention, Mental health awareness campaigns, use of technology have yielded positive outcomes.

Attitudes which hinder recognition and appropriate help-seeking of mental illness can be countered by write information.

**Conclusion:**

Thus, prevalence of mental illness is not just an individual problem, but a societal problem which can be effectively dealt with compassionate collective efforts of society.

