1. The seeds of India's federal polity were sown during the British rule itself. Do you agree? Comment in the light of India's contemporary constitutional history.

Introduction

Indian federalism is the product of an evolutionary process during the colonial rule. The centralization which began in regulatory act of 1773 continued till 1861 after which decentralization of power to provinces started and continued till GOI act 1935 from which the feature of federal scheme is borrowed into our constitution.

Body

Background:

Regulatory act of 1773 sowed the seeds of centralization by stablishing the office of Governor general of Bengal who concentrated the power in the subsequent acts as the Governor general of India. As the British empire expanded, over-centralization proved counter-productive. After the Company rule ended under 1858 GOI act, decentralization started and seeds of Indian federalism were sowed.

Evolution of Federalism during British:

- Indian council act 1861 restored the legislative power of the Bombay and Madras provinces. It also created new legislative councils for Bengal, North-West Frontier province and Punjab – thus empowering provinces in legislative sphere.
- Through the subsequent Indian council acts, provinces were provided more powers like assured assistance by Centre to provinces, increased taxation powers etc.,
- Indian council act of 1909 –
    - Allowed provincial councils to have non-official majority and thus for the first time allowed the provincial democracy to prevail with provincial leaders.
    - It enlarged the independent deliberative functioning (like asking supplementary questions, moving resolutions) of provincial legislative council, thus increasing its power.
- GOI 1919 act –
    - Relaxed central control over provinces by separating central and provincial subjects.
    - Bicameralism was introduced with state representation in Centre. The majority of members were elected directly and thus were provincially elected popular leaders.
    - It separated, for the first time, provincial budgets from the Central budget and authorized the provincial government to enact their budgets.
- Simon commission recommended the responsible provincial government with clearly demarcated powers and functioning.
- GOI 1935 act –

- o It envisaged to establish an All India federation consisting of provinces and princely states.
- o It divided the powers between Centre and provinces in terms of 3 lists – Federal, Provincial and Concurrent.
- o It introduced 'provincial autonomy' with responsible government acting as autonomous units of administration.
- o Bicameralism is introduced in several provinces in lines of contemporary state legislative councils.
- o A federal court was established with powers to adjudicate federal cases.
- o Federal and provincial public service commissions were established in line of contemporary UPSC, SPSC's.

Additional information which can be incorporated in the answer also:

However, in spite of the fact that Indian federal polity evolved during colonial rule, Indian federalism is more an upgradation over the federal feature existed during British for the reasons:

- There was permanent written constitution during the British period. Thus, the federal feature was itself contingent on the Centre's wish unlike now, where Federalism is a basic feature.
- Indian Federation today is not formed by agreement as provided by GOI act 1935 and thus is indestructible union.
- A powerful independent judiciary was absent during the colonial rule. Though federal court was established, the Central legislature was supreme and had over-riding powers.

Conclusion

Thus, seeds of India's federal polity were sown during the British rule itself. Though an All India federation did not come into existence as envisaged under GOI 1935 act, it became the blueprint in establishing the Indian federation with state representation in Rajyasabha.

2. In what ways did the Nehru Committee Report and the Government of India Act, 1935 shape the Indian Constitution? Illustrate.

Introduction

Indian constitution is shaped by several events during the Indian national movement and incorporation of best features from several acts and constitution. Nehru report and GOI act 1935 are two of them which influenced Indian constitution in a major way.

Body

Background:

Nehru report was prepared by INC sub-committee headed by Motilal Nehru as an answer to the Birkenhead's challenge for congress to prepare constitution. This was the first major attempt by the Indians to draft a constitutional framework for the country. The committee included Tej Bahadur Sapru, Subhash Bose and others. The report was submitted in 1928.

The Government of India Act was passed by the British Parliament in August 1935. It was an outcome of 3rd round table conference and was majorly influenced by Simon commission report.

Nehru committee report shaping Indian constitution:
*   Secularism as fundamental feature was established when the report rejected separate electorate. The report was cited when the constituent assembly took upon the topic of separate electorate while framing the constitution. It is provided under different parts of Indian constitution like the preamble, fundamental rights etc.,
*   It provided full protection to cultural and religious interests of Muslims which was extended by Indian constitution to all religions safeguarded under Article 25-30 as fundamental rights.
*   It tried to allay the minority fears with the concept of reservation which was incorporated in the Indian constitution for Scheduled castes under article 334.
*   Most of the 19 fundamental rights which was provided by the report was incorporated under Part-3 fundamental rights of Indian constitution.
*   Universal adult suffrage was suggested by the report which, the Indian constitution provided under Article 326.
*   Responsible government – both at the Centre and States was envisaged which is provided in the Indian constitution as per article 75 and article 164.

GOI act 1935 shaping Indian constitution:

*   Federalism:
    o   3 lists provided under the act- Federal, provincial and concurrent is defined in the Indian constitution under 7th schedule as Union, State an Concurrent list.
    o   State representation in the Centre in the council of states (an evolution over Bicameralism provided by GOI act 1919) which was provided as Rajyasabha under the Indian constitution.
    o   Office of governor: as provincial head is also provided under Indian constitution as per article 153.
*   Judiciary: Federal court was established as per the act in 1937. An integrated judiciary with supreme court as the apex federal court is provided in the Indian constitution.
*   UPSC, state public service commissions and joint public service commissions – bulwarks of Indian democracy, merit watch dogs are established borrowing from bodies envisaged under GOI act 1935.

- Emergency provisions: in part 18 to safeguard sovereignty, national unity and integrity is provided as per the provisions under GOI act 1935.
- Administrative setup: with All India service as the fountain head of administration is envisaged by the GOI act 1935. Protection to All India service under article 311, Split and tenure system etc., of Indian bureaucratic setup is influenced by the act and incorporated in Indian constitution.

Conclusion

Thus, GOI act provided the structure and as Ivor Jennings observed - it is the skeleton of Indian constitution. Nehru report upheld the ideals of Indian national movement and the same are seen in every part of the Indian constitution be it be socialistic nature of state, popular sovereignty and so on.

3. Is it fair to conclude that the Indian Constitution was an outcome of the deliberations of a selected elite who were members of the Constituent Assembly? Was the Constituent Assembly even representative in the true sense? Critically comment.

Introduction

A modern state without a constitution is unimaginable. A constitution is a vital necessity as it determines the Power-relationship between the citizens of a country and between the governors and the governed. For the purpose of determining the form and nature of government and the nature of power relationship, the people set up a Constitution Assembly. Thus the establishment of a representative body for framing of a constitution is implicit in the very concept of democracy.

Body

The Indian Constitution was an outcome of the deliberations of not only distinguished personalities who were members of the Constituent Assembly but also and some nationalist Leaders and People from all parts of the country and from different walks of life

- Constituent Assembly is not just a body of people or a gathering of able lawyers. Rather, it is a nation on the move, throwing away the shell of its past political and possibly social structure, and fashioning for itself a new garment of its own making. The Indian Constitution was designed to break the shackles of traditional social hierarchies and to usher in a new era of freedom, equality and justice.
- It is committed to freedom, equality, social justice, and some form of national unity. But underneath all this, there is a clear emphasis on peaceful and democratic measures for putting this philosophy into practice.
- The first point to note about the Constitution is its commitment to individual freedom. This commitment did not emerge miraculously out of calm deliberations around a table. Rather, it was the product of continuous

intellectual and political activity of well over a century. As early as the beginning of the nineteenth century, Rammohan Roy protested against curtailment of the freedom of the press by the British colonial state. Roy argued that a state responsive to the needs of individuals must provide them the means by which their needs are communicated.

- It is not surprising therefore that freedom of expression is an integral part of the Indian Constitution. So is the freedom from arbitrary arrest. After all, the infamous Rowlatt Act, which the national movement opposed so vehemently, sought to deny this basic freedom.

- Once the idea of a nation took root among the elite, the idea of democratic self-government followed. Thus, Indian nationalism always conceived of a political order based on the will of every single member of society. The idea of *universal franchise* lay securely within the heart of nationalism. As early as the Constitution of India Bill (1895), the first non-official attempt at drafting a constitution for India, the author declared that every citizen, i.e., anyone born in India, had a right to take part in the affairs of the country and be admitted to public office. The Motilal Nehru Report (1928) reaffirms this conception of citizenship.

- The Constitution constantly reinforces a common national identity. India strives to retain regional identities along with the national identity. Common national identity was not incompatible with distinct religious or linguistic identities. The Indian Constitution tried to balance these various identities. This is clarified in the debate over separate electorates based on religious identity which the Constitution rejects. Separate electorates were rejected not because they fostered difference between religious communities as such or because they endangered a simple notion of national unity but because they endangered a healthy national life. Rather than forced unity, our Constitution sought to evolve true fraternity, a goal dear to the heart of Dr. Ambedkar. As Sardar Patel put it, the main objective was to evolve 'one community'.

In the true sense Constituent Assembly evenly represented.

- Though the Constituent Assembly was constituted through indirect election, yet it can be emphatically said that its membership included almost all the distinguished personalities with the only exception of Mahatma Gandhi who preferred to stay out.

- At that time of Constituent Assembly formation, adult franchise was not yet granted and most members came from the advanced sections of the society. Does this make our Constitution unrepresentative? Here we must distinguish two components of representation, one that might be called voice and the other opinion. The voice component of representation is important. People must be recognized in their own language or voice, not in the language of the masters. If we look at the Indian Constitution from this dimension, it is indeed unrepresentative because members of the Constituent Assembly were chosen by a restricted franchise, not by universal suffrage. However, if we examine the other dimension, we may not find it altogether lacking in

representativeness. The claim that almost every shade of opinion was represented in the Constituent Assembly may be a trifle exaggerated but may have something to it. If we read the debates that took place in the Constituent Assembly, we find that a vast range of issues and opinions were mentioned, members raised matters not only based on their individual social concerns but based on the perceived interests and concerns of various social sections as well.

- It is not a coincidence that the central square of every other small town has a statue of Dr. Ambedkar with a copy of the Indian Constitution. Far from being a mere symbolic tribute to him, this expresses the feeling among various section of people that the Constitution reflects many of their aspirations.

Conclusion

Constitution is a living document. Legal provisions and institutional arrangements depend upon the needs of the society and the philosophy adopted by the society. The Constitution gives expression to this philosophy. The institutional arrangements are based on a core and commonly agreed vision. That vision has historically emerged through our struggle for independence. The Constituent Assembly was the platform on which this vision was stated, refined and articulated in legal-institutional form.

4. What were the views of Dr. Ambedkar regarding the Indian Constitution? Did in his views the mere existence of a constitution guaranteed the freedoms envisaged by it? Discuss.

Introduction

A pragmatist to the core, Ambedkar believed that in the absence of economic and social justice political independence would not bring about their social solidarity or, national integration. He advocated the abolition of privileges on the basis of caste or status and vigorously fought for the liberty and dignity of the individual. It the same time, he was equally force-full in his advocacy of the unity of the nation. Ambedkar sought to achieve these objectives through the constitution of India.

Body

Views of Dr. Ambedkar regarding the Indian Constitution

- **Concept of Federalism:** His concept of federalism meant that the State was a federation in normalcy, but unitary in emergency.
- **Centre Was Made Strong:** In the Draft Constitution Dr. Ambedkar offered more powers to the Centre and made it strong. Some members of the constituent assembly criticized him on the ground that since Dr. Ambedkar postulated – the rights and values of each individual and the development of each province and each–village, it was contradictory of his part to make the Centre strong. Justifying the provisions for a strong Central authority Dr.

Ambedkar said that he made the Centre strong not only to 'save minorities from the misrule of majority' but also "for it is only the Centre which can work for a common end and for the general interests of the country as a whole."

- **Equality of Opportunity:** Of all the rights, Dr. Amebedkar observed "Equality of Opportunity" as the most important one. Regarding the constitutional remedies, he characterize Article 32 as the very soul of the Constitution and the very heart of it.To him, fundamental rights would mean establishment of equality and liberty in order to reform our social system, which is so full of inequalities discriminations, and other which conflict with our fundamental rights.

- **Directive Principles of State Policy:** The Directive Principles of State Policy contained the positive obligations of the state towards its citizens. The Directives were meant to ensure social and economic democracy which was secured by the provisions of fundamental rights in a written Constitution. Dr. Ambedkar said: "What are called Directive Principles is simply another name for Instruments of instructions to the legislature and the executive…as to how they should exercise their power."

- **Constitution, A Dynamic Document:** The Constitution is a dynamic document it should grow with the growth of the nation and should suit the changing needs and circumstance. So Dr. Ambedkar urged the necessity of amendment.

- **Concept of Sovereignty and Suzerainty:** Dr. Ambedkar's concept of sovereignty and suzerainty and of the Indian States, i.e., integration of the native Indian Princely States which gave the shape to the rap of India as if is today, has indeed been prophetic.

- **National Integration:** In the Draft Constitution Dr. Ambedkar prescribed single citizenship, a single judiciary and uniformity in fundamental Laws to integrate Indian society which was not only divided into caste and class, but also into regions, religions, languages, traditions and cultures. Therefore, a strong Centre was indispensable to maintain territorial integrity and administrative discipline.

Only the mere existence of a constitution doesn't guarantee the freedoms

- Ambedkar was a great visionary of new social order and eminent constitutionals. In his view mere existence of Constitution will not guarantee the freedoms envisaged by it. To guarantee freedoms there should be strong institutional framework which envisages laws to safeguard these freedoms and punishments when these freedoms are breached.

- The responsibility of drafting the Fundamental Rights was on an Advisory committee to the Constituent Assembly, comprising of members like B.R. Ambedkar, Diwan Bahadur, Acharya J. B. Kripalani. The committee began discussions the biggest issue was dividing the Rights in two groups – justiciable and non-justiciable which was later taken up by the Constituent Assembly itself. Justiciable rights are those which can be enforced in the court of law.

- Dr Ambedkar said that the responsibility of the legislature is not just to provide fundamental rights but also and rather more importantly, to safeguard them. Fundamental Rights are indeed essential for the growth and development of individual and thus the nation. Following which the Constituent committee and Advisory committee outdid itself in forming a bundle of rights that one way or another reinforces every other right that the constitution confers. These rights have acted as a guarantor of justice, equity and civil freedom.
- Amdekar said that mere existence of Constitution will not guarantee political democracy. We must note that our political democracy cannot last unless there lies at the base of it social democracy. Social democracy means a way of life which recognizes liberty, equality and fraternity as the principles of life.

Conclusion

The contribution of Dr. Ambedkar in Indian Democracy is not to be forgotten. As a chairman of the Constitutional Committee he gave a shape to our country of a complete Sovereign, Democratic and Republic based on adult franchise. Baba Saheb Ambedkar's name will be written in golden letters in the history of India as a creator of social justice.

5. How did the doctrine of separation of powers with particular reference to the legislature and the executive take place during the British period? Analyse.

Introduction

Separation of power (SOP) is a principle of constitutionalism wherein the power is distributed to different branches of the government (Legislature, Executive, Judiciary) to ensure independent functioning of each organ. SOP between legislature and executive during the colonial period was weak due to the parliamentary form of government that prevailed and also as a means to safeguard colonial interest.

Body

Separation of power during the British period:

- The regulating act of 1773 became the basis for government functioning until 1853 under which
  - The governor general acted as the supreme executive and along with his council acted as the legislative authority. At times, he also acted as judicial authority as well (Executive + Legislative).
  - Further, the company directors were required to submit all correspondence with respect to revenue and civil administration to British cabinet which acted as the final approval authority of the actions taken with veto power.

- o Furthermore, the supreme court in Bengal provided redressal against governor general actions. However, in practice it had debatable jurisdiction vis-a-vis council which affected SOP.
- A Board of control was established under Pitt's India acting as the approval authority of executive (governor general) actions – a de-facto legislative authority.
- Under the charter act of 1833, the regulations made were to be laid before the British parliament which acted as the final legislative authority after the governor general council (Deliberative body).

Until 1853, there was no separation of power per-se between executive and legislature. Governor general council acted both as an executive and legislative body.

- 1853 Charter act established Imperial legislative council as a central legislative body with sex members. However, a law to be promulgated needed the assent of the governor-general (executive), and the governor general could veto any Bill of the legislative council.
- Under 1858 act, Viceroy and his council along with Secretary of state and his council acted as the executive authority. The council acted as legislative body with powers including discussion of laws, budget and so on but with limited powers.
- The legislative power to hold the executive accountable evolved progressively in the subsequent council acts of 1861,1892 and so on.
- The 1919 act introduced Bicameral system with additional powers to central legislature. However, even after the enactment of 1935 act, the executive was largely not responsible to the legislature and held veto powers in legislation and financial fields.
- The supreme court of Calcutta was established under 1935 GOI act which acted as a federal court upholding doctrine of diffused powers.
- At the provincial level, SOP was absent until the 1919 act.
  - o The 1919 GOI act established partial separation of powers with responsible government under dyarchy.
  - o Under 1935 GOI act, Autonomous and responsible provincial government was established with defined powers of legislature and executive
- At the district level, District magistrate was vested with all the powers including the judicial – without much separation of powers. District courts acted as appellate authority over DM's decisions.
- Further, the ordinance power was given to Governor-general/Viceroy which diluted the separation of powers in practice. For instance, Viceroy issued series of ordinances like Defence of India ordinance, public safety ordinance etc., which were opposed by the Indian legislative council.

Conclusion

Thus, the doctrine of SOP remained as a means of occasional check and balance which could be over-ruled by the Governor/Viceroy. As Subhash Kashyap observes, The Indian legislative council remained a non-sovereign law-making body and was powerless before the executive. However, the doctrine evolved over time and

culminated under 1935 GOI act which became the basis of Indian constitution which incorporated the doctrine of separation of powers.

6. Would you agree to the assertion that the Indian Constitution is a flexible document that gives too much power to the legislature to bring in amendments? Substantiate your views.

Introduction

Indian constitution, in the words of Ivor Jennings is a perfect blend of Rigidity and flexibility. The amendment procedure provided under Article 368 has certain provisions to be amended by simple majority, some by special majority and also requiring state approval.

Body

The assertion that the Indian Constitution gives too much power to legislature is not an objective analysis for the following reasons:

- Basic structure doctrine: Legislature is bound to the doctrine as established under Keshavanand Bharathi case. Judicial review act as a check on too much power used by the legislature. For instance,
  - certain provisions of 39th constitutional amendment was declared null and void.
  - 99th constitutional amendment was declared unconstitutional.
- Special majority: Procedure under article 368 requiring special majority itself act as a check on too flexible power to the legislature to amend the constitution. For instance, it took many decades for the legislature to form panchayat raj system as 3rd tier of government.
- State approval: Requirement of approval by half of the states on structural changes keep the parliament power in check. E.g. the amendment to introduce GST took more than a decade to get the approval of states.

However, a view of flexibility in constitutional amendment is due to

- The very fact that there are over 100 amendments demonstrate the flexibility in amendment procedure. In comparison, US constitution is amended 27 times in over 2 centuries.
- Majority driven: when the ruling government has majority in parliament and state governments, the amendment procedure becomes too flexible. E.g.
  - 42nd constitutional amendment amended almost every major section without much opposition as the central government had majority in parliament as well as in several states.
  - Some of the recent amendments like Economically weaker section reservation passed without deliberations shows that the rigidity is issue specific.
- Several specified constitutional provisions can be amended by the Parliament by an ordinary law of Parliament passed by a simple majority. For instance,

constitutional amendment for reservations, insertion of schedules in the constitution etc.,

- Amendments involving the creation of new states in the Indian Union, administration of Union Territories, creation or abolition of State legislative bodies, etc… require only a simple majority of the members present and voting in the Union Parliament. The state views may not be even considered. E.g. Jammu and Kashmir was made a union territory in spite of opposition from the state political leaders.

Conclusion

Thus, the constitutional amendment procedure is said to be flexible vis a vis amending ordinary provisions. But the Basic structure doctrine limit the power of legislature to exert too much power to make flexible amendments.

7. What purpose does the Preamble to the Constitution serve? Can it be called the philosophical key to the Constitution? Is it even a part of the Constitution? Examine.

Introduction

Preamble refers to the preface of the constitution. It embodies the basic philosophy and fundamental values on which Indian Constitution is based i.e., moral, political and religious. As it reflects the dreams of the founding fathers of the constitution, SC has held that Preamble is the key to understanding the mind of constitution makers.

Body

Purpose of the preamble:

The Preamble does not grant any power but it gives a direction and purpose to the Constitution. It outlines the objectives of the whole Constitution. The Preamble contains the fundamentals of the constitution. The preamble to an Act sets out the main objectives which the legislation is intended to achieve.

The Preamble to our Constitution serves the following purposes:
- It indicates the source from which the constitution derives its authority.
- It also states the objectives which the constitution seeks to establish and promote.

Preamble emphasizes on the following:
- REPUBLIC, as the head of the state is not a hereditary monarch.
- DEMOCRATIC, because the constitution rests in the people's will.
- SOVEREIGN, because no country has supremacy over it.
- SOCIALIST, aims at eliminating inequality in status and opportunity.
- SECCULAR, being all religion equal.

- JUSTICE, LIBERTY, EQUALITY and FRATERNITY has its content according to Fundamental Rights and DPSP.

Philosophical key to constitution?

As Constituent Assembly member Pandit Thakur Das Bhargava observes 'The Preamble is soul of the constitution. It is a key to the Constitution'. It acts a keystone with

- Guide for the state in its functioning whether it is the socialist nature or secular government functioning.
- It instigates the state to take steps to realize the directive principles of state policy. E.g. the land ceiling policy was justified by the then government as in lines of socialist nature of state as mentioned in the preamble itself.
- It helps the judiciary in deciding the cases based on the philosophical and ideological brainstorming behind the judgements. E.g. Supreme court in the recent Sabarimala and Triple talaq case mentioned secularism as well as equality as mentioned in the preamble is the basic Indian philosophy which needs to be adhered.
- It acts as a guide for Indian citizens in their conduct. For instance, the philosophy of equality, fraternity as mentioned in the preamble requires citizens to stay secular, give up communal issues and so on.

As Justice Sikri observed, "It seems to me that the preamble of our Constitution is of extreme importance and the constitution should be read and interpreted in the light of the grand and noble vision expressed in the preamble."

Part of Constitution?

The vexed question whether the Preamble is a part of the Constitution or not was dealt with in two leading cases on the subject:

- Berubari Union case: the court ruled out that the Preamble to the Constitution is a key to open the mind of the makers of the Constitution, but nevertheless the Preamble is not a part of the Constitution.
- Kesavananda Bharati case: the apex court rejecting the earlier opinion held that-
  - The Preamble to the Constitution of India is a part of the Constitution;
  - That the Preamble is not a source of power or a source of limitations or prohibitions;
  - The Preamble has a significant role to play in the interpretation of statutes and also in the interpretation of provisions of the Constitution.
- Union Government v. LIC of India: The Supreme Court once again held that the Preamble is an integral part of the Constitution.

    Thus, preamble is a part of the constitution and even amendable as any other provisions of the constitution subject to basic structure.

Conclusion

To conclude, it will not be wrong to say that the spirit or the ideology behind the Constitution is sufficiently crystallized in the preamble. The Preamble embodies the spirit of the constitution to build up an independent nation which will ensure the triumph of justice, liberty, equality, and fraternity.

8. The 42nd amendment to the Constitution can be termed as a watershed in post independence India's constitutional history. Elucidate.

Introduction

42nd Constitutional Amendment Act, sometimes called 'mini-Constitution' or 'Constitution of Indira', is the most comprehensive amendment carried out in the year 1976 during internal emergency (1975-1977). It has brought about widespread changes to the Constitution most of which were curtailed in the 44th Constitutional Amendment Act 1978.

Body

The main purpose behind the enactment of the amendment was to trim the powers of judiciary with regard to the issue of judicial review and writs and strengthen the central government. Some of the changes made under the Amendment are-

Preamble   -

The characterization of India as "Sovereign Democratic Republic" was changed to "Sovereign Socialist Secular Democratic Republic".
The words 'unity of Nation' replaced with 'unity and integrity of Nation'.

Parliament and State

Legislature
Life of Lok Sabha and State Legislative Assembly was extended from 5 to 6years.

Judiciary
Insertion of Article 32A in order to deny Supreme Court the power to consider the Constitutional validity of a State law. Another new Article 131A, gave the Supreme Court an exclusive jurisdiction to determine question relating to the Constitutional validity of a central law.

Executive Article 74(1) was added, which stated that President shall act in accordance to the council of ministers.

Federal

Insertion of Article 257A, to enable the Centre to deploy armed forces to deal with any grave situation of law and order arising in any State.

Emergency

It authorized the President to declare emergency in any part of the country.

Directive Principle of State Policy

Four new directive principles were added

- To secure opportunities for healthy development of children (Article 39)
- Enabling free legal aid Article39A,
- Protection of workers in factories Article 43A,
- Protection of environment and to safeguard Forest and Wildlife Article 48A

Fundamental Duties

Part IVA was added to the Constitution enabling Fundamental Duties to the citizens.

Conclusion

A Constitution to be living must be growing. Using Article368, the 42nd Constitutional Amendment Act of 1976 has touched upon almost all the parts of the Constitution, disturbing the balance between Government and Judiciary on one hand and federal balance between Centre and State on the other. This imbalance was restored by 44th Constitutional Amendment Act of 1978.

9. In what ways does the Indian Constitution provide the framework for an egalitarian state? Explain.

Introduction:

Egalitarian state is the one in which it Expresses or supports the belief that all people are equal and should have the same Rights and opportunities. Equal opportunities imply absence of privilege and Exploitation. Indian constitution emphasizes the principles of egalitarian state in very preamble itself.

Body:

In following ways the Indian Constitution provides the framework for an egalitarian state.

Secularism: Features of secularism as envisaged in the Preamble is to mean that the state will have no religion of its own and all persons will be equally entitled to the freedom of conscience and the right freely to profess, practice and propagate the religion of their choice.

Democratic: Indicates that the Constitution has established a form of Government which gets its authority from the will of the people. The rulers are elected by the people and are responsible to them.

Republic: As opposed to a monarchy, in which the head of state is appointed on the hereditary basis for a lifetime or until he abdicates from the throne, a democratic republic is an entity in which the head of state is elected, directly or indirectly, for a fixed tenure. The President of India is elected by an electoral college for a term of five years. The post of the President of India is not hereditary. Every citizen of India is eligible to become the President of the country.

Justice: the term justice has three distinct forms- social, economic and political secured through various provisions of fundamental rights and directive principles.

- **Social justice**: it denotes the equal treatment of all citizens without any social distinction based on caste, color, race, religion, sex and so on.
- **Economic justice:** denotes the non-discrimination between people on the basis of economic factors.it involves the elimination of glaring inequalities in wealth, income and property. A combination of social justice and economic justice denotes as a 'distributive justice'.
- **Political justice:** All citizens should have equal political rights, equal access to all political offices and equal voice in the government.

Equality: the term equality means absence of special privileges to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.

Liberty: it means the absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities.

Conclusion:

India is a multi-diverse nation with lot of complex problems and issues. You cannot just pinpoint at one problem. If India wants tolerance and egalitarianism like the western counterparts, various cultural, structural and political problems had to be either eradicated or reformed.

10. The 'basic structure' doctrine is a shining example of judicial innovation. Do you agree? Substantiate. In what ways has the basic structure doctrine shaped India's polity? Examine.

Introduction

The 'basic structure doctrine' attempts to identify the philosophy upon which a constitution is based. Basic structure doctrine, evolved by the Indian Supreme Court, through its numerous landmark judgments over the years, brings in that required

factor of constitutionalism, which is critical to the upkeep of the spirit of the constitution document, to preserve, protect and maintain the thicker concept3 of rule of law, without which the constitution is but a dead letter law.

Body

'Basic structure' doctrine is a shining example of judicial innovation

- Application of the doctrine did not stop with the constitutional amendments but has been applied to different forms of state action in the same way as it applies to Constitutional amendments. It has become a dependable mechanism to preserve the spirit of democracy, pursuit of social progress and the preservation of integrity of the country.
- The basic structure doctrine is well-known and it has been judicially determined that the power of Parliament to amend the Constitution does not indeed extend to "damage or destroy" its basic structure. Therefore certain aspects of the Constitution are immutable and so bound up with the fabric of the Constitution itself, that as long as the Constitution exists, they too must necessarily exist.
- While the Court has not delimited an exhaustive list of unamendable "basic feature", it has variously held – inter alia – democracy, republicanism, secularism and judicial review to be part of the basic structure.
- The basic structure is not to be found in any one provision, or combination of provisions, but is found in abstract principles that explain and justify the architecture of the Constitution as a whole (for example, a combination of Articles 14, 15, 19, 25, 26, 29 and 30) would, together, constitute the principle of secularism that cannot be reduced to either one or many of them in conjunction.

Basic structure doctrine, evolved by the Indian Supreme Court, through its numerous landmark judgments over the years shaped the Indian Constitution.

- In Indira Nehru Gandhi vs. Raj Narain, Minerva Mills vs. Union of India and Waman Rao vs. Union of India., Constitution Benches of the Supreme Court used the basic structure doctrine to strike down the 39th Amendment and parts of the 42nd Amendment respectively, and paved the way for restoration of Indian democracy.
- Minerva Mills Vs. Union of India, 1980 The concept of basic structure was further developed by adding 'judicial review' and the 'balance between Fundamental Rights and Directive Principles' to the basic features
- Kihoto hollohan Vs. Zachillhu, 1992 'Free and fair elections' was added to the basic features
- Indira Sawhney Vs. Union of India, 1992 'Rule of law, was added to the basic features.

- S.R Bommai vs Union of India, 1994 Federal structure, unity and integrity of India, secularism, socialism, social justice and judicial review were reiterated as basic features.

However, in Kuldip Nayar v. Union of India, case Supreme Court unanimously held that, the doctrine of 'Basic Feature' in the context of our Constitution, thus, does not apply to ordinary legislation. In Madras Bar Association v. Union of India, the constitutional validity of the National Tax Tribunal Act, 2005, Challenged, Same view was expressed by honourable court.

Conclusion

A Constitution is a living system. But just as in a living, organic system, such as the human body, various organs develop and decay, yet the basic structure or pattern remains the same with each of the organs having its proper functions, so also in a constitutional system the basic institutional pattern remains even though the different component parts may undergo significant alternations.
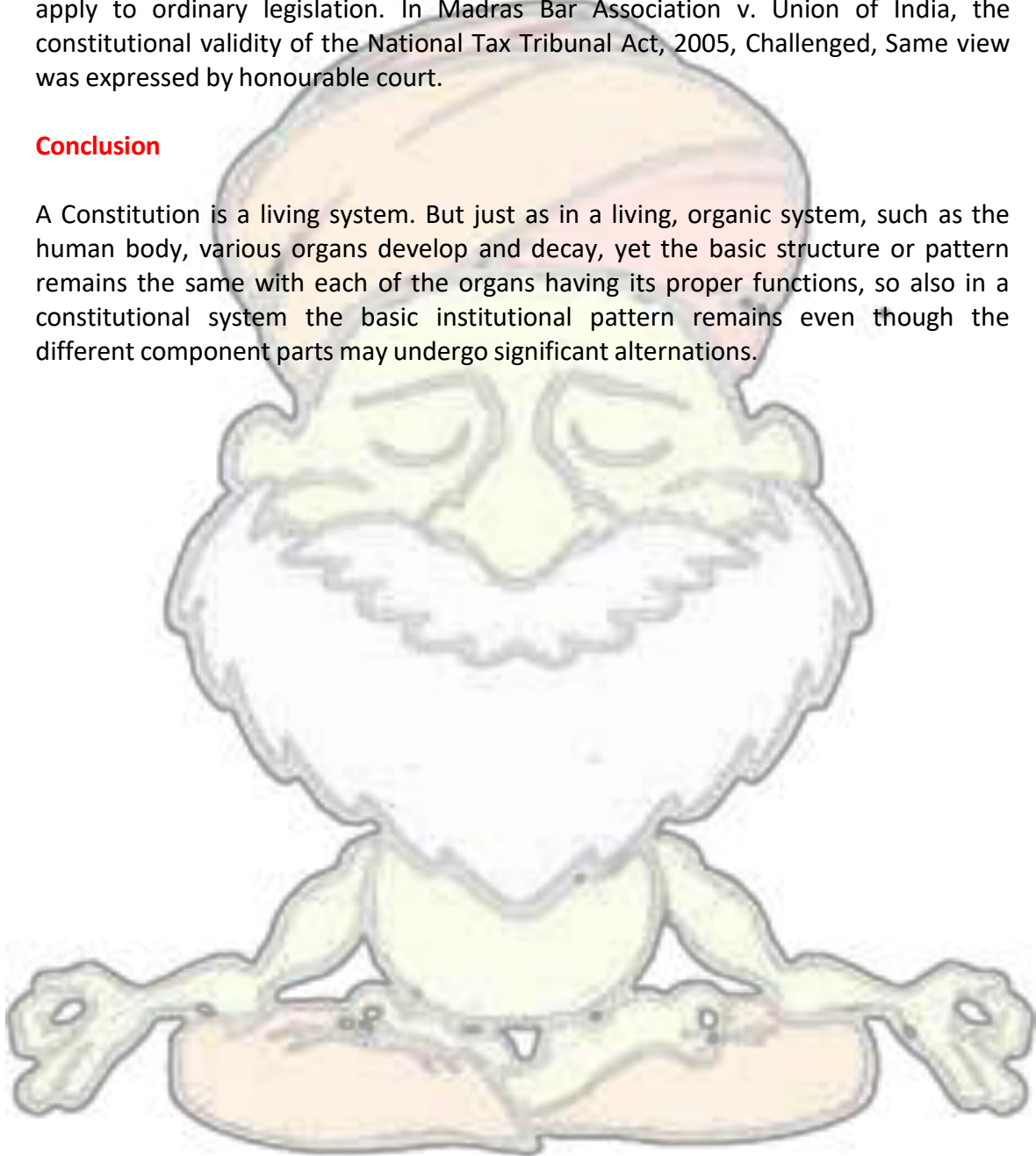
11. The Indian Constitution is quasi-federal in nature. Do you agree? Explain with the help of suitable examples.

Introduction

Indian federalism was designed on the basis of working of the federalism in USA, Canada and Australia. Yet it deviates from those federalism in many respects and establishes its own distinctive features. As K C Wheare ovbserves, it is 'quasi federal' and federal suo generis (Federation of its own form).

Body

Quasi federal nature of Indian Constitution:

Indian constitution is a blend of federal feature with unitary bias. Some of the federal feature are.

- Dual polity: two government one at the Centre and in states with defined functions and responsibilities.
- Written and Rigid Constitution: Ratification by states for Constitutional amendment involving federal features. E.g. GST passage requiring consent of the states.
- Supremacy of the Constitution - Any law or amendment affecting the federal feature will be struck down by the Supreme Court.
- Division of powers: 7th schedule with 3 lists. States are supreme in their own sphere and have responsible government with law making power to the legislature.
- Bicameral Legislature: Like other Federations, the Constitution of India also provides for a bicameral Parliament consisting of the Lok Sabha and the Rajya Sabha.
- Independent judiciary: so that there is no unilateral change in division of power by the Centre.

Yet, Indian federalism deviates from the federal characteristics as below and shows unitary features

- Constitutional amendment procedure- the power to initiate an amendment to the Constitution lies only with the Centre.
- States not indestructible- e.g. Recent Jammu and Kashmir Reorganisation Act without popular government support.
- All India Services- Centre has the ultimate control over the civil servants.
- Emergency provisions: as H V Kamath notes, this single chapter turns the federal character of Indian political setup to unitary. 1975 emergency is a best example.
- President rule under article 356: is a loophole to the federal feature and is misused several times. E.g. Unconstitutional imposition of president rule in Arunachal Pradesh and Uttarakhand in 2016.

- Governor's office- Governors appointment and his/her actions in crucial times has been criticised for being biased towards the power at Centre. Eg. Governor of Karnataka and Manipur inviting the second largest party to form the government instead of single largest party. This shows the Centre influence in state government formation.
- No Equality of State Representation- Representation in the legislature in the federal states in United States is on an equal basis, which is also not applicable in case of Indian States. Thus, making the federation in India unequal.
- Deployment of armed forces in states without the consent of states is seen as violation of federal character.

Conclusion

The Indian Constitution is neither purely federal nor purely unitary, but it's a combination of both. Indian Constitution is mainly federal with unique safeguards for enforcing national unity and growth. Also, federalism is not dead in India, as evidenced by the fact that new regions are demanding statehood and union has yielded, thus states like Manipur, Tripura, Goa, etc. have been created.

12. Has the division of subjects into Centre, state and concurrent lists served its objective? Are there any challenges pertaining to the division of subjects? Critically examine.

Introduction

The 7th schedule of the Indian Constitution having 3 lists is formulated to ensure the federal character of Indian polity. The division has been helpful in demarcation of subjects and fixing responsibility for lapses in administration.

Body

Serving its purpose:

- Accountability: the lists have demarcated the functions and thus help in holding the state/Centre government answerable. E.g. imposition of president rule in UP after Babri masjid incident.
- International relations and communications: UNO, foreign affairs etc., are subjects in Centre list and hence decisions are taken with uniformity and certainty. E.g. Ex-UN secretary Kofi annan noted Indian foreign policy as stable and credible.
- External security: central government being responsible has been fairly successful in taking timely decisions with necessary force whenever required. E.g. any delays during war time causes set back. Quick decision taken during Kargil was possible only because the defence was entirely with the Centre.

- Uniformity in Administration: subjects like trade and commerce, Banking, regulation of mines, labor etc., ensure uniformity. E.g. uniform interest rate in banks, labour costs etc., ensure that every state is competent in the sphere of economic attraction.
- Principle of subsidiarity: subjects like public order, police are best administered at states and are present in state list.
- Contextual relevance: subjects in concurrent list like Agriculture, criminal law, forests, wildlife protection etc., needs uniformity but with contextual flexibility and hence being in concurrent list, states can decide on features based on ground reality.

However, there are various instances where it has not served its purpose and faces several challenges.

Challenges to division of subjects:

- States complain that Centre has more and important subjects and there is asymmetry in division. Thus, it results in unitary bias. E.g. Raising loans from international market, Banking regulations etc.,
- Centre uses certain subjects and responsibility as excuse and encroach upon state jurisdiction at times. E.g. imposition of president rule, deployment of Central armed forces etc., giving the reason of function of maintaining internal security.
- Special provisions available to Centre to legislate on state subjects:
  - Article 249 – if the Rajyasabha passes resolution to give Centre power to legislate on state subjects. Centre can confer itself power if it has majority in Rajyasabha. E.g. passing of POTA, TADA etc., in spite of several state's opposition.
  - Article 253 allowing the Centre to legislate on subjects affecting international relations. E.g. Centre passing environmental laws.
- Composition variation: States allege that the union and concurrent list has grown over the years at the cost of state list. A majority government at the Centre helps in this. E.g. 42nd constitutional amendment transferring 5 subjects from state to concurrent list.
- Emergency provisions and president rule under article 356: results in dilution of the separation of subjects and gives the Centre over-riding powers.
- Colorable legislation: allegations on Centre to encroach upon the state jurisdiction finding the loopholes. E.g. the recent Jammu Kashmir reorganization bill was passed under president rule.
- Lack of Centre's consultation on legislating on the concurrent list subjects. Punchhi commission recommended that the Centre to consult states on the same.
- Residuary power of parliament: under article 248 gives the Centre to legislate on subjects not mentioned in the list. The difficulty in bringing constitutional amendment to update the 7th schedule (as it requires constitutional

amendment - special majority with 50% state approval), the new dynamics are not reflected. E.g. digital laws are made unilaterally by the Centre.

- Dual responsibility: especially in subjects of concurrent list or subjects of overlapping jurisdiction results in dereliction/conflict of duty by both Centre and state. E.g. inter-state river flow, environment protection (declaration of economic sensitive zone in western ghats) etc.,
- Reservation of state bills to president who enjoy absolute veto. E.g. the returning of 3 bills passed by Manipur state legislative assembly by president.

Conclusion

Alleging the bias in subject distribution, recently Telangana chief minister called for abolition of concurrent list which was even recommended by Rajammanar committee. Though, the list served has fairly served its purpose, some of the grievances of states are genuine. The centre has to implement recommendations of Puncchi commission om centre-state relations like flexibility on concurrent subjects, updating the list periodically etc., to address the issue.

13. Does the decision of the union government to convert Jammu & Kashmir into a union territory and carve out Ladakh as a separate union territory augur well with the constitutional principles? Examine.

Introduction

Recently, the government of India has repealed Article 370 of the Constitution which used to give autonomous status to the state of Jammu and Kashmir under Part XXI of the Constitution. After revocation of Article 370 Jammu & Kashmir is divided into two Union Territories, one of Jammu and Kashmir with legislative assembly and another of Ladakh without legislative assembly.

Body

Abrogation of Article 370 augur well with the Constitutional Principles

- **Equality** Article 35A which stems from Article 370 empowers the Jammu and Kashmir legislature to define the permanent resident of the state, and their special rights and privileges. Now the Presidential order, The Constitution (Application to Jammu and Kashmir) Order , 2019, has scrapped Article 370 and treated the people of erstwhile Jammu and Kashmir state equally with the other states by extending all provisions of the Constitution of India to Jammu and Kashmir including single citizenship and Fundamental Rights.
- **Integration** With the removal of the 1954 order, which had included a proviso to Article3, namely that "no Bill providing for increasing or diminishing the area of the State of Jammu and Kashmir or altering the name or boundary of that State shall be introduced in the parliament without the

consent of the Legislature of that State" the power of the Legislature ceases to exist and Parliamentary Laws, including that of reservation and Emergency would apply to Jammu and Kashmir and Ladakh as it does in other parts of the country. Hence the end of 'Positive discrimination'.

- **Federalism**

  Now the Legislative Assembly of Jammu and Kashmir has a federal relation with the Centre like the federal relation between other states and the centre. Eg. In case of inconsistencies between laws made by Parliament and laws made by the Legislative Assembly of Jammu and Kashmir, earlier law shall prevail and law made by the Legislative Assembly shall be void.

- **Sovereignty**

  With the introduction of Jammu and Kashmir Reorganization Bill 2019 ending special status to the state of Jammu and Kashmir, now the Union Territories will be administered by the President, through an administrator appointed as Lieutenant Governor. And the High court of Jammu and Kashmir will be the common High court for both Jammu and Kashmir and Ladakh.

Abrogation of Article 370 doesn't augur well with the Constitutional Principles

1. The reduction of the state to union territory will give a fillip to the concept of Constitution being more unitary.
2. The entire exercise of getting Article 370 of the Constitution effectively abrogated has been marked by executive excess. Since Article 370 has been used to amend Article 367(which deals with the interpretation) in respect of Jammu and Kashmir , and this amendment has been used to amend Article 370 itself. This whole has been done through a Presidential Order when Governor rule was going on in the valley.
3. The passing of legislation as far-reaching as dismembering a State without prior consultation has set a new low.
4. A purported process to change the Constitutional status of a sensitive border State has been achieved without any legislative input or representative contribution from its people.

Conclusion

The special status of Jammu and Kashmir was meant to end, but only with the concurrence of its people. The significant move, in theory, opens up potential opportunities for the development led economic growth in the Union Territories of Jammu and Kashmir and Ladakh. Thus the move is bound to have a significant impact on demography, culture, and politics of Jammu and Kashmir.

14. What is the existing mechanism of devolution of finances between the centre and the states? Do states have adequate autonomy to mobilise finances of their own? Discuss.

Introduction

Fiscal federalism in India has to satisfy the competing demands to deliver a number of essential and basic socio-economic services. As a paramount objective, fiscal federalism is expected to enable the national and sub-national governments to operate in such a way that leads to efficiency in the use of resources - not only in terms of the quality of services provided by the various levels of government but also in terms of creating the environment in which all economic agents use resources efficiently.

Body

Existing mechanism of devolution of finances between the Centre and the States.
Articles 268 to 293 in Part XII of the Constitution deal with Centre–state financial relations. Besides these, there are other provisions dealing with the same subject.

- **Allocation of Taxing Powers:** The Parliament has exclusive power to levy taxes on subjects enumerated in the Union List .The state legislature has exclusive power to levy taxes on subjects enumerated in the State List. Both the Parliament and the state legislature can levy taxes on subjects enumerated in the Concurrent List. The residuary power of taxation (that is, the power to impose taxes not enumerated in any of the three lists is vested in the Parliament. Under this provision, the Parliament has imposed gift tax, wealth tax and expenditure tax.
- **Distribution of Tax Revenues:** 42% of the total share of tax of Union will go to states. This is as per the recommendations of the 14th Finance Commission. The Finance Commission is required to recommend the distribution of the net proceeds of taxes of the Union between the Union and the States (commonly referred to as vertical devolution); and the allocation between the States of the respective shares of such proceeds (commonly known as horizontal devolution). GST Proceedings are distributed according to CGST, Act and SGST, Act. The Constitution also draws a distinction between the power to levy and collect a tax and the power to appropriate the proceeds of the tax so levied and collected. For example, the income-tax is levied and collected by the Centre but its proceeds are distributed between the Centre and the states.
- **Distribution of Non-tax Revenues:** The Centre The receipts from the following form the major sources of non-tax revenues of the Centre: (i) posts and telegraphs; (ii) railways; (iii) banking; (iv) broadcasting (v) coinage and currency; (vi) central public sector enterprises; and (vii) escheat and lapse. The States The receipts from the following form the major sources of non-tax revenues of the states: (i) irrigation; (ii) forests; (iii) fisheries; (iv) state public sector enterprise; and (v) escheat and lapse.
- **Grants-in-Aid to the States:** Besides sharing of taxes between the Centre and the states, the Constitution provides for grants-in-aid to the states from the

Central resources. There are two types of grants-in-aid, viz, statutory grants and discretionary grants:

- **Statutory Grants**: Article 275 empowers the Parliament to make grants to the states which are in need of financial assistance and not to every state. Also, different sums may be fixed for different states. These sums are charged on the Consolidated Fund of India every year. Apart from this general provision, the Constitution also provides for specific grants for promoting the welfare of the scheduled tribes in a state or for raising the level of administration of the scheduled areas in a state including the State of Assam. The statutory grants under Article 275 (both general and specific) are given to the states on the recommendation of the Finance Commission.
- **Discretionary Grants:** Article 282 empowers both the Centre and the states to make any grants for any public purpose, even if it is not within their respective legislative competence. Under this provision, the Centre makes grants to the states.
- **Other Grants:** The Constitution also provided for a third type of grants-in aid, but for a temporary period. These sums were charged on the Consolidated Fund of India and were made to the states on the recommendation of the Finance Commission.

Do States autonomy to mobilize finances of their own?

Constitution of India empowered States to mobilize their own finance.
- The States has exclusive power to levy taxes on subjects enumerated in the State List
- Both the Center and the States can levy taxes on subjects enumerated in the Concurrent List
- States have autonomy in Collection of Non Tax Revenues.

However, there are instances shows States autonomy is curtailed to mobilize their own finances.
- States will get their Share in net proceeds of taxes according to Finance Commission's recommendations.
- Constitution empowers the Parliament to make statutory grants to the states which are in need of financial assistance.
- The States have, to look to the Centre for funds in case of unforeseen calamities or to carry out various schemes.
- While the proclamation of national emergency (under Article 352) is in operation, the president can modify the constitutional distribution of revenues between the Centre and the states. This means that the president can either reduce or cancel the transfer of finances (both tax sharing and grants-in-aid) from the Centre to the states.
- While the proclamation of financial emergency (under Article 360) is in operation, the Centre can give directions to the states in financial matters.

Conclusion

The Constitution envisages the Finance Commission as the balancing wheel of fiscal federalism in India. The new framework of grants should ensure stability in resource flows to the states to reduce state specific development deficits.

15. Has India's federal polity been successful in addressing regionalism? Critically assess.

Introduction

To be sure, regionalism is rooted in India's manifold diversity of languages, cultures, tribes, communities, religions and so on, and encouraged by the regional concentration of those identity markers, and fueled by a sense of regional deprivation. For many centuries, India remained the land of many lands, regions, cultures and traditions.

Body:

Different Forms of Regionalism

a) Demand for State Autonomy: Regionalism has often led to the demand by states for greater autonomy from the center. Increasing interference by the Centre in the affairs of the states has led to regional feelings.

b) Secession from the Union: This is a dangerous form of regionalism. It emerges when states demand separation from the Centre and try to establish an independent identity of their own.

c) Demand for Full statehood: In India, Most of the Union Territories were not in favor of 14th amendment of the constitution. Therefore, as consequence, the Union territories of Himachal Pradesh, Manipur, Tripura, Meghalaya and Goa were granted the status of full statehood and the remaining union territories are demanding full statehood.

d) Inter-State Disputes: Today, many states are making demands for the merger of territory of belonging to other states and for just division of river waters. Disputes between states over the sharing of river water, primacy given by the states to the language of majority and to people of their own states in job opportunities have also given rise to feelings of regionalism. Migration of people from backward state to a developed state for employment opportunities have often resulted in a hostile attitude against the migrants for example, problems going on in Karnataka and A.P.

Yes, India's federal polity has been successful in addressing regionalism

- Provision of autonomy within 5th Schedule and 6th Schedule.
- Linguistic reorganization of states with passage of States Reorganization Act of 1956.
- Three language formula, special grants to backward states.

- Federal institutions like Inter-State Council, NITI Aayog, and GST Council.
- Creation of new states like Telangana and Uttarakhand.
- Initiatives like 'Ek Bharat Shreshta Bharat' to promote the spirit of national integration through a deep and structured engagement between all Indian States and Union Territories through a year-long planned engagement between States.
- Incentives for Promoting Investment in Backward Regions like Income Tax Concession and tax Holiday in order to give stimulus to new industries in backward regions.

No, India's federal polity has not been successful in addressing regionalism

- Regionalism was deliberately encouraged by many with the result that the people of each region thought more in terms of their region rather than that of India as a whole Bengalis, Gujaratis, Marathis, Punjabis and what not were made conscious that they were the sons of the soil and that they should care for the development of their own region rather than that of the country as a whole.
- All India Services and a strong central government, was envisaged though India was made a federal polity. In addition, in the constitution every step was taken to ensure that the feelings of regionalism were cut down from the very roots. But with the passage of time, it has become very clear that regional feelings very much thrive in India.
- Local leaders, in order to maintain or rather strengthen their leadership, very much exploit regional feelings. They talk of regional imbalances and regional backwardness and try to exploit the feelings of the people of the land by pleading that central authorities are deliberately maintaining regional imbalances and trying to keep an area in state of backwardness.
- They are made to feel that new industries are knowingly not being established in the area and thus the state is being economically as well as socially kept backward. Without caring for the realities and difficulties of the people these leaders exploit their sentiments make efforts to convince them that in the state means of transportation are not being developed, no educational centers being established and so on.

WAY FORWARD

1. Doing away with regional imbalance: If the national resources are distributed in a balanced manner, the problem of regionalism will be mitigated.

2. Top priority to the economic development of deprived zones: if top priority is given to economic development of those areas where the people have developed the feeling of relative deprivation, the situation will improve and they can be drawn into the national mainstream.

3. Developed means of Transport and Communication: Most of the backward regions of the country do not have proper link with the rest of the country through transport and communication system. Due to this reason their interaction and

contact with other regional groups become restricted and they develop a, feeling of alienation.

Conclusion

While regionalism highlights regional issues and provides an opportunity to address them, it also has negative impacts like instability, internal security challenge, affects national politics. Uniform development of all regions should be taken up so that no region feel isolated and left behind. Government needs to come with innovative solutions so that problems of regionalism are meaningfully solved.
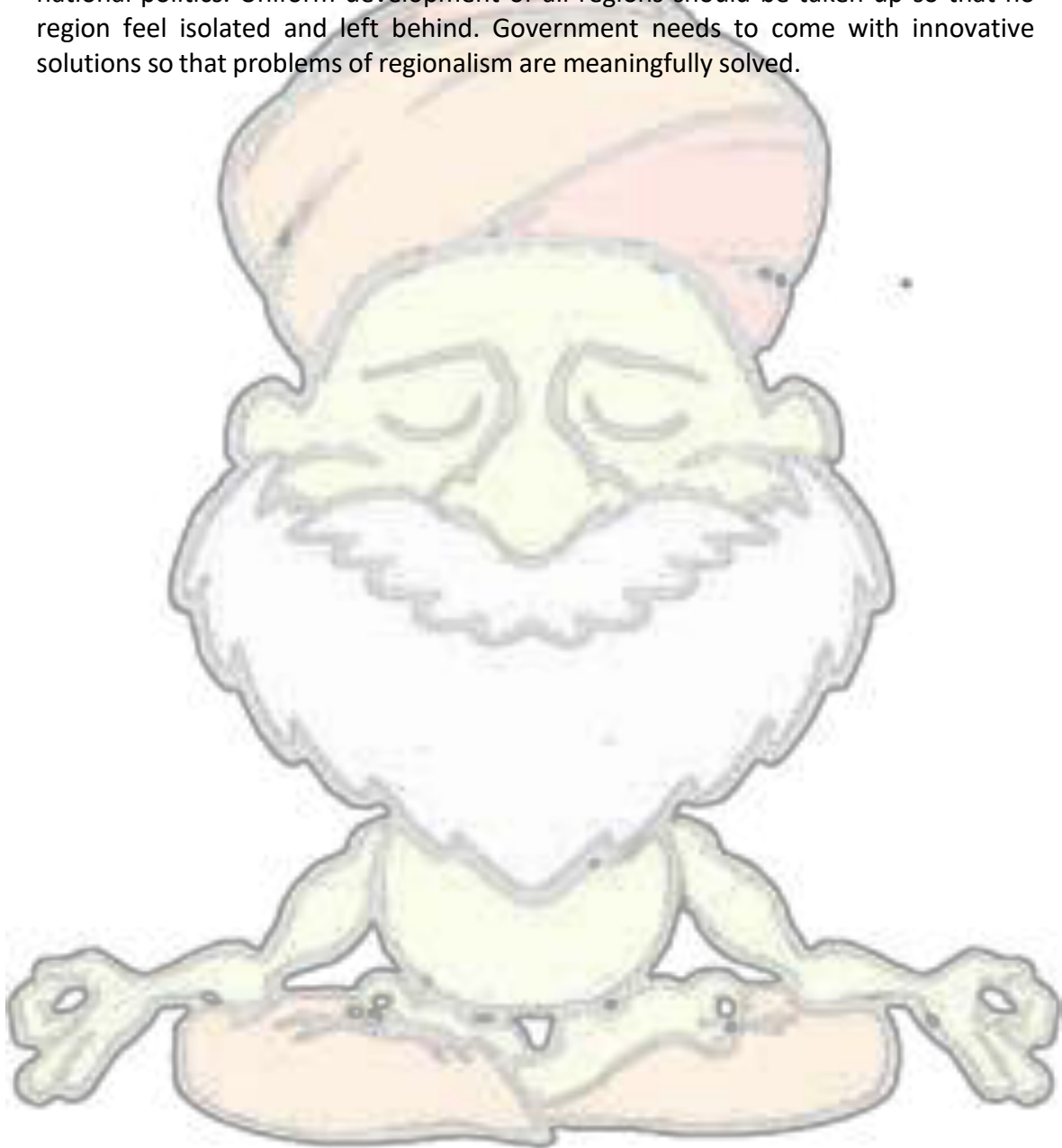
16. One of the major reasons for the failure of the local self-government institutions in India has been half-hearted devolution of powers to them. Elucidate.

Introduction

The 73rd and 74th Constitutional Amendment Act 1993 envisaged the idea of Mahatma Gandhi's grassroot democratic institutions in the country. It transfers the representative democracy to participative democracy. However, the dark side of this revolutionary concept is the lack of devolution of powers to the local self-government.

Body

Reasons for failure due to half-hearted devolution of powers

- 73rd and 74th Amendment providing voluntary provision to state governments in devolving powers and funds. Only 20/29 subjects on an average have been devolved by the state governments.
- Lack of adequate resources and funds. As much as 95% of a rural local government's budget relies on funds devolved from a higher level of government.
- Local government spending is only 2 percent of the GDP.
- Reluctance of state politicians to devolve much powers to the district level or below because of fear that if such local institutions acquired real powers they would become alternative source of influence and patronage. Even though States like Kerala, Tamil Nadu, Karnataka have done well in devolving the powers, states like Uttar Pradesh, Bihar are lagging behind.
- Even though State Finance Commissions have been established in all states, their recommendations are brushed aside and not implemented.
- 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.
- Lack of separate bureaucratic cadre for local self-government with expertise in local administration. For example, Karnataka has separate cadre.
- The state and central government have also started creating separate structures or units for implementing specific projects on education, health, and so on; this limits the role and powers of the PRIs.
- Institutional structures like the district planning boards, created to expedite decentralised planning, are either non-functional or do not give priority to PRIs.

Conclusion

The time has come to move from political representation to power devolution. There is a need for the state political leadership to accept the importance of PRIs, and devolve power to them as mandated in the Constitution of India. Building the

capacities of the PRIs not as mere implementers of the projects but as planners and evaluators would help strengthen the institution. The center also needs to financially incentivize states to encourage effective devolution to the panchayats in functions, finances, and functionaries.

17. Tokenism and surrogate representation have severely constrained the efficacy of panchayati raj institutions (PRIs) as instruments of socio-economic transformation. Comment.

Introduction

Direct local democracy has been mandated constitutionally through the 73rd and 74th Amendment. However, the actual progress of decentralisation has been uneven across States. In the absence of adequate financial clout, functioning of the Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) have been severely constrained. It has been argued that the current functioning of panchayats fares poorly on the criteria of efficacy in service delivery, inclusiveness and accountability.

Body

Issues like Tokenism and surrogate representation are hindering the socio-economic development process as below.

Tokenism
- Panchayats have not been granted enough powers for revenue generation. As a result, they only have limited functional autonomy. Even after 25 years of constitutional backing, the PRIs are able generated only 5 percent of their revenue.
- Elections are not held regularly. For example, in Tamil Nadu elections were not held for 3 years after the term ended.
- Devolution of power which is imperative for socio-economic development has not been addressed properly.
- Separate cadre for local administration should have been setup for effective implementation of policies and decision making.
- Even after a decade and a half after the PESA Act, there is very little awareness about the Gram Sabha being designated as a self-governing body or having legal jurisdiction over the natural resources and forests. Neither is there any support mechanism for the Gram Sabhas to play any significant role.
- Recommendations of State Finance Commissions (SFCs) are generally not taken seriously

Surrogate representation

- Twenty-five years after women were given 33% reservation in local self-governance bodies, many women sarpanchs remain faceless wives and

daughters-in-law. Even Prime Minister Narendra Modi acknowledgement the fact that 'Sarpanch Pati'tradition should be ended.

- With the backing of national and state political parties, the object of direct and grassroot democracy gets defeated.
- The state and central government have also started creating separate structures or units for implementing specific projects on education, health, and so on; this limits the role and powers of the PRIs.

Conclusion

It is imperative to acknowledge the potential of women in ensuring inclusive democracy and the phenomenon of 'sarpanch pati' should be addressed with the backing of effective law. PRI representatives need clear mandates of local functions, and the ability to raise their own revenue, to foster better local governance. With adequate functions and finances, PRIs efficiency can be improved.

18. The attainment of Sustainable Development Goals (SDGs) require active participation of the panchayati raj institutions (PRIs). Do you agree? Substantiate.

Introduction

- Panchayati Raj Institution (PRIs) is a revolutionary concept to build democracy at the grassroot level. In India it has significantly transferred the representative democracy into participatory democracy with the bottom up approach of governance.
- The sustainable development goals (SDGs) are a collection of 17 global goals and 169 targets set by the United Nations General Assembly in 2015 for the year 2030.

Body

- Around 68.86% of India's population lives in rural area, which makes role of PRIs in attaining the SDGs crucial.
- The implementation of SDGs needs every country to judiciously prioritize, and adapt the goals and targets in accordance with local challenges, capacities and resources available.
- SDGs can be met only through high standards of governance at all levels. In this respect, India is especially fortunate to have highly committed governments at the central (union), state and local level.

Role of Gram Panchayat in localising SDGs

The role of panchayats in the attainment of SDGs is summed up as follows:

1. **Convergent implementation of schemes**-

- Ensure effective implementation of flagship programmes pertaining to livelihood like National Rural Livelihood Mission, Mahatma Gandhi National Rural Employment Guarantee Scheme, Swachh Bharat Mission etc.

  Eg The Assam governments Samagra Gram Unnayan Yojana (CMSGUY) – a

  5-year mission to initiate investment in rural areas towards doubling

  farmers' incomes.

2. **Participatory outcome based planning for local development**
   - Effective functioning of the Gram Sabha as participatory discussion and decision making forum for local development.
     - Ensure coordinated functioning in tandem with Self Help Groups and their collectives o
     - Institute outcome based planning that sets baselines and monitors advancement in development indices.

3. **Specific governance interventions in panchayats**
   - Effective functioning of Standing Committees and Functional Committees of the panchayats
   - Strengthening fora for community participation
   - Institution of clear community based monitoring and tracking mechanisms and information feedback to the community.

4. **Interventions across tiers of panchayats**
   - Effect convergent planning between the three tiers of Panchayati Raj
   - Effective functioning of the District Planning Committees which link rural and urban planning
   - Coordination for service delivery and implementation of flagship schemes.
   - Eg. The Government of Bihar's umbrella programme titled 7 Nischay (or 7 resolves) addresses challenges in multiple sectors following an inter-sectoral approach.

The local development plans of Panchayats is expected to synchronize with attainment of identified sectoral goals. Building local leadership capacities and promoting aspirational Panchayats by enabling them to find innovative, community driven, sustainable solutions to local problems is key to attaining the SDGs at the local level.

The way ahead

It is very crucial that the Village/Gram Panchayats develop their own action plan to improve living conditions

- In rural Indian context, the living condition is linked with the practice of social justice principles. There is a need to be more inclusive in addressing the problems of people from different sections.

- Strengthening stakeholder participation in governance particularly in decision making. The various village level committees formed under different development programs – School Management Committee, , Sanitation and Nutrition Committee, Matru Mangal Samiti for Anganwadi, PDS Committee, etc. shall be strengthened so that they plan and monitor the service delivery.
- Each village panchayat must assess the status of various public assets and services with regard to its functionality.
- The gram panchayat and various committees must periodically assess all the services. Primary focus must be given to five key services: (i) anganwadi (Child care) as it has direct link with child development and curbing malnutrition (ii) primary education – it has link with universal literacy particularly among girls (iii) drinking water and sanitation – it has direct link with the health status and wellbeing (iv) access to public health services – it will improve institutional delivery and healthy life (v) access to public distribution system and food availability in anganwadi and mid-day-meal – it will address malnutrition.

19. Strong political will of the state governments and cooperation from the bureaucracy are vital for vibrant local self- government institutions. Elaborate.

Introduction:

Local Self- Government is a form of government that has no share in sovereignty and is thus entirely subordinate to central authority or, in a federal system, to state or regional authority. This level of government is recognized by the people as they are close to the citizen and involve them in the decision making process. The task of developing local self-help government institutions and modernization is not possible without the proper cooperation and effective bureaucracy.

Body:

Strong political will of the state governments are vital for vibrant local self-government institutions.

- **Strong political commitment from higher level authorities within the Government.**
  Activity mapping which was supposed to be done by states as per resolution of the State Panchayat Ministers' round table has been done by quite a few states, but implementation has often remained incomplete. Transfer of functionaries has also remained mostly symbolic.
- **Autonomy of the local bodies in decision making and implementation of local schemes:**
  Since Panchayats implement state and union government schemes they are required to adhere to the guidelines without any authority to deviate even a little as per necessities emanating from local conditions. In the absence of Panchayats' own financial resources they can hardly undertake programs on their own in line with local requirements. It is here that decentralization of

political decision making needs to be complimented by measures to ensure fiscal autonomy for PRIs so that such institutions can muster necessary financial resources on their own to be truly self-reliant in local decision-making and its implementation.

- **Availability of the internally generated resources at the local level:**

In the federal system of governance that is existent in India, almost all the sources of tax or non-tax revenue come under the jurisdictions of the State and Union Governments. This leaves little scope for local governments to generate resources on their own. Their own revenue generation capacity remains limited vis-a-vis their requirements and expenditure obligations. In view of this the constitution mandated for setting up of the State Finance Commissions that would help determine the devolution of state's revenue to the local governments.

Cooperation from the bureaucracy is vital for vibrant local self- government institutions.

- The development of bureaucracy should not be conservative but it should have scientific outlook, progressive, innovative, reformist and revolutionary in nature. The concrete tasks of development which the state had to undertake include modernization of agriculture, industrialization and economic diversification and building of infrastructure including irrigation, electrification, communication, transport, education, health and promotion of science and technology.
- The Twenty Point Program contained a number of points for the poorest sections of the society like the liquidation of the rural indebtedness, provision of house sites for landless, and enforcement of minimum wages. The formulation and implementation of these programs required bureaucracy to play a new role, the role of an agent of development or agent of change as compared with the traditional role of the past as agent of status quo. Furthermore, since most of these were people oriented programs bureaucracy had necessarily to work with people.
- Motivating and mobilizing the people, communicating programs to them, eliciting their cooperation, building up grass-root popular institutions-these were the new methods and techniques of administration which bureaucracy had to adopt.
- The bureaucracy had to go to people as development workers rather than just passing orders on cases of people approaching them with their grievances.

Conclusion:

The 73rd Constitutional amendment was hailed as an important landmark for its radical approach towards decentralization, devolution of power and in ensuring the participation of the marginalized sections. The Amendment sought to bring a new political system in rural areas by giving priority to decentralization, people's participation and democracy at the local level.

20. The experience of the PRIs in different states of the country has not been the same. Illustrate with the help of suitable examples. Which are some of the better performing states? Examine.

Introduction

Our Constitution provides a clear mandate for democratic decentralization not only through the Directive Principles of State Policy which exhorts the State to promote Panchayati Raj Institutions but more specifically now through the 73rd Amendments of the Constitution which seek to create an institutional framework for ushering in grass roots democracy through the medium of genuinely self-governing local bodies.

Body

Experience of the PRIs is different States is not been the same because of the following Reasons

- **Gram Sabha:** The act provides for a Gram Sabha as the foundation of the panchayati raj system. However, It may exercise such powers and perform such functions at the village level as the legislature of a state determines.
  - **Example:** In most of the states, each constituency of the members of the Gram Panchayat is called the Gram Sabha and all the voters of the same constituency are members of this body. However, in some states this is called Ward Sabha/Palli Sabha etc. In West Bengal it is called Gram Sansad (village parliament). Gram Sabha in West Bengal has a different meaning. Here all the voters of the Gram Panchayat as a whole constitute the Gram Sabha.
  - Gram Sabhas hold meetings normally 2 to 4 times a year, but can meet as and when necessary. In some states dates of these meetings are fixed (Madhya Pradesh, Gujarat etc.) while in others dates are fixed by the Gram Panchayats.
- **Three-Tier System**: The act provides for a three-tier system of panchayati raj in every state, that is, panchayats at the village, intermediate, and district levels. However, a state having a population not exceeding 20 lakh may not constitute panchayats at the intermediate level.
  Example: Arunachal Pradesh took away its Anchal Samiti, the intermediate level of the three-tier panchayati raj system, and set up a two-tier system in the state. Whereas Most of the States have 3 tier Panchayati Raj system.
- **Reservation of Seats**: Article 243D of the Constitution provides for the reservation of seats for scheduled castes and scheduled tribes in every panchayat (i.e., at all the three levels) in proportion of their population to the total population in the panchayat area. The act also authorises the legislature of a state to make any provision for reservation of seats in any panchayat or offices of chairperson in the panchayat at any level in favour of backward classes.

Example: As per the Constitution (Eighty Third Amendment) Act 2000, the Article 243D relating to the reservation of seats in panchayats, is not applicable in Arunachal Pradesh. However, This provision is applicable in most of the States.

- **Election of Members and Chairpersons**: As per Article 243C of the Constitution all the members of panchayats at the village, intermediate and district levels shall be elected directly by the people. Further, the chairperson of panchayats at the intermediate and district levels shall be elected indirectly—by and from amongst the elected members thereof. However, the chairperson of a panchayat at the village level shall be elected in such manner as the state legislature determines.

- **Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)**: extends Part IX of the Constitution to the areas listed under the Fifth Schedule subject to certain exceptions and modifications. A major function of the Ministry of Panchayati Raj is to oversee the implementation of the provisions of PESA by the nine States, namely, Andhra Pradesh, Jharkhand, Chattisgarh, Himachal Pradesh, Madhya Pradesh, Gujarat, Maharashtra, Orissa, Rajasthan that have the areas listed in the Fifth Schedule. The PESA Act enjoins the State governments to endow Gram Sabhas and Panchayats at the appropriate level with the power to enforce prohibition, ownership of minor forest produce, power to prevent alienation of land and restore unlawfully alienated land, power to manage village markets, power to exercise control over money lending, power to exercise control over institutions and functionaries in all social sectors and power to control local plans and resources for such plans including tribal sub-plans. The Act prohibits Panchayats at the higher level to assume the powers and authority of any Panchayat at the lower level.

- As per Article 243M of the Constitution, State of Nagaland, Meghalaya, Mizoram, Sixth Schedule Areas and hill areas of Manipur are exempted from application of Part IX of the Constitution.

Some of the better performing States.

Ministry of Panchayati Raj during the National Panchayat Raj Day event, awards were given to the best performing Panchayats.

- **Deen Dayal Upadhyay Panchayat Sashaktikaran Puraskar (DDUPSP)** are given to best performing Panchayats across the States/UTs in recognition of the good work that is done by PRIs at each level for improving delivery of services and public goods.
  Some Best Performing States: Kerala, Karnataka, Gujarat, Assam, Andra Pradesh, Jharkhand

- **Nanaji Deshmukh Rashtriya Gaurav Gram Sabha Puraskar (NDRGGSP)** are given to Gram Panchayats only for their outstanding contribution to the socio-economic development by involving Gram Sabhas.
  Better Performing States: Maharashtra, Punjab, Rajasthan, Chhattisgarh, Sikkim, Tamilnadu

- **Gram Panchayat Development Plan (GPDP) Award:** This award to be conferred upon three best performing Gram Panchayats across the country. This has been done with a view to encourage the GPs which have developed their GPDPs according to the State/UT specific guidelines prepared in line with the models guidelines issued by MoPR.
 **Better Performing States:** West Bengal, Karnataka and Sikkim
- **E-Panchayat Puraskar** This award is given to Panchayats who efficiently and effectively use of Information and Communication Technology (ICT) to build a "digital inclusive society" where large sections of rural population are able to benefit from new technologies.
  Better Performing States: Sikkim, Odisha, Maharashtra, Telangana, Tripura and Karnataka.

Conclusion

Though there are inevitable variations from state to another state in regard to its, details including structure, number of tiers, location of authority, length of tenure, etc. the Panchayati Raj institutions today are functioning in all the states to deliver service and benefits to large sections of rural population.
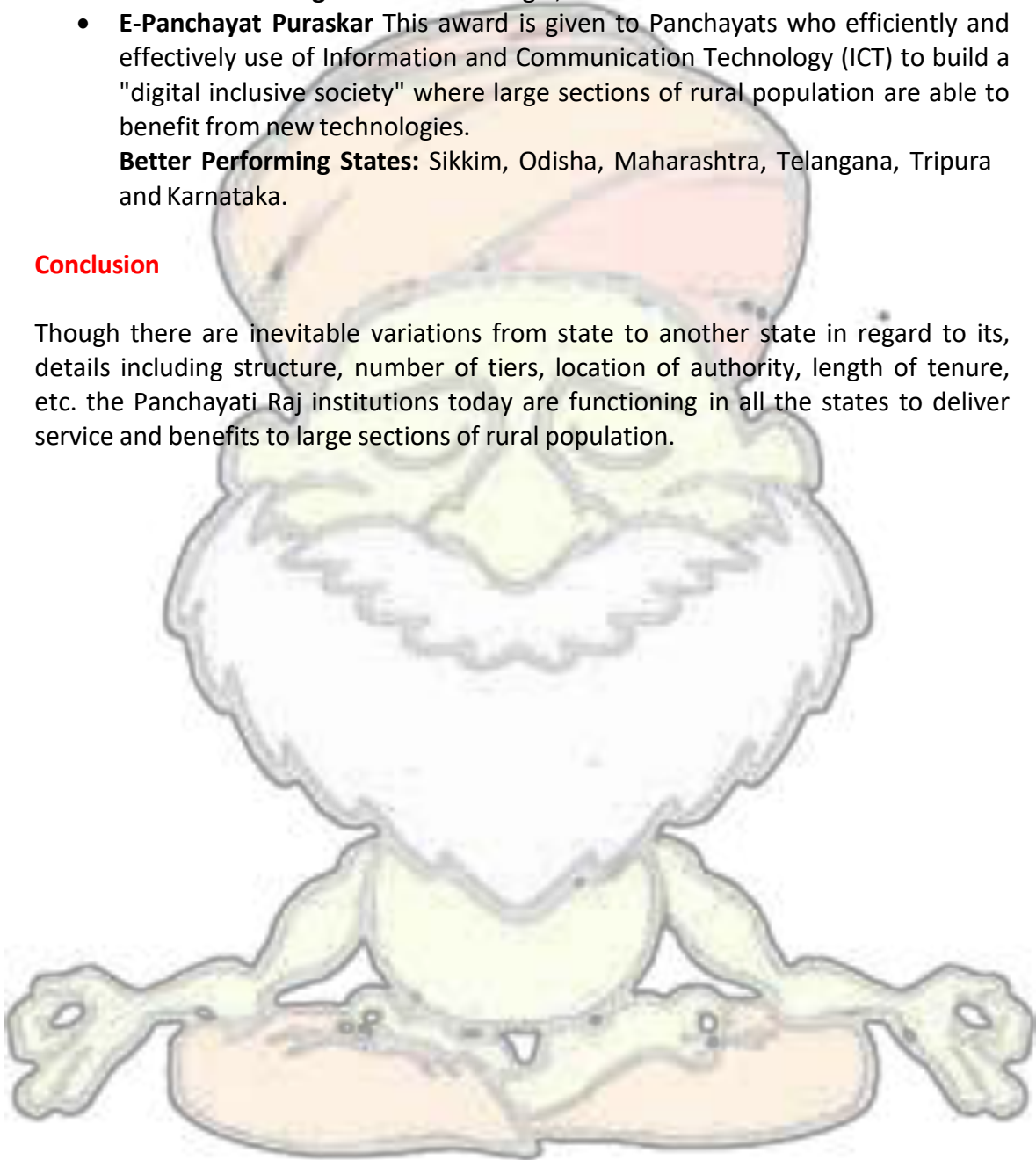
21. A rigid separation of powers as under the American Constitution or under the Australian Constitution does not apply to India. Illustrate.

Introduction

Separation of power is a doctrine where the power is diffused into different organs of the state to avoid concentration of power/conflict of interest. Unlike in USA/Australia where a rigid separation of powers is followed, in India, separation of functions is followed and hence less rigidity.

Body

Background:

The doctrine of separation of power in a rigid sense means that when there is a proper distinction between three organs and their functions and also there should be a system of check and balance.

Not a rigid separation of powers:

- Though the executive power in India is defined as in American constitution is vested in President under Article 53(1) and in Governor under Article 154(1) but there is no provision which talks about the vesting of legislative and judiciary power in any organ. Thus, SOP is not rigid.
- Westminster form of government: where the minister is from among the legislators. In USA/ Australia, a legislative member cannot hold any executive post until he/she resign from legislature.
- There is no voting power to the president USA/Australian president in laws passed by the legislature. However, in India, head of the government (PM) and council of ministers forms major part of legislature voting.
- House of common people and senate is least influenced by US president compared with Indian PM who acts as leader of the house.
- Judicial members: post retirement, many judges are appointed for executive posts. Also, some posts like NHRC Chairman and so on is exclusively judicial members.
- Judicial activism: special powers conferred on supreme court under Article 136 and 142 dilute the rigidity in separation of powers. E.g. supreme court's judgement on highway liquor ban.
- Tribunals with some of them having the effect of supreme/High court. Tribunals being appointed by executive dilutes the SOP with executive encroaching upon judicial area with conflict of interest.
- Extra- ordinary situations and instruments: like the emergency provisions and ordinance route is not as a rigid to use as in USA or Australia.
- Legislature punitive powers: parliamentary privileges give the judicial power to them and thus diluting rigid SOP. USA strictly adhere to SOP and there is no punitive powers to legislature.

Conclusion

In the case-Indira Gandhi vs Raj Narain, the court held that In our Constitution the doctrine of separation of power has been accepted in a broader sense(not too rigid). Though not as rigid as in USA, the doctrine is broad enough to protect the liberty of the individual from the arbitrary rule and prevents the organs from usurping the essential functions of other organs.

22. How does lack of adequate number of forums for dispute resolution affect ease of doing business in India? Analyse. What measures can be taken to address this problem? Suggest.

Introduction

Economic survey 2016-17 gave a report on economic costs due to delays in dispute resolution which accounts as much as 5-6% of GDP. The delay, as world bank suggest is as much as 4-5 yrs causing serious lapses in ease of doing business. Pending commercial disputes in Indian courts have multiplied 123% between 2015 and 2017.

Body

Lack of forums:

Business involves several parameters which decides the ease of running it and inadequate forums for dispute resolutions in these would affect the business.

- A recent survey by FICCI enlisted bureaucratic delays, corruption, tax terrorism (e.g. angel tax) act as major hurdle for start-ups. However, there is still no dedicated dispute resolution forum for start-ups. Because of this, venture and angel investors are reluctant to invest in India and take to countries like Singapore, USA where there is a separate start up dispute resolution forum.
- Construction permit: a multiplicity of forums can be seen and there is a lack of coordination among them. A single dispute resolution forum to look into the applications of permits is missing. This causes delays in starting business making India unattractive for investors.
- Property registration: due to inadequate property record details in digital form brings dispute and a pan India land dispute resolution forum is absent. This causes cost and time overrun for business and hence causes constraint in ease of doing business.
- Paying taxes: up until recently, there were multiple indirect taxes causing litigations with very few tax dispute resolution forums to adjudicate the same. This caused judicial delays and caused a form of tax terrorism.
- Trade across borders: A mutually consensual trade dispute resolution forum is absent with many of our neighbors. This let trade dispute in international

forums like WTO and affects Indian credibility in international markets. This affects business investment and rising public shares (domestic and foreign).

- Enforcing contracts: Instead of a separate dispute resolution forum, most of the cases is pending with High court or supreme court. This creates uncertainty in Indian economy and adversely affects investors.
- Insolvency resolution: only recently IBC was passed. Before that, the successful arbitration was less. Also, the teething problems of industries seen as failure and stopping credit is de-motivating for any investors.

Measures that can be taken:

- Arbitration mechanism promotion: like the recent passage of New Delhi International Arbitration Centre Bil etc.,
- Real estate Regulation authority: as adjudication authority in construction permit, property registration within a municipal area etc.,
- Judiciary must only look into the political philosophy and constitutionality without entertaining appeals involving technical nature.
- Bilateral and multilateral investment treaties to prevent or handle the cross-border trade disputes. A multilateral dispute resolution body can be established.
- Digitisation: use of IT brings in efficiency, speedy permit grants, avoids physical contact of authorities avoiding corruption and thus bringing down the number of disputes.
- Penalise litigation culture: government must try to discourage parties wanting to opt for the litigation process by making the litigation process more expensive than ADR. This would prompt parties to approach ADR institutes as the first mode or step of conflict resolution.

Conclusion

Thus, a healthy environment for ease of doing business involve an optimal number of dispute resolution forums. A well-established Alternative Dispute Resolution is a prerequisite as well. Even the Urjit patel committee suggested to rationalize the number of forums and bring reforms in National litigation policy. With above measure, the aim of ease of doing business ranking can be achieved.

23. What advantages do administrative tribunals bring into the legal ecosystem of the country? Is there a need to rationalise the administrative tribunals in India? Critically examine.

Introduction

Tribunal is an administrative body established on the recommendation of The Swaran Singh Committee under Part XIV-A of the Indian Constitution for the purpose of discharging quasi-judicial duties. Tribunals relieve the burden of judiciary and provide quick and speedy justice.

Body

Tribunals are not Courts because Courts are governed by strict procedure defined in Code of Criminal Procedure CrPC, Indian Penal Code IPC and the Indian Evidence Act whereas tribunals are driven by the principles of natural justice. The Administrative Tribunals have been established to overcome the major lacuna present in the Justice delivery system in the light of the legal maxim *Lex dilationes semper exhorret* which means 'The law always abhors delays'.

Advantages of Administrative tribunals:
- **Accessibility**
- Administrative adjudication is more convenient and accessible to individuals compared to ordinary courts.
- Administrative justice ensures cheap and quick justice.
- Its procedures are simple and can be easily understood by a layman.
- **Flexibility**
  - The process of adjudication in administrative agencies is flexible and informal compared to the rigid, stringent and much elaborated ordinary court procedures, as it follows principles of natural justice.
- **Expediency**
  - administrative agencies are better than ordinary courts in disposing cases timely.
- **Expertise**
  - Administrative tribunals are filled by a panel of persons vested with special skill and expertise related to the complicated dispute they adjudicate.
  - Whereas ordinary court judges are generalists in law and lack such expertise knowledge on the needs of the administration in this technologically advanced world.
- **Relief to Courts**
  - The system also gives the much-needed relief to ordinary courts of law, which are already overburdened with numerous suits
- **Adequate Justice**
  - In the fast changing world of today, administrative tribunals are the most appropriated means of administrative action, and also the most effective means of giving fair justice to the individuals.
  - Lawyers, who are more concerned about aspects of law, find it difficult to adequately assess the needs of the modern welfare society.

Need to rationalize Administrative Tribunals
Limitations
- Government interference in appointing the heads and members of tribunal.

- Administrative adjudication is a negation of Rule of Law.
- Lack of power to enforce the decree.
- Lack of infrastructure and man power.
- A person can again appeal in the court against the decision of the Quasi-Judicial body. This fades away the advantage of cost and time provided by the Quasi-Judicial body.
- Most of the tribunals do not enjoy the same amount of independence of the Executive as do the Courts and the judges.
- The civil and criminal courts have a uniform pattern of administering justice. A uniform code of procedure in administrative adjudication is not there.
- At times they adopt summary procedures to deal with cases coming before them.

Way Forward and solutions

- Qualifications: In Union of India vs. R. Gandhi (2010), the Supreme Court looked said that when the existing jurisdiction of a court is transferred to a tribunal, its members should be persons of a rank, capacity and status as nearly as possible equal to the rank, status and capacity of the court. Establishing a uniform procedure to elect the heads of tribunal eg the way the chairman of NHRC is appointed by President, the same can be implemented over here.
- Independence: The administrative support for all Tribunals should be from the Ministry of Law & Justice. Neither the Tribunals nor its members shall seek or be provided with facilities from the respective sponsoring or parent Ministries or concerned Department.
- Finance: Providing administrative and financial autonomy in order to dispense justice fairly.
- Structure: Rationalizing of tribunal by merger which helps in removing structural complexities.
- Penalty for non-compliance: Establishing a uniform code of punishment, if the orders of tribunal are not implemented by any agency.
- Power-Tribunals themselves are better positioned to gauge their own administrative requirements. Therefore providing power to tribunals to create or sanction posts.

Conclusion

Tribunals are very important for maintaining a healthy justice delivery ecosystem in the country. Tribunals created for various fields have met with some amount of success, but in order to make them receptive to dynamic world functional & financial autonomy needed to imparted to them. This will help them dispensing justice in a timely and effective manner.

24. There needs to be a change in the perspective with which arbitration is viewed in India. It has to be viewed as the priority rather than playing second fiddle to Indian court litigation work. Elaborate.

Introduction

Prior to the amendment of the Indian Arbitration and Conciliation Act 1996, India's journey towards becoming an international commercial hub was hampered by a largely ineffective Act and an arbitration regime that was afflicted with various problems including those of high costs and delays. To address these issues, the Indian Government promulgated the Arbitration and Conciliation (Amendment) Bill 2019, to make arbitration a preferred mode for settlement of commercial disputes by making arbitration more user-friendly and cost effective.

Body

There needs to be a change in the perspective with which arbitration is viewed in India

Although, most of the amendments to the Act have been welcomed by the arbitration community for their potential in increasing the fairness, speed and economy with which disputes are resolved by arbitration in India, two amendments in particular may end up being counterproductive.

Reducing Delays

- One of the main amendments to the Act was the introduction of Section 29A, which was intended to reduce delays and the protracted timelines in Indian arbitrations through the imposition of strict timelines on the arbitral proceedings and the minimisation of court interference.

- Section 29A provides that the arbitral tribunal must enter the award within 12 months from the date the tribunal entered reference with the option to extend the time period by a further 6 months with the mutual consent of all parties. However, after the expiry of that 18-month period, parties seeking a further extension would have to apply to the Indian courts, which may grant such an extension on such terms and conditions as it may impose if it finds that there is sufficient cause.

- However, although this amendment appears to, on its face, address the issue of protracted timelines in Indian arbitrations, further analysis shows that the process may be intrinsically flawed.

  ▪ First, the arbitration cases come in a wide array of all shapes and sizes and setting a common timelines for all arbitrations ignores the vast range of variance in issues that may arise in arbitration. Further, given the intention to minimise court interference, requiring court approval for a further extension of time represents a step backwards in promoting the efficient disposal of arbitration cases by increasing, rather than

decreasing, court involvement in on-going arbitrations and considering the already overburdened Indian court schedules, this amendment may end up prolonging protracted Indian arbitration timelines.

Appointment of Arbitrators by the Courts

- The Bill permits parties to appoint arbitrators. If they are unable to appoint arbitrators within 30 days, the matter is referred to the court to make such appointments. The Bill states that, at this stage, the Court must confine itself to the examination of the existence of a valid arbitration agreement. Section 11(14) provides that "for the purpose of determination of fees of the arbitral tribunal and the manner of its payment to the arbitral tribunal, the High Court may frame rules as may be necessary, after taking into consideration the rates specified in the fourth schedule

- However, the flaws and ambiguities of Section 11(14) and the Fourth Schedule are worth noting.

  - First, the model fees in the Fourth Schedule only vary according to the sum in dispute. Often, in practice, it can be very difficult to quantify the 'sum in dispute'. Further, even if the amounts claimed can be quantified, the question of whether the 'sum in dispute' relates only to the amount claimed by the Claimant or whether it will also include the amount counter-claimed by the Respondent is left open.

  - Second, the extent of the application of the Fourth Schedule is ambiguous. It is unclear whether the Fourth Schedule applies to (i) all arbitrations in India, (ii) all arbitrations initiated under Section 11, or (iii) all arbitrations initiated under Section 11 except fast-track arbitrations by a sole arbitrator under Section 29B.

  - Finally, there is potential for the new Section 11(14) to be misused in ad hoc arbitrations. A party or parties to an arbitration agreement may intentionally fail to follow the relevant appointment procedure or to agree to on an arbitrator in order to take advantage of the Fourth Schedule fee structure, which may be significantly lower than the fee quotes by ad hoc arbitrators. Unfortunately, this also has the unintended effect of increasing judicial interference.

A change in the very culture of Indian arbitration is required.

- For one, there needs to be a change in the perspective with which arbitration is viewed. The pool of Indian legal practitioners who specialize in the practice of arbitration has to grow, with arbitration viewed as the priority rather than playing second fiddle to Indian court litigation work.

- And the pool of arbitrators needs to grow as well. Unfortunately, the tendency to appoint retired Indian judges as arbitrators is also stifling the growth of

arbitration as a dispute resolution mechanism in India. What is needed is the growth of a community of arbitrators unfettered by the traditions of the Indian courts and focused on growing arbitration in its own right.

- The final, and most important, change needed is the minimization of judicial interference. ONGC v Saw Pipes has demonstrated how judicial interference in the arbitration process can take root when there is even the slightest ambiguity in arbitration law, with the interference being of such magnitude that legislative change is necessary to remedy it. Unfortunately, as shown above, even the recent amendments to the Act are riddled with many such ambiguities thereby providing the opportunity for further judicial interference.

Conclusion

The amendments to the Act, though laudable, are only a first step towards making arbitration the preferred mode of dispute resolution in India. It must be acknowledged that increased efficiency in arbitration is unlikely to come solely from the imposition of top-down legislative change, especially one that is as inherently flawed. It is only when the Indian arbitration culture has changed and these persisting problems have been addressed that arbitration will finally become the preferred mode of dispute resolution in India.

25. Compare and contrast the evolution and broad features of the Indian and the South African constitutions.

Introduction

A constitution is an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity, organization or other type of entity, and commonly determine how that entity is to be governed. In this context Indian and South African constitutions have some contrasts and similarities in their evolution and features.

Body

Evolution of Indian and South African constitution
Comparison
1. Both Indian and South African constitution evolved through a long struggle against colonialism and imperialism.
2. While drafting constitution both countries closely observed constitutions of other countries and made their own constitutions as the best in the world. In both Constitution, every citizen has got equal rights and equal opportunities.

Contrasts
1. **The South Africa Act of 1909 and Government of India act of 1935:** The period 1909 to 1910 covers the independence period and is essentially the genesis of the constitutional development of South Africa. This period was

characterized by the enactment of the South Africa Act by the British Parliament, establishing an independent Union of South Africa comprising the territories of Cape Colony, Orange Free State, Natal and Transvaal. In reality, this was South Africa's Independence constitution. On the other hand, Government of India act 1935, stressed on Establishment of a Federation of India (which never came into force though)

2. **Voting rights:** India gave voting rights to limited number of people before Independence by Government of India act 1919, on the other hand South African constitution gave voting rights to its citizens after its independence.

3. **The establishment of a Federal Court:** India Established Its Federal Court by Government of India Act, 1935. On the other hand South African Federal court is established by Interim constitution of 1993.

Features of Indian and South African Constitutions

Indian Constitution was framed in 1949 and we borrowed the feature of Constitutional Amendment from South Africa. Though South African Constitution, framed in 1996 against backdrop of Apartheid and civil war like conditions, does NOT have any exclusive Fundamental Rights like Indian, but there are many similarities and differences between the two.

Comparison

1. Both Countries Constitution's "Preamble" starts with wordings "We the People", meaning People are Sovereign and constitution draws its authority from the People of the nation.

2. Both Fundamental Rights and Bill of Rights form the bedrock of the constitution and democracy under the Indian and SA Constitutions respectively. Just as the Fundamental Rights under Indian Constitution, the Bill of Rights under the SA Constitution are available against the State. In fact some limited rights under both Constitutions are available against private citizens also. Neither the Fundamental Rights nor Bill of Rights are absolute both are subject to reasonable restrictions and limitations.

3. Both allow certain degree of freedom to the State to work for upliftment of the marginalized and downtrodden.

4. Like the constitution of South Africa certain articles of Indian constitution are amended by two-thirds majority of parliament.

Contrasts

1. Right to vote which finds a place in the Bill of Rights is only a statutory/legal right in India i.e., it does not have the status of a Fundamental Rights.

2. Right to property, which finds a place in the Bill of Rights was removed from Part III of the Constitution by the 44nd Constitutional Amendment and has been placed under Art 300A thereby reducing its status to that of a legal right.

3. Right to information, which is included in Bill of Rights is only a statutory right in India.

Conclusion

While making the Constitution, the South African Constitutional Experts forgot about their past where there were clashes between Whites and Blacks. They only thought about the situation where both the Whites and the Blacks lived together with harmony. Whereas while making the Indian Constitution, Indian leaders thoroughly studied Constitutions of various countries of the world and then drafted the Indian Constitution. Our Constitution is truly based on the Principles of Secularism and equality between all religions.

26. Examine the significance of parliamentary debates in a representative democracy like India. Would you agree that the standards of Indian Parliament as the temple of democracy has declined in the recent years? Critically examine.

Introduction

As an institution, Parliament is central to the very idea of democracy and was assigned a pivotal role in our Constitution by the founding fathers of the republic. Parliament is responsible for legislation—laws of the land—by which people govern themselves. It must ensure accountability of governments—on policies or actions—to the people. It should engage in discourse and debate on issues that concern the nation and the citizens.

Body

Significance of parliamentary debates

- These debates provide a forum for MPs to express their opinions and concerns, and contribute towards making policy.
- It allows parliamentarians to voice the interest of the people of their constituencies.
- Scrutinising, overseeing and holding government accountable: one of parliament's main roles is to examine, check and challenge the work of government through questioning Ministers and debating over it.
- Better policy formulation.
- Diverse views.
- Assist in informed decision making.

Indian Parliament as the temple of democracy has declined in the recent years

There are three designated roles for Parliament in a democracy. It is responsible for legislation—laws of the land—by which people govern themselves. It must ensure accountability of governments—on policies or actions—to the people. It should engage in discourse and debate on issues that concern the nation and the citizens.

- There are mainly two reasons for this decline. Parliament does not meet or work long enough. And there are institutional constraints on its performance while working.

Total hours of work done by Lok Sabha

Note: *Term less than 5 years; ** 6-year term
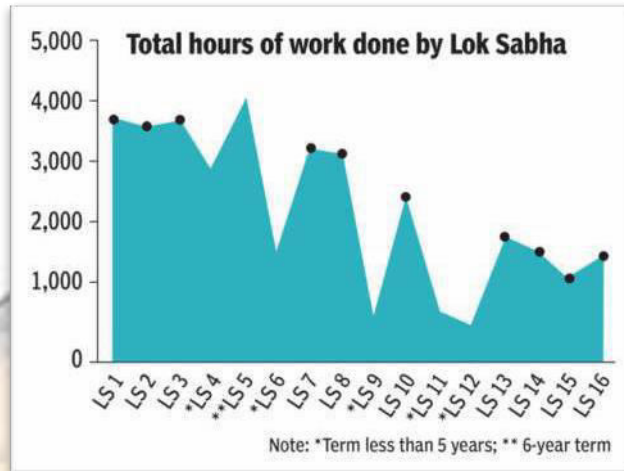
- Incomes and assets apart, the criminalization of politics is a reality. ADR, Association for Democratic Reforms, reports that 34% of the MPs in the 2014 Lok Sabha faced criminal charges, as compared with 30% in 2009 and 24% in 2004.

- There are institutional constraints on the performance of MPs as well. The allocation of time for MPs to speak is proportional to the strength of their political party in the house and its leadership decides who gets to speak and for how long. The speaker of the Lok Sabha or the chairman of the Rajya Sabha have little discretion in the matter. The only other opportunities for MPs are during question hour or zero hour.In zero hour, the speaker or the chairman have the discretion to invite an MP to speak, but time is too little and speeches are often drowned out in pandemonium

- In India, the anti-defection law stipulates that a three-line whip can be violated only if more than one-third of a party's MPs do so. This is the unintended consequence of a law that might have mitigated one problem but created another, which is emasculating our Parliament as an institution.

- The excruciatingly slow process of legislating big policy decisions, with months and even years of acrimonious stalemate in parliament, interspersed by the all too rare breakthrough. This has led to two consequences. First, it leaves the government of the day scrambling to eke out executive decisions that will not require parliament's sanction. And More importantly, it creates a vacuum in governance that has increasingly been filled by an activist judiciary.

- Even the Supreme Court has felt compelled to get involved in such micromanagement as stipulating measures for garbage disposal and cleanliness in housing colonies; settling parking rates and restricting the use of loudspeakers and firecrackers during festivals.

- This forfeiture of what is rightfully the role of the legislature disturbs the balance of powers between it and the other pillars of the constitution. It is thus no surprise that many have begun to wonder aloud about the relevance of parliament.

Conclusion

The founding fathers of Indian Constitution adopted Parliamentary system of government by considering the fact that it will be more suitable to India's pluralism and heterogeneity character. But at present healthy debate and discussions, the hall mark of Parliamentary democracy, was overshadowed by disruption, confrontation, forced adjournment of the houses and adopting other non-democratic alternatives.

In order to restore the values of Parliamentary democracy it is essential as well as urgent to concentrate on the following measures:

- Devoting most of the time for quality debates and discussions,
- falling attendance in the Parliament should be controlled,
- Members should shun their party affiliation while dealing with issues affecting the common man and the nation,
- Strict enforcement of Code of Conduct for people's representatives.

In order to keep the values of our parliamentary democracy we should elect only morally trained representatives; and the members of the Parliament and State Assemblies should set themselves as an example for the public, especially the youth.

27. What is the role and mandate of the Foreign Affairs Committee of the Parliament? Recently the government decided to end the tradition of opposition party chairing the committee. What are your views on this?

Introduction

The Standing Committee on External Affairs/Foreign Affairs is one of the Departmentally Related Standing Committees, which has been constituted to examine matters pertaining to the Ministry of External Affairs and the institutions/organizations failing under its purview.

Body

Role and mandate of the Foreign Affairs Committee

As per Rules of Procedure and Conduct of Business in Lok Sabha, the activities being performed by the Standing Committee on External Affairs are:

- Examination of Demands for Grants of the Ministry of External Affairs and the Ministry of Overseas Indian Affairs and make reports thereon.

- Examination of such bills pertaining to both the above Ministries that are referred to the Committee by the Chairman, Rajya Sabha or the Speaker as the case may be and make a report thereon.

- Consideration of Annual reports of both the Ministries and make reports thereon.

- Consideration of national basic long-term policy documents presented to the Houses, if referred to the Committee by the Chairman Rajya Sabha or the Speaker, as the case may be, and makes reports thereon.

- In addition to this, the committee also meets with visiting foreign delegations from various countries from time to time.

Implications of the government decision to end the tradition of opposition party chairing the committee

Parliamentary committee of Foreign Affairs draws its authority from Article 105 (on privileges of Parliament members) and Article 118 (on Parliament's authority to make rules for regulating its procedure and conduct of business). Committee reports are usually exhaustive and provide authentic information on matters related to governance. Bills that are referred to committee is returned to the House with significant value addition. Parliament is not bound by the recommendations of committees.

External affairs committee, much like the Public Accounts Committee, is conventionally headed by an MP from the main opposition. Recently the government decided to end the tradition of opposition party chairing the committee. Implications of this move may involve

- Parliamentary Committees comprising members across party lines from both the Houses. They can call for and examine witnesses, look into the minutiae of an issue, and give detailed recommendations, but most important, they allow a member to speak her mind on an issue without the need to toe the party line. This helps build consensus to resolve deadlocks in legislation. The outcome is usually a report tabled in Parliament having "persuasive" or "advisory" value. This move may affect to build consensus to resolve deadlock in legislation

- A Parliamentary committee not only examines each provision within the Bill extensively, giving each member multiples opportunities to present her detailed views and amendments, but also acts as a check on poorly drafted provisions within legislation which is hurriedly passed through a House. Additionally, given the bipartisan nature of such committees, the government all but co-opts the Opposition from opposing the Bill once the report has been tabled. This move may not provide opportunity to express views of the Opposition Parties.

- When a government lacks the numbers in a House to pass the contentious bill, the committee process helps bring on board support which it would otherwise lack. But where a government has adequate numbers to push through legislation, it might view the committee as superfluous at best, and, perhaps, even a disadvantage, as it allows the Opposition to get its dissent

noted on record. This move may lead bypassing the views of opposition in the committee which may inimical to parliamentary democracy.

Conclusion

It's believed that Indian polity has been able to sustain its democratic nature because of the constant scrutinizing by opposition parties. A party might not be able to form the government at the center because of the lack of majority, but that doesn't take away the responsibility of acting as a watchdog of the ruling party. When it comes to questioning the government and preventing them from taking negative strides, parliament is the most suitable platform for the opposition to leverage.

28. Why are political defections a threat to democratic political processes? Are there constitutional and legal safeguards against political defections? Examine.

Introduction

Political defection refers to, elected representative giving up allegiance to one political party in exchange for allegiance to another, in a way which is considered illegitimate by the first party. Defection politics in India started after Fourth General Elections held in 1967 and thereafter it continued to draw serious attention of the people. The political instability contributed by large scale political defection was in fact a threat to democracy which many a time reduced the concept of democracy to a mockery.

Body

Political defections a threat to democratic political processes

- **It creates political instability**

- In 1990, the V.P Singh Government was abruptly ended because 28 members of the ruling Janata Dal party were expelled by the party and later joined the Janata Dal(S) headed by Chandra Shekhar.

- There were instances where minority governments absorbed splinter groups into the ambit of the party and transformed into majority governments.

- Ministerial positions if they undertook defection.

- Betraying the trust of the electorate

- Leads to erosion of faith in the mechanism of elections.

Constitutional and legal safeguards against political defections

The constitutional provisions alluding to the consequences of disqualification are Articles 102 and 191 of the Constitution. These Articles states that the person shall be disqualified from being a member of the Legislature if he is so disqualified under the Tenth Schedule.

The Tenth Schedule was inserted in the Constitution in 1985 by the *52nd Amendment Act*. It lays down the process by which legislators may be disqualified on grounds of defection by the Presiding Officer of a legislature.

Grounds for Disqualification

If a member of a house

- Voluntarily gives up the membership of his political party
- Votes against party whip.
- If an independent candidate joins a political party after the election.
- If a nominated member joins a party six months after he becomes a member of the legislature.

The law allows a party to merge with or into another party provided that at least two-thirds of its legislators are in favour of the merger.

The Tenth Schedule to the Constitution was challenged before the Supreme Court in the **Kihoto Hollohan case**. The main challenge to the Tenth Schedule was on grounds of violation of the free speech right of legislators guaranteed under Articles 105 and 194 of the Constitution.

The Constitution Bench, by a majority judgment, held that legislators' freedom of speech can be reasonably curtailed for the larger interest of the nation. The legislators, who fought and won elections on the basis of the programmes and policies of the political party, are not supposed to do floor crossing midway through the term of the government.

Conclusion

The fundamental premise of democracy is the protection of the wishes of the people. But at the same time, political stability is essential for the progress of the country and its march forward. The loyalty of the legislators is not first to the party that fielded them, but to the electorate of the constituency that elected them.

29. Not many private members bills have been passed in the history of the Indian Parliament. What does this suggest? Do individual voices get stifled by a majoritarian discourse? Critically examine.

Introduction

Any MP who is not a Minister is referred to as a private member. Both Ministers and private members contribute to the lawmaking process. Bills introduced by Ministers are referred to as government bills. Private member's bills are piloted by non-Minister MPs. Only 14 private member bills have become laws since the first Lok Sabha in 1952, and none in nearly five decades.

Body

- The purpose of Private member's bills is to draw the government's attention to what individual MPs see as issues and gaps in the existing legal framework, which require legislative intervention.
- The admissibility of a private member's Bill is decided by the speaker of the house. Private member's Bills can be introduced and discussed only on Fridays. Private member's Bills have been introduced and discussed in Rajya Sabha on 20 days in the last three years.
- Only a fraction of private member's bills that are introduced, are taken up for discussion. Upon conclusion of the discussion, the Member piloting the Bill can either withdraw it on the request of the Minister concerned, or he/she may choose to press ahead with its passage.
- The last time a private member's Bill was passed by both Houses was in 1970. This was the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968. Fourteen private member's Bills — five of which were introduced in Rajya Sabha — have become law so far.
- However, it isn't just the passage of private member bills that has a dismal record. The discussion of such bills since 1999 — when 13th Lok Sabha (data prior to that not available) was formed — has an equally dim record. Of the total of 2,042 such bills introduced in the past two decades, only 49 were taken up for discussion — a mere 2.4 per cent.

Such a dismal record with regards to an important tool of parliamentary functioning can suggest the following:

- Governments have tended to view Private Member Bill's as an intrusion by non-Ministers into their domain.
- A perception also seems to have been built that the passage of such a Bill would mean that the government is incompetent and far removed from the needs of the people.
- Without support from the ruling party of the alliance, that command majority, it becomes impossible to pass the bill, especially in the Lok Sabha.
- Earlier governments often displayed features of bipartisanship, with the Cabinet Ministers themselves holding opposing views. This resulted in healthy debates and respect towards viewpoints held by others and therefore, a greater acceptance of Private Member legislation. Subsequent governments have not upheld this trait as much, and this shows in the way Private Member Bill's are treated.

- While any MP can introduce a private member bill, it is difficult to get the bill passed for a number of reasons. These bills get low priority, with both Houses allotting a fixed day and limited time slot for these bills, thus providing little time for them to be taken up for discussion.

The individual voice of Parliamentarians does get stifled to an extent in the lawmaking process due to factors like Anti-defection law, presence of whip and difficulty in the passing of private member's bill. But there have been incidences of bipartisan support to the private member bills(PMB's).

- PMBs were designed to empower MPs to bring attention to issues that were willingly or unwillingly ignored by the party at the helm. Mr. Tiruchi Siva's PMB on the rights of transgender people is another great example. These Bills speak volumes of the significance of PMBs in a democracy.

PILOTED BY PRIVATE MEMBERS

26TH AMENDMENT, which abolished privy purses in 1971, was catalysed by the private member's legislation piloted by Rajya Sabha MPs Bhupesh Gupta (CPI), Jogesh Chandra Chatterjee (Congress), Chitta Basu (Forward Bloc), Banka Behary Das (Praja Socialist Party).

61ST AMENDMENT, which reduced the voting age from 21 to 18, was seeded by private member's legislation by Bhupesh Gupta (CPI), Shiva Chandra Jha (BJP), Satya Prakash Malaviya (Janta Dal).

- An unofficial convention where, if a PMB finds support in the House, the Government usually requests the Private Member to withdraw her/ his Bill with the assurance that the Government will introduce a Bill on the same issue. Most recently, this happened in the case of The Rights of Transgender Persons Bill
- Furthermore, bringing in private member's bill on a particular topic effectively leads to discussion in the public domain with regards to it and helps in promotion of healthy democratic culture of sharing of views to arrive at consensus.
- Various countries across the world effectively empower their Private Members and respect their initiative in the lawmaking process. For instance, in the UK, since 1948, as many as 775 Private Members' Bills have received Royal Assent and the Canadian Parliament has passed 290 Private Members' Bills till date.

Conclusion

India's lawmaking process appears to be broken due to a distorted balance of power between the government and other Members of Parliament, including the opposition. In this regard, it is the collective responsibility of enlightened citizenry to put pressure on the Parliament and the government to reform the existing procedures to recognise the importance of Private Members inside Parliament.

30. In the light of the changing parliamentary dynamics, the role of the Speaker must be reassessed and recalibrated to make parliamentary proceedings

more effective and efficient. Comment.

Introduction

The office of the Speaker is a Constitutional Office. The Speaker is guided by the constitutional provisions and the Rules of Procedure and Conduct of Business in Lok Sabha. With the parliament seeing several disruptions, the role of speaker becomes vital for the productive functioning of parliament.

Body

Changing parliamentary dynamics:

The majority government and the way of opposition working in the parliament has been a cause of concern for the reasons like

- Committee scrutiny: The bills are not being referred to the parliamentary standing committees. E.g. the latest budget session passed around 30 bills without complete committee scrutiny.
- Ensuring discipline in the House: Falling productivity of parliamentary sessions. It is the speaker responsible maintaining discipline and decorum of Lok Sabha. E.g.
- In 2015, 1/3rd of bills in budget session is passed in 2-3 hrs.
- 2016 winter session was a washout due to disruptions etc.,
- As per Association of democratic reforms, the 15th Lok Sabha has been the most unproductive House since independence owing to the disruptions and lack of discipline among the elected representatives. The Speaker is empowered to initiate disciplinary action against the disrupting MPs, but had failed to do so.
- Misuse of 'Money Bill' power: Allegations of bills passed as money bills which is certified by speaker. E.g.
- Aadhar bill passed as money bill which was challenged in supreme court.
- Recently, in the budget session the government had included amendments to the RBI Act in a Finance Bill so as to circumvent the 'obstructionism' of Rajya Sabha, where the government is not in a majority.
- Defection: The power to disqualify legislators under 10th schedule and the incidents of defection on several instances.
- Conferring Leader of Opposition of Lok Sabha: No Leader of opposition in Lok Sabha was elected in the last 2 terms which is the prerogative of speaker.
- Breach of privilege moved against the prime minister and it is the speaker who is the first level of scrutiny.

Reassessment and Recalibration of speaker role:

Speaker is the epitome of impartiality and regarded to be the true guardian of the traditions of parliamentary democracy. Hence, the speaker elected should be impartial and apolitical.

- The speaker can be barred from future political office or to be fielded as an independent candidate (except for post like president/Vice president).
- The speaker of India remains to be a member of political party even after elected as speaker. This can be reformed as in UK so that after election as the Speaker of Lok Sabha, he/she resign from the political party. This will help the speaker to be objective in deciding the defection cases, privilege motions in the house.
- The speaker can be elected from the opposition party as was experimented in 1996.
- In critical decisions like disqualification for defection, president can be made the determining authority with inputs from the Election Commission than the speaker.
- As in case of Ireland or in UK, it is observed 'once a speaker is always a speaker'. A speaker is not inducted into the cabinet in future. Offering future rewards for performance of speaker make the position a spoils post and makes it political. The same has to be followed in Indian parliament as well.
- There must be clearly marked role for speaker vis-à-vis the bills that is sent to the committee scrutiny. He should be accountable for any deviations with respect to the same. In the same lines, the role of certifying money bill by the speaker becomes imperative and there is a need for reassessment in this role with an additional level of expert scrutiny.
- The need for reelection skews incentives for the speaker. This can be reformed as in UK where the constituency of the speaker is uncontested.
- If the speaker has worked in an impartial and efficient manner during the tenure of his/her office, he/she should be allowed to continue in the next parliament.

Conclusion

Supreme court in BP Singhal case said that "Governor is the constitutional head of the state. He is not an employee or an agent of the Union government nor a part of any political team". The same applies to speaker as well. A set of reforms as suggested above will help in smooth, fair and unbiased functioning of the office.

31. What are the functions of the Prime Minister's Office (PMO) in India? Has its role undergone a transformation in the recent years? Critically assess.

Introduction

- The PMO is a staff agency meant for providing secretarial assistance and crucial advice to the Prime Minister.
- The PMO enjoys the status of a department of the Government of India under the Allocation of Business Rules, 1961. It has no attached and subordinate office under it.

Body

Functions

- Acting as the 'think-tank' of the Prime Minister.
- Faster decision making: It helps in faster decision making as it involves experienced and powerful decision makers. Assisting the Prime Minister in respect of his overall responsibilities as head of the government like Maintaining liaison with central ministries/departments and the state governments.
- It acts as the residual legatee of the Central Government, that is, it deals with all such subjects which are not allotted to any ministry/department. Certain functions like RAW, CBI, ISRO etc. report directly to them and they need to be kept out of politics of the day.
- It is not concerned with the responsibilities of Prime Minister as the chairman of the Union Cabinet.
- Specialists: Certain function needs specialists and also needs to be done away from public eyes for greater good. Ex: Pokhran-II, External intelligence etc.

Transformation or Evolution of PMO

The PMO came into existence in 1947 by replacing the Secretary to the Governor-General (Personal). Till June 1977, it was called as the Prime Minister's Secretariat (PMS). The evolution of PMO has a distinct stamp of incumbent prime ministers:

- During Nehru's period, secretariat was a low key affair manned by officer of the rank of joint secretary. Cabinet secretariat was the apex body in that era.
- Lal Bahadur shastri enlarged the role. And first time the body become to be known as prime ministers secretariat, manned by senior IAS officer of country. Still, the decision making power was comparatively lesser than cabinet secretariat
- The post of Principal Secretary to Prime Minister was created during the tenure of Indira Gandhi as Prime Minister.
- In 1977 Prime Minister Morarji Desai renamed the Prime Minister's Secretariat as the Prime Minister's Office. He also circumscribed its roles and functions significantly.

- In Rajiv Gandhi era it expanded qualitatively and quantitatively. It took keen interest in technology and in the field of science.
- Subsequently during the tenure of Prime Minister P.V. Narasimha Rao between 1991 and 1996, the Prime Minister's Office played a crucial role in reshaping economic policies in response to the balance of payments crisis of 1991.
- During the period of Vajpayee It was by any reckoning an active PMO in the triple area of economy, foreign policy and security framework.
- After a subdued tenure under last PM Manmohan Singh, it has again gained its vigor under the incumbent prime minister Narendra Modi.

Now PMO has become a necessity in last two decades due to:-

- Governance has increased in its complexity and scope.
- The international situation is more complicated.

PMO is the nerve centre of power. This office is the mirror to the incumbent's character, personality and style of functioning. Like in current government, PMO is more powerful due to influence of PM over political party internally, full majority in the lower house and dominating personality characteristics.

Since, Independence, there has been tussle between PMO and Cabinet secretariat for being the apex bureaucratic organization of country. Some critics call PMO as supra cabinet, micro cabinet, government of government etc.

Conclusion

A centralizing and powerful PMO is a hindrance to collective responsibility, against parliamentary ethos and democratic set-up of executive but a weak PMO might lead to anarchy, policy paralysis and inefficiency.

32. Do you agree with the assertion that the reporting hierarchy of investigation and intelligence agencies (e.g. CBI, IB, RAW, IT Department etc.) creates a platform for political vendetta? Critically comment.

Introduction

A ruling party misusing the investigating and intelligence machinery to selectively target their political opponents, by foisting cases against them is called as political vendetta.

Body

Reporting hierarchy of investigation and intelligence agencies don't create a platform for political vendetta.

- **Criminalization of Politics:** Criminalization of politics was never an unknown phenomenon in the Indian political system. The people with Criminal background are entering the parliament; one of the main objectives of investigating and intelligence agencies of India is to minimize criminalization and corruption. In the process when these agencies arresting a person seems political vendetta working behind these agencies.
- **Autonomy in decision making:** Most of the investigating and intelligence agencies in India have autonomy in investigating major criminal, corruption cases. These agencies work according to their code of conduct and not according political motives of the government or any political party. This shows that there is no platform for political vendetta.

Reporting hierarchy of investigation and intelligence agencies create a platform for political vendetta.

- Honorable Supreme Court of India pointed that the Central Bureau of Investigation (CBI) needs to be more independent when investigating high profile cases of graft, as the current administrative structure, with an overarching Executive, hampers the agency from doing its job. Dependence of investigating agencies on government order to conduct investigation of major criminal, corruption cases paves the way for Political vendetta.
- The ruling government has often been accused even by the judiciary of appointing higher rank officials including the director of shared political ideologies in these agencies creates platform for political vendetta.
- NIA had assumed jurisdiction over a Scheduled Offence even suo moto whereas the areas of policing and public order lie within the exclusive legislative competence of the States. The amendments to NIA act, 2008 provide sweeping powers to the police officers of NIA which can be misused for political vendetta.

Conclusion

Despite of the differences Investigating and intelligence agencies in India are important to solve high level and complex corruption and criminal cases and they are locally tracking the cases on the field can surely be equally efficient when it comes down to fighting a criminological phenomenon which is not only in-eradicable in our societies, but which annually causes drastic budgetary losses.

33. Examine the contentious issues related to judicial postings and promotions. What are your views in this regard? Substantiate your views.

Introduction

An effective judiciary forms the bed rock of functional democracy. However many contentious issues related to judicial postings and promotions have been raised recently.

Body

Contentious issues related to judicial postings and promotions

- Collegium system – hampering transparency in judicial postings and promotions
- Conflict of Interest of Judges
- Corruption and favoritism in transfer and posting
- Vacancies and pendency due to inadequate postings
- Post retirement job taken by judges
- Poor gender representation in judiciary
- Political interference

My views in this regard

- Collegium system - NJAC bill was struck down by the Supreme Court. Collegium system has failed to fill the vacancies on time. Question against the quality of judges have also been raised.
- Judges must recuse themselves to avoid conflict of interest. Judiciary must bring itself under effective ambit of RTI act. Judges must declare their assets and relevant information proactively.
- Corruption and favoritism in transfer and posting as highlighted by justice Kehar in his report.

Judicial accountability bill 2010 can be passed and its provisions can be effectively implemented.

- National judicial oversight committee – a complain scrutiny panel
- Investigation committee
- Any person can complain to NJOC on ground of misbehavior.

Adoption of best practices

- Global measure of court performance – created by USA and Singapore.
- Denmark – special court of complaints has been empowered to hear complaints against judges.

Vacancies and pendency due to inadequate postings

- 3.5 crore cases pending in the judiciary (Economic survey).

Economic survey – to make Indian courts more productive

- Increase the number of working days by reducing holidays.
- Establishment of Indian courts and Tribunal services
- Use of technology like – e-courts; National judicial Data Grid

Post retirement job taken by judges – there must be a cooling off period as recommended by Justice Lodha

- India has token representation of women in higher levels of judiciary – presently there are three women judges in the Supreme Court – R Banumathi, Indu Malhotra and Indira Banerjee.
- Political interference – Justice HR Khanna was denied the post of CJI Justice Khanna due to his dissenting judgement during emergency. Maintenance of 'separation of power' is essential for independence of judiciary.

Conclusion

Judicial postings and promotions form the core of effective judiciary. Rule of law and justice in society is critically dependent on it. It must be done with transparency, accountability, efficiency.

34. What are the circumstances under which President's rule can be imposed in a state? Has the executive misused these provisions of late? Critically examine.

Introduction

President's rule refers to the suspension of state government and imposition of direct central government rule in a state. Article 356, which deals with president's rule, was adopted by the Constituent Assembly bearing in mind the abnormal conditions the country was passing through like communal riots, refugee influx, the Telangana armed rebellion and much else.

Body

Grounds for imposition of President's rule-

Article 356 states that President rule can be imposed in any state on grounds of failure of Constitutional Machinery, and failure is of two types:-

- If President on receipt of report by Governor of a State or otherwise is satisfied that a situation has arisen in which govt of that state can't be carried in accordance with the provisions of the Constitution then President Rule can be imposed.
- Article 365 states that every state shall comply with all directions given by Union on matters it empowers to do so. If any state fails to comply with directions of union then President Rule can be imposed.
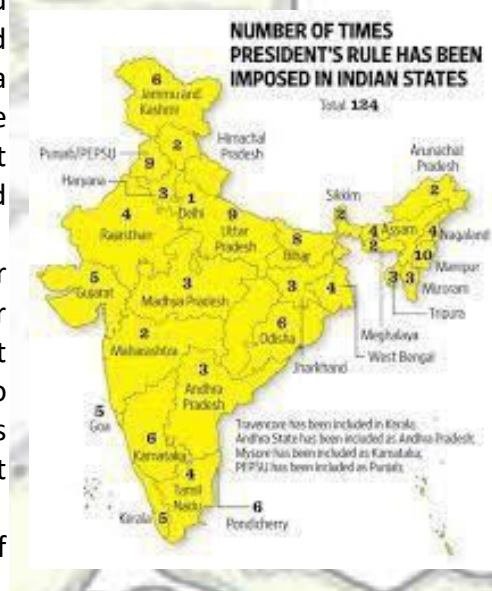
In practice, president's rule has been imposed under any one of the following different circumstances:

- A state legislature is unable to elect a leader as chief minister for a time prescribed by the Governor of that state.
- Breakdown of a coalition leading to the Chief minister having minority support in the house and the Chief minister fails/will definitely fail to prove otherwise, within a time prescribed by the Governor of that state.
- Loss of majority in the assembly due to a vote of no-confidence in the house.
- Elections postponed for unavoidable reasons like war, epidemic or natural disasters.
- Article 356 state that the president can invoke president rule in a state on the report of the governor if the state machinery/legislature fails to abide by constitutional norms.

If approved by both houses, president's rule can continue for 6 months. It can be extended for a maximum of 3 years with the approval of the Parliament done every 6 months. President's rule can be revoked at any time by the president and does not need the Parliament's approval.

Misuse of President's rule:

- Dr. Babasaheb Ambedkar had hoped that Article 356 would remain a "dead letter". A cursory glance at the data shows that this has been far from the truth. Sarkaria Commission notes that since independence, it has been used over 100 times.
- The discretionary power of Governor under Article 163 is one of the major reasons behind misuse of president rule in India because he/she has no binding to consult Council of Ministers while preparing and sending the report to President.
- It is one of the centralising provision of the Indian constitution and it is seen by many as a threat to the federal state system.
- 1970s and 80s will be remembered for the most spiteful use of Article 356. From the year 1971 to 1984, it was used 59 times with maximum being used in the period 1977-79 during which Morai Desai government ruled.
- The frequency of using Article 356 has been greatly reduced since the mid-1990s despite an increasingly higher number of states being ruled by parties other than that in the central government.
- The mid-1990s was marked by the rise of regional parties which also rejuvenated other institutional safeguards - the courts and the President - against arbitrary imposition of Article 356.
- In 1994, the Supreme Court delivered the landmark SR Bommai judgment where the Court discussed at length provisions of Article 356 and related

issues. This case had a huge impact on Centre-State Relations. The misuse of Article 356 reduced after this judgment.

- But recent times have seen an increase in the instances of use of provisions of article 356 as evident from Uttarakhand and Arunachal Pradesh states where the Supreme Court had to intervene eventually.

Conclusion

The spirit of "cooperative federalism" can preserve the balance between the Union and the States and promote the good of the people and not an attitude of dominance or superiority. The role of governor in this regard is indispensable for the successful working of the constitutional democracy which will ensure proper utilisation of provisions of article 356.

35. Examine the factors that have led to excessive pendency and delays in the disposal of cases in the Indian judicial system. Can you suggest some reforms to address this issue?

Introduction

As per the statistics of PRS India, the pendency of cases in Indian judiciary has increased drastically over the last decade. The pendency is around 3 crores across all the levels if the judiciary and it is around 54000 in supreme court and it is around 43 lakhs in high courts.
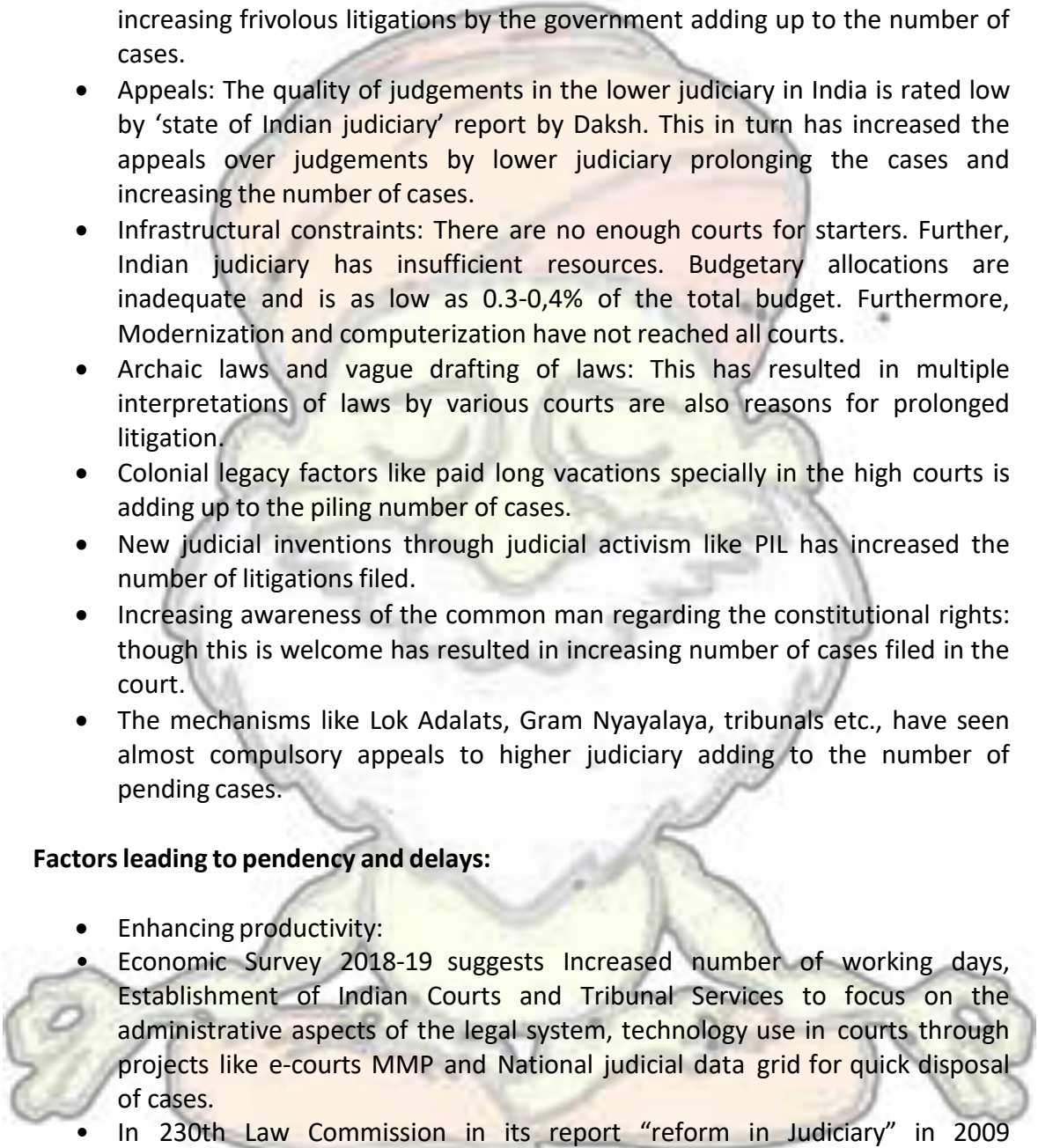
Body

Stats:

- In the High Courts, 23% of cases have been pending for over ten years. Further, over 29% of all cases have been pending between two and five years.
- In the subordinate courts, over 8% cases have been pending for over ten years. The maximum number of cases in subordinate Courts (47%) have been pending for less than two years (around 1.2 crore cases).
- As of 2015, there were over four lakh prisoners in jails. Of these, two-thirds were undertrials (2.8 lakh) and the remaining one-third were convicts.
- A total of 3,599 undertrials were detained in jails for more than 5 years.
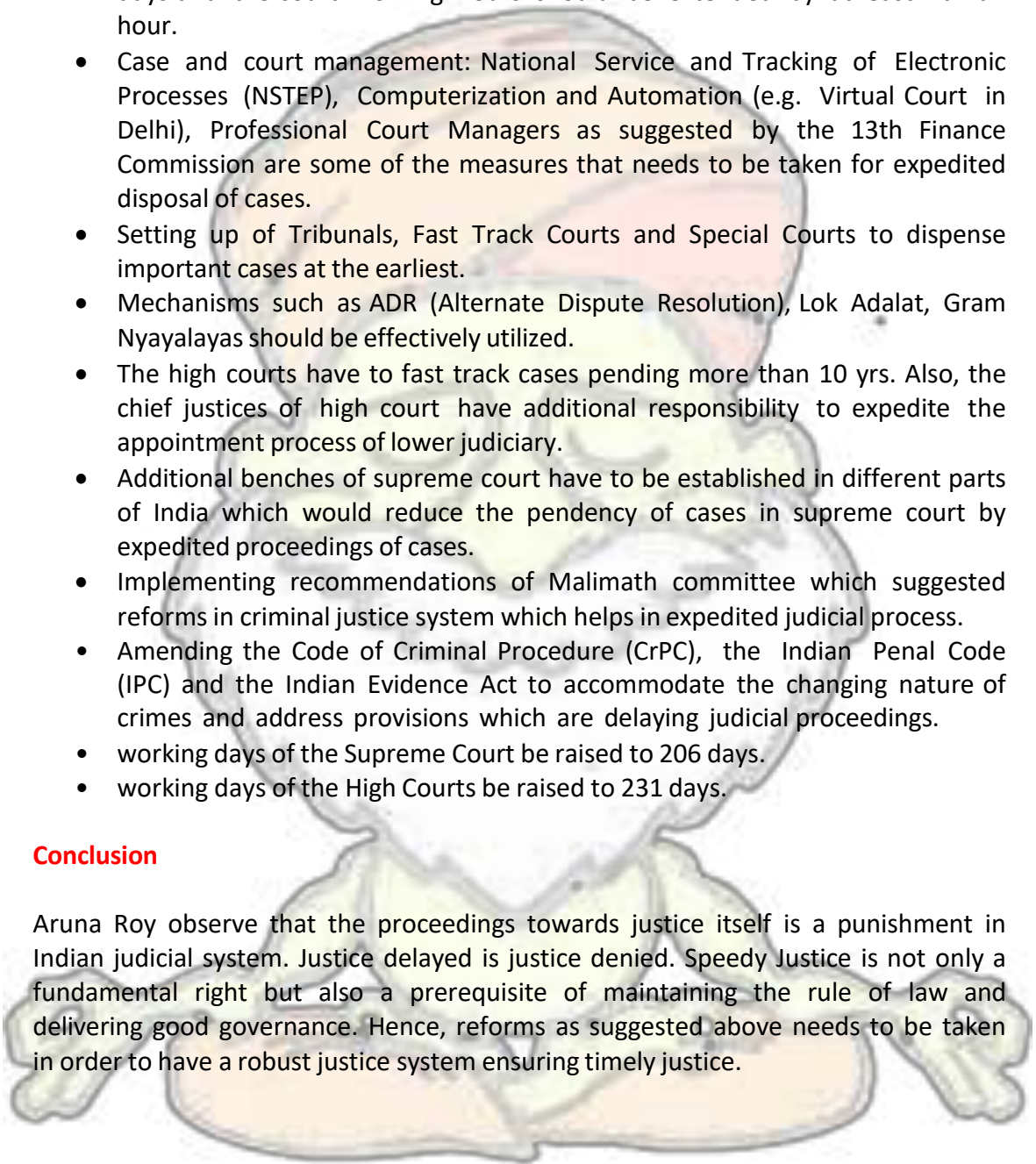
Factors leading to pendency and delays:

- Judicial vacancy: In high courts alone, over 5000 posts are vacant off the total 22000 sanctioned posts.
- A cumbersome and opaque way of appointment of judges through the collegium system has resulted in delays which has resulted in the low judges to population ratio leading to pending cases.

- There is a delay in appointing the district judges due to lengthy process through examinations which are delayed in majority of the cases.
- Further, there is a conflict between Judiciary and Executive regarding the appointment of Judges to Supreme Court and various High Courts.
- Government litigation: As per as report, half of the litigations is by the government. The failure of national litigation policy is also a reason for increasing frivolous litigations by the government adding up to the number of cases.
- Appeals: The quality of judgements in the lower judiciary in India is rated low by 'state of Indian judiciary' report by Daksh. This in turn has increased the appeals over judgements by lower judiciary prolonging the cases and increasing the number of cases.
- Infrastructural constraints: There are no enough courts for starters. Further, Indian judiciary has insufficient resources. Budgetary allocations are inadequate and is as low as 0.3-0,4% of the total budget. Furthermore, Modernization and computerization have not reached all courts.
- Archaic laws and vague drafting of laws: This has resulted in multiple interpretations of laws by various courts are also reasons for prolonged litigation.
- Colonial legacy factors like paid long vacations specially in the high courts is adding up to the piling number of cases.
- New judicial inventions through judicial activism like PIL has increased the number of litigations filed.
- Increasing awareness of the common man regarding the constitutional rights: though this is welcome has resulted in increasing number of cases filed in the court.
- The mechanisms like Lok Adalats, Gram Nyayalaya, tribunals etc., have seen almost compulsory appeals to higher judiciary adding to the number of pending cases.

Factors leading to pendency and delays:

- Enhancing productivity:
- Economic Survey 2018-19 suggests Increased number of working days, Establishment of Indian Courts and Tribunal Services to focus on the administrative aspects of the legal system, technology use in courts through projects like e-courts MMP and National judicial data grid for quick disposal of cases.
- In 230th Law Commission in its report "reform in Judiciary" in 2009 recommended that there must be full utilization of the court working hours and Grant of adjournment must be guided strictly by the provisions of Order 17 of the Civil Procedure Code.
- The proposed All India judicial service should be established as soon as possible to fill in the vacancy. The same is suggested by the 2nd ARC and law commission report.

- Indian Judicial Services: The proposal for an All India exam along the lines of Civil Services has been mooted many a time, the first instance being 1960. Setting standards of judicial recruitment examinations to improve the quality of district judges.
- Vacations in the higher judiciary must be curtailed by at least 10 to 15 days and the court working hours should be extended by at least half-an hour.
- Case and court management: National Service and Tracking of Electronic Processes (NSTEP), Computerization and Automation (e.g. Virtual Court in Delhi), Professional Court Managers as suggested by the 13th Finance Commission are some of the measures that needs to be taken for expedited disposal of cases.
- Setting up of Tribunals, Fast Track Courts and Special Courts to dispense important cases at the earliest.
- Mechanisms such as ADR (Alternate Dispute Resolution), Lok Adalat, Gram Nyayalayas should be effectively utilized.
- The high courts have to fast track cases pending more than 10 yrs. Also, the chief justices of high court have additional responsibility to expedite the appointment process of lower judiciary.
- Additional benches of supreme court have to be established in different parts of India which would reduce the pendency of cases in supreme court by expedited proceedings of cases.
- Implementing recommendations of Malimath committee which suggested reforms in criminal justice system which helps in expedited judicial process.
- Amending the Code of Criminal Procedure (CrPC), the Indian Penal Code (IPC) and the Indian Evidence Act to accommodate the changing nature of crimes and address provisions which are delaying judicial proceedings.
- working days of the Supreme Court be raised to 206 days.
- working days of the High Courts be raised to 231 days.

Conclusion

Aruna Roy observe that the proceedings towards justice itself is a punishment in Indian judicial system. Justice delayed is justice denied. Speedy Justice is not only a fundamental right but also a prerequisite of maintaining the rule of law and delivering good governance. Hence, reforms as suggested above needs to be taken in order to have a robust justice system ensuring timely justice.

36. How do lack of inter ministerial coordination and sluggish information sharing impede governance? Analyse.

Introduction

Coordination is the mechanism through which policies, strategies, plans, peoples, systems, and tools are brought together to achieve a particular goal. Government services are often cross-sectional, interlinked and complementary particularly in the areas of agriculture, education, trade, and mining. One particular service or service provider functioning improperly will affect the entire system.

Body

Governance is a collaborative effort that requires interconnectedness between the government and various institutions of civil society, as well as within the various departments of the government. Absence of the latter has plagued administration for a long time. The penchant of departments to work in silos, and the absence of a holistic outlook has led to failure in regularly sharing information between different arms of the government. This can cause the following problems:

- Delay in decision making leading to a reactive rather than proactive government. (cross border attacks despite credible information warning so)
- Duplication of effort (multiple deptartment and govt schemes working on same lines, eg Ministry of Panchayati Raj and District Rural Development Agencies). These government initiatives are costly where the blame of problem is put on another department. Such attitude leads to loss of faith in governance and ineffective policy management for benefits of people.
- Wastage of resources (multiple agencies, middle heavy bureaucracy) .
- Failure to institutionalize expertise (Investigative agencies deal with different crimes and doesn't share info, opposition to National Counter Terrorism Centre etc)
- Capacity building efforts are often duplicated and/or inconsistently applied across ministries. One state employee may receive two or three similar training while another employee receives none.
- Delay in delivery: There is overlapping of procedures like clearances, approvals etc. which takes time and delays delivery of services. Confusion regarding jurisdiction is considered an important bottleneck in enforcement agencies.

Information sharing mechanisms, that ensure two way communication as a matter of routine rather than the norm are required. This will greatly help governance as

- it will ensure more transparency as information will be accessible from any point.
- it will bring more participative governance where every advice from various ministry would be looked after.

- sharing of information reduces delay in implementation of projects.
- it will reduce red tapism and corruption.
- it will lead to more effective implementation of government initiatives
- it will ensure a sense of team work and co-operation among ministries

Problems today are multidimensional in nature (Eg swach bharat has MoRD, MoWR and MoUD involved) that require collaboration to succeed.

Conclusion

Poor coordination is a major obstacle to the effective administration of government services. The steps like:
Parivesh –for single clearance of projects related to the environment,
PRAGATI (Pro-Active Governance And Timely Implementation)- a unique integrating and interactive platform. The platform is aimed at addressing common man's grievances, and simultaneously monitoring and reviewing important programmes and projects of the Government of India as well as projects flagged by State Governments.
PRAKASH (Power Rail Koyla Availability through Supply Harmony), with a view to improving coordination between the power, coal and railway ministries to ensure coal supplies to power plants
Etc are steps in the right direction.

37. Why haven't women been successful in forging a robust pressure group for the furtherance of women rights in India? Critically analyse.
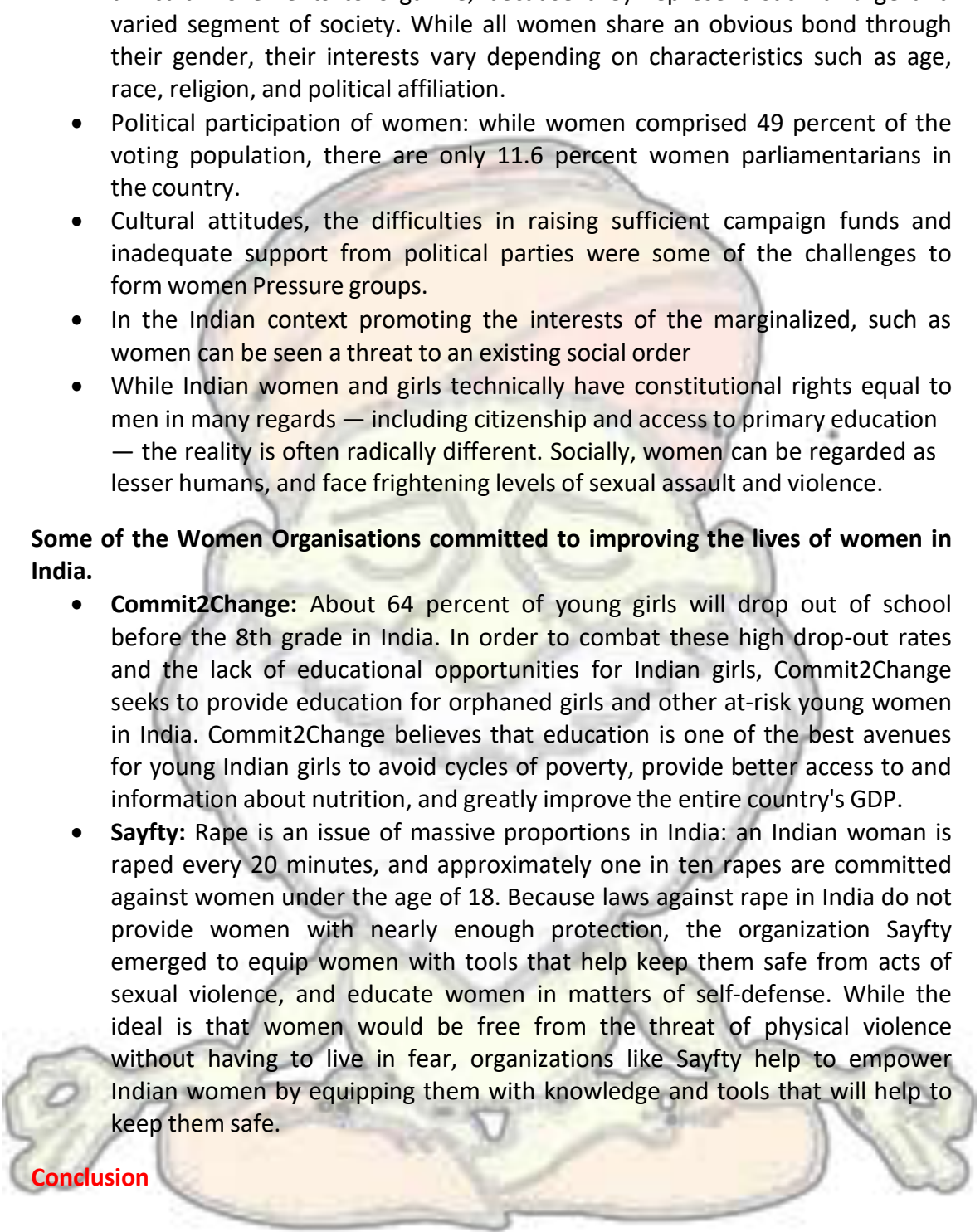
Introduction

Generally a pressure group is a group of people who are organised actively for promoting and defending their common interest. Women pressure groups defending the common interests of woman. They are a vital link between the government and the governed. They keep governments more responsive to the wishes of the women community.

Body

Reasons for Women haven't successful in forging a robust pressure group for the furtherance of women rights in India.

Sadly, women in India have faced significant violations of their human rights for centuries. From rape and domestic violence to forced labor and denial of educational opportunities, the struggle for rights and empowerment is a daunting one for Indian women. In the world's second-largest country, hundreds of millions of women are still affected by some of these issues. Women's rights are vital to the success and growth of developing nations, making projects that empower Indian women vital to the well-being of the entire country.

- Women's Pressure Groups in India have proven to be one of the most difficult movements to organize, because they represent such a large and varied segment of society. While all women share an obvious bond through their gender, their interests vary depending on characteristics such as age, race, religion, and political affiliation.
- Political participation of women: while women comprised 49 percent of the voting population, there are only 11.6 percent women parliamentarians in the country.
- Cultural attitudes, the difficulties in raising sufficient campaign funds and inadequate support from political parties were some of the challenges to form women Pressure groups.
- In the Indian context promoting the interests of the marginalized, such as women can be seen a threat to an existing social order
- While Indian women and girls technically have constitutional rights equal to men in many regards — including citizenship and access to primary education — the reality is often radically different. Socially, women can be regarded as lesser humans, and face frightening levels of sexual assault and violence.

Some of the Women Organisations committed to improving the lives of women in India.
- **Commit2Change:** About 64 percent of young girls will drop out of school before the 8th grade in India. In order to combat these high drop-out rates and the lack of educational opportunities for Indian girls, Commit2Change seeks to provide education for orphaned girls and other at-risk young women in India. Commit2Change believes that education is one of the best avenues for young Indian girls to avoid cycles of poverty, provide better access to and information about nutrition, and greatly improve the entire country's GDP.
- **Sayfty:** Rape is an issue of massive proportions in India: an Indian woman is raped every 20 minutes, and approximately one in ten rapes are committed against women under the age of 18. Because laws against rape in India do not provide women with nearly enough protection, the organization Sayfty emerged to equip women with tools that help keep them safe from acts of sexual violence, and educate women in matters of self-defense. While the ideal is that women would be free from the threat of physical violence without having to live in fear, organizations like Sayfty help to empower Indian women by equipping them with knowledge and tools that will help to keep them safe.

Conclusion

The concept of women empowerment throughout the world has its roots in women movement. There was an increase in women empowerment movement worldwide in the 20th century. The status of women differs enormously from region to region. Women's status can be improved in terms of their rights, obligations and their participation in decision making, in education, employment and income.

38. Critically evaluate the role played by caste based pressure groups in Indian politics.

Introduction

A caste based pressure group (PG) is a group where people of same castes are organised actively for promoting and defending their common interest. They try to influence government policies to secure socio-economic benefits. With Caste system being main feature of Indian society, caste based PG's have evolved in India. Some examples of caste organisations are Scheduled Caste Federation, Backward Caste Federation, etc.

Body

Positive role played by caste based pressure groups in Indian politics

- Deepen Democracy - They provide vital link between the government and the governed.
- Political empowerment – Caste based assertions and political bargaining power has increased for many backward castes. Eg: OBC reservation.
- Influence policy decision - Pre-independence PG's highlighted social issues which led to constitutional provision of securing equality and justice for downtrodden. Towards this pursuit, state came out with affirmative measures like reservation in education and employment.
- Achieve constitutional ideals - equality, justice and dignity. Voice is given to the marginalised sections as they cannot be ignored in the first-past-the-post electoral system.
- Strengthen democracy as these PG's encourage people's political participation. Help educating group on their rights and form public opinion on important issues.
- Regional politics origin is also traced to caste based PG's which entered into political domain. Ex: AIDMK, BSP. This has made national political landscape more accommodative of regional aspirations.

Negative fall outs

- Identity politics – caste based politics. Likelihood of minority castes being left out.
- Fissure in society – reinforcing caste and community consciousness. Ex: Lingayats in Karnataka.
- Increased social unrest and social animosity. Ex: caste based violence bhima-koregaon.
- Law and order issue with their agitation turning violent. Ex: Jats for reservation, Karni Sena protest against Padmavat.
- Violent protests obstructing development through protests.

- Political class agreeing to demands under pressure. Ex: reservation for Marathas when they do not meet the criteria of socially-educationally backward class.

Conclusion

Democracy wants people to express their views and interests. Pressure groups provide means to this. In diverse country like ours with multi-caste system, caste based PG's have so far had both positive and negative fallouts.

39. The governance mantra in contemporary free market economy is that the government has no business to be in business. In a politico-economic milieu like this, how are labour rights protected? Are there proactive and powerful pressure groups for the furtherance of labour interests in India? Discuss.

Introduction

A free market economy is a type of economy that promotes the production and sale of goods and services, with little to no control or involvement from any central government agency. The economic system is primarily based on supply and demand. Order and power in a free market are decentralized, with individuals making all of their own voluntary economic choices.

Body

- In a free market economy, firms and households act in their own self-interest to determine how resources get allocated, what goods get produced, and who buys the goods. A free market economy is functions in an opposite manner as a command economy works, where the central government gets to keep the profits and choose how to use them.
- The government's role in the economy is limited (e.g. to preventing monopolies, allowing fair and equal access to markets for all, protecting the nation and its markets through military means).
- As India's Prime Minister has said recently, Government's job is that of a facilitator to create new opportunities and in the government system, the fewer the laws the less suffocated businesses feel.

A free market protects the rights of workers by allowing the workers to decide what's best for themselves.

- The basis of a free market is voluntary interaction in which both parties engage in a consensual agreement. Because of this, in a free market, almost any exchange would be win-win.
- At the same time, an unregulated, free market would not protect the rights of workers. Free markets are subject to manipulation, mis-information, asymmetries of power & knowledge, and foster wealth inequality.

- Also in a free market, a competitive environment creates an atmosphere of survival of the fittest. This causes many businesses to disregard the safety of the general public to increase the bottom line.
- Regulation is aimed at balancing free market's virtues against its pitfalls as although some aspects of the market may be self-regulating, other things, such as environmental concerns, require government intervention.

In India, there are 44 labour laws under the purview of Central Government and more than 100 under State Governments, which deal with a host of labour issues. Unfortunately, these labour laws protect only 7-8 percent of the organised sector workers employed at the cost of 93 percent unorganised sector workers.

Following are some of the Central legislations passed under different articles of the Constitution-:

- Minimum Wages Act, 1948.
- Industries (Regulation and Development) Act of 1951.
- Industrial Disputes Act, 1947.
- Factories Act of 1948.
- Contract labour Act 1970.
- Trade Unions Act 1926.

In addition, the multiplicity of statutes, there are concerns around the protection of the workforce and effective implementation of statutes.

As a part of its ease of doing business initiative, the government will be subsuming a total of 44 labour laws into four codes — on wages, social security, industrial safety and welfare and industrial relations. Further, the Union Cabinet has cleared the Occupational, Safety, Health and Working Conditions Code, earlier it approved the Code on Wages Bill.

- A pressure group is a group of people who are organised actively for promoting and defending their common interest. They are a vital link between the government and the governed.
- Trade unions/Labour Unions are a form of pressure groups who cater to the demand of workers and labours of the industries. Alternatively, they are also known as labour groups.
- Some of the most important functions of the trade union are as follows:
    - Increasing Co-operation and Well-being among Workers
    - Securing Facilities for Workers
    - Establishing Contacts between the Workers and the Employers
    - Trade Unions working for the Progress of the Employees
    - Safeguarding the Interests of the Workers
    - Provision of Labor Welfare.

- In India, different trade unions represent different political parties. Examples- The All India Trade Union Congress (AITUC), All India Trade Union Congress (Communist Party of India)
- Bharatiya Mazdoor Sangh and Hind Mazdoor Sangh are also labour unions which are proactive and push for labour interests in India. Recently, they played a key role in influencing the government towards not signing the Regional Comprehensive Economic Partnership(RCEP) to safeguard the interests of labourers in India.

Conclusion

Pressure groups, different as they are from political parties, exist and function to influence the policies of the government to attain their specific/particular interests. Their role, in modern democracies like India is, indeed, significant towards the empowerment of proletariat section of population.

40. Political parties constituted on religious lines are antithetical to the principles of secularism. Do you agree? Critically comment.

Introduction

Gandhiji while commenting on religion and politics observe that combining religion in polity is inevitable. So, the political parties constituted on religious lines are not antithetical to secularism but in a way strengthen secularism. However, in contrast, Nehru saw mixing religion with politics tantamount to promoting communalism and goes against secularism.

Body

Political parties like Rashtriya Hindu Mahasabha, Akali Dal etc., are formed on religious lines which questions secularism in India which is also a basic feature of the constitution.

Antithetical to the principle of secularism:

As per the constitution, India is a secular state and specifically provides for the separation of politics from religion. Political parties fight elections to attain power democratically so as to form the government. Thus, they should be separated from religion as well.

As supreme court hearing a PIL noted that, when the political parties are formed in the name of religion, their allegiance will always be for that particular religion and hence can never be secular.

Even if we look historically, religious political parties in pre-independence India like All India Hindu Mahasabha and Muslim league were responsible for the destruction of secular fabric of the nation and increased communal clashes.

Further, Post-independence, the activities of religious political parties were responsible for communal events like Anti-Sikh riots, Babri masjid demolition etc., which shows that political parties based on religion is always a threat to secularism.

As the supreme court as well as the Election commission of India has banned seeking votes based on religion which is seen as anti-secular. The political parties formed in the name of religion is in a way the same practice also anti-secular.

When political parties want to change the structure, system of government, judiciary and laws of a state in accordance with the principles and beliefs of a particular religion among many religions, people of other faiths in such a state perceive discrimination on the basis of religion. This is antithetical to secularism. It happened in Israel.

Not antithetical to secularism:

Indian concept of secularism has a positive connotation wherein every individual is provided with the freedom to profess, practice and propagate their own religion as a fundamental right which also includes forming a political party and dissemination of ideas through the same.

Indian constitution confers a fundamental right to form religious associations under Article 27. If that is not antithetical to secularism, then the formation of political institutions on religion is not antithetical to secularism as well.

Instead of being antithetical, political parties based on religion will fight for their rights and in turn will pressurize the government to be partial to all religions. Thus, they in turn will be strengthening secularism acting as pressure groups.

Most secular countries have religion based political parties, and, many of them are in power, or in ruling coalition. E.g. Ruling party in UK having alliance with a Christian party. Although many political parties in Europe have prefixed the word "Christian," like Germany's Christian Democratic Union etc., there appears to be no intention to change the basic structure of the state's existing system and laws on Biblical doctrines.

Conclusion

Religion per-se is not the threat to secularism. One can form a party on religious lines, but it should not profess ideas that could harm the integrity, sovereignty, peace of country. Religion should be viewed as an ideology rather than as a group of people with similar interest. Every religion has the concept of secularism embedded in them and the parties misusing the same is the issue which is to be rectified.

41. Examine the provisions that safeguard various constitutional posts from executive interference.

Introduction

Constitutional Bodies in India are the permanent or semi-permanent organization within the machinery of government. These bodies are responsible for the administration of specific functions. The functions of these bodies are usually executive type.

Body

The Constitution of India specifies the setting up of following major constitutional bodies and has given appointment to various constitutional posts.

The major constitutional bodies in India are as under:

- Union Public Service Commission (UPSC)
- State Public Service Commission
- Joint State Public Service Commission
- The Comptroller and Auditor General of India
- Election Commission of India
- Finance Commission of India
- National Commission for Scheduled Castes (NCSC)
- National Commission For Scheduled Tribe
- Staff Selection Commission (SSC)
- Central Vigilance Commission (CVC)

Safeguards:

- Appointment & Tenure: Constitutional posts like EC, CAG, Chairman of UPSC etc are appointed by the President of India and has a fixed tenure. Eg The Chief Election Commissioner is appointed for a period of 6 years or upto 65 years of age, whichever is earlier.
- Salary and Allowances: The salary and pension are charged upon Consolidated fund of India, which can not be changed after their appointment. Moreover, fund from CFI is not subjected to vote in the parliament.
- Removal: Most of the constitutional post have stringent rules and procedure in the Constitution for their removal. It is not done on the whims and fancy of the Executive.
  Eg the office of CAG can be removed by the President in the same manner as that of judges of Supreme Court, which requires special majority in both Houses of Parliament.

- Reappointment: to maintain the independency of the post there is no reappointment for most of the office of Constitutional posts. Example: No second term to the office of CAG, UPSC chairman etc.

Conclusion

A Constitutional body is formed under detailed instructions given in the Constitution. It is compulsory for the government to set up such a body and it cannot dispense off with it easily when it becomes uncomfortable. Such bodies or institutions are written into the Constitution of a nation and cannot be eliminated without amending that part of the Constitution which sometimes also requires consent of the states

42. How far do you agree with the statement of Dr. BR Amedkar that the CAG is the most important functionary in the Constitution? Substantiate your views.

Introduction

The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He is the head of the Indian Audit and Accounts Department1. He is the guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state. His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration. This is the reason why Dr. B R Ambedkar said that the CAG shall be the most important Officer under the Constitution of India.

Body

"I am of the opinion that this dignitary or officer is probably the most important officer in the Constitution of India. He is the one man who is going to see that the expenses voted by Parliament are not exceeded, or varied from what has been laid down by Parliament in the Appropriation Act." —Dr. B.R Ambedkar

Constitutional Provisions

- **Article 148** broadly deals with the CAG appointment, oath and conditions of service.
- **Article 149** deals with Duties and Powers of the Comptroller and Auditor-General of India.
- **Article 150** says that the accounts of the Union and of the States shall be kept in such form as the President may, on the advice of the CAG, prescribe.
- **Article 151** says that the reports of the Comptroller and Auditor-General of India relating to the accounts of the Union shall be submitted to the president, who shall cause them to be laid before each House of Parliament.
- **Article 279** Calculation of "net proceeds" is ascertained and certified by the Comptroller and Auditor-General of India, whose certificate is final.

- **Third Schedule** – Section IV of the Third Schedule of the Constitution of India prescribes the form of oath or affirmation to be made by the Judges of the Supreme Court and the Comptroller and Auditor-General of India at the time of assumption of office.
- According to **Sixth Schedule** the accounts of the District Council or Regional Council should be kept in such form as CAG, with the approval of the President, prescribe. In addition these bodies account are audited in such manner as CAG may think fit, and the reports relating to such accounts shall be submitted to the Governor who shall cause them to be laid before the Council.

CAG is the most important functionary in the Constitution.

- The role of CAG is to uphold the Constitution of India and the laws of Parliament in the field of financial administration. The accountability of the executive (i.e., council of ministers) to the Parliament in the sphere of financial administration is secured through audit reports of the CAG.
- The CAG has 'to ascertain whether money shown in the accounts as having been disbursed was legally available for and applicable to the service or the purpose to which they have been applied or charged and whether the expenditure conforms to the authority that governs it'. In addition to this legal and regulatory audit, the CAG can also conduct the propriety audit, that is, he can look into the 'wisdom, faithfulness and economy' of government expenditure and comment on the wastefulness and extravagance of such expenditure.
- For effective functioning of this important institution of the CAG it is paramount to ensure independence. There are several provisions enshrined in the Constitution to safeguard CAG's independence. CAG is appointed by the President by warrant under his hand and seal and provided with security of tenure, CAG can be removed by the President only in accordance with the procedure mentioned in the Constitution.

Conclusion

The legal basis for the auditoria functions of the Comptroller & Auditor General of India is provided by the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971. Although India has a federal setup, the Constitution provides for a unitary audit by the Comptroller & Auditor General, who conducts audit of the accounts of both the Union and State Governments.

43. In the light of rapidly changing socio-economic dynamics brought in by the internet and social media, examine the challenges faced by the Election Commission as the watchdog of democracy in India.

Introduction

Election Commission (EC) acts as the watchdog of democracy in India and has reservoir of power under article 324 of the Indian constitution, as per the Supreme Court.

The need to address a large number of voters across spatial and social divides in a first-past-the-post system necessitates the deployment of new communication technologies for a more efficacious political campaign.

However, changing socio-economic dynamics brought in by the internet and social media have posed many challenges for EC.

Body

Rapidly changing socio-economic dynamics brought in by the internet and social media
- Suspension of norms of civility
- Use of bots and unfair means to trend on social media
- Phenomenon of fake news and misinformation
- Institutionalization of the democratic structure
- Othering/marginalization of some sections
- Dilution of public reasoning
- Allegations of hacking of EVMs

Challenges faced by the Election Commission

- Suspension of norms of civility - and responsibility owing to the anonymous nature of the engagement on internet and social media. Free and fair election is important not only for expression of the will of people but also to maintain social cohesion and democratic values of equality, fraternity etc. Enforcing Model Code of Conduct in such a scenario becomes extremely difficult.

- Use of bots and unfair means to trend on social media - The immediacy of the engagement, with deep penetration through the device of posts going viral, sometimes, allegedly, owing to the deployment of bots, creates challenge in conducting free and fair election.

- Phenomenon of fake news and misinformation - an important aspect of the role that social media are likely to play in the elections is the phenomenon of fake news and misinformation. The social rupture caused by such campaigns, including heightened insecurity for marginalised sections of society, is phenomenal.

- De-Institutionalization of the democratic structure - A relatively small financial cost lends the ability to a small number of users to bombard the electorate with party political messages with little political accountability or

responsibility. The net impact is in geometric proportion to the number of such platforms deployed. The result is the de-institutionalization of the democratic structure and a strengthening of what Lloyd Rudolph and Susanne Rudolph call a command polity.

- Othering/marginalization of some sections - This is the space where othering takes place with impunity and with only a miniscule risk of social censure. Absolved of the responsibility to defend their views in an open arena of co-equal citizens, regressive actors are able to campaign for their political viewpoints from the safety of a smartphone.

- Dilution of public reasoning - the fulcrum of **public reasoning** is shifting to the construction of the other. It therefore becomes less important for political actors to propose their own programme of action and more important for them to contest characterizations by others.

- Allegations of hacking of EVMs – When it's difficult to verify news and counter fake news, allegations like hacking of EVMs may gain traction. This will completely shake he credibility of EC and erode trust in the election process.

Some of the recent steps taken by EC

▪ EC conducted EVM hackathon.
▪ Banned prominent politician from campaigning for certain period in recent Lok sabha election.
▪ Banned a biopic movie.
▪ Banned election campaign in Kolkata due to eruption of violence.
▪ SVEEP – Systematic voter's education and electoral awareness program.
▪ C-Vigil – to maintain the integrity of election process.
▪ Election commission has setup Media Certification and Monitoring Committee

Conclusion

Efforts to regulate social media and internet by the government have been contested and therefore its unregulated nature is most likely here to stay. The efforts at internal regulation through a voluntary code of conduct by some platforms is the need.

44. How far do the terms of reference of the 15th Finance Commission encapsulate the spirit of fiscal federalism? Critically examine.

Introduction

Finance Commission of India is an independent and non-partisan institution, which is a constitutional body, whose recommendations can have a drastic impact on the

nature of fiscal federalism in the country. The main tasks of the commission are to strengthen cooperative federalism, improve the quality of public spending and help protect fiscal stability.

Body

The Fifteenth Finance Commission was constituted in the backdrop of the abolition of Planning Commission, the abolition of distinction between plan and non-plan expenditure and the far reaching structural tax changes embedded in the Goods and Services tax.

The Terms of Reference of this Commission are somewhat unique including monitarable performance criteria for important national flagship programmes, and examining the possibility of setting up permanent non lapsable funding for India's Security needs.
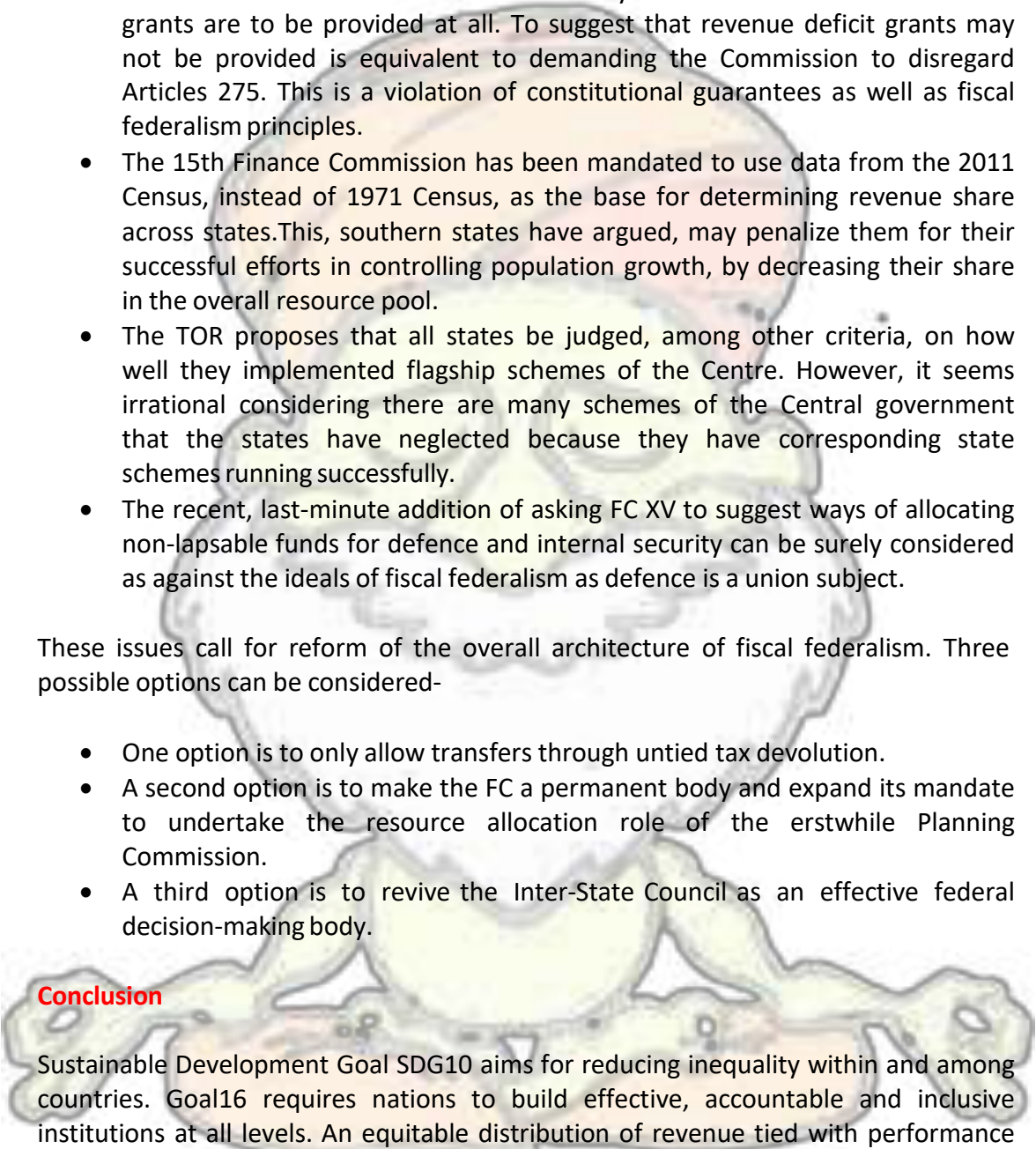
Conventionally, the Terms of References of FC can be seen as below:

- Principles governing the vertical devolution of taxes between union and states.
- Principles governing the Horizontal distribution between the states.
- Grant in aid to states, supplement the resources of PRI, ULBs from states' Consolidated funds.
- Performance Based incentives for States

In this regard, the performance based incentives for the states will be based on multiple criteria which will be helpful in promoting fiscal federalism in the following manner-

- Efforts made by the States in expansion and deepening of tax net under GST will help in realisation of a competitive tax environment where fiscal position of states will improve in turn improving the fiscal federalism.
- 'Progress made in increasing capital expenditure, eliminating losses of power sector, and improving the quality of such expenditure in generating future income streams' criteria can help tackle the stress of NPAs in power sector and improve the fiscal situation of states.
- 'Control or lack of it in incurring expenditure on populist measures' criteria can help arrest the burden of populist measures under political compulsions.
- 'Progress made in sanitation, solid waste management and bringing in behavioural change to end open defecation' criteria can help overcome the burden due to sanitation related health expenditure especially in poorer states.

At the same time, there has been considerable contestation over the new provisions of Terms of reference and these are seen as antithetical to the vision of Fiscal federalism due to the following factors-

- The ToR's are seen as too expansive, and that this expansiveness is in the direction of tilting the fiscal balance further in favour of the Centre.
- The call to revisit the previous FC's decision to increase the share of the states is worrying.
- The ToR states that the commission may also examine if revenue deficit grants are to be provided at all. To suggest that revenue deficit grants may not be provided is equivalent to demanding the Commission to disregard Articles 275. This is a violation of constitutional guarantees as well as fiscal federalism principles.
- The 15th Finance Commission has been mandated to use data from the 2011 Census, instead of 1971 Census, as the base for determining revenue share across states.This, southern states have argued, may penalize them for their successful efforts in controlling population growth, by decreasing their share in the overall resource pool.
- The TOR proposes that all states be judged, among other criteria, on how well they implemented flagship schemes of the Centre. However, it seems irrational considering there are many schemes of the Central government that the states have neglected because they have corresponding state schemes running successfully.
- The recent, last-minute addition of asking FC XV to suggest ways of allocating non-lapsable funds for defence and internal security can be surely considered as against the ideals of fiscal federalism as defence is a union subject.

These issues call for reform of the overall architecture of fiscal federalism. Three possible options can be considered-

- One option is to only allow transfers through untied tax devolution.
- A second option is to make the FC a permanent body and expand its mandate to undertake the resource allocation role of the erstwhile Planning Commission.
- A third option is to revive the Inter-State Council as an effective federal decision-making body.

Conclusion

Sustainable Development Goal SDG10 aims for reducing inequality within and among countries. Goal16 requires nations to build effective, accountable and inclusive institutions at all levels. An equitable distribution of revenue tied with performance incentives will help greatly in this regard as well as achieving the ideals of fiscal federalism.

45. How effective are the National Commission for Scheduled Castes (NCSC) and the National Commission For Scheduled Tribes (NCST) in addressing the the real issues of discrimination and exploitation of the affected groups? Critically evaluate.

Introduction

National commission for scheduled castes (NCSC) and National commission for scheduled tribes (NCST) are established under Article 338A and 338B of the Indian constitution through the Constitution (89th Amendment) Act, 2003.

Body

Functions of NCSC/NCST:

- To investigate & Monitor matters relating to Safeguards provided for SC/STs under the Constitution or under other laws or under Govt. Order, to evaluate the working of such Safeguards.
- To inquire into specific complaints relating to Rights & Safeguards of SC/STs.
- To participate and advise in the Planning Process relating to Socio-economic development of SC/STs, and to evaluate the progress of their development under the Union and any State.
- to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.

Evaluation of NCSC and NCST:

NCSC has been successful towards achieving in its mandate through the works like

- Services Safeguards Wing of has worked towards complaints relate mostly to promotions, discrimination and harassment on various counts, conduct of departmental enquires, transfers etc.,
- NCSC monitors the implementation of the various legal provisions in force regarding atrocities against dalits. Over the years, the Commission has conducted several on-the-spot inquiries into complaints of atrocities.
- Both the commissions have also succeeded in institutionalizing the system of liaison officers and special SC and ST cells in all central ministries and public sector enterprises for the speedy and effective resolution of the grievances of employees of these communities.
- Both the Commissions monitors the levels of literacy and educational development of the Scheduled Castes and has taken special interest in female literacy rates.
- On economic front, they have recommended land ceiling and the redistribution of surplus land by various state governments, suggested a range of tenancy reforms and several measures to prevent the alienation of tribal land.

This is reflected in the statistics which shows

- The literacy gap has closed significantly in the last decade. SC/ST women made the most rapid progress as per the 2011 census. Literacy rate among SC/ST men ad women increased by around 9% and 14 % respectively compared to 10% and 5% among non-SC/ST community.
- Representation of SC and ST members in central government and state government services is more than the prescribed percentage and has significantly increased in the last 2 decades as per a reply given by central government minister during question hour.
- The SC/ST population with houses and other basic amenities have increased by around 30% as per the TISS report.
- Health indicators including IMR, MMR etc., have improved and seen a reduction of more than 5% as per the report by Registrar General of India, Sample Registration System.

The above improvements, though have been realized collectively by the programs of various governments, NCSC and NCST have played a major role. However, the real issues of the communities seems to be not addressed completely.

- As per the Data received under the RTI Act, of around 16000 complaints received by NCSC, around 6000 complaints were related to atrocities in public places and 4000 complaints were related to 'Service Atrocities'. Further, over 22,000 complaints are pending for disposal.
- NCRB data shows a spike in the number of cases filed under SC/ST prevention of atrocities act which shows the discrimination and atrocities are only increasing.
- The incidents like dalit lynching in Una, Gujarat; caste related honour killings in Haryana shows that the commission has been ineffective in bringing behavioral change in the society.
- The case of Rohith Vemula reflect that the discrimination is not only due to backwardness, illiteracy, awareness in the society but is omnipotent and is practiced in best of the best universities and workplace. The commission has been ineffective in preventing the same.
- SC decision on diluting the provisions of SC/ST act demonstrated that the issue of SC/STs are seen as exaggerated even by the apex court. Commission mandate to bring awareness has failed even to reach the most enlightened office in the country.
- NCST was helpless and ineffective in stopping the eviction of tribals in the name of development which deprived them of their basic human rights. E.g.
  - The supreme court order to evict more than one million forest dwelling people went against the spirit of Forest rights act and the commission couldn't do anything.
  - The commission was not able to safeguard the tribal rights of Dongria Kondh community of odisha who faced eviction on a Vedanta development project and took public protest against the same.

- The rights of tribals over natural resources have been reduced over the years through the concepts of protected forests etc., and the commission has been lacking to secure the same.
- Tribal culture and identity has been declining. As per a report by People's Linguistic Survey of India, as much as 250 tribal languages have disappeared. NCST has failed to arrest the phenomenon.

These are due to various reasons like

- There are delays in conducting the inquiry and in delivering judgements. Also, there is a perception that the Commission tends to confirm the government's position on most cases.
- The commission inability to reduce the incidence of atrocities and violence against dalits, or to effectively fight the persistent scourge of untouchability is a biggest failure on its part.
- The Commission has been active in suggesting ways of streamlining procedures, implement reservations but is failing in brining fundamental reforms.
- The commission decisions being only recommendatory, without a strong follow up mechanisms are mostly ignored. The annual Reports are often tabled two or more years after they have been submitted to the President. Further, they are not frequently discussed and hence mostly remain on paper.

Conclusion

Thus, there is a need to reform the institutions giving them more power to bring discernible change and address the real issues more effectively. The reforms like powers vis-à-vis criminal investigation, power to penalize, fixed time period for discussion of commission reports, suo moto powers etc., are needed.
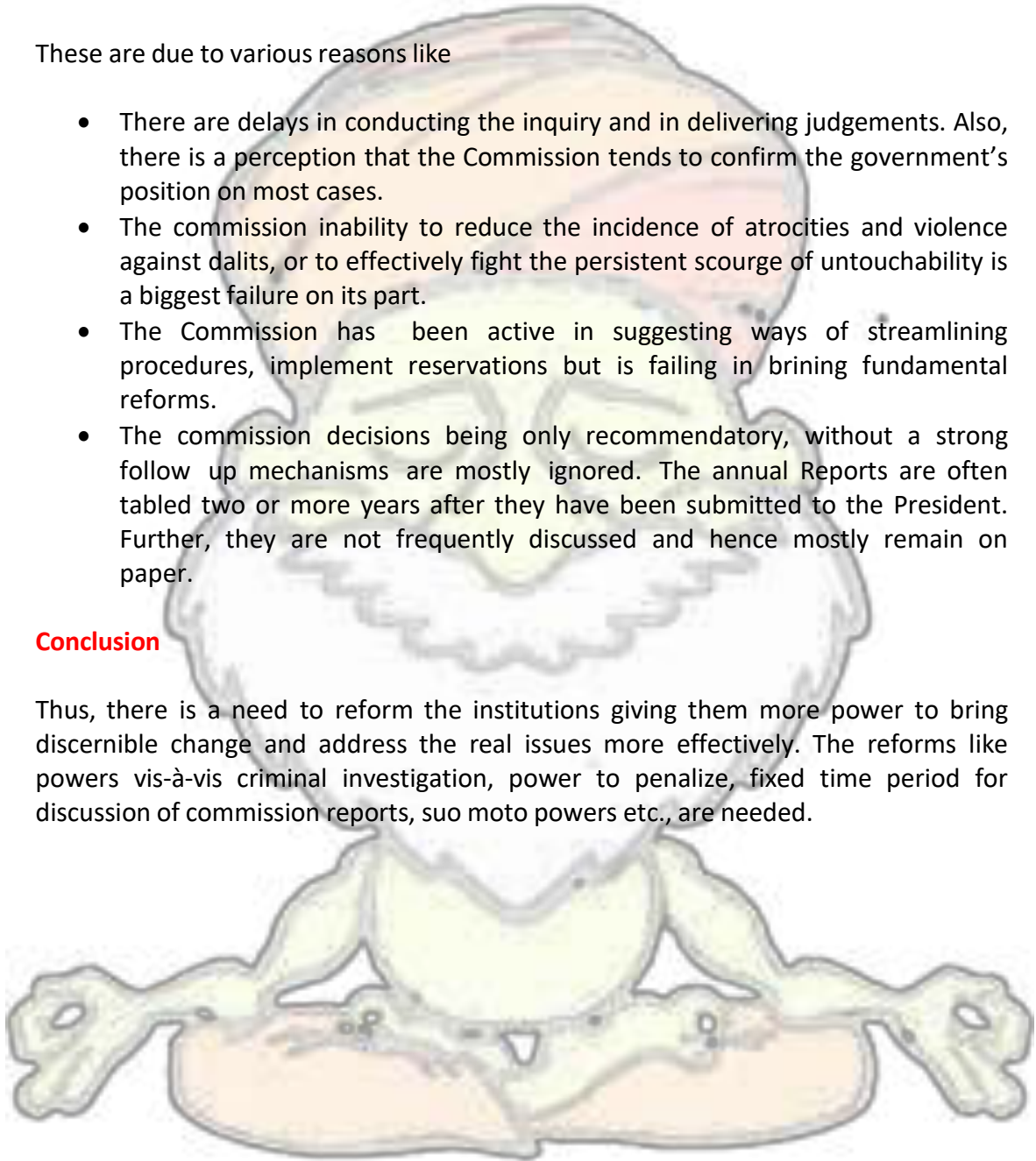
46. Discuss the mandate of the National Green Tribunal (NGT). What are the challenges associated with the efficient functioning of the NGT? Examine.

Introduction

National Green Tribunal was established in 2010 under National Green Tribunal Act, 2010 to dispose of cases having environmental ramification. Its headed by retired judge of supreme court or being chief justice of high court and almost 20 experts and 20 judicial members.

Body

Mandate of NGT

1. To dispose of cases dealing with any environment law violation, conservation of forests and natural resources.
   Eg. The NGT has the power to hear all civil cases relating to environmental issues including the following:
   - The Water (Prevention and Control of Pollution) Act, 1974;
   - The Water (Prevention and Control of Pollution) Cess Act, 1977;
   - The Forest (Conservation) Act, 1980;
   - The Air (Prevention and Control of Pollution) Act, 1981;
   - The Environment (Protection) Act, 1986;
   - The Public Liability Insurance Act, 1991;
   - The Biological Diversity Act, 2002.
2. Recommend penalties and fine.
3. Recommend policies for environment protection.
4. Disposal of applications or appeals finally within 6 months of filing of the application.
5. Enforcement of any legal right relating to environment
6. Giving relief and compensation for damages
7. Has power of civil courts.
8. The Tribunal is not bound by the procedure laid down under the Code of Civil Procedure, 1908, is guided by principles of natural justice.

Challenges

- Administrative problems: A less obvious but critical aspect of the NGT's efficient functioning, which can significantly impact the decision-making process and access to justice, concerns the administrative support supplied by the Government of India. The absence of basic infrastructure facilities and human resources has led to resignations of three judicial members and the intervention of the Supreme Court in 2012.
- Section 4 of the NGT Act, 2010, prescribes that the tribunal shall consist of a full time chairperson and not less than 10 judicial and 10 expert members but subject to maximum of twenty full-time judicial and expert members. But in the last nine years, the NGT has never got the minimum strength of ten

judical and ten expert members to address the increasing number of environmental litigations across the country.

- Hearings through video conference put enormous cost and burden on clients. Hearings are adjourned or listed in an unfashionable manner, without giving sufficient time to lawyers and clients to present their matter. The great majority of cases are not resolved within the stipulated time-period of six months.

- The act has limited the jurisdiction of tribunal to "substantial question of environment" i.e. situations where 'damage to public health is broadly measurable' or 'significant damage to environment' or relates to 'Point Source of Pollution'. The question related to environment can't left on discretion of an individual especially on subjective assessment whether environment damage is substantial or not.

- NGT Jurisdiction is confined to where community at large is affected by specific form of activity such as pollution. It excludes individual or Group of individuals who deserves as much protection as to Community at Large.

- The qualifications for a technical member are more favorable to bureaucrats (especially retired) and to irrelevant technocrats. The act considers higher degrees in Science, Technology and Administrative experience but no provision for ecologist, sociologist, environmentalist, civil society or NGO, etc.

- The Act is silent on provision that who is liable to pay compensation or cost of damage to public health or environment. The MOEF state that it shall be notified in rules but this substantial concern shall be included in act only not on will of executive.

- The Act doesn't provide jurisdiction to Tribunal over all laws related to environment such as Wildlife Protection Act (1972), Indian Forest Act 1927, Scheduled Tribes (Recognition of Forest Rights Act) 2005 and various other state legislation's.

- NGT though is regular in scheduling hearings, typically with time gaps of two to three weeks between two consecutive hearings. Despite the high percentage of cases being disposed of, there is also an increasing backlog of cases in NGT.

- NGT's critics have also questioned the "lack of environmental finesse" of its expert members. "Usually, the expert members are experts of one particular field and not of environment as a whole. For instance, an expert member who has been working on forests for many years would not be able to comprehend the issues arising out of industrial pollution. Thus, the judgments are vague and not relevant in some cases.

- There are also serious challenges as far as implementation of the NGT orders is concerned. For example, Rule 35 (1) of the Act specifies that the compensation amount as ordered by the tribunal should be remitted to the authority of the Environmental Relief Fund within a period of 30 days from the date of order or award or as otherwise ordered by the tribunal. Invariably, it is observed that the polluters don't abide by this rule. Second, the NGT orders are increasingly challenged in the Supreme Court, where a heavy penalty has been imposed by the tribunal. Third, there is no institutional mechanism to ensure that the environmental regulatory authorities comply with the orders of the tribunal.

Way forward

- Strengthening it by giving more powers and by investing in its infrastructure.
- Judicial review is an important power that must be given to NGT.
- Other environment-related laws must be included within NGT'S ambit.
- NGT also needs to put certain systems in place for transparent decision-making.
- NGT needs to establish principles and criteria to estimate fines, damages and compensation.
- It should also identify institutions and experts who can help it to scientifically estimate environmental damages/compensation/fines on a case-to-case basis.
- NGT must put internal checks and balances for efficient and transparent delivery of justice.
- Suomotu jurisdiction has to be an integral feature of NGT for better and effective functioning.
- There is a need for the central and state governments to work in collaboration with the NGT for an effective outcome.

Conclusion

Countries like New Zealand and Australia, which have specialized environmental courts, quite regularly restructure administrative and financial support for the court to increase efficiency and reduce costs, and in an ideal world, create benefits of true cost-efficiency. The government of India also needs to provide adequate financial and human resources — if it does not want the NGT to wither away.

47. What is the role of the National Commission for Women? What is its constitution? Has it been effective in addressing women issues in India? Critically examine.

Introduction:

Owing to the overwhelmingly patriarchal structure of our society, women have been relegated to a secondary status and have been subject to various legal and social discriminations. The framers of the Constitution recognized the need to remove such inequities, and made special provisions to redress the same. The need was felt for a structure to uphold the rights and implement the provisions of beneficial legislations in an organized and institutionalized manner. The National Commission for Women (NCW) is a statutorily constituted body under the National Commission for Women Act.1990.

Body

Role of the commission

- To examine constitutional and legal safeguards for women.
- To take up cases of violations of the provisions of the constitution or any other laws affecting women and recommend so as to provide legislative remedies.
- To inspect remand home, women's institution where women are kept as prisoners or otherwise take up the concerned authority for remedial action, if necessary.

Constitution of the Commission

9. A Chairperson, committed to the cause of women, to be nominated by the Central Government.
10. five Members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry potential of women, women's voluntary organization's (including women activist), administration, economic development, health, education or social welfare; Provided that at least one Member each shall be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively.
11. a Member-Secretary to be nominated by the Central Government who shall be :-

  - an expert in the field of management, organizational structure or sociological movement, or
  - An officer who is a member of a civil service of the Union or of an all-India service or holds a civil post under the Union with appropriate experience.

It has been effective in addressing women issues

A number of enquiry commission have been established by the commission under section 8(1) of the act to look into the matters of law and legislation, political empowerment, custodial justice for women, social security, panchayat raj, women and media, development of scheduled tribe woman, development of women of weaker sections, development of women of minority communities, transfer of technology and agriculture for development of women. Among other highlights includes the anti-child marriage agitation in Rajasthan, Uttar Pradesh, Andhra Pradesh, Madhya Pradesh, public hearings on problems of Muslim women, the impact of globalization on women or land-related problems, economic empowerment of tribal women has been successfully organized by commission all over the country.

However, commission fails to do complete justice as the body remains toothless due to following
- The Commission has no concrete legislative powers. It only has the powers to recommend amendments and submit reports which are not binding on state or Union Governments.

- The Commission does not have the power to select its own members. This power is vested with the Union Government and in India's volatile political scenario the Commission may be politicized.
- The Commission is dependent on grants from the Union Government for its financial functioning and this could compromise the independence of the Commission.

Way forward

- The Commission suggested that the chairperson of NCW be given the status of the Union Cabinet Minister and the Members that of Minister of State. This will put more power in the Commission's hands and thus its recommendations will have a greater degree of force.
- The Commission must be granted the power to select its own members. If needed a separate body, selected from within the Commission, should be constituted in order to carry these functions.
- The Commission must be given allocated funds in the Union as well as the State Budgets in order facilitate smooth functioning. Currently funds are only allocated at the Central level and not the state level.

Conclusion

The Objectives, organizational structure and administrative set up of NCW clearly show the relevance of its existence and its significance. it's not only the duty of the state but also it's the duty of the citizens as a whole to look into if such miss conducts in our society is taking place or not. There should me more public awareness and participation for the women oppression so as make the work of the National Commission for Women more justifiable.

48. What are your views on the level of awareness with regard to consumer disputes jurisprudence in India? Which are some of the statutory and regulatory bodies working in this field? Discuss.

Introduction

Consumer disputes jurisprudence is to ensure fair trade practices; quality of good and efficient services with information to the consumer with regard to quality, quality, potency, composition and price for their choice of purchase.
India has enacted consumer protection act, 1986 for consumer protection. The Consumer Protection Bill, 2015 and the newly enacted Bureau of Indian Standards Act, 2016 are efforts to provide the basis for such upgradation.

Body

My Views on level of awareness with regard to consumer disputes jurisprudence in India

- A substantial number of the rural people in India are living below the poverty line, having high level of unemployment and poor literacy level and consumer

awareness continues to remain low. Under these circumstances, the sellers or the manufactures, exploit the consumer.

- Rural markets are full of sub-standard goods and duplicity of branded goods is another major problem in rural areas. As there is no check on production and sale of such products in the rural markets, many of these products have become health hazards.
- Services like insurance, banking, and electricity, medical have expanded without any checks and balances and consumers continue to be exploited by the service providers.
- The vulnerable sections are mainly women, children and farmers. It is common to find that farmers are supplied defective seeds, adulterated pesticides and other commodities.
- The expansion of mass media has further given impetus to consumerism in the rural areas. Therefore, now it is widely believed that the fate of the consumers cannot be left to the market forces. Hence there is need for consumer education.

Statutory and regulatory bodies working in the field of consumer disputes jurisprudence in India

- Bureau of Indian Standards (BIS) - It was set up under the Societies Registration Act 1860. It acts as the National Standards Body of India. The mandate of the BIS is to prepare and promote Standards for adoption by Indian industry and Product Certification.
- Central Consumer Protection Authority (CCPA) to promote, protect and enforce the rights of consumers. It has been formed under the Consumer Protection act, 2019.
- Competition Commission of India – to prevent exploitation of consumers due to monopolization etc.
- Banking Ombudsman at RBI – for banking related grievance redressal.
- Food Safety & Standard Standards Authority of India (FSSAI) – for regulation of food items.

Conclusion

There is absence of consumer demand for quality goods and services primarily because of lack of awareness. In short, there is absence of a quality culture in the country. If the quality of Indian products and their conformity with international standards is to be accomplished by Indian producers, the impulse must be generated from the consumers.

49. Do you think the absence of a central planning body like the erstwhile Planning Commission is hurting India? Has the NITI Ayog been effective in realising its objectives? Examine.

Introduction

The NITI Aayog, established in 2015, is one of Indian democracy's youngest institutions. It has been entrusted with the mandate of re-imagining the development agenda by dismantling old-style central planning. The NITI Aayog's precursor, the Planning Commission was established in March 1950 by a Government of India resolution with Prime Minister as Chairperson. It's initial mandate was to establish heavy industries through public investment as a means for achieving rapid industrialization which later included wide ranging powers.

Body

- Planning Commission of India, established right after Independence was responsible for formulating Development Plans for the States and the whole Country. Each State had its own State Planning Board, who would draft their Annual Plans for the next five years on a tentative Basis , consolidate these as a Draft Five Year Plan.
- The Planning commission, with its mandate of centralized planning emerged as a critical instrument for centralizing India's fiscal system.
- Its Plan funds and CSS played an important (though imperfect) role in responding to governance deficits by designing and financing (through plan funds) schemes linked to core public services.
- Moreover, the Planning Commission played a critical coordination function. CSS, linked to Plan funds, were administered by line-departments but the Commission played a critical policy coordination function linking schemes to state plans and determining resource availability.
- Further, the five-year plans and plan allocations, enabled states to broadly predict the quantum of plan funds they were likely to receive, ensuring somewhat predictable expenditure over a five year cycle.
- In the absence of the planning commission, this role has been taken over the Finance Ministry and line departments. As a result, the last five years have arguably witnessed an even greater centralization of schemes.

An internal evaluation in Government revealed that Planning Commission was witnessing policy fatigue necessitating structural changes in central planning process.

The planning exercise that was followed hardly had **any relevance for the market economy**. It did very little to plan and implement public sector investments and its role in public–private partnerships was restrictive. The proliferation of Centrally Sponsored Schemes contributed to **severe distortions in public spending**.

The defective process of planning which came into force since the beginning of the planning in India, is also responsible for the failure of our economic planning. The setting up of the Niti Aayog and the implementation of the recommendations of the 14th finance commission recommendations to enhance fiscal devolution to states marked an important juncture in fiscal federal relations in India.

1) An overarching theme of the NITI Aayog was the change in **focus from central planning to cooperative federalism**. Through the NITI Aayog India will

move away from the one size fits all approach and forge a better match between schemes and needs of States.

2) The Governing Council of NITI Aayog met very often, 3 sub-groups of Chief Ministers were worked on centrally sponsored schemes (CSS), skill development and Swachh Bharat.

3) The NITI Aayog made serious efforts for **Transforming India's developmental agenda**. It sought proposals from all Central Ministries for Accelerated Growth and Inclusion Strategy, Employment Generation, Energy Conservation and Efficiency, Good Governance and Swach Bharat.

Objectives of #NITIaayog

- fostering COOPERATIVE FEDERALISM, active involvement of states
- formulation of plans at VILLAGE-level, aggregation at higher levels
- SPECIAL ATTENTION to sections at risk of not benefitting adequately from economic progress
- economic policy that incorporates NATIONAL SECURITY INTERESTS
- feedback for constant INNOVATIVE IMPROVEMENTS
- partnerships with national and international THINK TANKS
- creating a KNOWLEDGE, INNOVATION & ENTREPRENEURIAL support system
- platform for RESOLUTION of inter-sectoral & inter-departmental issues
- state-of-the-art resource center for RESEARCH on good governance
- focus on TECHNOLOGY upgradation and CAPACITY BUILDING

Source: PIB.NIC.IN

4) The NITI Aayog has done an enormous amount of work in a period of 3 years. It started designing strategic policies, fostering cooperative federalism, provided knowledge and innovation support and undertook evaluation/ monitoring of major investments

5) Based on their recommendations, the new CSS sharing system was notified and a transparent formula based allocation of resources was reached. The Swachh Bharat cess was levied on all services.

6) To promote skill development initiatives, the involvement of States in the Pradhan Mantri Kaushal Vikas Yojana was ensured.

7) The Atal Innovation Mission was launched to seed innovations to teach young minds new skills.

Recently, Vijay Kelkar, chairman of the 13th Finance Commission, called for a NITI Aayog 2.0 where he has argued that a restructured NITI Aayog should be given a funding role so that it can help deal with the development experience between states.

Conclusion

NITI Aayog seeks to facilitate and empower the critical requirement of good governance – which is people-centric, participative, collaborative, transparent and policy-driven. In this regard it will be too early to assess its performance in comparison to more than six decades of Planning Commission work which had different approach towards planned development.

50. What is the mandate of the Telecom Regulatory Authority of India (TRAI)? Discuss. How far has it been successful in protecting consumer interests? Examine.

Introduction

The Telecom Regulatory Authority of India (TRAI) is a statutory body set up by the Government of India under section 3 of the Telecom Regulatory Authority of India Act, 1997. It is the regulator of the telecommunications sector in India.

Body

Mandate of TRAI:

- to create and nurture conditions for growth of telecommunications in India to enable the country to have a leading role in the emerging global information society.
- to provide a fair and transparent environment that promotes a level playing field and facilitates fair competition in the market.
- issue orders and directions on various subjects such as tariffs, interconnections, quality of service, Direct To Home (DTH) services and mobile number portability.
- to regulate telecommunication services, adjudicate disputes, dispose appeals and protect the interest of the service providers as well as consumers.
- To establish standards for Quality of Services (QoS) and supervise how service providers share revenue
- To conduct periodical surveys to ensure that telecom service providers are acting in the best interest of consumers and are opening in compliance with universal service obligations.
- Recommend government or the license providers on Efficient management of available spectrum, the introduction of new service provider, Revocation of license for non-compliance, Technological improvements in the services and so on.

TRAI being successful in protecting consumer interests:

TRAI has got the telecom award for balancing the economics of telecom regulators with the interests of consumers. It has taken various measures over the years like

- It has issued the Telecommunication Consumers Education and Protection Fund Regulations, 2007 to enable the service providers to transfer unrefunded money of customers lying with them to Telecommunication Consumers Education and Protection Fund (TCEPF). The income received from the fund is utilised to undertake programs to educate consumers, to conduct studies in the field of telecommunications and holding seminars, workshops etc on the subject of consumer welfare and for educating consumers.
- TRAI has also issued the "Registration of Consumer Organizations Regulations on 21st February 2013, for strengthening the framework for interaction with the consumer organizations.
- Recently, TRAI has introduced 3 mobile Apps and web portal for Voice, Data quality and Tracking.
  - MyCall App: for crowd sourced voice call quality monitoring. It will help users to rate their experience about voice call quality in real time and help TRAI gather customer experience.
  - MySpeed App: enabling it to obtain test-driven data from users in all service areas, without any action by the users.
  - DND 2.0 App (Do Not Disturb) Services App: helping smart phone users to register their mobile number under DND to avoid unsolicited commercial communication/ telemarketing calls/ SMS.
- TRAI recently issued guidelines vis-à-vis DTH subscribers 'Best fit plan' could help in bringing down TV bills of consumers.
- TRAI gave recommendations and issued guideline on net neutrality backing a free and open internet ending the discriminatory treatment of content that cherry picked certain consumer base.
- TRAI mandated the mobile operators to compensate the consumers in the event of dropped calls.
- TRAI came up with the option to port the number between networks which has helped the consumers immensely.
- TRAI has conducted hackathons, conferences and seminars to manage the complaints of the telecom subscribers across the country and to improve overall consumer experience.
- TRAI has established a Telecom Consumer Complaints Monitoring System and appellate tribunal to hear the complaints ensuring consumer interests.

However, some of the decisions and the present scenario of the telecom industry has been proven contrary to consumer interests:

- The regulations on DTH subscribers, though has been able to reduce TV bills in big cities has contrarily increased the burden in tier 2- tier 3 cities and villages.
- Perhaps the biggest failure is vis-à-vis the 2G spectrum scam where TRAI was helpless and sidelined which harmed the consumer interests.

- TRAI intervention on tariff wars by capping the number of operators was against free competition and affected the interests of consumers.
- Recently TRAI rules mandating the telecom networks to charge for outgoing calls to different network has added additional burden on consumers.
- TRAI has failed to address larger issues of telecom industry which is struggling for a credible measurement for radio and digital mediums. This in turn has reduced the profitability of the sector which will reduce competition and hurts consumer in the long run.
- The recent ruling of Supreme court for paying dues by the telecom operators has affected investor confidence and eventual losses in telecom industry. This might result in mergers, quitting of players and would result in monopoly situation or increasing tariffs hurting the consumer interests. TRAI has to intervene to address fundamental issues which it has failed.

Conclusion

TRAI's mandate is to ensure fair competition and uphold consumer interest which goes hand in hand. Some of the decisions of TRAI being too consumer centric has indirectly affected their interests. The core issues of the industry including speedy spectrum allocations, steps to make India a global R&D hub etc., has to be taken up by TRAI and recommend measures to address the same.
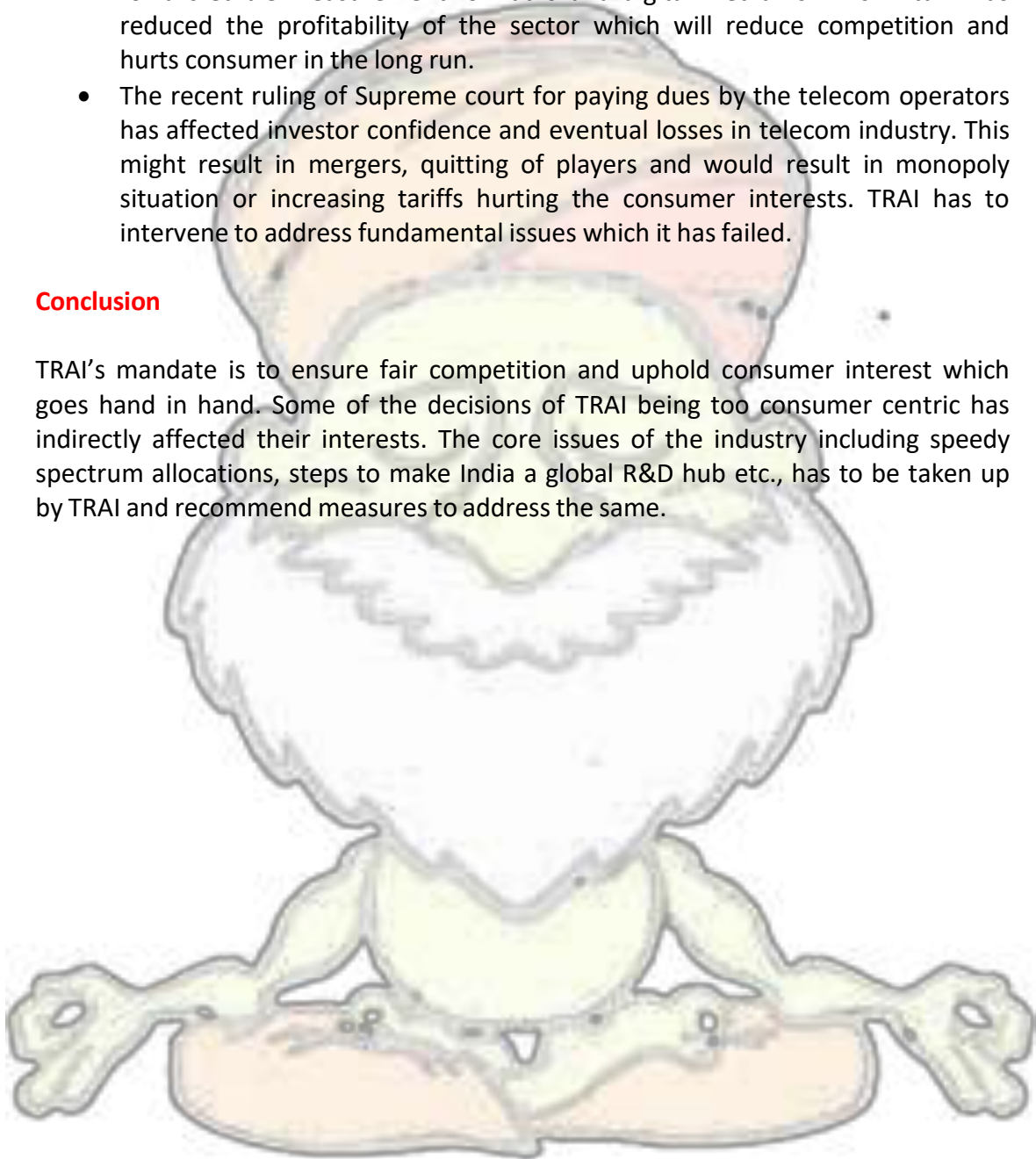
51. Examine the factors behind the rising prices of onions in India. What are the usual interventions that the government makes to tackle sudden spikes in food commodities? Examine.

Introduction

The fluctuation of prices of onions is a yearly phenomenon in India which hovers around Rs.100/kg in peaks and falls to even Rs.1/kg in times of oversupply. The issue as per the experts is due to the mismanagement of surplus than the shortage of supply.

Body

Factors Behind increasing price of onions:

- Supply shortage: the following happened creating shortage in onions supply.
  - Fresh onions are available from the month of January to May. The rest of the time is supplied from Rabi onions which comes from few states and mismanagement in stocks create supply problem.
  - Delayed arrival of monsoon and in turn delayed sowing of early kharif crop which create shortage/delay in supply.
  - Significant rains at the time of harvest of Andhra Pradesh and Karnataka crop in August/September which results in crop loss.
  - Import of the onions were delayed due to delay in tender and also due to supply shortage from other countries.
- Government intervention were inadequate. A timely and flexible measures as per the demand and supply is needed which were not taken like
  - Government did not increase stocks in spite of warning signs of supply shortage.
  - The export restrictions were not imposed in time.
  - Price stabilization fund (of around Rs.500 crore) is found to be inadequate to arrest the rising price by effective market intervention.
- Policy inconsistency: in terms of stock limits and export restrictions has resulted in limited players in the industry which creates the procurement and distribution problems increasing the prices.
- Inadequate storage, transportation facilities and improper distribution system.
- Cartelization: by the middle man creating artificial shortage in supply.
- High prices in addition to fear of even higher prices is leading consumers also to buy more than needed and hoard.

Government measures to address the issue of sudden spike in food commodities prices:

- Market intervention:

- o Central agencies like Nafed and the National Cooperative Consumers' Federation of India selling from the buffer stocks.
    - o Increasing supply through government designated markets like Rythu Bazaars of Andhra Pradesh, Mother dairy of Delhi etc.,
- Boosting domestic supply:
    - o Government ban exports or place limits in the quantity of exports to increase the supply in domestic markets.
    - o It imposes minimum export price (MEP) to check unrestricted exports.
    - o Restrictions on stock limits on hoarding by the traders and middleman.
- Imports: the government imports the food commodity in question to increase the supply as also being done recently to check onion prices.
- Long term measures:
    - o Reducing storage losses which accounts around 30% on average through constructions of cold storages, modern technology warehouses etc.,
    - o Schemes like Operation greens with the target to stabilise the supply of tomato, onion and potato crops (TOP crops) in India, as well as to ensure their availability around the country, year-round without price volatility.
    - o Agricultural market reforms like APLM act, formation of NAM etc.,
    - o Contract farming guidelines and streamlining to strengthen the distribution system.

Conclusion

Arresting the food prices fluctuations is prerogative not only for the consumers, but also is vital to ensure remunerative price for the producers(farmers) as sudden spike is usually ends up in massive price crash. Structural changes through reforms in transportation, market and storage is needed to address the issue.

52. With regards to India's unique position with respect to its demography, examine the significance of skilling the young population. What measures have been taken by the government in this direction? Examine.

Introduction

According to the National Policy for Skill Development and Entrepreneurship, more than 54 per cent of India's population is below 25 years of age and 62 per cent of India's population is aged between 15 and 59 years. This demographic dividend is expected to last for the next 25 years.

With most of the developed world experiencing an aging population, India has the opportunity to supply skilled labour globally and become the world's skill capital. However, the demographic advantage might turn into a demographic disaster if the

skills sets of both new entrants and the existing workforce do not match industry requirements.

Body

Significance of skilling the young population

- **Employability -** India's workforce is young and growing fast: 250 million people will enter the labour market by 2025. However, the India Skill Report 2018 states that only 47 per cent of those coming out of higher educational institutions are employable.

- **Entrepreneurship -** India is extremely competitive in terms of labour and production costs, and has a successful culture of entrepreneurship. Skill enhancement is important to sustain this culture.

- **Growth of the economy -** As highlighted in the IMF's World Economic Outlook, India is already among the fastest growing major economies in the world. Foreign direct investment (FDI) has surged in the last few years as a result, which implies that investors share my optimism. India's young workforce only adds to the attraction.

- **Global competitiveness -** With globalization, innovation and digitalization driving global competition and exorbitant consumer expectations, goods and services will have to constantly evolve to remain relevant, as will the skills required to deliver them.

- **Sustainable development -** Imparting skill sets for greener transformation will generate employment opportunities and strengthen our resolve to conserve and preserve the priceless environment.

- **Balanced regional growth -** For instance, there is need for skill development at the grassroots to meet the challenges of hospitality and tourism industry in order to better harness India's tourism potential.

Measures taken by the government in skilling the young population

- A dedicated Ministry of Skill Development and Entrepreneurship (MSDE) was set up in 2014 to implement the National Skill Development Mission, which envisions skilling at scale with speed and standards.

- On July 15, 2015, on the first ever World Youth Skills Day, Skill India scheme was launched.

- To improve the relevance and quality of courses offered by industrial training institutes (ITIs), polytechnics and private training providers, sector skill

councils (SSCs) have been involved in curriculum up-gradation/preparation, and in the assessment and certification process. Courses are being aligned to the National Skills Qualifications Framework (NSQF).

- Recognition of prior learning (RPL) has been introduced to ensure certification of and bridge training for the existing work force.
- 40.5 lakh candidates have been trained under the Pradhan Mantri Kaushal Vikas Yojana (PMKVY), and 74 lakh candidates under fee based training programmes run by National Skill Development Corporation (NSDC).
- A 'Skill Loan' initiative is launched in which loans from Rs 5,000-1.5 lakhs will be available to whom who seek to attend skill development programmes, over the next five years. The idea is to remove financial constraints as a hindrance to accessing skill training programmes.
- Deen Dayal Upadhyaya – Grameen Kaushal Yojana. The Ministry of Rural Development implements DDU-GKY to drive the national agenda for inclusive growth, by developing skills and productive capacity of the rural youth from poor families.

Conclusion

It is estimated that 75 per cent of the new job opportunities to be created in India will be skill-based. In a country where more than 90 per cent of workforce is in the informal sector, the task is immense. For harnessing the demographic advantage that it enjoys, India needs to build the capacity and infrastructure for skilling/reskilling/up-skilling existing and new entrants to the labour force

53. What are the current bottlenecks in India's higher education sector that act as severe impediments to the potential that Indian universities possess. What measures has the government taken to address those impediments? Discuss.

Introduction

India's higher education GER (calculated for the age group, 18-23 years) increased from 11.5 per cent in 2005-06 to 25.2 per cent in 2016-17. However, we lag behind the world average of 33 per cent and that of comparable economies, such as Brazil (46 per cent), Russia (78 per cent) and China (30 per cent). Korea has a higher education GER of over 93 per cent.

Body

Bottlenecks in India's higher education sector that act as severe impediments to the potential that Indian universities possess
- Outdated and multiple regulatory mechanisms limit innovation and progressive change.

- Outdated curriculum results in a mismatch between education and job market requirements, dampens students' creativity and hampers the development of their analytical abilities.
- Quality assurance or accreditation mechanisms are inadequate.
- There is no policy framework for participation of foreign universities in higher education.
- There is no overarching funding body to promote and encourage research and innovation.
- Public funding in the sector remains inadequate.
- There are a large number of faculty posts lying vacant, for example in central universities, nearly 33 per cent of teacher posts were vacant in March 2018; faculty training is inadequate.

Measures taken by the government to address those impediments

Recognizing the need to improve access, equity and excellence in higher education in the country, the government has taken significant steps, including the following:

- Implementation and continuation of the centrally sponsored scheme, **Rashtriya Uchchatar Shiksha Abhiyan (RUSA)** - This scheme seeks to improve access, equity and quality in state higher education institutions through a reforms-based approach and links funding to performance.

- **National assessment and accreditation reforms** - While making accreditation of higher education institutions mandatory, the reforms move away from an intrusive system to a more enabling, mixed method of assessment and accreditation. The process of accreditation has been fast-tracked and made more transparent. The emphasis is more on self-assessment, data capture, validation by third party evaluation and objective peer review.

- **Regulations for graded autonomy to universities and autonomous colleges** - A three tiered graded autonomy regulatory system has been initiated, with the categorization of institutions as per their accreditation score by the National Assessment and Accreditation Council (NAAC) or other empanelled accreditation agencies, or by their presence in reputed world rankings. Category I and Category II universities will have significant autonomy.

- SWAYAM MOOCs portal ((Study Webs of Active learning for Young Aspiring Minds) is an indigenous MOOCs portal that provides high quality education - anyone, anytime, anywhere at no cost- has been made operational.

- **Pandit Madan Mohan Malviya National Mission on Teachers and Teaching** scheme has been launched to address the issues of supply of qualified

teachers, attracting talent into teaching profession, raising the quality teaching in schools and colleges.

- **Global Initiative of Academic Networks (GIAN)** is an initiative launched on 30th November 2015 to garner best international knowledge and experience into the country's higher education so as to enable Indian students & faculty to interact with best academic and industry experts from across the world

- Government has embarked on building 20 Institutions of higher learning - 10 public and 10 private institutions as "**Institutions of Eminence**" (IoE), so that they are related among the global best institutions.

- **IMPRINT India** is an effort to direct research in the premier institutions into areas of social relevance. 10 such domains have been identified which could substantially impact the living standards of the rural areas.

- **Smart India Hackathon initiative** is to promote innovation in the students by encouraging out of the box solutions for common problems faced by the society at large.

Conclusion

Our goal to be a world power, the **resolving and restructuring of higher education** is must, then only we will be able to harness the human potential and resources of nation to the fullest and channelize it for the growth of the nation.
Education is the basis of human establishment and hence should be treated with profound seriousness. Maintaining the education standards will satiate the concerns of youth which is looking for opportunities within the nation. Not only economic fronts but education fronts should be dealt prudently in order to usher as a powerful nation in coming years.

54. Government can only be an enabler of change in a sector. Do you agree? In this light, critically evaluate the turn that India' public policy discourse has taken over the last few years.

Introduction

In its seventh decade of independence, India stands on the cusp of major change: a transformation that could lead to unprecedented economic growth paired with radical improvements in the nation's public policy discourse. To support progress in such an endeavour, the government is incorporating multiple changes for better digital infrastructure, acting as an enabler in the various sectors.

Body

- The government is playing the role of an enabler to create an environment that will provide for transparent, non-predatory and fair pricing for different sectors to increase their revenue.
- This is being achieved by refraining from changing the rules and adhering to contractual obligations such as those of long-term off take agreements, apart from holding mutual consultations in a transparent manner for any changes in the contracts.
- Consistency and continuity in government policies with proper regulation can create a predictable market for industries, who then can build large projects. This results from efforts of government to act as an enabler for businesses rather than stifle the energy of growing industries.
- Recently, India was ranked 63rd position in World Bank's Ease of Doing Business 2020 report which is a great improvement from earlier ranking which has helped in improving performance in many sectors and is a result of consistent efforts since the past few years.
- An additional benefit of improving ease of doing business in India could take the form of greater confidence in India on the part of multinational companies, which would translate into larger flows of foreign direct investment and know-how into India, two essential ingredients for growth and innovation.
- The private sector has a major opportunity to help India improve its performance in each industry. Companies that can craft solutions to support such performance improvement can reap benefits including entry into new markets, increased revenues, and a much stronger market position than that of their competitors.
- The Indian policy framework today is to empower the states more and to decentralize decision making for funding, so we will see dynamic and vibrant states almost competing with each other for resources and being much more open to investment.

The fundamental regulatory or policy transformations over the past few years under the current government include:

1. The passage of the goods-and-services tax, which is going to create an integrated market in India for the first time. It's a value-added tax regime, which is going to dramatically reduce all of the inefficiencies and barriers within the internal market.
2. Next is the financial infrastructure,i.e, the Jan-Dhan Yojana, which has enabled 100 million-plus bank accounts enabled by mobile phones. The provision of benefits transfer directly to people's bank accounts, using their mobile phone and the Aadhaar is a unique platform—there is no other country in the world that has this scale of mobile-driven bank accounts with the ability to transfer money and services directly to the beneficiary without all of the leakages that have plagued the sector for many, many years.

3. The launch of Digital India by the Prime Minister Narendra Modi, with the objective of connecting rural areas with high-speed Internet networks and improving digital literacy, the digital revolution has already started happening in India. This vision of the digital India programme presented by the central government has resulted in inclusive growth in areas of electronic services, products, manufacturing, and job opportunities.

4. India took a bold and innovative step in creating Invest India, a one stop shop to promote foreign direct investment, which has helped streamline some administrative enablers. However, as the 2018 Global Competition Review shows, other countries are following suit and easing the regulatory framework for domestic investors

5. Platforms like UPI-integration and products like the BHIM app is a commendable step as each sector - be it education, healthcare, infrastructure and more - benefits from being associated with a rising digital economy, which helps the overall economy of India to benefit from the digital revolution.

The country also saw improvement in public sector performance and e-governance structure. The introduction of a new insolvency law has helped make the legal system more efficient at settling disputes, which no doubt will be viewed positively by both foreign and domestic investors. Improved monetary policy framework and easing access to finance conditions has also delivered a strong performance on the SME financing indicator, where India ranks 16th.

Conclusion

Despite unfavorable global economic conditions, policy-makers in India must continue to put a premium on prudent macroeconomic management, including maintaining fiscal and monetary discipline. Furthermore, policies that have helped improve its competitiveness must be maintained. This includes reforms that will help inject further dynamism into the administrative apparatus.

55. Identification of beneficiaries for government schemes has always been a tricky issue in India. Comment. Do you think 'exclusion' works far better as a criteria for identification than 'inclusion'? Critically examine.

Introduction

Government schemes aim at welfare of people via distribution of benefits. However, most times the benefits do not reach the intended beneficiaries rendering the schemes ineffective.

Body

Identification of beneficiaries for government schemes is tricky

Most of the government initiatives depend on either land records — which are often patchy — or on a dated database based on 2011 numbers: the Socio-Economic Caste

Census (SECC). he SECC is being used in central schemes such as the Ayushman Bharat and Pradhan Mantri Awas Yojana to identify beneficiaries.

A district-wise comparison with data from the last census conducted in 2011 and numbers from the more recent National Family Health Survey (NFHS 2015-16) suggest that while there are some common patterns in all three databases, there are considerable differences when it comes to identification of the most backward districts.

SECC, in principle, remains a targeted approach for welfare delivery mechanism. There are various problems attached with targeted mechanism, some of which are enlisted as follows:

- Targeted programs create tensions between those who are excluded—some of whom may be among the poor but "missed" by targeting schemes—and the beneficiaries.
- Many scholars have pointed out the tendency of politicians to abuse targeted programs by converting them into instruments of patronage.
- Additionally, most of the benefits meant for end-up being elite captured. As, Amartya Sen points out," benefits that go only to the poor often end up being poor benefits."

The other challenge in using the SECC database is that it is already eight years old in an economy which is transforming fast, and where some people have climbed up the income ladder while others have fallen down.

  o This means that a SECC-type exercise needs to be repeated at frequent intervals to ensure that it matches current reality. But the more the database is mined for such use, the greater the chances of reporting biases creeping in, as people learn how to game the database to remain within the 'right' cutoff limits.

'Exclusion' works far better as a criteria for identification than 'inclusion'

There is evidence that, because of the burdens placed on state administrations, universal benefits are sometimes cheaper than targeting.

- Sewa-INBI took up two types of villages in Madhya Pradesh for their pilot, one was a normal Indian village while the second was only inhabited by tribals.
- In each case, a set of 'control' villages was identified where no UBI was given while the other set got a UBI for 12 to 17 months. Over 6,000 people got the UBI of Rs. 200 per adult and Rs. 100 per child; after a year, this was raised to Rs. 300 and Rs. 150—respectively—in the normal villages. In the tribal villages, the sum was kept at Rs. 300 and Rs. 150 in the 12-month period.
  o In this experiment, it was found that, on many parameters, conditions of inhabitant of UBI controlled villlages improved.

- However, there are many problems associated with universal targeting, like
  - o Conspicuous spending: Households, especially male members, may spend this additional income on wasteful activities.
  - o Moral hazard (reduction in labour supply): A minimum guaranteed income might make people lazy and opt out of the labour market.
  - o Gender disparity induced by cash: Gender norms may regulate the sharing of UBI within a household – men are likely to exercise control over spending of the UBI. This may not always be the case with other in-kind transfers.

Conclusion

In current times, the last mile delivery of services is being taken up in a vigorous manner through tools like Sevottam Model, Social Audit etc. Need is to further strengthen the existing measures to ensure a smooth delivery of benefits and improve governance in the country.
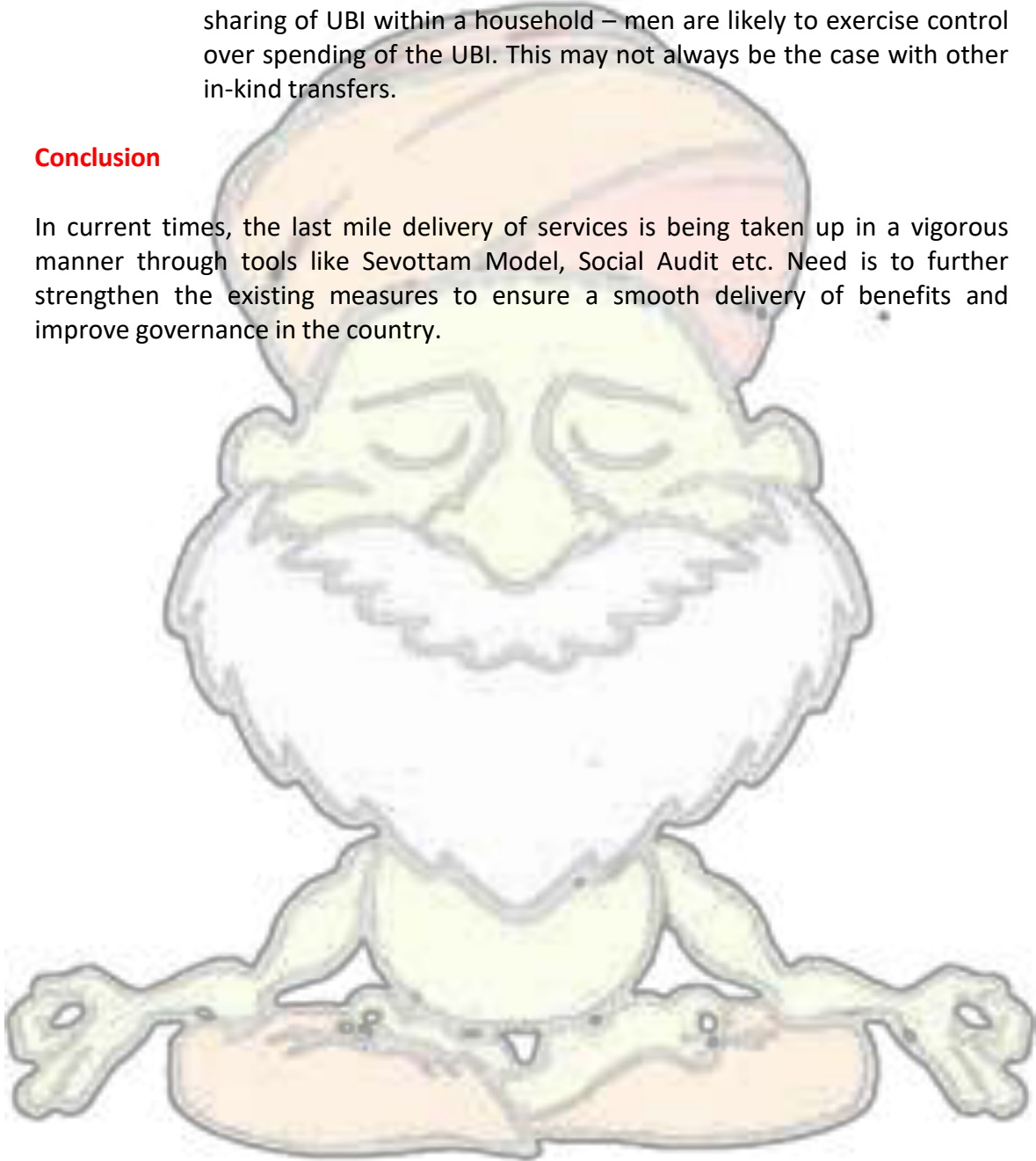
56. Examine the significance of entrepreneurial spirit for the development of a middle income country like India. What is your assessment of the prevailing policy environment aimed at promoting entrepreneurship?

Introduction

Entrepreneurship is the act of creating a business or businesses while building and scaling it to generate a profit. With a target of $5 trillion economy by 2024, entrepreneurship is a buzzword which can help India to be in a trajectory to achieve the same and helps developing countries to achieve sustainable development.

Body

Significance of entrepreneurial spirit:

As our prime minister observed "India need more job creators than job seekers". This is especially significant for developing countries like India for the reasons:

- Employment: World bank report states that India needs to generate at least 2 million jobs every year. Unemployment rate has been a 4-decade high at 6.1% as per the NSSO survey. Entrepreneurship is significant in this context generating new jobs.
- Utility of demographic dividend: Mean age of working population in India is around 27 years. New business and entrepreneurship will help utilize the demography productively in developing countries which usually have young working population.
- Secondary and tertiary sector development: Most developing countries depend on primary sector for employment (e.g. India – around 50% in agriculture) and entrepreneurship helps them to move in to manufacturing and services sector which more profit and employment opportunities.
- Development of global level industries: the GAFA (Google, Apple, Amazon, Facebook) companies were started by small entrepreneurs and have contributed/contributing enormously to the development of their parent countries. The same applies to developing countries as well which can be possible only by promoting entrepreneurship.
- Research and innovation: Entrepreneurship thrive in innovative ideas and this promote research, development of new technologies and so on. This in turn will help utilize the natural and human resources of the developing countries more productively.
- Global presence: Entrepreneurship helps in increasing the global presence of Indian entities and also helps in addressing fiscal deficit, reserves etc., by increasing domestic production and increasing exports.
- Mobilization of resource: especially capital where in small savings can be mobilized and productively used investing in new businesses.
- Reduces brain drain which helps in more innovation, research development in India.

Prevailing policy environment:

India was ranked 69/137 countries in the previous Global entrepreneurship index which is a reflection of entrepreneurship support by the government though policies.

- The government has supported by providing finance to MSME entrepreneurs through schemes like Mudra loans, SHG promotion through NABARD-SHG-Bank linkage, PSBloanin59min etc.,
- Hand-held support to the new entrepreneurs is done by schemes like Skill India mission with sub-missions which includes launching of incubation centers, skill development schemes etc.,
- Concessions to entrepreneurs though schemes like start-up India, Stand up India which includes tax remissions, streamlining in labour laws, audit procedure etc., E.g. Relaxation in Angel tax, corporate tax reduction, GST.
- Government is promoting innovation through various schemes like Atal Innovation mission, IPR policy guidelines, patent filing procedure streamlining etc., which drives entrepreneurship.
- The international collaborations like the recently signed MOU between Atal innovation mission and Russian Sirius programme etc., are helping in global collaborations and innovations.
- The state wise ranking of EODB, organizing state wise investor summits, Global entrepreneur summits etc., is promoting competitive federalism and is helping entrepreneurs.

Though government is determined to use entrepreneurship as a vehicle of development, there are some issues as well as challenges like

- Issues in government schemes has caused problems for sustenance of business or even availing the benefits available. E.g. in the first 2-3 years, only around 10 companies were able to get the benefits under start-up India.
- The credit needed for the entrepreneurs is still inadequate and mostly cornered by big entrepreneurs/companies than new entrants in the field.
- In the recent global innovation Index report – Corruption, tax terrorism and red-tapism are listed as the biggest hurdles to entrepreneurship/start-ups in India.
- Entrepreneurs still face issues in some of the areas like getting electricity, land acquisition, prolonged court litigations etc., hampering the business environment.

Conclusion

As world Bank observed "India is falling into a middle-income trap" and with the turbulent global economic scenario, domestic reliance with entrepreneurship promotion is prudent also recognized by the government. A conducive entrepreneurship environment in the long run improves the domestic economy and

eventually brings in human development. Thus, the government has to take short and long-term measures to address the issues.

57. Why is Inequality-adjusted Human Development Index (IHDI) a better measure of development? Explain with the help of suitable examples.

Introduction
The IHDI combines a country's average achievements in health, education and income with how those achievements are distributed among country's population by "discounting" each dimension's average value according to its level of inequality. Thus, the IHDI is distribution-sensitive average level of human development. Two countries with different distributions of achievements can have the same average HDI value. Under perfect equality the IHDI is equal to the HDI, but falls below the HDI when inequality rises.

The difference between the IHDI and HDI is the human development cost of inequality, also termed – the overall loss to human development due to inequality. The IHDI allows a direct link to inequalities in dimensions, it can inform policies towards inequality reduction, and leads to better understanding of inequalities across population and their contribution to the overall human development cost. A recent measure of inequality in the HDI, the Coefficient of human inequality, is calculated as an unweighted average of inequality across three dimensions.
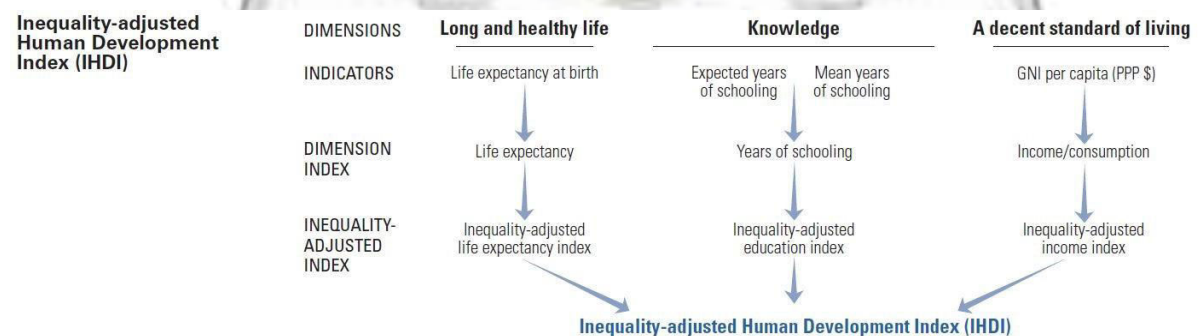
Body
Inequality-adjusted Human Development Index (IHDI) a better measure of development
- While the HDI can be viewed as an index of average achievements in human development dimensions, the IHDI is the level of human development when the distribution of achievements across people in the society is accounted for. The IHDI will be equal to the HDI when there is no inequality but falls below the HDI as inequality rises. The difference between the HDI and IHDI, expressed as a percentage of the HDI, indicates the loss in human development due to inequality.
- IHDI show if inequality is getting better or worse. By analyzing the trend in the IHDI one can assess the direction of the change.
- One of the key properties of the approach is that it is 'subgroup consistent'. This means that if inequality declines in one subgroup and remains

unchanged in the rest of population, then the overall inequality declines. The second important property is that the IHDI can be obtained by first computing inequality for each dimension and then across dimensions, which further implies that it can be computed by combining data from different sources, thus it is not necessary that micro data on all components come from the same survey.

- The IHDI allows a direct link to inequalities in dimensions of the HDI and the resulting loss in human development. Thus, it can help inform policies towards inequality reduction and to evaluate the impact of various policy options aimed at inequality reduction.
- The average global loss in HDI due to inequality is about 22.9 %—ranging from 5.5% (Finland) to 44.0% (Angola). People in sub-Saharan Africa suffer the largest losses due to inequality in all three dimensions, followed by South Asia and the Arab States and Latin America and the Caribbean. Sub-Saharan Africa suffers the highest inequality in health (36.6%), while South Asia has the highest inequality in education (41.6%). The region of Arab States also has the highest inequality in education (38%), Latin America and the Caribbean suffers the largest inequality in income (36.3%).
- The IHDI and its components can be useful as a guide to help governments better understand the inequalities across population and their contribution to the overall loss in the level of human development due to inequality.
- The IHDI can be adapted to compare the inequalities in different subpopulations within a country, provided that the appropriate data are available. National teams can use proxy distributions for indicators, which may make more sense in their particular case.

Generally countries with less human development also have more multidimensional inequality and thus larger losses in human development due to inequality, while people in developed countries experience the least inequality in human development.

The East Asia and the Pacific Region performs well on the IHDI, particularly in access to healthcare and education, and former socialist countries in Europe and Central Asia have relatively egalitarian distributions across all three dimensions.

Conclusion

Though insightful, the index does not reckon several factors, such as the net wealth per capita, the relative quality of goods, CO2 emissions, crime rate or risk of insolvency in a country. Accounting for these will lower the rank for some of the most advanced countries, such as the G7 members and others. However IHDI is still one of the best indicators of Human development.

58. In what ways can technology be leveraged in the development industry? Illustrate with the help of suitable examples.

Introduction

The development industry involves international organizations, government departments, NGO's, international charities, and social movements, who are all working to fight against the causes of poverty and inequality.

Body

In the last few years, governance in India across sectors has been redefined through business process reengineering, technology and data analytics. Technology is reshaping the way government is designing and implementing programmes. The use of technology has brought in better systems, greater efficiency and is beginning to have a profound impact on governance. Some of the areas where digital technologies are transforming lives and revolutionizing governance are:

- Direct Benefit Transfer (DBT) India has combined the use of unique biometric identifiers and financial inclusion for effectiveness in social benefits and to reduce the vast number of illegitimate beneficiaries under welfare programmes. The Direct Benefit Transfer (DBT) has been implemented across 437 schemes, and helped save Rs 83,000 crore till date. Its implementation has led to 2.75 crore duplicate, fake or non-existent ration cards being deleted and 3.85 crore duplicate and inactive consumers for liquefied petroleum gas (LPG) subsidy being eliminated.
- Artificial Intelligence can expedite achievement of the SDGs. For example Population Foundation of India is carrying out a project in North India using AI to give adolescents access to sexual and reproductive health information.
- Using Cisco's video conferencing technology, specially trained teachers of APD deliver lessons during weekends and holidays to disabled students spread across districts of Karnataka enabling these students to continue their education who might have otherwise discontinued because of huge challenges that they face every step of the way.
- Unified Payments Interface (UPI) and Bharat Bill Payment System (BBPS) have triggered a plethora of private sector-innovated apps, which have significantly eased citizens' bill payments towards services provided by GoI. Digital payment transactions have now become extremely simple, thanks to the Bharat Interface for Money (BHIM) UPI.
- Akshaya Patra, Bengaluru-based NPO, strives to eliminate classroom hunger by organizing mid-day meal schemes in government schools. As of now, they serve about 2 million children from over 14,000 schools across 12 states. With growing numbers, the Akshaya Patra is using data analytics efficiently to serve the children and make productive use of their funds. Data analytics is helping them in solving logistic problems like figuring out the optimum route to deliver food.
- Save Life Foundation - Road accidents led to the death of more than 10 lakh Indians in the last decade. Save Life Foundation, therefore, commissions nation-wide surveys to gauge the public perception about road safety in

India. These surveys serve as blueprints for initial diagnosis and the data collected will be used to analyse, predict and eradicate the risk-prone areas.

- "Seva Kitchen":Food sharing app – To fight against food poverty, a NGO has designed an app called "Seva Kitchen" which helps you to share excess food to the needy group. Foods are wasted at larger quantities during marriages, functions & parties and the rationale behind is to share the same with those who are in real need of the food. Although they started off by making meals accessible to relatives of patients in hospital, the "Seva Kitchen" continues to cover a broader ambit of addressing hunger needs.
- Ayushman Bharat - The Ayushman Bharat scheme will digitally link primary and community health centres with district hospitals. Along with the Rs 5 lakh health insurance, which will cover 50 crore Indians, it will ensure healthcare

Conclusion

For years, India has been a complex nation, making it difficult for the common man to access services. The rapid adoption of technology across sectors is making things easy and eliminating all forms of human intervention. This has a major impact on the efficiency and effectiveness of governance.

59. Small changes can have a multiplier effect on the development processes. Do you agree? Substantiate with the help of suitable examples.

Introduction

In economics, a multiplier broadly refers to an economic factor that, when increased or changed, causes increases or changes in many other related economic variables. In terms of gross domestic product, the multiplier effect causes gains in total output to be greater than the change in spending that caused it. Such an increase effects the development process positively through small changes.

Body

- Every time there is an injection of new demand into the development process there is likely to be a multiplier effect. This is because an injection of extra income leads to more spending, which creates more income, and so on. The multiplier effect refers to the increase in growth arising from any new injection of spending.
- The multiplier concept can be used in any situation where there is a new injection into an economy. Examples of such situations include:
1. When the government funds the building of a new infrastructure
2. When there is an increase in exports abroad
3. When there is a reduction in interest rates or tax rates, or when the exchange rate falls.
- Multiplier effects generated by the creation of a new type of economic activity in a given area, for example a large new manufacturing facility, are of particular interest. The example of the impact of companies located in a

Special Economic Zone (SEZ)s shows the magnitude of the multiplier effect expressed in terms of the number of jobs created which is the result of small changes in policy affecting the developmental process.

- The magnitude of multiplier effects varies substantially depending on their trigger and location. Multiplier effects tend to be stronger in services than in the manufacturing sector. Local companies tend to possess extensive local linkages resulting in stronger local multiplier effects than large companies doing business in many different regions and countries

- Entrepreneurial sector successes are also important for their multiplier effect. The IT industry, pioneered by companies such as TCS, Infosys, and Wipro, fostered an entrepreneurial mind-set that is powering the latest boom in India's e-commerce sector. This was possible through small changes in policy leading to better outcomes for the economy.

- A change in fiscal policy has a multiplier effect on the economy because fiscal policy affects spending, consumption, and investment levels in the economy. The multiplier effect is the amount that additional government spending affects income levels in the country. The two major mechanisms of fiscal policy are tax rates and government spending. Typically, fiscal policy is used when the government seeks to stimulate the economy.

- Two areas in which higher public investment will easily be absorbed are housing and infrastructure. Investment in housing, especially in urban areas, will create very large multiplier effects in the economy. Investment in physical infrastructure will address longstanding deficiencies faced by the economy.

- The industrial development of any nation depends upon the presence of a vibrant steel industry. Steel finds its use in a wide range of applications. In India, steel has an output multiplier effect of nearly 1.4X on GDP and employment multiplier factor of 6.8X. The aim of National Steel Policy, 2017 is to steer the steel industry achieve its full potential as well as enhancing the steel production while being globally competitive.

- MULTIPLIER EFFECT IN MEDICAL TOURISM - In the multiplier process, direct multipliers flow from what visitors actually spend, while indirect multipliers are created by tourist industry expenditure. The cascading effect of tourists money being spent throughout the host economy, begins at frontline tourist establishments, eg hotels, restaurants and taxis.

- The majority of Self-Help Groups comprise of women members. There is evidence that formation of self help groups has a multiplier effect in improving women's status in society as well as in the family.

Conclusion

Ultimately, multiplier effects resulting from any change in economic activity in a given area are important, regardless of when it started. One must not forget that multiplier effects may produce not only positive outcomes but also negative ones. Reductions in output and the liquidation of companies lead to lower incomes and lower employment at suppliers as well as business entities serving the needs of the

employees made redundant thus necessitating a balanced approach towards the use of small changes for multiplier effects in the development processes.

60. Critically evaluate the recent measures taken by the government to ensure the development of the North-Eastern region.

Introduction

The North East States are categorized as Special Category States and receive central assistance on a liberal 90:10 sharing pattern. The Central Government is also supplementing development efforts of States in NER through Special Central Assistance (SCA) and Special Plan Assistance (SPA) through State Plans.

Body

The Ministry of Development of North Eastern Region (DoNER) has made the following schemes for the development of North-Eastern region during the last three years:

- **North East Special Infrastructure Development Scheme (NESIDS)**
  The Government has approved a 100% Central Sector Scheme to be implemented till March 2020, named North East Special Infrastructure Development Scheme (NESIDS) for development of North-Eastern region to be implemented by the Ministry of Development of North Eastern Region (DoNER). A sum of Rs.1600 crore has been allocated for funding physical infrastructure relating to connectivity, power, water supply enhancing tourism and social Infrastructure relating to education and health sectors in North Eastern States. Till date, 6 (six) projects costing Rs.272.31 crore have been recommended for sanction for North Eastern States under this scheme.
- **Schemes of North Eastern Council (NEC) and North East Road Sector Development Scheme (NERSDS)**
  The Government has also approved schemes of North Eastern Council (NEC) and North East Road Sector Development Scheme (NERSDS) at a total cost of Rs.4500 crore for 3 years i.e. 2017-18 to 2019-20. Under NERSDS, 3 (three) projects have been taken up and 1 (one) has been completed while 2 (two) are ongoing.
- **North East Venture Fund (NEVF)**
  North Eastern Development Finance Corporation Ltd. (NEDFi) under the Ministry of Development of North Eastern Region (DoNER) has set up the North East Venture Fund (NEVF) for North East Region. The capital commitment to the fund is Rs.100.00 crore with an initial contribution of Rs.75.00 crore consisting of Rs.45.00 crore from Ministry of DoNER and Rs.30.00 crore from NEDFi. The balance fund of Rs.25.00 crore has been committed by Small Industries Development Bank of India (SIDBI) in-principle. The proposals are considered by the NEVF. For investment decisions, an Independent Investment Committee is formed, comprising of

experts from the field of venture capital financing, banking, technocrats and representatives of investors, which regularly monitor the implementation of the projects. So far, the NEVF has approved eight proposals for start ups in various sectors ranging from health to media with an investment commitment of Rs.1092.5 lakh.

- **Science & Technology Interventions in the North East Region   (STINER)**
  STINER aims to bring relevant technologies developed by the academic, scientific and research institutions to the artisans and farmers especially women. The Ministry has sanctioned funds to disseminate some identified technologies developed by IITs such as Feed block machine;   Eri-Cocoon opener; Hank to bobbin winding machine; Chaff Cutter; Dryer; Potter's wheel; Puffed Rice making machine and Fish cage structure.

- **North Eastern Region Vision 2020**
  This document provides an overarching framework for the development of the North Eastern Region to bring it at par with other developed regions under which different Ministries, including Ministry of Development of North Eastern Region have undertaken various initiatives.

a. Mandatory earmarking of at least 10% of GBS of Central Ministries/Departments for North Eastern Region (NER) and creation of Non-Lapsable Central Pool of Resources (NLCPR) has augmented resource flow to the region.

b. An allocation of Rs.59,369.90 crore (BE) during 2019-20 has been made for the North Eastern Region, including Ministry of DoNER.

c. Strengthening infrastructure and connectivity is a major thrust area identified by the Vision document.

d. For Road,Under the Special Accelerated Road Development Programme (SARDP-NE) including Arunachal Package of Roads and Highways, 1,514 km of road length worth Rs.20,065 crore has been completed in the last five years in the North East Region (NER). Under Bharatmala Pariyojana (BMP) roads stretches aggregating to about 5,301 km in NER have been approved for improvement. Out of this, 3246 km road length has been approved for development of Economic Corridors in the North East. Under Pradhan Mantri Gram Sadak Yojana (PMGSY), road length of 20,708 km has been constructed at a cost of Rs.9033.76 crore, thereby connecting 3,123 habitations in North Eastern Region.

e. In respect of Rail Connectivity, during the last four years the entire North East Region has been converted to the Broad Gauge (BG) network. In respect of Air Connectivity, modernization and development of Airports have been taken up. This includes construction of a new integrated terminal building at Guwahati, Imphal and Agartala Airports etc.

f. Moreover, Regional Connectivity Scheme (RCS-UDAN) has been launched to provide connectivity to unserved and underserved Airports within the country and to promote regional connectivity by making the airfare affordable through Viability Gap Funding (VGF). The North East has been kept as a priority area under RCS-UDAN.

g. Under Swadesh Darshan Scheme of Ministry of Tourism, projects worth Rs.1400.03 crore have been sanctioned for the North East Region in the last five years and Rs. 896.12 crore has been released for the same.

h. Ministry of Civil Aviation has granted 'Site Clearance' and 'In-principle' approval on 18.01.2019 for setting up a New Greenfield Airport at Holongi, Itanagar, for which Airports Authority of India (AAI) has already initiated preparation of bidding documents.

i. Other major initiatives taken up in the North-East Region inter alia include Promotion of MSMEs in North Eastern Region and Sikkim, Comprehensive Telecom Development Project (CTDP) for the North-Eastern Region, Comprehensive Scheme for strengthening of Transmission and Distribution Systems (CSST&DS), North Eastern Region Power System Improvement Project (NERPSIP), Mission Organic Value Chain Development for North Eastern Region scheme, North East Region Textile Promotion Scheme (NERTPS), National Sports University at Imphal, Agartala-Akhaura Rail-Link to connect the existing Agartala station in Tripura to Akhaura Station of Bangladesh Railways, development of Brahmaputra and 19 new waterways including Barak.

Challenges

1. The Northeast region does not attract big industries because the region is resource deficit, and does not have economies of scale to match. Moreover, the security situation in the whole of the region has not improved uniformly.

2. The North East Council (NEC) and the Ministry for the Development of the North East Region (DoNER) have become fund disbursing agencies instead of strategic planning agencies.

3. The North East still remains inward looking focussing primarily on internal conflicts. There is no discussion on the benefits that could accrue to the region from the Look East Policy.

4. The international borders in the North east are extremely porous. Thus, cross border infiltration of militants, and smuggling of arms are rampant in the region.

5. Poverty, High rate of unemployment, inadequate health care, public unrest adds to the challenges in the region.

Conclusion

Given the north-eastern region's strategic location, India has been keen to involve countries of South East Asia and East Asia in its development. The ten key areas for development of north east are highways, railways, power, internet, BPOs, Organic food, assistance, timely implementation of projects for job creation, tourism and development of rural areas. The pro-active approach in the north east region is the key to give fillip to development of the region.

61. How do NGOs help in bringing about behavioural changes needed for policy implementation? Illustrate with the help of suitable examples.

Introduction

Non-Governmental Organizations (NGOs) are part of the development processes of our country. NGOs provide an extra governmental network to connect with the people and is helpful in bringing behavioral change in people. As UNDP notes, NGOs have a significant role to play alongside governments to augment the resources, connect with the public and oversee meaningful policy implementation.

Body

NGO bringing behavioral changes:

- Behavioral change among policy makers:
  - The glaring data released by some of the renowned NGOs nudge the government to take proactive steps in policy formulation and implementation. E.g. IPCC report and change in government behavior towards climate change.
  - Policy insights: and reorientation required is put-forth through credible data and reports which helps in changing strategies and structural changes. This in turn improves policy implementation. E.g. Pratham report on education leading to structural changes recommendations by committees like Kasturirangan.
- Bringing awareness about policies among the public: in many cases, public are unaware of the policies, schemes etc., and NGOs ate instrumental in reaching out to public through street plays, reports etc., E.g. awareness of RTI is mainly spread by NGOs, awareness campaigns on Mudra Scheme, PM Fasal Bhima yojana etc.,
- Knowledge dissemination:
  - NGOs are close to the people and hence enjoy more credibility and hence help in conveying government message and shatter superstitions, disinformation. E.g. NGOs role in UP in eradicating the misconception on polio vaccine (seen as planned sterilization by government).
  - Also, NGOs are vital in dealing unconventional areas of policy interest like LGBTQ rights, mental health care, women menstruation etc., where proper awareness is important for policy implementation. E.g. Shraddha foundation in Maharashtra for mentally challenged, Saathi NGO for LGBTQ.
  - As most of the NGO members are from local community, they help address issues of language and cultural barriers and hence increase the target penetration. E.g. NGOs in Chattisgarh reaching out to tribal people and help availing government benefits to set up SHGs.

- Persuasion of public is done by various strategies including naming and shaming, building social capital etc., E.g. NGOs involved in 'Darwaza band Karo' campaign help in Swachh Bharat mission.
- Social Behaviour change:
  - o NGOs like Lepra society (for leprosy patients), Snehalaya (for HIV infected) etc., are working in changing the behavior of public towards those patients and vulnerable section and help in mainstreaming them in the society. They are helping in implementing policies vis-a-cis leprosy, AIDS, TB etc.,
  - o NGOs like Age India is bringing awareness about the elderly care and running campaigns on the responsibility of children to take care of parents. Further, by treating the poor for free, it has helped in changing behavior of family who doesn't see the elderly as a burden. This in turn is supporting government measure towards elderly.
  - o NGOs tap in young generation students and youths and instill a serving mentality which in turn help in the long-term behavioral change. E.g. An NGOs working on the concept of 'Time Bank model' – youths taking care of elders in old age home and accumulating time which they would get in their old age by volunteers.
  - o Bringing awareness among parents on subjects like girl education, women rights, children rights etc., E.g. Smile foundation working to uplift slum dwellers and children, Kailash Satyarthi's Bachpan Bachao andolan etc.,
- Several NGOs are dedicated to achieve sustainable goals and help governments by bringing behavioral change in resource use among consumers. E.g. Greenpeace, FORREST (in Maharashtra) etc., helping in environmental impact assessment. Prakruti NGO in Bangalore promoting electric vehicle, solar energy etc., help government policy on renewables.

Conclusion

NGOs has boosted the government efforts and provide an additional policy network for better integration and internalization of policies. Thus, NGOs are vital in bringing behavioral change when the major issue in any government policy is 'not the policy formulation' but 'the policy implementation'

62. What are the controversies surrounding the activities and functioning of NGOs in India? Are the concerns genuine? 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

Controversies surrounding the activities and functioning of NGOs in India

- Transparency in working – Many NGOs fail to file their income-expenditure statements. Many FCRA-registered NGOs have been warned by the government for not filing mandatory contribution reports.
- Allegations of corruption against NGOs – In 2009, 883 NGOs were blacklisted after being found to have indulged in misappropriation of funds.
- The external issue of funding – According to government data a total of 3,068 non-governmental organizations (NGOs) received foreign funding above Rs. 22,000 Cr in 2014-15. It is often said that foreign-funded NGOs tries to propagate the foreign propaganda to stall developmental projects. Example: Kudankulam Protest.
- Support from government – While there exists plethora of NGOs in India, only a handful of NGOs linked to politicians, bureaucrats or other high-profile individuals get hefty government funds.
- Tight regulation of NGOs by the government –

    o NGOs can receive foreign funds if they are registered with the Home Ministry under the Foreign Contribution (Regulation) Act (FCRA). Without this, no NGO can receive cash or anything of value higher than Rs 25,000.

    o In late 2018 government cancelled the licenses of nearly 20,000 NGOs receiving foreign funds under the FCRA.

    o Even NGOs such as the *Public Health Foundation of India*, which has expertise in public health policy, and *Navsarjan*, which works for the protection of Dalit rights, have had their licences to receive foreign funding cancelled.

    o According to a report on India's philanthropic landscape by the consultancy firm Bain & Company, there was around a 40% decline in foreign funding between 2015 and 2018.

Are the concerns genuine?

- As per CBI report fewer than 10 per cent of NGOs in 20 states have filed balance sheets with the authorities.

- An IB report in past has alleged that several foreign-funded NGOs were stalling India's economic growth by their obstructionist activism. The report accused Greenpeace of attempting to destabilize India's energy mix in collusion with a US-based anti-coal lobbying group.

Yet, in recent decades, many NGOs in India have assisted the state to serve its citizens by pushing for laws including those on the right to information, food security, and rural employment.

Issues such as the rising cases of violence against Dalits and land grabs by the state in India provide an opportunity for NGOs to ask uncomfortable questions of the government. This particularly so at a time when the rights of those who don't agree with the state need to be protected.

Conclusion

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".

63. Self-help groups (SHGs) are the panacea for rural self-reliance. Do you agree? Substantiate your views.

Introduction

A self-help group (SHG) is a voluntary association of men or women in similar economic conditions. The members of the group make small savings until they have enough capital in the group to start their own lending process.

Body

Self-help groups (SHGs) are the panacea for rural self-reliance

- Credit availability – Bank credits are not easily accessible to individual poor, but by forming a SHG, there are make better prospects for bank credits. (Often without collateral). Under the SHG-Bank linkage programme, many SHGs have become institutions of micro-credit.
- Entrepreneurship – Opportunities for self-employment through setting of micro-enterprise.
- Skill development – Skill development program undertaken by SHGs improves employability of members involved.
- Rural poverty – SHGs have become a vehicle to lift people from below poverty line, generate awareness about welfare and developmental schemes of government, monitor its implementation etc. Positive correlation between SHGs and poverty can be inferred from the fact that southern states with high number of SHGs (71%) have average poverty rate at 9% as against nation's average of 21%.
- Improved living standards – As a result of increased jobs there is rise in income which enhances access to food, health services and overall rise in living standards.
- Women empowerment – By providing employment opportunities, financial and social security SHGs help improve the status of women and creating awareness regarding their rights and responsibilities, as pointed by the 2nd ARC report.
- Literacy rates – with more women participation and their enhanced status address issues such as nutrition poverty and low literacy rate.

- Social capital – The SHGs provide a forum in which people can meet on a regular basis and discuss various issues or concerns that the members face in their day-to-day life which acts as the basic source of social capital generation.

Successful examples of self-help groups
- Kudumbashree in Kerala has helped in providing skill training and poverty eradication of women.
- They act as pressure groups for policy framing as seen in legislation- making for prohibition in Bihar which was the result of pressure from several women SHGs in Bihar.
- Tamil Nadu used SHGs to d inculcate sanitation habits among the community people under Swachh Bharat Abhiyan.
- SHGs like SEWA, Lizzat papad promotes entrepreneurial culture among women.
- Andhra Pradesh Government programme of poverty alleviation by successful integration of women by SHG formation.

However, SHGs faces many challenges in India

- Low average loan size by the lending institutions
- Lack of monitoring and training support by self-help group federations.
- Escalating non-performing assets of self-help group loans with banks.
- Several studies have also found issues related to governance, quality, transparency and irregularity in their functions.
- Low levels of literacy among members
- Many SHGs are disintegrating on account of coordination issues.
- Rural micro-enterprises run by SHG members suffer from critical bottlenecks, whether in raising funds for start-up, growth and working capital or accessing high-quality technical assistance.

Conclusion

SHGs have been instrumental in bringing about structural changes in the rural society and its economy. Given the multi-faceted role played by SHG in rural development, Government needs to further support SHG by handholding nascent SHGs and bringing them at par with the rest of the sections.

64. Do you think compulsory corporate social responsibility affects genuine philanthropy and charity work? Comment.

Introduction

The progress of a society depends on the businesses that thrive in its environment, similarly the success of a business depends on the stability of that society. In this regard, Corporate Social Responsibility(CSR) plays such a role in the society where according to World Business Council for Sustainable Development, 2001, CSR is "the

commitment of business to contribute to sustainable economic development, working with employees, their families, and the local communities."

Body

- The Companies Act, 2013 has introduced the idea of CSR to the forefront and through its disclose-or explain mandate, is promoting greater transparency and disclosure. The Act encourages companies to spend at least 2% of their average net profit in the previous three years on CSR activities.
- In the current scheme of things, business enterprises are no longer expected to play their traditional role of mere profit making enterprises. The ever-increasing role of civil society has started to put pressure on companies to act in an economically, socially and environmentally sustainable way.
- The emerging concept of Corporate Social Responsibility (CSR) goes beyond charity and requires the company to act beyond its legal obligations and to integrated social, environmental and ethical concerns into company"s business process, which is also applicable to Indian companies who are part of a global boom.
- CSR in India has traditionally been seen as a philanthropic activity. And in keeping with the Indian tradition, it was an activity that was performed but not deliberated. Presently, the practice of CSR in India still remains within the philanthropic space, but has moved from institutional building (educational, research and cultural) to community development through various projects and also CSR is getting more strategic in nature (that is, getting linked with business) than philanthropic.
- Presently in India, there is a widespread feeling that the high GDP growth rate of the past few decades has remained confined to urban areas only and has not reached the rural India, particularly to the poor section of the society. Corporates have the know-how, strategic thinking, manpower, and financial strength to enable widespread social transformation. Operational partnerships between corporations, NGOs and the government will place India"s economic growth and social development more inclusive.
- The government perspective on CSR has been that though India's business sector has generated wealth for shareholders for decades, the country continues to grapple with problems of poverty, unemployment, illiteracy and malnutrition. Corporate growth is sometimes seen as widening the gap between India and Bharat (rural India) through its income-skewing capability.
- At the same time, it should be known that Philanthropy is a private matter and must be encouraged but the government has no business intervening in such decisions. Though companies have a social responsibility, but it is not to engage in philanthropy. Rather, their fundamental social responsibility is to generate wealth for their shareholders in a law-abiding, ethical and sustainable way. When they do that, they generate surpluses for society, provide consumers with goods and services that they need, create employment, purpose and dignity among workers, and strengthen the nation.

- Even the most fiscally responsible governments cannot cover all the gaps, which is where philanthropy comes in. But it is up to the individual to decide whether, how much and who to give to. The government can encourage this—through tax deductions, public acclamation and moral suasion—but has no business intervening in those decisions. In other words, shareholders and employees, as individuals, should be giving money to causes that they like.

- The only good reason to encourage CSR is to allocate funds into activities that a government of a low-income democracy cannot. Poverty is not merely about lack of income, it is also about a lack of dignity. We will remain poor if incomes improve, but dignities do not. That is where individual philanthropy and CSR can be useful — they can support causes that democratic politics won't allow the government to.

- In independent philanthropy, a donor is free to decide – to whom, where and how he/she will give. While in true philanthropy there is no expectation of a quid pro quo, companies are motivated to be socially responsible mainly because of the possibility it offers of promoting their brand, and by the benefit it offers for better labour relations and a good corporate image.

- Corporate executives are often unable to decide on the best social use of CSR funds because they are not equipped to do so. Nor should one expect them to, for their job is to run companies and create wealth. However, it must be admitted that in the short run, the outreach of CSR is likely to be far broader than much individual philanthropy.

- To illustrate good practice, the case studies of corporate-NGO partnerships that have achieved scale in both coverage and impact, namely, the Akshara Foundation supported by the Omidyar Foundation, the Akshaya Patra Foundation and Infosys, the Public Health Foundation and multiple donors.

Conclusion

While philanthropy as a concept is essentially that of voluntary giving arising out of concern for one's fellow beings rather than any benefit – even intangible – that can be derived from it, mandated CSR is really an attempt by the government to involve business in the nation's sustainable development goals and to supplement government efforts in this regard.

65. Critically evaluate the existing legal jurisprudence related to rehabilitation of development affected population. What role do NGOs play in this area? Discuss.

Introduction

Displacement of people in India, is largely triggered by factors such as, development projects, political conflict, setting up Protected Area Networks and Conservation areas and natural disasters, amongst others. The International Displacement Monitoring Centre in 2007 reveal that about 50 million people in India had been displaced due to development projects in over 50 years.

Body

India, after Independence in 1947, geared towards the path to development, leading to construction of large multipurpose river valley projects, thermal power, mining, transport linkages etc. According to the Working Group on Human Rights in India and the UN Report, India has the highest number of people displaced due to development projects in the world, largely the traditional forest dwellers and the Scheduled Tribes. The report of the Lok Sabha Secretariat of 2013 show a figure of 60 million from the period 1947-2000, the worst sufferers being again the Adivasis or the Scheduled Tribes of the country.

Legal jurisprudence related to rehabilitation of development affected population

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in section 4 (5) states that save as otherwise provided, no member of a forest dwelling Scheduled Tribes or Other Traditional Forest Dweller shall be evicted or removed from the Forest Land under his occupation till the recognition and verification procedure is complete.

- Government has enacted the RFCTLARR Act, 2013. The purpose of the said Act is to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition with the least disturbance to the owners of the land and the other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired.

- Under Section 48 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013 in short), a National Level Monitoring Committee for Rehabilitation and Resettlement has been constituted in the DoLR vide DoLR's Order No. 26011/04/2007-LRD dated 2nd March, 2015 for the purpose of reviewing and monitoring the implementation of rehabilitation and resettlement schemes and plans related to land acquisition under the RFCTLARR, 2013 and National Rehabilitation and Resettlement Policy, 2007.

- By way of safeguards against displacement special provisions have been made for Scheduled Castes and Scheduled Tribes under Sections 41 and 42 of the RFCTLARR Act, 2013 which protect their interests. The RFCTLARR Act, 2013 also lays down procedure and manner of rehabilitation and resettlement.

- The First Schedule of the RFCTLARR Act provide for compensation for land owners. The Second Schedule provide for element of rehabilitation and resettlement for all the affected families (both land owners and the families whose livelihood is primarily dependent on land acquired) in addition to those provided in the first Schedule. Similarly, the Third Schedule provide for infrastructural amenities for a reasonably habitable and planned settlement in the resettlement area.

- The Panchayats (Extension to Scheduled Areas) Act, 1996, also provides that the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas or development

projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level.

- Constitutional provisions under Schedule – V also provide for safeguards against displacement of tribal population because of land acquisitions etc. The Governor of the State which has scheduled Areas is empowered to prohibit or restrict transfer of land from tribals and regulate the allotment of land to members of the Scheduled Tribes in such cases.

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement act- the Act grants compensation for the owners of the acquired land shall be four times the market value in case of rural areas and twice in case of urban areas. The LARR Act 2013 requires that the consent of 80% of land owners is obtained for private projects and that the consent of 70% of land owners be obtained for PPP projects. The 2014 Ordinance creates five special categories of land use which are exempted from the above requirement: (i) defence, (ii) rural infrastructure, (iii) affordable housing, (iv) industrial corridors, and (v) infrastructure projects including Public Private Partnership (PPP) projects where the central government owns the land.

- National Policy on Rehabilitation and Resettlement 2007 The policy aims at striking a balance between the need for land for developmental activities and, at the same time, protecting the interests of the land owners, tenants, the landless, the agricultural and non-agricultural labourers, artisans, and others whose livelihood depends on the land involved.

Role of NGOs

Civil society is made up of a rich array of groups, including professional associations, religious institutions, non-governmental organizations, trade unions, academic centers, women's groups and other organizations with varying degrees of capacity, expertise, and commitment. Civil society plays different roles in different contexts and cultures. Success of NGOs could be seen in their achievement in influencing government to bring out various development-oriented policies and laws. Few of such laws and policies include: Right to Information, Integrated child development scheme(ICDS), Integrated child protection scheme(ICPS), MNREGA, Juvenile justice, Nirmal gram initiative, Rastriya swathya bhima yogna(RSBY), Various policies on women development, forest and environment development, anti-trafficking, people with disability etc.

Voluntary Organisations can offer:

- committed expertise
- an understanding of the local opportunities and constraints
- capacity to conduct a meaningful dialogue with communities, particularly those that are disadvantaged.

- The NGOs focus on the search for alternatives to development thinking and practice
- It creates an atmosphere of participatory research, community capacity building and creation of demonstrable models
- Catalyze Rural Population
- Build Models and Experiment
- Supplement Government Efforts
- Organizing Rural Poor
- Provide Training
- Disseminate Information
- Mobilize of Resources
- Ensure People's Participation

Conclusion

Needless to say that majority of population of India is still deprived of basic fruits of development, but rather than adopting the approach which is more inclusive and look for solutions within the constitution, India is faced by disturbances in many parts of the country. This not only hampers the development projects but also shrink the space for people's participation to achieve their goals through peaceful means.
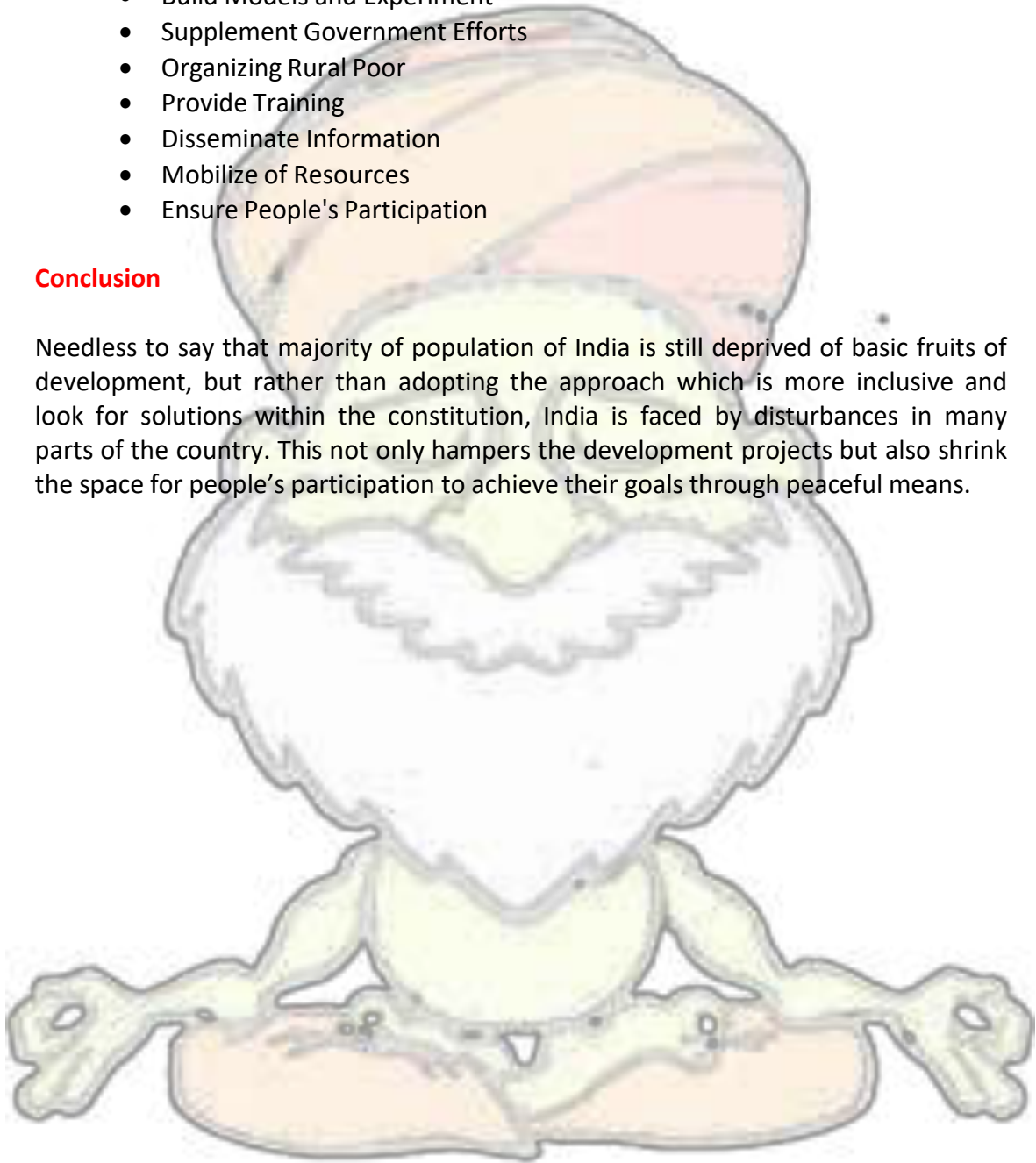
66. Critically evaluate the recent measures taken by the government to address the vulnerabilities of the transgenders and LGBT community.

Introduction

The population of transgender community is officially 5 lakhs as per 2011 census and unofficially LGBT account for around 3-4 million as per a report submitted by government to the supreme court. Being identified as one of the most vulnerable community, the government has over the years taken various measures to uplift them.

Body

Government measure to address LGBT vulnerabilities:

- The government has passed Transgender Bill 2019 to address the various issues of LGBT community with features
  - o Definition of transgenders to choose the gender does not match the gender assigned at birth certified by district administration.
  - o Prohibition against discrimination: including denial of service or unfair treatment vis a vis education, employment, healthcare, access to goods, right to movement, right to reside and so on.
  - o Establishment of National council for transgender persons.
  - o Urging the relevant governments to take welfare measures to ensure the full inclusion and participation of transgender persons in society.
- Further, the government has allowed transgenders to change their gender without sex reassignment surgery and declassified transgender as a mental illness.
- Transgender has been declared as a 'third gender' by several state governments.
- A Media Committee has been constituted in the Ministry of social justice and empowerment for the purpose of initiating sensitization drives in society.
- The central government has formulated an umbrella scheme which includes scholarship for education, vocational training, pension and monetary support etc., Also, Ministry of Labour and Employment has directed states to give vocational training under skill development initiative.
- MGNREGA scheme provide employment for transgenders.
- The state governments have taken various measures like
  - o Kerala has passed bill to provide reservation for transgender community in higher education, reservation in metro and so on.
  - o The state of Tamilnadu introduced Transgender welfare policy.
  - o Maharashtra has setup a welfare board assessing the state of LGBT and recommend measures for their development.
  - o The SWEEKAR scheme of Odisha government with provisions of monetary support, reservation in jobs etc.,

- Occupational Safety, Health and Working Conditions Code, 2019 requires the employer to provide a hygienic work environment like separate bathing places and locker rooms for male, female and transgender employees.
- Various expert committees are formed by centre and state governments to recommend welfare measure for LGBT community.

These measures have been helping in mainstreaming transgenders and the recent supreme court ruling decriminalizing sec 377 has provided respite for LBGT community against exploitation. The welfare schemes have provided wide range opportunities in education and employment with support from both centre and several state governments.

Critical assessment:

However, the measure taken by the government has been inadequate and half-hearted.
- The transgender bill has issues like the mandatory certification by district administration violating privacy and the use of 'Shall' making it voluntary on the part of government to take welfare measures.
- The reservation in education and employment has been sidelined by the central government.
- The government is silent in spite of several fundamental rights of LGBT is being violated like discrimination in provisions on rape of a transgender, violation of right to privacy in getting gender identity etc.,
- The intersex group has been neglected by the government which just consider LGBT which is different from intersex group.
- Same-sex marriages are still not legally recognized in India.

This can be derived from the ground reality where in transgender community still faces discrimination and social exclusion. Study by NHRC revealed that 98% of transgenders are separated from their family, 60% never attended schools and 92% are deprived of the right to participate in any form of economic activity in the country with even qualified ones refused jobs.

Further, around 57 percent are keen on getting sex-alignment surgery but don't have money for it showing the lack of government support to the community in taking their life choices.

Furthermore, 18 percent of them are physically abused, 62 percent are verbally abused in school. 15 percent are harassed by students as well as teachers which depicts the failure of government in mainstreaming LGBT community as a normal section in the society including schools.

Conclusion

Thus, several measures have to be taken like dedicated research studies to design appropriate programs/schemes for LGBT, mass-media awareness campaigns, legalizing same-sex marriage, medical facility for transgender, reservation in employment and education and so on. As a progressive nation, it is vital for India to take measures alleviating the stigma associated with LGBT and utilize their potential in national development upholding their fundamental rights.

67. Do you think the existing laws and mechanisms adequately address the issue of atrocities committed against the SC/ ST community? Critically examine.

Introduction

Scheduled castes are those castes/races in the country that suffer from extreme social, educational and economic backwardness arising out of age-old practice of untouchability and certain others on account of lack of infrastructure facilities and geographical isolation, and who need special consideration for safeguarding their interests and for their accelerated socio-economic development.

As per National council for strengthening the SC/ST (Prevention of Atrocity) act in the last 15 years, a total of 5, 58, 103 cases of atrocities were registered.

- Every 15 minutes 4 Dalits and Adivasis are subjected to atrocities
- Every day 3 Dalit women are raped, 2 Dalits are murdered & 11 Dalits are beaten up
- Every week 13 Dalits are murdered, 5 Dalits' houses are set on fire, 6 Dalits are kidnapped

Body

Existing laws and mechanisms to deal with atrocities committed against the SC/ ST community

- **SC/ST (Prevention of Atrocity) act** - The PoA Act was meant not only to prevent but also to eliminate atrocities against SCs and STs. With this in view, it defined the term 'atrocity' as 'an offence punishable under Section 3' of the Act which lists a number of offences.

  The Act is expansive in its scope in many respects: in the list of offences, in constituting organizational mechanisms, in identifying officers for performing specific responsibilities, in defining their specific duties, in framing penalties for offences committed, and in assuring relief and rehabilitation measures to the victim-survivors. It has, indeed, promised to address the issue of discrimination and atrocities faced by Dalits and Adivasis.

  Despite the deterrence assured by the Act, the numerical increase in atrocities has not stopped. Nor has the response from the different

governance agencies in the country (police, district and state level monitoring committees, district and state level vigilance committees, public prosecutors, special courts, etc.) been satisfactory.

- Article 17 abolishes Untouchability. The Protection of Civil Rights Act prescribes punishment for the preaching and practice of Untouchability. However very often Dalits are denied temple entry in various parts of the country.

- Forest right act 2005 – recognised ST's right to live in the forest and their livelihood rights. However forceful evictions of forest dwellers are still practiced by forest authorities.

- Article 338 provides for a National Commission for the Scheduled Castes and Scheduled Tribes with duties to investigate and monitor all matters relating to safeguards provided for them, to inquire into specific complaints and to participate and advise on the planning process of their socio-economic development etc.

- The 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' (MS Act, 2013): Eradication of dry latrines and manual scavenging and rehabilitation of manual scavengers in alternative occupation has been an area of high priority for the Government.

- Particularly Vulnerable Tribal Groups identification to protect and preserve extremely vulnerable tribal groups against any existential threat from outside.

Conclusion

Ours is a battle not for wealth or for power. It is a battle for freedom. It is a battle of reclamation of human personality - Dr. B. R. Ambedkar
There is a need of awareness campaign and behavioral change among people apart from strengthening criminal justice system. Only then dream of Dr. B. R. Ambedkar will be fulfilled.

68. What are the initiatives meant for addressing the vulnerabilities of rural landless labourers? Examine their efficacy and limitations.

Introduction

As per census of 2011, proportion of landless people in rural India had reached around 55%. The essence of the problem lies in the growth of the landless in our rural society from 28.1% in 1951 to 37.8% in 1971, from 40.3% in 1991 to less than

55% in 2011. It is estimated that around 30 lakh farmers lose their land each year because of debt, uncertain weather conditions and fluctuating prices of crops.

Some of the factors of vulnerability for rural landless farmers are poverty, lack of tenure for landless farmers, absence of documents and non-inclusion in government programs, no or inadequate credit facility and debt trap among others.

Body

Initiatives meant for addressing the vulnerabilities of rural landless labourers and their efficacy and limitations

- **Land Consolidation Act, 1961** - define the size of land that an individual/family can own. But the ceiling limits varied from state to state. There has been circumvention of this act. According to the census of India, 47.3% of the farmers in the country are landless tillers.

- The initiatives in the form of Acts such as the Workmen's Compensation Act (1923), the Industrial Disputes Act (1947), the Employees State Insurance Act (1948), the Minimum Wages Act (1948), the Coal Mines Provident Funds and Miscellaneous Provisions Act (1948), The Employees Provident Fund and Miscellaneous Provisions Act (1952), the Maternity Benefit Act (1961), the Seamen's Provident Fund Act (1966), the Contract Labour Act (1970).

- **Mahatma Gandhi National Rural Employment Guarantee (MNREGA) scheme** – As per the memorandum submitted by All India Agricultural Workers Union (AIAWU) to the Prime Minister, Labour Minister and Rural Development Minister. Instead of 100 days work the figures are only 37 days per family. The wages of labour under MNREGA are less than the minimum wages declared by different states and often thousands of crores of dues have not been paid for work done as a result of not receiving central funds in time.

- **Unorganized Sectors' Social Security Act (2008)** - The Act provides for constitution of National Social Security Board to recommend social security schemes viz. life and disability cover, health maternity benefits, old age protection and any other benefit as may be determined by the Government for unorganized workers. However the act is non-binding and there is no concrete provision for an unorganized worker in this Act.

- **Aam Admi Bima Yojana** - providing for death and disability cover to rural landless households between the age group of the 18 to 59 years.

- **Rashtriya Bima Yojana** for BPL families (a unit of five) in unorganized sector. The scheme providing for smart card based cashless health insurance cover of Rs. 30,000/- per family per annum on a family floater basis.

- **Indira Gandhi National Old Age Pension Scheme** provides for old age pension of Rs. 200/- per month to persons above the age of 60 years and for

the persons above the age of 80 years the amount of pension has been raised to Rs. 500/- per month.

Suggestions

- Minimum pension of Rs. 3000 every month for old and destitute agricultural labourers.
- There was more than enough ceiling-surplus land vested in gram panchayats, along with waste and forest land that has been inhabited for generations by Adivasis without pattas. Tilling rights can be given for such lands to landless labors.
- In case of land acquisitions, agricultural labourers losing their jobs should be compensated adequately.
- Universal basic income for bare minimum living standard.

Conclusion

Landless labour is a vital factor of agricultural production; their productivity and earnings being an important determinant of the level of economic prosperity. Despite their indispensability, they continue to suffer silently, leading a life of poverty and pauperisation.
A comprehensive Act, catering to the security needs of the unorganized sector such as Food, Nutrition, Health, Housing, Employment, Income, Life and accident, and old age is need of the time.

69. What is the mandate of the National Commission for Women? What role has it played in the protection and betterment of women in India? Critically evaluate.

Introduction

The National Commission for Women(NCW) was setup with the vision to make Indian Woman, secure in her home and outside, fully empowered to access all her rights and entitlements, with opportunity to contribute equally in all walks of life. Constituted in 1992 under the NCW Act, the women's panel comprises five members and a chairperson, appointed by the government. The NCW chief has to be a person committed to the cause of women.

Body

The National Commission for Women was set up as a statutory body in January 1992 under the National Commission for Women Act, 1990 to:

- review the Constitutional and Legal safeguards for women;
- recommend remedial legislative measures;
- facilitate redressal of grievances and

- advise the Government on all policy matters affecting women.

NCW has a wide ranging mandate which includes the following:

- Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;
- present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any state;
- review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;
- take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
- look into complaints and take suo moto notice of matters relating to women in India and violation of their rights.

The Commission shall, while investigating any matter referred to it, have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely :-

- summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- requiring the discovery and production of any document;
- receiving evidence on affidavits;
- requisitioning any public record or copy thereof from any court or office;
- issuing commissions for the examination of witnesses and documents; and
- any other matter which may be prescribed.

In keeping with its mandate, the Commission initiated various steps to improve the status of women and worked for their economic empowerment during the year under report.

- The Commission completes its visits to all the States / UTs except Lakshadweep and prepares Gender Profiles to assess the status of women and their empowerment.
- It receives a large number of complaints and acts suo-moto in several cases to provide speedy justice.
- It tkes up the issue of child marriage, sponsored legal awareness programmes, Parivarik Mahila Lok Adalats and reviews laws such as Dowry Prohibition Act, 1961, PNDT Act 1994, Indian Penal Code 1860 and the National Commission for Women Act, 1990 to make them more stringent and effective.

- It organizes workshops / consultations, constituted expert committees on economic empowerment of women, conducted workshops / seminars for gender awareness and took up publicity campaign against female foeticide, violence against women etc. in order to generate awareness in the society against these social evils.
- It also strive towards enabling women to achieve equality and equal participation in all spheres of life by securing her due rights and entitlements through suitable policy formulation, legislative measures, effective enforcement of laws, implementation of schemes/policies and devising strategies for solution of specific problems/situations arising out of discrimination and atrocities against women.

In spite of positive aspects of women commission and great achievements, there are also some shortcomings:

- Although the NCW is an autonomous body, it is functioning as if it is under the ministry of women and child development.
- The commission is dependent on the grant from the Union Government.
- The commission does not have the power to select own members. The power is vested with the Union Government.
- The commission has no right to concrete legislative power. It has only to power recommend amendments and submit reports which are not binding on state or Union Government.
- Financial assistance is so less that it is difficult make awareness of legal program.
- The National Commission for women in India seizes women's cause only when it is brought to light. Unreported cases of oppression and suppression of women are not attended to.
- In rural sector, there is lack of mindfulness education, opportunities and basic facilities for women for economic of empowerment.

Maneka Gandhi had mooted more teeth to the NCW by giving it the status of a civil court with rights -- like that of the National Human Rights Commission (NHRC).

Conclusion

The Violence against Women is a fundamental violation of human rights, across nations, societies, cultures and classes and to stop this violation of the fundamental right, the NCW plays an important role which can be furthered enhanced with appropriate remedial measures.

70. What vulnerabilities does decline in economic growth bring along? What are the most vulnerable groups of population towards economic shocks? Are there mechanisms to address this vulnerability? Examine.

Introduction

Economic slowdown can be cyclical or structural in nature.
- A cyclical slowdown is a period of lean economic activity that occurs at regular intervals.
- A structural slowdown, is a more deep-rooted phenomenon that occurs due to a one-off shift from an existing paradigm.

Body

Vulnerabilities due to decline in economic growth:

- The slowing growth of GDP is the major indicator of slowdown.
  "GDP can be thought of as a measure not so much of size…It measures the movement of money through and around the economy; it measure the activity."- John Lanchester.
- Drop in automobile sales- the production in top 5 firms in India has dropped by about 30% compared to 2018.
- Drop in Fast moving Consumer Goods sector: Compared to 2018, the sectors growth fell by about 9.7% in the rural areas. This is the sector which has demand even during the poor economic performance as this constitutes basic necessities like toiletries, OTC medicines etc.
- Consumption: Private consumption, which contributes nearly 55-60% to India's GDP, has been slowing down. While the reduced income growth of households has reduced urban consumption, drought/near-drought conditions in three of the past five years coupled with the collapse of food prices have taken a heavy toll on rural consumption.
- Savings: Savings by household sector – which are used to extend loans for investment -- have gone down from 35% (FY12) to 17.2% (FY18). Households, including MSMEs, make 23.6% of the total savings in the GDP.
- Investment: Gross Fixed Capital Formation (GFCF), a metric to gauge investment in the economy, too has declined from 34.3 per cent in 2011 to 28.8 per cent in 2018, government data show. Similarly, in the private sector, it has declined from 26.9% in 2011 to 21.4% in 2018.
- NBFC crisis triggered by IL&FS default led to a liquidity crunch in the economy.
- RBI's Annual report highlighted that there are still structural issues in land, labour, agricultural marketing and the like that need to be addressed.

Most vulnerable groups of population

- Farmers: Price of agricultural products is stagnant, resulting in farm distress and fall in income and consequent fall in purchasing power—which is directly related to lack of demand.
- Consumers: Increased cost of Living The rising costs of fuel, food and basic daily items further cause consumer difficulties. When consumers spend increased portions of their monthly budget on necessities such as food, fuel

and gas, it leaves less money for them to pour into the economy to help offset an economic slowdown

- Entrepreneur: While start-ups dealing with sectors impacted directly by slowdown will have a large effect on their business growth, start-ups engaged in consumer
retail and essential business will have a blip in their growth until a deeper sense of the impact is realized.
- Exporters: Net exports, this figure for April to June 2019 stood at -$46 billion. This was almost similar to the net exports for April to June 2018 at -$46.6 billion. This is primarily because both exports and imports during the period were at almost similar levels as last year. Given this, there hasn't been any increased economic activity on the exports front either.
- Investors: The value of new projects announced during April to June 2019 fell by 79.5% year on year. This is the highest fall since September 2004. In absolute terms, the value of new investment projects announced during April to June 2019 stood at ₹71,337 crore, the lowest since September 2004. This is a great indicator of the fact that businesses really do not have faith in the economic future of India.

Measures

- RBI, in its annual report, called for counter-cyclical actions in terms of monetary and fiscal policies, along with deep-seated reforms for the structural slowdown
- Economic Survey 2018-19 asked for taking measures to boost investment, especially private investment, that is the 'key driver' that drives demand, creates capacity, increases labour productivity, introduces new technology, allows creative destruction, and generates jobs.
- The Economic Survey of 2018-19 had suggested making the MGNREGS more efficient in targeting areas of low consumption expenditure where demand for such work is higher.
- The ILO's 2018 report had suggested policies to enhance wages and collective bargaining power so that wages grow in tandem with labour productivity, more so since India relies on progressive increase of domestic consumption by lower and middle income groups as a key factor in overall aggregate demand.
- **Investors:**
  * Enhanced surcharge on FPIs and surcharge on domestic investors in equity markets withdrawn.
  * Aadhaar-based KYC for opening demat accounts and investment in mutual funds.
  * Govt to consult with RBI to enhance Credit default swap options.
- **Industry:**
  * CSR violation would be treated as a civil offence, not a criminal offence.
  * All pending GST refunds till now shall be paid in 30 days. Future GST refunds to be paid in 60 days.

* GST system to be simplified further.
- **Auto sector:**
  * BS-IV cars purchased till March 2020 to remain operational for the entire period of registration.
  * Govt asks its departments to replace old vehicles.
  * Higher vehicle registration fee deferred to June next year.
  * Depreciation increased to 30 per cent for all vehicles purchased till March 2020.
  * Scrappage policy to be announced soon.
- **MSMEs:**
  * Govt withdraws angle tax provision for startups and their investors.
  * One-time settlement policy for MSME loans. Policy to be based on checkbox approach.
  * Laws to be amended to ensure one MSME definition.
- **For NBFCs:**
  * NBFC can now use Aadhaar-based KYC.
  * Additional liquidity to support Housing Finance Companies by National Housing Board increased to Rs 30,000 crore
  * Govt to release Rs 70,000 crore upfront for PSBs recapitalisation.
- **Home, auto loans:**
  * Banks to make home, auto loans cheaper. Banks have agreed to pass on the rate cut announced by RBI to customers. Banks to launch Repo Rate linked loans.
  * Online tracking system for home, auto loans.
  * PSBs to return loan documents to customers within 15 days of loan closure.
- **Income Tax:**
  * From October 1, all Income Tax notices must be disposed off within 3 months.

Conclusion

A strong revival in investments and exports could help India navigate her way out of both domestic and external weaknesses. As global value chains get reshaped under the shadow of the US-China trade war and the impending launch of a long-awaited pan-Asian trade deal (RCEP), India's more competitive tax rates could help the economy grab a larger share of the global trade pie

71. What do you understand by the term 'vulnerability'? How does one section of population become vulnerable? Explain with the help of suitable examples.

Introduction

Vulnerability refers to a situation of an individual or a group to be in a weak position or diminished capacity. It is a state of being highly exposed to the possibility of physical or emotional harm caused due to various reasons.

Body

A section of population becoming vulnerable:

- Physical vulnerability:
  o Children: due to the age factor and dependency being vulnerable to issues like child trafficking, child labour etc.,
  o due to birth defects, handicaps or with a feature than normal creating a section of person with disabilities/special abilities requiring special treatment. E.g. Blind, Polio affected children, children born with Dyslexia and so on.
- Economic vulnerability: due to lack of poverty, low income which creates a vicious cycle exonerating a section of people from opportunities in education and employment making them vulnerable. E.g. Farmers with small returns, informal workers, daily wage labourers etc.,
- Social vulnerability: is causes vulnerable sections like
  o LGBT community: due to inadequate understanding or the orthodox mindset against accepting the change. E.g. LGBT community.
  o patriarchal mindset with gender stereotyping, narrow thinking making the women vulnerable to exploitation, harassment and taking away of life opportunities.
  o Exploitation and ostracization based on caste leading to socially vulnerable sections like Dalits.
- Political vulnerability: sections of society becomes vulnerable due to political crisis like civil war, extremism etc., E.g. Illegal migrants entering Europe, Naxal affected population.
- Numerical factor: section with distinctive religion or race or language become vulnerable when there is a imposition by majority or inadequate protection by government. E.g. minority population suffering from majority like Tamils in Srilanka, Rohingyas in Myanmar.
- Environment vulnerability: due to disaster prone geography E.g. people living in coastal regions, earthquake prone regions etc., The on-set of disaster also created a section of climate refugees as well.
- Inadequate implementation of laws which results in exploitation/ vulnerable treatment creating a separate vulnerable section. E.g. Safai kamacharis in spite of ban, child labour etc.,

- Development vulnerability: the displacement of a section of people from their habitats due to developmental activities like mining, infrastructure development, dam construction etc., E.g. villagers near forests or river (Narmada bachao andolan).
- Inadequate knowledge and isolation: due to lack of integration with the mainstream society, some of the sections like tribal population becomes vulnerable to exploitation. Also, inadequate knowledge in health makes tribal population to morality and malnutrition.

Conclusion

Thus, most of the vulnerable sections are man-made and hence it is vital for taking proactive steps to address the issue. Development schemes for poverty alleviation, upliftment of vulnerable section economically, socially and politically is being implemented. Yet, transformatory measures are needed.

72. What are the life cycle vulnerabilities of rural women? Discuss the government initiatives launched to address those vulnerabilities.

Introduction

One is not born, but rather becomes, a woman. This is the opening line of Book II of de Beauvoir's. This implies that weak position of women in society is construct of civilization, a reflection not of "essential" differences in men and women but of differences in their situation. This also implicitly highlights the life cycle vulnerabilities women have to go through.
Life cycle vulnerabilities refers to vulnerabilities a women has to go through at different stages of life from "womb to tomb". Rural women are specifically more vulnerable due to higher life cycle vulnerabilities.

Body

Life cycle vulnerabilities of rural women

- **Girl child in Womb**
  - o Son meta preference (less opportunity to come to the world)
  - o easy availability of Preconception sex selection facilities may be a catalyst in the declining child sex ratio

- **Infant**
  - o In a study conducted by the Centre for Social Research, Haryana, fear of violence against women is a major cause of female foeticide.
  - o Neglect of health care need of girl child.

- **Adolescent**
  - o Disparity in education - female literacy ~ 65%; male literacy ~ 80% (2011 census)

- o Educational opportunity is further restricted for girl child due to problems of transportation, patriarchy etc
- o Child marriage ~ 27% (UNICEF)
- o Males get more medical care compared to girls
- o 2% of the female population is absolute anaemic.

- **Adult –**

  Huge economic opportunity gap

  - o Female labour force participation rate ~ 26% (Niti Aayog)
  - o Gender pay gap ~ 34% (ILO)
  - o Glass ceiling
  - o Feminization of informal sector and de-feminization of formal sector.

  Political backwardness
  - o female representation in Parliament ~ 99th in the world
  - o Lok Sabha ~ 12%; Rajya Sabha ~ 11%.
  - o Practice of "Sarpanch Pati" in village panchayats.

  Socially – triple burden comes on rural women – homemaking + agriculture (due to male migration) and child upbringing.

- **Married**
  - o Exorbitant dowry demand
  - o 12% of the female population of the country suffers from repeated pregnancy (80% of their productive life is spent in pregnancy) & lack of nutrition.
  - o Maternal Mortality Rate in India has dropped from 167 to 130.

- **Old age**
  - o Desertion of old women is very high.
  - o Health care needs of old ladies are neglected.
  - o Violence against old women.

Government initiatives launched to address these vulnerabilities Panchayat
- Beti Bachao Beti Padhao (BBBP), a comprehensive programme is being implemented to address the declining Child Sex Ratio (CSR) and related issues of empowerment of women over a life-cycle continuum.
- Pradhan Mantri Matru Vandana Yojana (PMMVY), {erstwhile Maternity Benefit Programme} has been contributing towards better enabling environment by providing cash incentives for improved health and nutrition to pregnant and nursing mothers.
- Scheme for Adolescent Girls aims at girls in the age group 11-18, to empower and improve their social status through nutrition, life skills, home skills and vocational training.

- Pradhan Mantri Mahila Shakti Kendra scheme, promote community participation through involvement of Student Volunteers for empowerment of rural women.
- National Creche Scheme to provide day care facilities to children of age group of 6 months to 6 years of working women who are employed.
- Rashtriya Mahila Kosh (RMK) to provide micro-credit to poor women for various livelihood support and income generating activities at concessional terms in a client-friendly procedure to bring about their socio-economic development.
- Swadhar Greh to provide relief and rehabilitation to destitute women and women in distress.
- Ujjawala, a Comprehensive Scheme for prevention of trafficking and for rescue, rehabilitation, re-integration and repatriation of victims of trafficking for commercial sexual exploitation.
- Working Women Hostels for ensuring safe accommodation for women working away from their place of residence. Under this scheme, 2 new proposals have been received and 2 sanctioned in Himachal Pradesh during last three years.
- Schemes of One Stop Centre (OSC) and Women Helpline (WH) are being implemented to facilitate access to an integrated range of services including medical aid, police assistance, legal aid/ case management, psychosocial counseling and temporary support services to women affected by violence.
- Gender Budgeting Scheme is being implemented as a tool for mainstreaming gender perspective at various stages of planning, budgeting, implementation, impact assessment and revisiting of policy/programme objectives and allocations. The Scheme helps in strengthening of institutional mechanisms and training of various stakeholders so as to mainstream gender concerns in Central and State Governments.
- Integrated Child Development Services (ICDS) Scheme is being implemented through States/UTs with the aim of holistic development of children upto 6 years of age and to meet nutritional needs of pregnant women and lactating mothers.
- Integrated Child Protection Scheme (ICPS) (now Child protection Services) is being implemented through the State Government/UT Administrations to create a safe and secure environment for overall development of children in need of care and protection in urban and semi-urban areas.
- National Nutrition Mission (NNM): The Government of India has approved setting up of National Nutrition Mission (NNM) commencing from 2017-18. The NNM, as an apex body, will monitor, supervise, fix targets and guide the nutrition related interventions across the Ministries. The programme through the targets will strive to reduce the level of stunting, under-nutrition, anaemia and low birth weight babies.

Conclusion

To awaken the people, it is the women who must be awakened. Once she is on the move, the family moves, the village moves, the nation moves. – Pandit Jawaharlal

Nehru. Thus awakening of nation cannot happen without removing cycle vulnerabilities of rural women.

73. Addressing homelessness is a big challenge for policy makers. Do you agree? What measures have been taken by the government to address homelessness? Comment upon their effectiveness.

Introduction

The Census of India defines 'houseless population' as persons who are not living in 'census houses'. A 'census house' is a 'structure with roof'. Census enumerators are instructed 'to take note of the possible places where houseless populations are likely to live such as 'on the roadside, pavements, in hume pipes, under staircases or in the open, temples, mandaps, platforms and the like'. Urban homeless persons in India to be at least around three million.
Supreme Court has held that the right to "dignified shelters" was a component of the Right to Life.

Body

Homeless people live a life of destitution, combined with hunger, intense social devaluation and extreme vulnerability. Addressing these problems is a big policy challenge.

Addressing homelessness is a big challenge for policy makers

a) They usually lack even the elementary markers of citizenship (of poor people) in India like ration cards and voters' identity cards.
b) Although there was a provision for night shelters in earlier plans of the Government of India, even this provision has lapsed due to lack of initiative by state and local governments.
c) Various stereotypes are associated with the urban homeless all over the world- including labelling the homeless as criminals, beggars, immoral, parasitic and so on.
d) All self-help efforts for shelter and livelihoods by urban poor residents are stifled.
e) The courage, fortitude and sheer enterprise that allows them to survive on the streets is not recognized or channelized.
f) Strong coordination is required among central, state and local governments.

Steps taken by the government
• National Programme for the Urban Homeless – to create a network of composite shelters in the urban local bodies, with adequate provisions for housing and food for the destitute.
• In October 2002, the scheme was renamed 'Night Shelter for Urban Shelterless' and was limited to the construction of composite night shelters with toilets and baths for the urban shelterless. These shelters were in the

nature of dormitories/halls with plain floors used for sleeping at night. During the daytime, these halls were available for other social purposes such as health care centres, training centers for self-employment, adult education etc. This scheme was finally withdrawn in 2005 because most State Governments did not utilize the funds allotted to them properly.

- The Government of India has formed new policies for affordable housing and shelters in urban areas in the past few decades.
- To improve infrastructures in slums, the Supreme court mandated a new mission known as the Jawaharlal Nehru National Urban Renewal Mission.
- The Public Distribution System (PDS) is one of the major services offered by the government to people living below the poverty line (BPL) in India.

Effectiveness of the steps taken by the government
- Quality audit and social audit of each shelter is missing.
- Shelters are not promoted as an 'entitlement' of the homeless. Without such entitlement guarantees and accountability mechanisms, the initiation and implementation of the scheme was left to the state and municipal bodies or agencies designated by state governments, which tended not to give priority to such a programme.
- Shelters are constructed using soft loans, which was not a viable design, because a programme for the most marginalised cannot be expected to raise resources internally to enable repayment.
- The shelters do not have strong programme linkages with other elements – the services in the shelters, food and other entitlements.
- Extremely marginal allocations – both by central and state governments.

Conclusion

District Planning Committees must be encouraged to consider proposals from city level committees for developing these sites and services through various sources like Members of Parliament Local Area Development Scheme (MPLADS), Members of Legislative Assembly (MLA) and local development funds, Jawaharlal Nehru National Urban Renewal Mission (JnNURM) and Rajiv Awas Yojana (RAY).
In placing homeless persons outside the society of 'legitimate urban residents', we are in effect disenfranchising a large, powerless population. Therefore, both at the level of social attitudes and at the level of development policy, changes are urgently needed.

74. Educated unemployed youth is one of the most vulnerable sections of the population. Do you agree? Substantiate. What measures should the government adopt immediately to address this challenge? Suggest.

Introduction

India's rate of unemployment has doubled in the past two years, according to the State of India's Environment (SoE) figures, 2019. This has particularly affected young people where the unemployment rate among the educated is worse. The rate

among people with at least a graduate degree was 13.17 per cent in September-December 2018, up from 10.39 per cent in May-August 2017.

Body

- Young Indians (aged 15-24 years) constitute nearly a fifth of India's total population, according to the country's 2011 Census. By 2020, they are predicted to make up a third of the country's population.It is noted that the youth (between 20-24 years), who constitute around 40 per cent of India's labour force, have an unemployment rate of 32 per cent.
- The Periodic Labour Force Survey for 2017-18 released by National Sample Survey Office too shows that unemployment rate increased with education level.
- The rate of unemployment in urban India is lower than that of the rural across at higher levels of educational categories (secondary and above) and also for all the study periods. However, it is higher in the case of urban India than rural at lower levels of educational categories (less than secondary).
- The unemployment rate among educated is lower in the developed nations as compared to developing nations at the international level, it is evident that the developed states within India account for higher rates of educated unemployment than the developing and underdeveloped states. This may be due to the fact that the developed states account for higher number of educated people than the developing and underdeveloped regions
- In India, not only is the rate of unemployment higher with an increase in levels of education, but also, when it comes to the issue of gender bias, it becomes obvious that women face much higher rates of unemployment as against their male counterparts across all the educational categories.
- The probability of finding jobs increases as age increases but, after a certain age, the probability decreases irrespective of the levels of development across states. This may be mainly due to the presence of age restrictions in the formal job market and a decrease in productivity with an increase in age.
- Their mental makeup, their behaviour and their actions in their period of waiting are influenced by a varied set of factors. For example, it matters how their families treat them – which to some extent may depend on their financial status.
- Many are burdened by student debt, which begins to weigh heavily in the absence of proper employment. Other factors such as the company they keep, the nature of cultural and political discourse and the political and other activities of the major parties and their leaders also matter.
- In India, where the economy is growing but where it is not clear whether employment prospects have improved, young people with higher levels of education are even more likely to feel cheated, frustrated, resentful, or even angry than under conditions of economic stagnation.
- The problem of unemployment for the educated gives rise to the problem of poverty. Young people after a long time of unemployment indulge in illegal and wrong activities for earning money. This also leads to an increase in

crime in the country. Unemployed persons can easily be enticed by antisocial elements. This makes them lose faith in democratic values of the country. It is often seen that unemployed people end up getting addicted to drugs and alcohol or attempts suicide. These factors surely make the educated unemployed one of the most vulnerable.

In this regard, following can be some of the measures the government may adopt immediately to address this challenge:

1. There are a number of labour intensive manufacturing sectors in India such as food processing, leather and footwear, wood manufacturers and furniture, textiles and apparel and garments. Special packages, individually designed for each industry are needed to create jobs.
2. Public investment in sectors like health, education, police and judiciary can create many government jobs. Along with it, decentralisation of Industrial activities is necessary so that people of every region get employment.
3. Entrepreneurs generate employment to many in a country; therefore, the government needs to encourage entrepreneurship among the youth. Similarly, concrete measures aimed at removing the social barriers for women's entry and their continuous participation in the job market is needed.
4. Government needs to keep a strict watch on the education system and should try to implement new ways to generate skilled labour force. Further, the effective implementation of present programs like Make in India, Skill India, Start up and Stand-Up India is needed.
5. There is a need for National Employment Policy (NEP) that would encompass a set of multidimensional interventions covering a whole range of social and economic issues affecting many policy spheres and not just the areas of labour and employment.

Conclusion

Putting in place the above given appropriate policy responses to tackle the issue is of utmost priority. As multiple forces ranging from technological advances to climate change to demographic changes transform the world of work, the absence of decisive policy action will disrupt livelihoods and exacerbate problems for the vulnerable and further increase social fault lines.

75. Structural reforms not doles and subsidies are needed to address the vulnerabilities of distressed farmers. Elucidate.

Introduction

A subsidy (also recognized as a subvention) is a system of financial assistance paid to an individual, a business or an economic sector in order to accomplish certain policy objectives.

Body

An agricultural subsidy is a government incentive paid to agribusiness, agricultural organizations and farms to supplement their income manage the supply of agricultural commodities and influence the cost and supply of such commodities.
Farm subsidies could be –

- Direct farm subsidies rendering cash to the recipient farmers like food subsidy, MSP-based procurement, providing cash directly to the farmers to buy fertilizers etc.
- Indirect farm subsidies are not provided in the form of cash but supporting farmers in an indirect manner. For example- subsidizing fertilizer companies to provide cheap urea to farmers.

To enhance the agricultural production, the Government of India is providing some other subsidies to the farmers, through the Farmers' Co-operative Societies in the form of seeds, development of oil seeds, pulses, cotton, rice, maize, crop insurance schemes and price support schemes.

Subsidies ultimately hurt the farmers

- Fertilizers subsidy, especially urea when made available cheaply has resulted in overuse, which degraded soil quality, and in return affected the output productivity. Low productivity of Punjab in wheat can be attributed to above cause.
- Most benefits of subsidies are allotted to big farmers while in India, 2/3rd farmers are marginal farmers which can't utilize the benefit of subsidy properly. Thus the value of produce of such farmer's decrease.
- It leads to overproduction of one crop over other like fruit, pulses. Thus sometimes grains are piled up for rotting in warehouse.

Structural Reforms

- Enhanced Agricultural productivity, competitiveness and rural growth: The contribution of Agri sector in India's GDP (16%) is greater than the world's average (6.4%), thus policy intervention in the right direction can fuel the sector as a key space in the economy.
- Liberalize constraints to marketing, transport, export and processing: Improve access to domestic and international markets.
- Increase investment in research: Cover new seeds, disseminate new farming techniques widely etc.
- Improve water resources and Irrigation/Drainage Management: Piped conveyance, better on-farm management etc. and increasing productivity over land usage.
- Eschew loan waivers: As it only diverts resources from needed investment, focus should be on allocation for capacity building.

- Implement successful policies and rationalize public expenditure with priority to scheme with high returns: Move to a fixed cash subsidy per acre cultivated based on digitizing and identifying plots as demonstrated successfully by Rythu Bandhu Scheme of Govt. of Telangana.
- Employ rural youth and promote entrepreneurship: Successfully demonstrated by the Custom Hiring Centre model implemented by Madhya Pradesh to hasten the pace of farm mechanization.
- Facilitate conversion of agricultural waste: Provides a further fillip to farmers' income.
- Encourage village level procurement systems to create a robust value chain, providing employment to rural youth.
- Convergence of schemes: Integrate MGNREGA with Blue revolution to promote aquaculture, creation of potential clusters etc.
- Agriculture and private sector: Facilitates transition from Agriculture to robust Agri-business systems.
- Skill development: Skill development centers providing essential required skills and techniques and helping in capacity building of the young population preparing them for efficient employment.
- Creation of Agricultural Universities in every state: enhancing the outreach of Agriculture as an important sector, attracting, and retaining youth in this sector.

Conclusion

According to IMF, India's economy is predicted to be soon the fastest growing economy in the world. Thus, Agriculture sector in India could become a solid foundation for a robust economy and a central pillar of rural development (approx. 67%), if driven with a more productive, internationally competitive, diversified and sustainable agricultural policy and reforms.

76. Each year thousands of children die in government hospitals in India. Recently, more than a hundred children died in a hospital in Rajasthan. Why do such incidents occur so frequently? Critically examine. What urgent measures are needed to salvage the situation? Suggest.

Introduction

A recent UNICEF report revealed that in India over 882,000 children under the age of five died in 2018 — that is over 100 children every hour, or a child every minute, out of which, most of the casualties have been in government hospitals, which is shocking for a country aspiring to be a global superpower in the near future.

Body

- As per official records, more than 600 infants have died in child care wards of government hospitals in Rajasthan and Gujarat since December 1, 2019, where all of the deaths occurred in the neonatal and perinatal ICUs.
- The children were brought into the hospital by parents, mostly from economically weaker sections, from surrounding rural areas where the children were found to be critically ill when brought to the hospital.

Such a situation has been observed repeatedly with regards to government hospitals across India and especially North India. This can be due to the following factors:

- Open door policy and increased referrals - Unlike private facilities, public medical hospitals cannot turn away a patient who comes to them which leads to two/three children on a bed being a common sight in public facilities. This is further exacerbated by the sickest children who have been referred out of other hospitals landing up in public facilities.
- Lack of adequate infrastructure - Majority of public medical facilities are suffering from infrastructure deficiencies. For example, the neonatal ICUs and paediatric ICUs of government medical Colleges have insufficient beds. But the occupancy ratio is more than 180%, which clearly indicates the ;evel of overstretched facilities.
- Poor Primary and Secondary health facilities - With lower levels of public healthcare being defunct, the entire load falls on the tertiary level. It also means people having to travel hundreds of kilometres to access the most basic healthcare services which could have been taken care of by a district level hospital closer to their homes.
- Quantity and Quality of manpower - a shortage of doctors and supporting staff in the paediatrics department which is evident from the recent case where National Commission for the Protection of Child Rights (NCPCR) in its fact finding report observed that the hospital did not have faculty as per norms.
- Sanitation and Hospital's procedural deficiencies - A lack of infrastructure and staff, along with unhygienic conditions may have played a role along with

maintenance issues. For example, in the recent Kota case, the Press Trust of India news agency cited that more than 70 percent of key equipment like infusion pumps, warmers and nebulisers for newborns were not in working condition at the hospital.

- Other - Further, other situational factors also play an important role like newly born children suffering from low birth weight, premature deliveries and nascent infections, children being admitted at the last minute, increased referrals during the cold month of december, etc.

At the same time, other factors like a good proportion of babies being underweight (an estimated 35% babies born in Rajasthan have low birth weight, which is less than 2.5 kg), travelling long distances in the cold to reach the hospital, the non-availability of baby warmers, etc also play a critical role.

In this regard, the following measures can be considered worthwhile for salvaging the situation and avoiding loss of precious lives:

- The task of making the primary and secondary level health institutions functional ought to be the utmost priority, such that people can access effective healthcare for common and easily treatable conditions nearest to their homes.
- All the vacancies for medical and paramedical posts should be filled promptly and the administrative procedures should facilitate speedier permanent appointments.
- Rural service should be made compulsory for health personnel of varying categories immediately after their graduation. There should not be waivers of any kind to allow the personnel to avoid doing such service.
- For maximal utilization of the infrastructure of public hospitals, provision should be made for both morning and evening OPDs. The necessary staff, equipment, and space should be provisioned for running such clinics and diagnostic set-up.
- Addressing the most common risk factors for child mortality with prevention methods such as access to diarrhea and pneumonia treatment, measles and tetanus vaccinations and increasing access to quality healthcare.
- Much of north India has been hit by a severe cold wave since late in December, and there is a need to provide blankets, bedsheets and heaters to the patients at the hospitals

Conclusion

From a hospital administrator's point of view,it is necessary to remember that there are no shortcuts to long lasting solutions. Nonetheless, it is important to realize that health is a social phenomenon and a public hospital is a social institution which cannot be developed in isolation from the societal conditions in which it operates, which clearly demonstrates the need for a social revolution with regards to improving health apparatus in the nation.

77. Technology must play a significant part in the field of primary and secondary education for farther reach and better learning outcomes. Do you agree? Substantiate.

Introduction

- Primary (elementary) level: 6-14 years of age. The elementary-level education is guaranteed by our constitution under Article 21 A. For this level, the government has introduced Sarva Shiksha Abhiyan (SSA) under the Right To Education(RTE) Act.
- Secondary level: Age group between 14-18. For this level, the government has extended SSA to secondary education in the form of the Rashtriya Madhyamik Shiksha Abhiyan.

Body

Technology has changed the education scenario in the last few decades by emerging as one of the most efficient tools used in the learning process, both by tutors and learners.

Significance of technology

Technology plays an important role in:

- Improving the classroom process of teaching, learning and evaluation
- Aiding teacher training.
- Improving access to education.
- Improving the overall planning, administration and management of the entire education system.
- Looking for matter beyond the textbooks is no longer a challenge with respect to time and resources anymore.
- Classroom based learning
  Nowadays technology has become integral part of classroom based teachings. Today in many schools, colleges and universities in India instead of blackboard projector screens are used for teachings. Hand writings of teachers are replaced by power point presentation. Student experience a different kind of set up in today's technology based classroom. Gadgets like tablets and laptops are used to take down notes. Animated content are created on various subjects and in different languages so that students can have better understanding of a complex subject in a simple way.
- Online learning management system
  Many schools and universities in India are integrating online Learning Management System or LMS platform into their web portal. Students can remotely login to access course material and also attend live classes with teachers. Pre-recorded lectures, videos can be uploaded on the LMS platform making it easy for students to go through it multiple times.

- Learning through mobile Apps
  According to a report released by Counterpoint Research, India has become the second biggest smart phone market in the world after China with more than 220 million active users. This presents a huge opportunity for delivering e-learning content through mobile apps. Today educational mobile apps are available on popular platforms like Android and iOS. Developers are creating educational apps based on particular subjects. They are simplifying complex concepts with easy to understand illustrations and animations, puzzles games etc. There are apps available for grammar, physics, chemistry, mathematics and so on. With the prices of tablets and smart phone coming down people from villages and remote areas can also make use of this apps to learn and update their skills.

Govt interventions:

The concept of ICT in schools was initially introduced in December 2004. The Central Government later revised it in 2010 to ensure opportunities for students enrolled at the secondary level of education.

- Presently, the Central Government has subsumed ICT in schools under Rashtriya Madhyamik Shiksha Abhiyan, a national drive for secondary education.
- **National Mission on Education through ICT:**
  An autonomous body, National Education Technology Forum, set up under the Mission, will facilitate decision making on the use of technology.
- **National Repository on Educational Data:** maintain all records related to institutions, teachers, and students in digital form.
- Single online digital repository to make available copyright-free educational resources in multiple languages.
- Diksha has the potential to re-engineer the in-service teacher training in India. It is important to create good content and also to ensure technology consumption by teachers, the role of headmasters in promoting teachers' professional development etc.
- The draft National Education Policy 2019 provides for reforms at all levels of education from school to higher education. It seeks to increase the focus on early childhood care, reform the current exam system, strengthen teacher training, and restructure the education regulatory framework. It also seeks to set up a National Education Commission, increase public investment in education, strengthen the use of technology and increase focus on vocational and adult education, among others

Recognising the importance of digital literacy in rural India, in 2013 Samsung India launched a Smart Class initiative in collaboration with Navodaya Vidyalaya Samiti. The initiative is available across 500 Jawahar Navodaya Vidyalaya Schools, benefitting over 2.5 lakh students. The brand has imparted training to over 8,000 teachers on interacting technology.

Conclusion

- While much is being done in policy formulation stage, implementation is not always up to the mark.
- Even then, efforts in education have long gestation period before showing perceptible results. Need of the hour is to set aside political apathy towards education and invigorate India's education sector.

78. Why are graduates from Indian universities considered unemployable by most firms? Examine. Where does the problem lie? How can it be addressed? Suggest.

Introduction

According to a NASSCOM report, 85% of the Indian university graduates are unemployable. According to a 2016 report by job skills credentialing company Aspire Minds, nearly 80 per cent of engineering graduates in India are not employable. Most of them are forced to take up jobs in non-engineering fields or remain unemployed.

Body

Reasons for unemployability:

- Academic focus: undue emphasis on academic excellence and lack of practical industrial relevant knowledge development. For the same reasons, the companies have to train, retrain the freshly hired graduates which is an additional burden and hence prefer not to hire.
- Uncertainty among graduates: lack of focus and definite career path among graduates. As per a latest report, around 40% of the engineering graduates is preparing for various competitive exams in government sector which his not even relate to engineering.
- Curriculum: lack of industry-relevant curriculum. the courses being taught are not in tune with the industry's requirements and has not kept pace with the disruptive changes in the industry.
- Sanction of new institutes: the ease of securing approval from the All India Council for Technical Education (AICTE) to set up engineering colleges and other higher education regulators has led to the mushrooming of institutes. Most of the education institutions including the better-known ones are understaffed and lack in qualified, competent and suitable faculty members. E.g. the number of approved institutes in Maharashtra alone is around 650.
- Skill set upgradation: The skills required changes very frequently and according change in curriculum updation is needed. E.g. When the IT/electronics field is moving towards Artificial Intelligence, Cloud computing and so on, the curriculum is centered around Microprocessor and microcontrollers.

- Teaching methods: Most of the institutions still follow traditional way of teaching without realizing that the information is available over the internet and the need of the hour is the application level teaching for practical purposes.
- Basic education: Problems of poor primary and secondary education which reflects in the learning outcome in higher education.

Ways to address unemployability:

- Strengthen the primary and secondary education providing a strong base to improve the learning outcome which would reflect in the application level learnability in the higher education.
- Curriculum: has to be revised frequently as per the changing technology in the sector.
- The focus of higher education teaching has to shift from theoretical knowledge assimilation to practical application level knowledge and thus integrating industrial requirements with academic learnings.
- Regulation of institutes: the higher education regulating authorities has to exercise restraint awarding approvals to start institutions without proper infrastructure, faculty and required relevant facilities.
- Spending: the spending in education sector has to be increased to 6% of GDP as per recommendation of various committees including the latest Kasturirangan which would improve the infrastructure of institutes.
- New initiatives like Hackathon, curriculum reform, anytime anywhere learning through SWAYAM, teacher training improve quality of learning. These need to be effectively implemented.
- Establish world-class multidisciplinary research universities. Create a master plan for every state and union territory. Each state must establish an integrated higher education master plan to provide an excellent education for all its residents. Also, Attract the best and the brightest talent to be faculty members.
- Tie-ups with industries to employ industrial relevant skills during graduation. E.g. several colleges in Tamilnadu has sessions of training imparted by professionals during college periods.

Conclusion

Thus, a complete revamp is needed to meet the present demand and address the future challenge that Higher education is about to face. The various steps taken including schemes like RISE, forming HEFA, Institutes of eminence, Rashtriya Uchchatar Shiksha Abhiyan (RUSA), fellowship schemes, schemes to retain and attract talented faculties etc., are steps in the right direction.

79. How do Sustainable Development Goals (SDGs) address the social sector? Examine. What is the proposed roadmap to achieve the targets related to the social sector? Discuss.

Introduction

SDGs are 17 set of goals as a blueprint to achieve an inclusive sustainable development for all set up in 2015 as part of UN general assembly resolution 2030. These goals are targeted in systematic sustainable development for all with indicators including health, livelihood, women empowerment, poverty elimination, zero hunger etc. These indicators are one of the key indicators in the social sector development.

SDG sets the focus on attainment of these goals through a worldwide agenda and support including those of international organisations and bodies. The focus of the countries to achieve these goals in the set manner also becomes the priority. For eg. In India, Niti Aayog (Government's think tank) is dedicated to achieve the SDGS.

Social sector deals with the rights of citizens to education, land rights, food security, health and sanitation, gender equality, women's empowerment, livelihood and employment guarantee.

Body

Sustainable Development Goals (SDGs) address the social sector

- Poverty- Eliminating poverty (SDG 1) eliminating hunger (SDG 2)
- Education (SDG 4)
- Health (SDG 3)
- Gender equality (SDG 5)
- Infrastructure (SDG 9)

Proposed roadmap to achieve the targets related to the social sector
- **Poverty**
  o Several large-scale anti-poverty programmes have been implemented. The Mahatma Gandhi National Rural Employment Guarantee Act, for instance.
  o In order to achieve the goal of housing for all by 2022, direct financial assistance is being extended to poor households. Additionally, initiatives have been launched for providing pension and insurance to workers in the unorganized sector, widows and the differently abled. Over 130 million people have accessed life and accident insurance under these programmes.
  o With respect to clean sources of cooking fuel, over 22 million families have been provided with Liquefied Petroleum Gas connections under the Pradhan Mantri Ujjwala Yojana.

- **Education**
  o Stunting among children less than 5 years has declined from 48% to 38.4% between 2005-06 and 2015-16. During the same period, the percentage of underweight children has declined from 42.5% to 35.7%.

- o More than 800 million people are covered in India by providing the food grains at affordable prices through the Public Distribution System. The Mid-Day-Meal Programme is providing nutritious cooked meals to 100 million children in primary schools. Additionally, food distribution governance is being strengthened through the digitization of ration cards and an online grievance redressal mechanism.
- o Further, sustainable and climate-adaptive agriculture has been boosted by, inter alia, promoting organic farming and issuing of 62 million Soil Health Cards to farmers. A comprehensive plan is also being implemented for doubling farmers' income by 2022.

- **Health**
  - o The National Health Policy, 2017 has specified targets for universalizing primary health care, achieving further reductions in infant and under-5 mortality, preventing premature deaths due to non-communicable diseases as well as increasing government expenditure on health.
  - o A composite index is being used to monitor and incentivise improvements in health services delivery across states in the country.
  - o The government is aiming to immunize all unimmunized and partially immunized children against vaccine-preventable diseases by 2020.
  - o Towards achieving universal health coverage, a health insurance cover of INR 100,000 is being extended to all poor families.

- **Gender equality**
  - o While much more progress remains to be made, a number of indicators pertaining to the status of women in India have moved in the right direction over the years. For instance, 68.4% of women were literate in 2015-16, as compared to 55.1% in 2005-06. Additionally, 53% of women were independently using a bank or savings account in 2015-16, which is a significant improvement from 15.1% in 2005-06.
  - o Numerous measures have been put in place for promoting gender equality. For example, the Beti Bachao Beti Padao (Save the Girl Child, Educate the Girl Child) initiative focuses on a comprehensive package of interventions for the girl child including those pertaining to education and protection.
  - o The Maternity Benefit Programme protects women from wage loss during the first six months after childbirth.
  - o Further, several programmes are being implemented for enabling greater participation of women in the work force.

- **Resilient Infrastructure**
  - o All forms of transportation – roads, railways, civil aviation and waterways are being rapidly expanded. Road connectivity and electricity are being brought to all villages.

- o The Bharat Broadband Network Ltd. initiative is aiming to provide high-speed broadband connectivity to all village councils in the country.
- o Over the last five years, there has been a consistent growth in installed electricity generation capacity. The installed capacity in non-fossil-fuel sectors has grown by 51.3% and more than doubled in the renewable energy sector (solar, wind, bio- and small hydro power).
- o India is making efforts to become an Information Technology and manufacturing hub through its 'Make in India' campaign. These efforts have greatly accelerated Foreign Direct Investment (FDI) inflows and helped the country sustain an average growth of 7.5% during the last three financial years (2014-15 to 2016-17).
- o Employment-intensive manufacturing segments are being boosted by providing easy credit to small-scale business entrepreneurs. Additionally, the 'Start-up India' programme promotes entrepreneurship and labour-intensive economic growth.

Conclusion

These goals reflect our evolving understanding of the social, economic and environmental linkages that define our lives." India's development mantra "Sabka Saath Sabka Vikas" (Collective Effort, Inclusive Development) and the associated national programs closely track the SDGs.

80. What do you understand by vocational training? Why is it so vital for our country? Examine.

Introduction

Vocational Education can be defined as the education that is based on occupation and employment. Vocational Education is also known as career and technical education (CTE) or technical and vocational education and training (TVET). The nodal agency for granting the recognition to the I.T.I. is NCVT, which is under the Ministry of Labour, Govt. of India.

Objectives of vocational training

- Enhance the employability of youth through demand driven competency based modular vocational courses.
- Maintain their competitiveness through provisions of multi-entry multi-exit learning opportunities and vertical mobility/ interchangeability in qualifications.
- Fill the gap between educated and employable.
- Reduce the dropout rate at the secondary level.

Skill India is a campaign launched by Prime Minister Narendra Modi on 15 July 2015 which aim to train over 40 crore people in India in different skills by 2022. It includes various initiatives of the government like

- National Skill Development Mission
- National Policy for Skill Development and Entrepreneurship, 2015
- Pradhan Mantri Kaushal Vikas Yojana (PMKVY)
- Skill Loan scheme

Body

Problem areas of Vocational Education in India?

- There is a high dropout rate at Secondary level.
- Vertical mobility after the skills obtained is less.
- Employers mostly tend to prefer young workers with strong basic academic skills and not just vocational skills.
- Private Industry Participation is lacking.
- Lack of continuous skill up-gradation.
- Experienced and qualified teachers to train students on vocational skills are not sufficient.
- Poor quality of training most of the times is not in line with industry needs.

Why vocational training is so vital for our country

- Demographic Dividend: India has 65% of its youth in the working age group. Efficient utilization of these population would promote saving and investment rate
- Meet employer need of skills: The latest India skill Report indicates that only about 47% coming out of educational institutions are employable.
- A useful vocational education in agriculture, coupled with access to the formal economy for finance and marketing, could raise the quality of life. AGRI-UDAAN programme to promote innovation and entrepreneurship in agriculture is a step in the right direction.
- Prepare workers for a decent livelihood: this improves India's ranking in HDI
- Low-skilled and repetitive jobs are bound to be eliminated by robots and artificial intelligence under the Fourth Industrial Revolution. This scenario is forcing technical and vocational education and training (TVET) institutions to evolve continuously and sustainably to remain relevant in the future. World class productivity and quality
- For Make in India – It give big opportunity for MNCs to come to India
- Export of skilled workforce to aging developing countries
    - The study titled 'Global Talent Crunch' highlighted that India would have a talent surplus of around 245.3 million workers by 2030 at a time when the Asia-Pacific region itself would face a talent deficit of 47 million workers.

What are the Government Initiatives in the area of vocational education?

- To stimulate and support reforms in skills development and to facilitate nationally standardized and acceptable, international comparability of qualifications, a **"National Vocational Qualifications Framework" (NVQF)** is being established by the Central Government. Several states have initiated vocational education programmes operated in alignment with NVQF.

- National Skill Development Corporation India (NSDC) is a one of the kinds of Public Private Partnership in India. It aims to promote skill development by catalysing creation of large, quality, for-profit vocational institutions.

- Ministry for Skill Development and Entrepreneurship has launched the **Skills Assessment Matrix for Vocational Advancement of Youth (SAMVAY)** that provides seamless movement from education to skill.

- A scheme for skilling the unemployed youth in engineering skills using the facility of the technical institutions has been launched as a part of the **PM Kaushal Vikas Yojana(PMKVY).**

- **Gram Tarang** – Targeting tribal/naxal affected areas. Training centres created to train people in Auto CAD, advanced welding on advance machinery funded by NSDC.

Case Study

Successful Vocational education model in Germany – 'classroom instruction plus apprentice training'

- The German system of Dual Vocational Education and Training (VET) has proven itself to be successful over the last centuries.
- It is placed to bridge the gap between the increasing need for theoretical knowledge and real world application of these skills.
- The German system encourages the direct involvement and ownership of the industry in the educational process and is in demand all over the globe – also in India.
- VET plays a vital role in India's further development, especially in the light of government's "Make in India" campaign.

Conclusion

ASER's statistics indicate that overall, only 5.3% of the age group is enrolled in a vocational course, while 60.2% of out-of-school youth are engaged in some form of work. These trends underscore the need to scale up substantive skill-building programmes. A National Vocational Policy should establish equivalence for degrees, diplomas and certifications in the vocational education sector for lateral and vertical mobility.

81. What do you understand by 'hidden hunger'? How big is the problem of hidden hunger in India? What are the remedial measures to address hidden hunger? Discuss.

Introduction

Hidden hunger is a condition of lack of minerals and vitamins in human body. The nutrition deficiency is caused not due to the lack of food, but due to the lack of food which is rich in nutrients. In other words, it is micro-nutritional deficiency caused by lack of balance in an otherwise full diet.

Body

Hidden hunger is mainly due to the deficiency of one or more micronutrients such as iron, folate, zinc, vitamin A, vitamin B12 and vitamin D. Its effects can be devastating, leading to mental impairment, poor health, low productivity, and even death.

As per FAO reports, hidden hunger affects around 2 billion people or every 1 in 3 persons all over the world. African, Sub-Saharan and South Asian subcontinent regions are hotspots where the prevalence of hidden hunger is high. Even in the developed countries, micronutrient deficiency, particularly iron and iodine deficiency are widespread.

In India - as per the reports of UNICEF, over 80 per cent adolescents suffer from "hidden hunger" and less than 10 per cent of boys and girls consume fruits and eggs daily.

The issue with hidden hunger is that in most of the cases, the family is unaware of the malnutrition being developed which makes it harder to tackle the issue. For instance, Night blindness, a condition afflicting millions of pregnant women and children, stems from low intake of foods rich in essential nutrients like Vitamin A is largely prevalent in India.

Also, Budget constraints limit access to nutrient-rich foods for many families, who are unaware or unable to afford a nutritious diet.

Remedial measures:

- Commercial food fortification: in common dietary foods. Also, as fortified foods mainly reach Urban people, it must be subsidized or made mandatory to reach rural areas as well. Some of the examples are
    - When fortified with vitamin A and D, milk, which remains a staple for many Indians, can help alleviate dietary deficiencies when supplementation is not available. E.g. Milk fortification project by NDDB.
    - Salt fortification is already been done to address Iodine deficiency in India.

- o adding B vitamins, iron, and/or zinc to wheat flour and adding vitamin A to cooking oil and sugar.
- Diversifying diets: dietary diversification ensures a healthy diet that contains a balanced and adequate combination of macronutrients, essential micronutrients and other food-based substances such as dietary fiber. A variety of cereals, legumes, fruits, vegetables, and animal-source foods provides adequate nutrition for most people.
- Biofortification: involving breeding food crops, using conventional or transgenic methods, to increase their micronutrient content. E.g. vitamin A maize, vitamin A cassava, iron beans, iron pearl millet, zinc rice, and zinc wheat.
- Supplementation: through government schemes like the folic acid tablet distribution to pregnant women to address iron deficiency and vitamin B12 deficiency. Similarly, vitamin A tablets to children every 6 months in early years and so on.
- Community management ad acute malnutrition (CMAM) strategy where in the community work together to identify and address the micronutrient deficiency.
- Implementing programs like Ready to use therapeutic food (RUTF) of UNICEF, Eat Safe project of FSSAI which aims at easy availability of fortified food.
- Improve inter0ministerial coordination and implement integrated nutritional schemes like Poshan Abhiyan which bring a holistic approach to address nutritional deficiency both micro and macro.
- Modification in food subsidy schemes like NFSA, Mid-day meal scheme and so on to include diverse dietary food which provide both micro and macro nutrients required.
- Awareness campaigns to sensitize people the graveness of the issue.

Conclusion

SDG 2 which is the target of Zero hunger would be complete only when hidden hunger is also addressed. Thus, the government has to adopt a holistic and integrated approach to address the issue.

Note: Make note of the data (hidden hunger data is not often available). Also, know the difference between malnutrition and nutrition deficiency due to hidden hunger which deficiency of micro nutrients.

82. How does lack of social empowerment lead to poverty? Illustrate with the help of suitable examples.

Introduction

Social empowerment is a means to build a socially just society. It is understood as the process of developing a sense of autonomy and self-confidence, and acting individually and collectively to change social relationships and the institutions and

discourses that exclude poor people and keep them in poverty. The holistic empowerment of all sections of the society is a necessary condition for the development of a country.

Body

- Poor people's empowerment, and their ability to hold others to account, is strongly influenced by their individual assets (such as land, housing, livestock, savings) and capabilities of all types: human (such as good health and education), social (such as social belonging, a sense of identity, leadership relations) and psychological (self-esteem, self-confidence, the ability to imagine and aspire to a better future).
- Poor people's involvement in local associations and inter-community cooperation mechanisms can contribute to social empowerment by improving their skills, knowledge and self-perception. Local associations also act as self-help mechanisms through which poor people organise their economic activities, such as farming cooperatives, or microfinance groups.
- It is also important to recognise that associational life at the local level takes place predominantly within the informal sphere, such as religious organisations, traditional and customary institutions, and informal community based groups. It is these organisations that exert the most influence on poor people's lives.
- Vulnerable groups, such as the very poor, women and marginalised communities can often lack the skills and confidence to engage in community decision-making. For example, Manual scavengers in India are inadequately organised which perpetuates their poverty cycle.
- Socially marginalised groups not only enter the market with poorer human capabilities than others; they also receive lower returns for equal effort because of discrimination. A project supporting farmer groups in Malawi and Kenya found that women farmers, despite being equally productive and entrepreneurial, received a lower price for their crops than did men farmers
- Women constitute a majority of the poor and are often the poorest of the poor. The societal disadvantage and inequality they face because they are women shapes their experience of poverty differently from that of men, increases their vulnerability, and makes it more challenging for them to climb out of poverty. For example, there is growing feminisation of agriculture in India but lack of social empowerment of women makes them vulnerable to poverty.
- Human capabilities, such as decent health and literacy, give people the freedom to engage in economic activities and participate in political and cultural life. Unpaid care work within families, largely undertaken by women, is vital for human well being and represents a major contribution to the development of human capability.
- Job creation and productivity gains have historically been the most powerful forces for improving living standards—and India is in need of deep reforms that can encourage businesses to invest, scale up, and hire. Microfinance

programs have succeeded in increasing the incomes of poor households and protecting them against complete destitution.

- Education is the first step that empowers any marginalised community to attain socio-economic mobility in society. Presently, education has become a potent tool for empowering the masses, especially the people belonging to socially and economically weaker sections of the society. Lack of education can lead to poverty cycle as can be seen with regards to tribal community in india who have literacy rates less than national average.
- Poverty eradication among migrants through empowerment based on more integration and accessibility. Poverty is a situation that hits migrants in particular. In this case, empowering migrants means to ensure them a balanced access to services, in particular the ones available to all other citizens (health, care, insurance, jobs, etc…).

Figure I.1. **The empowerment transmission cycle**
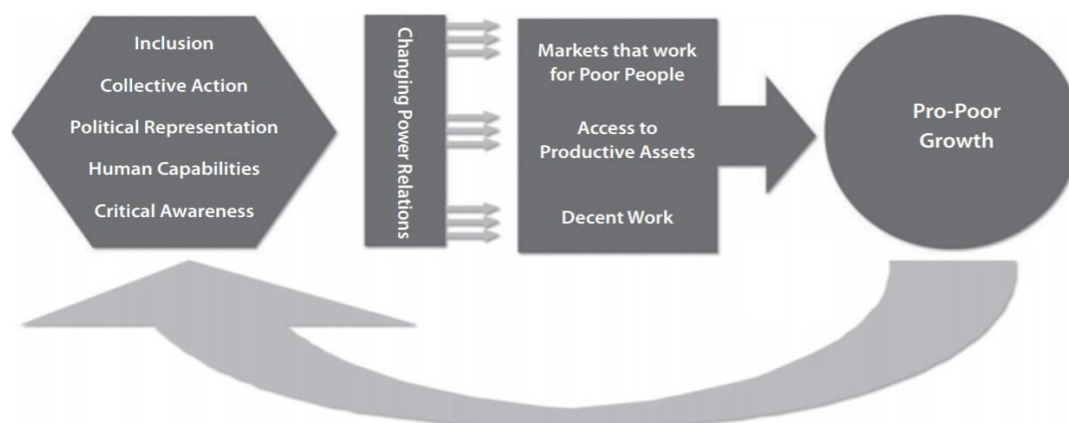
Conclusion

Empowerment and pro-poor growth form a virtuous cycle. Mutually reinforcing economic, social and political aspects of empowerment allows people to move out of poverty through participating in, contributing to and benefitting from growth processes which further help in achieving national ideals.

83. Do you think our current urbanisation pattern creates a platform for poverty and destitution? Analyse.

Introduction

The world passed a landmark statistic sometime in 2014, when over 50% of the world's population was estimated to be living in urban areas. The world's urban areas are highly varied, but many cities and towns are facing problems such as a lack

of jobs, homelessness and expanding squatter settlements, inadequate services and infrastructure, poor health and educational services and high levels of pollution.

Body

- Urbanisation is an increase in the number of people living in towns and cities. Urbanisation occurs mainly because people move from rural areas to urban areas and it results in growth in the size of the urban population and the extent of urban areas.

- These changes in population lead to other changes in land use, economic activity and culture. Historically, urbanisation has been associated with significant economic and social transformations. . However, urbanisation also has disadvantages caused by rapid and unplanned urban growth resulting in poor infrastructures such as inadequate housing, water and sanitation, transport and health care services.

- It is clear that in the last century, which saw rapid urbanization across the globe, India did not face an "urban explosion" as did many other regions of the world, especially in the Americas. India's level of urbanization increased from 17.6 per cent in 1951 to only 23.7 per cent in 1981 and 27.8 per cent in 2001. Consistent with its low per capita income India ranks among the last thirty in the list of countries listed according to their urbanization levels.

- Although the total urban population increased more than 11 fold between 1901 and 2001, from about 26 million to 285 million, the number of settlements increased by 140 percent to 4378 from 1830. The increase in the number of towns has also been steady across the decades.

- Thus most of the growth has been due to the enlargement of existing towns at every level and not significantly due to the addition of new towns. The majority of settlements now classified as towns have exhibited urban characteristics for a long time.

- The rapid increase in urban populations has meant that peri-urban areas are growing much more quickly than formal urban centres. Peri-urban areas are those areas immediately around a town or city. They are areas in transition from countryside to city (rural to urban), often with undeveloped infrastructure, where health and sanitation services are under pressure and where the natural environment is at risk of degradation.

- Rapid population increases and unplanned growth create an urban sprawl with negative economic, social, and environmental consequences. In developing countries, about a third of urban inhabitants live in impoverished slums and squatter settlements (UN-Habitat, 2012). Slums are urban areas that are heavily populated and have substandard housing with very poor living conditions, creating several problems.

- Many low-income families gravitate to these informal settlements that proliferate in and around towns. Poverty is one of the most critical issues facing urban areas. Urban poverty degrades both the physical and social environment. This then makes it more difficult for people to escape from poverty and they fall victim to the 'vicious cycle'.

- However, urban problems may be magnified in megacities (congestion, waste disposal, air pollution, lack of housing) and prove more problematic to solve. India has many megacities in the present day.
- These factors have created breeding grounds for urban poverty and destitution which have the following features -
- Inadequate income leading to inadequate consumption.
- Inadequate supply or non-existence of public infrastructure like provision of piped water supply, drainage, roads, footpaths, etc.
- Inadequate provision of basic services that include, for example, schools, day-care centers, vocational training institutions, health care centers, transport and communication, etc.
- Absence of protection from disasters and hazards in the fields of environmental safety, pollution, ethnic conflicts, violence, discrimination and exploitation.
- In India, urbanization is still viewed by many as a disease, and a trend that needs to be reversed. Urban areas instead of being seen as an opportunity are seen as entities that are a burden, unruly and chaotic. Most coverage in the press harps on highlighting the issues of environmental degradation, inequity, slums, unemployment, poverty and chaos. This further hampers the overall image and standing of urban areas.

Conclusion

With variations in the size of the cities and towns, the intensity of the brunt of poverty experienced by the poor may also vary. In fact, it is expected that the acuteness of poverty would be higher in metropolitan areas, like Bangalore city, than in smaller cities and towns, which further necessitates action based on a bottom up approach of planning.

84. Critically evaluate the effectiveness of the MGNREGA as a poverty alleviation programme.

Introduction

National Rural Employment Guarantee Scheme (NREGS) is a demand-driven **social security measure** that provides a minimum of 100 days of unskilled work per household in a financial year.
It is hailed as world's largest anti-poverty program.
Founding pillars of the program
- Asset creation
- Social security
- Social inclusion
- Gender parity
- Equitable growth

Body

Effectiveness of the MGNREGA as a poverty alleviation programme

- **Increased rural wages** – The average wage per person-day has gone up by 81 per cent since the Scheme's inception, with state-level variations.
- **Reduced distress migration** - On an average, 5 crore households have been provided employment every year since 2008.
- **Successful in its targeting**
- **Risk mitigation mechanism** – non-normative rainfall during the agricultural season leads to higher overall participation in NREGS
- **Agriculture**
  - Usage of barren areas for cultivation
  - creation of assets on lands of small and marginal farmers
  - Aided small and marginal farmers in moving to dual and multi-cropping.
  - MGNREGS has contributed to improved or sustained groundwater levels, increased water availability for irrigation, increased irrigated area and finally, improved drinking water availability for humans and livestock.
- **Empowerment of the weaker sections** - As per a NSSO report
  - Scheduled Castes (SCs) and Scheduled Tribes (STs) have accounted for 51 per cent of the total person-days generated.
  - Women for 47 per cent, well above the mandatory 33 per cent as required by the Act.
  - FRA beneficiaries are entitled to 150 days of employment. In states like Rajasthan, communities like the Sahriyas have been given an entitlement of 200 days
- **Financial inclusion** - Payments under the scheme are by way of Direct Benefit Transfers.
- **Human Development Indicator** –
  - Improvement in food security and nutrition.
  - Availability and work by adult household members in MGNREGS inversely affects child labour and positively impacts children's schooling.

- Areas with low consumption expenditure have higher MGNREGS demand as compared to areas with higher consumption expenditure.
- After ALP, women, SC and ST workforce increased under MGNREGS during times of economic distress.

Limitation of the MGNREGA as a poverty alleviation programme

- **Delay in payments** - less than a third of the payments were made on time.
- While women's participation rates in MGNREGA are satisfactory, **women are excluded from planning**.

- **Grievance redress** and having an ombudsperson remain a challenge for the administration.
- While, Andhra Pradesh, Telangana and Sikkim have been able to institutionalize **social audits**, the other states are fast catching up.
- A study by **National Council of Applied Economic Research**, found that implementation is linked with local administration.
    - Chhattisgarh - 60% participation of poor (strong program implementation)
    - Bihar – 11% poor participation of poor.

- **Up-skilling the MGNREGS Workers and accelerated upliftment from poverty is not happening.** Convergence with Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY), involvement of SHGs is not taking place.
- **Micro financial benefits** like micro credit, micro insurance, using the JAM trinity has not been planned yet.

Conclusion

The NREGS may still be the best immediate policy option to protect the poor, landless, vulnerable, rural poor.

85.How effective can be strategy of providing a universal basic income to the poor as a poverty alleviation measure in India? Critically evaluate while discussing its pros and cons.

Introduction

Universal basic income (UBI) is an unconditional cash payment given to all citizens with the assumption that they are willing to work but unable to find one. It's a western concept where high level of automation has resulted in high unemployment. The idea has been popularized by philosophers like Thomas Paine who argued that resource of earth is common property of all.

In Indian context, where every third person is a poor, there are huge marginal and small farmers, daily wage workers, who move in and out of poverty, the concept can be useful as a poverty alleviation measure in India. Also universality of program avoids exclusion, bureaucratic burden of identifying beneficiary and cash transfer will not be market distorting.

Body

UBI is an effectiveness poverty alleviation measure in India
Pros

- **Improving living standards** – A study in Indore showed positive results, where majority of people (more than 66 per cent) used it for constructive purposes, like agriculture and some reported a five times increase in livestock. Others tried to uplift their family status by sending children to better schools.

- **Improving production** – Telangana which provides unconditional income of Rs 8,000 per annum to every farmer, shows to have increased the cultivated acreage and also the production by approx. 30 per cent.
- **Investment in agriculture** – This can increase productive investment, increase access to markets and stimulate local economies. Income support can be used to make a repayment or at least activate a bank account which can then receive a loan.
- **Choice of spending** – It will provide people with the choice of spending their money, like sending their children to better schools and other such purposes.
- **Acts as insurance –** Regular income protects farmers during price crash or crop loss.

However, without wider reforms, the poor remain handicapped in their ability to "buy" themselves out of poverty, whether through entrepreneurship or investments in their human capital. A UBI handout could reduce the political incentive for these reforms.

The poor are already abandoning public schools in large numbers and accessing non-state providers to meet their demand for quality human capital. While a UBI would support this trend, fundamental reforms are needed to establish accountability within public schools and enable non-state actors—non-governmental organizations and private schools—to deliver quality learning outcomes.

Cons

- Motivation for work - demographic dividend is the asset of our nation. If youth loose motivation to work then innovation and urge to compete with other nation will be lost. This will hamper out growth.
- Free lunches always pose a moral hazard, where the money can be spent for unproductive purposes or make a person lazy.
- Irrigation facilities, quality inputs, market reforms and land reforms like land bank and land leasing unless undertaken, farming cannot be made remunerative.
- Resource constraint – Approx. Rs. 8000 per year per family, as suggested by Economic survey 2017-18, will be meagre and an adequate amount to take them out of poverty will drain the government exchequer.
- There is a possibility that inflation might increase by the same extent by which income has been given, thus negating the effective increase in income.

Conclusion

Hence in Indian context the adoption of UBI should involve wide ranging debates and discussions. A partial basic income scheme may be introduced on experimental basis to know its practical viability. But along with it more reforms like strengthening entrepreneurship, remove barriers to job creation, and increase the returns to human capital investments by the poor, specific reforms to allow the poor to gain better education and health etc must be taken.

86.How is technology emerging as a critical aspect of governance in India? Illustrate with the help of suitable examples.

Introduction

The basic aspects of any governance which is efficiency, economy and effectiveness is boosted drastically by the use of technology. strong interaction infrastructure, which paves the way for effective operations and a smooth flow of information between government and people thereby strengthening the governance.

Body

Technology in governance:

e-governance as a buzz term defined as the application of information and communication technology (ICT) for providing government services, exchange of information, transactions, integration of previously existing services and information portals. Technology use is emerging several areas of administration like

- e-Administration: to improvise the intra government operations and interaction has plugged the loopholes thereby becoming a critical aspect making the governance efficient. Some of the examples are
  - Management information system to synergize the data and communication between different government departments. E.g. NATGRID: connecting databases of core security agencies and make available the intelligence data at a single place for better processing of information.
  - computerization of records of land, health etc., E.g. National health stack project, Project Bhoomi and so on.
  - e-office Mission mode project including e-file management, management system of circulars acts and so on.
  - Projects like Khajane of Karnataka for treasury management, e-panchayat project for effective working of PRI and so on.
  - Monitoring of projects and timely update enhancing transparency through projects like Darpan, MPLAD monitoring project etc.,
- e-services: has brought the state closer to the citizens with the concept of services at the doorstep. The ease of availing services being a critical aspect of governance is being facilitated by the emerging technology use. E.g. e-filing of IT returns, online services for certificate applications, e-seva project of Andhra pradesh and so on.
- e-Democracy: The use of IT has been a critical aspect facilitating the ability of all sections of society to participate in the governance of the state. It includes online disclosures of policies, online grievance redressal, e-referendums, e-petitions etc.
- Justice being a critical aspect of governance is being made available to the disadvantaged and less privileged through projects e-courts etc., technology

use un judiciary has improved its efficiency and hence helping in speedy justice.

- Service efficiency and grievance redressal: Technology has also curbed the bureaupathologies like red-tapism, nepotism etc., and is bringing transparency and accountability in governance. E.g. Citizen charters, SAKALA project in Karnataka, Pragathi project etc.,
- Development administration: technology is becoming the critical aspect in plugging the governance deficiency. E.g. projects like common service center, village resource center, technology use in schemes like PM Fasal Bhima yojana etc., in rural development.
- Urban governance: technology is playing a critical role in revamp of urban governance and projects collecting critical data like the waste collection, feedback from citizens, e-District project and so on there by improving the efficiency of municipal administration. E.g. under smart city project, Kanpur was able to reduce the crime rate by 70% by using technology like cctv cameras, emergency helpline etc.,
- Disaster management: with the climate change being real and erratic disasters, technology is becoming a critical aspect in all the stages of disaster management including prevention, mitigation, rescue, relief and so on. E.g. Smart-Gov project: of Andhra Pradesh government connecting the different stakeholders like home ministry, NDMA, District administration and so on for cyclone management.

Conclusion

With the 4th industrial revolution setting in, technology use in administration is not only necessary, but is inevitable. Thus, being the mist critical aspect of governance, it is rightly being focused through flagship scheme like Digital India Mission by Government of India and various e-governance projects by state governments.

Note: Make a list of e-governance projects (1/2 for each) for various aspects of governance like police administration, disaster management, District administration, accountability etc., Know them, memorize them and they will help you at least in 2-3 question of paper 2.

87. Digital India is the only way for citizen empowerment, which can bring government transparency and accountability to citizens. Do you agree? Substantiate your views.

Introduction

The Digital India programme is a flagship programme of the Government of India with a vision to transform India into a digitally empowered society and knowledge economy. A Digital interface is convenient to both the government as well as the public also where the main agenda of this scheme is that the government of India

wants to build every family and every human beings into a digitally empowered one's.

Body

- Digital India is a plan by the Government of India to ensure that Government services are made available to citizens electronically by improving online infrastructure and by increasing Internet connectivity.
- Technology will be the enabler for the citizen to transcend the boundaries of departments and ministries, and provide a single platform for interaction with its citizens, thus promoting participatory governance and increased transparency and revolutionizing public service delivery.
- Digital India differs from previous efforts as it provides a combined vision and a comprehensive execution plan, bringing together various departments as well as existing and new programs that are monitored and influenced centrally by the government.
- Technology is key to the vision of a Digital India. Social Media, Mobility, Analytics and Cloud are the foundations that will enable the Digital India visions of providing "governance and services on demand" and "digitally empowering citizens" and support the social inclusion schemes being launched by the government.
- To ensure the success of its initiatives in the digital space, the government will have to take steps across multiple functional areas, some of which are outlined below:
  - o Regulatory framework
  - o Effective implementation
  - o Budget constraint
  - o Bridge the digital divide
  - o Security and privacy
- The limitations involved in the exponential growth of Digital India can be classified into two categories namely Technical and non-technical -
  - o Technical Problems: These are the following some technical problems in reaping the full benefits of service provision under Digital India
- Technical illiteracy
- Infrastructure
- Recognition of applications
- Security and privacy
- Authentication
  - o Non-technical Problems: India is a large country which has rural areas population approximately 70% of their total population. These are the following some non-technical problems -
- Population
- Services are not accessible easily
- Lack of awareness in people
- Implementation Cost
- Language Dominance

Consequently, Digital India cannot be the only way for citizen empowerment, which can bring government transparency and accountability to citizens, some other ways include:

- EMPOWER CITIZENS - Give some authority and power in the decision-making process to citizens closest to the issues, as they can provide insights on funding allocations and cultural issues, and help develop community partnerships.
- DEVELOP A COMPREHENSIVE COMMUNICATIONS STRATEGY - For citizen engagement to truly work, government must create a comprehensive communications strategy.
- PROVIDE INCENTIVES - For citizen engagement to really work, there needs to be incentives for both citizens and government employees.
- PROVIDE SUFFICIENT STAFFING, RESOURCES AND SUCCESS METRICS - Clear goals, objectives and measurements must be identified to track citizen engagement initiatives, and proper staffing and resources must be allocated to the initiative.
- Multiple citizen - based approaches to accountability which can interact with and strengthen state-based approaches, Going beyond technical, 'accountancy' approaches, Involving empowered citizens as monitors and watchdogs of public services.

Conclusion

To realize the vision of promoting inclusive growth through empowerment of citizens, it is important to reach out to citizens in the remotest of locations and make them part of India's growth story. Globally, technology has been the greatest enabler in causing disruptive change. India's story is no different, and the use of digital technologies to educate and empower citizens is being seen as a game-changer.

88. How do measures of transparency and accountability enhance the ease of doing business? Explain with the help of suitable examples.

Introduction

India has always been regarded as a place where doing business is complicated in the wake of multiplicity of applicable laws and plethora of authorities and departments to deal with. 'Ease of doing business' refers to the regulatory environment in a country to set up and operate a business. India has moved 14 places to 63rd among 190 nations in the World Bank's ease of doing business ranking.

Body

- India has risen rapidly in the World Bank's Ease of Doing Business (EODB) rankings in the past five years. This rise has occurred alongside widespread

deregulation, which has seen measures to increase transparency and accountability along with attempts to introduce labour and land laws.

- Accountability signifies the concern and duty of government institutional workers to perform their activities in the best interests of the public and that institutional officials should take responsibility for their activities performed. While transparency is a situation in which government institutional activities and other supporting organizational activities are performed in an open way without any secrets held behind, so that the public can believe and trust that these organizations are honest and fair.

- In this regard, following points clearly demonstrates the improvement of ease of doing business due to measures which improve transparency and accountability :

- TAMRA which stands for Transparency, Auction Monitoring and Resource Augmentation" web based portal and Mobile APP has been conceptualized to provide the status of mining block auctioned/ to be auctioned in India to the public in a 'transparent' manner. This measure has helped improve ease of doing business as well as augment state coffers.

- India merged the application procedure for getting a Permanent Account Number (PAN) and the Tax Account Number (TAN) for new businesses. It also improved the online application system for getting a PAN and TAN. This measure ensures smoothing of procedure for ease of doing business.

- Getting credit and resolving insolvency: Insolvency and Bankruptcy Code passed in 2016 provides for a 180-day time-bound process to resolve insolvency. The Code allows secured creditors to opt out of resolution proceedings, and specifies that a debtor will be immune against creditor claims during the 180-day insolvency resolution process. Prior to the passage of the Code, it took 4.3 years in India to liquidate a business. This has improved accountability in India with regards to liquidating a business.

- India made paying taxes easier by requiring that payments to the Employees Provident Fund be made electronically. Further, it introduced measures to ease compliance with corporate income tax. This has further increased transparency along with helping improving ease of doing.

- Enforcing contracts: The introduction of the National Judicial Data Grid has made it possible to generate case management reports on local courts. This has fast tracked the judicial process which is vital measure for improving accountability and transparency.

- Further, Authorities in Mumbai and New Delhi made it easier to obtain construction permits by allowing the submission of labour inspector commencement and completion notifications through a single-window clearance system. Also, Delhi streamlined the process, reduced the time and cost involved, and improved building quality control by strengthening professional certification requirements. Such efforts in major metropolitan areas have helped in ensuring accountability towards faster clearances and further helping ease of doing business.

The rankings in the EDB index point to transparent rules on the ground to promote efficient markets, rev up enterprise and boost the development delivery mechanism,

and, therefore, help change perceptions and investor sentiments. But it cannot be enough said that the rankings are merely indicative and very much work-in-progress.

- India still scores very low when it comes to registering property. High stamp duty rates seem a perverse incentive to undervalue and underreport real estate transactions. There remains a host of rigidities in housing and real estate that need to be reformed to promptly do away with extensive opacity.
- India also scores lowly for starting a business. This is being sought to be improved through measures like the decision to abolish filing fees for the simplified online format for incorporating a company and its memorandum and articles of association.

Conclusion

Accountability and transparency are treated as major building pillars for governing democratic nations in recent years. Citizens who are paying their taxes would like to know exactly where their money is spent and all the developments that has happened in the country. Consequently, higher the transparency and accountability better the stability of the country's economy.

89. **Test runs and pilot projects are important prerequisites of successful policy implementation. Elucidate.**

Introduction

A pilot is a trial run, a small-scale version of your larger project. A program pilot is an important step that can help you catch potential problems and prevent them from escalating as well as accomplish several goals before full implementation occurs.
Trial run forms part of a committed project and is intended to manage the risk of implementation roll out. It tests the implementation approach and its purpose is to manage the risk of implementation.

Body

Test runs and pilot projects are important prerequisites of successful policy implementation

- A pilot test can serve as a trial run for a program and can help determine if any adjustments to the implementation plan or adaptations to the program are necessary. It can also reveal unforeseen challenges that might arise during implementation.

  Certain sites were chosen for Unique Identification Authority of India's (UIDAI) pilot project to link Aadhaar with payouts under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). There were many initial glitches successful biometric test for wage payments. Pilot projects gave opportunity of identify and remove those problems.

- Pilot testing is an opportunity to gauge the target population's reaction to the program. Most importantly, it can help confirm whether or not your program is a good fit for your population and whether minor adaptations to the program are appropriate and/or necessary.

  Certain states started pilot projects of oilseed purchases by private players. However procurement of oilseeds may not be commercially viable. The viability must be tested through the pilot projects.

- Pilot testing can help to make better decisions about how to allocate time and resources. Pilot testing your program can help you determine if there is need to spend more time or resources on particular aspects of the program.

  The pilot phase or phase I of the Faster Adoption and Manufacturing of Hybrid and Electric vehicles in India (FAME India) was launched by the government in 2015, which expires on March 31, 2018. FAME-I was focused more on private vehicles. However, the government is giving priority to public transport in the second phase of incentive scheme.

- Pilot testing can help analyse the suitability of new changes done in the policy for the entire country.
  The government has launched a pilot scheme for procuring 2,500 mw of power on competitive basis for three years from generators with commissioned projects but without power purchase agreements. The scheme is aimed reviving power demand.

  The demonstrated success of reform in rural water supply and sanitation sector based on demand driven approaches are better tested by pilot project of 'Swajal project'

- Pilot testing can help ensure that government is well prepared to measure the success of its program.

  Beti Bachao, Beti Padhao was started from an initial pilot in 100 districts and later was extended to all 640 districts in March 2018. Data released by the Government for the first 161 BBBP districts for the 2015-2017 period showed improving trend in Sex Ratio at Birth in 104 districts. These measurements helped in expanding the scheme all over the country.

Conclusion

Governance is a very challenging task in the present time owing to the need of accelerated development, integration of technology in the process of governance, and maintenance of high efficiency. This calls for planned rolling out of programs and policies through test runs and pilot projects.

90. Governance should be designed as an equalizer. Do you agree? Do you think governance in India has an equalizing effect? Critically examine.

Introduction

Designing governance as an equalizer means that it should reduce all forms of inequality and create equal opportunity for all. Under the concept of welfare state, government must work for the welfare of all with special attention on the weak and vulnerable.

Body

Governance should be designed as an equalizer
- To utilize demographic dividend of a nation, equal opportunity must be created for all.
- Governance as an equalizer have positive impact on evils like patriarchy, caste based discrimination, poverty etc.
- For peace, justice and fraternity, all section of society must get equal treatment.

Governance in India has an equalizing effect
- Governance in India is based on the constitutional provision under article 14 (equality before law), 15 (non-discrimination on grounds of, inter alia, sex), 25 (freedom of religion).
- Governance is acting as an 'economic equalizer' through schemes like 'Start up India', 'Stand up India'.
- Special focus on skill enhancement through schemes like Deen Dayal Upadhyaya Grameen Kaushalya Yojana, Pradhan Mantri Kaushal Vikas Yojana.
- Reservations to weaker sections have helped in their economic and social upliftment.
- 'Gender budgeting' started in India in 2012. Women centric initiatives like Rashtriya Mahila Kosh, Pradhan Mantri Matritva Vandana Yojana, Mahila E-haat, Working Women Hostels, and Nari Shakti Puruskars etc have create new opportunities for gender equality.
- E-NAM, Pradhan Mantri Krishi Sinchai Yojana, Paramparagat Krishi Vikas Yojana, Interest Subvention Scheme, National Livestock Mission, Dairy Entrepreneurship Development Scheme etc have reduced the vulnerability of farmers and agriculture sector
- The Aspirational Districts Programme led by NITI Aayog is aimed at reducing regional imbalance in development. Ministry of Development of North Eastern Region has already been established for North Eastern region.

Governance in India does not have an equalizing effect
- As per Global Wage Report India registered highest average real wage growth during 2008-2017 in south Asia. India has the highest gap of 34.5% between what men and women earn.

- Capture of opportunity gap in India for women - Global Gender Gap Index, 2018 – 108th/149.
- 10 farmers suicide daily (2016, NCRB). 76% of the farmers would like to quit farming if given a chance ('State of Indian Farmers' report)

Conclusion

One of the three biggest challenges of present time as per World Economic Forum is 'inclusion'. This just reinforces the idea that governance should be designed as an equalizer.

91. How does digital divide act as an impediment to e-governance initiatives? Illustrate with the help of suitable examples. What measures can be adopted to address the digital divide? Suggest.

Introduction

The Digital Divide, or the digital split, is a social issue referring to the differing amount of information between those who have access to the Internet (especially broadband access) and those who do not have access.

According to a 2017 global survey by the Pew Research Centre, only one in four Indian adults report using Internet or owning a smartphone.

About 70 per cent of over one billion Indians lives in rural areas, and only about 400 million have Internet access.

Body

Digital divide as an impediment to e-governance initiatives:

- Infrastructure accessibility: without the infrastructure like internet connectivity, broadband connections, the e-governance projects wouldn't reach the entire population. E.g. CSC, DBT schemes would be successful only with internet penetration to every parts of the country.
- Digital literacy: low digital literacy would hamper the effective use of e-governance initiatives. E.g. Inability to use the banking applications, Jan Dhan initiative suffer due to subsequent zero balance in opened accounts.
- Perception level: Without proper knowledge about technology, there is a scepticism shown by the users making the e-governance initiatives less efficient. E.g. the perception of risk in using internet banking/ATM make many people still preferring withdraw or transfer of funds by visiting a bank branch.
- Unequal utilisation: The use of e-governance initiatives is more in Urban areas and hence it further creates a divide in utility of government schemes.
- Digital divide results in high dependency of beneficiaries on middlemen and thereby vulnerable to misuse. E.g. theft of login credentials, proxy booking in schemes like PM Ujwala yojana and so on.
- Misuse: Digital divide would further the malicious use of technology tarnishing the e-governance initiatives. E.g. Without digital literacy, fake news being circulated in social media platforms couldn't be curbed. The genuine information dissemination through e-governance initiatives suffers.
- Digital divide would take away any incentive for improvisation of e-governance initiatives which can happen only when the citizens are aware of the technology and suggest for reforms through feedback. E.g. In spite of citizen charter being introduced 2 decades back, there is hardly any improvement in service delivery as per 2nd ARC report.

- Lack of digital literacy will lead to corruption, conning of the vulnerable and without proper knowledge, the grievance redressal suffers thereby further eroding the trust of public in e-governance initiatives.
- digital divide is detrimental to trade, people to people contact E.g. the benefit of e commerce cannot be realised without internet penetration

To give some examples, cVigil app of election commission would be successful only if there is active participation of public; Soil health card scheme or PM Fasal Bhima Yojana etc., would be more effective only if the farmers are more aware of the technology involved; Citizen charter would be successful only if the clients are aware of how to effectively use it. Thus, without bridging digital divide, e-governance initiatives will only be handicapped.

Measure to address Digital divide:

- Accessibility: Digital Infrastructure penetration through initiatives like NOFN, Bharatnet, affordable internet plans, smartphone penetration initiatives etc.,
- Affordability: by building comprehensive communication infrastructure, promoting greater market competition in Internet provision and encouraging public-private partnerships in building ICT infrastructure.
- Digital literacy programmes like PMGDISHA, Vittiya saksharata yojana and so on making the beneficiaries effective recipients of e-governance initiatives.
- library and information centres: designed and delivered in a way that is understandable to the underprivileged users at different phases.
- Training – Making rural population familiar with the use of computer and basic functions. Example – National Science Digital Library: provides cheaper access to science and technology books.
- Behavioral economics: Nudge and motivate citizenry to make use of the information and communication technology (ICT) mechanisms. Awareness campaigns, workshops regarding the advantages, benefits of e-governance to overturn the negative perception. E.g. offering discounts on cashless transactions.
- Cooperative federalism: working with state governments to bridge the digital divide. E.g. states like UP, Bihar has low digital literacy, states like Odisha, Jharkhand, Chattisgarh has low digital infrastructure. Thus, an area-specific approach is needed.
- Private sector collaboration: ppp projects and so on. E.g. community technology skills programme, Youth spark programme of Microsoft; Unnati project of HPCL etc.,
- Overcoming language barrier: by integrating multilingual knowledge resources through schemes like Technology Development for Indian Languages.

Conclusion

ICT can benefit only to the extent that people having access to the technology also have the requisite skills and incentive for making optimal use of it. Thus, there is an urgent need to address the issue holistically from digital literacy to the availability of infrastructure which would help in efficient, effective governance and development as well as achieve sustainable development goals.

92. **Tax governance in India has taken giant strides in the area of technology assimilation. Do you agree? Substantiate.**

Introduction

In the last few years, governance in India across sectors has been redefined through business process reengineering, technology and data analytics. Technology is reshaping the way government is designing and implementing programmes. The use of technology has brought in better systems, greater efficiency and is beginning to have a profound impact on governance. Over the last few years, there has been an increased use of technology by the tax authorities and taxpayers alike.

Body

- The global tax landscape is changing dramatically, with tax authorities and taxpayers looking for more and more innovation in tax management. They have realised that tax laws of early 20th century, are not good enough to enable effective tax management in the 21st century. These new models of working run on high-end technology and facilitate transactions in virtual marketplaces.
- India has come a long way in its endeavour to automate tax administration and data processing. The Tax Administration Reform Commission (TARC), under the chairmanship of Dr. Parthasarathi Shome, has recommended extensive use of information and communication technology in administration and governance of tax.
- The Commission emphasised that technology is a critical enabler for the country in its quest to move to modern tax administration. It highlighted areas where technology could play an important role in facilitating and easing tax authorities' interaction with taxpayers and improving compliance. It also elaborates on the use of technology in forecasting revenue.
- Among the Government's revenue departments, the Central Board of Direct Taxes (CBDT) and the Central Board of Excise and Customs (CBEC) have been early adopters of technology. They have recognised the value of data available in electronic form, the CBDT and CBEC have initiated Data Warehousing and Business Intelligence projects to identify intelligible patterns and plug leakages.
- The systems implemented so far facilitate e-Filing and e-Processing of tax returns by the Centralised Processing Centre (CPC) of the Income Tax Department. Digitisation has led to lower costs in the collection of direct taxes. Almost 98.5% of all income-tax (I-T) returns have been filed online. The

I-T Department received 6.84 crore income-tax returns in 2017-18, a growth of 26%, and additionally, more than one crore new tax returns.

- The Pro-Active Governance and Timely Implementation (PRAGATI) programme has used technology to cut across departmental silos and geographical boundaries to ensure speedy project implementation. Real-time updates are being sent by the Income Tax Department through emails and SMS have facilitated its interaction with taxpayers.
- The rollout of the goods and services tax (GST) and the GST Network(GSTN) has resulted in a 50% increase in unique indirect taxpayers compared with the pre-GST system. This translates to a substantial 3.4 million new indirect taxpayers leading to a radical formalisation of the economy.
- Data-linkages between different arms of the government and the institutions in the financial system are enabling the Tax Authorities to capture better information about a taxpayer. Data-linkages are expected to increase the tax compliance base, identify defaulters and make enquiries more specific and 'to-the-point'.
- Recently, it was decided that every communication to be issued by the Income-Tax Department will now have a Document Identification Number (DIN). This intends to insure proper audit trail of such communication.

At the same time, these are the key challenges facing any tax authority today:

- aInconsistency in information used in various tax filings for diverse tax laws in multiple jurisdictions.
- Lack of effective control over compliance that needs to be undertaken and confidence that the required data will be available to complete compliance.
- Optimisation and achievement of efficiency in the tax function to provide quick but accurate tax input with high assurance for decision-making.

The future also holds great scope for tax governance in terms of technology assimilation where -
- In the 'Operation Clean Money' to deal with cash deposits during the demonetisation period, the government had expressly discussed the use of data analytics to identify potential tax evaders.
- The electronic form of data submission throws up significant possibilities for automation and reducing human effort to improve the efficiency of tax compliance and reporting functions.
- Even simplistic technology solutions can significantly aid an in-house tax function. An in-house tax team can develop a web-based portal to document the tax positions being taken in the past.

Conclusion

For years, India has been a complex nation, making it difficult for the common man to access government services. The rapid adoption of digital technology across sectors is making things easy and eliminating all forms of human intervention.

Technology will further play a significant role in bringing in more transparency in the Indian tax environment and will be a strong deterrent to unfair practices on the part of any stakeholder in the tax environment. It will also encourage voluntary compliance by making tax compliance and reporting an easy activity.

93. What potential applications can urban e-governance have as a measure to address the current socio-economic challenges in India's cities. Discuss.

Introduction

ICT is vital for the economic growth and development of our cities. Electronic governance or e-governance is the application of information and communication technology (ICT) for delivering government services at the doorstep of customers, business and other stakeholders. The primary role of e-governance is to simplify the process of governance, by making it more transparent and accountable using information and communication technology.

Body

- There are four pillars of E-Governance:-
  1. CONNECTIVITY   2. KNOWLEDGE
  3. DATA CONTENT   4. CAPITAL
- In context of today's cities, the diagram shown depicts the challenges for urban governance where e-governance can play a vital role in overcoming them.
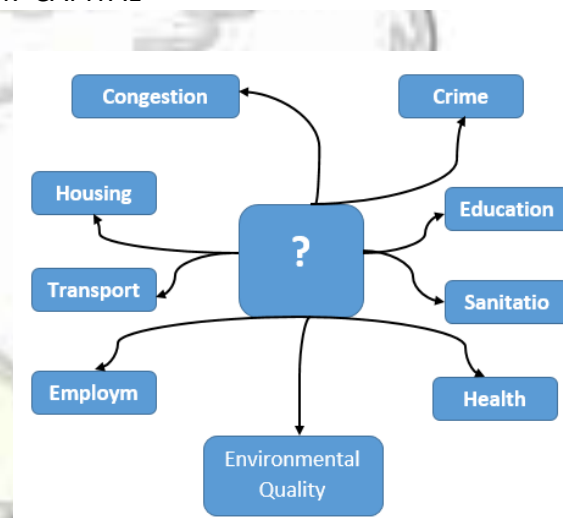
The potential of e-governance for cities can be seen from the following points :

1. Alternative approaches to e-governance, with trends towards bottoms up approach while balancing it with top down minimal approach. This can help in tackling transportation issues in cities.
2. Adoption of technologies by governments to have effective and interactive relationships with citizens and businesses (focus on communication). For example, Sanitation issues can be tackled through the use of interactive mediums and bulletin board approach.
3. Significant efforts to be made towards developing common policy frameworks, through ad hoc legislation, in the domain of e-governance. A number of e-governance/ICT solutions like water quality monitoring, leakage identification, public information and grievance redressal can be integrated.

4. Existence of a digital divide between people, cities and regions in terms of ability and capacity to exploit information and communication technologies to achieve policy goals should be tackled through exploring innovative funding methods like crowdfunding.

5. The earlier e-municipality project, which was a part of the National e-Governance Plan, envisaged implementation of 11 modules including birth and death registration, property and water tax billing, accrual based accounting, grievance redress and others. In most cities, these modules have been developed by different vendors as stand-alone systems and do not form part of one integrated system with single point data entry. This can be overcome by adopting the european model i.e EU Platform for Intelligent Cities (EPIC) initiative which was first operationalised in 2010.

6. A promising recent policy initiative is the Electronic Services Delivery (EDS) Bill which is with the Parliament at present. This proposed legislation makes it compulsory for all government agencies to begin delivering their services in an electronic mode. All services that can be provided electronically must be so provided. There is a provision for independent EDS Commissions at the central and state level that will monitor provision of electronic delivery of services.

7. Urbanisation is also ushering in traffic congestion and dust, leading to air pollution in Delhi. Each Indian city is heavily polluted and no wonder, 22 out of the world's 30 most polluted cities happen to be in India. E-governance can provide paradigm change with decentralised approach which will necessitate less travel and optimum route planning.

With all its given potential, use of E-governance faces some significant challenges –
- Maintenance and upkeep of a complex system for all the services
- Privacy of the citizens
- Security of the system & authenticity of information
- Crossing the language barrier

However, upon addressing these issues, E-governance can bring about transformation by -
- Empowering citizens by bridging the knowledge gap
- Enabling data driven and evidence based planning
- By bringing about large scale impact with incremental small scale, and
- System reform, through transparency, efficiency and accountability.

Conclusion

All smart cities around the world have used e-governance as an effective tool to serve citizens efficiently, re-engineer internal business processes, increase transparency, accountability & citizen participation and use resources in an environmentally friendly manner. This becomes even more important for India in the context of the stated goal to have a $5 trillion economy by 2024 where cities will play the most prominent role.

94. How are e-governance initiatives changing the face of PRIs in India? Introduction

E-Governance is the use of IT to improve the ability of the government to address the needs of society. It includes the publishing of policy and program-related information to transact with citizens. It extends beyond the provision of online services and covers the use of IT for strategic planning and reaching the development goals of the government.

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

E-governance initiatives changing the face of PRIs in India

E-Governances play a major role in supporting the culture of democracy, democratic processes and civic values that uphold a democratic system. The aim is to: provide for citizens access to information and knowledge about political process, services and available choices, and facilitate transformation of passive information access to active citizen participation by informing, representing, encouraging to vote, consulting and involving citizens..

- **E-Panchayat** – This is a Mission Mode Projects which intends to improve quality of governance in PRIs which includes 0.235 million Gram Panchayats, 6094 Block Panchayats and 633 Zila Panchayats. Further, it also enhances the coordination between Ministry of Panchayati Raj, Government of India and PRIs. The central objective of this project is to ensure local area development and strengthen local self-governance by providing variety of services to its stakeholders.

- **PFMS, e-FMS & Geotagging** – has been stated for bringing transparency & accountability in management of finances available to Panchayat under Fourteenth Finance Commission award.

- **Digital Inclusiveness in Auditing A Success Story** – Good governance practices of e-initiative in the field of audit has revealed effectively the responsiveness and accountability to public money and its usage issues. This has aired the spirit of transparency and inclusiveness with the financial governance agenda. There has been success in e-auditing application by the state of Madhya Pradesh in MGNREGS fund monitoring.

- **KHETI** - The Knowledge Help Extension Technology Initiative – an Information Communication and Technology (ICT) design solution, has been developed under Rural e-Services Project in India (ReSPI). It was an action research project to bridge socio-economic divide digitally with uses of participatory interactive designing methodologies that resulted in a customised solution for so called 'less privileged groups' such as poor farmers.

- **Sevana** is a major software solution developed by Information Kerala Mission (IKM). The Sevana civil registration is utilized to register deaths and births in Panchayats and municipalities. Through these kiosks, deaths and births are registered instantly. Citizen can download birth/death certificates within 24 hours of registration at the kiosk.

- **Sulekha software** was developed to monitor the annual plans of local government institutions in the State3. Annual plans are prepared, evaluated and approved in a time bound manner through this software. Sulekha is installed in all local government institutions in the state. In the year 2009-10 Sulekha won the Gold Medal in National Awards for e-Governance by Government of India under the Category "Excellence in Government Process ReEngineering".

- Bellandur is a small Gram Panchayat of over 10000 inhabitants just outside Bangalore and four surrounding villages. The project exists in an organized way since 1999 and has speeded up processes, reduced the workload, and has set off other developments. Following the computerization of tax collection, the Panchayat has recovered huge outstanding by limiting corruption.

Conclusion

The real test of decentralization lies in its contribution towards people's empowerment by way of providing them a significant role in decision-making and in the entire process of governance. Therefore, effective application of Information & Communication Technology (ICT) has become the need of the time in Indian democracy.

95. What are the limitations of various e-governance models in India? Illustrate with the help of suitable examples.

Introduction

E-governance services can be shared between citizens, business house, government and employees. These four models of e-governance are as –

- Government to citizens
- Government to government
- Government to employees
- Government to businessman

Body

1. **Government to citizens (G2C)**

This model of e-governance refers to the government services which are shared by citizens. Here, citizens visit to the link of services that they want to use. Type of services which are provided by this model includes –

- Payment of online bills such as electricity, water, telephone bills etc.
- Online registration of applications.
- Copies of land-record.
- Online filling of complaints.
- Availability of any kind of online information.

Some successful initiatives are
- **Computerization of Land Records**
- **Bhoomi Project** in Karnataka for Online Delivery of Land Records
- **Gyandoot** of Madhya Pradesh with the twin objective of providing relevant information to the rural population and acting as an interface between the district administration and the people.
- **iFRIENDS** (Fast, Reliable, Instant, Efficient Network for the Disbursement of Services) is a Single Window Facility providing citizens the means to pay taxes and other financial dues to the State Government of Kerala.

Limitation
- **Lack of Literacy and Knowledge** – Literacy in India is a key for social-economic progress, and the literacy rate is currently 74.04%. This literacy rate is the reason that acts as a challenging task for the government to implement e-governance in the country.

- **Inequality of Income** – Inequality of Income plays an important role in proving as a challenge of e-governance. Out of the total population of India 21.9% are below poverty line and half of rural India is under poverty line.

- In general, senior citizens do not have much **computer education** and they would have to approach a customer service officer for assistance.

- The **vulnerability to cybercrimes** will raise the question of privacy issues in the mind of the public. There have been incidents in the past where the data collected got completely lost because of the unpredictable problems of the system.

- **Connectivity to backward areas** – A very large part of India is far away from the basic necessities of life. The connectivity of e-governance to these areas will be challenging task for the government.

2. **Government to government** – This model refers to the services which are shared between the governments. Eg: Khajane Project - a comprehensive online treasury computerization project of the Government of Karnataka.

Limitations
- **Resistance to Change** – It is the human psychology that they do not want to accept change easily. So, this may play a part as a hindrance while implementing e-governance.
- **Lack of matured technicians** – India is working hard towards creating better technicians day by day. But still, there is lack of matured technicians in the country who can advise the government on technical grounds.
- **Lack of qualified administrators** – India is not a very tech-savvy country and so is the administration. So, there is a lack of qualified administrators in the country, who are not very techno-friendly.

3. **Government to businessmen** – Through this model, bond between private sector and government increase and businessmen use to communicate. The general information shared through this model are Collection of taxes, rejection and approval of patent, payment of bills and penalty, sharing of all kind of information, rules and data etc. eg - MCA21 of Ministry of corporate Affairs for providing easy and secure online access to all registry related services; e-Procurement Project in Andhra Pradesh etc

Limitations
- **Frequent changes in technology** – The technology is the most dynamic field that keeps on changing every minute. The e-governance is all best on technology, so it will be a challenge for the government to keep pace with every changing technology.
- **Political affairs** – Politics have now turned to a blame game instead of making good decisions for the community. The opposition parties instead of supporting the decision of e-governance will always oppose it for the purpose of showing the negative side of the ruling party.

4. **Government to employees** – This model increases the transparency between government and its employee. Here, employee can keeps a check on the functioning and working of government and government can keeps on its employees.

Limitation

- **Resistance to Change** – It is the human psychology that they do not want to accept change easily. So, this may play a part as a hindrance while implementing e-governance.
- **Lack of matured technicians** – India is working hard towards creating better technicians day by day. But still, there is lack of matured technicians in the country who can advise the government on technical grounds.
- The **vulnerability to cybercrimes** will raise the question of privacy issues in the mind of the public. There have been incidents in the past where the data collected got completely lost because of the unpredictable problems of the system.

Conclusion

We have seen how the concept of e-governance and m-governance has evolved in Indian scenario and how much it is required for transparency and accountability on the part of government and at the same time it is also a toll to increase the participation of people in policy making by empowering them with the right information at right time.
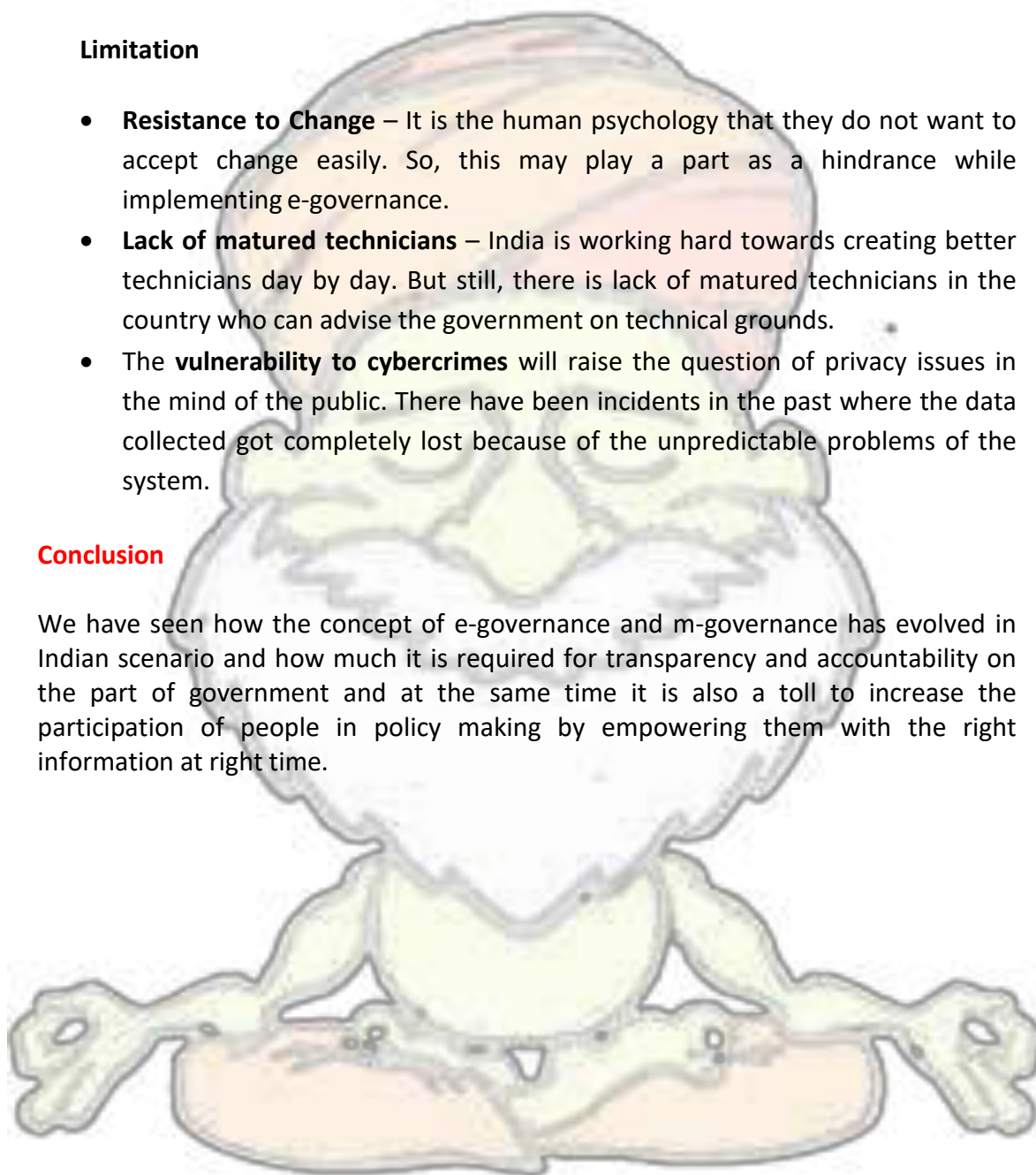
96. What is a citizen charter? Do you agree with the assertion that citizen charters act as mere optics and have no substance on ground?

Introduction

Citizen charter is the written voluntary declaration by service providers highlighting the standards, timeline, grievance redressal mechanism and other service-related information.

Body

Started after the 1997 conference of chief ministers, citizen charter has changed the way of service delivery, but not living up to its expectations. There are issues in real time like

- Public consultation: is largely absent and hence the charter prepared is not in tune with the citizen requirement.
- Personnel training: is not done prior preparation and therefore implementation suffers. It is like putting cart before the horse.
- Impractical standards/timeline: without adequate internal preparation making it very difficult if not impossible in field.
- Awareness programmes are not conducted systematically and hence most clients are not even aware.
- Some of the citizen charters are just information brochures like the Delhi transport without any interaction whatsoever.
- Update: of the citizen charter happens very rarely making it not in tune with the ground requirements.
- Even a research conducted by IIPA and report of 2nd ARC highlights the issues like poor design, too verbose, lacks precision. No benchmarks, inadequate grievance redress mechanisms and so on.
- Lack of accountability for missed services has made the citizen charter a mere rhetorical document.

For the above reasons, citizen charter seems to be acting as mere optics with no actual substance on ground. **However**, citizen charter being a complete failure is an exaggeration. It has produced and is a reason for many reforms and successes like

- Sevottam model as suggested by 2nd ARC and 6th pay commission has been adopted by many ministries and departments. Citizen charter of Indian post is one of the success stories.
- Almost, 70% of the central government ministries have working citizen charters as per the government report.
- As a next step to citizen charter, states like Madhya pradesh, Kerala etc., have passed right to service.
- Citizen report card, Jan Bhaagidaari in cities like Bangalore, Delhi etc., are offshoots of citizen charter.

Though, there are shortcoming, citizen charter has brought awareness among citizens that the services provided by the government or an organization is their right. It is acting as a hindrance to the wrongdoings of the institutions and provide a channel to air the grievance.

Conclusion

'Any policy will be as successful as its implementation'. It is true that the citizen charter has been implemented more in letter than in spirit and reforms is needed.

Recommendations of 2nd ARC has to be implemented which includes achievable standards adoption, internal restructuring, wide consultations before formulation, periodic review, accountability for non-performance and so on.

Right to service is the way forward along with the above and 'The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill', 2011 (Citizens Charter) which failed to pass has to be taken up and implemented.

97. What are the institutional measures to ensure transparency and accountability in governance? Discuss. How effective have these measures been? Critically comment.

Introduction

Transparency and accountability in administration are sine qua non of participatory democracy. Government secrecy fosters disbelief of government on the part of the citizenry and transparency eliminates the wall of secrecy built against the common people by those holding power. Accountability goes beyond the mere responsibility of delivery of a task or service. It also means answerability if a service is not delivered in a timely and efficient manner such that it becomes a burden.

Body

- UNDP describes governance as "a system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and the private sector."
- Transparency is broadly accepted as a major principle of good governance. Transparency allows stakeholders to collect information that may be critical to uncovering abuses and defending their interests. Likewise, transparency increases accountability of the Government officials.
- Transparency means that the criteria, process and systems of decision-making are openly known to all in a public manner. Citizens charter becomes an important measure for transparency in institutional setup.

- The declaration of Right To Information Act (2015) set the stage for transparency in the functioning of the government and its various agencies. Under this Act, access to information from a public agency has become a statutory right of every citizen.
- Major Initiatives to Enhance Transparency in India include - Right to Information Act, Public Services Bill, Citizens Charters, e-Governance, e-Bhoomi, e-Choupal, e-procurement.
- Transparency is required to make the system of public service delivery effective. However, sheer knowledge of what entitlements are, and who is responsible for fulfilling them, is not sufficient to ensure that public services are passably and effectively delivered to the 'intended' recipients.
- Accountability become another crucial concept in maintaining good governance. Accountability means being answerable for the performance of tasks assigned to a person.
- Accountability necessitates the clear specification of tasks to be performed, the time frame and budget available for performing those tasks. Additionally, it is also important to be clear about the responsibility for performance of those tasks; person responsible and whether it is clear to them.
- Citizens Charter Bill 2011 aims at providing rights to citizens for time bound delivery of goods and services and provide a Grievance Redressal Mechanism. Such a bill was previously recommended by the Second Administrative Reforms Commission.
- Lokpal and Lokayuktas aims at reducing corruption by setting up of a separate institution of Lokpal at the Central level and Lokayuktas at the State level. These organizations investigate cases of corruption against public servants in the respective Government organizations.
- E-Governance initiatives for providing an accountable administration include a framework for efficient handling of public grievances through the Centralised Public Grievance Redress and Monitoring System (CPGRAMS) which is already in place.
- The governance involving transparency and accountability suffers from the weakness that disclosed Information's Genuineness can also be dubious and Wrong Interpretation of available information can give detrimental results to an organization.
- Further, the abundance and availability of information means that the user needs skill to determine what it is that they want. The user of information has major role to play in affecting information sharing.
- Change in the mindset of the government employees is necessary as it becomes a great hindrance in the process of ensuring transparency and accountability in governance structures in India.
- Limited digitalisation of government offices and inadequate infrastructure has further been a stumbling block in ensuring effective transparency and accountability measures.

Way Forward -

- There is imperative need to strengthen and widen the national public information infrastructure through developing information networks for wider access of digital information through wider use of information technologies.
- Changing the mindset of the government employees is important. This will be addressed to organizing programmes for orientation, training and capacity building.
- States may be advised to establish an independent public grievance redressal authority to deal with complaints of delay, harassment and corruption.

Conclusion

Accountability is the complementary function of Transparency. Further, if the system of governance is transparent enough it would promote accountability, transparency and accountability are linked vis-a-vis its mission of an organization where the main objective of achieving public welfare needs to be prioritised.

98. With the help of suitable examples, illustrate the ways in which Right to Information (RTI) has ushered Indian administration and governance into an era of transparency.

Introduction

India is the world's biggest democracy. Right to Information(RTI) Act, 2005 ensures that the people put in power remain answerable to the citizens always. It has marked a move from opaqueness to the beginning of an era of transparency and it fundamentally restructures the debate on governance from what should be revealed to what must be kept secret.

Body

- An information-driven society leads to transparency and accountability. Since transparency involves sharing of information it thoroughly reduces chances of corruption, nepotism, favouritism, which is ensured by RTI.
- The RTI act is immensely vital for the functioning of any democracy as it sanctions its citizen the right to inspect the work of the government and ask for certified copies to know the status of the work of different government projects. The RTI Act mandates timely response to a request for information from a public authority.
- Indians file nearly 60 lakh RTIs every year, the highest number of such information requests in the world. A total number of 2,74,737 RTI applications were filed under standalone in different departments and agencies of Delhi.

Further, RTI brought in the changes in governance in the country through the following ways :

- Participation - Participation of both men and women is the cornerstone of good governance. The Right to information acts gives people a chance to participate not just one in five years, but every day and question any decisions.
- Accessibility- Right to Information makes it possible to easy access of information from government departments, documents, records, services, finances and policies to all sectors of the community. By providing easy access of information, it reduces the traditional long gaps between citizens and administration and thus helps in nation building process.
- Transparency- Transparency is the milestone of good governance. The enactment of Right to Information act 2005, people are now able to seek information from any government department with a definite time frame. The Right to Information act is intended to promote accountability and transparency in government by making the process of government decision making more open.

Transparency is considered essential for controlling corruption in public life. Transparency and accountability in Government are mutually reinforcing. The effect of RTI in this regard can be seen from the following examples:

- The impact created through this legislation can be seen through some of the landmark judgements, for instance, in the matter of Adarsh Scam, where crucial links between politicians and military officials was disclosed. This 31-storey building had permission for only 6 floors which was meant entirely for the welfare of war widows and veterans. Instead, these flats went to several politicians, bureaucrats and their relatives.
- In an another matter an RTI filed by an NGO based in Punjab it was revealed that the funds that were meant for victims of the Kargil War were used by bureaucrats to buy cars and air-conditioners. The court charged these bureaucrats with fraud and the funds were then transferred into Prime Minister's Relief Fund.
- People in Rural Karnataka have combined the campaigns for the Right to Information and the Right to Food to fight hunger. Poor villagers have successfully participated in social audits and public hearings to demand that the rations due to them are allotted to them at the correct prices.

RTI also has its share of issues and shortcomings, which can be seen from below –

- The RTI Act is in a state of dismay. According to a study done by Satark Nagrik Sangathan (SNS) and Centre for Equity Studies (CES), the number of appeals and complaints pending as on December 31, 2016, in the 23 information commissions were 1,81,852.
- It is also seen that Section 4 of RTI Act which is suo motu disclosure of information by public authorities is itself violated by information commissions. Eventually either the information is not available in the public domain or if it is, then such information is obsolete.

- If the information is used to make allegations to malign public servants or create disorder it can negatively impact the working of public bodies. Adequate checks and balances are needed in the systems to ensure that information is not misused by such elements.

Conclusion

No country can progress without having transparency and accountability in its governance and RTI isn't just a law but a tool for the functioning of better democracy. It is a citizen's fundamental right derived from Article 19(1)(a) of the Constitution. There is a general consensus in India that the institutions of transparency taken singly and collectively are ushering in the road towards fulfilling the ideals of 'New India'.

99. Does accountability always lead to better and more efficient governance? Critically examine.

Introduction

In ethics and governance, accountability is answerability, blameworthiness, liability, and the expectation of account-giving. Accountability involves both a horizontal and vertical dimensions.
The horizontal dimension is the system of checks and balances among the executive, the legislative and the judicial branches. Example: Judicial reviews, Parliamentary Committees, question hour etc
Vertical accountability entails the relationships between citizens and decision makers, including the ability of citizens to influence political decision-making processes. Example: RTI, Social Audits
The ability of citizens to demand accountability and more open government is fundamental to better and more efficient governance.

Body

Accountability always leads to better and more efficient governance

- Accountability ensures rule of law. It ensures decisions and actions of public officials are subject to oversight.
- It guarantees actions and decisions taken by public officials regarding government initiatives and respond to the needs of the community.
- It helps in improving the delivery of public services, measuring performance and providing incentives to achieve targets and sanctions in case of non--performance.
- It empowers citizens and aids their development through citizen-centric policies.
- Accountability is important in good governance to keep the public servants tuned to the right perspective. It ensures judicious use of public funds and resources and hence, infuses the efficiency in governance.

- It reduces corruption and builds trust among the governors and the governed.
- Ensures that the grass roots level problems are effectively addressed.
- Improves last mile outreach and helps bring in a change in attitude of bureaucracy.

Accountability always leads to better and more efficient governance
- In the recent past, a few instances have surfaced wherein civil servants have been implicated for bonafide mistakes, through instruments like accountability like RTI. They have often been prosecuted and even imprisoned. The instances have greatly rattled the moral fibre of the civil servants.

- These have led to underutilization of funds shelving of many projects.

- Accountability also allegedly impacts the independence of institutions. Supreme Court, for instance, for a long time was not willing to divulge information under the RTI act.

Conclusion

As per 2nd ARC open, transparent and accountable government is an imperative pre-requisite for community oriented citizen centric public service delivery. Because without it covert unethical behaviour will result.

Through series of reform measures such as Financial Management Initiative, creation of Executive Agencies, Citizen's Charter, and Public Service Agreement, complete transformation of bureaucratic structure and efficient public service, accountability is embedded.

Max Weber observed that the power position of a fully developed bureaucracy is everywhere overpowering. Without accountability bureaucracy will become like Frankenstein's monster that divorced his own master.

100. India is a democratic country with diverse religious beliefs, cultural practices and political ideologies. In this light, examine the significance of a professional bureaucracy.

Introduction

Bureaucracy refers to a specialized system and processes designed to maintain uniformity and controls within an organization. The adjective 'professional' has the following connotations in connection with bureaucracy –
- Having experience in the activity.
- Having standards to which the job is expected to be done.
- Having the requisite values like courage, impartiality, non-partisanship among others.
- Give advice without fear or favour.

- Being worthy to be paid for it.
- Being committed to the activity as a career.

Body

Significance of a professional bureaucracy is a diverse and democratic country like India

- Different groups in a diverse society have different aspirations and demands. To fulfill all of them may not be possible at all times. However bureaucracy should not be seen as doing undue favor to any particular section. This is important for social capital, credibility and legitimacy of administration.

- People in a diverse society believe in the rightness of Laws which are enacted through uniform procedure.

- People accept the authority due to their faith in the exceptional professionalism of officials.

- Probity is said to be important for socio-economic development of a nation. Maintenance of probity requires high professionalism.

- In diverse religious beliefs, cultural practices, rights of minorities can be protected and constitutional ideals can be reached, if bureaucracy remains professional and impartial.

- Rules of law can be enforced. The saying, "Be you ever so high the law is always above you", if bureaucracy does its job professionally in maintenance of law and order and crime investigation.

Conclusion

The bureaucracy has to prevent the disruptive efforts of a society that is ridden with caste and patriarchal consciousness. Bureaucracy has to intervene in public life to see to it that society does not degenerate into aggressive obscurantism. The bureaucracy has to protect the very state of which it is a part, from being disrupted or being undermined by the disquieting elements of the civil society. This can be effectively done if there is professionalism in bureaucracy.

101. Do you think the implementation of a nationwide NRC would jeopardise India's relations with her neighbours? Critically examine.

Introduction

Recently, according to the ministry of external affairs, India has reached out to countries across the world on the issues of the new citizenship law and the proposed National Register of Citizens as fears were being expressed that India's implementation of the National Register of Citizens (NRC) in the whole country could hamper its relations with its neighbours especially Bangladesh.

Body

- The National Register of Citizens (NRC) holds all the important information of the Indian citizens required for their identification which will be maintained by the Government of India. The legal framework for NRC is laid down in the Citizenship Act of 1955 as amended in 2004.
- In this regard, the implementation of a nationwide NRC would not jeopardise India's relations with her neighbours due to the following factors:
- NRC exercise would be completely an internal matter of India and as a sovereign nation which respects others sovereignty, India has every right to carry out actions internally, which it deems fit.
- Illegal immigration from Bangladesh, comprising both Hindus and Muslims, is an important issue from the national security perspective of India. A large number of Bangladeshi immigrants are illegally living in India. Bilateral dealings of such an important issue thus becomes important.
- The issue is further complicated as sometime back, the Rohingya refugees originally from Myanmar started infiltrating into India through Bangladesh. Association of some rohingyas with terrorist organisations makes it an internal security for India and needs to be dealt with concerned parties where relations will stabilise with resolution of the problem.
- Bangladesh has already documented its citizens and maintains a biometric record of them. The National Identity Registration Wing (NIDW) was created within the Bangladesh Election Commission for that purpose. India too is justified in undertaking a similar exercise. This will help India get a grip on the problem.
- Once the documentation of citizens is done in India, both sides can share their database. This will help manage the problem in a much more amicable manner. As the India-Bangladesh relationship is currently strong and trust levels on both sides are high, this is the right time to deal with the issue of illegal migration.
- As the NRC exercise would help in establishing a detailed database of citizens for India, it would help in dealing with illegal immigration and as the issue of illegal immigration is concerning majorly only with India-Bangladesh relations, India's relations with its other neigbhbours would largely be unaffected.

At the same time, many have argued that NRC exercise would jeopardized India's relations with its neighbours in the following manner:

- The partition of India along religious lines had left India with extraordinary challenges about sustaining religious harmony at home and maintaining reasonable relations with Pakistan and Bangladesh. This Pandora's box would open again affecting relations, especially with Bangladesh.
- India's Neighbourhood first and Act East policy could be affected as a result of the NRC exercise and its outcomes where Bangladesh and Myanmar might face the inflow of disenfranchised people from India.
- Regional destabilization could create serious ramifications not just for South Asia, but the wider Indo-Pacific as well. Bangladesh is already struggling under the weight of the refugee crisis of the Rohingya fleeing violence in Myanmar — any added people movement would be beyond its capacity to facilitate and require a significant international response.
- The rhetoric of minority persecution in neighbouring countries embedded in CAA-NRC exercise would certainly affect India's image and relations with concerned neighbours.
- This phenomenon is in line with the growing global trend where internal matters are affecting countries relations with others and in case of India, Bangladesh is clearly affected as India would handover illegal immigrants to it after the NRC exercise.
- China would certainly try to exploit the faultlines between India and its neighbours emerging out of the NRC exercise. This would help it in its string of pearls strategy against India in India's neighbourhood.

The issue of illegal migration in the neighbourhood relationships cannot be swept under the carpet. It will continue to be a stumbling block in the sustenance of a stable relationship. It will be better if all sides look at the issue dispassionately especially when the trust levels are high.

Conclusion

Thus, India, as a country which follows the ideology of 'Vasudhaiva Kutumbakam', should not be hasty in taking decisions that can disenfranchise her citizens — contradicting its centuries-followed values. The need of the hour is that the Union Government should clearly chart out the course of action with all the stakeholders involved.

Additional Information - The long-standing issue of illegal migration from Bangladesh should be seen in the context of a report of the Group of Ministers on National Security, submitted in 2001, which estimated that post-1971 approximately 12 million Bangladeshis have illegally migrated into various states of northeast India. However, this number is expected to be much larger if one includes the illegal

Bangladeshi population residing in other parts of India. Moreover, the Bangladeshis have been illegally coming to India even after 2001.

102. What strategic leverage can India enjoy by maintaining close ties with the Maldives? Explain.

Introduction

Recently, Indian PM's first overseas visit after taking the oath of office for a second term was to Maldives which is an important symbolic gesture reflective of the special relationship that exists between the two countries. This showcased strengthening and invigorating of the traditionally strong and friendly relations further nurtured by geographical contiguity, ethnic, historical, socio-economic and cultural ties between the peoples of the two countries.

Body

- The given map shows the strategic location of Maldives in the Indian ocean as well as with respect to India. In this regard, India can have following strategic leverages by maintaining close relations with Maldives :
- Strategic location - In the Indian Ocean, Maldives archipelago comprising 1,200 coral islands lies next to key shipping lanes which ensure uninterrupted energy supplies to countries like China, Japan, and India. This can be leveraged by India in times of strategic need.
- At the Heart of International Geopolitics - Since China started to send naval ships to the Indian Ocean roughly 10 years ago and right up to the Gulf of Aden in the name of antipiracy operations Maldives' significance has steadily grown as it falls right in the middle of Ocean.
- Regional Security - As the pre-eminent South Asian power and a 'net security provider' in the Indian Ocean region, India needs to cooperate with the Maldives in security and defense sectors. Further, India can tackle extremism in the region with the help of Maldivian authorities.

- Member of SAARC - It is important for India to have the Maldives on board to maintain its leadership in the region especially in SAARC due to the constant acrimony with Pakistan.
- Diaspora - There are 25,000 Indian nationals living in the Maldives (second largest expatriate community). Indian tourists also account for close to 6% of tourists Maldives receives every year.
- UNSC Support - Maldives has extended its support for India's candidature for permanent membership of an expanded and reformed UN Security Council. The Maldives also has reiterated support for India's candidature for a non-permanent seat for the year 2020-21.
- China's footprint: The Maldives has undoubtedly emerged as an important "pearl" in China's "String of Pearls" in South Asia. This can be countered by having a close strategic relationship with Maldives.

Consequently, India has taken the following measures to boost the India-maldives Strategic relationship:

- The signing of the US$800 million Dollar Line of Credit Agreement in March 2019, for assisting the Maldives to achieve sustainable social and economic development.
- The recent joint exercise Ekatha conducted in April 2019 to strengthen coordination in enhancing maritime security in the region, through coordinated patrolling and aerial surveillance, exchange of information, and capacity building.
- Technical agreement on sharing 'White Shipping Information' between the Indian Navy and the Maldives National Defence Force was also signed, enabling the exchange of prior information on the movement of commercial, non-military vessels.

Conclusion

It is important for India to have Maldives in its sphere of strategic influence. India should reach out to all governmental and nongovernmental actors of the atoll in economic, socio-cultural and political arenas. Governmental dialogue mechanisms are not sufficient in themselves, which should in the first place be regularised and supplemented with other means.

103. How is the issue of Rohingya Muslims affecting Indo-Myanmar relations? Discuss.

Introduction

UN Secretary-General Antonio Guterres has described Rohingyas "one of, if not the, most discriminated people in the world". Rohingya are one of Myanmar's many ethnic minorities.
Though they have been living in the South East Asian country for generations, Myanmar considers them as persons who migrated to their land during the Colonial

rule. So, it has not granted Rohingyas full citizenship. According the 1982 Burmese citizenship law, a Rohingya is eligible for citizenship only if he/she provides proof that his/her ancestors have lived in the country prior to 1823. Else, they are classified as "resident foreigners" or as "associate citizens" (even if one of the parents is a Myanmar citizen).

Since they are not citizens, they are not entitled to be part of civil service. Their movements are also restricted within the Rakhine state.

Myanmar is only country that sits at the intersection of India's "Neighborhood First" policy and "Act East" policy. India believes it can use Myanmar to strengthen trade links and increase engagement with the regional grouping – but sees Myanmar as a neighbour first, and an ASEAN member second.

Body

Issue of Rohingya Muslims affecting Indo-Myanmar relations

- India believes it can use Myanmar to strengthen trade links and increase engagement with the regional grouping – but sees Myanmar as a neighbour first, and an ASEAN member second.
- India views the Rohingya crisis from both a humanitarian and security perspective.
- PM Modi has said that India shares Myanmar's concern of 'extremist violence' in Rakhine State.
- India underlined the need for the 'safe, speedy and sustainable' return of the Rohingya refugees during the Indian foreign minister's visit to Myanmar in mid-May.
- Last year India committed US$25m of development assistance, to be transferred over five years, to help the 'restoration of normalcy' in Rakhine State, and the return of the Rohingya refugees to Myanmar.
- This followed the signing of an agreement between India and Myanmar for a development programme in Rakhine State.
- India is currently building pre-fabricated housing for refugees returning there.
- India has also provided relief materials for refugees in Bangladesh including food and mosquito nets.

Conclusion

Rohingya Muslims issue has not adversely affected Indo-Myanmar relations. India has diplomatically found ways to help the Rohingyas and raised humanitarian issue, without any diplomatic fallout with the state of Mayanmar.

104. **How can India's soft power be leveraged in the subcontinent and to what advantage? Suggest.**

Introduction

Soft power is the ability of a country to persuade others to do what it wants without resorting to force or coercion. Soft power lies in a country's attractiveness and comes from three resources: its culture, its political values, and its foreign policies.

Body

How can India's soft power be leveraged in the subcontinent?
- India's spiritualism, yoga, movies and television, classical and popular dance and music, its principles of non-violence, democratic institutions, plural society, and cuisine have all attracted people across the continent.
- International Day of Yoga reflects yoga's immense popularity worldwide, underscoring its richness as a soft power resource.
- Indo-ASEAN music festival in Delhi was a bridge between the youth of India and ASEAN
- India is a civilization which has offered refuge to cultural and religious freedoms to Jews, Parses, Christens and Muslims.
- Buddhism is an important bridge between not just India and South East Asia and East Asia, but also with South Asia.
- India is a country in which all major religions like Hinduism, Islam, Christianity and Sikhism - coexists which has been the strength of India's soft power.
- India is dipping into its soft power resources in its diplomatic engagements abroad.
- Offer subsidized courses in foreign capitals to teach appreciation of Indian culture
- Indian Diaspora is seen as ambassadors of carriers of our soft power.
- To project New Delhi's soft power across world capitals, the MEA has embarked on a program to build diplomatic missions and cultural centres using the country's diverse styles of architecture.
- India's successful Aadhaar programmes which can help countries do similar things and India's IT capabilities are huge source of soft power.
- Student exchange programs, increase in scholarships, medical tourism and research scholars have resulted in a vibrant democracy. Indian Diaspora is seen as ambassadors of carriers of our soft power.

India's Soft Power proposal in budget 2020-21
- Proposal to consider issuing Aadhaar Card for NRIs with Indian Passports on their arrival without waiting for 180 days.
- Mission to integrate traditional artisans with global markets proposed, with necessary patents and geographical indicators.
- 18 new Indian diplomatic Missions in Africa approved in March, 2018, out of which 5 already opened. Another 4 new Embassies intended in 2019-20.
- Revamp of Indian Development Assistance Scheme (IDEAS) proposed.
- 17 iconic Tourism Sites being developed into model world class tourist destinations.

- Present digital repository aimed at preserving rich tribal cultural heritage, to be strengthened.

What advantage will be gained by India through soft power?
- Diplomacy need not backed by the military and economic hard power. This presents a 'technology' in our hand to compete and overtake Chinese 'check book' diplomacy.
- It gives moral high ground at world forum especially due to non-violent manner in which we had achieved our independence.
- International Support for tough decisions like abrogation of article 370.
- It keeps India distant from world conflicts like recently in Syria, Sudan, Israel-Palastein issue. So India earns god will from all country.
- Helps India balance its relationships keeps balance in relations. At the time of cold war, India got aid from NATO and USSR both.

Conclusion

It is imperative that India expands its soft power and civilisational strength, both for national unity and to gain the proper place in the continent for its magnificent heritage that can benefit all humanity. India has the cultural and civilizational depth to lead the world to a new era of peace and higher consciousness, but needs the political will and the diplomatic skill in order to do so.

105. What are the major issues of convergence and confrontation between India and Sri Lanka? Examine.

Introduction

India and Srilanka have a relation more than 2500 yrs old and have a legacy of intellectual, cultural, religious and linguistic interaction. Though, Trade and security being the vital aspects of convergence of interests, there are certain aspects of conflicts due to historical and political reasons.

Body

Issues of convergence and confrontation:

- Strategic confrontation: India is apprehensive of Srilanka's relationship with China. For e.g.
  - As part of Maritime Silk Route (MSR) policy, China built two ports, one in Colombo and another in Hambantota.
- building of Colombo international container terminal by China Harbor Corporation.
- Fisherman problem: Srilanka express concerns of Indian fishermen venturing into Srilankan waters in search of fish catch and very frequently arrests them. India also detains Sri Lankan fishermen for the illegal fishing.

- Katchatheevu island: ceded to Srilanka by India in 1974 still causes conflicts as Tamilnadu fisherman and government traditionally believed that it belongs to them and therefore want to preserve the right to fish there.
- IDPs rehabilitation and War crimes: Painfully slow pace of rehabilitation of Tamil refugees is a sore point with India. Tamil Nadu is pressurizing New Delhi to bring punish Sri Lanka for war crimes. Repatriation of Srilankan refugees who came during the civil war is to be facilitated, but the clear roadmap for the same is missing.
- Srilanka is apprehensive and allege the big brotherly attitude of India. There were tensions on alleged meddling in Srilankan elections by India in 2015.
- The Indian support to Srilankan government during civil war was seen with resentment by the rebel group and there are tensions when they come into the power.
- Ethno-religious nationalism: The election of Sri Lankan President Gotabaya Rajapaksa —ushers in an authoritarian populist regime that upholds a form of ethno-religious nationalism. His closeness to Beijing worries India.
- Sri Lanka's security dilemma: Growing too close to China could create problems with India while leaning too much in favor of India could affect Chinese military sales to the country and other aspects of their bilateral relationship.
- Economic issues: India wants to go ahead with an Economic and Technical Cooperation Agreement (ETCA) with Sri Lanka, replacing the aborted Comprehensive Economic Partnership Agreement (CEPA).
- Sethusamudram Shipping Canal Project: Aside from environmental and livelihood concerns of its fishermen, Sri Lanka is more concerned about the loss of container traffic at its Colombo and Galle ports.

Conclusion

India has been maintaining a healthy relation with Srilanka and have supported in international forums like abstaining from voting on resolution of alleged war crimes by Srilanka, signing civil nuclear agreement and so on. The 2 countries should work on mutual interest like signing Comprehensive Economic Partnership Agreement (CEPA), comprehensive solution to Fisherman issue by means of accommodation, people – people connect through e-visa, ferry services and so on.

106. What are India's strategic and economic interests in the ASEAN? What measures have been taken for increasing outreach to the ASEAN countries? Examine.

Introduction

Relationship with ASEAN is a key pillar of India's foreign policy and the foundation of it's Act East Policy. The up-gradation of the relationship into a Strategic Partnership in 2012 was a natural progression to the ground covered since India became a Sectoral Partner of the ASEAN in 1992, Dialogue Partner in 1996 and Summit Level Partner in 2002.

Body

- The Association of South-East Asian Nations (ASEAN) comprises Indonesia, Singapore, Philippines, Malaysia, Brunei, Thailand, Cambodia, Lao PDR, Myanmar and Vietnam.
- India's focus on a strengthened and multi-faceted relationship with ASEAN is an outcome of the significant changes in the world's political and economic scenario since the early 1990s and India's own march towards economic liberalisation.
- In this regard, India's strategic and economic interests in ASEAN are as discussed below:
- ASEAN, as a regional grouping based on consensus, has worked tirelessly over 50 years to help secure peace, progress and prosperity in the region. India, therefore, places ASEAN at the centre of its Indo-Pacific vision of Security and Growth for All in the Region.
- Consequently, Maritime cooperation in terms of connectivity, safety and security has gained high attention. For example, to develop connectivity through water, ASEAN and India are working on the Kaladan MultiModal Transit Transport Project.
- Partnership with ASEAN nations might help India counter the growing presence of China and its string of pearls as ASEAN is seen as the most successful regional organisation next only to the EU. Further, the conflict in South China sea can be utilised by India to its advantage.
- India-ASEAN trade and investment relations have been growing steadily, with ASEAN being India's fourth largest trading partner. India's trade with ASEAN stands at US$ 81.33 billion, which is approx. 10.6% of India's overall trade. India's exports to ASEAN stand at 11.28% of total exports.
- India-Asean ties are based on 3 Cs–Culture, Connectivity and Commerce where Connecting India's North-eastern states with ASEAN becomes crucial for India.

ASEAN's indispensability in India's 'Act East' policy has led to various measures to increase outreach towards ASEAN countries which are discussed below:

- There has been a shift in emphasis with India moving away from the South Asian Association for Regional Cooperation (SAARC) to the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and asserting its centrality in the evolving geography of the Indo-Pacific.
- ASEAN-India connectivity is a priority for India as also the ASEAN countries. While India has made considerable progress in implementing the India-Myanmar-Thailand Trilateral Highway and the Kaladan Multimodal Project, issues related to increasing the maritime and air connectivity between ASEAN and India and transforming the corridors of connectivity into economic corridors are under discussion.
- India has extensively contributed to the ASEAN-India Fund, to support implementation of the ASEAN-India Plans of Action, which envisage cooperation in a range of sectors as well as capacity building programmes in the political, economic and socio-cultural spheres for deepening and intensifying ASEAN-India cooperation.
- India has been cooperating with ASEAN by way of implementation of various projects in the fields of Agriculture, Science & Technology, Space, Environment & Climate Change, Human Resource Development, Capacity Building, New and Renewable Energy, Tourism, People-to-People contacts and Connectivity.

There have been contentions in the India-Asean paradigm with –

- ASEAN member states have been disappointed that India continues to punch below its weight in the region, especially compared to its other Dialogue partners.
- India's capacity to provide development assistance, market access, and security guarantees remains limited.
- India's interest in ASEAN as a multilateral forum remains lackluster as it continues to privilege bilateral partnerships to further its own interests.
- The three Cs of commerce, connectivity, and culture have been highlighted but a more granular perspective is needed in terms of a forging a forward-looking approach.

Conclusion

India's geostrategic interests in the Indo-Pacific region depend on India's bilateral and multilateral engagements with the countries in the region. While India and ASEAN have been very ambitious in articulating the potential of their partnership, they have been much less effective in operationalizing their ideas. The need now is for both sides to focus on functional cooperation and make the idea of India-ASEAN partnership more exciting.

107. In the context of US sanctions against Iran, discuss the ways in which India has protected her economic and strategic interests.

Introduction

The US has recently imposed sanctions through the Countering America's Adversaries Through Sanctions Act (CAATSA), which imposes unilateral sanctions against Iran, Russia and North Korea. Even though India is not their primary target, it has become collateral damage to certain U.S. actions.

Body

- The immediate impact of the sanctions on India is that it can no longer use US dollars for transactions with Iran. Investment by Indian companies in Iran's oil and gas development projects and pipeline projects, if sanctioned, may result in companies not being permitted to open new US bank accounts and facing restrictions on loans, licences and Ex-Im credit.
- Consequently, India and Iran agreed to revive its 2012 rupee-rial payment mechanism to receive payments in Indian rupee, where half of the payments would be used to import products from India.
- The once strong oil trade between the countries plummeted after the United States' sanctions regimes disincentivized countries to purchase oil from Iran. The trade volume between India and Iran with respect to other products is expected to be affected after the recent turn of events, apart from the already existing caveat on petroleum trade, owing to the dwindling rupee-rial account.
- India may consider protecting its companies by using countermeasures such as blocking statutes, non-recognition of foreign judgments, clawback rights, reporting requirements – which all aim at preventing citizens or national entities from complying with the sanctions. A blocking statute is a mechanism used by countries to reduce or mitigate the impact of US sanctions on their citizens and businesses.
- Further, India came out largely unscathed from the sanctions on Iran. In order to compensate for the loss of crude from Iran, India resorted to importing more from the US and Venezuela, even as it continued its imports from traditional suppliers such as Saudi Arabia and Iraq.
- Also, India has made successful forays to the UAE and Saudi Arabia, probably for that getting investments from these oil-rich kingdoms. Thus, India loosened its traditional and successful policy of maintaining a balanced relationship with Iran, Saudi Arabia and Israel. This also becomes important as Iran does not have that kind of spare wealth and nor is it a destination for the Indian diaspora.
- Apart from bilateral trade, Iran seems to be holding an important position in terms of strategic importance for India. Iran's Chabahar port, plays a fundamental role in India's trade connectivity with Afghanistan, Central Asia, Eurasia and Europe. This port is being developed by India. This port is geopolitically significant for India due to its strategic location near the Pakistan-China port of Gwadar in Balochistan province. The delay in the

implementation of the project due to US sanctions had made Iran impatient, and it had started a strategic alliance with China.

- India has secured a written assurance from the US to exempt this port from sanctions during the second 2+2 Ministerial Dialogue between India and US in December 2019. Both countries also "welcomed the utilisation of the port for exports from Afghanistan and discussed ways to promote it".

- As a U.S. strategic partner, whose cooperation US has sought for its Free and Open Indo-Pacific strategy, India had hopes for further relaxation of sanctions with regards to Iran as well as Russia, considering India's unique geopolitical and strategic needs.

Conclusion

India needs to be ready to deal with US sanctions in a more efficient and viable manner in the present and in the future. Further, enhancing India's strategic autonomy needs to be refocused upon in light of changing global geopolitical scenario to safeguard India's national interests.

108. **How in the ongoing trade war between the US and China affecting India's economic interests? Is India equipped enough to address the emerging challenges? Critically evaluate.**

Introduction

A trade war is defined as an economic war between two or more countries when they try to impose extreme foreign policies so as to protect or gain more control over their own economy. Their profound motive is to reduce competition of commerce by blocking inward trade towards the home country.
China and the United States have been engaged in a trade war through increasing tariffs and other measures since 2018.
The US initiated the tariff barriers on Chinese goods to press demands for an end to policies that Washington says hurt US companies competing with Chinese firms. China too responded with its own tit-for-tat tariffs on US goods.
This exacerbates the uncertainty in the global trading environment, affects global sentiment negatively, and adds to risk aversion globally.

Body

US – China trade war and India's economic interests
Negative impact
- There could be a short-term impact on the stock markets.
- In a report earlier this year, the IMF noted that the US-China trade tension was one factor that contributed to a "significantly weakened global expansion" late last year, as it cut its global growth forecast for 2019.

- India's shipments track the global trade closely. Regressing past data suggests that for every one percentage point increase in global exports, India's shipments tend to rise by half that much and vice versa

Positive impact
- Several economists have indicated the possibility of India benefiting through increasing exports to the US and a shift of foreign direct investment (FDI) to India.
- India is among a handful of countries that stand to benefit from the trade tensions between the world's top two economies, the UN has said in a report.
- India can strengthen its trade relationships with both superpowers.
- As the US is being protectionist and unilateral, China and India would have to incline towards a multilateral world. China could cultivate a relationship with India as a substitute. It could also open up its markets for Indian goods and services – so could the US.
- There has been a rise in the export of goods to both countries. Export to the US grew by 9.46% to $52.4 billion. As many as 203 Indian goods are likely to displace Chinese exports to the US, like rubber, carpets, graphite electrodes, etc
- Favourable goods that can replace the Chinese goods in the US are sacks, bags, polymers, printed circuits, automobile lighting equipment, Christmas-lighting sets, etc.
- Diversion in investment flows is an opportunity that India could benefit from, as manufacturers seek alternative origination destinations.

India is not equipped enough to address the emerging challenges
- India has been relatively immune to the collateral damage inflicted on other countries — from Australia to Japan, South Korea and Singapore — by the sparring between China and the US for geopolitical influence. But that apparent good fortune owes little to diplomatic skill and even less to any economic clout. Instead, it reflects India's lack of global competitiveness, its slowing domestic economy, its high cost of money and the paucity of risk capital.
- Exports to the US from some other Asian economies, notably Vietnam and Cambodia, have picked up much more.
- Out of 56 companies that relocated their production out of China between April 2018 and August 2019, only three went to India
- Make in India scheme, designed to encourage manufacturing — is not very effective because of infrastructure bottlenecks.

India need to further liberalise trade, spend more on infrastructure construction, reform land and labour laws and offer tax breaks for foreign investors. Legal reforms, liberation and favourable taxes are necessary for economies to reach their full potential.

Conclusion

Indian policy of adoption of non-alignment in the Cold War era helps India to save itself from the counter effects of the trade war compared to other economies. It maintains economic and diplomatic relationships with countries from either side.
Although, if the trade war stretches for a considerable time it would help Indian economy to make strides. Yet, India should not officially push forward any such policy that intends to take advantage of the crisis. We should stick to our fundamental foreign policy of non-alignment and wait and watch without getting involved in the core trade war.

109. What advantages have accrued to India after her membership of the SCO? How can India benefit in the long run? Discuss.

Introduction

The Shanghai Cooperation Organization (SCO) is a Eurasian political, economic, and security alliance. It was created in 2001. Its member countries China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan, India and Pakistan
It is the largest regional organisation in the world in terms of geographical coverage and population, covering three-fifths of the Eurasian continent and nearly half of the human population.

Body

Advantages to India from membership of the SCO
Strategic advantage

- SCO's relevance for India lies in geography, economics and geopolitics.
- SCO cover huge landmass adjacent to India's extended neighbourhood, where India has important economic and security interests.
- Stronger relations with Central Asian republics and a new opportunity to pursue the "Connect Central Asian Policy".

Economy

- SCO holds immense opportunities for India to bolster its trade linkages with Central Asia, a resource rich region.
- SCO membership is also positively linked with development of International North South Transport Corridor (INSTC) and the Chabahar port, both directed towards expanding transport and reducing costs of trade.

Diplomacy

- Harmonious cooperation in the SCO may pave the way for an India-Pakistan rapprochement.
- SCO membership had facilitated resolution of China's boundary disputes with Russia and Central Asian countries.

Security

- Qingdao Declaration by the SCO member states leader's calls for prioritizing the implementation of the Cooperation Programme to fight terrorism, separatism and extremism.
- The SCO's regional anti-terrorist structure, Anti-Drug Strategy for 2018-2023 and Prevention of the Abuse of Narcotic Drugs and Psychotropic Substances will be helpful.

India would be able to seek mutually beneficial partnerships with SCO members in human capital creation, technology, education, and policy convergence in regional trade.

How can India benefit in the long run?

- Indian recently signed MoU regarding export of non-Basmati rice, earlier denied access on phytosanitary ground. More such MoUs must be signed.
- India has also signed a MoU in concerned the sharing of hydrological information on Brahmaputra.
- It also enables the Chinese side to provide hydrological data if water level exceeds mutually agreed level during non-flood season.
- Active participation in counter terror exercises and military drills.
- Transport, energy, e-commerce, information and communication technologies, tourism, agriculture, banking and finance can be made priority areas, with the prospect of expanding the use of national currencies in trade and investment activities.

Conclusion

India has to carve out a political and economic space for itself in Central Asia, alongside Russia's role as net security provider and China's dominating economic presence. The Central Asian countries would welcome India breaking into this Russia-China duopoly.

110. Japan has not only been a trusted partner in India's journey towards economic strength but has also emerged as a critical strategic ally. Do you agree? Critically examine.

Introduction

"We see Japan as a natural partner in our journey of becoming a major centre of manufacturing, investments & knowledge industries" - Indian prime minister.

India and Japan relation has been time tested and are major partners of development as well as defence in the Asian/indo-pacific region.

Body

Japan as a trusted partner for economic development:

- Key source of FDI: Japan is the third-largest source of FDI ($28.160 billion between 2000 and June 2018) investment into India after Mauritius and Singapore.
- Japan has been extending bilateral loan and grant assistance to India though Official development assistance.
- Investment in the industrial projects like
    - Delhi-Mumbai Industrial Corridor (1,483 km high-speed rail and road line) which will see the setting up of new cities, industrial parks, ports and airports.
    - Ahmedabad-Mumbai bullet train service and has already released the first tranche of 5,500 crore rupees.
    - Delhi Metro Project has also been realized with Japanese assistance.
- India and Japan have already signed CEPA and is working to improve trade aspects through regional connectivity projects as well as multilateral trade agreements like RCEP.
- Even historically, transformational development in the economic history of India was Suzuki Motor Corporation's path breaking investment in India in the early 1980s that revolutionized the automobile sector, bringing in advanced technology and management ethics to India
- Japan support in Indian schemes like Digital India, start up India and so on E.g. India-Japan Digital Partnership, Joint Start-up hub.
- Cooperation in skill development: with tie ups with National skill development corporation and skill development courses launched.

Japan as a key strategic ally:

- Military and Naval exercises: like Shinyu Maitri, Dharma guardian and Malabar.
- Quad group: along with USA and Australia to have deliberations on peaceful development of Indi-pacific region and counter the rising aggressive China.
- 2+2 dialogue: between external and defence ministers to further deepen bilateral security and defense cooperation.
- India and Japan always have a convergence of interest in Indo-pacific region - supported freedom of navigation and unimpeded lawful commerce in international waters and opposed Chinese aggression in South China sea.

- Negotiations are in place to increase the trade in defence equipment from Japan E.g. Japanese US-2 amphibious aircraft for surveillance purpose in the Indian Ocean
- Japan and India signed Nuclear deal recently and this is the first time Japan has signed a nuclear deal with a nuclear power country showing its trust in India.

Concerns in Japan-India relations:

Though, Japan has been a key ally in the Asian region over the time, there are certain concerns which have strained the relations between the two. Some of them are

- Japan-China trade is around $300 billion compared to $15 billion between India and Japan. Thus, in economic sense Japan's interest lies more with Chinese than India.
- Japan's Sanitary and Phytosanitary Measures (SPS) are major barriers to Indian exports of poultry, meat, shrimps and fruits like mangoes and grapes
- Though a strategic partner, Japan has offered neither military hardware nor technology to India which has immense potential.
- Japan has changed its stance towards Belt and road initiative causing a cause of concern for India.
- The Nuclear power status of India is seen with apprehension by Japan which is the main reason for limited relation in defence and energy sector. Japan had blacklisted Indian firms, stopped ODA after nuclear tests in 1998. Even in the latest signed Civil nuclear deal, there is an escape clause for cancellation of the deal.
- Focused on countering China: Both countries have border and hegemonic issues with China. So, their policy stance hinges generally on China, rather than growing comprehensively.

Conclusion

With 21st century being the Asian century and China being aggressively assertive, Japan will be a key for India to maintain the balance in the region. The development of the Indo pacific is tied to the development of both the countries and they have to strengthen their ties in maritime security, defence deals, Indo-pacific trade and finally use the soft power including people – people connect to realize the dream of Asian century.

111. Do you think BIMSTEC has the real potential to transform the collective future of South Asia? Examine. What are the challenges therein? Discuss.

Introduction

The South Asian region covers roughly three percent of the world's total land area and is home to around 21 percent of the population. The region has a diverse socioeconomic setup, including major economic powers such as India. In this regard, BIMSTEC comprises Bangladesh, Bhutan, India, Myanmar, Nepal, Sri Lanka, and Thailand, and is intended to be a bridge between South Asia and Southeast Asia.

Body

- Of late the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is receiving sincere attention from its member countries as an organisation that has the potential to transform the region's political and economic future.
- Consequently, BIMSTEC is seen to have a real potential to transform the collective future of south asia due to the following factors:
- In view of the continued failure of SAARC to provide a platform for south asian integration, BIMSTEC has gained more favour as the preferred platform for regional cooperation in South Asia.
- The general belief is that BIMSTEC does not have the limitations that the India-Pakistan conflict imposes on SAARC; therefore, it can be a transformative institutional mechanism for regional cooperation.
- Further, One of the reasons for BIMSTEC's popularity is that the member countries have generally cordial relationships, something patently missing among the SAARC countries.
- BIMSTEC's primary focus is on economic and technical cooperation among the countries of South Asia and SouthEast Asia. So far, 14 sectors have been identified for enhancing regional cooperation among the member countries.
- BIMSTEC's major strength comes from the fact that it includes two influential regional powers: Thailand and India. This adds to the comfort of smaller neighbours by reducing the fear of dominance by one big power. Further, it augurs well with India's 'Act East' and 'Neighbourhood First' Policies.
- The region has countries with the fastest-growing economies in the world. The combined GDP in the region is more than US$3 trillion and will likely grow further. Trade among the BIMSTEC member countries reached six percent in just a decade, while in SAARC, it has remained around five percent since its inception.
- A landmark achievement for BIMSTEC was the establishment of a permanent secretariat in Dhaka. Further, among the member countries, Myanmar's and Nepal's intra-BIMSTEC trade is very high.
- Under BIMSTEC, cooperation against terrorism has been formalized under a Joint Working Group for Counter-terrorism and Transnational Crime which has advanced cooperation in the critical areas of intelligence sharing,

combating the financing of terrorism, drug trafficking and cooperation on countering radicalization.

Despite the many successes and promises of BIMSTEC, however, some challenges remain, like:

- The infrequency of the BIMSTEC summits, the highest decision-making body of the organisation. In its 20 years of existence, the BIMSTEC summit has taken place only thrice. The secretariat faces a severe resource crunch, both in terms of money and manpower, which has adversely affected its performance.
- Moreover, the delay in the adoption of the Free Trade Agreement (FTA), a framework that was agreed upon in 2004, fuels doubts about BIMSTEC's efficacy.
- The lack of leadership is also seen as a major drawback. In the past few years, this concern has been addressed as India has shown increased interest in the grouping. India's initiatives have resulted in some important developments, including the setting up of the BIMSTEC Energy Centre in Bengaluru and the BIMSTEC Business Council.
- Region lacks physical connectivity- The trilateral highway connecting India-Myanmar-Thailand has been a non-starter. Further, lack of good infrastructure has acted as a barrier to trade by raising cost and time.

To maintain the momentum and to strengthen BIMSTEC as a sustainable platform for regional cooperation, the following steps can be considered:

- Consistency in the frequency of the summits to ensure regularity in decision-making as well as empowering BIMSTEC to be a platform for dispute resolution among member countries.
- Regular interaction, exchanges, and coordination among ports of the BIMSTEC region will play a role in enlarging trade and commerce, as well as promoting coastal shipping.
- Sharing land and maritime borders with BIMSTEC countries, India should expedite growth in connectivity (through road, rail, maritime and air) within BIMSTEC. For example, it should develop well-connected quality ports such as a deep-sea container terminal in Sri Lanka, in addition to the India-Myanmar-Thailand Trilateral Highway.
- Simultaneously, focusing on trade facilitation measures such as simplification and harmonization of trade procedures, setting regional single windows for custom clearance, recognition of custom transit documents, and proper coordination between border authorities will facilitate expansion of trade in BIMSTEC.

Conclusion

BIMSTEC provides the Bay of Bengal nations an opportunity to work together to create a common space for peace and development. With 22% of the world's population and a GDP of $2.5 trillion, BIMSTEC can become one of the world's strongest political and economic unions.

112. How is India protecting her economic and strategic interest in an era of emerging subregionalism.

Introduction

India is today a member of several trans-regional, regional and sub-regional groupings. On the one hand, India today sees global and regional multilateral mechanisms as platforms to engage with the outside world to meet the expectations from a rising power. On the other hand, India needs global and regional multilateral organisations to meet its own rising aspirations.

Body

- The paradox of India's rise is that while there is a clear positive trend in its role in global governance, regional governance remains locked in geopolitics. South Asia is a region where despite the existence of a pan-South Asian organisation SAARC (South Asian Association for Regional Cooperation) for over three decades, it is yet to implement a single all SAARC project.
- At the same time, there has been a rise of global sub regional groupings coupled with slowdown in world economic growth rate which are making things challenging for India in this growing trend towards de-globalisation.
- 'Regional cooperation', is a term coined not too long ago to denote joint action and interaction by geographically contiguous countries with common cultural identities to address complex goals such as reducing poverty, promoting peace and security and achieving sustainable development.
- Consequently, Sub Regionalism might simply be the right size and level of economic governance as states lose power 'upwards' to the 'super-region', and 'downwards' to the global economy.
- Growth triangles and similar forms of sub-regional economic zones are usually constructed around partnerships between private actors and a range of public actors at both national and sub-national levels. Some of the most well-known cases include (1) the Indonesia–Malaysia–Singapore Growth Triangle (IMS-GT); (2) the Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT).
- On the one hand, India is building South Asia regionalism through a "bottom-up" approach with innovative ideas such as sub-regionalism. Given its centrality in South Asia, there is a considered opinion that regionalism cannot grow without India's active support.
- The first 'collaborative sub-regionalism' was experimented with South Asia Growth Quadrangle (SAGQ) in 1997 involving four SAARC nations

(Bangladesh, Bhutan, India and Nepal) with the aim to enhance 'regional solidarity and promoting overall development within SAARC' with an emphasis on project-based development.

- In 2000, the South Asia Subregional Economic Cooperation (SASEC) programme in the SAGQ was launched with assistance from Asian Development Bank (ADB) with six priority sectors that included transport, energy and power, tourism, environment, trade, investment, and private sector cooperation, and information and communication technology.
- India further pushed its eastward drive when it set up another sub-regional grouping with the mainland Southeast Asian nations. In 2000, India along with five of the Mekong nations (Thailand, Myanmar, Cambodia, Laos and Vietnam) established the Mekong–Ganga Cooperation (MGC).
- The MGC emphasised cooperation in the field of tourism, culture, education, and transportation linkages. In the same year, India and South Africa together launched the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) along with Indonesia, Sri Lanka, Malaysia, Yemen, Tanzania, Madagascar and Mozambique.
- BIMSTEC is another sub regional grouping which is being propounded as a counter to SAARC by India to safeguard its interests in eastern south asia. Further, it would help in overcoming the impasse due to Pakistan in south asian collaboration.
- At the sub-regional level, the government further strengthened groupings such as the BIMSTEC, the SESEC/BBIN and the MGC as part of the Act East policy with the aim to accelerate the integration process in the region. For instance, India pledged to contribute 32 per cent of the annual expenditure on BIMSTEC's permanent secretariat in Dhaka.
- Government's vision of the Indian Ocean region was outlined in 2015 in the acronym SAGAR (Security and Growth for All in the Region). Further, India has ambitions of strengthening subregional mechanisms for maritime cooperation and sought the involvement of 'Mauritius, Seychelles and other nations in the region' to join the India-Sri Lanka-Maldives trilateral initiative.

Conclusion

Thus it can be seen that to tackle the emerging subregional challenges India is increasingly taking the lead to improve sub regional governance in key areas including socio-economic development, maritime, energy, water, cyber, space and security. India's various capacity-building efforts in South Asia, the Mekong region, and in the island nations of the Indian Ocean contributes to good sub regional governance.

113. How is China posing challenges in India's engagement with the neighbours? What measures have been taken to instill confidence amongst India's immediate neighbours.

Introduction

India has enjoyed substantial regional influence across South Asia due to its size, comparative economic might, and historical and cultural relevance to the region.

But over the past decade, China has become a significant economic partner to countries throughout the region, forging particularly strong ties with smaller states through trade, diplomacy, aid, and investment.

China has adopted a policy aimed at enhancing the development options of its neighbours as well as promoting new lines of communication or corridors with its southwestern periphery. Much of this impetus has been provided by the Belt & Road Initiative (BRI) – a grand connectivity plan that envisions a network of states economically linked to China through a variety of commercial-financial relationships and industrial projects

Body

China posing challenges in India's engagement with the neighbours.

- India's position is challenged by Chinese push into the neighbourhood through the BRI.

- China-Pakistan Economic Corridor (CPEC) — an integral component of BRI—is a strategic threat to India. The CPEC is not seen just an economic project but also a security-centric one, especially when the infrastructure can be used for military purposes. Gwadar port is a prime example of such dual-use infrastructure.

- China steps up its engagement with the region largely through its "Belt and Road Initiative". It can marshal extensive resources on initiatives such as the Asian Infrastructure Investment Bank that will likely outpace other financial sources.

- Chinese support for a port, airport, and cricket stadium in Hambantota, and other infrastructure projects revealed an increasingly close relationship between the two countries.

- In Maldives President Abdulla Yameen imposed a state of emergency, against India's advice. It is not difficult to figure out that China's backing is giving Yameen the confidence to snub India.

- China helped K.P. Oli get elected by brokering an alliance of the left parties to take on the pro-India Nepalese Congress.

Measures taken to instill confidence amongst India's immediate neighbours

- Just as Beijing's engagement with India's neighbours increases the status and bargaining position of these smaller states vis-à-vis India, New Delhi too

engages with many South East Asian states who seek to hedge their dependence on China by developing more economic and geopolitical options.

- Prime Minister Narendra Modi has doubled down on his outreach across South Asia, stressing infrastructure development, people-to-people connectivity, and a "lift all boats" approach to help India's neighbors gain from its own rise.
- India has generated lots of good will in neighbourhood. For instance Land Boundary Agreement between India and Bangladesh.
- The allocation of India's foreign aid prioritizes Bhutan, demonstrating the special economic relationship that India and Bhutan share.
- Afghanistan is also a significant recipient of Indian aid.

Conclusion

Nearly all of India's neighbours have expressed a preference for (i) non-alignment or strategic autonomy as a guiding principle in their foreign relations; (ii) multi-directional economic engagement with India, China, the US, Japan and other powers; and (iii) sensitivity towards India including publicly disavowing any move towards offering military facilities or bases to external powers and thus reassuring India on its vital interests.

With an unresolved border and a contentious history, India often views China's activities in the South Asia neighborhood warily. Yet China's and India's efforts in South Asia can overlap, such as in the development of the Bangladesh-China-India-Myanmar economic corridor, opening up new opportunities for constructive cooperation. India's "Act East" policy aims to facilitate commerce, culture, and connectivity throughout Southeast Asia, an area that also captures China's focus. The two countries' efforts will likely be complementary since the region's infrastructure needs are so pressing and require trillions of dollars in capital.

114. What are India's interests in Latin America? Have we been able to tap the full potential of engagements with the Latin American world? Critically examine.

Introduction

Latin America is generally understood to consist of the entire continent of South America in addition to Mexico, Central America, and the islands of the Caribbean whose inhabitants speak a Romance language such as Spanish, Portuguese, and French.

Body

India's interests in Latin America

Economic

- Latin America is also very rich in minerals such as copper, lithium, iron ore, gold and silver. It gives India an opportunity to increase investments for their extraction as well as for their imports at cheaper rates.
- India's exports to Latin America increased by 9.6% in 2018-19 (April to March) reaching $13.16 billion from $12 billion in 2017-18.

Strategic
- The region is very important for India in order to achieve its global ambitions such as in order to pursue its membership of the UNSC, the NSG and at various other negotiations like climate change, terrorism, trade, etc
- India is cooperating with Brazil at platforms like BRICS, IBSA which has provided an alternative platform for developing countries and reduces their dependence on existing institutions controlled by west.

Energy security
- Currently India sources 15% of its crude oil from Latin America countries.
- Latin America is also an important partner in the India led International Solar Alliance.

Food security
- Latin America region is five times that of India and only has half as much population.
- India is importing pulses and oil seeds from many of African and Southeast Asian countries at very high costs.

We have not been able to tap the full potential of engagements with the Latin American world

- India has good relations with countries like Brazil, Mexico, Chile but other countries lag behind.
- Though trade in commodities continues to grow and has reached $46 billion in 2012-13, but it is nothing compared to the Chinese trade of $250 billion with the region which is set to double itself in the next 10 years
- Rivalries between countries like Brazil and Argentina for regional dominance is also affecting India's relations with the region. For instance while India and Brazil are part of the G4 seeking the UNSC membership, Argentina is part of the coffee club

We have been able to tap the full potential of engagements with the Latin American world

- There has been an upward swing in the relations between India and Mexico after PM Narendra Modi's visit to Mexico in June 2016, when both countries decided to upgrade bilateral relations to the level of "strategic partnership."
- After the US, India is Mexico's largest supplier of automobiles.
- Brazil has historically been the cornerstone of India's relations with Latin America.
- The entry of Indian generic pharmaceuticals in Latin America over the last two decades has also put pressure on local and multinational companies to reduce their prices and increase the proportion of generic medicines.
- Latin American firms have invested about a billion dollars in India in areas such as soft drinks, multiplexes, theme parks, and auto parts. Latin American software firms have also established development and delivery centres in India, employing over a thousand Indian software engineers.
- Latin America has also emerged as a key contributor to India's energy security. India now imports 20% of its crude oil from Brazil, Columbia, Mexico and Venezuela.
- In 2012, India overtook China as the largest Asian buyer of Venezuelan oil. India also constitutes one of the largest suppliers of IT services to Latin America, with over 35,000 Latin Americans now employed in Indian IT companies operating in the region.
- New Delhi is also actively promoting official policies intended to further expand Indian IT services in Latin America.

Conclusion

President Ram Nath Kovind's trip to Suriname and Cuba and Vice President Venkaiah Naidu's trip to Guatemala, Panama and Peru this year have tried to fill the gap. But much more dialogue needs to be conducted.

India should increase its diplomatic presence in the region, promote Latin American studies, invest in shipping industries, and conclude PTAs and FTAs at the earliest with different countries.

But most importantly, it should remove the psychological barriers that have stopped it from achieving full potential in the relationship.

115. How is India placed in Africa vis a vis China? What are the potentials and challenges for India in the African continent? Discuss.

Introduction

African continent is increasingly becoming the next theatre of global attraction and competition because of natural resources, demography and socio-economic development. Both India and China are investing in the continent to reap the benefits.

Body

India in Africa vis a vis China:

- Development strategy: India see African countries as partners in development as different from China which aims for economic exploitation of the continent with a colonial mindset and use strategies like debt trap.
- Focus on culture and soft power: China's sole agenda is economic where as India integrates it with soft power development as well as cultural aspects.
- Employment: China employ Chinese workers instead of giving employment to locals whereas India is focused on empowerment and employment of locals as well.
- Sustainable development: India is concerned about environmental aspect as well which is ignored by China.
- Chinese loans come with strict conditions that only Chinese technology will be utilized where as India works on joint implementation and technology transfer.
- India teams up with countries of similar objectives and plans development projects like Asia-Africa growth corridor with Japan.

Chinese trade with African countries stands at $220billion compared to around $70 billion of India.
However, with a sustainable model, India is at the forefront of foreign investments in Africa and surpass China in many countries. E.g. Indian corporations have attained near complete control of the local oil and natural gas industry in Sudan, Indian Essar group in Zimbabwe.

Potential:

- Resource rich region: Africa has untapped natural resources and provide eoigh opportunity for Indian investment.
- Soft power: India maintains healthy relations with almost every African country which can be utilized to make favourable trade deals as well as increase the people-people connect.
- Reform in global institutions- India's ambition to become a permanent member of the UN Security Council makes it imperative that it engages with all 54 countries of the continent.
- Convergence of interest- Two partners are aligned on the outstanding issues at the World Trade Organization (WTO), UN and other multilateral forums which can be utilized.
- India has opportunities in exports of Pharmaceutical Products, Automobiles, Textiles and more importantly people in a fast-growing Africa.
- Africa being an oil rich continent can take the pressure of Indian dependence on west Asia on oil.

- India has numerous advantages, including proximity, a common language, popularity of Indian culture, and the appeal of democracy.

Challenges:

- Political instability: Political instability in number of African Nation may impact India's long-term investment opportunities. E.g. South Sudan experiencing civil war since 2013(civil unrest in 2019), Algeria protests.
- Terrorism in Africa: There has been an extraordinary increase in terrorist attacks by extremists connected to al-Qaida and ISIS across Africa over the recent years.
- Attacks on Africans in India: There has been a spate of assaults on Africans based in India. It will generate a negative image of India in Africa and may impact on century-old ties with the continent.
- Lack of Coordination between Indian State and its businesses in Africa and the role of India Inc. is limited while drafting policies. This limits the strengths of both actors that can be leveraged.
- Financial Limitations: India cannot compete with China or US vis a vis cheque book diplomacy.
- China's strong presence in the continent: China is a strong competitor for India in Africa. Africa China trade amounts to US$220 billion. China even built up its first overseas military base in Djibouti.

Conclusion

While China's aggressive economic approach has caused it to achieve more influence in Africa than any other country, its dominance is slowly being impeded by India's growing involvement in the region. Instead of cut throat competition, both the countries have to maintain a balance integrating the development plans. India has to build on goodwill and soft power and utilize on its agenda of Joint development contrasting China.

116. What is the Rohingya Muslims issue? How is it affecting India's interests and relations with Myanmar? Examine.

Introduction

The Rohingya refugee crisis refers to the mass migration of Rohingyas (Rohingya Muslim people) from Myanmar (Burma) to Bangladesh, Malaysia, Thailand, Indonesia and India. Described by the UN as the world's most persecuted people, 1.1 million Rohingya people live in Myanmar. They live predominantly in Rakhine state, where they have co-existed uneasily alongside Buddhists for decades.

Body

- Few years ago, religious and ethnic tensions between the Rohingya Muslims and the Rakhine Buddhists (who make up the majority of the population in Myanmar) escalated into widespread, deadly rioting. Hundreds of thousands were forced to flee. Since then, ongoing violent attacks have forced even more people to leave their homes.
- They were not granted full citizenship by Myanmar. They were classified as "resident foreigners or associate citizens". They speak a dialect of Bengali and not Burmese. The Rohingya population is denied citizenship under the 1982 Myanmar nationality law. Myanmar law does not recognize the ethnic minority as one of the eight national indigenous races.
- I

Rohingya Migration
Sources: New York Times; BBC; CNN; IOM.
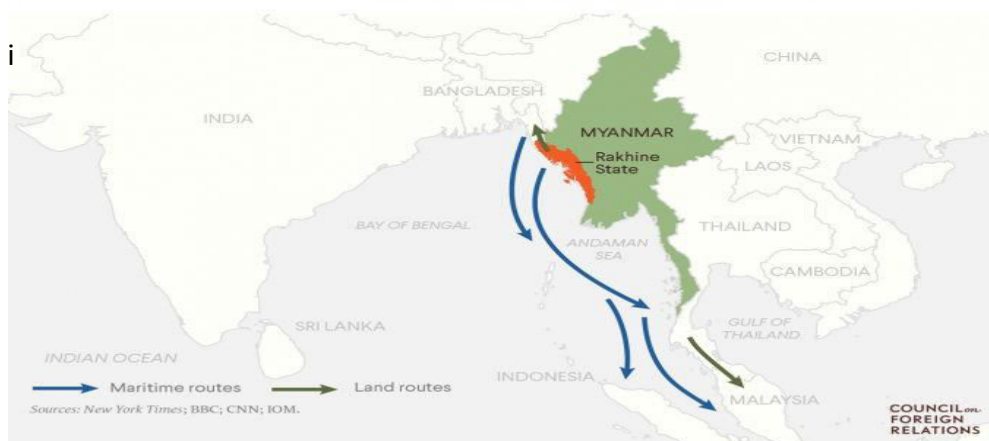
receiving Rohingya refugees and allowing them to settle in the different parts of the country over the years, especially after the communal violence in the state of Rakhine in 2012. According to the Ministry of Home Affairs, there are approximately 40,000 Rohingyas living in India. They have reportedly reached India from Bangladesh through the land route over the years.
- However, India considers the refugee crisis as an internal affair of Myanmar. India took the side of the Myanmar government because it was concerned that raising the issue publicly might push Myanmar towards China as it was building relations with the then newly formed quasi-democratic government.

- India also has economic interests with its companies holding stakes in Shwe Gas field off the coast of Rakhine State. Along with energy interests and plans to build cross-border pipelines, India also has a connectivity interest to link its landlocked northeastern region with the Bay of Bengal through Rakhine State
- These include a joint project with Myanmar that includes development of port at Sittwe, inland-waterway in the Kaladan River, and road construction to connect it with India's Northeast. Instability in the Rakhine State could have adverse effects on these interests.
- The crisis has also acquired a security dimension with concerns being raised over the infiltration of Islamic extremism amongst the Rohingyas, who have grown increasingly desperate over their plight. The massive refugee outflow has created a serious humanitarian crisis that carries implications on regional stability and security.
- In 2017, India launched "Operation Insaniyat" to provide relief assistance for the refugee camps in Bangladesh. India's decision to extend help fits into its desire to de-incentivise Rohingya refugees entering into India. Further, India would maintain constructive engagement with both Myanmar and Bangladesh, and that the international community needs to handle the situation with restraint, keeping in mind the welfare of the population.
- In 2012 December, India's external affairs Minister visited Rakhine and donated 1 million dollars for relief. India signed a development programme for Rakhine State in Myanmar late last year which was designed to assist the Myanmar government in Rakhine State to build housing infrastructure for displaced persons.
- The Rohingya refugees, while under the jurisdiction of the national government, cannot be deprived of the right to life and personal liberty. The chapter on fundamental rights in the Constitution differentiates citizens from persons. While all rights are available to citizens, persons including foreign citizens are entitled to the right to equality and the right to life, among others.

Conclusion

The Indian approach towards the Rohingya crisis has been viewed as contradicting its traditional position on refugees. As the Rohingya crisis unfolds, there is still a lot that India can do to facilitate the finding of long-term solutions. These actions will be key in determining India's regional and global standing as well as relations with Myanmar.

117. Do you think the implementation of a nationwide National Register of Citizens in would actually strengthen India's ties with the neighbours? Critically evaluate.

Introduction

Recently, according to the ministry of external affairs, India has reached out to countries across the world, especially its neighbours, on the issues of the new

citizenship law and the proposed National Register of Citizens to make sure that the relationship between India and its neighbours remains strong and without any misgivings.

Body

- The National Register of Citizens (NRC) holds all the important information of the Indian citizens required for their identification which will be maintained by the Government of India. The legal framework for NRC is laid down in the Citizenship Act of 1955 as amended in 2004.
- The issue of illegal immigration is majorly between India and Bangladesh, due to historical factors, rather than any other nieghbour. NRC is an exercise to stem the tide and deal with the issue of illegal immigration.
- In this regard, the implementation of a nationwide NRC would help strengthen India's relations with her neighbours in the following manner:
- NRC exercise would be completely an internal matter of India and as a sovereign nation which respects others sovereignty, India has every right to carry out actions internally, which it deems fit.
- Illegal immigration from Bangladesh, comprising both Hindus and Muslims, is an important issue from the national security perspective of India. A large number of Bangladeshi immigrants are illegally living in India. Bilateral dealings of such an important issue thus becomes important.
- The issue is further complicated as sometime back, the Rohingya refugees originally from Myanmar started infiltrating into India through Bangladesh. Association of some Rohingyas with terrorist organisations make it an internal security for India and needs to be dealt with concerned parties where relations will stabilise with resolution of the problem.
- Bangladesh has already documented its citizens and maintains a biometric record of them. The National Identity Registration Wing (NIDW) was created within the Bangladesh Election Commission for that purpose. India too is justified in undertaking a similar exercise. This will help India get a grip on the problem.
- Once the documentation of citizens is done in India, both sides can share their database. This will help manage the problem in a much more amicable manner. As the India-Bangladesh relationship is currently strong and trust levels on both sides are high, this is the right time to deal with the issue of illegal migration.
- As the NRC exercise would help in establishing a detailed database of citizens for India, it would help in dealing with illegal immigration and as the issue of illegal immigration is concerned mainly only with India-Bangladesh relations, India's relations with its other neighbours would largely be unaffected.

At the same time, many have argued that NRC exercise would not strengthen India's relations with its neighbours due to the following factors:

- The partition of India along religious lines had left India with extraordinary challenges about sustaining religious harmony at home and maintaining reasonable relations with Pakistan and Bangladesh. This Pandora's box would open again affecting relations, especially with Bangladesh.
- India's Neighbourhood first and Act East policy could be affected as a result of the NRC exercise and its outcomes where Bangladesh and Myanmar might face the inflow of disenfranchised people from India.
- Regional destabilization could create serious ramifications not just for South Asia, but the wider Indo-Pacific as well. Bangladesh is already struggling under the weight of the refugee crisis of the Rohingya fleeing violence in Myanmar — any added people movement would be beyond its capacity to facilitate and require a significant international response.
- The rhetoric of minority persecution in neighbouring countries embedded in CAA-NRC exercise would certainly affect India's image and relations with concerned neighbours.
- This phenomenon is in line with the growing global trend where internal matters are affecting countries relations with others and in case of India, Bangladesh is clearly affected as India would handover illegal immigrants to it after the NRC exercise.
- China would certainly try to exploit the faultlines between India and its neighbours emerging out of the NRC exercise. This would help it in its string of pearls strategy against India in India's neighbourhood.

Conclusion

The issue of illegal migration in the neighbourhood relationships cannot be swept under the carpet. It will continue to be a stumbling block in the sustenance of a stable relationship. It will be better if all sides look at the issue dispassionately especially when the trust levels are high and the NRC exercise may be a means towards the ends of a sustainable neighbourhood relations.

118. How do immigration policies of developed countries affect India's interests?

Introduction

Immigration is coming to a foreign country with the intention of permanently living there whereas Emigration is leaving a resident country with the intent to settle elsewhere. Immigrants generally take up that job which people in the host country (the country to which people have fled) will not or cannot do.
Migrant workers often work longer hours and for lower salaries which benefits host nations. Immigrants contribute to the diversity of the host country and thus also increase tolerance and understanding in the society.

Body

Some immigration policies of developed countries
- **European Union**

- o Divergent national approaches to accepting Asylum Seekers.
- o Using EU budgets to support refugee integration.
- o Strengthening external borders.
- o Collaborating with third countries to cut off transit routes.
- o Tying Foreign Assistance to stemming migration

- Hungary has restricted illegal immigration by suspending the acceptance of asylum seekers sent back to it by other EU states.

- U.S. has also made some changes in its Immigration policy.

- Italy has called for detention and deportation of migrants, who it blames for the instability and threats in the country.

- Dutch has adopted a zero tolerance approach towards those immigrants who are unwilling to sign up to the country's way of life.

As per UN report, India is leading country of origin of international migrants with a 17.5 million strong diaspora.

Effect of immigration policies of developed countries on India

- Recent merit-based immigration system of US — one that admits people who are skilled – has been welcomed by Indian professionals.
- Remittances of India hit adversely. Ex: Kerala remittance was nearly 40% of their GDP in 2011-2014 but after that there was sharp decline in remittances.
- It will increase unemployment as people who are not getting jobs overseas needs job in India.
- When it comes to the IT industry, due to immigration polices like H-1B Visa of U.S, initially the Indian companies will be pressurized to hire Indian talent, but eventually, it will help in overall growth.
- Due to strict immigration policies of west India can attract more talent. Make in India program can get thrust due to this.

Conclusion

Immigration policies of developed countries poses challenges in short term. However with skill development and New Industrial Policy India can gain advantage out of the situation.

119. Expand upon the concept of 'common but differentiated responsibility'. What has been the stance of major developed countries on this principle?

Introduction

Common but Differentiated Responsibilities and Respective Capabilities is a principle within the United Nations Framework Convention on Climate Change (UNFCCC). It acknowledges the different capabilities and differing responsibilities of individual countries in addressing climate change.

Reflecting CBDR-RC, the Convention divided countries into "Annex I" and "non-Annex I," the former generally referring to developed countries and the latter to developing countries. Under the Convention Annex I countries have a greater mitigation role than non Annex-I countries.

CBDR-RC and the annex classifications were codified in the 1997 Kyoto Protocol, and Annex I country emissions reductions were legally bound.

Body

Stance of major developed countries on this principle

Developed countries are not in full agreement with the broader interpretation of CBDR that allows for its application to general sustainable development.

- The United States accepts the special leadership role of the developed countries based on their industrial development, wealth and technical expertise capabilities.
- Developed countries have the stand that they do not accept international obligations or liabilities, or any diminution in the responsibilities of developing countries.
- Unites States of America has effectively fundamentally rejected the principle. U.S has also pulled out of Paris agreement.
- Most developed countries do not reject the basic premise of differentiated responsibilities. The issue is not the differentiation between countries per se, but rather the reliance on only two (indeed anachronistic) categories: industrialised and developing countries.
- Developed countries are calling for all countries to be differentiated according to their economic capacity.
- Developed counties are calling for a new mode of applying the 'common but differentiated responsibilities' principle to make it acceptable to all state parties to the climate international legal instruments.

Conclusion

The CBDR still remains the most potent principle to bring all states to the round table for **fair negotiations** on climate change. Sacrifices must be made to mitigate climate change by the big polluters, especially the US.

120. How is Brexit going to affect India? Do you see an emerging trend of isolationism in the world? Examine.

Introduction

Brexit deal was signed recently after 4 yrs negotiations between UK and EU which happened due to the reasons like migration policies of EU, funding and so on. With the 11-month transition period in place India and UK has to come up with plan to utilize the opportunities opened up because of it.

Body

Impact on India due to Brexit:

*   India is the third largest source of FDI for UK. There are more than 800 Indian companies in Britain. With BREXIT, the business of these companies will be affected. With the fluctuation in exchange rates, the bottom line of these companies will suffer.
*   The key sectors including IT sector, metals, oil, aviation, pharmaceuticals, healthcare, agritech, food, and drink which will take a hit.
*   Movement of skilled labour from India will be impacted as Brexit was fought mainly on argument of tighter immigration policies.
*   Rupee may depreciate because of the double effect of foreign fund outflow and dollar rise.
*   The impact on stock market for short term is a possibility.
*   Brexit has resulted in depreciation of Euro and Pounds. India's Forex (currently a record 363 billion dollars) may diminish, particular if the currency is stored in Euros or Pound (this comes around 20% of total forex).
*   Many Indian companies are listed on the London Stock Exchange and many have European headquarters in London. Brexit will take away this advantage.
*   However, Britain can sign bilateral agreements free of restrictions imposed by EU. India can sign a new trade agreement with Britain which can happen sooner than EU included.

Rise of isolationism:

*   Protectionist policies of USA are showing the rising trend of isolationism.
    *   trade war with China,
    *   imposition of taxes on Iron and steel industries, Taxing automobile exports from India
    *   exit from TPP
    *   Withdrawal from Paris deal etc.,
*   Brexit has triggered similar moves in countries like Germany which are calling for strict laws on immigration and movement of people.
*   WTO as an institution is being diluted E.g. delay in appointment of appellate bodies. The same is happening for other multilateral institutions as well E.g. China defying the rule of UNCLOS, USA defying UN resolution on Israel and Iran etc.,

- Exit of countries from multilateral organizations following adverse ruling. E.g Russia leaving ICC after issue regarding Ukraine.

However, multilateralism and integration is still in play and can be seen in many instances like

- Negotiations of new multilateral trade agreements like RCEP, African continental free trade area and so on.
- Calls from developing countries like India, South Africa to strengthen united nations, improve representation to make the institution more representative.
- coordination to improve global commons and issues like climate change (paris deal), terrorism (SCO) and so on.
- Even the perceived protectionist USA is coming up with in negotiations and regional groupings like Quad, has increased defence ties with India and so on.

Conclusion

Thus, there is clearly a rising trend of isolationism. The need is to strengthen regional cooperation and integrating with the global value chain through trade deals. Countries have to realize that only an integrated approach to deal with the rising issues of security, trade uncertainties and climate change to have a sustainable development.
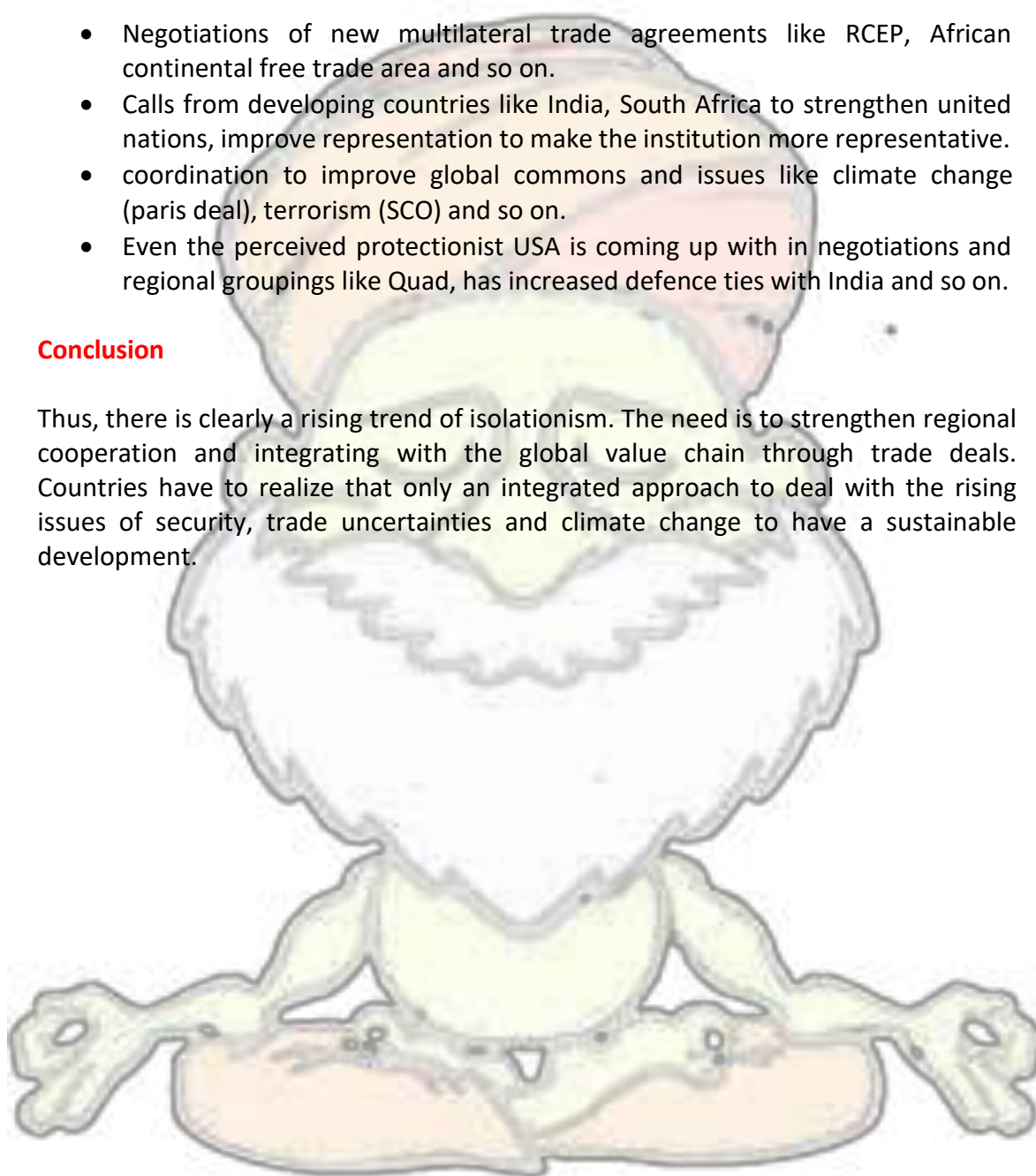
121. Expand upon the concept of soft power. What role does India's diaspora play in making India a soft power? Examine.

Introduction

Soft power is a term coined by Joseph Nye in the late 1980s where it refers to the ability of a country to persuade others to do what it wants without force or coercion. As countries work to make sense of the rapidly changing global context and adjust strategies accordingly, the soft power resources at the disposal of governments will be a critical part of the foreign policy tools needed going forward.

Body

- The content of soft power can be put into three categories: cultural, ideological, and institutional. In these areas, the world would want to be like the nation projecting soft power. And that pull, in turn, would help the nation shape the world.
- For example, the United States can dominate others, but it has also excelled in projecting soft power. U.S. culture, ideals, and values have been extraordinarily important in helping U.S attract partners and supporters.
- Soft power shuns the traditional foreign policy tools of carrot and stick, seeking instead to achieve influence by building networks, communicating compelling narratives, establishing international rules, and drawing on the resources that make a country naturally attractive to the world.
- Nye acknowledges the limits of soft power- it tends to have diffuse effects on the outside world and is not easily wielded to achieve specific outcomes. For example, societies often embrace American values and culture but resist U.S. foreign policies.

India could always count itself among the few nations with strong cards in the arena of soft power. The basis of India‟s soft power is its culture, secularism, spiritualism, music, dance, Bollywood, Yoga, Ayurveda, a tradition of good learning and most importantly the "Indian Diaspora (ID)".

- There are 25 million people of Indian origin living outside India. Therefore, India has the second largest population not only in India; it has the second largest population of Indian diaspora across the world as well.
- According to the 2018 World Bank Report, remittances from the Indian overseas community are the highest in the world at $79 billion. The overseas Indian community is a composition of diverse, heterogeneous and widespread global communities representing different regions, languages, cultures and faiths and religions.
- The Indian diaspora can be seen as acting as an agent of India's soft power in the following manner-

1. Culture: They from the very beginning are conscious about their rich cultural heritage, knowing the fact that they are the inheritors of the world"s oldest civilization. Eg- ISKCON in western countries.
2. Knowledge: The knowledge, which they carry with them to the visiting countries especially, in case of professional migration or the post-colonial migration in the western developed countries, clearly indicates the claim of India to become a knowledge super power very soon in this twenty first century. Eg- Sundar Pichai and Satya Nadella.
3. Yoga: One of India"s most important therapy of longevity i.e. yoga has now been embraced by almost everyone in the world. It is no less than a cultural win for India. June 21 as the International Day of Yoga can be seen in this context.
4. Food: The delicious Indian food is not less in contributing to the soft power of India. It creates attraction for India every single time the foreigners taste the Indian food.

- Further, the role of diaspora in India's soft power projection can be seen from the case of Indian community in the USA. Indian diasporic community in the US is transforming the historic hostile relations between the two countries.
- With their efforts, the US Congress enacted various immigration laws under Immigration Act of 1965, 1990, etc. favoring the immigrants from Asia, especially the Indians. The US Indian community"s remarkable lobbying efforts were commendable in relation to the finalizing of the Indo-US Civil Nuclear Cooperation Agreement.
- Silicon Valley is the home to perhaps the most successful Indian community, which has fostered innovation, cultivated angel funding and incubation for start-up ventures. They have created both value and wealth in their host country and elsewhere.

Conclusion

Diaspora is a significant player who can very well play the game of soft power for foreign policy outcomes. Certainly, India"s policy towards its diaspora has been quite progressive with the recognition of diaspora as a partner in India"s growth and it can further play a very proactive role in influencing various issues concerning the interest of the home country.

122. What do you understand by the concept of global governance? Explain. What reforms are needed to make global governance inclusive and legitimate?

Introduction

In the 21st century mankind is facing a range of severe risks and challenges that call for effective global action. To manage these challenges, we need institutions that allow us to take and implement collective decisions on a global level, in a way that

takes the interests of all into account. The current international system has unfortunately proved unable to cope with the most pressing global issues in an acceptable way.

Body

- Global governance encompasses the totality of institutions, policies, norms, procedures and initiatives through which States and their citizens try to bring more predictability, stability and order to their responses to transnational challenges.
- Global governance brings together diverse actors to coordinate collective action at the level of the planet. The goal of global governance, roughly defined, is to provide global public goods, particularly peace and security, justice and mediation systems for conflict, functioning markets and unified standards for trade and industry.
- The leading institution in charge of global governance today is the United Nations. It was founded in 1945, in the wake of the Second World War, as a way to prevent future conflicts on that scale. The UN's main mandate is to preserve global security, which it does particularly through the Security Council.
- In addition the UN can settle international legal issues through the International Court of Justice, and implements its key decisions through the Secretariat, led by the Secretary General.
- Beyond the UN, other institutions with a global mandate play an important role in global governance. Of primary importance are the Bretton Woods institutions: the World Bank and the IMF, whose function is to regulate the global economy and credit markets.
- Global governance is more generally effected through a range of organisations acting as intermediary bodies. Those include bodies in charge of regional coordination, such as the EU or ASEAN, which coordinate the policies of their members in a certain geographical zone.
- Finally, global governance relies on looser norm-setting forums, such as the G20, the G7, the World Economic Forum: those do not set up treaties, but offer spaces for gathering, discussing ideas, aligning policy and setting norms.

International cooperation and the resulting governance mechanisms are not working adequately or effectively.

- Responses to common challenges have been mostly taken at the national level, with global responses being insufficient, incomplete or simply non-existent. Moreover, there has been growing tension between decision-making processes at the national and global level as local challenges "have become an integral part of global stakes".
- In trade, where international rules are crucial, countries have been frustrated by the stalemated Doha negotiations, and have resorted to bilateral and regional negotiations, as in AsiaPacific.

- Based on analysis of governance in these areas, three principles might guide thinking about transformation. These are:

  o Pluralism, where national, regional and global governance systems work in concert;
  o Strengthened multilateral processes, and the updating and transformation of existing international organizations;
  o Stronger accountability to wider groups of governments and stakeholders.
  o Global governance arrangements must respect the mixed strategies that countries are choosing.
  o Transformed multilateral institutions are crucial, since international cooperation and rules can reduce costs, and increase the support and information available to developing countries.
  o The accountability of global institutions to their full membership and beyond should be greatly scrutinized at each stage.

Conclusion

The formulation of the post-2015 development agenda requires a new international consensus to incorporate environmental sustainability as an integral part of the development process. Greater acceptance of the concepts of green economy and sustainable development will enhance the global governance according to the needs of present times.

123. In terms of objectives and foundational philosophies, discuss the similarities and differences between the World Bank and the Asian Development Bank (ADB).

Introduction

The World Bank Group and its constituent entities are part of the United Nations System and constitute the premier international development bank in the world.
By contrast, the Asian Development Bank is one of several regional development banks outside the United Nations System that service specific regions of the world. Founded in 1966, the Asian Development Bank's (ADB) headquarters are in Manila, Philippines. The Asian Development Bank's primary mission is to foster growth and cooperation among countries in the Asia-Pacific Region.

Body

Similarities between the World Bank and the Asian Development Bank (ADB)

- Like the World Bank, Asian Development Bank have countries, not private entities, as their shareholders.

- ADB is modeled closely on the World Bank, and has a similar weighted voting system where votes are distributed in proportion with members' capital subscriptions.
- They do generate profits, which are then either paid as dividends or reinvested in their own institutional programs.
- Both the World Bank and ADB are actively involved in every low- and middle-income country in Asia and the Pacific.

Differences between the World Bank and the Asian Development Bank (ADB)
- The majority of the ADB's members are from the Asia-Pacific region. World bank is represented from all over the world.
- The two largest shareholders of the Asian Development Bank are the United States and Japan. The largest shareholders include the United States (17.25% of total subscribed capital), Japan (7.42%), China (4.78%), Germany (4.33%), and France and the United Kingdom (with 4.06% each)
- The World Bank collects worldwide data on education from national statistical reports, statistical annexes of new publications, and other data sources in its Education Statistics, unlike ADB.

Conclusion

Both the institution defines themselves as a social development organization that is dedicated to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration. They must work in synergy, rather than competition, among themselves and other institutions like Asian Infrastructure Investment Bank and New Development Bank.

124. What is the Financial Action Task Force (FATF)? What are its objectives and mandate? Discuss.

Introduction

The Financial Action Task Force (FATF) is an intergovernmental organization that was established by the G7 nations in 1989 during a summit in Paris, France. The task force was created in response to the difficulties nations experienced in trying to cooperate and enforce an effective global Anti-Money-Laundering (AML) policy.
The FATF monitors the progress of its members in implementing necessary measures, reviews money laundering and terrorist financing techniques and counter-measures and promotes the adoption and implementation of appropriate measures globally. In collaboration with other international stakeholders, the FATF works to identify national-level vulnerabilities with the aim of protecting the international financial system from misuse.

Body

Objective of FATF

- The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system.
- Starting with its own members, the FATF monitors countries' progress in implementing the FATF Recommendations; reviews money laundering and terrorist financing techniques and counter-measures; and, promotes the adoption and implementation of the FATF Recommendations globally.

Mandate of FATF

- The FATF has a mandate to respectively combat money laundering, and after the 9/11 attacks in 2001, the funding of terrorism-related activities.
- After 9/11 tragedy, the FATF vowed to combat international terrorism by issuing new recommendations aimed at cutting off financial avenues of funding to terrorists, and imploring (and succeeding in persuading) other nations to adopt the "Special Eight Recommendations" (now nine).

Conclusion

FATF maintains two different lists of countries: those that have deficiencies in their AML/CTF regimes, but they commit to an action plan to address these loopholes, and those that do not end up doing enough. The former is commonly known as grey list and latter as blacklist.

Once a country is blacklisted, FATF calls on other countries to apply enhanced due diligence and counter measures, increasing the cost of doing business with the country and in some cases severing it altogether. As of now there are only two countries in the blacklist — Iran and North Korea — and seven on the grey list, including Pakistan, Sri Lanka, Syria and Yemen.

125. What are the major international economic institutions? Discuss their organisational structure and mandate.

Introduction

International economic institutions are vital for the growth of international trade and financial stability maintenance. These institutions aim to provide a level playing field for all the countries and develop economic cooperation.

Body

Major international economic institutions and structure/mandate:

- World trade organization : formed in 1995 to replace the General Agreement on Tariffs and Trade (GATT), which was started in 1948 dealing with the rules of international trade among countries..
  - Structure:
- Ministerial authority with representatives of all WTO countries which is required to meet at least every two years and which can take decisions on all matters under any of the multilateral trade agreements.
- Subsidiary bodies include General Council, Committee on Trade and Development, Committee on Budget.
- Dispute settlement body which is nothing but the General council to investigate and adjudicate the trade disputes.
  - Mandate:
- Raising the standard of living of people, promoting full employment, expanding production and trade, and utilizing the world's resources optimally.
- Ensuring that developing and less developed countries have better share of growth in the world trade.
- Introducing sustainable development in which balanced growth of trade and environment goes together.
- International monetary fund: is a 189-member organization that works to stabilize the global economy.
  - Structure:
- 24 member executive board chaired by a managing director.
- Joint IMF-World Bank development committee responsible for development project assistance.
- Subsidiary bodies including Area development boards, Functional and special service departments, office of budget and planning etc.,
  - Mandate:
- Helping in increasing employment and real income of people.
- Solving the international monetary problems that distort the economic development of different nations.
- Maintaining stability in the international exchange rates.
- Monitoring the financial and economic policies of member nations.
- Assisting low developed countries in effectively managing their economies and help then financially when required.
- United Nations Conference on Trade and Development:
  - Structure:
- Headed by a secretary general.
- Management divisions like division of globalization and development strategies, division on international trade and services and so on.
  - Mandate:

- Eliminating trade barriers that act as constraints for developing countries.
- Formulating principles and policies related to international trade.
- Providing technical assistance to developing countries specially low developed countries.
- World economic forum
  - Structure: executive chairman assisted by board of trustees.
  - Mandate:
- engage the foremost political, business, cultural and other leaders of society to shape global, regional and industry agendas.
- bringing together people from all walks of life who have the drive and the influence to make positive change.
- World bank
  - Structure
- Comprises of The International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA).
- Owned by member countries with voting rights proportional to the financial contribution made.
  - Mandate
- To end extreme poverty, by reducing the share of the global population that lives in extreme poverty to 3% by 2030.
- To promote shared prosperity, by increasing the incomes of the poorest 40% of people in every country.

Conclusion

There are various other vital economic institutions including the International finance corporation, MIGA and so on. All in all, the mandate is to promote international trade by eliminating tariff and non-tariff barriers as well as maintain financial stability aong with support for development works.