

1. Examine the provisions with respect to the nomination of members in both the houses of the Parliament.**Approach**

In short, we have to mention provisions related to the nomination of members in both the houses of the Parliament. Further, we need to establish the key facts and issues related to these provisions.

Introduction

Article 80 and 331 of Indian constitution deal with the provisions related to the nomination of members in Rajya Sabha and Lok Sabha respectively. In recent times, the President of India nominated Ex-Chief Justice of India as a member of Rajya Sabha under Article 80.

Body**The provisions related to the nomination of members in both the houses of the Parliament –**

- Article 80 empowers President of India to nominate 12 members of the Rajya Sabha from people who have special knowledge or practical experience in art, literature, science and social service.
- Article 331 dealt with the nomination of two members from the Anglo-Indian community if the community was not adequately represented in the Lok Sabha. This provision was removed under the 104th Constitutional Amendment Act, 2019.
- The nominated members becomes disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat in the house.

The nomination process was intended to satisfy following objectives –

- Inclusive representation: Representation to Anglo-Indians and eminent persons made Parliament more inclusive and representative.
- Diversifying political discourse: Eminent persons from varied fields highlighted issues of their respective fields. They brought experience and expertise to the houses. E.g.: Sachin Tendulkar (Sports), Javed Akhtar (Film & Music), etc.
- Enhance policy making: They provide relevant inputs to policies and make policy making more informed.
- Patronage and Promotion: Encouragement and motivation to fields of art, science, literature etc.

However, these provisions with novel intentions have following issues –

- Skewed approach: Nomination members from a specific community and expertise cause neglect of other needy communities and expertise. E.g.: Jews, Parsi, etc. are in minority and have minuscule or no representation.
- Lack of transparency in nomination procedure cause allegations of favouritism, nepotism, etc.
- Pulled into party politics: Joining a political party before six months puts nominated member under the Whip of the concerned political party. This defeats the very purpose of nominating members to the houses.
- Lack of attendance and participation in debates: Below average attendance and asking few questions highlight inefficient use of important political platform. E.g.: Performance of Sachin Tendulkar, actress Rekha attracted huge criticism.
- Bad precedent: Nomination members from judiciary (ex-CJI Ranjan Gogoi, etc.), civil services, religious figures etc. impact sanctity of concerned institutions.
- Till date no bill has been initiated by the nominated members
- Nominated members especially eminent persons prioritise commitment to their personal engagements instead of Parliamentary sessions

Conclusion

Nomination of members in both the houses of the Parliament has contributed in diversifying India's political discourse. However, the process of nominating members needs to be reviewed; it needs to be more transparent and democratic to strengthen India's democratic polity.

2. What are your views on the frequent disruption of parliamentary proceedings? Shouldn't there be a strict law to curb such disruptions? Critically comment.

Approach

Candidates are expected to write views on disruptions of parliamentary proceedings and comment on whether there is requirement of law to curb such disruption.

Introduction

Parliament is the highest law making body in the country. In addition to its legislative function, it keeps a check on the functioning of the government and passes the country's budget. As a representative institution, it also highlights important issues being faced by the people. These responsibilities have been entrusted to both Houses of Parliament by the Constitution. The fulfilment of this mandate is dependent upon the effective participation of Members of Parliament (MPs) in its proceedings.

Body

The members of the parliament have been vested with the freedom of speech and expression. As the very essence of our parliamentary democracy is a free and fearless

discussion, anything said by them expressing their views and thoughts are exempted as per Article 105 of parliamentary privileges from any liability and cannot be tried in the court of law. But these causes disruption and obstacles to legislative process.

Frequent disruptions of parliamentary proceedings:

- In the last decade, MPs have raised slogans, snatched papers from ministers and used pepper spray in the House. During this session, both houses witnessed coordinated sloganeering and display of placards. MPs threw paper planes and a protesting MP, dressed in costume as a former chief minister, and played music to disrupt the house.
- In most cases, disorders in the House arise out of a sense of frustration felt by members due to lack of opportunities to make his point, or clear his chest of grievances of the people that move him or out of the heat of the moment. They are perhaps easier to deal with. What is more difficult to tackle is planned parliamentary offences and deliberate disturbances for publicity or for political motives.
- Disruptions have become an endemic feature of the functioning of the Indian Parliament. This has led to waste of taxpayers' money on a perpetually disrupted and consequently, non-functioning Parliament; second, the legislative paralysis that has stultified governance.
- Accordingly, ruling governments may, in some cases, schedule the transaction of business of each Session in such manner so as pave the way for greater disruptions in Parliament. Such disruptions make it impossible for the Speaker/Chairman to conduct the Question Hour/Zero Hour, and, in some sense, allow governments to avoid answering questions that are posed to them.

Stricter law to curb disruption:

- New stricter law to check disruption of Parliament proceedings and stop members from frequently entering into the Well of the House and shout slogans, a phenomenon which has kept the transaction of crucial legislative business at bay in many sessions.
- Stricter law with harsh provisions can stifle the freedom of MPs therefore there is need to have a "Code of Conduct" for members of Lok Sabha, Rajya Sabha, State Assemblies and Councils to minimise disruptions in the House especially relating to suspension for entering and protesting in the well of the House.
- With code of conduct on lines 'Parliamentary Disruption Index' can be used to assess. It can draw a distinction between genuine interruptions which raise issues of national importance and seek to engage members, from different political parties, in a healthy debate, from disruptions, which are made simply to stall the smooth and efficient functioning of the House(s).
- To address this, the parliamentary sessions may be structured on similar lines as in the UK and USA, where the opposition parties get the opportunity to lead discussions. At least one day per week, preferably a Monday so as to reduce incidents of disruptions during the rest of the week, must be allocated towards discussions that are led by the members of the opposition parties.

- The Ethics Committees may also be vested with the power to specifically publish information on disruptions, including names of MPs who disrupt the most, on a periodic basis as well as a record of complaints and enquiries relating to disruptions.
- Thus, the application of the law of defection by convention should only be when a MP votes against the party whip on a no-confidence motion or a finance bill. For ordinary legislative activity as well as non-legislative activity (where whips are issued), a contrary vote should not attract the anti-defection law.
- However, little attention has been paid to what the underlying causes for such disruptions are. More crucially, very little writing has focused on why MPs, envisaged as the embodiments of responsiveness to their constituents, have continued to disrupt Parliament, and been immune to popular criticism.

Conclusion

Parliamentary debates are recorded for posterity. They offer an insight into the thinking of our elected representatives. Disruptions ensured that no such insights are available to future generations. An inscription on top of the gate of the inner lobby of the Lok Sabha reads: "Truth has been said to be the highest duty." When we look at the work done by the Parliament in many disputed sessions, our MPs might have fallen short of their constitutional duty.

3. What are the roles and privileges of Lieutenant Governor (LG) in the Union Territories (UTs)? What are the emerging issues with respect to LG's relations with the elected government? Discuss.

Approach

Candidate is required to give role and privileges of lieutenant governor according to constitution and then go on to discuss the emerging dominant trends in their functioning with respect to elected representatives.

Introduction

Article 239 says that every Union Territory in India shall be administered by the President of India, to such extent as he thinks fit, through an administrator to be appointed by him. It is called Lieutenant Governor in Andaman and Nicobar Islands, Delhi and Puducherry. Thus, Lieutenant Governor is an administrator and not a constitutional head like governors of states.

Body

Role of Lieutenant Governor:

- Governors are not elected by the people and, so their role was debated in the Constituent Assembly. But, they were considered important in situations of

constitutional crisis and for bridging the gap between the centre and the state government.

- Only three Union Territories — Andaman and Nicobar, Delhi and Puducherry have Lt. Governors.
- The functions and powers of a Governor and a Lieutenant Governor are, more or less, the same. The LG, like the Governor, acts a titular head of the Union Territory. But, the powers of an LG are wider than that of a Governor.
- This is because, a Governor of a state has to act solely on the aid and advice of the Council of Ministers, whereas, the LG does not need the approval of the Council of Ministers on every matter.
- In case of Delhi, the government exercises no power in the domain of land, law, and police. The LG has complete discretion to decide upon any of these matters.
- Both Delhi and Puducherry has an elected legislature and government. But, the functions and powers of the Lieutenant Governors of Delhi and Puducherry are marked by certain differences.
- The LG of Delhi enjoys greater powers than the LG of Puducherry.
- The LG of Delhi is vested with “Executive Functions” that enable him to exercise powers in matters connected to public order, police and land “in consultation with the Chief Minister, if it is so provided under any order issued by the President under Article 239 of the Constitution”.
- While the L-G of Delhi is guided by the Government of National Capital Territory of Delhi Act, 1991, and the Transaction of Business of the Government of National Capital Territory of Delhi Rules, 1993, the L-G of Puducherry is guided by the Government of Union Territories Act, 1963.

Emerging issues of LG with elected governments

- Due to the co-existence of Article 239 and 239AA, there is a jurisdictional conflict between the government of NCT and the Union Government and its representative, the Lieutenant Governor.
- According to the Union government, New Delhi being a Union Territory Article 239 empowers the Lieutenant Governor to act independently of his Council of Ministers.
- However, the state government of Delhi held that the Article 239AA of the Constitution bestows special status to Delhi of having its own legislatively elected government.
- SC in 2018 held that for establishing a democratic and representative form of government for NCT of Delhi, Government of Delhi that enjoys the confidence of the people of Delhi should have the functional autonomy to legislate for the NCT of Delhi.
- Hence, through the judgement, the Supreme Court has settled the law in regard to the ‘aid and advice’ of the Council of Ministers by affirming that the LG is bound to act on the aid and advice except in respect of ‘Land’, ‘Public Order’ and the ‘Police’.
- Recent disputes also emerged between LG of Puducherry and elected government.

- SC held that LG does not to refer to the President normal administrative matters as that would disturb the concept of Constitutional governance, principles of collaborative federalism and the standards of Constitutional morality.

Way forward

- Incorporating the Washington DC Model: Indian Government can emulate the model of administrative sharing of power between the Federal Government of US and state of Washington.
- Under that scheme, only the strategic areas and buildings are under the effective control of the federal government and the rest of the areas are under jurisdiction of Washington state.
- Given this, the institution of strategic importance like Parliament, Supreme Court etc. can remain under the jurisdiction of Union Government and areas other than these can be given statehood.

Conclusion

Harmonious Functioning: Constitutional scheme adopted for the NCT of Delhi conceives of the Council of Ministers as the representatives of the people on the one hand and the LG as the nominee of the President on the other. For the sake of adhering to the principle of representative democracy and cooperative federalism, it is required that both the constitutional offices should function in harmony within the Constitutional parameters.

4. What are the key considerations that attract foreign investors to a country? Discuss. What are the recent initiatives taken by the government to increase the? inflow of foreign investment in the country? Examine.

Approach

First discuss the key considerations that attract foreign investors to a country (to discuss means to use your skill at reasoning, backed up by deliberately selected evidence to make a case for and against an argument) then examine the recent initiatives taken by the government to increase the inflow of foreign investment in the country (examine means to inspect something in detail and investigate the implications)

Introduction

Foreign direct investment (FDI) means companies purchase capital and invest in a foreign country. For example, if a US multinational, such as Nike built a factory for making trainers in India; this would count as foreign direct investment.

Body

THE KEY CONSIDERATIONS THAT ATTRACT FOREIGN INVESTORS TO A COUNTRY

The main factors that affect foreign direct investment are:

1. **Wage rates:** A major incentive for a multinational to invest abroad is to outsource labour-intensive production to countries with lower wages.
2. **Labour skills:** Some industries require higher skilled labor, for example pharmaceuticals and electronics. Therefore, multinationals will invest in those countries with a combination of low wages, but high labor productivity and skills.
3. **Tax rates:** Large multinationals, such as Apple, Google and Microsoft have sought to invest in countries with lower corporation tax rates.
4. **Transport and infrastructure:** A key factor in the desirability of investment are the transport costs and levels of infrastructure.
5. **Size of economy / potential for growth:** Foreign direct investment is often targeted to selling goods directly to the country involved in attracting the investment. Therefore, the size of the population and scope for economic growth will be important for attracting investment.
6. **Political stability / property rights:** Foreign direct investment has an element of risk. Countries with an uncertain political situation, will be a major disincentive. Also, economic crisis can discourage investment.
7. **Commodities:** One reason for foreign investment is the existence of commodities.
8. **Access to free trade areas:** A significant factor for firms investing in Europe is access to EU Single Market, which is a free trade area but also has very low non-tariff barriers because of harmonization of rules, regulations and free movement of people.
9. **Exchange rate:** A weak exchange rate in the host country can attract more FDI because it will be cheaper for the multinational to purchase assets. However, exchange rate volatility could discourage investment.

THE RECENT INITIATIVES TAKEN BY THE GOVERNMENT TO INCREASE THE INFLOW OF FOREIGN INVESTMENT IN THE COUNTRY

Measures taken by the Government on the fronts of FDI policy reforms, investment facilitation and ease of doing business have resulted in increased FDI inflows into the country. The measures include:

- The Central Government amended FDI Policy 2017, to permit 100% FDI under automatic route in coal mining activities in 2019.
- The government clarified that investments in Indian entities engaged in contract manufacturing is also permitted under the 100% automatic route provided it is undertaken through a legitimate contract.
- Further, the government permitted 26% FDI in digital sectors. The sector has particularly high return capabilities in India as favourable demographics, substantial mobile and internet penetration, massive consumption along with technology uptake provides great market opportunity for a foreign investor.
- Foreign Investment Facilitation Portal (FIFP) is the online single point interface of the Government of India with investors to facilitate FDI. It is administered

by the Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry.

- Contract manufacturing Production of goods by one firm, under the label or brand of another firm is another initiative taken by government for the same.

Conclusion

Foreign Direct Investment (FDI) is a major driver of economic growth and an important source of non-debt finance for the economic development of India. It has been the endeavour of the Government to put in place an enabling and investor friendly FDI policy. The intent all this while has been to make the FDI policy more investor friendly and remove the policy bottlenecks that have been hindering the investment inflows into the country. The steps taken in this direction during the last six years have borne fruit as is evident from the ever-increasing volumes of FDI inflows being received into the country. Continuing on the path of FDI liberalization and simplification, Government has carried out FDI reforms across various sectors.

5.The possibility of a ‘two-front’ war with Pakistan and China is the most significant security threat for India. Do you agree? Critically comment.

Approach:

Students are expected to write the both sides, is the two-front war possible or not. In the second part, they should write how big a threat is it for India to manage. And then they should write about the challenges India would face both militarily and diplomatically to tackle the war. The question needs both the sides to provide a balanced view-point.

Introduction

During the recent clash with China on LAC, as the Chinese military appeared to be escalating their aggressiveness beyond Galwan to Pangong Tso, there were apprehensions that continued escalation could reach a state of general war on two fronts. That while India is being pressed by China, Pakistan would seize the opportunity to attack Kashmir. There are, however, a huge number of reasons why this escalating two front scenario is logically untenable.

Body:

Significant threat to security of India

- The incidents at Galwan Valley and other hotspots in Ladakh, triggered the experts to urgently consider the two-front war as a possibility. The way the military build-up continued, the rising stridency in competing claims, the contracting politico-military and diplomatic space for any kind of compromise, it appeared that the two countries are inexorably stumbling, bumbling and

blustering towards a conflict. It was thought that the next clash could involve shots being fired in anger, and from there it is anyone's guess how much things would have escalated. However the localised conflict burned itself out as quickly as it started. But it is just as likely that it moves up the escalation ladder into a limited conflict which then snowballs into something bigger involving politico-economy across or even all the sectors along the LAC.

- The one thing India must factor in any calculation about a possible conflict in the Eastern front is the eminent possibility of the Western front also becoming active. Given the strategic collusion between China and Pakistan, it is a virtual no-brainer that if a shooting match starts between India and China even post disengagement, the Chinese will direct the Pakistanis to jump into the fray.
- For their part, the Pakistanis who are already seething over the constitutional changes made in the erstwhile state of Jammu and Kashmir, this will be seen as a golden opportunity to even the scores with India. The Pakistanis know that on their own there is no way they can launch a successful military operation to snatch Kashmir. Diplomatically and politically, their raving and ranting has got little traction. Their best hope is to catch India in a pincer – China on one side, they on the other – make some territorial gains in Kashmir. This means that India must be prepared for fighting on two fronts and not just one if things go downhill with the Chinese.
- Since the 1980s, China's policy on Kashmir had evolved from a strong pro-Pakistani stance to a more balanced one between Pakistan and India. Beijing's diplomatic support for internationalizing the Kashmir issue in the United Nations had also diminished over time, including during the 1999 Kargil War between India and Pakistan. But by upsetting the status quo and embracing confrontational rhetoric in August 2019, Modi's government compelled China to take a more forceful official posture on territorial disputes. As a result, India's nightmare scenario — a two-front conflict with China and Pakistan simultaneously — has become a reality. What's more, it is in fact facing a two-and-a-half front challenge against China in the north, Pakistan in the west, and an insurgency in Kashmir.
- Pakistanis won't be so foolish as to jump into this war. But the fact is that the Pakistanis have always been foolish enough to underestimate India, time and time again. Therefore to imagine they will not once again give into to their foolishness, and will resist the temptation to damage India is really expecting the moon. Even the fact that the Pakistan economy is broke and has foreign exchange reserves of only \$10 billion (all of it borrowed money) will not dissuade it. But if the situation on the LAC deteriorates, then India should brace for at least scaled up forays from the Pakistani side.

Two-front war is untenable

- In the Indian military's thinking, while China was the more powerful, the chance of a conventional conflict breaking out was low.
- Yes, a two-front war is a definite possibility in the Indian context nevertheless, the war envisaged, would be very difficult to coordinate and execute by the opponents. The worst-case scenario for India is, both, the western as well as eastern fronts being attacked simultaneously, thus forcing her to divide the

war efforts. Any more coordinated effort by the enemies would require centralised command and control structures, aka WW II, which is envisaged not to be a possibility in the present situation.

- India-US alliance could be a threat to China's oil imports, presumably in the Indian Ocean. So it would seem that if the opinion of the CMC is reflected in Chinese public debate, both countries are wary of an escalation to a two front war.
- Lastly, the likelihood of Pakistan attacking India – even an India engaged in the Northern border – is very remote. In war games with Pakistan with Pakistani participants, Islamabad has seemed more concerned with the nuclear threshold in a defensive war with India, and the quandary of dealing with India's superior Navy and Air Force.

Challenges and Preparedness.

- Bereft of centralised command, the efficacy of a two-front attack and maintenance of the aim is diluted, giving India the edge. For India, it would now mean breaking down the war into three distinct major geographical theatres viz. the west theatre, encompassing the borders and sea we share with Pakistan, the north theatre, encompassing the border regions of Ladakh down south to the northwestern edge of Nepal and the northeastern theatre, encompassing border regions from the south-east of Nepal to all the way up to Arunachal and further down towards the south. Airpower which paves the way for all modern campaigns, need to match up to the challenges on all three fronts.
- Interestingly, in the context of traditional air warfare, Pakistan stands at a better position to threaten India, than China would. Adequacy of airbases all along the border and a tight network of air defence system provide Pakistan just the required platform for an ideal offensive and subsequent defence. China whereas, all along its area of interest, lacks adequate airbases, the few they have are at very high altitudes, penalising the take-off requirements and all up weight performance.
- China has an arsenal of 2500+, the surface to surface missiles of varying ranges and CEP (circular error of probability), with conventional warheads, which it would most certainly use against India in the opening wave.
- Reports by India's constitutionally mandated auditor have highlighted that stocks of 55 percent types of ammunition were below the "minimum acceptable risk level" meant to last 20 days of warfighting. More alarmingly, stocks of 40 percent types of ammunition were not sufficient for even 10 days of intense warfighting.

Conclusion:

Indian military officials have for long maintained that the armed forces are prepared for a two-front contingency. That moment of truth might be just around the corner. Even if the immediate crisis with China gets resolved, it should now be very clear that both India and China are now closer to a hot war than they have been in nearly half a century. Whenever that war happens – most probably within the next couple of years – India will almost certainly be fighting on two fronts. To prepare for such an

eventuality, apart from beefing up its offensive capabilities, India needs to change its war doctrines, including its nuclear doctrine, to deter the enemies.

