

**1. In what ways did the 1975 national emergency affect the political discourse in India? Examine.**

**Approach**

Candidates are expected to write about 1975 national emergency with its short background and also examine how 1975 national emergency affected the political discourse in India.

**Introduction**

The emergency was declared by the Indira Gandhi government in 1975 and was in place for 21 months. Threat to national security and bad economic conditions were cited as reasons for the declaration. A state of emergency in India refers to a period of governance that can be proclaimed by President of India during certain crisis situations. Under the advice of the cabinet ministers, the President can overrule many provisions of the Constitution, which guarantees Fundamental Rights to the citizens of India.

**Body**

Civil liberties were suspended, media was censored, state and parliamentary elections were postponed, and anyone who wrote or spoke against the Government was put behind bars. Let us look at how it affected the political discourse in India –

- The government made blatant and extensive use of its power of preventive detention. Political personalities were arrested and detained only on the apprehension that they may commit an offence. Negating the judgment of several High Courts, the Supreme Court in April 1976 gave a judgment upholding the constitutional validity of such detentions during the Emergency.
- Acts of dissent and resistance did happen during the Emergency, but these were few. Newspapers like the Indian Express and the Statesman protested against censorship by leaving blank spaces where news items had been censored.
- Just a few months after declaring Emergency, President's Rule was imposed on the two states ruled by the opposition party Gujarat and Tamil Nadu thereby bringing the entire country under the direct control of the central government.
- As a result of a fallout with Sanjay Gandhi, Kishore Kumar's songs were banned from playing on the All India Radio and Doordarshan. Artists like Kumar and Dev Anand, who were vocally critical of the Emergency, later faced unofficial bans from government and state broadcasters.
- In the name of family planning, mass sterilisation drives were organised. While there are no official numbers available, millions of people (both men

and women) were forced to get sterilised during this 21-month period. Sanjay Gandhi was seen to have 'extra-constitutional' powers during the Emergency, and enjoyed full impunity.

- Parliament passed the 42nd amendment, giving Parliament unlimited powers to amend the Constitution and not allow Constitutional amendments to be challenged in the courts.
- Over the course of the year, the Constitution was amended to protect 64 laws from any judicial scrutiny, and thousands of people were arrested for opposing the government. Leaders like George Fernandes went underground to continue the resistance. Twenty six political organisations, including the Rashtriya Swayamsevak Sangh (RSS) and Jamaat-e-Islami, were banned.
- The Maintenance of Internal Security Act (MISA) was amended through an ordinance to allow the detention of any person who may pose a political threat by voicing opposition, without a trial. The Shah Commission estimated that nearly 1,11,000 people were arrested under preventive detention laws. Torture in police custody and custodial deaths also occurred during Emergency.
- The 21 months of the Emergency had a lasting impact on India. For the first time, a non-Congress government came to power at the Centre, and it was during this period that several contemporary leaders became politically active. The 1977 elections turned into a referendum on the experience of the Emergency, at least in north India where the impact of the Emergency was felt most strongly. The opposition fought the election on the slogan of 'save democracy'.
- The lesson was clear and has been reiterated in many state level elections thereafter governments that are perceived to be anti-democratic are severely punished by the voters. In this sense the experience of 1975 -77 ended up strengthening the foundations of democracy in India.
- The new party accepted the leadership of Jayaprakash Narayan. Some leaders of the Congress who were opposed to the Emergency also joined this new party. Some other Congress leaders also came out and formed a separate party under the leadership of Jagjivan Ram. This party named as Congress for Democracy, later merged with the Janata Party.
- The forced relocation and displacements, the forced sterilisations, were mostly concentrated in the northern States. But more importantly, north India had experienced some long term changes in the nature of political competition. The middle castes from north India were beginning to move away from the Congress and the Janata party became a platform for many of these sections to come together. In this sense, the elections of 1977 were not merely about the Emergency.

### **Conclusion**

The provisions of emergencies are provided keeping in view the security and stability in the nation. But they must not be used for political gains or disturbing the

democratic structure of the nation. They are meant only to maintain the constitutional machinery only in cases of real crisis situations. If autocratic rule tries to destroy the democratic structure of India, the citizens have the powers to change the rule by general elections as done in 1977.

**2. What was the mandate of the Mandal Commission? What were the key recommendations of its report? Discuss.**

**Approach**

Question is straight forward, candidate can start with the brief history of Mandal commission and then elaborate on the recommendations with the impacts it had on the liberalized Indian economy.

**Introduction**

On August 7, 1990, the then prime minister V.P. Singh made a historic decision that changed Indian politics and way of ensuring social justice. The then government decided to implement the recommendations of the Mandal Commission, and open up reservations for Other Backward Classes (OBCs) in government job. He announced that OBCs would get 27% reservation in jobs in central government services and public sector units. This was perhaps the world largest affirmative action programme.

**Body**

History of reservation –

- **Establishing First Backward Class Commission:** In January 1953, the JL Nehru government had set up the First Backward Class Commission under the chairmanship of social reformer Kaka Kalelkar. The commission submitted its report in March 1955, listing 2,399 backward castes or communities, with 837 of them classified as ‘most backwards’. However, the report was never implemented.
- **Establishing Second Backward Class Commission:** On January 1, 1979, the Morarji Desai government chose Bindeshwari Prasad Mandal, a former chief minister of Bihar, to head the Second Backward Class Commission. Mandal submitted his report two years later, on December 31, 1980.

**Mandate of Mandal commission –**

- In 1979, it was the Morarji Desai government which set up the Mandal Commission with the mandate to identify socially or educationally backward

classes to address caste discrimination. It was chaired by B.P. Mandal, who was once the Bihar chief minister.

- The commission developed 11 criteria to identify the backward classes who were called “**Other Backward Classes**” or **OBCs**. The criteria are classified as social, economic and educational.

#### **Social Indicators**

- Castes or classes considered socially backward by others.
- Castes or classes that relied on manual labour for their livelihood.
- Castes or classes where:
  - At least 10% males and 25% females more than the state average got married below the age of 17 years in rural areas
  - At least 5% males and 10% of females more than the state average got married below the age of 17 years in urban areas
- Castes/classes where participation of women in work is at least 25% more than the state average.

#### **Educational Indicators**

- Castes or classes where the number of children between the ages of 5 and 15 who never attended school is at least 25% more than the state average.
- Castes or classes when the rate of student dropout between the ages of 5 and 15 is at least 25% more than the state average.
- Castes or classes amongst whom the proportion of matriculates is at least 25% less than the state average.
- Economic Indicators
  - Castes or classes where the average value of family assets is at least 25% less than the state average.
  - Castes or classes where the number of families living in kutcha houses is at least 25% more than the state average.
  - Castes or classes where the number of households having taken consumption loans is at least 25% more than the state average.

#### **Mandal Commission recommendations –**

The Commission reported that 52% of the country’s population was comprised of OBCs. Initially, the commission argued that the percentage of reservation in government service should match this percentage. However, this would have gone against an earlier Supreme Court ruling which had laid down the extent of the reservation to under 50%. There was already a 22.5% reservation for SCs and STs. Therefore, the figure of reservation for OBCs was capped at **27%** which when added to the already existing reservation would be below the 50% mark. The Commission also identified backward classes among non-Hindus. The recommendations are briefly mentioned below –

1. Reservation of 27% public sector and government jobs for OBCs for those who do not qualify on merit.

2. Reservation of 27% for promotions at all levels for OBCs in public service.
3. The reserved quota, if unfilled, should be carried forward for a period of 3 years and deserved after that.
4. Age relaxation for OBCs to be the same as that for SCs and STs.
5. A roster system should be prepared for the backward classes on the pattern of that for the SCs and STs.
6. Reservations to be made in PSUs, banks, private sector undertakings receiving government grants, colleges and universities.
7. The government to make the necessary legal provisions to implement these recommendations.

#### **Effects of Mandal commission –**

- Opposition to report- on two grounds, that reservation would compromise the merit and can the reservation be given on economic lines.
- However, it revolves around vote-bank politics which defeats the original purpose of reservation policy.
- Defeating the Intended Goal of Reservation Policy: In order to fulfil populists demands, political parties continued to expand reservation to the extent that communities who are well-off, avail reservation quotas.
- Unequal Benefits and Creation of Political Divide: According to the Rohini Commission, out of almost 6,000 castes and communities in the OBCs, only 40 such communities had gotten 50% of reservation benefits for admission in central educational institutions and recruitment to the civil services.

#### **Conclusion**

In pursuit of social justice, the Mandal Commission recommendations were implemented. However, only half of the recommendations of the commission were implemented. The commission held that reservations along all financial assistance will remain mere palliatives unless the problem of backwardness is tackled at its root. Implementation of Mandal commission recommendations empowered communities. But the current architecture of reservations needs a review, with the aim of creating a just, inclusive and equal society

**3. Discuss the circumstances under which the new economic policy was announced in 1991. What were the prominent changes introduced by the policy?**

#### **Approach**

The question is asking you to discuss that is a written debate where one has to use your skill at reasoning, backed up by deliberately selected evidence to make a case for and against an argument, or point out the advantages and disadvantages of a given context.

## **Introduction**

Almost half of India is born after 1991 economic reforms. New Economic Policy of India was launched in the year 1991 under the leadership of P. V. Narasimha Rao. This policy opened the door of the India Economy for the global exposure for the first time.

## **Body**

### **THE CIRCUMSTANCES UNDER WHICH THE NEW ECONOMIC POLICY WAS ANNOUNCED IN 1991**

- The historic 1991 reforms ushered in liberalization transforming India into a growth engine that it is today. Prior to that, India suffered greatly under the sanctions of the 'License Raj'
- The data reveals that fiscal deficit during 1990-91 was as large as 8.4 percent of GDP. The License Raj created a 'scarcity economy', and this scarcity also applied to foreign reserves since we practiced 'swadeshi'.
- The Balance of Payment crisis arose in the 1970s and worsened towards the end of 1980s. The balance of payments situation came to the verge of collapse in 1991, mainly because the current account deficits were financed by borrowings from abroad.
- The economic situation of India was critical; the government was close to default. With India's foreign exchange reserves at USD 1.2 billion in January 1991 and depleted by half by June, an amount barely enough to cover roughly three weeks of essential imports, India was only weeks way from defaulting on its external balance of payment obligations.
- India was in the need of an International Monetary Fund (IMF) bailout. The price of the bailout was the License Raj.

### **THE PROMINENT CHANGES INTRODUCED BY THE NEW ECONOMIC POLICY**

- Free determination of interest rate by the commercial Banks: Under the policy of liberalisation interest rate of the banking system will not be determined by RBI rather all commercial Banks are independent to determine the rate of interest.
- Increase in the investment limit for the Small Scale Industries (SSIs): Investment limit of the small scale industries has been raised to Rs. 1 crore. So, these companies can upgrade their machinery and improve their efficiency.
- Freedom to import capital goods: Indian industries will be free to buy machines and raw materials from foreign countries to do their holistic development.
- Freedom for expansion and production to Industries: In this new liberalized era now, the Industries are free to diversify their production capacities and

reduce the cost of production. Earlier government used to fix the maximum limit of production capacity. No industry could produce beyond that limit. Now the industries are free to decide their production by their own on the basis of the requirement of the markets.

- **Abolition of Restrictive Trade Practices:** According to Monopolies and Restrictive Trade Practices (MRTP) Act 1969, all those companies having assets worth Rs. 100 crore or more were called MRTP firms and were subjected to several restrictions. Now these firms have not to obtain prior approval of the Govt. for taking investment decision. Now MRTP Act is replaced by the competition Act, 2002.
- **Sale of shares of PSUs:** Indian Govt. started selling shares of PSU's to public and financial institution e.g., Govt. sold shares of Maruti Udyog Ltd. Now the private sector will acquire ownership of these PSU's. The share of private sector has increased from 45% to 55%.
- **Disinvestment in PSU's:** The Govt. has started the process of disinvestment in those PSU's which had been running into loss. It means that Govt. has been selling out these industries to private sector. Govt. has sold enterprises worth Rs. 30,000 crores to the private sector.
- **Minimisation of Public Sector:** Previously Public sector was given the importance with a view to help in industrialisation and removal of poverty. But these PSU's could not able to achieve this objective and policy of contraction of PSU's was followed under new economic reforms. Number of industries reserved for public sector was reduces from 17 to 2.
- **Reduction in tariffs:** Custom duties and tariffs imposed on imports and exports are reduced gradually just to make India economy attractive to the global investors.
- **Long term Trade Policy:** Forcing trade policy was enforced for longer duration.

### **Conclusion**

The 1991 economic reforms were focused primarily on the formal sector, and as a result, we have seen significant boom in those areas that were liberalized. Sectors such as telecom and civil aviation have benefited greatly from deregulation and subsequent reforms. However, liberalisation and economic reforms still have a long way to go, especially for the informal sector—including the urban poor who hold jobs as street vendors or rickshaw pullers, the agricultural sector, Micro, Small and Medium Enterprises (MSMEs) and tribal. The slow growth and stagnation in these sectors which have not seen any reform further highlights the significant role of the 1991 reforms in helping India's economy become what it is today.

### **4. Analyse the evolution of coalition politics and its impact on Indian polity.**

#### **Approach**

Question is very straight forward in its approach, students are expected to provide a detailed analysis about evolution of coalition politics in India and its impact on Indian polity, and also examples are needed to substantiate points properly.

### **Introduction**

A coalition is formed when multiple political parties cooperate, join forces and come together (which can happen prior or post-elections) which reduces the dominance or power of any single political party. A coalition is usually formed when no single political party is able to secure a working majority in the Parliament, there is possibility for a deadlock to be created when two parties are even, in such a situation one of the parties would need an ally to gain majority. The 1967 elections – the fourth in the series – saw for the first time a real challenge to the Congress party. While it gained the majority in the Lok Sabha, it lost in several state assemblies. That was the first time when the phenomenon of tandem voting got a jolt. People voted differently for the Vidhan Sabha and the Lok Sabha.

### **Body**

**Evolution** – It was the Indian National Congress which was in power both at the centre and the state levels. It was essentially a one-party dominance. But it is equally interesting to note that the Congress as a unit of political power was also a combination of many interests and issues. So structurally it was a one-party affair, but inwardly it was a coalition of many interests, issues, and objectives. So, it may not be incorrect to say that coalition of political interests was there in Indian politics right from the beginning. The course of Indian politics underwent substantial changes after the Fourth General Elections in 1967. For the first time some non-congress governments were formed in some states. This was the beginning of coalition politics in India.

### **Timeline of coalition governments in India –**

- Morarji Desai for 857 days (between March 1977 and June 1979): These were the first elections held after the National Emergency. The Janata Party won these elections and Morarji Desai took charge as the prime minister and formed the first non-Congress government. However, the Janata Party was an amalgamation of several parties and the government fell in 1979 when several parties in the Janata alliance pulled out, forcing Desai to step down.
- Charan Singh for 171 days (between July 1979 and January 1980): As Morarji Desai's government collapsed, Bharatiya Lok Dal (BLD) leader Charan Singh (who was a part of the Janata Party) took charge as the prime minister. However, the government fell after Singh couldn't prove majority in the Parliament and fresh elections were declared.
- VP Singh for 344 days (between December 1989 and November 1990): In the 1989 elections, the Janata Dal formed the National Front government with



the external support of the BJP and Left parties. VP Singh became the prime minister, but had to step down after Chandra Shekhar broke away from the party.

- Chandra Shekhar for 224 days (between November 1990 and June 1991): In 1990, Chandra Shekhar became the prime minister with the external support of Congress. Even this experiment lasted only for a short while, forcing general elections in less than a year.
- AB Vajpayee for 13 days in May 1996: The BJP's strength grew in the elections held in 1996 as the Congress came into elections facing allegations of corruption. The BJP won 161 seats, Congress' tally stood at 140, and the Janata Dal won 46 seats. The regional parties won 129 seats. As per the norm, the BJP was invited to form the government. Vajpayee attempted to form a coalition but the government lasted for 13 days – and Vajpayee stepped down ahead of the trust vote.
- Deve Gowda for 325 days (between June 1996 and April 1997): As the Vajpayee government collapsed, Deve Gowda became the prime minister with the support of regional parties and Congress from outside. However, the Congress decided to withdraw support and Deve Gowda's government collapsed in 11 months.
- IK Gujral for 333 days (between April 1997 and March 1998): Deve Gowda's resignation made way for IK Gujral, who became the prime minister. The Congress was once again supporting this United Front government but as they pulled support, the government collapsed.
- AB Vajpayee for 394 days (between March 1998 and April 1999): In 1998 elections, the BJP emerged as the single largest party with 182 seats of the 543 seats in Lok Sabha. The BJP formed the National Democratic Alliance (NDA) with regional parties and formed the government. AB Vajpayee once again was sworn in as the prime minister. But the government fell in 13 months after AIADMK withdrew support from NDA.
- AB Vajpayee from 1999 to 2004: In 1999, the BJP won 182 seats of the 543 seats in Lok Sabha. The regional parties won 158 seats and the Congress won 114 seats. However, the BJP was able to form a stable alliance which lasted for a full five-year term.
- Manmohan Singh (UPA I - 2004 to 2009): The Congress emerged as the single largest party in 2004 and won 145 seats, while the BJP won 138 seats. The Congress then went on to form the UPA (United Progressive Alliance) with the support of regional parties and outside support of Left parties, under Manmohan Singh's leadership.
- Manmohan Singh (UPA II - 2009 to 2014): As the elections were held in 2009, the UPA came back to power. The Congress also improved its tally from 145 to 206 seats, while the BJP could only win 116 seats. Manmohan Singh was elected as the prime minister for a second term.
- The present government (NDA), which has been in power since 2014, is also a coalition government since the BJP's alliance partners are also part of the

government. But the BJP won 282 seats in the 2014 elections and was above the half-way mark on its own.

**Impact on Indian Polity –**

- It led to the concept of "governance through consensual approach." A number of issues that attracted attention of the Political Parties and which demanded national consensus were electoral reforms, centre-state relations, settlement of inter-state water dispute, welfare of the weaker sections and above all issues relations to economic reforms. In this connection an interesting point can be cited where major national parties came to agreement on vital issues like constitutional amendments and making adequate room for the regional parties to play major role in the governmental policy making process.
- Deepening of Democracy- Regional political parties could capture power in states like Assam, Haryana, Bihar, Orissa, Andhra Pradesh, Tamil Nadu and others. To the observers, this development was a healthy sign for the prospect of cooperative federalism besides ensuring national unity.
- It also led to the harmonization of national and state interests through a consensus based approach between state and central governments.
- Coalition government formed with the support of regional parties allows them to have a say in the decision making. They can put forward issues and concerns related to their region and expect a serious discussion. One-size-fits-all approach will not work in Indian context. A health care policy which will work for northern states like UP and Bihar might not be relevant in states like Tamil Nadu and Kerala which are already doing good in the field of healthcare. Thus coalition government give the regional parties a power to tailor the policies in accordance with their region.
- India is a land of diverse cultures and demographics. The coalition government enables people from diverse cultures to represent themselves. Thus, having a coalition government does empower the regional parties and gives voice to regional aspirations, strengthens the federal setup in India.

However Coalition politics has also impacted Indian polity in negative ways as well some of them are listed as follows –

- Coalition government slows down the decision making. Multi party agreements are required before taking any decision and this adds to the delay already present in passing a new bill.
- Coalition government sometimes allows regional interest to take precedence over the national interest. This happened when the UPA government did not conclude the water sharing agreement with Bangladesh because West Bengal(WB) government was of the idea that this would hamper WB development.

- There are occasions when particular issues become a focal point of public indignation and agitation. The corruption involved in the alleged payment of commission to secure the contract for guns by the Swedish company Bofors was exposed in the press and Parliament. Also commonwealth games scam, coal auction scam and 2G scam became basis for agitation against corruption in 2012. This led to exposure of issues like differential power centres in the union cabinet where coalition partners used to pull the strings of governance thus creating inefficiency and governance deficit.
- In coalition governments foreign policy becomes a tool of political bargain, with increasing influence of states in foreign matters creates a deadlock. Examples in this case are, India's dealing of Tamil issue in Sri Lanka, Nuclear deal with USA, Teesta river water issue with Bangladesh.

### **Conclusion**

The concept of coalition government is good, however, its success depends on the manner in which the coalitions are forged and how governance percolates down. That is equally true of single party governments. With all their ills, coalition governments are actually far more inclusive than single party majority governments. However, both can be two sides of the same coin of fascism as long as the will of the people is not represented properly. In the present-day democracy, the decentralization of power is a must. This is possible on a real scale only if regional parties are adequately represented at the centre. Seeking majority should not be the sole purpose of creating coalition. National parties should keep the idea of Pan India progress in mind and try to form coalition with parties which represent the regional people.

### **5. Comment on the recent agreement on disengagement at the Ladakh border. Why should India be more cautious now? Examine.**

We need to mention and comment on provisions of agreement on disengagement at the Ladakh border. Further after mentioning positive outcomes, we need to mention reasons to be cautious.

### **Introduction**

After 10 months of an intense standoff between Indian and Chinese troops in eastern Ladakh on the Line of Actual Control (LAC), Defence minister in parliament said both sides had begun the process of disengagement in Pangong Tso area.

### **Body**

**Main provisions of recent agreement on disengagement at the Ladakh border –**

- India will move its troops back to Finger 3, while China will move back to Finger 8 along the peaks surrounding Pangong Tso Lake in Eastern Ladakh.
- The agreement also entails that any structures that had been built by both sides since April 2020 in both north and south bank area will be removed and the landforms will be restored.
- There is also a moratorium on patrolling in this area until resumption is discussed by both sides through diplomatic and military talks.
- Once complete disengagement is achieved at all friction areas, both sides will undertake de-escalation along the LAC.

**Disengagement is a welcome step due to following reasons –**

- Triumph of peaceful bilateral dialogue: Even after violent Galwan clash, both sides realized potential of peaceful bilateral dialogue. It took 9 rounds of talks to come up with current disengagement understanding.
- Preventing a costly affair: Heavy troop and equipment deployment in difficult terrain and extreme climatic conditions put heavy cost. Thus current agreement prevents not only economic drain but also saves lives of personnel.
- It provides opportunity to discuss and resolve other standoffs especially Depsang plains. Even long standing sticky issues like demarcating Line of Actual Control (LAC), etc. can be discussed for a long term and sustainable peace.

**However, India needs to be more cautious now due to following reasons –**

- 1962 experience: in July, 1962, the then Prime Minister Jawaharlal Nehru had welcomed the 'partial' withdrawal of Chinese troops from Ladakh. However, China invaded Indian territory barely three months later in a blatant act of betrayal.
- Galwan conflict: The Galwan Valley clash that killed 20 Indian soldiers on 15 June, 2020. It had taken place during a verification process after both sides had agreed to disengage from the location. Thus, India needs to maintain cautious approach while current disengagement as per the agreement.
- Other pending standoffs: standoff in Depsang Plains, Hot Springs, Gogra, Charding Ninglung Nallah junction in Demchok sector, etc. are not part of the current disengagement plan. Though not tense currently but they need an amicable resolution to prevent future escalation.
- Restrictive terms of disengagement: As per agreement Indian troops cannot patrol in area between Finger 4 to Finger 8, which Indian troops patrolled before the standoff. Thus, as per current disengagement process nothing stops the Chinese from coming back later.
- Heavy troop deployment: China and India has deployed more than 50000 troops in the standoff region. Understanding on withdrawal of troops is still pending and continues to be a major reason of worry.

- Apprehension of conflict in other areas: Still, there is confusion over the reason for current stand off by Chinese side and also no clarity on why disengagement now, why not earlier or later. Thus, many analyst fear of unknown Chinese activities possibly in Indo-Pacific region, on Sikkim-Arunachal border and on Western border especially in CPEC area.

### **Conclusion**

The 1962 experience lies at the heart of the apprehensions about Chinese intentions, where China used deception and smokescreen to mount a full-frontal attack on India at multiple locations. Thus, India needs to maintain firm resolve and seek 'distrust and trust but verify' approach while dealing with China.

### **6. 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.

**7. 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.

**8. 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:

- **Wage rates:** A major incentive for a multinational to invest abroad is to outsource labour-intensive production to countries with lower wages.
- **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.
- **Tax rates:** Large multinationals, such as Apple, Google and Microsoft have sought to invest in countries with lower corporation tax rates.
- **Transport and infrastructure:** Key factors in the desirability of investment are the transport costs and levels of infrastructure.
- **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.
- **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.
- **Commodities:** One reason for foreign investment is the existence of commodities.
- **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.
- **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.

**9. 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 north western edge of Nepal and the north-eastern 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.

**10. What are the executive powers of the President? Discuss. What are the limitations on exercising the executive powers? Explain.**

**Approach**

We have to mention important executive powers of the President. Further, we need put arguments for relevance of conferring such powers to President and also mention its limitations.

**Introduction**

Articles 52 to 78 in Part V of the Indian Constitution deal with the Union executive; from this Article 53 states that all the executive powers of the Union will be vested in the President of India and shall be exercised by him either directly or through officers sub-ordinate to him in accordance with this constitution.

**Body**

**Executive powers of the President:**

- Head of the Union: All executive actions of the Government of India are formally taken in his name. (Article 77)

- Make rules specifying the manner in which the orders and other instruments made and executed in President's name shall be authenticated.
- Make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.
- Appointment of the prime minister and the other ministers. They hold office during his pleasure.
- Appointments: Appoint the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.
- Appoint the comptroller and auditor general of India (CAG), the chief election commissioner (CEC) and other election commissioners, the chairman and members of the Union Public Service Commission (UPSC), the governors of states, the chairman and members of finance commission, and so on.
- Seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.
- Require the Prime Minister to submit, for consideration of the council of ministers.
- Appoint a commission to investigate into the conditions of SCs, STs and other backward classes.
- Appoint an inter-state council to promote Centre–state and interstate cooperation.
- Administer the union territories through administrators appointed by him.
- Declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.
- Supreme Commander: As head of State, the President is the supreme commander of armed forces of India and is entitled to declare war or conclude a treaty.

These executive powers enable the President to:

- Preserve, protect and defend the constitution and the law of India.
- Provide continuum to India's administration and governance.
- Cause smooth and democratic transition of power.

**Limitations on exercising the executive powers:**

- Absence of real powers: Under parliamentary system President is only a symbol of the executive authority who acts on the aid and advice of the Council of Ministers headed by the Prime Minister. 42<sup>nd</sup> and 44<sup>th</sup> amendment acts made ministerial advice binding on the President.
- Lack of accountability: President cannot be sued for any executive action of the State. Article 361 states that judicial proceeding may be brought against the Government of India but not against the President.
- Discretionary powers: The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. The President can act on his discretion while appointing the Prime Minister when no party has a clear

majority in the Lok Sabha or when the Prime Minister in office dies suddenly and there is no obvious successor. This power may be used with political bias favouring certain political party or coalition.

- President has no say in appointment of AG, CAG, CEC, etc. as it is done on advice of council of ministers or committees. Hence, such appointments lack transparency in most of the cases.
- President has no removal powers to remove CAG and CEC.
- Recommendations of the commission appointed to investigate into the conditions of SCs, STs and other backward classes are advisory in nature.
- Inter-state council is not a permanent institution. It is a platform for deliberation with advisory recommendations and no enforceable mandate.

### **Conclusion**

The President is the head of the Indian State and is the first citizen of India. His executive powers combined with legislative, judicial, financial, emergency powers enable him to act as the symbol of unity, integrity and solidarity of the nation.

### **11. Discuss the role and composition of the Cabinet Committee on Security (CCS).**

#### **Approach**

It's a very straight forward question. Candidates are expected to write about cabinet committees and then discuss the role and composition of the cabinet committee on security.

#### **Introduction**

The executive in India works under the Government of India Transaction of Business Rules, 1961. This rules sets the establishment of cabinet committees. The Cabinet Committee are institutional arrangements to reduce the workload of the Cabinet and for smooth and convenient functioning of the government. They are based on the principles of division of labour and effective delegation.

#### **Body**

Cabinet Committee on Security:

- Cabinet committee on security undertakes major decisions with respect to the significant appointments in the security apparatus, issues of national security, defence expenditure of India etc.

Composition of Cabinet Committee on Security:

- Prime Minister, Minister of Defence, Minister of Home Affairs, Minister of Finance & Corporate Affairs and Minister of External Affairs. It is chaired by the Prime minister.
- The Prime Minister constitutes Standing Committees of the Cabinet and sets out the specific functions assigned to them. He can add or reduce the number of committees.
- Many time public servant and member from defence staff, a non cabinet member are also called upon by the committee to discuss and deliberate on important issues.

**Role of Cabinet Committee of Security:**

- It also facilitate in-depth examination of internal and external security policy issues and effective coordination.
- Committees facilitates efficient utilisation of time and Human Resource's with defence staffs and personnel by assigning the tasks and duty on broad contours of security of India.
- Discussing the issues concerning international deals that impact India's security. The political issues revolving around the nation's security. Evaluating the need for the national security apparatus and bringing in desired changes to enhance national security.
- They help in safeguarding principle of collective responsibility on Security matters. It also helps in facilitation of utilisation of ministerial expertise. For example MEA S. Jaishankar having expertise on external issues helps in assessing impact of changing geopolitical status on Indian security.
- The Committee deals with issues relating to law and order, internal security and policy matters concerning foreign affairs with internal or external security implications.
- It considers issues related to the Department of Defence Production and the Department of Defence Research and Development, Services Capital Acquisition plans and schemes for procurement of security-related equipment. And considers all cases involving capital expenditure of more than Rs. 1000 crores.
- It also considers all matters relating to atomic energy and nuclear weapons related matters.
- It will review the manpower requirements relating to national security and setting up new structures to deal with security-related issues.
- For example recently, the Cabinet Committee on Security has approved the setting up of a new National Security Directive on the telecommunication sector. It aims to classify telecom products and their sources under the 'trusted' and 'non-trusted' categories.
- The Cabinet Committee on Security approved the creation of a chief of defence staff (CDS), who will be the single-point military adviser to the government.

**Conclusion**



The cabinet committees wield real power of decision on important general policy matters. It device enables ministers to bargain and compromise with each other and this reduces pressure of work upon the cabinet. Consequently, the cabinet is left free to devote itself to more important matters. The committee system safeguards the principle of collective responsibility, which is an essential feature of the cabinet system.

**13. Explain various writ jurisdictions. What role do writs play in protecting the Interests of citizens.**

**Approach-** Question is straight forward. Candidate can start with the definition of the writ jurisdictions and then with the help of examples elaborate on the role they play in protecting rights of the citizens.

**Introduction**

Writs are a written order from the Supreme Court or High Court that commands constitutional remedies for Indian Citizens against the violation of their fundamental rights. Article 32 in the Indian Constitution deals with constitutional remedies that an Indian citizen can seek from the Supreme Court and High Court against the violation of his/her fundamental rights. The same article gives the Supreme Court power to issue writs for the enforcement of rights whereas the High Court has the same power under Article 226.

**Body**

Types of writs in India

- The Supreme Court of India is the defender of the fundamental rights of the citizens. For that, it has original and wide powers. It issues five kinds of writs for enforcing the fundamental rights of the citizens. The five types of writs are:

1. Habeas Corpus
2. Mandamus
3. Prohibition
4. Certiorari
5. Quo-Warranto

Habeas corpus

- The Latin meaning of the word 'Habeas Corpus' is 'To have the body of.' This writ is used to enforce the fundamental right of individual liberty against

unlawful detention. Through Habeas Corpus, Supreme Court/High Court orders one person who has arrested another person to bring the body of the latter before the court.

- The Supreme Court or High Court can issue this writ against both private and public authorities.
- Habeas Corpus cannot be issued in the following cases: When detention is lawful, When the proceeding is for contempt of a legislature or a court, Detention is by a competent court, Detention is outside the jurisdiction of the court.

#### Mandamus

- The literal meaning of this writ is 'We command.' This writ is used by the court to order the public official who has failed to perform his duty or refused to do his duty, to resume his work. Besides public officials, Mandamus can be issued against any public body, a corporation, an inferior court, a tribunal, or government for the same purpose.
- Unlike Habeas Corpus, Mandamus cannot be issued against a private individual.
- Mandamus can not be issued in the following cases: To enforce departmental instruction that does not possess statutory force, To order someone to work when the kind of work is discretionary and not mandatory, To enforce a contractual obligation

#### Prohibition

- The literal meaning of 'Prohibition' is 'To forbid.' A court that is higher in position issues a Prohibition writ against a court that is lower in position to prevent the latter from exceeding its jurisdiction or usurping a jurisdiction that it does not possess. It directs inactivity.
- Writ of Prohibition can only be issued against judicial and quasi-judicial authorities. It can't be issued against administrative authorities, legislative bodies and private individuals or bodies.

#### Certiorari

- The literal meaning of the writ of 'Certiorari' is 'To be certified' or 'To be informed.' This writ is issued by a court higher in authority to a lower court or tribunal ordering them either to transfer a case pending with them to itself or quash their order in a case. It is issued on the grounds of an excess of jurisdiction or lack of jurisdiction or error of law. It not only prevents but also cures for the mistakes in the judiciary.
- Pre-1991: The writ of Certiorari used to be issued only against judicial and quasi-judicial authorities and not against administrative authorities
- Post-1991: The Supreme Court ruled that the certiorari can be issued even against administrative authorities affecting the rights of individuals. It cannot be issued against legislative bodies and private individuals or bodies.

#### Quo-Warranto

- The literal meaning of the writ of 'Quo-Warranto' is 'By what authority or warrant.' Supreme Court or High Court issues this writ to prevent illegal usurpation of a public office by a person. Through this writ, the court enquires into the legality of a claim of a person to a public office.
- Quo-Warranto can be issued only when the substantive public office of a permanent character created by a statute or by the Constitution is involved. It can't be issued against private or ministerial office.

#### Role of various writs

- In civil or criminal matters, the first remedy available to an aggrieved person is that of trial courts, followed by an appeal in the High Court and then the Supreme Court.
- When it comes to violation of fundamental rights, an individual can approach the High Court under Article 226 or the Supreme Court directly under Article 32.
- The Supreme Court is empowered to issue writs, including habeas corpus, mandamus, prohibition, quo-warranto and certiorari for the enforcement of the fundamental rights of an aggrieved citizen.
- In this regard, the Supreme Court has original jurisdiction in the sense that an aggrieved citizen can go directly to the Supreme Court, not necessarily by way of appeal.
- However, the writ jurisdiction of the Supreme Court is not exclusive. The High Courts are also empowered to issue writs for the enforcement of the Fundamental Rights.
- Writ jurisdictions play a vital role in ensuring justice for the aggrieved citizen. To ensure fundamental rights writ are necessary instrument which empower citizens.

#### **Conclusion**

Writs are essential to enforce not only fundamental rights but also useful for other purposes i.e. enforcement of an ordinary legal rights. They empower citizens to directly approach highest court in case of violation of FR's. Right to constitutional remedies is ensured by various writs

#### **14. Discuss the evolution of the tool of public interest litigation (PLI) in India.**

#### **Approach**

Since the question is asking you to discuss, it requires you to use your skill at reasoning, backed up by deliberately selected evidence to make a case for and against an argument, or point out the advantages and disadvantages of a given context.

#### **Introduction**

PIL is generally instituted for the enforcement of the Constitutional and Legal Rights of the poor and Excluded groups as well as ensuring accountability of concerned government and public authorities towards issues of public importance. Persistent efforts by the NGOs and social action groups through PIL has, in many occasions, prompted the High Court Division to issue directives and orders that in turn addressed the socio-economic concerns of the poor and the marginalized groups.

### **Body**

#### **THE EVOLUTION OF THE TOOL OF PUBLIC INTEREST LITIGATION (PLI) IN INDIA**

- To understand how PIL began in India, it is necessary to recognize the propitious conditions under which it arose. During the 1970s, a majority of Indians suffered from a severe lack of access to justice. Legal fees were prohibitively expensive to the extent that only the few could afford representation.
- The main reason why PIL has flourished in India is that the Constitution of India through its Fundamental Rights under Part III and the Directive Principles of State Policy under Part IV provides a framework to regulate the relation between the state and the citizens and also between citizens.
- The seeds of the concept of public interest litigation were sowed for the first time by Justice Krishna Iyer in *Mumbai Kamgar Sabha v Abdul Thai*. It was the case about the payment of bonus to the workmen of an industry. It was held that “public interest is promoted by spacious construction of locus standi in our socio-economic circumstances and conceptual latitudinarianism permits taking liberties in the individualization of the right to invoke the higher courts where the remedy is shared by a considerable number, particularly when they are weaker.”
- *Hussainara Khatoon v State of Bihar*<sup>9</sup> was one of the earliest cases on Public Interest Litigation which focused on the inhuman conditions of the prisons and under trial prisoners. The Supreme Court held that right to speedy justice is a Fundamental Right in matters which are in the larger interest of the public, and it comes within the scope of ‘life’ and ‘personal liberty’ guaranteed under Article 21.
- Subsequently, in *S P Gupta v Union of India*, a writ petition was filed under Article 226 of the Constitution by lawyers raising certain pertinent questions concerning High Court judges. The petition was maintainable because the lawyers practicing in the High Courts have an interest in the independence of the High Courts and speedy disposal of cases. Where the independence of the judiciary is threatened by illegal state action, the lawyers would be interested in challenging the constitutionality or legality of such action. This case paved the way for a new era of public interest litigation in India and it became a potent tool to enforce public duty which has otherwise been

executed illegally resulting in injury to the public. This case was a precursor of public interest litigation in India.

- Justice Bhagwati emphasized the need for PIL in India and held that “if public duties are to be enforced and social collective “diffused” rights and interests are to be protected, we have to utilize the initiative and zeal of public-minded persons and organizations by allowing them to move the Court and act for a general or group interest, even though they may not be directly injured in their own rights”.
- Moreover, where a petitioner moves the Court in his private interest to seek redressal for his personal grievances, the Court in furtherance of public interest may enquire into the subject matter of the litigation in the interest of justice. Thus, public interest litigation relates to the nature of the proceedings and no one particular forum is competent to deal with such litigation.

### **Conclusion**

Public Interest Litigation which is also known as Social Action Litigation or Class Litigation has departed from the traditional system of litigation and brought about a legal system which involves initiating a legal action to enforce the interest of the public at large. Over the years it has become a potent tool for the poor, illiterate and underprivileged to have access to the Courts and seek judicial redress by filing an application under Article 226 to the High Court and Article 32 to the Supreme Court. Therefore, public interest litigation has democratized access to justice by relaxing the rule of locus standi. Thus, any public-spirited person or social activist or group can now approach the Court on behalf of a certain group or class of persons, especially the oppressed and marginalized.

**15. The post of the governor is essentially an apolitical one. However in the recent times, the role Governors has come under a lot of scrutiny and criticism. Why? Discuss**

### **Approach**

We need to mention instance where governor has worked under political influence and also mention reasons for such politically influenced act of governor.

### **Introduction**

Articles 153 of the Indian Constitution mention that there shall be Governor for each State. The Governor acts as the chief executive head of the state but during the last few years, the governors of Karnataka, Madhya Pradesh, Kerala, Maharashtra and West Bengal have played their roles in such a way as to make them highly controversial and politically motivated.

### **Body**

**The role of Governors has come under a lot of scrutiny and criticism due to following reasons -**

- Selecting the chief minister: Misuse of situational discretion by governor in calling state representatives of political party ruling in Centre to form government. E.g.: Maharashtra governor appointing Chief Minister in early hours of morning.
- Determining the timing for proving legislative majority.
- Time in giving assent to bills or reserving bills for the President.
- Commenting adversely on specific policies of the state government.
- Exercising powers of the governor as the chancellor of state universities: As an outsider to the state, governor is mostly not conversant with local dynamics to handle the affairs of state universities. This has led to governor working on advice of local members of the party ruling at the centre. E.g.: Tussle between the Governor and Chief Minister of Maharashtra over cancellation of University examinations.
- Demanding information about day-to-day administration in a way to block state initiatives is claimed to be politically motivated. E.g.: Lt Governor in Delhi, Governor of West Bengal.

Supreme Court in its judgment in the BP Singhal case in 2010, issued a clarification, that “Governor is the constitutional head of the state. He is not an employee or an agent of neither the Union government nor a part of any political team. Despite the criticism, governors continued to behave as political appointees who must obey the master's voice.

**Recommendations made by various committees and commissions to make office of governor apolitical and more efficient -**

- Fixed tenure in office for governor
- Chief Ministers of concerned states should be consulted before appointing a governor.
- In 1980s the BJP along with the left front government of West Bengal, suggested that the governor appointment should be made from a panel prepared by the state legislature and actual appointing authority should be the Inter-state Council.

### **Conclusion**

Hence, rather than using the governor's office as an instrument for controlling state politics by exploiting his tenure insecurity or party loyalty, it is better for the country in the long run to respect such institution and to let the governor act on his sagacity and sound judgment.

**16. Comment upon the clemency powers of the President. What are the restrictions on this power? Examine.**

### **Approach**

Candidates are expected to write about clemency powers of the president and comment on it. And then examine the restrictions on clemency powers of the president.

### **Introduction**

A clemency is an act of mercy, forgiveness, pardon. The concept of clemency is an artefact of older times, of an age where an omnipotent monarch possessed the power to punish or remit any punishment. It became a symbolic attribute of a god-like king having control over his subject's life and death.

### **Body**

Clemency powers of the president of India –

- Clemency is a broad executive power, and is discretionary which means the President is not answerable for his pardons, and does not have to provide a reason for issuing one with certain limitations.
- Under Article 72 of the Constitution, the President of India shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence where the sentence is a sentence of death.
- Article 72 is about a very old but creatively renewed principle of a sovereign's prerogative to adjudge capital crime against the backdrop of its circumstances, not legalistically but civilisationally.
- Executive clemency exists to afford relief from undue severity or plain mistake in the operation or enforcement of the criminal law. The administration of justice by the Courts is not necessarily always wise or certainly understanding of circumstances, which may properly alleviate guilt. It is a check entrusted to the Executive for special cases.
- *Kehar Singh v. Union of India*, the Court highlighted existence of a 'Pardon', by acknowledging the fallibility of human judgment being undeniable even in a supremely legally trained mind and therefore, any such errors can be remedied by entrusting power to a higher authority, which shall "scrutinise the validity of the threatened denial of life or the continued denial of personal liberty".
- The pardoning power of the president is not absolute. It is governed by the advice of the Council of Ministers. This has not been discussed by the constitution but is the practical truth. Further, the constitution does not

provide for any mechanism to question the legality of decisions of President or governors exercising mercy jurisdiction.

Restrictions on the clemency power of president –

- Unlike the USA President, whose powers to grant pardons are almost unrestrained, the President of India has to act on the advice of the Cabinet. It is clear from the constitution that like other powers of the president, the power to pardon is also to be exercised on the advice of union cabinet which means the president yet again acts out as a rubber stamp fulfilling a prerogative as under the constitution.
- *Epuru Sudhakar & Anr vs. Govt. Of A.P*, it was held by the Supreme Court that it is a well-set principle that a limited judicial review of exercise of clemency powers is available to the Supreme Court and High Courts. Granting of clemency by the President can be challenged on certain grounds such as order is mala fide and order suffers from arbitrariness etc.
- As per Supreme Court it is a matter of performance of official duty. The power of executive clemency is not only for the benefit of the convict, but while exercising such a power the President or the Governor as the case may be, has to keep in mind the effect of his decision on the family of the victims, the society as a whole and the precedent it sets for the future.
- An undue exercise of this power is to be deplored. Considerations of religion, caste or political loyalty are fraught with discrimination.
- The court has earlier held that court has retained the power of judicial review even on a matter which has been vested by the Constitution solely in the Executive.

### **Conclusion**

In the democracy the ultimate sovereignty lies with the people and through them vests with their representatives. Hence exercise of such power by the political executive by advising head of the state to grant pardon is legitimate. In India the processes have enough checks and balances but never the less more caution is needed to avoid political considerations and exigencies colouring the exercise of the powers of pardon as evident from the past experiences and cases

**17. The office of the Comptroller and Auditor General (CAG) is one of the most vital Instruments of government accountability. Elucidate.**

### **Approach**

Candidate can give constitutional provisions of the office of CAG, and then elucidate on the role institution plays for the effective governance and accountability of the government.



## **Introduction**

The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). She/he is the head of the Indian Audit and Accounts Department. CAG is guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state.

## **Body**

Constitutionally, Comptroller and Auditor General's Office has been mandated to enhance accountability of the Executive to the Parliament and State legislatures by carrying out audits in the public sector and providing out accounting services in the States in accordance with the Constitution of India and laws as well as best international practices.

### **Role of CAG as anti-corruption instrument –**

- Article 148 of the Constitution provides for a CAG with the legal status of a Supreme Court judge.
- The CAG is sworn in under Article 148(3) to uphold the integrity of the nation.
- In order to preserve his independence, the CAG's expenses are charged (without vote) to the Consolidated Fund of India. He can be removed from office only under Article 124(4).
- It is the duty of the CAG to audit all receipts which are payable into the Consolidated Fund of India. The rules and procedures are designed to ensure an effective check on the assessment, collection and proper allocation of revenue.
- His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration.
- The accountability of the executive (i.e., the council of ministers) to the Parliament in the sphere of financial administration is secured through audit reports of the CAG.
- The CAG is an agent of the Parliament and conducts an audit of expenditure on behalf of the Parliament. Therefore, he is responsible only to the Parliament.

### **Accountability and role of CAG –**

- CAG audit reports are handed over to the PACs i.e. Public Accounts Committee at the centre and at the state.
- Three CAG reports i.e. audit report on appropriation accounts, audit report on finance accounts and audit report on public sector undertakings are examined by PAC.

- At the central/state level, these reports are submitted by CAG to president/governor, who makes them to be laid in parliament/legislature. Here CAG stands different from other measures of accountability as the CAG reports are submitted to the executive.
- CAG also assists the committee in its deliberations by preparing a list of the most urgent matters which deserve the attention of the PAC.
- CAG also helps in making the actions of the committee clear to the witnesses and in making the action of the government clear to the committee.
- CAG position is sometimes one of interpreter and translator, explaining the officials' views to the politicians and vice-versa which in turn ensure accountability of the government.
- The responsibility of the CAG does not end here. He has to watch whether the corrective action suggested has been taken or not. In cases whether it has not been taken, CAG reports the matter to the PAC which will take up the matter.
- Hence, CAG stands as a keystone in the arch of constitutional measure of accountability where CAG not only represents the structure of accountability but also holds together the structure of accountability.

#### **Challenges faced by CAG –**

- The CAG mostly find his reports hitting the junk pile of government records in the absence of any provision
- There is neither deadline for the production of documents or replies nor any contempt proceedings for their denial.
- The CAG doesn't have the right to release these reports in the public domain if they are not presented in the legislature within a month of their submission.
- Nor can CAG enforce any of its findings by decree, akin to Parliament's Public Accounts Committee.
- Criticism of the CAG is rooted in uneducated opinion and deliberate suppression and/or obfuscation of facts. To that can be added the deep-rooted bureaucratic and political antipathy to accountability.

#### **Conclusion**

The CAG has already to some extent achieved what he set out to do, especially when it comes to redefining the role of the office and the public perception of auditors. Despite the severest limitations, the CAG still creditably survives in the defence of accountability, a knight in shining armour amidst the overwhelming rot. The office is a unique combination of knowledge, integrity, commitment and fearlessness.

**18. What are the key issues related to electoral funding? What reforms would you suggest to improve transparency in electoral funding? Discuss.**

### **Approach**

Since the question is asking you to discuss so you have to use your skill at reasoning, backed up by deliberately selected evidence to make a case for and against an argument, or point out the advantages and disadvantages of a given context.

### **Introduction**

An electoral bond is like a promissory note that can be bought by any Indian citizen or company incorporated in India from select branches of State Bank of India. The citizen or corporate can then donate the same to any eligible political party of his/her choice. These bonds were introduced to ensure that all the donations made to a party would be accounted for in the balance sheets without exposing the donor details to the public.

### **Body**

#### **THE KEY ISSUES RELATED TO ELECTORAL FUNDING –**

It is very surprising that electoral bonds are issued to ensure transparency in the political funding but the reality is totally different. The key issues include the following-

- Ever since the first issue of electoral bonds in March 2018, opposition against the move has gained momentum with some even accusing the union government of promoting a scheme which 'legalizes political corruption'.
- The objective of transparency in the political funding through electoral bonds remains a question as we do not know who is giving what to whom and what they are getting in return.
- Also, the other transparency issue is that only the government, through ministries, has access to this information.
- Removal of a cap on corporate donations that existed earlier—7.5% of three-year average net profit—enables businesses to make unlimited political donations without having to disclose the recipient's name.
- Since the identity of the donor has been kept anonymous, it could lead to an influx of black money. Thus, as far as utilising black money for electoral funding is concerned, that too will increase in this system.
- It is alleged that the scheme was designed to help big corporate houses donate money without their identity being revealed.
- According to civil rights societies, the concept of donor "anonymity" threatens the very spirit of democracy.

#### **REFORMS TO IMPROVE TRANSPARENCY IN ELECTORAL FUNDING –**

- The solution to this is setting up a national election fund where corporate houses and individual donors can contribute with 100% tax-free fund. The EC could be given the task of overseeing it. The money can then be divided among political parties mostly in kind and a part in cash
- There can be a system in which political parties are to be given money from the election fund in proportion to the number of votes that they have pulled in the previous election, then they would not be allowed to take money from anywhere else.
- There has to be a grand bargain that if you want to put public funding on the table, you're going to have to insist on much stricter norms and adherence to those norms by parties and candidates so that there should be a requirement that any funds raised be processed digitally.
- There has to be an independent third-party scrutiny of political party accounts.
- The EC has to be given greater power and authority to go after wrongdoers.

### **Conclusion**

Political funding has been an expensive and opaque affair. Electoral bond is the NDA's attempt to curtail cash donations and political funding through banking channels. The fact that a donor has purchased bonds worth a specified amount and that parties have received specified amounts in aggregate, will become a record. Electoral bonds offer some element of transparency, though not full transparency. With the suggested reforms and with full disclosure and transparency, electoral bond can be a great way of political funding.

### **19. What are the constitutional bodies established to address issues arising out of India's federal structure? Explain.**

#### **Approach**

Question is very straight forward in its approach, students are expected to mention the issues arising out of India's federal structure and how constitutional bodies in place address those issues, names of the constitutional bodies is important as explicitly mentioned in the question.

#### **Introduction**

Federalism is a system of government in which powers have been divided between the centre and its constituent parts such as states or provinces. It is an institutional mechanism to accommodate two sets of politics, one at the centre or national level and second at the regional or provincial level. In a federation system, there are two seats of power that are autonomous in their own spheres. Indian model of federalism is called quasi-federal system as it contains major features of both a federation and union. It can be better phrased as 'federation sui generis' or

federation of its own kind. It is sometimes considered a quasi-federal system as it has features of both a federal and a unitary system. Article 1 of the Indian Constitution states, 'India, that is Bharat, shall be a union of states'. The word federation is not mentioned in the constitution. Elements of federalism were introduced into modern India by the Government of India Act of 1919 which separated powers between the centre and the provincial legislatures.

### **Body**

#### **Issues arising out of India's federalism –**

- **Regionalism** - It is considered one of the significant issues arising out of federalism in India. The pluralist character of India gives rise to many factors including regionalism. People from far northeast sometimes feel themselves at a formidable distance from New Delhi and people in southern part of the country with bigger states feel neglected having been within larger states. The agitations for Gorkhaland, Bodoland, and KarbiAnglong have been revived. This is apart from the new demands for a separate Vidarbha State in Maharashtra, and Harit Pradesh and Poorvanchal in Uttar Pradesh. The more the number of states the more the centre will be held hostage to state parties on matters of national importance.
- **Division of Powers**- The general principle underlying the division of powers is that all matters of national importance, e.g. defence, foreign affairs, railways, currency are allotted to the Central government while matters that are primarily of local or regional importance e.g., education, public health, police, local administration are assigned to regional governments. Some matters which require the involvement of both the centre and states like criminal law, forest, economic and social planning are assigned in the Concurrent List. However, in the case of conflict over the legislation on any of the subjects mentioned in the Concurrent List, the Centre supersedes the States.
- **Unequal Representation of Units**- With a view to preventing the evil of predominant influence of larger units over smaller units in a federation, most federations in the world have resorted to some constitutional mechanism like an equal representation of units or states in the Second Chamber and ratification of all amendments to the Constitution by states. In India, there is no such provision of an equal representation of states in the Rajya Sabha, the Second Chamber and nor the states have any substantial say over the amendments done to the Constitution from time to time.
- **Language Conflicts**- Diversity in languages in India sometimes causes a blow the federal spirit of the Constitution. There are 22 languages constitutionally approved in India. Besides, hundreds of dialects are spoken across the country. Trouble arises when the strongest unit of the federation attempts to force a particular language on others. The tussle for official language in India is still a burning issue. The southern states' opposition to Hindi as the official language of India has led to deep-seated language crisis in India.

- Economic Incompatibilities of the units- Differences economic standards and relative economic and fiscal incompatibilities among the constituent states also pose a threat to a federation. The forces of imbalances in the field are demands for economic planning and development and for regional economic equality and financial autonomy of states. Demand for a financial equality of a region creates problems in a federation.

**Constitutional bodies and their role to address these issues –**

- Article 263 of the Constitution provides for the establishment of the Inter-State Council. The Constitutional body is entrusted with the mandate, inter alia, to inquire into and advise on the issue of inter-state disputes and to coordinate on the matter of common interest to some or all states. It is an advisory and consensus-seeking forum. Being a body that guarantees full representation to each state, the Council has the potential to assure meaningful participation of the states.
- Article 280 of the constitution provides for the formation of finance commission to redress the vertical imbalances between the taxation powers and expenditure responsibilities of centre and the states respectively and equalisation of all public services across the states thus creation a level playing field for all the states in terms of their financial capacities thus ensuring a homogenous development of India as a whole.
- Article 279A Goods and services tax council a constitutional body for making recommendations to the union and state governments on issues related to Goods and service tax thereby evolving a process of wider consultation and achieving uniformity and remove compartmentalisation in indirect taxation thus realising the future potential of India in which states will be the key stake holders in policy decisions.
- Article 262 also states that the parliament may provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of waters thus creating an appropriate authority for the adjudication of river water disputes between states. In spite of being very slow in the adjudication of disputes it is still a finest mechanism to deal with such issues.
- Article 350B of the constitution provides for the the appointment of special officer for linguistic minorities to investigate all matters relating to the safeguards provided for linguistic minorities under the constitution thus creating an environment for multilingual society where every language is given a guaranteed protection.

**Conclusion**

The very birth of India as an independent nation-state signifies the fact that the Union of India was a necessary corollary and it was not a creation of agreement among its constituents. The framers intended to provide a sturdy centre keeping the sovereignty and unity and integrity in mind considering wide diversity and pluralism

in India. Their intention has found meaning. But for a constitutionally strong Union, India would have already been fragmented into pieces since long back. The Parliament of India enjoys sole power for formation, reformation, alteration of boundaries of states in India. Time and again divisive forces raise their ugly heads to secede from the Union. The Constitution, however, provides states with limited sovereignty for establishing a quasi-federal structure for the country. It did not intend to make India a unitary country with states functioning as municipalities and their survival dependent on the whims and fancies of the Union Government. The functioning of the Indian Constitution over the past 66 years doesn't establish a de facto unitary state. It is a fact that federalism has been going deep in India in tandem with global trends.

**20. Examine the criticality of the private sector for achieving high growth for the economy.**

**Approach:**

Students should write the importance of the private sector in the overall economic growth of the country. They should provide a brief historical account of how private sector has fared in the past, especially since LPG reforms. Multi-dimensional sectoral assessment and role of private players in each sector would bring a balance to the answer.

**Introduction**

The private sector's role in encouraging a country's growth and economic development cannot be overstated. Private enterprises are the chief agents in creating employment, providing funds, building competitiveness and driving innovation - all essential instruments for growth. The private sector, in particular, takes entrepreneurial risks, which is central to how it translates investments into wealth creation and income generation. This role takes on further significance in the current context, as rising uncertainties in a rapidly changing global landscape cause economic growth concerns, particularly for emerging nations like India.

**Body**

**Criticality of Private Sector**

- In the past, India has shown strong resilience in the face of global volatility and has continued to grow steadily, placing it among the world's fastest-growing economies. The Indian economy grew at a rate of 7 % in 2019-20 and was severely hit by the pandemic contracting it 7.7 %. The private sector has played a huge role in India's development and is largely responsible for the phenomenal growth registered by the country since the

economy was opened up in 1991. Amidst the pandemic too, the role of private sector in India is paramount to revive and push the Indian growth trajectory to reach to the desirable level it always deserved.

- India has entered the 37-year period of its demographic dividend, which means the expansion of its working-age population will last until 2055. With a rapidly changing employment landscape, including 11-12 million youth entering the labour force every year, jobs need to be created and effective skills initiatives put in place. The private sector plays a pivotal role in meeting this challenge.
  - The private sector has strong links to higher investments in education and vocational training to bridge skill gaps in the economy, facilitating skills and training programs, creating partnerships with educational institutes and experts and, most importantly, creating a future-ready and talented workforce. India has more than 900 universities and 39,000 colleges of which 78% are privately managed. In addition, most large, private enterprises have created in-house training and skills programs to help build the capacities of young workers in line with industry needs
  - Private investments by the corporate sector are critical to higher growth rates and economic development. More investment creates a multiplier effect in the economy by generating both direct and indirect employment, boosting consumption and fostering further development.
  - The total gross capital formation in India as a proportion of GDP during 2017-18 stood at around 31%. The private sector, including small enterprises in the household sector, accounted for about two-thirds of this. Effective partnerships between the government and private sector in critical areas of infrastructure and long-term investments would expedite development.
  - The private sector has the power to harness and use technology to unleash greater prosperity for the nation, but it is also responsible for ensuring that the benefits of technology reach all sections of society. A focus on affordable technology to allow equal access is imperative for inclusive development. Corporates are integral to fostering innovation and entrepreneurship and ensuring the future progress of an economy. Private sector investments provide necessary infrastructure that is sustainable, reliable, and can use modern technology to create new products and services. In most countries, the private sector plays the lead role in research and development spending, working with universities and institutions to translate new research into markets and crafting innovative business models and strategies.
  - India has emerged as a significant player when it comes to converging technology and entrepreneurship. It is the second-largest start-up nation in the world, with more than 14,000 start-ups recognized under the Startup India scheme.



- Scarcity of natural resources and environmental degradation pose major threats to sustainable growth. Engaging the private sector has become critical to ensuring environmental efficiency through its greater adoption of cleaner, greener technologies and the adoption and sharing of best practices. The private sector's use of new technologies in sustainable production, while coming at some cost, will promote sustainability, efficiency and better use of inputs and raw materials.

**Conclusion:**

- Considering the valuations of the PSU and the private sector companies, only three PSUs-ONGC, PGCI and SBI are valued over 1 lakh crore. In comparison, HDFC, ICICI, Kotak Mahindra Bank, Reliance, Adani Green valuations are 5-6 times over these PSUs. The Sensex too values the performance over the relative role of the PSUs in the Indian Economy. With government contemplating to disinvest further, privatisation assumes even a higher role for the economic development of the country. India's push to improve on Ease of Doing Business Index, consolidation of Labour Codes, GST and framing of Insolvency and Bankruptcy are steps in the right direction, wherein the government feels to take in the minimum space in the major economic sectors and focuses on being the facilitator to Make for India and Make in India for a Atmanirbar Bharat.

**21. What are the challenges and issues regarding the functioning of NGOs in India? Analyse.**

**Approach**

Candidates are expected to write about the NGOs in India and then expected to write about the challenges and issues regarding the functioning of the NGOs in the India.

**Introduction**

As defined by the World Bank NGOs refers to not-for-profit organisations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development.

**Body**

NGOs in India –

- The term NGO in India denotes wide spectrum of organisations which may be non-governmental, quasi or semi-governmental, voluntary or non-voluntary etc.
- These organisations are not a part of the government, have a legal status and are registered under the specific Act (Societies Registration Act, 1860 in India) of the government.
- Recently, the parliament has proposed some amendments to the Foreign Currency Regulation Act (FCRA), 2010. According to the government, these amendments aim to bring about transparency in the working of Non-Governmental Organisations (NGOs).

However, these new regulations put onerous conditions on NGOs, educational and research institutions that have partnerships, including of a financial nature, with foreign entities. Let us analyse the Challenges regarding the functioning of the NGOs in India –

- The new FCRA provisions, especially the one that constrains NGOs from sub granting, threaten the spirit of collaboration in the country's development sector. This would undermine the flow of foreign funding and development aid.
- Apart from this, the proposed changes are not in sync with the ideals of environmentalism, human rights and civil liberties as these sectors receive most of the foreign contributions. Due to these issues, the International Commission of Jurists has said the new law was incompatible with international obligations and India's own constitutional provisions on rights.
- With recent Government of India crackdown on Greenpeace and several other NGOs coming under the scanner of Indian government, it is important for NGOs to achieve and maintain a high degree of transparency in not just their work but also their financials. NGOs need to keep their income and expenditure open to public scrutiny.

Issues regarding the NGOs functioning in India –

- **Lack of Credibility:** During the last few years, numerous organisations have mushroomed which claim to work for the cause of helping the poor.
- **Under the garb of being an NGO,** these NGOs often mint money from donors and are also involved in money laundering activities.
- **Without serious intent:** There is nearly one NGO for every 400 people in India. However, not every NGO out there is engaged in serious social welfare work. Many are fraudulent and many are there without much serious intent.
- **Undermining Development Activities:** A report by India's Intelligence Bureau accused NGOs such as Greenpeace, Cordaid, Amnesty, and Action Aid for reducing India's GDP by 2-3% per year.
- **Lack of Transparency:** India's disproportionate number of NGOs and the sector's lack of transparency and accountability is clearly an issue that needs

reforms. Further the allegations of corruption against NGOs be ignored. In the past many NGOs were blacklisted after being found to have indulged in misappropriation of funds.

- Misappropriation of funds: Many NGOs don't have sophisticated finance and legal teams, nor do they have the funds to conduct audits.
- Unaccountable and undemocratic functioning: CBI records filed in the Supreme Court show that only 10% of the total registered NGOs under the Societies Registration Act file annual financial statements.

Way forward –

- A regulatory mechanism to keep a watch on the financial activities of NGOs and voluntary organizations is the need of the hour.
- A National Accreditation Council consisting of academicians, activist, retired bureaucrats should be made to ensure compliance by NGOs.
- The disruption caused by the COVID-19 crisis, is bound to have a deep impact on NGO funding. Therefore government should frame guidelines in the manner in which these organisations can revive their legitimate funding base.

### **Conclusion**

The recent Centre for Policy Research survey found most of IAS officers surveyed considered NGOs and civil society as critical partners in the pandemic response. Thus NGO acts as social mediator within different levels of society by various agents to change social and behavioural attitudes within the prevailing social environment for achieving desired results of change in society.

**22. In the development process, how critical is the role of non-government actors? Illustrate.**

### **Approach**

Candidate can define the non-government actors and then with the help of some examples and data, role in the development process can be stated.

### **Introduction**

Non-state actors include organizations and individuals that are not affiliated with, directed by, or funded through the government. These include corporations, private financial institutions, and NGOs, as well as paramilitary and armed resistance groups.

### **Body**

Importance of non-government actors –

- Globalization has increased the influence of the private sector with mixed results for the enjoyment of economic, social and cultural rights. The economic production of many of the world's largest corporations exceeds the GDP of many countries.
- Transnational corporations, with operations in various countries, wield enormous power (even over countries' domestic economic policies) that challenges traditional state-based mechanisms of accountability.
- Development does not only mean economic development but also includes promoting social equality, gender equality, improving quality of life etc., It is not possible for government alone to effectively undertaking such complex development activities.
- There is essentiality of other groups or organizations to support the government on various fronts. This essentiality paved way for the emergence of civil society. Non-Government organizations (NGOs) being a major arm of civil society thus have a crucial role in the country's development process.
- Social service is associated with India since ancient times. It is said that even Mahatma Gandhi after attaining independence wanted Indian National congress to be transformed into a Public service organization. Although such proposal was rejected, later many of staunch Gandhi followers did setup large number of voluntary orgs across various parts of the country to carry of the constructive works on Gandhian principles.

Development process and non-government actors -

- The GOI during the sixth Five year plan with its famous" GARIBI HATAO" slogan did recognize the importance of NGOs in the development process of India. In the seventh FYP, it gave a task of developing "self-reliance communities" to NGOs for promoting rural development. Later in the eighth FYP, government sought to promote nationwide network of NGOs.
- In its ninth FYP, it envisaged the primary role of in promoting PPPS in the country. The tenth FYP envisaged the need and importance of NGOS in developing agricultural sector by promoting awareness among the farmers about various modern farm techniques and government initiatives for their benefit. Moreover, government has also been promoting the development of NGOs through financial aid and assistance programmes.
- NGOs with the support given by the government has been accelerating its development activities by taking up specific issues like Poverty alleviation, child rights, caste stigma and discriminations, women rights, child labour, rural development, water and sanitation, environmental issues etc.
- In the last two decades the role of NGOs have become proactive in the social sector development-education, health etc. NGOs have played a crucial role in

sending the school dropouts back to the school especially in rural areas thus upholding the Right to education.

- In health sector we can witness several institutes performing outstanding feat by providing last mile delivery of health services to the most backward regions in India, like SEARCH in gadchiroli district of Maharashtra. They were able to reduce child and maternal mortality by devising new techniques, which was later adopted all over India.
- The most highlighted 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 yojna (RSBY)
- However, many NGOs in India have come under the red scanner and their functioning have to be seen with suspicion. This is majorly because of loss in credibility and lack of accountability with NGOs in India.
- The recent report of Intelligence bureau (IB) stated that-the working of few NGOs in the name of protests against the government activities have become detrimental to the nation development. It also mentioned that the protests of 'foreign funding NGOs' led to loss of 2-3% of country's GDP. The report has brought the discussions and debates about NGOs accountability into fore.
- It is true that NGOs must raise voice to protect the rights of people and protest but it is also equally important for them to provide the alternatives for the government to ensure development. Instead of blocking the foreign funds it is necessary for government to ensure further transparency in categorizing the NGOs based on their funds sources.

### **Conclusion**

Non-government actors are essential part of development process as they ensure transparency and effective implementation of government policies. They can provide a viable and people friendly alternatives as they work on bottom up approach and represent voices of marginalised. As an effective form of pressure group NGO's are vital for democratic functioning of a nation but at the same time vigilance on non-state actors is important to protect national security and not get pressurised by external forces

**23. What role do Panchayats play in the socio-economic development of rural India? How can their participation be made more effective and result oriented? Suggest.**

### **Approach**

Explain the role and suggest how their participation be made more effective and result oriented.

### **Introduction**

The Panchayats are expected to play an important role in rural development in India, particularly after independence. Plan documents of both the central and state governments and various committees have emphasized the importance of these bodies in the polity.

### **Body**

#### **ROLE OF PANCHAYATS IN THE SOCIO-ECONOMIC DEVELOPMENT OF RURAL INDIA –**

- The implementation of rural development programs through the Panchayat Raj institutions has a drastic change in the socio economic conditions of the rural people in the selected areas.
- The implementation of rural development programs has affected even the social and political affairs of the people of the selected area.
- In the economic front of the rural development programs have created an improvement in economic position of the selected area, as a result of implementation of rural development programs most of the people gain additional income.
- From the created assets which has resulted into deprivation in selected areas. After the implementation of rural developments programs, efforts have been made to strengthen village and cottage industries, as a result most of the people have become employed in various agriculture and allied activities like animal husbandry, sheep/goat rearing, handicrafts, small business and other activities. This has brought vigorous change in socio economic setup of the selected Gram Panchayat.
- The implemented rural programs like SJGSY, housing schemes and power schemes have created various gainful activities for poor in selected area to be placed above the poverty line.
- Furthermore in the newly built houses and provided power connection for houses, it indicates that there is a cumulative process for infrastructure development of rural area.
- As an exceptionally results some beneficiaries undergone losses of assets even by adopting rural development programs, but it is insignificant on other hand poor people who have not cover under the schemes are leading a measurable life.

#### **SUGGESTIONS TO MAKE THEIR PARTICIPATION MORE EFFECTIVE AND RESULT ORIENTED –**

- For India's Panchayati Raj system to be more effective, we need a new approach to training its three million elected representatives.

- A well-designed capacity building and training programme, done in a time-bound manner, with clearly defined outcomes, could be the key to filling that gap in effectiveness of panchayati raj.
- There should be a concrete state policy for capacity building and training of Gram Panchayat members in several states.
- There is a shortage in the number of qualified trainers, due to which not all GP members get to attend the required number of training sessions, or receive training on all required areas.
- Further, there are infrastructural gaps at training centres, such as absence of computers and satellite communication facilities, or poor amenities for residential training. Providing adequate resources to overcome these issues will make the participation of panchayat more effective.

### **Conclusion**

The role of panchayat Raj institutions as instruments of rural reconstruction and development needs no emphasis. They have been reorganized with wider powers and financial resources not merely as institutions of political participation but institutions of social and economic development. Panchayat Raj has come to be associated with two broad images. First, it is a government by itself and second it is an agency of the state government. In the integrated exercise of planning for social and economic development, co-ordinate roles, the present set up is a three-tier representative structure of government where the administrators, elected leaders and local population participate in the developmental effort.

### **24. Sri Lanka has immense strategic importance for India. Do you agree? Comment in the light of the evolving geopolitics in the Indian Ocean region.**

#### **Approach**

Students are expected to write about the strategic importance of Srilanka for India in context of evolving geopolitics in the Indian ocean region, also it is important to mention about the challenges in the relationship between India and Srilanka and India's historical and cultural connect also needs to be briefly mentioned.

#### **Introduction**

Sri Lanka, an island nation in the Indian Ocean, is separated from India by the Palk Strait – a bare 22 miles of water. It is of prime importance for India's security and the security of the Indian Ocean. This island nation lies astride the major sea lanes of communication from Europe to East Asia and the oil tanker routes from the oil producing countries of the Gulf to China, Japan and other Pacific countries. In the military sense it is important to the United States as these same sea routes are used for transference of naval power from the Pacific Ocean to the Indian Ocean and the

Gulf. India too has a vital strategic stake in Sri Lanka for her own security interests. An unfriendly Sri Lanka or a Sri Lanka under influence of a power unfriendly to India would strategically discomfit India. Sri Lanka is also strategically important to India in terms of her Indian Ocean strategy and in terms of networking of partners for her aims of establishing an Indian Ocean Rim Community.

**Body:**

**Strategic importance of Srilanka for India –**

- The relationship between India and Sri Lanka is more than 2,500 years old. Both countries have a legacy of intellectual, cultural, religious and linguistic interaction. In recent years, the relationship has been marked by close contacts at all levels. Trade and investment have grown and there is cooperation in the fields of development, education, culture and defence. Both countries share a broad understanding on major issues of international interest. In recent years, significant progress in implementation of developmental assistance projects for Internally Displaced Persons (IDPs) and disadvantaged sections of the population in Sri Lanka has helped further cement the bonds of friendship between the two countries.
- Sri Lanka has by and large been friendly disposed towards India despite the complications caused by the minority Tamils of Northern Sri Lanka involved in a long insurgency and terrorism demanding an independent state of Elam spearheaded by the LTTE. India too has in the past before the IPKF operations of the 1980s had on a number of occasions extended military assistance to ward off security challenges to the Government of the day.
- To counter China, good relations with Sri Lanka and other countries in the Indian Ocean region are very essential. Therefore, strengthening multilateral organizations like SAARC, BIMSTEC (Bay of Bengal Initiative for Multi-Sectoral Technical and Economic cooperation) and IOR-ARC (Indian Ocean Rim Association for Regional Cooperation) is a necessity. Sri Lanka, being an important member of these organizations, can never be neglected or sidelined in the foreign policy.
- Sri Lanka has long been a priority destination for direct investment from India. Sri Lanka is one of India's largest trading partners in SAARC. India in turn is Sri Lanka's largest trade partner globally. Trade between the two countries grew particularly rapidly after the entry into force of the India-Sri Lanka Free Trade Agreement in March 2000. According to Sri Lankan Customs, bilateral trade in 2016 amounted to US \$ 4.38 billion. Exports from India to Sri Lanka in 2016 were US\$ 3.83 billion, while exports from Sri Lanka to India were US\$ 551 million.
- Sri Lanka lies in the immediate vicinity of India and is strategically placed in the Indian ocean region which accounts for the most of the ocean trade thus its importance for India is a priority, Also in order to counter the the Chinese



spread and string of pearls manoeuvre co operation with Srilanka gains more prominence.

- As the US is becoming more involved in South Asia, the question of its impact on India-Sri Lanka relations is one worth considering. Maldives and the US recently signed a Defence Agreement “to deepen engagement and cooperation in support of maintaining peace and security in the Indian Ocean.”
- Though the US has continued to bring attention to humanitarian issues and “urge progress on reconciliation” in its conversations with members of Sri Lanka’s new government, the emphasis of its equation with Sri Lanka has shifted to the Indo-Pacific, crucially ‘a free and open Indo-Pacific.’ In this respect they see Sri Lanka as a valuable partner, one that “will contribute to regional stability and prosperity as a hub of the Indo-Pacific region.” This is reflective of the changed reality of a current and post-pandemic world.

#### **Challenges on this front –**

- Grumbling Chinese assistance to neighbourhood is because the Chinese combine investments with politics. Therefore, more important is to find alternative approaches that could combat both Chinese approaches. It is because China will not stop monetary and political interventions to dominate the global and regional order. In recent years, China has extended billions of dollars of loans to the Sri Lankan government for new infrastructure projects, which is not good for India’s strategic depth in Indian Ocean Region.
- Fishermen issue-Given the proximity of the territorial waters of both countries, especially in the Palk Straits and the Gulf of Mannar, incidents of straying of fishermen are common. Indian boats have been fishing in the troubled waters for centuries and had a free run of the Bay of Bengal, Palk Bay and the Gulf of Mannar until 1974 and 1976 when treaties were signed between the two countries to demarcate International Maritime Boundary Line (IMBL). However, the treaties failed to factor in the hardship of thousands of traditional fishermen who were forced to restrict themselves to a meagre area in their fishing forays.
- India and Sri Lanka have agreed to set up a Joint Working Group (JWG) on Fisheries between the Ministry of Agriculture and Farmers Welfare of India and Ministry of Fisheries and Aquatic Resources Development of Sri Lanka as the mechanism to help find a permanent solution to the fishermen issue.

#### **Conclusion**

India-Sri Lanka relations will no doubt be shaped by the dynamic nature of international relations and great power rivalry. Some of the anti-China rhetoric coming from the US will die down post US elections in November 2020, though current tensions are not all cyclical. Certain structural challenges are likely to persist regardless of the US election results and these will have a long-term impact on US-

China bilateral relations but importantly on the political dynamics in the Indian Ocean region. In the meantime, India should take cautious comfort in Srilanka's acknowledgment that Indian Ocean is of strategic importance and must remain a zone of peace.

**25. Examine the role of democracy in economic development.**

**Approach**

A simple and straightforward question where in the candidate needs to examine the role of democracy in economic development through multiple arguments and substantiation of the same.

**Introduction**

Democracy is a form of political system which provides agency to every stakeholder and is often held to be the ideal political system, conferring growth and prosperity on nations' citizens; however, this paradigm of thought has come under increasing debate. While many consider a positive correlation between democracy and economic growth, others have opined neutral or even negative impacts.

**Body**

Among the various systems of government, popular perception and contemporary trends hold 'democracy' to be the 'ideal'. In 1960, 39% of nations were considered to be a democracy; by 2010 that proportion had risen to 61%. However, the somewhat simplistic yet prevailing belief that democracy improves people's lives, and in particular their material wealth, has come under increasing scrutiny –

- Many studies have linked democracy with neutral or poor economic outlook owing to poor election practices, political gridlock, delays due to the checks and balances, politicians focused on their own re-election, and wealth redistribution through taxation, which they argue lowers the efficiency of wealth creation.
- However, regardless of the nature of the correlation between growth and democracy, the link between democracy and growth may in fact be tangential, and that it is the efficacy and stability of governing processes (i.e., policy making) rather than democracy itself that matters for economic progress.
- China enjoys its economic growth in the absence of liberalization reforms, and continues to play a major role in global economic development. Yet at the moment, China's economic growth is not conditioned by democratization.
- To make the leap to sustained economic growth, a developing country's government must be able to resist the pressures of special-interest groups,

which are widely encountered in a democracy. Here, an authoritarian government is better placed to do this than a democratic one. E.g. – Rise of Singapore and other East Asian countries in the last few decades.

- Many studies have shown that the various measures of democracy do not have a statistically significant impact on economic growth. Instead, measures of the quality of institutions, political stability, openness, distance from the equator, and macro-economic policy exert a statistically significant effect on growth.

But at the same time, estimates suggest that a country that switches from non-democracy to democracy achieves about 20 percent higher GDP per capita over the past three decades. Here, democracy's intricate and inevitable links to economic development can be seen from the following points –

- There are many positive impacts in terms of the growth effects of democracy. Democracy allows people to replace governments that hinder economic output, provides predictability and stability, and promotes income redistribution, which in turn increases political stability and reduces extreme poverty.
- Countries that have democratized within the last 60 years have generally done so not at random moments, but at times of economic distress. That sheds light on the growth trajectories of democracies: They start off slowly while trying to rebound from economic misery.
- Also, if a country stays on a democratic path over an extended period of time, it develops economically, which helps further consolidate democracy, leading in turn to additional economic growth.
- Not only do democracies do better than authoritarian regimes, but their growth is also less volatile. Studies have found that volatility in economic growth was lower for democratic countries than for authoritarian countries.

Further, democracy helps in economic development of the following factors –

- Development that leads to significant and continuing improvement in the quality of life for the poor and the near-poor (that is, the majority of the population in most developing societies),
- development that serves to broaden the distribution of economic assets and incomes,
- development that leads to improvement in conditions of health and safety in the workplace,
- Development that leads to improvement in “quality of life” issues for all: improved access to health care, clean water, education development that leads to sustainable environmental change and resource use, and development that leads to improvement in gender equity over time.

## **Conclusion**

Jagdish Bhagwati had opined, 'there is no "cruel dilemma" of nations being forced to choose between democracy and economic progress', which throws light on the all-inclusive nature of democracy but this is not to suggest that democracy is infallible and that it cannot be improved and made more effective. Ensuring that political democracy is practised robustly and contributes to capacity building and economic freedom is a continuous and on-going national endeavour. But democratic polity does offer a better framework, compared to autocracy, for economic progress.

