

**1. Creating a foreign policy framework that includes the border states will create dividends domestically and internationally both. Do you agree? Substantiate your views.**

### **Approach**

In this type of question candidates are expected to write about importance of Border States in formulating foreign policy, and how it will help India domestically and internationally. Give some examples to substantiate your points.

### **Introduction**

India's Foreign policy makes for a feel-good narrative of reimagining borders as bridges and speaks a comfortable cosmopolitan language, laying claim to a universal vision of globalism. India's border states have a critical role to play in India's foreign policy. They should be looked upon as a major asset in India's efforts to create a peaceful, stable and prosperous neighbourhood.

### **Body**

While the Border States are projected as bridges between India and the neighbourhood, in actual practice India's neighbourhood policy remains unambiguously top-down and continues to be firmly led and steered by New Delhi:

- The involvement of states in India's foreign policy-making could be vital in launching India onto the next phase of development. The centre holds executive power in all matters related to foreign policy as stipulated in Article 246A, 7th schedule.
- However, there is a heightened need to improve their economic performance and generate enough revenue of border state so as to not depend on the centre for funding and help improve foreign relations with other nation-states.
- Apart from the economic benefits a state could reap, there is a motivation for states to be involved in neighbourhood policies. Matters such as illegal trade and immigration (border security) and improving relations with the Indian diaspora in the neighbouring countries with which they have socio-cultural ties also contribute to a state's involvement in foreign policy. Improving trans-border regional links and trans-border neighbourly contacts through the involvement of states can have positive effects on India's foreign policy.
- The role that a state can play in improving relations with India's neighbours is huge. Border States, with historical, cultural, linguistic, religious, and ethnic links can help provide a platform for the central government to build stronger ties and improve border security. They can help improve socio-cultural ties as well
- India can also improve border security if it allows the states who have borders with other countries to be involved in the process. It can help the centre make policies accordingly as states understand the ground realities

better at the border which will help strangle illegal drug trade and immigration.

- The country's diplomatic engagement and its foreign policy has begun to acquire a level of diversity and complexity in recent years with a host of sub regional initiatives such as the Bay of Bengal Multi-Sectoral Initiative for Technical and Economic Cooperation (BIMSTEC), the Mekong Ganga Economic Cooperation (MGC), and the Bangladesh China India Myanmar Economic Corridor (BCIM).
- The past five years have seen a further deepening of this idea at the substantive as well as rhetorical levels with initiatives such as the Neighbourhood First policy, the rechristened Act East policy, Prime Minister Modi's high-profile visits to South Asian capitals, and the setting up of a States Division at the Ministry of External Affairs
- India's states traditionally haven't played any significant role in the formulation of foreign policy, but this may be changing to some degree. Economic liberalization and the emergence of coalition governments in New Delhi have created an environment conducive for states to proactively engage the central government on foreign policy issues that affect their interests.
- The Indian government in recent years has been more accepting of states playing a role in foreign policy than past administrations. It seems to view such engagement not as a negative form of interference but as a useful asset for pursuing the country's national interests abroad. The creation of the States Division within the Ministry of External Affairs is indicative of this new willingness to mainstream regional voices on foreign policy matters. eg Teesta water dispute, Tamil fisherman issue with Sri Lanka, West Bengal land boundary argument with Bangladesh
- The northeastern states have traditionally felt that they have been left out of the national mainstream, both in foreign policy and developmental terms. In addition, the northeastern region is India's geopolitical and economic gateway to East Asia. Furthermore given the rise of China and the many insurgencies that northeastern India is rife with there is also a hard strategic and security-based rationale for engaging the region as a single unit to discuss foreign policy matters.

### **Conclusion**

India's Border States have a critical role to play in India's foreign policy. They should be looked upon as a major asset in India's efforts to create a peaceful, stable and prosperous neighbourhood. Without an efficient management of India's relations with its neighbours it would be much more difficult to pursue a regional or global role for our country which is what we all aspire to as a large and populous country with significant economic and military capabilities and a sense of itself as civilizational entity.

**2. How did the centre-state dynamics influence the mitigation strategies to fight COVID in India? Critically analyse.****Approach**

The candidate needs to throw light on the centre-state dynamics which influenced the mitigation strategies to fight COVID in India and as the directive is critically analyse, one must give both the positives as well as shortcomings of the issue at hand.

**Introduction**

The history of federal relationship between the states and the centre in India can be exemplified by the terms like cooperative federalism, bargaining federalism or quasi-federalism. Recently, the COVID-19 pandemic has revealed fissures in the idea of cooperative federalism and also highlighted the strains in centre-state dynamics.

**Body**

- From a federal perspective, the Seventh Schedule of the Constitution which distributes the powers between different constituent units (Union and the States) gives states precedence over the Centre on health.
- Entry 81 of the Union List grants the legislative power for “inter-state migration; inter-state quarantine” to the Centre; meanwhile, -Entries 1, 2 and 6 of the State List give power to the states.
- The Constitution further states under Article 73 and 162 that the executive power of the Union and states is “coextensive with the legislative power”.

Thus, from the constitutional scheme, the state governments are expected to play the primary role in the management of healthcare, as well as law and order, while the Centre is tasked to provide the overarching national leadership, facilitate coordination among key federating units, monitor, etc. In this context, the centre-state dynamics influence the mitigation strategies to fight COVID in the following manner:

- **First Wave: Between Central Unilateralism and State Autonomy** - the Centre’s blanket decisions and stringent measures regarding lockdowns and containment zoning impeded the states’ capacity to combat the spread of the virus.
- Beyond the political and administrative centralisation, India’s initial COVID-19 response was marked by fiscal centralisation. With the Centre enjoying monopolistic power over scarce financial resources, state governments in many instances were left at its mercy. Indeed, India’s federal design has a ‘central bias’ in terms of taxation powers and related jurisdictions.
- Both laws of Epidemic Disease act 1897 and National Disaster Management act of 2005 provides broad legal architecture to take a variety of emergency



measures to contain the pandemic. It allows both the central and state governments to regulate the spread of epidemic diseases.

- Second wave: Unilateral Decentralisation - The first wave of the pandemic was about unilateralism and overtly centralised response by the Union. The opposite has been the case during the second wave.
- The decentralisation logic became more visible in the case of the vaccination policy. As the country faced acute vaccine shortages, many state governments called for autonomy to procure vaccines from international markets. The Centre acceded, but the ensuing chaos led to further delays in national vaccination drive, leading to recentralisation of the process.
- Decentralisation by Default: The role of third-tier governments - Amidst the Centre-state tussles in managing the pandemic, the most neglected third-tier institutions have emerged as unsung heroes: the panchayats (rural bodies) and urban local bodies.
- While the Centre has frequently emphasised the involvement of these third-tier institutions, various states have delegated substantial powers and responsibilities to these bodies in managing the pandemic. For instance, the Odisha government delegated the sarpanch with the powers of a magistrate to control the movement of migrants and oversee physical-distancing norms.
- Another factor influencing the centre-state dynamics is siloed approach - Country's existing healthcare apparatus is highly regimented, with separate institutions in-charge of primary, secondary, and tertiary health care. Such a siloed approach is a serious impediment to the country's efforts at tackling any epidemic such as the current COVID-19.
- Information asymmetry: Despite the governmental assurances and policy declarations, the vulnerability of migrant workers is unlikely to be taken care of due to the ensuing lack of communication and absence of information sharing between the Centre and the migrants sending and receiving States.

However, for a large federal country of a mind-boggling diversity, India's ability to fight Covid-19 pandemic largely rests on how well it manages its Centre-state relation. When compared with other large federal countries such as the US, the country has done very well to minimize the frictions and provide a sense of direction to the states. In this regard, the existing institutional mechanisms like Inter-State Council which has remained largely moribund can be rejuvenated during this crisis.

### **Conclusion**

The democratic capability of the Indian state will be tested with each new wave of the pandemic. A responsive and responsible government is fundamental to any success story of pandemic management. Collaborative federalism that chooses to ignore asymmetries will only strengthen democratic choices for better governance.

**3. How has federalism shaped public finance in India? Examine.****Approach**

The candidate needs to examine or dig deep into how federalism has shaped public finance in India.

**Introduction**

The “holding together” view of federalism, also called “new federalism”, represents an attempt to decentralise responsibilities to state-local orders of government to overcome regional and local discontent with central policies. This view is the driving force behind the current interest in principles of federalism in unitary countries and in relatively newer federations such as Brazil and India and emerging federations such as Iraq, Spain and South Africa.

**Federalism Shaping Public Finance in India**

- India’s political structure is federal; so, its financial system is also federal in character.
- In federation functions are distributed among different layers of government. Since each government is responsible for its own sphere of activity there should be adequate provision for source of revenue and its efficient administration for discharging the assigned functions independently and satisfactory.
- Therefore, the pool of total revenue source should be divided between the centre, state and local governments scientifically and reasonably. This warrants some mutually beneficial and sound principles, for the division of revenue source.
- The Constitution of India, adopted in 1950, made a clear distinction between the financial jurisdictions of the various governments. The various functions of each government have been delineated into three lists: (i) Union List, (ii) State List, and (iii) Concurrent List. Accordingly, financial powers have been divided.
- Taxes to be levied by the Centre are enumerated in the Union List and comprise 20 items. Taxes to be levied and collected by the states are mentioned in the State List. Taxes which have an inter-state base are levied by the Union Government and those with a local base are levied by the State governments. Then there is the Concurrent List falling within the jurisdiction of both the Centre and the states.
- The Constitution also makes provision for the setting up of a finance commission by the President of India at five years’ interval with the objective of allocating financial resources between the Centre and the States. In other words, the transfer of resources from the Centre to the States is governed by the recommendations of the Finance Commission.

**Conclusion**

The present system of allocation of financial resources has created a stir in the economy. Because of the enlargement of duties and responsibilities, state governments think that there has been concentration of financial powers in the hands of the central government. But as far as transfer of resources is concerned, the union government is less sympathetic to the state governments. This has resulted in financial conflicts between the centre and the states.



**4. What additional powers should be delegated to local bodies to make them more effective? Why? Substantiate your views.**

**Approach**

The candidate needs to mention additional powers that should be delegated to local bodies to make them more effective. Also explain the reason behind it. The candidate also needs to substantiate or establish given topic by proof or competent evidence or make firm or solid.

**Introduction**

Nearly 70 per cent of India's 1.3 billion population lives in rural areas. Local bodies are effective ways to fulfil the aspirations of people in rural India. They are playing a vital role in India's transformation. Good governance depends on the effective working of these local institutions. Therefore, the transformation of India depends on how well the local bodies function.

<b>Additional powers that should be delegated to local bodies to make them more effective</b>	<b>Why</b>
<b>The local bodies should be given more financial funds.</b>	One of the most common problem which is faced by the local bodies is the scarcity of finance and funds. Example: Their main sources of income include different type of taxes. However, most of the income generating taxes is levied by the union and state governments and, the taxes collected by the urban bodies are not sufficient to cover the expenses of the services provided.
<b>They should be made more effective by providing them more control.</b>	In perspective of insufficient accounts, the local bodies do not possess the capacity to satisfy their necessities. Therefore, they face a continuous outcry from the government as well as public. Example: The necessity i.e., water cannot be supplied properly, drainage facilities is improper, unplanned colonies along with slums are on ascendance, danger of stray cattle on the streets continues, traffic is unplanned, streets are not legitimately kept up.
<b>Appropriation of capacities between the structures at various levels should be</b>	Local self-government plan is imperfect in so far as the appropriation of



made logical.	capacities between the structures at various levels has not been made along logical lines. The mixing of development and Local self-government functions has essentially abridged the self-sufficiency of the local self-government foundations. It has, for all intents and purposes changed over them into administrative offices.
<b>There should be lot more conceptual clarity regarding the power and stand of the local bodies.</b>	There is absence of clarity as to the idea of local self-government itself and the targets for which it stands. Some would regard it similarly as a regulatory office while some others look upon it as an expansion of vote-based system at the grass roots level, and a couple others think of it as a sanction of provincial nearby government.
<b>The local bodies should be fiscally empowered.</b>	Third-tier governments are not fiscally empowered. The collection of property tax, a major source of revenue for third-tier governments, is very low in India (under 0.2% of GDP, compared to 3% of GDP in some other nations).

### Conclusion

When we talk about Atmanirbhar Bharat, we should also have in mind Atmanirbhar panchayats. Because when a panchayat becomes atmanirbhar, it not only ensures self-sufficiency, but also ropes in more accountability and transparency in governance, which further leads to a stable and progressive village economy. In this whole effort to make India a self-reliant nation, a larger focus should be on making the panchayats and local bodies more people-driven. It is when the last person living in an Indian village becomes “Atmanirbhar”, will we truly be “Atmanirbhar Bharat”.



**5. Why is it important to have more participation of women in local governance? What are we losing due to low participation rates of women? Analyse.**

**Approach**

The candidate needs to address the question in two parts with the first part detailing about the importance to have more participation of women in local governance while the second part analysing the loss due to low participation rates of women.

**Introduction**

It has been proven time and again that diverse groups make better decisions where under-representation of women at any level of governance and decision-making results in a democratic deficit. This is particularly true when it comes to a task as challenging as representing the interests of citizens at the local level.

**Body**

The importance of having more participation of women in local governance can be seen from the following points –

- As local government often influences policies in housing, security, transport, and the economy, local government makes important decisions that affect the lives of women and their families.
- Women's equal participation and representation in local decision-making processes is critical for prioritizing women's practical needs and issues in local governments' agendas and for localizing the Sustainable Development Goals.
- Gender-balanced local councils may be an important step in helping to attain gender balance at the national levels.
- It has been widely experienced that governance structures which do not provide for adequate participation of women, often suffer from state interventions which are neither inclusive nor democratic.
- Including women, especially in local governments is an essential step towards creating gender equal opportunities and gender sensitive policies.
- Since women have different needs and perspectives on social and political issues, it is important to involve women in governments to incorporate all of the societal viewpoints in policy and decision-making processes.
- The presence of women in local governments serves as an encouragement for other women to enter diverse professions and leads to breaking stereotypes of women's roles in society and public space.
- People had gained confidence in women as good public administrators and local government representatives after seeing women making a positive difference in other people's life.
- The society acknowledges the sincerity and commitment of women to their duties and their resistance to criminalization of politics. The measurement of

women political participation is essential to identify the need of policy intervention to improve the same.

In this context, the problem of low participation of women is of special concern for democracies and without changing that true democracy can never be achieved. The losses due to this low participation can be seen from the following points –

- Women make substantial contributions in giving suggestions for raising educational standards, addressing water sanitation and fuel problems - areas which were generally not discussed by men.
- They also discuss issues like dowry and also convince other women to implement improved environmental friendly measures as well as economic measures.
- Balanced political participation and power-sharing between women and men in decision-making is the internationally agreed target set in the Beijing Declaration and Platform for Action.
- There is established and growing evidence that women's leadership in political decision-making processes improves them. For example, research on panchayats (local councils) in India discovered that the number of drinking water projects in areas with women-led councils was 62 per cent higher than in those with men-led councils.
- Women demonstrate political leadership by working across party lines—even in the most politically combative environments—and by championing issues of gender equality, such as the elimination of gender-based violence, parental leave and childcare, pensions, gender-equality laws, and electoral reform.

India had understood the need to record gender statistics on political participation since its independence. India has been maintaining the record of number of women representatives at the panchayat level. Women sarpanchs accounted for 43 per cent of total gram panchayats (GPs) across the country, exhibiting active leadership of women in local government.

### **Conclusion**

India has a rich history of measuring political participation of women since its independence. The decentralization of governance which is taking place for last two decades has increased the importance of participation of women in decision making, especially at the local level but more efforts can be directed in this direction.

**6. What do you understand from the concept of original jurisdiction? Explain with the help of suitable examples.**

**Approach**

A simple straightforward question where candidates need to explain what is the Original jurisdiction, and explain it with the help of suitable examples

**Introduction**

Original jurisdiction of a court refers to a matter for which the particular court is approached first. In the case of the Supreme Court in India, its original jurisdiction is covered under Article 131. It involves any dispute between the Indian Government and one or more States.

**Body**

- In India, the Supreme Court has original, appellate and advisory jurisdiction. Its exclusive original jurisdiction extends to cases between the Government of India and the States of India or between Government of India and states on one side and one or more states on other side or cases between different states.
- Original jurisdiction is related to cases directly brought to the Supreme Court.
- Cases that require the interpretation of the constitution or cases relating to the denial of fundamental rights are heard in the Supreme Court.
- In case there is a dispute between two or more states or between the union and the states, the Supreme Court decides such cases.
- Article 131 of the Constitution of India grants original jurisdiction to the Supreme Court on all cases involving the enforcement of fundamental rights of citizens.
- It is empowered to issue directions, orders or writs, including writs like habeas corpus, mandamus, prohibition, quo warranto and certiorari to enforce them.
- The SC also has the power to direct the transfer of a criminal or civil case from the High Court in one State to the High Court in another State
- It can also transfer cases from one subordinate court to another State High Court
- If the SC deems that cases involving the same questions of law are pending before it and one or more High Courts, and that these are significant questions of law, it can withdraw the cases before the High court court or Courts and dispose off all these cases itself.
- The Arbitration and Conciliation Act, 1996 gives SC the authority to initiate international commercial arbitration.
- It is to be noted that Article 131 accords not only original but also exclusive jurisdiction to the Supreme Court in certain matters which means that in those matters no other court has authority to hear or determine a case.

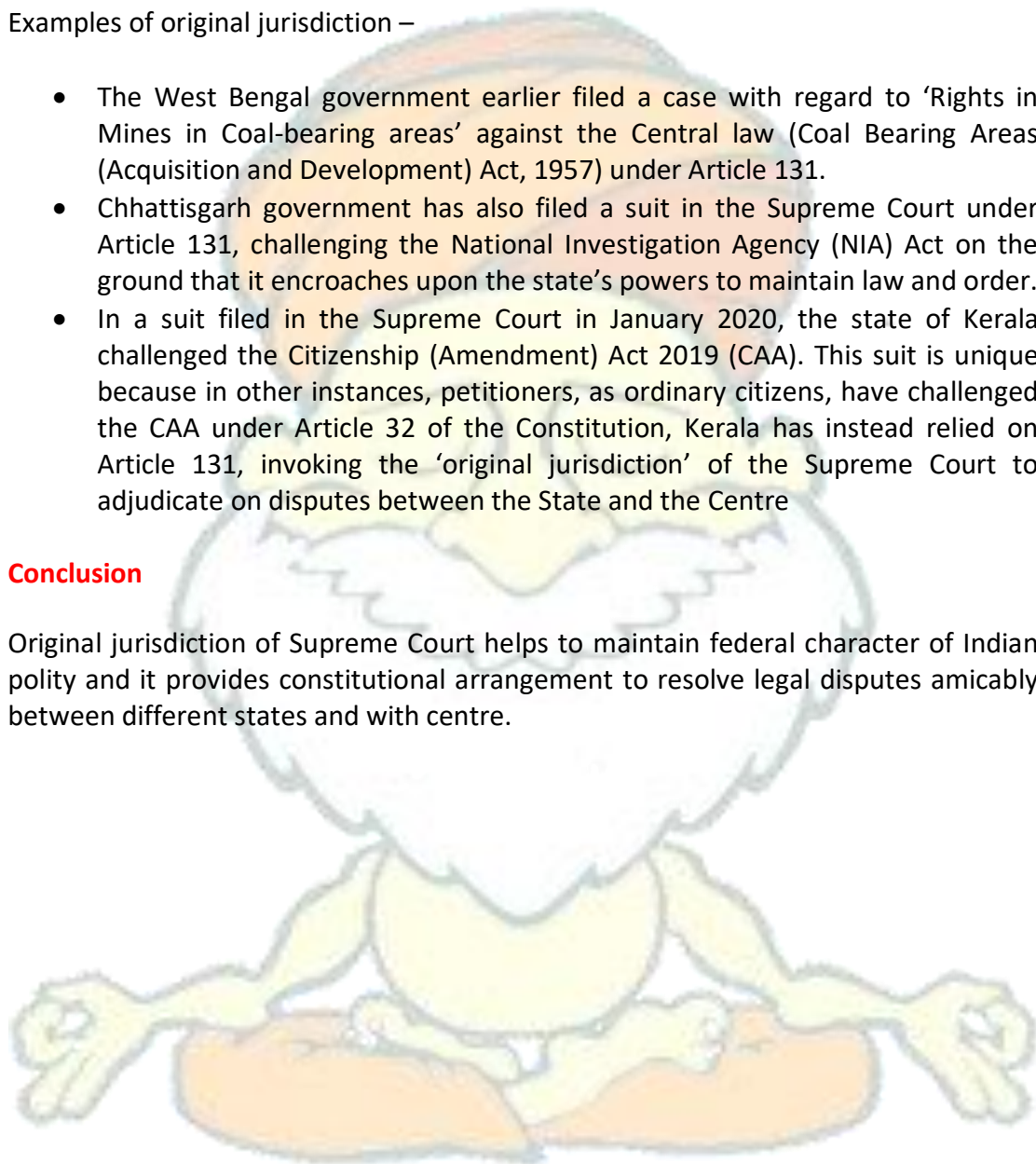
- However, this jurisdiction shall not extend to a dispute arising out of treaty, agreement, etc. which is in operation and excludes such jurisdiction.
- The jurisdiction is extremely wide, provided the dispute is a justiciable one. The intention of the Constitution-makers is, that such disputes should not be subjected to several tiers of the judicial hierarchy, but should come, for once and for all, before the highest court of the land.

Examples of original jurisdiction –

- The West Bengal government earlier filed a case with regard to 'Rights in Mines in Coal-bearing areas' against the Central law (Coal Bearing Areas (Acquisition and Development) Act, 1957) under Article 131.
- Chhattisgarh government has also filed a suit in the Supreme Court under Article 131, challenging the National Investigation Agency (NIA) Act on the ground that it encroaches upon the state's powers to maintain law and order.
- In a suit filed in the Supreme Court in January 2020, the state of Kerala challenged the Citizenship (Amendment) Act 2019 (CAA). This suit is unique because in other instances, petitioners, as ordinary citizens, have challenged the CAA under Article 32 of the Constitution, Kerala has instead relied on Article 131, invoking the 'original jurisdiction' of the Supreme Court to adjudicate on disputes between the State and the Centre

### **Conclusion**

Original jurisdiction of Supreme Court helps to maintain federal character of Indian polity and it provides constitutional arrangement to resolve legal disputes amicably between different states and with centre.





**7. What is writ jurisdiction? Why is it important? In what ways does the writ jurisdiction of the Supreme Court varies from that of the High Courts? Explain.**

**Approach**

A straightforward question where in the first part, the candidate needs to explain about writ jurisdiction and why is it important. In the second part of the answer, the candidate needs to explain difference between the writ jurisdictions of the Supreme Court and the High Courts.

**Introduction**

Writ is an instrument or order of the Court by which the Court directs an Individual or official or an authority to do an act or abstain from doing an act. The Constitution of India, under Articles 32 and 226 confers writ jurisdiction on Supreme Court and High Courts, respectively for enforcement/protection of fundamental rights of an Individual.

**Body**

There are various types of Writs: Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari. Supreme Court under Article 32 of the Constitution (termed as “Heart and Soul” of Indian Constitution by Dr. B.R. Ambedkar) can exercise similar powers. In this context, the **importance of Writs** can be understood from the following points –

- Writs are crucial in the defence of fundamental rights; without them, Part III would be meaningless, because they give teeth to the rights.
- The basic idea in conferring powers upon Courts is to see that the rule of law is maintained in the society. The executive Authorities are to be corrected whenever they transgress the limits of their power and encroach upon the rights of the citizen.
- Violations of human rights, natural rights etc., are instances where the High Courts’ interfere using this powerful article of the constitution.
- They are powerful checks against the excesses committed by the state as under article 12.
- Using them, judiciary has interpreted many other rights as inseparable adjuncts to other fundamental rights. For example, right to dignified life in Maneka Gandhi Case 1978.

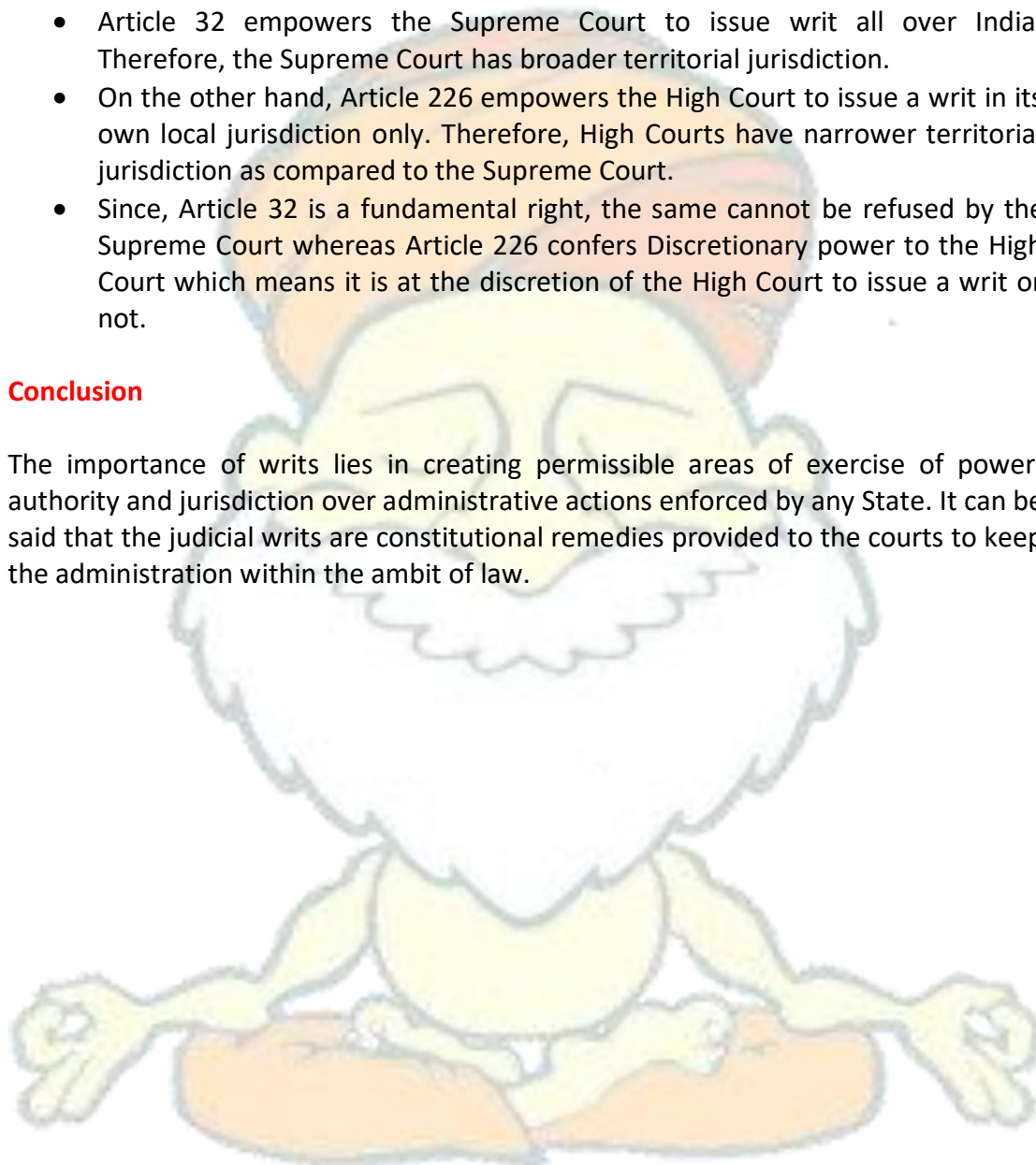
Article 32 and 226 empowers the Supreme Court and the High Court’s respectively, with the power to initiate an action against a government body in case of violation of rights and liberties of the citizen. The **major difference between Article 32 and Article 226** can be understood from the following points –

- Article 32 is a fundamental right whereas Article 226 is a constitutional right.

- Article 32 can be suspended if an emergency has been declared by the President but Article 226 cannot be suspended even at the time of emergency.
- Article 32 has a narrow scope as it is applicable only in case of violation of a fundamental right whereas Article 226 has a broader scope as it is applicable not only in the case of violation of a fundamental right but also of a legal right.
- Article 32 empowers the Supreme Court to issue writ all over India. Therefore, the Supreme Court has broader territorial jurisdiction.
- On the other hand, Article 226 empowers the High Court to issue a writ in its own local jurisdiction only. Therefore, High Courts have narrower territorial jurisdiction as compared to the Supreme Court.
- Since, Article 32 is a fundamental right, the same cannot be refused by the Supreme Court whereas Article 226 confers Discretionary power to the High Court which means it is at the discretion of the High Court to issue a writ or not.

### **Conclusion**

The importance of writs lies in creating permissible areas of exercise of power, authority and jurisdiction over administrative actions enforced by any State. It can be said that the judicial writs are constitutional remedies provided to the courts to keep the administration within the ambit of law.



**8. What is the functional basis of tribunals? Discuss. From a standpoint of the overarching goal of reducing litigation, what role do tribunals play? Critically examine.**

### **Approach**

The candidate needs to discuss functional basis of tribunals. Also, candidate have to critically examine from a standpoint of the overarching goal of reducing litigation, that what role do tribunals play examine or dig deep into how has federalism shaped public finance in India.

### **Introduction**

Tribunals are quasi-judicial institution setup for fast, inexpensive and decentralised adjudication of disputes in various dispute matters such as administrative dispute and tax disputes. Tribunal gets constitutionalized under 42nd Amendment which added Article 323A and Article 323B.

### **Body**

#### **The Functional Basis of Tribunals –**

- **Judicial Inadequacy:** As traditional has been proved inadequate as burdened excessively and one cannot expect a fast execution in all matters. So various tribunal provides relief to the courts by solving disputes in effective and cost saving measures.
- **Technical Expertise:** As almost all disputes require technical know-how of the subject matter of the suits. As tribunal are handled by the experts thus are able enough to cater to and solve such issues.
- **Enforcement:** Administrative authorities has power to enforce the preventive measures such suspension, cancellation or revocation of licenses and destruction of contaminated articles among others. The conventional courts usually don't enforce these solutions.
- **Flexibility of procedure –** As there is no rigid procedures and evidence ordeals as in the courts in the India so there is no fix procedure. Tribunal's works on the principle of Natural Justice.

#### **Role of Tribunals in Reducing Litigation: Critical Examination**

#### **Tribunals Advantages –**

- Tribunals offer flexibility when compared to ordinary courts that have to adhere to strict procedures.
- They are cheaper and offer speedy justice.
- The procedure followed by the tribunals is simple and easy to understand even for the layman.

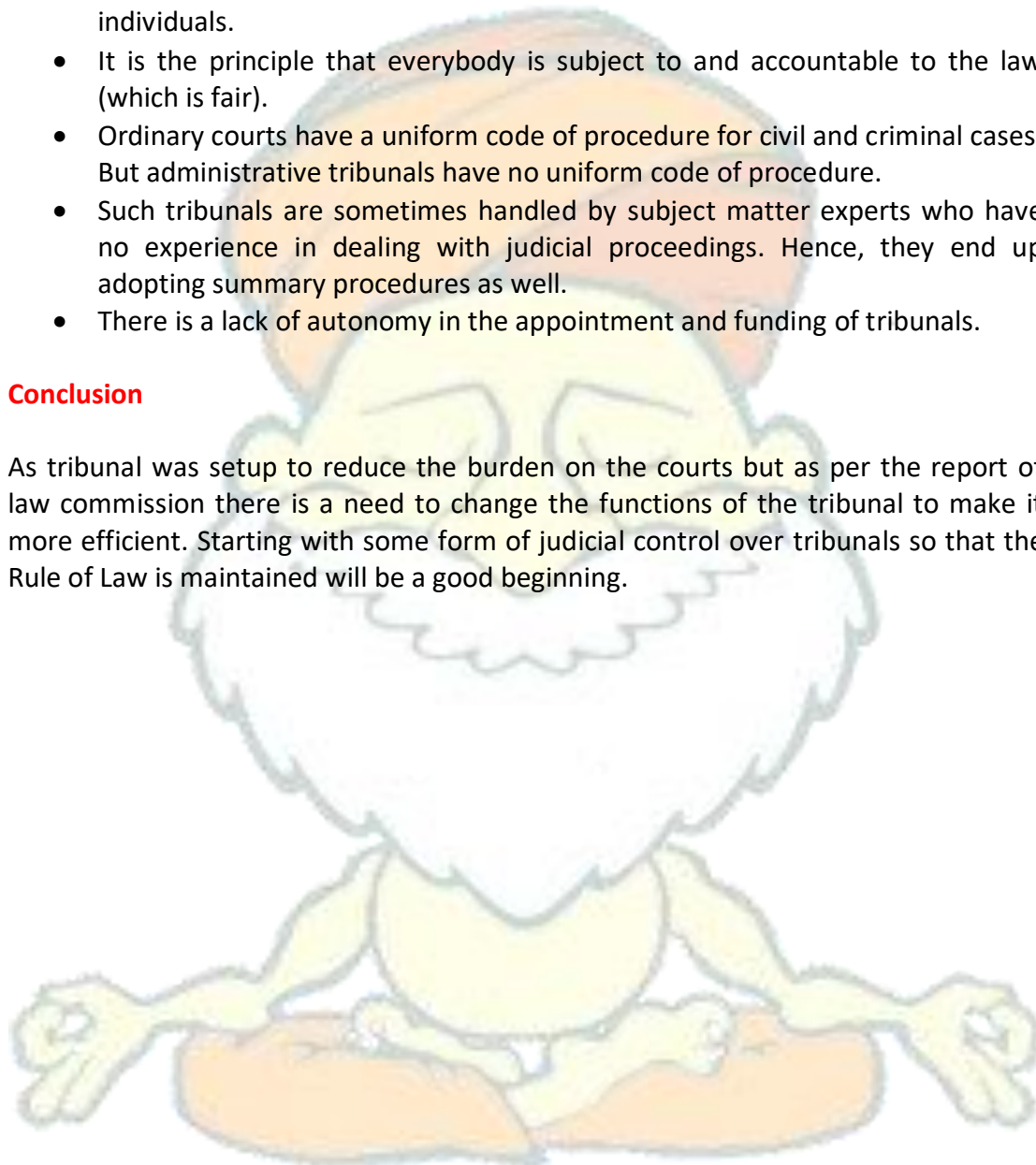
- They also offer relief to the ordinary courts that are already over-burdened with suits.

**Tribunals Disadvantages –**

- They go against the spirit of the “Rule of Law”.
- Rule of Law ensures that arbitrary power is not exercised by institutions or individuals.
- It is the principle that everybody is subject to and accountable to the law (which is fair).
- Ordinary courts have a uniform code of procedure for civil and criminal cases. But administrative tribunals have no uniform code of procedure.
- Such tribunals are sometimes handled by subject matter experts who have no experience in dealing with judicial proceedings. Hence, they end up adopting summary procedures as well.
- There is a lack of autonomy in the appointment and funding of tribunals.

**Conclusion**

As tribunal was setup to reduce the burden on the courts but as per the report of law commission there is a need to change the functions of the tribunal to make it more efficient. Starting with some form of judicial control over tribunals so that the Rule of Law is maintained will be a good beginning.





**9. What are family courts? What are some of the alternate dispute redressal forums for settling civil and family disputes? Discuss.**

**Approach**

The candidate has to explain family courts and then needs to discuss or debate by providing reasons in support of his view on some of the alternate dispute redressal forums for settling civil and family disputes.

**Introduction**

The Family Courts Act 1984 was enacted on 14 September 1984 to provide for establishment of the family courts with a view to promoting conciliation in and secure speedy settlement of disputes relating to marriage and family affairs. The Family Courts' main purpose is to assist the smooth and effective disposal of cases relating to family matters. However, like any other system there are certain issues which become a matter of concern when it comes to the working of these courts. One such issue is that of continuity.

**Body**

**The Alternate Dispute Redressal Forums for Settling Civil and Family Disputes –**

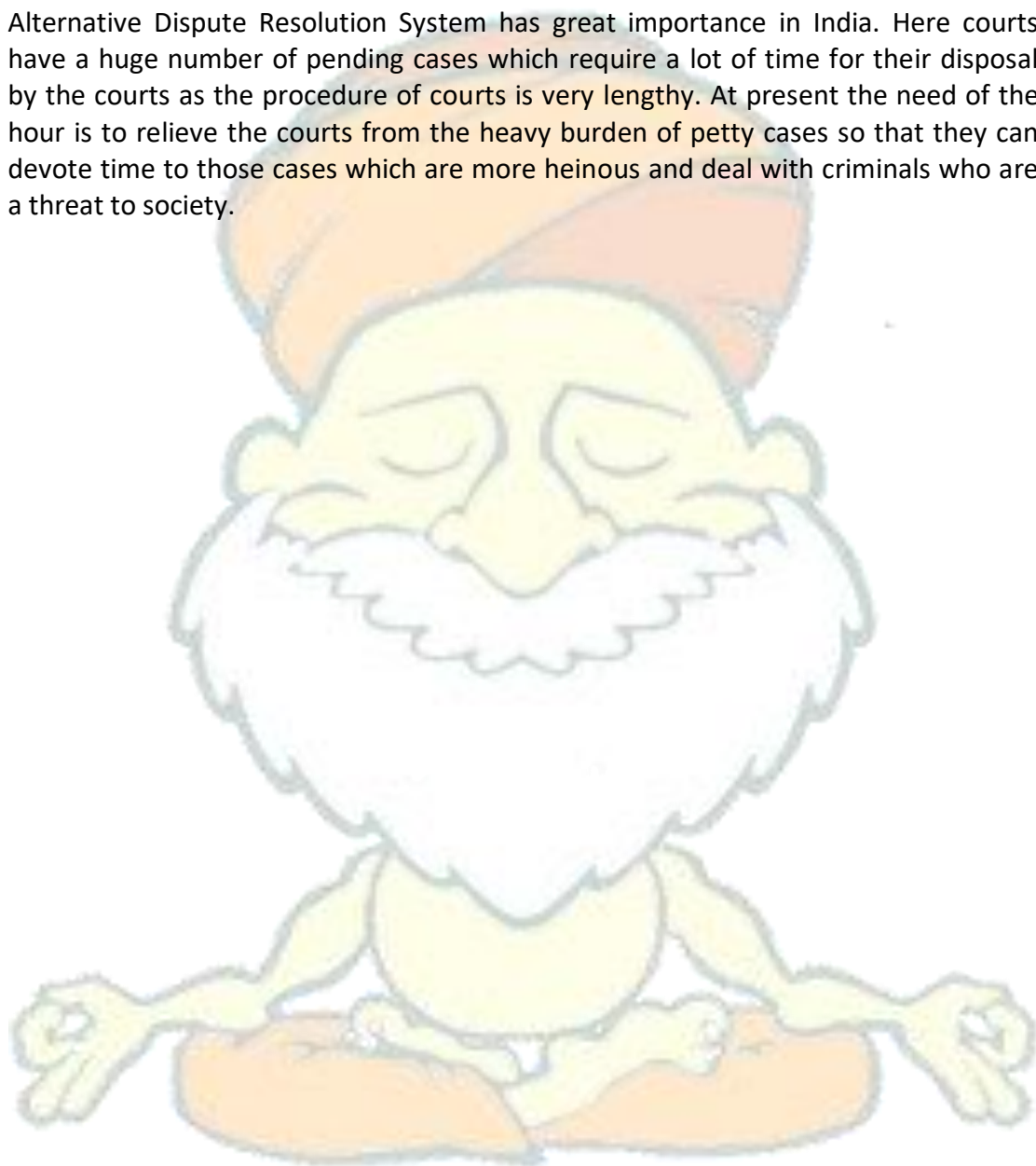
ADR is a technique to resolve disputes and disagreements between the transacting parties by arriving at an amenable settlement through negotiations and discussions. ADR is capable of providing other means and methods for solving disputes of all types including civil, commercial, family, etc. some of the alternate dispute redressal forums for settling civil and family disputes includes the following:

- **Mediation:** Mediation is a process in which an external person who is known as mediator works with the transacting parties to resolve the dispute and differences between them. Mediation is always carried out with an assistance of third party. The mediator has no power to impose his/her decision on the parties. The village Panchayats and the Nyaya Panchayat are good examples of this.
- **Conciliation:** Conciliation is an alternative out-of-court dispute resolution instrument. Conciliation is a voluntary, flexible, confidential, and interest-based process. The parties seek to reach an amicable dispute settlement with the assistance of the conciliator, who acts as a neutral third party.
- **Lok Adalat:** The word "Lok Adalat" means "People Court". The Lok Adalat is an old form of adjudicating system prevalent in India which is based on Gandhian Principles. Lok Adalat is another alternative to judicial justice. It is a strategy of delivering of delivering informal, cheap and expeditious justice to the common man by way of settling disputes which are pending in courts and those also which have not reached the courts.

- **Negotiation** is discussion aimed at reaching an agreement. Basically, negotiation is a method to settle disputes peacefully by being flexible in various aspects. This method can be applied in every kind of dispute such as technical, legal or political.

### **Conclusion**

Alternative Dispute Resolution System has great importance in India. Here courts have a huge number of pending cases which require a lot of time for their disposal by the courts as the procedure of courts is very lengthy. At present the need of the hour is to relieve the courts from the heavy burden of petty cases so that they can devote time to those cases which are more heinous and deal with criminals who are a threat to society.



**10. If there is a dispute between India and one of its neighbouring country over river water sharing, what would be the appropriate forum to settle that dispute? Examine. Can you mention more of such forums that address international disputes? Discuss.**

### **Approach**

The candidate needs to address the first part of the question by examining about the mechanism to settle the international river water disputes while in the second part, one can discuss about more such forums which address international disputes.

### **Introduction**

Water is a vital resource and is an area of both contention and conflict. This is nowhere more destabilizing than in river basins that cross political boundaries, especially in Indian subcontinent where competition for water is becoming intense.

### **Body**

- Resolution of some water disputes has been achieved by the parties themselves in some instances, and through third parties in others (Permanent Court of Arbitration, 2003).
- Settlement of international water disputes is no longer confined to the International Court of Justice (ICJ), The Permanent Court of Arbitration (PCA), and the International Centre for Settlement of Investment Disputes (ICSID), etc. Third parties and even regional and national courts are now playing an important role in dispute settlement.
- Legal agreements on water sharing have been negotiated and maintained even as conflicts have persisted over other issues.
- For example, Cambodia, Laos, Thailand and Vietnam, have been able to cooperate since 1957 within the framework of the Mekong River Commission, and they had technical exchanges throughout the Vietnam War.
- Further, the Indus River Commission survived many wars between India and Pakistan. The nine Niger River Basin countries have agreed on a framework for a similar partnership.
- In 1996, India and Bangladesh concluded a Treaty on Sharing of the Ganges Waters. The Treaty ended a bitter dispute that lasted for more than thirty years.

These cases reflect two important elements of international water resources cooperation: the need for an institution to effectively develop a process of engagement over time; and well-funded third-party support trusted by all factions.

- The more than 3,600 agreements and treaties signed are an achievement in themselves, but a closer look at them still reveals significant weaknesses.

- The 1997 United Nations Convention on Non-Navigational Uses of International Watercourses is one international instrument that specifically focuses on shared water resources.
- It established two key principles to guide the conduct of nations regarding shared watercourses: "equitable and reasonable use" and "the obligation not to cause significant harm" to neighbours.
- However, it is up to countries themselves to spell out precisely what these terms mean in their watersheds.
- Moreover, there are international watercourses where there are currently no agreements, or even attempts to address the existing or emerging disputes and build confidence and shared vision towards cooperation.
- Better cooperation also entails identifying clear yet flexible water allocations and water quality standards, taking into account hydrological events, changing basin dynamics and societal values.

Some of the forums addressing international disputes can be seen from the following points:

- Various multilateral treaties have been concluded that aim for the peaceful settlement of disputes. One of the most important ones is the Hague Convention, 1899 for the Peaceful Settlement of disputes.
- Article 2 para 3 of the UN Charter provides that all international disputes must be settled by the member by peaceful means while maintaining international peace, security, and ensuring justice is not endangered.
- Dispute Settlement Body - The General Council convenes as the Dispute Settlement Body (DSB) to deal with disputes between WTO members.
- International Centre for Settlement of Investment Disputes (ICSID) is the world's leading institution devoted to international investment dispute settlement.

### **Conclusion**

With water becoming increasingly a scarce resource and with the steady growth in population, disputes will continue to erupt and the claims will get more complex and novel. Cooperation can, and indeed should, go beyond the classic approach of sharing the waters, or the river basins, to sharing the benefits derived from such waters.



**11. What are the key differences between the federal structures of India and the US? Explain with the help of suitable examples****Approach**

In this question candidates are expected to write about what federation is and how federal structures of India and United states are different from each other. Also give examples to prove your point.

**Introduction**

USA which is known for oldest democracy and India is known as world largest democracy in world. Federalism is a system of government in which the same territory is controlled by two levels of government. Both the national government and the smaller political subdivisions have the power to make laws and both have a certain level of autonomy from each other. There are certain difference of federal structures between India and US.

**Body**

Differences between the federalism of US and India – There are certain differences that exist between the federalism of US and India. These differences have been created by the architects of the Indian Constitution.

- The US federalism is very strong and more rigid as envisaged in their Constitution by its leaders. It is more federal than unitary in character. Whereas, India is more unitary than federal and we can even say that it is a quasi-federal state.
- The US became a federal republic State by upholding its Constitution in the year 1789; while India became a secular, socialist, sovereign, the democratic republic by formally launching its Constitution only in the year 1950. Hence, both countries had acquired the status of dominion in which many smaller states had become aligned to form a union with a strong Central Government that had come to be called. Both States were then federal republics.
- The US federalism is very strong and more rigid as envisaged in their Constitution by its leaders. It is more federal than unitary in character. Whereas, India is more unitary than federal and we can even say that it is a quasi-federal state.
- Each state in US is represented by 2 senators irrespective of state population while in India the number of representatives from any state in the Lok Sabha depend on the population of state.
- In India There is only one constitution for the whole country, while in USA it has a federal system with each state having its own constitution.
- In India can be said to be a case of cooperative federalism. While in USA power is shared between the federal government and state governments.

- India is neither purely federal nor purely unitary, on the other side USA is purely federal.
- It is a federal structure with a strong unitary bias. On the other side USA is federal with more powers granted to states.
- India is a union of states meaning states have no authority to secede from India. While on other side USA gave the more rights to states and if state passes the bill for secede from USA they can move out from USA.
- The basic difference between the governments of India and the US is that the Indian government is a parliamentary model whereas the USA has a presidential system.
- In a Union of States like India, there is a strong centre and power is shared between the centre and the states. India is described as a union of states in the Constitution. This is because India was formed as a result of princely states joining the union (which was British India). In contrast, the USA was formed as a result of the initial 13 colonies coming together to form the union. This is more like a bottom-up approach.
- The First Article of Indian Constitution reads, "India, that is Bharath, shall be a Union of States." Dr. B.R. Ambedkar, the architect of the Indian Constitution, said that this union was a federation and called it a flexible federation, so as not as rigid as the American Federation.
- USA constitution provides a role to states in ratifying the international treaties through the Senate. There is no such provision for states in the Indian Constitution.
- The Constitution of India recognises single citizenship. On the other hand, USA Constitution provides for a double citizenship that is a US citizen can have citizenship of two countries, USA and some other country.

### **Conclusion**

The federalism structure of the United States and India is somewhat different, but both structures have performed effectively and preserved national independence with a different history and challenges. Federalism is like a rainbow, each colour is distinct, but they make a cohesive pattern together.

**12. What is the underlying philosophy behind having an upper house in the Parliament? Discuss. With this in mind, critically evaluate the current functioning of the Rajya Sabha.**

### **Approach**

The candidate needs to discuss about the underlying philosophy behind having an upper house in the Parliament in the first part of the answer while in the second part, critical evaluation of the current functioning of the upper house i.e. Rajya Sabha is needed.

### **Introduction**

Parliament is the supreme legislative body of India. The Indian Parliament comprises of the President and the two Houses - Rajya Sabha and Lok Sabha where Rajya Sabha is the upper house and is a permanent body and is not subject to dissolution.

### **Body**

- The 'Council of States' which is also known as Rajya Sabha, a nomenclature that was announced by the chair in the House on the 23rd August, 1954 has its own distinctive features.
- The origin of the second Chamber can be traced to the Montague-Chelmsford Report of 1918. The Government of India Act, 1919 provided for the creation of a 'Council of State' as a second chamber of the then legislature with a restricted franchise which actually came into existence in 1921.
- Constituent Assembly decided to have a bicameral legislature for independent India mainly because a federal system was considered to be most feasible form of Government for such a vast country with immense diversities.
- A single directly elected House, in fact, was considered inadequate to meet the challenges before free India. A second chamber known as the 'Council of States' was created with altogether different composition and method of election from that of the directly elected House of the People.
- It was meant to be the federal chamber i.e., a House elected by the elected members of Assemblies of the States and Union Territories in which States were not given equal representation.
- Rajya Sabha represents a crucial component of the constitutional checks and balances scheme, in addition to the commonly identified examples of responsible government and judicial review.
- Indian constitution framers wanted to create a house that would act as a revisionary house to keep a check on the hasty legislation that could be passed by the lower house under populist pressures.
- The role of the Upper House is to be a deliberative body besides balancing the "fickleness and passion" of the Lok Sabha. Also, Rajya Sabha can make a place for people who may not be able to win a popular mandate.



**Functioning of Rajya Sabha: A Critical Analysis –**

- According to a recent first ever quantitative analysis of the extent of participation of MPs in the proceedings through the attendance of the members of Rajya Sabha, it has been found that only 29.14% reported full attendance while only 1.90% never attended the proceedings for various reasons and were granted leave of absence by the House.
- There has been a decline in productivity of the Rajya Sabha, which is primarily on account of disruptions forcing cancellation of Question Hour frequently. Disruptions also dent the quality of law-making as seen in passing of Bills without discussion sometimes.
- There is a wide held perception that Rajya Sabha has done nothing except stalling legislative works and causing policy paralysis in the country. This may be due to the fact that Rajya Sabha often has members from the party defeated in various elections, or are from political families, and due to political differences, it can be said that they do not allow passage of important bills.
- Politics of boycotting and creating ruckus in the house and toeing on the party-line even on the issue that won't attract disqualification provisions is a worrying thing.

At the same time, it is important to remember that Parliament is not only a legislative but a deliberative body. So far as its deliberative functions are concerned, Rajya Sabha has made very valuable contributions time and again.

- In the same analysis, it was revealed that the looming shadow of the Covid-19 pandemic did not impact those who were regularly attending the House.
- While the argument of members not able to win in direct elections holds true, but retaining talent is essential for any democratic system. It has also given entry to other experts like scientist, artist, sportsmen etc. that can rarely face the electoral politics.
- While it can't bring no confidence motion or amend money bill, its role in checking arbitrariness of government, as reflected in Land Ordinance, is necessary in democracy. Besides its special role in All India Services, legislation in State List too necessitates its existence.
- Men and women of prodigious talent and calibre have adorned the benches of the upper house and have contributed significantly towards realising the vision of the founding fathers of the Constitution.

**Conclusion**

Rajya Sabha has played a constructive role in deliberations in the parliament where it has excelled in playing an impressive role in holding the government accountable for its promises, highlighting the need for a constant upper house but with more productive and effective functioning.



**13. What do you understand by the concept of proportional representation? How does it manifest in the Indian political system? Analyse.**

**Approach**

Candidate has to explain the concept of proportional representation. The candidate then has to analyse or explain each fragment with example of how the concept manifest in the Indian political system.

**Introduction**

Proportional representation characterises electoral systems in which divisions in an electorate are reflected proportionately in the elected body.

**Body**

**Concept of proportional representation:**

This refers to an electoral system in which the distribution of seats corresponds closely with the proportion of the total votes cast for each party. This is a more complicated but representative system than the first-past-the-post (FPTP) system, which is used in India. If a party gets 40% of the total votes, for example, a perfectly proportional system would allow it to get 40% of the seats. Some countries used a combination of the proportional representation system and the FPTP system.

**How does concept of proportional representation manifest in the Indian political system –**

- Since independence, we have been following an electoral system called ‘first past the post’, in which the candidate with the most votes in each constituency wins. All other votes in that constituency are hence disregarded.
- Under the current ‘first past the post’ system, power tends to end up with one party, no matter how small its majority. MPs have been elected despite 75% of their constituency voting against them.
- Another consequence of the winner-takes-all nature of the FPTP system is that it rewards parties who target and treat preferentially specific segments of the electorate or “vote banks”, rather than the majority of electors.
- For example, some parties field candidates of a particular caste in specific constituencies to attract voter.
- Furthermore, people are sometimes compelled to cast votes out of fear in favour of criminals. The system thus rewards divisive electoral strategies and encourages parties to field tainted candidates.
- A more proportional system would give regional parties and independent candidates a better chance of getting into parliament and introduce different voices to nation-building.

**Conclusion**

The proportional representation system was turned down initially because it demanded literacy on a large scale, which was non-existent during that period, and many were apprehensive of achieving it in the immediate future. But now the literacy levels have considerably improved. A more proportional system would give regional parties and independent candidates a better chance of getting into parliament and introduce different voices to nation-building, say proponents of proportional representation.



**14. Explain the objectives of having different committees in the Parliament. What are some of the most committees in the Indian Parliament? Discuss.**

### **Approach**

Candidate has to explain objectives of committees in the parliament. The candidate also has to explain some important committees in Indian parliament and discuss them.

### **Introduction:**

Parliamentary Committees are committees, with MPs as members, for specialised work on behalf of the entire Parliament.

### **Body**

#### **The objectives of having different committees in the Parliament:**

- Parliament deliberates on matters that are complex, and therefore needs technical expertise to understand such matters better.
- Committees help with this by providing a forum where Members can engage with domain experts and government officials during the course of their study.
- For example, the Committee on Health and Family Welfare studied the Surrogacy (Regulation) Bill, 2016 which prohibits commercial surrogacy, but allows altruistic surrogacy.
- As MPs come from varying backgrounds, they may not have had the expertise to understand the details around surrogacy such as fertility issues, abortion, and regulation of surrogacy clinics, among others.
- The Committee called upon a range of stakeholders including the National Commission for Women, doctors, and government officials to better their understanding of the issues, before finalising their report.
- Committees also provide a forum for building consensus across political parties.
- The proceedings of the House during sessions are televised, and MPs are likely to stick to their party positions on most matters.
- Committees have closed door meetings, which allows them to freely question and discuss issues and arrive at a consensus.

#### **Some of the most important Committees which act as Parliament's 'Watch Dogs' over the executive (Select and Joint) includes:**

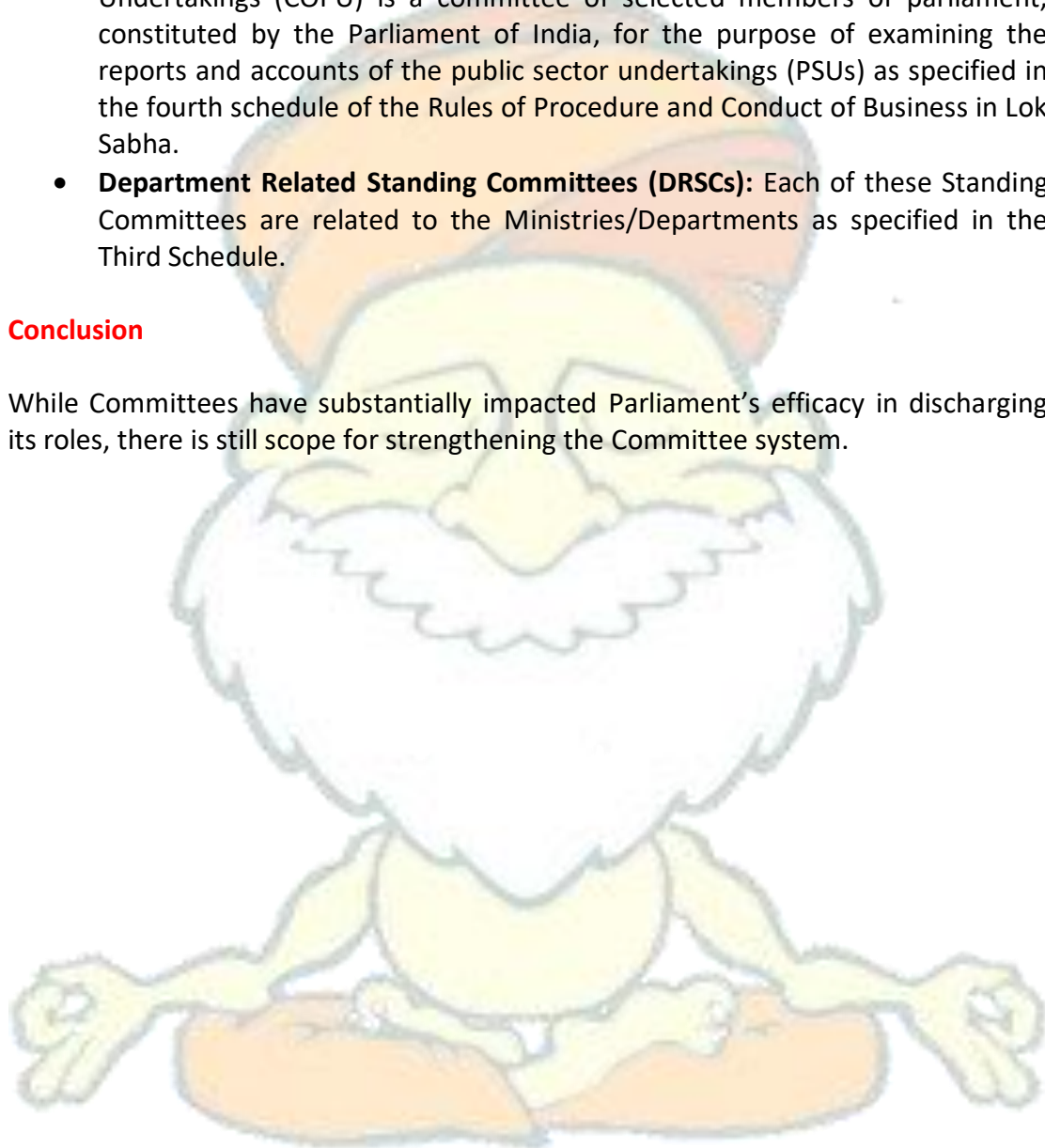
- **Committee on Estimates (Select committee of LS):** The Estimates Committee is a committee of selected members of parliament, constituted by the Parliament of India (the Lok Sabha), for the purpose of scrutinising the

functioning of government ministries and departments in terms of expenditure and utilisation of funds.

- **Committee on Public Accounts (PAC):** The Public Accounts Committee (PAC) is a committee of selected members of parliament, constituted by the Parliament of India, for the purpose of auditing the revenue and the expenditure of the Government of India.
- **Committee on Public Undertakings (PUC):** The Committee on Public Undertakings (COPU) is a committee of selected members of parliament, constituted by the Parliament of India, for the purpose of examining the reports and accounts of the public sector undertakings (PSUs) as specified in the fourth schedule of the Rules of Procedure and Conduct of Business in Lok Sabha.
- **Department Related Standing Committees (DRSCs):** Each of these Standing Committees are related to the Ministries/Departments as specified in the Third Schedule.

### Conclusion

While Committees have substantially impacted Parliament's efficacy in discharging its roles, there is still scope for strengthening the Committee system.





**15. What are the merits and demerits of having a multiparty democratic system? Critically analyse.**

**Approach**

A simple and straightforward question where in the candidate needs critically analyse the merits and demerits of having a multiparty democratic system.

**Introduction**

A multi-party system is a system in which multiple political parties have the capacity to gain control of government offices, separately or in coalition. They are systems in which more than two parties are represented and elected to public office. Australia, Canada, Nepal, Pakistan, India, Ireland, and Norway are examples of countries with two strong parties and additional smaller parties that have also obtained representation.

**Body**

There is various party system in various countries. Some have a one-party system, some have a two-party system, and some have a multi-party system. In India, the multi-party system is prevalent. In India, the coalition government was first formed in 1977. In this context, the **merits of having a multi-party democratic system** can be seen from the following points –

- Freedom to people- Democracy is fundamentally about the independence and forbearance of institutions (such as the judiciary and the press and other constitutional bodies), freedom of speech, decentralization of power, giving voice to the minorities, about checks and balances against the reign of brute majorities. Multi-party system helps in this regard.
- A multi-party system affords citizens the opportunity to have as many choices as possible. It is considered more democratic.
- Multi-party systems tend to encourage peaceful change of governments. The existence of many parties means that there are other parties waiting for their turn to be voted into power can discourage crude means of gaining political power.
- Better representation- In the multi-party system, constituencies have a greater probability that their interests will be represented than in any other party system. Multi-party system has a positive impact on the level of democracy in terms of party competition for gaining the support of voters.
- Another advantage of the operation of a multi-party system is that it allows opposition parties to exist. When there is opposition, it could encourage optimal results.
- It strengthens the federal fabric of Indian political system. It is more sensitive and responsive to regional demands and concerns than the single-party government. It helps in the reduction of the tyranny of government.

- The operation of multi-party allows open and constructive criticism of the policies of the ruling government. This prevents the leaders of the ruling party from becoming despotic or tyrannical.
- It may encourage voter participation. Ensures links with critical electoral stakeholders. It acts as a channel to meet up the expectations and redressal of the grievances of different groups and people.

On the other hand, the **demerits of having a multiparty democratic system** can be seen from the following points –

- In many cases, no one party is able to gain power alone. Therefore, it leads to difficulty in formation of government. Some parties might have to come together before a government can be formed and these coalition governments can be weak and unstable.
- Narrow agendas- In multi-party democracies competing parties confine themselves to their narrow agendas pursuing the interests of certain groups, regions or classes, and thus tearing society apart.
- It can be expensive to operate since all the parties vying for political power must convince the people to vote for them. They organize rallies, advertise in the media and so on in order to carry out their campaigns and reach voters.
- Electorates can become bombarded with so many choices to the point where they get confused. For example, many candidates with similar names are fielded by rivals to divide votes.
- Another disadvantage of multi-party system is that it can lead to divisions in the nation. This is especially so in Africa where parties could be formed along tribal, religious or ethnic lines.
- When there are many parties vying for the ultimate goal of ruling the country, it can degenerate into an unhealthy rivalry among the various parties. This could eventually stifle development and progress. It leads to political instability and often appears to be very messy.
- This system can also be a great disadvantage in times of emergencies. For example, if there is an outbreak of war, the Commander-in-Chief can be held down by unnecessary delays as would have been the case in a multi-party system.

### **Conclusion**

A political party is a group of people who have the same political ideology and get power through constitutional means and work for the national interest. Thus, only the successful combination of many factors within the multipartism may lead to the enhancement of democracy and empowerment of people rather than focus only on a single aspect of representation.

**16. How does the doctrine of checks and balances function in the case of the executive and the Parliament? Explain with the help of suitable examples.**

### **Approach**

In this question candidates need to explain what is doctrine of check and balances and how does it function in case of executive and parliament .Give some examples to explain it.

### **Introduction**

A constitution, being the fundamental or basic law of the land, not just lists the functions of the government but also distributes these three core functions amongst the three organs of a government — the legislature, executive , and the judiciary. There is an equal emphasis on ensuring an effective balance of powers between the organs of the government. The purpose of the system of checks and balances is to prevent the arbitrary or capricious use of power.

### **Body**

The doctrine of separation of powers is a part of the basic structure of the Constitution, although not specifically mentioned. The legislature cannot pass a law violating this principle. The functions of the three organs are specifically mentioned in the Constitution. Let us take a look at some of the articles of the Constitution which suggest separation of powers –

- Article 50: This article puts an obligation over the State to separate the judiciary from the executive. But, since this falls under the Directive Principles of State Policy, it is not enforceable
- Article 123: The President, being the executive head of the country, is empowered to exercise legislative powers (Promulgate ordinances) in certain conditions.

Relationship between Legislature and Executive –

- The Constitution states that the executive branch of the State (Council of Ministers) shall be collectively responsible to the Legislature. This implies that the Parliament should supervise the work of the government and hold it accountable for its actions.
- In a parliamentary form of government, the executive is not separated from the legislature in that the members of the council of ministers are members of the legislature.
- The executive loses power when it loses the confidence of the legislature. The executive/council of ministers is dismissed if it loses the legislature's confidence before its tenure is over. So, the legislature controls the executive through a vote of no-confidence.



- The head of government and head of state are different. The head of the government is the Prime Minister while the head of state is the President.
- The parliament makes laws in general broad terms and delegates the powers to the executive to formulate detailed policy and implement them.
- In a presidential form of government, the executive is not accountable to the legislature. One person is the heads of both the State as well as the government. A minister need not be from the legislature.

#### Checks on the Executive –

- Different instruments like No Confidence Motion, Question Hour, Calling attention motion, Censure Motion etc. help hold the government accountable to the Parliament and ultimately to the people of India.
- The constitution provides for Article 13, 32 and 226 which implicitly mention the doctrine of judicial review allowing the Supreme court to strike any delegated legislation by the executive for example, Stay of Cattle slaughter notification by Supreme court
- The executive actions must remain within the framework of the constitution and the Judiciary ensures that rights of individuals are protected.
- Actions that violate norms and are corrupt practices are checked by the legislature through reframing of acts for example. Benami Transactions Act was revised in 2016 to overhaul the previous ineffective act

#### Checks on the Legislature –

- Office of profit mentioned under Article 102 prevents the legislators from encroaching on the executive role thus entering into a conflict of interest. For example, Striking down of appointment of parliamentary secretaries by the Delhi High Court
- The Judiciary can strike down legislations which are ultra vires of the constitution using the doctrine of judicial review For example, Section 66 A of the IT act was struck down to protect its misuse.
- The constitution bars legislators to discuss the conduct of the judges in parliament and assembly

#### **Conclusion**

Repeated interventions of one organ into another's functioning can diminish the faith of the people in the integrity, quality, and efficiency of the other organs. It also undermines the spirit of democracy as too much accumulation of powers in organs of government undermines the principle of check and balance.



**17. What are the major factors behind judicial delays? What short-term and long term measures would you suggest to address the same? Discuss.**

### **Approach**

The candidate needs to address the question in two parts with the first part detailing about the major factors behind judicial delays and the second part discussing the short term and long term measures to address the judicial delays issue.

### **Introduction**

The pendency of cases in Indian judiciary has increased drastically over the last decade. There are over three crore cases pending across the Supreme Court, the High Courts, and the subordinate courts. (According to PRS India)

### **Body**

In the High Courts, 23% of cases have been pending for over ten years. Further, over 29% of all cases have been pending between two and five years. In this context, Justice Malimath Committee has identified many factors behind judicial delays. These factors, along with other factors, can be seen from the following points –

- **Judicial Appointments:** A cumbersome and opaque way of appointment of judges through the collegium system has resulted in delays which has resulted in the low judges to population ratio leading to pending cases. The extent of judicial vacancies is evident from the fact that in high courts alone, over 5000 posts are vacant off the total 22000 sanctioned posts.
- **Government litigation:** As per some reports, half of the litigations is by the government. The failure of national litigation policy is also a reason for increasing frivolous litigations by the government adding up to the number of cases.
- **Appeals:** The quality of judgements in the lower judiciary in India is rated low by 'state of Indian judiciary' report by Daksh. This in turn has increased the appeals over judgements by lower judiciary prolonging the cases and increasing the number of cases.
- **Infrastructural constraints:** There are not enough courts for starters. Further, Indian judiciary has insufficient resources. Budgetary allocations are inadequate and are as low as 0.3-0.4% of the total budget. Furthermore, Modernization and computerization have not reached all courts.
- **Archaic laws and vague drafting of laws:** This has resulted in multiple interpretations of laws by various courts are also reasons for prolonged litigation.
- **New judicial inventions** through judicial activism like PIL has increased the number of litigations filed.
- **Colonial legacy** factors like paid long vacations specially in the high courts is adding up to the piling number of cases.

- The mechanisms like LokAdalats, Gram Nyayalaya, tribunals etc., have seen almost compulsory appeals to higher judiciary adding to the number of pending cases.

The alarming situation calls for speedy remedial measures. These should be practical and effective. The measures to tackle judicial delays can be –

#### **Short Term Measures –**

- Urgent need for filling of old vacancies and creation of new posts: The law commissions in its 120th report has examined the problem of under staffing of judiciary and recommended 50 judges per million of population instead of existing 10.5/million.
- Litigation should not be encouraged: Distinguish should be made between frivolous and genuine litigation and frivolous litigation should be discouraged.
- Expert Advice and Fixing Time Limit: The court can take the help of management experts to schedule the cases for hearing in a day and also, time limit should be set for hearing a case as also for giving decision.
- Economic Survey 2018-19 suggests increased number of working days, Establishment of Indian Courts and Tribunal Services to focus on the administrative aspects of the legal system, technology use in courts through projects like e-courts MMP and National judicial data grid for quick disposal of cases.

#### **Long Term Measures –**

- The proposed All India judicial service should be established as soon as possible to fill in the vacancy. The same is suggested by the 2nd ARC and law commission report. Setting standards of judicial recruitment examinations to improve the quality of district judges.
- Additional benches of Supreme Court have to be established in different parts of India which would reduce the pendency of cases in Supreme Court by expedited proceedings of cases.
- Implementing recommendations of Malimath committee which suggested reforms in criminal justice system which helps in expedited judicial process.
- Amending the Code of Criminal Procedure (CrPC), the Indian Penal Code (IPC) and the Indian Evidence Act to accommodate the changing nature of crimes and address provisions which are delaying judicial proceedings.

#### **Conclusion**

In spite of so many ills which plague our judicial system, the overflowing docket of court cases is a positive sign of people's faith in the judiciary. But it must be remembered that Justice delayed is justice denied and thus honest efforts must be made by the Bar, Bench and the Government to strengthen this pillar of justice.

**18. What are the key ongoing issues with respect to judicial appointments in the Supreme Court? What are your views? Substantiate.**

**Approach**

Candidate has to mention the key ongoing issues with respect to judicial appointments in the Supreme Court. The candidate then has to substantiate or provide evidence to support or prove the truth of his views.

**Introduction**

Recently the President of India notified the appointment of nine Supreme Court judges by accepting the recommendation of the Collegium. The history of the Supreme Court tells us about executive's displeasure, meddling with judicial elevations. While discharging the constitutional duty, the judges sometimes need to take hard decisions.

**Body**

**The key ongoing issues with respect to judicial appointments in the Supreme Court:** The appointment of Supreme Court judges in India has created quite a furore among the Indian executive and judiciary alike. It has been mired in controversies galore in the wake of the National Judicial Appointments Commission (NJAC) Act being struck down and declared unconstitutional by a five-judge Supreme Court bench headed by Justice J.S. Khehar, after a marathon hearing for 31 days on the issue of the validity of the 99th constitutional amendment and the NJAC Act.

**'FLAWED' COLLEGIUM SYSTEM – THE 'CRUX' OF THE CRISIS**

- In the Collegium system, the Chief Justice of India (CJI) and a panel comprising four senior-most judges of the Supreme Court recommend appointments and transfers of judges.
- The Central government criticised the Collegium system stating it has created an imperium in imperio, i.e., empire within an empire, within the Supreme Court.
- The Supreme Court Bar Association too blamed it for creating a "give-and-take" culture, causing a chasm between the haves and have-nots.
- The Collegium, since its constitution, never maintained a record of the minutes of its meetings of the five members and their deliberations.
- An absence of record implied that the Chief Justice of India (CJI) could present the Collegium's opinions to the government as unanimous decisions, thus suppressing any dissent within the body, until there was proof otherwise.
- The issue of 'lack of record' questions the Supreme Court's creation of the Collegium through its nine-judge bench's ruling in the Second Judges case in 1993.



- With the failure of the Collegium to keep a record of its proceedings, the government cannot know whether the original recommendation or a reiteration (when asked to reconsider) was a unanimous one, and it is compelled to rely on the CJI's word.
- But, if the CJI's word were to be contested by the other collegium members, then complying with CJI's word would create some issues to the government.
- Judicial appointment is too serious a matter that it cannot be left to the judges or their collegium alone. Therefore, a national debate on such appointment cannot be dismissed.
- Though seniority is not the sole criteria, it remains one among the relevant considerations.
- According to the law laid down by the top court, to choose a junior over a senior, the former should have "outstanding merit".
- It is an Indian tragedy that one of the most pivotal process in the democracy — selection of judges to the constitutional courts — is done by a body called Collegium which lacks democratic or constitutional legitimacy.
- The judgments of the top court on appointments, however, repeatedly endorsed the unelected body of Collegium which does not have a representative or participative character, in the democratic sense

### **Conclusion**

The nation's aspiration for an independent Commission for judicial appointment is practically discarded by the executive and the judiciary. It is a challenge which the legal fraternity needs to take up, despite the egregious inertness of our political leaders in addressing this issue. A good way to end the executive-judiciary impasse would be to make public any future correspondence on the Memorandum of Procedure (MoP), which will act as a catalyst in infusing transparency in judicial appointments. MoP for collegium appointments, as suggested by the government, aims at having an institutional and transparent process of judicial appointments, wherein more people, instead of a closed group, are involved in the appointment of judges.



**19. Explain the significance of pressure groups as agents of political socialization.****Approach**

Candidate has to explain the significance of pressure groups as agents of political socialization.

**Introduction**

The process by which a person integrates with the political culture of the society gains knowledge of the political values, ideals, and beliefs of the society and acquires a social and political nature is called political socialization. Pressure groups and formal and informal associations are one of the most important institutions or groups in a democratic nation that play the role of pressurizing the administrative and the political system of a nation thus acting as agents of political socialization.

**Body****The significance of pressure groups as agents of political socialization:**

- By influencing the orientation of the people towards the political process, they act as the agents of political socialization. They also provide links for the communication between the people and the government.
- Pressure groups play a vital role in political socialization. Presently, each pressure group is governed and controlled by the sponsorship of any one political party. Opportunities and possibilities are created to transmit certain types of political values within the masses.
- Pressure groups in the country play a vital role in the legislative processes of the country. They are the active agencies that are engaged in lobbying with legislatures.
- Through pressure groups, the authorities of the governing department and the law department can discern the nature of public opinion on a particular issue and are governed accordingly. Thus, the democratic appearance of the government remains characteristic.
- It plays a vital role in establishing public relations with the government. Through all these groups, the people's scarcity and grievances and demands are brought to the notice of the government. In this regard, the government is eager to resolve those shortcomings and meet the demands.
- It keeps a close watch on the activities of the government. Any disruption to the government's decisions and actions, it comes to the attention of the groups and the campaign is widely publicized. The countrymen get the opportunity to be fully informed about the error of the government.
- Pressure groups seek to gain widespread public support in favor of group interests and influence the government. For this purpose, groups collect information and news on various topics of their own interest.

**Conclusion**

Pressure groups are now one of the most indispensable parts of a democratic system and act as agents of political socialization by influencing the orientation of the people towards the political process, they act as the agents of political socialization. Being unnoticed for a long time, now these groups have made their place in the system. Since politics and the lives of the people are becoming complicated every next day, it becomes vital to put across their viewpoints and opinions.



**20. What are formal pressure groups? Why are they important for a democratic polity like India? Discuss.**

**Approach**

A simple and straightforward question wherein the candidate needs to explain about formal pressure groups in the first part of the answer while in the second part, their importance for a democratic polity like India needs to be discussed.

**Introduction**

In any country, especially a democratic one, there are large number of organized groups which, directly or indirectly influence politics and government. The members of such organized groups are united in respect of some specific interests that they tend to advance. These are called pressure groups.

**Body**

- A formal pressure group is an interest group which exerts pressure on the government or the decision-makers for the fulfilment of their interests. In the present contest these forms of organisations are broadly referred to as Civil Society Organisations (CSO).
- Pressure groups in mobilising and organising masses have widened the base of political participation as well as creating a responsive political and administrative system. They help in social integration, political articulation and act as catalysts for change. These groups influence both public policy as well as administration.

Pressure groups can have the following key features –

- They seek to exert influence from outside, rather than to win or exercise government power.
- They typically have a narrow issue focus. In some cases, they may focus on a single issue.
- Their members are united by either a shared belief in a particular cause or a common set of interests.
- Use of modern as well as traditional means: They try to follow modern means of exerting pressure, without fully giving up the traditional or old ways of operation.

Some examples of Pressure Groups include –

- Business Groups – FICCI, CII, ASSOCHAM, AIMO, etc. (institutional groups).
- Trade Unions – AITUC, INTUC, HMS, CITU, BMS etc.
- Agrarian Groups- All India Kisan Sabha, Bharatiya Kisan Union etc.
- Student's Organisations- ABVP, AISF, NSUI etc.

- Professional Groups – IMA, BCI, IFWJ, AIFUCT etc.

Importance of Pressure Groups for a democratic polity like India can be understood from the following points –

- **Interest Articulation:** Pressure Groups bring the demands and needs of the people to the notice of the decision-makers.
- **Pressure groups in India** represent interest of various sections of Indian society and economy such as Business groups, Trade unions, Professionals group, Students organisation, Agrarian groups etc.
- **Agents of Political Socialisation:** Pressure groups are agents of political socialisation in so far as they influence the orientations of the people towards the political process.
- **Pressure Groups and Administration:** Pressure Groups are actively involved with the process of administration. E.g. Student groups play a pivotal role in helping the administration for implementation of various schemes & scholarships for students.
- Pressure groups play a leading role in the formulation of public opinion.
- Pressure groups help in improving the quality of government. Consultation with affected groups is the rational way to make decisions in a free society.
- Pressure groups complement the work of opposition political parties by exposing the bad policies and wrongdoings of the government. Pressure groups thereby improve the accountability of decision makers to electorates.
- Pressure groups help to educate people, compile data and provide specific information to policy makers, thus they work as an informal source of information.

### **Conclusion**

Democratic politics involves taking decisions through consultation, debate, discussions etc. Pressure groups can form good channel of communication between citizen and government but at the same time their vested interests, if any, needs to be checked so that true meaning of democracy can be fulfilled i.e. “participative democracy”.



**21. What do you understand by the doctrine of 'checks and balances'? Can you identify another country where such a doctrine functions? Explain.**

### **Approach**

Candidates are expected to write doctrine of 'checks and balances'. Also explain example of another country where such a doctrine functions.

### **Introduction**

The doctrine of checks and balances is the doctrine that advocates the use of one organ of government to check the activities of other organs. This is where the power of one organ is used to check the power of other organs.

### **The doctrine of checks and balances**

- The doctrine of checks and balances is the doctrine that ensures that one department does not function in a tyrannical and unruly fashion for, if this is the case, the balance maintained in the government might get disturbed leading to institutional crisis in the long run.
- The doctrine is instilled in such a way in the constitutional and political frameworks of the various countries that a scrutiny is kept on each department of the government and at the same time it is ensured that the independence of each of the departments is maintained.
- The philosophical and fundamental basis upon which the principle of checks and balances is developed is that though all departments functioning in the country are performing different functions per se but in essence all departments are functioning for the governance of the country. Thus, in order to achieve effective governance, it becomes essential to ensure that the departments do not work in isolation and work in the same direction to achieve the objective.
- The doctrine checks abuse of office, constitutional violation and naked use of powers by different organs of government.
- For instance, the executive can veto the legislature's bills, it can also dissolve parliament, as well as make judicial appointment and promotions. On the other hand, the legislature promotes.
- On the other hand, the legislature can check the executive's power to appoint ministers, it can set up committees to investigate activities of executive and has the power to impeach the president for gross misconduct.
- It does not advocate fusion of the three organs of government in the performance of their constitutional functions.
- All it is saying is that in as much as these organs will be mutually independent, they should act as watchdog of each other to avoid misuse of power and to reconcile these organs.
- India has adopted the doctrine and all the departments work in cooperation with one another for the smooth governance of the country. The doctrine of

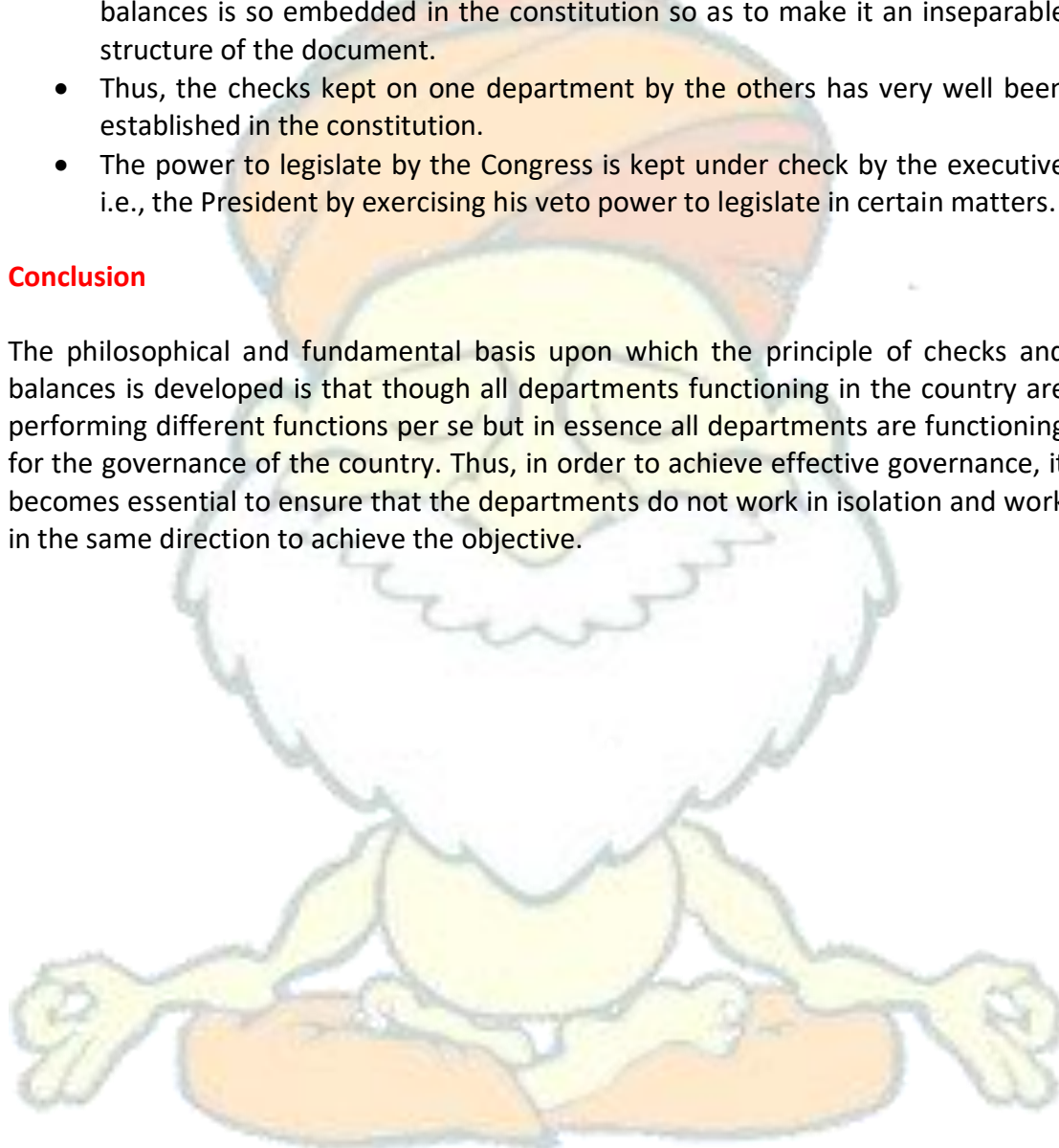
judicial review is one of the prime instruments for conducting checks and balances.

### **The doctrine of checks and balances: case of USA**

- One of the significant features of the Constitution of USA is that though the separation of power doctrine is implicit in the political philosophy of the constitution and the basis for its establishment, the rule of checks and balances is so embedded in the constitution so as to make it an inseparable structure of the document.
- Thus, the checks kept on one department by the others has very well been established in the constitution.
- The power to legislate by the Congress is kept under check by the executive i.e., the President by exercising his veto power to legislate in certain matters.

### **Conclusion**

The philosophical and fundamental basis upon which the principle of checks and balances is developed is that though all departments functioning in the country are performing different functions per se but in essence all departments are functioning for the governance of the country. Thus, in order to achieve effective governance, it becomes essential to ensure that the departments do not work in isolation and work in the same direction to achieve the objective.



**22. What are the institutional measures that allow detailed deliberations over legislative proposals? Discuss.****Approach-**

A simple straightforward question where candidates have to mention the institutional measures that allow detailed deliberations over legislative proposals and candidate has to discuss or cover them comprehensively.

**Introduction**

The legislature reflects the will of its people and acts as a custodian of the interests of its community. It exercises control over the administration to hold it accountable and responsible for its activities. However, the system of legislative control over the government in a parliamentary form of government differs from such control in a presidential form of government.

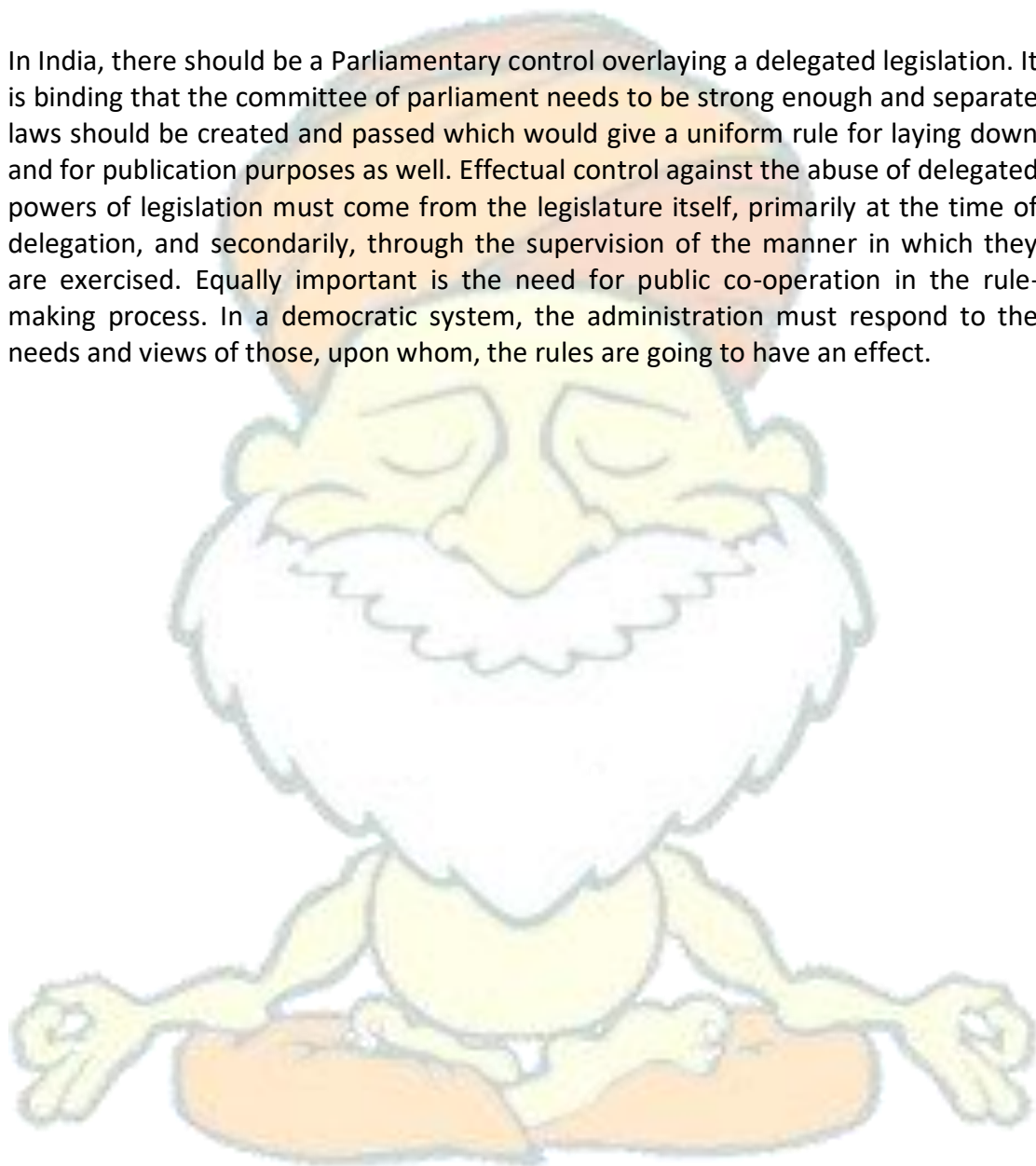
**Some of the important measures of legislative control are as follows:**

- Legislation is the most important function of legislature. The executive is at the mercy of legislature for all aspects of revenue and expenditure. No revenue can be levied nor can any expenditure have incurred without the sanction of the legislature. Moreover, the budgetary discussion provides opportunity to the representatives of the people to criticize the government on aspects that are unwarranted.
- It is the most effective means of legislative control over executive.
- In India, the report of CAG (Comptroller and Auditor General) of India helps exercising legislative control. CAG audits all government accounts to ensure that the money has been spent on items for which it was granted and does not exceed the sanctioned amount.
- The proceeding of the Parliament starts with one hour duration question answer session wherein the minister of respective department gives reply to query of members.
- Zero-hour discussion is an extra regular method that is entirely an Indian innovation since 1962. It is invoked after question hour (with the consent of presiding officer) to incite opinions on matter of public importance which have not been listed in days business.
- Calling Attention Motion is used to bring the matters of urgent importance on the floor of the house.
- Short notice discussion is discretion of the speaker in case of matters which does not satisfy a member's question. It is resorted only with the consent of the government, not otherwise.
- Adjournment Motion is use to raise discussion on any specific question of an urgent nature however, this device is usually not preferred by the speaker.

- Apart from the measures cited above, there are number instances that provide opportunity to members to discuss and debate on government policies.
- There are a number of committees that help exercise legislative control over administration.

### **Conclusion**

In India, there should be a Parliamentary control overlaying a delegated legislation. It is binding that the committee of parliament needs to be strong enough and separate laws should be created and passed which would give a uniform rule for laying down and for publication purposes as well. Effectual control against the abuse of delegated powers of legislation must come from the legislature itself, primarily at the time of delegation, and secondarily, through the supervision of the manner in which they are exercised. Equally important is the need for public co-operation in the rule-making process. In a democratic system, the administration must respond to the needs and views of those, upon whom, the rules are going to have an effect.





**24. What was the intended objective of constituting the upper house of the Parliament? Discuss. Critically evaluate its functioning in the last decade.**

**Approach-**

A simple straightforward question where candidates need to write about formation of Upper house [Rajyasabha] ,Objectives behind formation of upper house and evaluate its performance and functioning in last decade .also discuss is Upper house achieving its intended objective for which it was created .

**Introduction-**

The Rajya Sabha is the Upper House and it represents the states and union territories of the Indian Union.It came into being on April 3, 1952 and held its first session on May 13 the same year. Rajya Sabha' or the 'Council of States' is the second chamber of the Indian parliament, which traces its origin to the Montagu-Chelmsford Reforms, 1919.It is intended to play certain roles as a permanent house.

**Body-**

Rajya Sabha as the second chamber of the parliament intended to play certain roles as a permanent house .It never dissolves like Lok Sabha and one-third of its members retire every two years.

- It is a revisionary house (reconsidering bills passed by the Lok Sabha) and offers a degree of continuity in the underlying policies of laws passed by parliament.
- Along with this, Rajya Sabha also acts as a means to institutionalise the federal principle of power-sharing between the Centre and states.However, the role and relevance of Rajya Sabha have been a matter of debate which can be traced from discussions in constituent assembly to recent times.

Role of Rajyasabha -

Safety Valve of India's Federal Polity

- Bicameralism is necessary for a federal constitution to give representation to the units of the federation.
- While checks and balances usually operate between the executive, legislature and judiciary, the Council of States acts as a safety valve within the legislature itself, easing federal tensions.

- Rajya Sabha thus represents a crucial component of the constitutional checks and balances scheme, in addition to the commonly identified examples of responsible government and judicial review

#### Review and Revaluation Role-

- Indian constitution framers wanted to create a house that would act as a revisionary house to keep a check on the hasty legislation that could be passed by the lower house under populist pressures.
- When the ruling dispensation has a brute majority in the Lok Sabha, Rajyasabha can prevent the government of the day exercising authoritarianism.

#### A Deliberative Body-

- Parliament is not only a legislative body but also a deliberative one which enables the members to debate major issues of public importance
- Thus, the role of the Upper House is to be a deliberative body besides balancing the “fickleness and passion” of the Lok Sabha

#### Representing the Vulnerable Sections-

- Women, religious, ethnic and linguistic minority groups are not adequately represented in the Lok Sabha (due to first past the post-election system).
- An indirect form of election (through propositional representation) to the Rajya Sabha, therefore, would give them a chance to get involved in the nation’s law-making process.
- Thus, Rajya Sabha can make a place for people who may not be able to win a popular mandate

#### Special Powers of Rajya Sabha-

- The Upper House also has some special powers, such as:
- Power to transfer a subject from the State List to Union List for a specified period (Article 249).
- To create additional All-India Services (Article 312).
- To endorse Emergency under Article 352 for a limited period when the Lok Sabha remains dissolved.

#### Functioning of Rajyasabha in last decade-

- Low Participation of Nominated Members
- More recently, the sincerity of nominated members has been questioned in multiple instances.
- Nominations are made by the government to satisfy the sentiments of the followers of certain personalities.
- Once nominated, they rarely participate in the working of the house.
- Sachin Tendulkar was appointed in 2012 and the House has met 374 days since then, but the attendance of Sachin Tendulkar is a meagre 24 days.

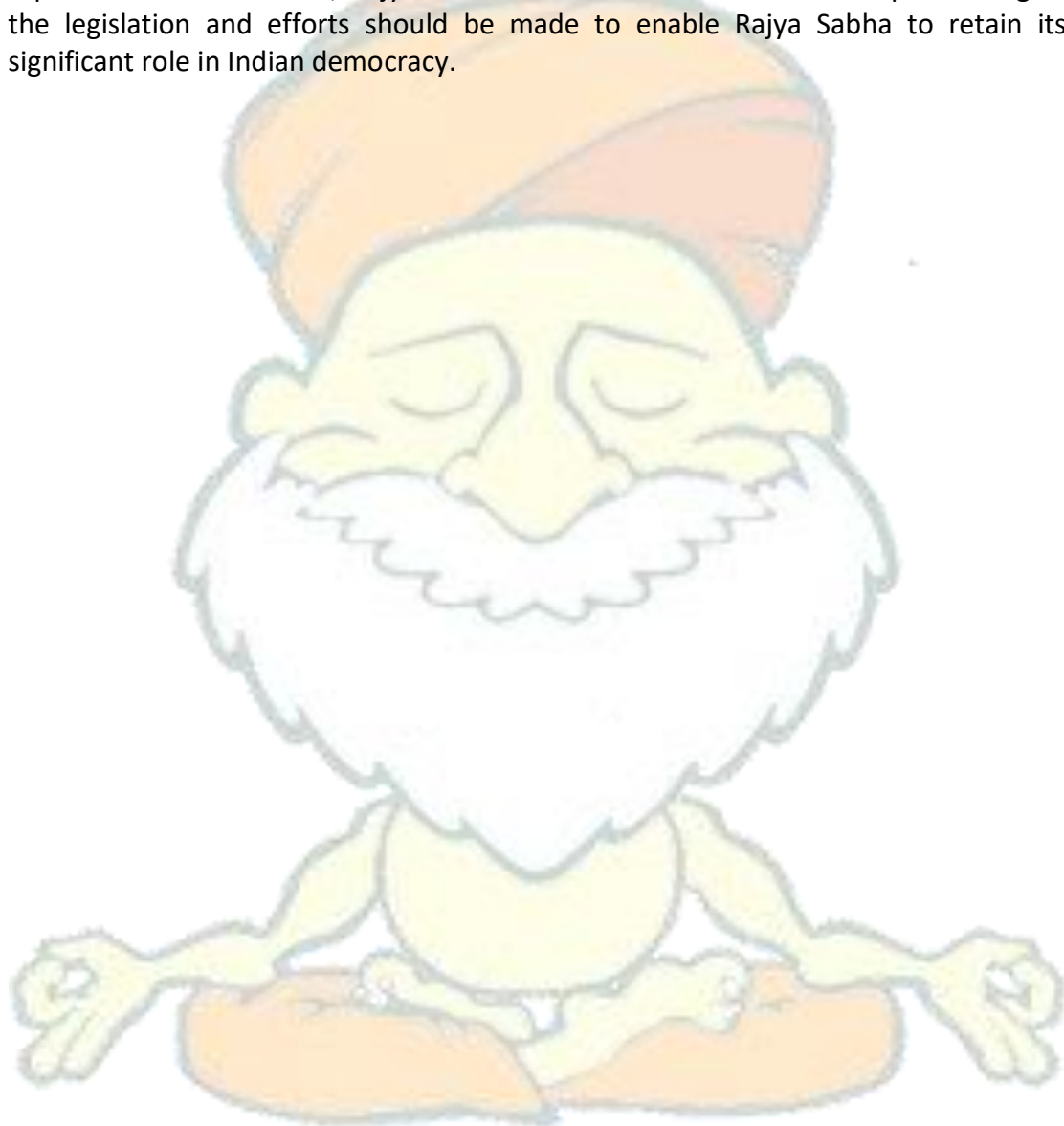
#### Performance in recent times -

- The Rajya Sabha might have suffered frequent disruptions in the past several sessions, but the eight standing committees under the Upper House have improved their performance.
- A review of the functioning of the panels over the past three years shows that they spent more times discussing issues and that, for the first time, the

average sitting exceeded two hours (this was in 2019-20) before the pandemic drastically reduced attendance this year.

### **Conclusion-**

Even though the ups and downs of Indian politics, the Rajya Sabha has remained a vanguard for political and social values, a melting pot of cultural diversity. Also, along with Lok Sabha, it is a flag-bearer of the sovereign, socialist, secular, democratic republic called India. Thus, Rajya Sabha should not be seen as a 'disruptive' wing of the legislation and efforts should be made to enable Rajya Sabha to retain its significant role in Indian democracy.



**25. What are the merits of the Presidential form of government? How is it different from the one that we have in India? Explain**

**Approach-**

In this question candidates need to write about what is presidential form of government, what are merits of presidential form of government and how it is different from parliamentary form of government that India follows .

**Introduction-**

A presidential system, or single executive system, is a form of government in which a head of government (president) leads an executive branch that is separate from the legislative branch in systems that use separation of powers. This head of government is in most cases also the head of state. A presidential system contrasts with a parliamentary system, where the head of government comes to power by gaining the confidence of an elected legislature.

**Body-**

The United States and many other democracies follow Presidential system of government . In this system, the President is both head of state and government. Unlike the Parliamentary system of government, there is clear separation between legislature and executive.

Merits of presidential form of government –

- **Stable government-** The president will be elected by the people and will be voted out by them. He will not have to appease unreasonable allies and indulge in compromises all the time.
- **Increased efficiency of legislature-** The legislature will be free to do its work, that is to pass laws, instead of devising methods to criticize the government. It will truly engage the electorate with the democratic process.
- **Promotion of merit-** The president will be fully in charge of the executive. He will be able to attract the best and brightest to his cabinet, irrespective of their political affiliations.



- Internal democracy- It will force political parties to be more democratic and robust. All political parties will have to choose their best candidates, as there will be a direct head-to-head contest.
- Clear choice- The parliamentary system has distorted the voting preferences of an electorate that knows which individuals it wants but not necessarily which parties or policies.
- Tough and unpopular decisions- A system of directly elected chief executives at all levels, panchayat chiefs, town mayors, Chief Ministers (or Governors) and a national President, elected for a fixed term of office with clearly defined authority would permit India to deal more efficiently with its critical economic and social challenges.
- Consensus building- The President will have to win the support of people of varied groups, interests, and minorities and would have to work with Parliament to get his budget through or to pass specific Bills.
- Real head of the state: in this system the head of the state is the real executive head.
- Separation of powers: the presidential form of government is based on the principle of separation of power among the three organs of the Government. The executive is not responsible to legislature. The executive cannot dissolve the legislature. And the judiciary is independent from executive and legislature.
- Principle of checks and balances: All the three organs of the government is separated from each other but all are checking each other and restraining each other from any type of transgression of their power and functions.
- Superior position of president: the president occupies a superior position because all the power of the government are concentrated with him
- Political homogeneity not necessary: it is not necessary that all cabinet should belong to same political party.
- Stable government: president is elected for fixed tenure of four years. His fixed tenure brings stability and efficiency in the administration.
- Suitable in emergency: Since the president is head of the state and government, he can take important decisions promptly and effectively.
- Government by able men: the president generally makes the appointment of experts to head the portfolios without any consideration of party affinity.

#### Parliamentary System of Government In India-

- There are two executives:
- The nominal executive is the head of state e.g. President while the real executive is the Prime Minister, who is the head of government.
- In such a system, the role of president or monarch is primarily ceremonial and the Prime Minister along with the cabinet wields effective power..
- The Constitution of India provides for a parliamentary form of government, both at the Centre and in the States.

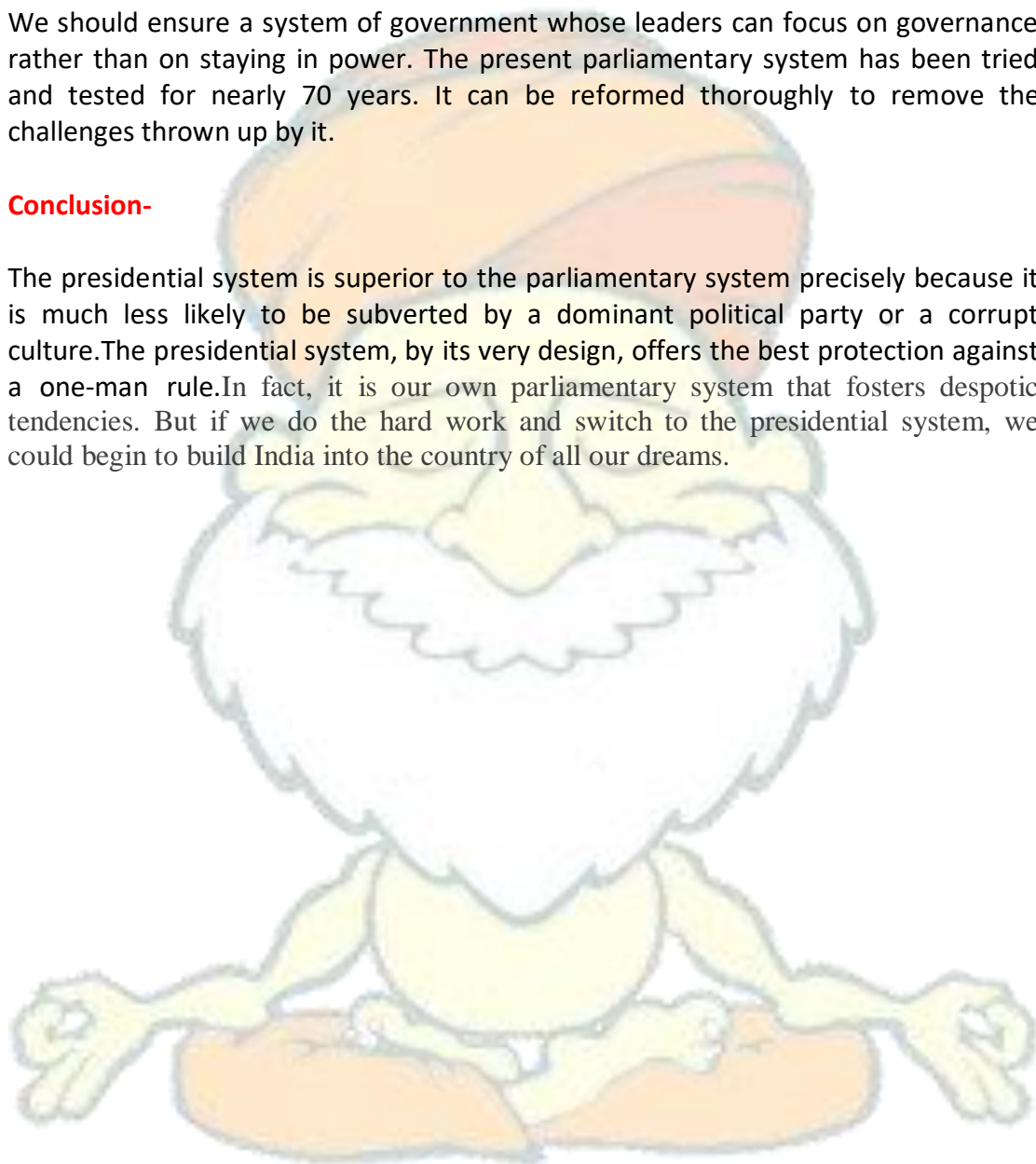
- Articles 74 and 75 deal with the parliamentary system of government at the Union level and Articles 163 and 164 contain provisions with regard to the States.
- Executive is responsible to the legislature for its policies and acts.

Way Forward-

We should ensure a system of government whose leaders can focus on governance rather than on staying in power. The present parliamentary system has been tried and tested for nearly 70 years. It can be reformed thoroughly to remove the challenges thrown up by it.

### **Conclusion-**

The presidential system is superior to the parliamentary system precisely because it is much less likely to be subverted by a dominant political party or a corrupt culture. The presidential system, by its very design, offers the best protection against a one-man rule. In fact, it is our own parliamentary system that fosters despotic tendencies. But if we do the hard work and switch to the presidential system, we could begin to build India into the country of all our dreams.



**26. What measures would you suggest to check the entry of members with criminal record in the central and state legislatures?**

**Approach**

**Introduction**

In September 2020, SC-appointed amicus curiae in his two reports, highlighted that despite the best efforts by the court to constitute special courts for trying cases against legislators, close to 4,442 criminal cases involving 2,556 sitting members of Parliament (MP) and members of legislative assemblies (MLAs) are pending.

**Body**

Reasons for pending case:

- Stays granted by various high courts,
- Insufficient special courts to exclusively try cases against MPs/MLAs,
- Shortage of prosecutors and latches in prosecution,
- Delayed investigation.
- Nexus of lower court judiciary and politicians.

Measures to check entry of criminal record members in legislature:

- Ensuring prosecution with public pressure may help. If one political leader is hauled up for giving tickets to large numbers of tainted candidates, something positive may happen.
- Further, there is a need to strengthen the Election Commission, EC can register a political party but cannot deregister it. Regulating the affairs of a political party is essential for a cleaner electoral process.
- It has also been suggested that at least two special public prosecutors be nominated to conduct cases in the special courts. No adjournment should be granted, except in rare and exceptional circumstances.
- The superintendents of police of the respective districts should be made responsible to ensure production of accused persons on the dates fixed.
- Use of technology should be encouraged to examine witnesses and appearance of accused, the report has recommended.
- According to the different reports witness protection is essential in all such cases. And to strengthen the witness protection scheme.

- The nature of the government machinery needs to change to make it more transparent, accountable and pervade.
- Awareness among people (voters) about their rights and they should vote for the right person should be created.
- Given the reluctance by the political parties to curb criminalisation of politics and its growing detrimental effects on Indian democracy, Indian courts must now seriously consider banning people accused with serious criminal charges from contesting elections.

Recent measures by government, judiciary and civil society:

- The Supreme Court in Lily Thomas v. Union of India (2013) case, struck down as unconstitutional Section 8(4) of the Representation of the People Act that allowed convicted lawmakers a three-month period for filing appeal to the higher court and to get a stay on the conviction and sentence.
- Association for Democratic Reforms (ADR) v. Union of India, mandated the disclosure of information relating to criminal antecedents, educational qualification, and personal assets of a candidate contesting elections.
- In Public Interest Foundation and Ors. v Union of India (2014) based on recommendations made by the Law Commission in its 244th report, the SC had ordered that trials, in relation to sitting MPs and MLAs be concluded within a year of charges against them being framed.
- The February 2020 SC order required political parties to publish details of criminal cases against its candidates on their websites, a local vernacular newspaper, national newspaper and social media accounts.

### **Conclusion**

Criminalization of politics in India includes political control of the police, state money, corruption, weak laws, lack of ethics, values, vote bank politics and loopholes in the function of the election commission. As politics dominates the bureaucracy, and reins in business, civil society and the media, the country needs governance that is free of the “criminal” virus.



**27. How do you perceive the appointment of judges as Rajya Sabha members? Don't you see conflict of interest or violation of the doctrine of separation of powers? Critically examine.**

### **Approach**

In this question candidates need to write about the appointment of judges in Rajya Sabha after retirement and by that appointment does it violate the doctrine of separation of power

### **Introduction**

The nomination of judges to the Rajya Sabha, just four months after his retirement, raises the question that, should judges stop accepting post-retirement jobs offered by the government, at least for a few years after retiring, because accepting such posts could undermine the independence of the judiciary and violate doctrine of separation of power

### **Body**

After Nomination former Chief Justice of India (CJI), Ranjan Gogoi to the Rajya Sabha It sparked controversy that Former CJI has presided over politically sensitive cases (Assam NRC, Sabarimala, Ayodhya, Rafale, CBI) in which the government was a party. Judges stop accepting post-retirement jobs offered by the government, at least for a few years after retiring, because accepting such posts could undermine the independence of the judiciary.

#### **Independence of Judiciary**

- The edifice of constitutional governance rests on the separation of powers.
- The legislature is popularly elected where the sovereignty of the people resides; the executive is accountable to the legislature; and the judiciary is the upholder of the Constitution and, along with its other duties, provides a check against executive excesses, arbitrariness, and unlawful steps.
- Being Guardian of Constitution, the judiciary has to be independent — insulated from pressures and inducements.
- This independence of the judiciary is ensured by many constitutional provisions. For example
- Judges do not hold their offices at the “pleasure” of the President. In other words, they cannot be arbitrarily removed by the government once they are appointed, and can only be impeached by a special majority of both houses (Article 124(4)) of Parliament only “on the ground of proved misbehaviour or incapacity”
- This impeachment process is a very difficult one and never in the history of independent India has a judge been impeached, though attempts have

sometimes been made to do so. Judges, therefore, enjoy security of tenure while holding office, which is essential for maintaining judicial independence.

Should Judges be barred from Post-retirement appointments?

- In the Constituent Assembly, K T Shah, suggested that High Court and Supreme Court judges should not take up an executive office with the government, “so that no temptation should be available to a judge for greater emoluments, or greater prestige which would in any way affect his independence as a judge”
- However, this suggestion was rejected by B R Ambedkar. According to him “judiciary decides cases in which the government has, if at all, the remotest interest, in fact no interest at all”.
- Immediately after independence, the judiciary was engaged in deciding private disputes and rarely did cases arise between citizens and the government.
- Consequently, B R Ambedkar held that, “the chances of influencing the conduct of a member of the judiciary by the government are very remote”.
- However, this reasoning no longer holds today because the government is one of the largest litigants in the court

Undermining Independence of Judiciary

- Article 124(7) of the Indian Constitution provides that a retired Supreme Court judge cannot “plead or act in any court or before any authority within the territory of India”. However, this provision only restricts post-retirement appointments in Judiciary itself, but not in posts of president, governor, Member of Parliament, etc.
- Thus, the post-retirement appointment of judges may threaten or undermine judicial independence. This is because some judges — not all — are offered post-retirement employment by the government.
- It is often feared that a judge who is nearing retirement could decide cases in a manner that pleases the government in order to get a favourable post-retirement position.

Loss of Constitutional Proprietary

- If a judge decides highly controversial and contested cases in favour of the government and then accepts a post-retirement job, even if there is no actual quid pro quo, would this not lead to the public perception that the independence of the judiciary is compromised.

Denial of Law Commission Recommendation

- In its 14th report in 1958, the Law Commission noted that retired Supreme Court judges used to engage in two kinds of work after retirement:
- Firstly, “chamber practice” (a term which would, today, mean giving opinions to clients and serving as arbitrators in private disputes) and secondly, “employment in important positions under the government”.
- The Law Commission frowned upon chamber practice, but did not recommend its abolition.
- However, it strongly recommended banning post-retirement government employment for Supreme Court judges because the government was a large litigant in the courts.

- The Commission's recommendations were never implemented.

**Conclusion-**

Several appointments to administrative bodies require a cooling-off period for individuals so as to eliminate the possibility or suspicion of a conflict of interest or quid pro quo. This cooling-off period must be extended to Indian Judiciary. Former CJI R M Lodha recommended a cooling-off period of at least 2 years. By accepting it conflict of interest will be avoided



**28. What do you understand by the doctrine of checks and balances? Explain. How does it manifest itself in constitutional appointments? Explain.**

### **Approach**

Candidates are expected to write about doctrine of checks and balance and explain it. And then explain how does it manifest in constitutional appointments.

### **Introduction:**

The concept of checks and balances is to safeguard that different branches of government control each other internally (checks) and serve as counter weights to the power possessed by the other branches (balances).

### **Body**

Despite there being no express provision recognizing the doctrine of separation of powers in its absolute form, the Constitution of India does make the provisions for a reasonable separation of functions and powers between the three organs of Government. Rather it is more of a version of “checks and balances”.

The following examples illustrate the checks and balances:

- Judiciary exercises judicial review over legislative and executive actions. Judiciary has the power to void laws passed by the Parliament. Similarly, it can declare the unconstitutional executive actions as void.
- Legislatures review the functioning of the executive.
- Executive appoints the judges.
- Legislative branch removes the judges. It can also alter the basis of the judgment while adhering to the constitutional limitation.

Checks and balance in constitutional appointments:

- President of India appoints the, CAG, members to Election commission of India, members to UPSC, on the recommendation of the Council of minister headed by PM. There is less scope of checks and balances because president is bound to the decisions of the Council of minister.
- In the matter of removal from these constitutional office there is check and balance between executive and legislative. In fact it is parliaments resolution passed in both house to remove person from the office its manifestations of check and balances.
- The Collegium System of the Supreme court of India deals with the Appointment of Judges. The judicial independence of the Supreme Court, that evolved over the three popular judges cases, ensures that there won't



be any interference of any branch of the state including the Executive and the Legislature in the appointment of Judges. Therefore element of checks and balances to be brought by NJAC amendment was struck down by the judiciary.

- For the appointments of the speaker process has evolved over the years where the ruling party nominates its candidate after informal consultations with leaders of other parties and groups in the House. There is token of checks and balance but totally depends on the strength of the ruling party.
- There are numerous examples of the Governor's position being abused, process of appointment has generally been the cause behind it. In several cases, politicians and former bureaucrats have been appointed as the Governors by the Governments. This goes against the constitutionally mandated checks and balances.

Weakening System of Checks & Balances:

- Judicial Activism:
- Executive Excesses:
- Weak opposition:
- Weakened Legislature Scrutiny:

### **Conclusion:**

The doctrine aims is to prevent a concentration of power or misuse or abuse of power by an individual or a group and guards citizens rights. However constitutional appointments in India mostly at behest of ruling party hampers the checks and balances in governance. There is need to have well defined tenure duties functions and qualifications to such bodies so that purpose of the checks and balances to prevent the arbitrary or capricious use of power is ensured with accountability.

**29. Should appointed governors be allowed to re-enter active electoral politics? Substantiate your views.**

**Approach**

Candidates are expected to give his views on whether or not the appointed governors be allowed to re-enter active electoral politics. The candidate has to provide evidence or examples in favour of his views to substantiate it.

**Introduction:**

From the time of the first prime minister Jawaharlal Nehru, retired politicians have been appointed as governors and it is assumed that they will play a strictly bipartisan role since they will no longer be returning to the political arena. In recent decades, that sentiment appears to have been abandoned.

For governors to re-enter active politics is unprecedented and the 'credit' for this can only be given to the present Congress High Command. The Congress has, during the 10 years of UPA rule, created a precedent where so-called bi-partisan governors can re-enter active politics. How else can one explain the unprecedented re-entry into active politics of Congress-appointed governors like Sushil Kumar Shinde who walked out of one office and into another, almost as if there was a revolving door between the bipartisan role of a governor and active politics.

**Should appointed governors be allowed to re-enter active electoral politics?**

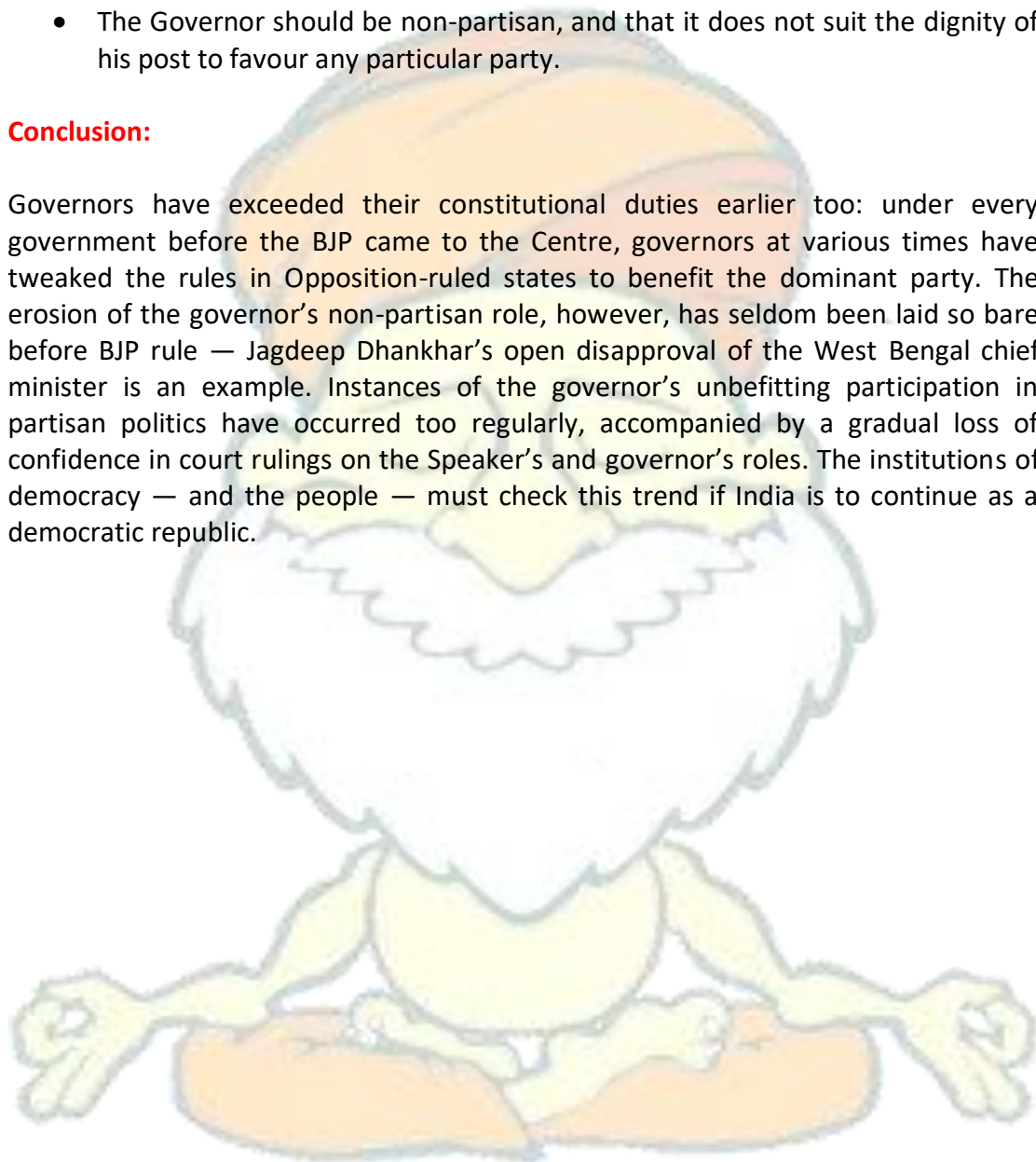
I feel governors should not be allowed to re-enter active electoral politics due to the following reasons:

- Although there is no constitutional or statutory bar, Governors are considered to be neutral by virtue of the constitutional position they hold.
- Governors are appointed by the President under Article 156 of Constitution, and should be figures "who can rise above party politics", a Constitution Bench headed by then Chief Justice of India K G Balakrishnan noted in 2010.
- The apex court also said that although some Governors may come from a political background, "they owe their allegiance and loyalty to the Constitution, and not to any political party, and are required to preserve, protect and defend the Constitution".
- But there have been allegations even in the past against Governors under different regimes of acting in a partisan manner.
- The position of the governor is a constitutional post of a very high order. Someone holding the position has to maintain its esteem and cannot run it down.

- A parliamentary democracy gives pride of place to elected legislators; the governor, who is not elected but appointed by the president, must act on their advice. He is supposed to be above politics.
- Any governor can join any political party of his choice and enter the fray but only after resigning from his post of governor else if he is going to continue as the governor, he should make good use of the position for the people of his state rather than getting into politics.
- The Governor should be non-partisan, and that it does not suit the dignity of his post to favour any particular party.

**Conclusion:**

Governors have exceeded their constitutional duties earlier too: under every government before the BJP came to the Centre, governors at various times have tweaked the rules in Opposition-ruled states to benefit the dominant party. The erosion of the governor's non-partisan role, however, has seldom been laid so bare before BJP rule — Jagdeep Dhankhar's open disapproval of the West Bengal chief minister is an example. Instances of the governor's unbefitting participation in partisan politics have occurred too regularly, accompanied by a gradual loss of confidence in court rulings on the Speaker's and governor's roles. The institutions of democracy — and the people — must check this trend if India is to continue as a democratic republic.



**30. What are your views on the appointment of senior civil servants as ministers in the government? Critically comment.**

**Approach**

Candidates should express his views on the appointment of senior civil servants as ministers in the government. Candidate should give his view on both side points (favour and against) to critically comment.

**Introduction**

The conduct rules debar a civil servant from employment in any private organisation before the two-year mandatory cooling off period. There exists no such rule for joining politics, but that is because when these rules were formulated, it was beyond any one's imagination that civil servants would join politics.

**The Appointment of Senior Civil Servants as Ministers in The Government**

**Points in favour of appointment:**

- The conduct of IAS officers is regulated under the All-India Services (Conduct) Rules, 1968. The said rules do say that an officer shall remain politically neutral in his or her service, but there is no restriction on participation in politics post-retirement.
- The Constitution and the Representation of People Act also allow anyone whose name appears in the appropriate electoral roll and is of a certain age to take part in electoral politics. Legally, therefore, there is no dilemma about IAS officers' participation in electoral politics.
- IAS officers tend to make good politicians for other reasons too, such as their knowledge of government functioning and its limitations, their ability to express public opinion in an actionable form, their ability to better monitor implementation of government works and schemes, and their financial stability.
- Every officer who enters the civil services does so with the intent to make a positive impact on the nation. In my personal experience, politics provides a great platform for that, sometimes even better than the civil services themselves.

**Point against appointment:**



- When a serving bureaucrat has an inkling towards a certain party, they're bound to start cultivating contacts in that particular party at least five years in advance. This is completely unacceptable.
- A civil servant is supposed to be apolitical, notwithstanding what we see happening today.
- The Indian Constitution is designed for separation of power between the legislature, the executive and judiciary, with well-defined areas or jurisdiction for each of these pillars of the State.
- There is an interface between the legislature and the executive at the level of the Council of Ministers, which is collectively responsible to the House, but the legislature cannot perform executive functions and the executive cannot tell the legislature how it will perform its duties.
- Hobnobbing with politicians was considered a cardinal sin at one point, but has become almost a norm today to show the networking one is capable of. This tendency must be put an end to, and a two-year year cooling off period put in place.

**Conclusion:**

There are many things that can attract a retired civil servant to politics — one is, of course, the glamour and visibility attached to active politics. There may well be a desire to serve the citizens of the country, but there is also the lust for power. Retired civil servants may see a much more promising future and greener pastures in politics. Politicians today enjoy much more authority than officers. Those days are long gone when officers used to have the last word. Thus, while the entry of IAS and IPS officers into politics may raise some eyebrows, it will ultimately lead to improving the quality of politics in the country.

**31. Do you think the use of social media for electoral campaigning requires Regulation? Share your views.**

**Approach**

A simple straightforward question where candidates need to write about use of social media for electoral campaigning need regulation, share your opinions about it.

**Introduction**

Today, social media plays a crucial role in facilitating and distributing content related to all the matters that have a larger influence on public opinion and subsequently on democracy. Although social media helps in the deepening of democracy, it also tends to weaken the concept of democracy and the emergence of anarchy, because of its unregulated nature and its role in the spread of fake news.

**Body**

Social media platforms Facebook, Google, WhatsApp, ShareChat, TikTok and the IMAI have agreed to a voluntary code of ethics to abide by during the Lok Sabha Elections 2019,

Commitments made in the Code:

Social Media Platforms have developed a notification mechanism for the ECI to legally notify them of potential violations of Section 126 of the Representation of the People Act, 1951 and other electoral laws.

- Platforms will also endeavour to impart training to the nodal officer at ECI on their products, and on the mechanism for sending requests to the platforms as per procedure established by law.
- For reported violations of Section 126 of the RP Act, platforms will acknowledge and/ or process the legal orders within 3 hours (as per the Sinha Committee recommendations). For other legal requests, platforms will act upon them “expeditiously” based on the nature of reported violation.
- Platforms will update the ECI (via the IMAI) on measures they have taken to prevent abuse of their platforms, pursuant to legal requests by the ECI.
- The members to the code will carry out information, education and communication campaigns to build awareness on electoral laws and other related instructions.

- Participants will commit to facilitating transparency in paid political advertisements, including utilising their pre-existing labels/ disclosure technology for such advertisements.
- Section 126 of RPA Act prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours before the hour fixed for conclusion of poll in a constituency.

The Internet & Mobile Association of India (IAMAI):

- It is a not-for-profit industry body registered under the Societies Act, 1896.
- Its mandate is to expand and enhance the online and mobile value added services sector.
- It is dedicated to presenting a unified voice of the businesses it represents, to the government, investors, consumers and other stakeholders.
- Umesh Sinha Committee Recommendations on Section 126 of the RP Act in view of social media expansion:
- It has suggested amending Section 126(1) of RP Act to impose the 'campaign silence period' on print, electronic media and intermediaries.
- Apart from asking political parties to observe the silence period on all forms of media, the committee has suggested that star campaigners should desist from attending press conferences or giving interviews on election matters during this period.
- For intermediaries including social media companies, the committee has recommended that they should commit to procedures that would ensure that their platforms are not misused to vitiate free and fair polls. This would include a notification mechanism by which EC may notify the platform of potential violations of Section 126 of RP Act.
- Internet Service Providers and Social media companies should take down content violating the 48-hour ban on campaigning prior to polling, instantly and latest within 3 hours of EC issuing such a direction.
- Intermediaries, as per the committee, should report to the Commission on measures taken to prevent abuse of their platforms, including generating publicly-available action taken reports.
- All political advertisements may be clearly labelled as such and be pre-approved by an EC-appointed content monitoring committee. The intermediaries would also need to maintain a repository of political advertisements with information on their sponsors, expenditure and targeted reach.

Need of enforcing code on social media

- Possibility of elections being influenced by foreign countries/agencies: India has a hostile neighbourhood and thus neighbouring and other countries can try to weaken its political discourse by giving fake and paid advertisements or by disclosing information not meant for public over social media.
- Double Standards: Social Media Platforms are biased. They regulate the content over their sites only in selected countries.

Challenges in enforcing code on social media –

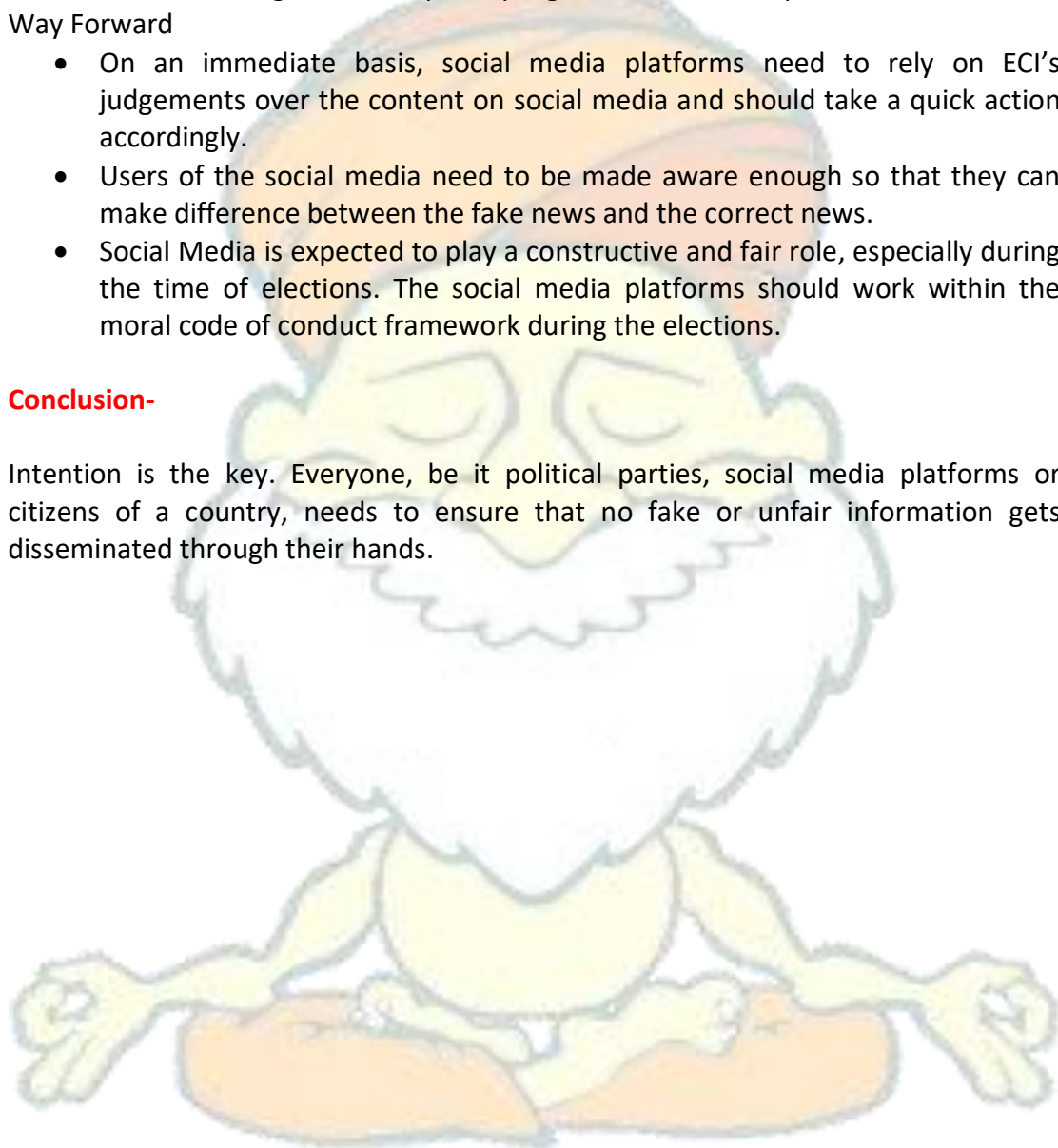
- The social media has a wider reach and there is also no way to verify the content over social media. Huge impact of social media content has been seen on the minds of people.
- Fake news keeps getting circulated over social media platforms, despite steps taken by government in this regard.
- Dealing with political proxy advertisements by fan pages is another challenge.
- Social Media platforms' also voice concerns over check on their freedom in the form of arguments on privacy, right to freedom of speech etc.

#### Way Forward

- On an immediate basis, social media platforms need to rely on ECI's judgements over the content on social media and should take a quick action accordingly.
- Users of the social media need to be made aware enough so that they can make difference between the fake news and the correct news.
- Social Media is expected to play a constructive and fair role, especially during the time of elections. The social media platforms should work within the moral code of conduct framework during the elections.

#### Conclusion-

Intention is the key. Everyone, be it political parties, social media platforms or citizens of a country, needs to ensure that no fake or unfair information gets disseminated through their hands.





**32. The financial sector is fraught with many risks. In this regard, what role do regulators play to mitigate the risks associated with financial markets? Explain with the help of suitable examples.**

### **Approach**

In this question candidates need to write about risks in financial sector and in second part write about regulators role to mitigate the risks associated with financial markets .Give some examples to substantiate your points .

### **Introduction**

Recently, the Reserve Bank of India (RBI) released the 23rd issue of its Financial Stability Report (FSR).The FSR which is published biannually reflects the collective assessment of the Sub-Committee of the Financial Stability and Development Council (FSDC - headed by the Governor of RBI) on risks to financial stability and the resilience of the financial system. The Report also discusses issues relating to development and regulation of the financial sector.

### **Body**

Impact of Covid-19 Second-Wave:

- The impact of the Covid-19 Second-Wave on the balance sheets of Indian banks has been less than what was projected before and capital buffers are reasonably resilient to withstand future shocks.
- A capital buffer is required reserves held by financial institutions put in place by regulators. These are designed to provide banking organizations with the means to support the economy in adverse situations.
- Covid-19 Second-Wave has dented economic activity, but monetary, regulatory and fiscal policy measures have helped curtail the solvency risk of financial entities, stabilise markets, and maintain financial stability
- Solvency risk is the risk of being unable to absorb losses, generated by all types of risks, with the available capital.

Global Recovery:

- Sustained policy support, benign financial conditions and the gathering momentum of vaccinations are nurturing an uneven global recovery.
- Policy support has helped in shoring up financial positions of banks, containing non-performing loans and maintaining solvency and liquidity globally.

**New Risks:**

- While the recovery is underway, new risks have emerged which are:
- Nascent and mending state of the upturn (Revival of Economy).
- Economy Vulnerable to shocks and future waves of the pandemic.
- International commodity prices and inflationary pressures.
- Global spillovers amid high uncertainty.
- Rising incidence of data breaches and cyber attacks.

**Gross Non-Performing Asset Ratio:**

- The Gross Non-Performing Asset (GNPA) ratio of India's Scheduled Commercial Banks (SCBs) may climb by the end of 2021-22 to as much as 11.2% under a severe stress scenario, from 7.48% in March 2021.
- While banks' exposures to better rated large borrowers are declining, there are incipient signs of stress in the Micro, Small and Medium Enterprises (MSMEs) and retail segments.
- The demand for consumer credit across banks and Non-Banking Financial Companies (NBFCs) has decreased, with some deterioration in the risk profile of retail borrowers becoming evident.

**CRAR & PCR:**

- Banks have managed to capitalise themselves well during 2020-21 aiding them in maintaining adequate capital adequacy even under stress situations.
- The Capital to Risk-Weighted Assets Ratio (CRAR) of SCBs increased to 16.03% and the Provisioning Coverage Ratio (PCR) stood at 68.86% in March 2021.
- Restructuring of Loans:

Before SEBI came into existence, Controller of Capital Issues was the regulatory authority; it derived authority from the Capital Issues (Control) Act, 1947.

- In April, 1988 the SEBI was constituted as the regulator of capital markets in India under a resolution of the Government of India.
- Initially SEBI was a non statutory body without any statutory power.
- It became autonomous and given statutory powers by SEBI Act 1992.

**Power and functions of SEBI:**

- SEBI is a quasi-legislative and quasi-judicial body which can draft regulations, conduct inquiries, pass rulings and impose penalties.
- It functions to fulfill the requirements of three categories –
- Issuers – By providing a marketplace in which the issuers can increase their finance.
- Investors – By ensuring safety and supply of precise and accurate information.
- Intermediaries – By enabling a competitive professional market for intermediaries.
- By Securities Laws (Amendment) Act, 2014, SEBI is now able to regulate any money pooling scheme worth Rs. 100 cr. or more and attach assets in cases of non-compliance.
- SEBI Chairman has the authority to order "search and seizure operations". SEBI board can also seek information, such as telephone call data records,

from any persons or entities in respect to any securities transaction being investigated by it.

- SEBI perform the function of registration and regulation of the working of venture capital funds and collective investment schemes including mutual funds.
- It also works for promoting and regulating self-regulatory organizations and prohibiting fraudulent and unfair trade practices relating to securities markets.

**Conclusion-**

In the current global scenario in pandemic Active intervention by central banks and fiscal authorities has to be taken to be able to ward off any risks to macro-financial stability of the system.



**33. With the help of suitable examples, examine the factors that necessitate government regulation of certain sectors.**

### **Approach**

Candidates are expected to write about the government regulations in different sectors. Need to examine the factors that necessitate government regulations in certain sectors with suitable examples.

### **Introduction:**

India liberalized industries in the 1990s and handed over sectoral governance to regulatory bodies. These bodies played a constructive role in ensuring the free and fair market. Post 1990, Privatisation saw the advent of the 'Indian Regulator' that became the 'nurturer' and 'parent' of its sector. The regulators incentivised private investment by giving them functional autonomy and shielding them from interference.

### **Body**

Factors that necessitate government regulations of certain sectors:

- To ease competition and enhance the efficiency: One of its main objectives is to provide a fair and transparent environment that promotes a level playing field and facilitates fair competition in the market. For example TRAI regularly issues orders and directions on various subjects such as tariffs, interconnections, quality of service, Direct To Home (DTH) services and mobile number portability.
- To protect the interest of consumers, prevent harmful practices: They establishing a competitive environment in the Indian economy through proactive engagement with all the stakeholders, the government, and international jurisdiction. As there is a constant risk of various people resorting to market distortions and abusing their dominant positions to resort to anti-competitive activities. For example Competition Commission of India.
- To safeguard the interests of investors: They are empowered to frame rules, regulations, guidelines and direction in favour of investor. It also issues



guidelines for disclosure of information and operational transparency for investor protection. For example SEBI.

- SEBI has also been instrumental in taking quick and effective steps in light of the global meltdown and the Satyam fiasco. Saving the small and marginal shareholders.
- To regulate and monitor the exhibition of freedom expression: While everyone want absolute freedom while making and exhibiting films to the audience, the regulatory body CBFC sees it as its duty to recommend suitable edits and cuts to the films and make them appropriate for viewing for the public.
- To provide financial balance and relief: As regulatory bodies have shown that empowered regulator can bring fruitful results. For example Steps taken RBI in tackling the liquidity crisis and management of increasing NPAs. This helped banks financially stress relief and provide loans to common people.
- To maintain quality and awareness: Bureau of Indian Standards and FSSAI has been setting quality and safety standards for various products, some of which are mandatory. In fact, mandatory standards can help to enhance quality awareness and protect the consumer.
- To protect environment: There are many regulatory bodies in the field of environment, but these are little achievements to count on. Example: CPCB is failed to curb air pollution, river pollution. NGT is also failing to deliver judgments on time.

### **Conclusion:**

A regulatory state was conceived as a fast and flexible alternative to the cumbersome and bureaucratic frames of the replaced era. However, questions about the democratic governance and accountability of regulators are being raised around the world. This is because substantial power to make laws has shifted from elected representatives to technocrats sitting in regulatory bodies. The Government should consider appointing a high-level task force immediately to delve deep into these issues.

**34. What are the institutional framework for the regulation of exports and imports in India. Do these regulations curb free trade? Critically examine.**

**Approach**

Candidates are expected to explain the institutional framework for the regulation of exports and imports in India. The candidate has to critically examine whether or not these regulations curb free trade.

**Introduction:**

India has a comprehensive institutional set up to promote international trade. Exporting firms need to understand and appreciate the institutions involved and the functions carried out by them. The Department of Commerce is the prime agency of the country to promote international trade.

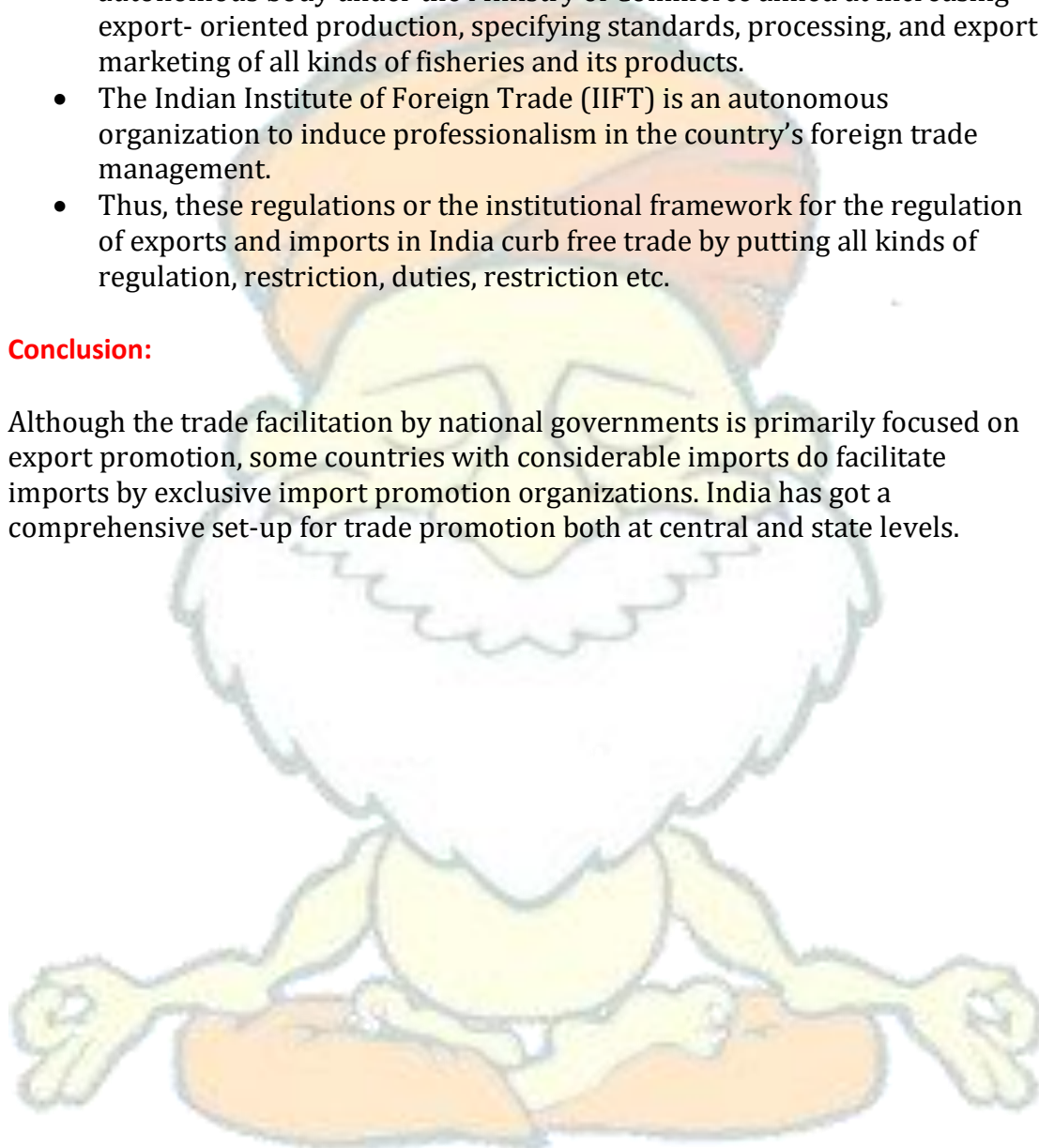
**The institutional framework for the regulation of exports and imports in India.**

- The Department of Commerce is the primary governmental agency responsible for developing and directing foreign trade policy and programmes, including commercial relations with other countries, state trading, various trade promotional measures and development, and regulation of certain export-oriented industries.
- In addition to this, attached and subordinate offices are also involved in the promotion of foreign trade. These are as follows:
- Directorate General of Foreign Trade is responsible for execution of export-import policy announced by the Government of India.
- Directorate General of Commercial Intelligence and Statistics is responsible for collection, compilation, and dissemination of trade statistics and commercial information.
- Directorate General of Anti-Dumping and Allied Duties is responsible for carrying out anti-dumping investigations and to recommend wherever required, the amount of anti-dumping/countervailing duty under the Customs Tariff Act, on identified articles which would be adequate to remove injury to the domestic industry.
- In addition, the Export Promotion Board works under the chairmanship of the Cabinet Secretary to provide policy and infrastructural support.
- Export promotion councils (EPCs) aim to project India's image abroad as a reliable supplier of high-quality goods and services.

- the Agricultural and Processed Food Products Export Development Authority (APEDA) looks after the promotion of exports of agriculture and processed food products. It works as a linkage between Indian exporters and global markets.
- In order to look after the issues related to production, marketing and development of commodities, there are nine statutory commodity boards.
- The Marine Products Export Development Authority (MPEDA) is an autonomous body under the Ministry of Commerce aimed at increasing export- oriented production, specifying standards, processing, and export marketing of all kinds of fisheries and its products.
- The Indian Institute of Foreign Trade (IIFT) is an autonomous organization to induce professionalism in the country's foreign trade management.
- Thus, these regulations or the institutional framework for the regulation of exports and imports in India curb free trade by putting all kinds of regulation, restriction, duties, restriction etc.

**Conclusion:**

Although the trade facilitation by national governments is primarily focused on export promotion, some countries with considerable imports do facilitate imports by exclusive import promotion organizations. India has got a comprehensive set-up for trade promotion both at central and state levels.



**35. Discuss the measures taken by the government to promote the renewable sector in India. What are the key challenges faced by the renewable sector? Examine.**

### **Approach**

Candidates should Discuss the measures taken by the government to promote the renewable sector in India. Candidate should also the key challenges faced by the renewable sector.

### **Introduction**

India is anticipated to be the biggest contributor to the renewables boom in 2021, with the country's annual growth in renewables doubling from 2020. It is among the leading countries in renewable power development with roughly 93 GW of installed capacity. Further, the Indian government has also set a target to install 450 GW of renewable energy capacity by 2030. However, this is a tall target especially as the renewable energy sector has been witnessing a slump in installations due to a number of challenges like changing regulatory regime, delayed payments, and transmission and land constraints. Further, the covid-19 pandemic has exacerbated these issues by disrupting supply chains and manpower availability and shutting down project construction and operation.

### **The measures taken by the government to promote the renewable sector in India**

India is the first country in the world to have an exclusive ministry that is involved in the promotion and development of the renewables – Ministry of New and Renewable Energy (MNRE). Other governments initiatives taken by the government includes:

- National Biogas and Manure Management Programme (NBMMP) promotes setting up of Family Type Biogas Plants mostly for the use of rural and semi-urban households.
- Draft National Wind-Solar Hybrid Policy promote new renewable energy projects and hybridisation of the existing ones. It is a policy that provides a comprehensive framework to promote large grid-connected wind-solar photovoltaic hybrid system.



- Off-Grid and Decentralised Solar Photo Voltaic Applications Programme promote off-grid application of the Solar Photovoltaic (SPV) systems for meeting the lighting and electricity needs of the individuals, communities, commercial and industrial institutions.
- The government of India launched the National Electric Mobility Mission Plan (NEMMP) 2020 in 2013 that aims to achieve national fuel security by promoting hybrid and electric vehicles in the country.
- National Solar Mission is an initiative to promote solar power in India. This program was initiated in 2010 with a target of 20 GW by 2022. Later, this target was increased to 100 GW in 2015. By 2017-18, India has surpassed the original target of 20 GW – five years ahead of the deadline.
- Promotion of Renewable Purchase Obligation are policies that make it mandatory for large energy consumers utilize a certain percentage of their energy from renewable sources.
- FDI up to 100% is allowed in the renewable energy sector under the Automatic route and no prior Government approval is needed.

### **The key challenges faced by the renewable sector**

India's INDC builds on its goal of installing a mammoth 175 gigawatts (GW) of renewable power capacity by 2022. Whilst the aim is laudable, it is faced with severe internal challenges. These are:

- Electricity, being a subject of the Concurrent List within the Constitution of India, Parliament as well as the state legislatures have concurrent powers to enact laws on this subject. Hence, there is a noticeable lack of necessary coordination, checks, and balances in the implementation of policies on this subject.
- In the context of renewable energy, there have been various instances where developers have faced sustainability and operational issues due to a tug-of-war between the Central and state governments that acts as a deterrent to the spirit of collaborative and cooperative federalism and leads to roadblocks in achieving the objective set out by India before the UNFCCC.
- In practice, State-owned Discoms, through State-owned SLDCS, resort to curtail renewable energy without communicating any reason.
- The primary reason for such curtailment appears to be purely commercial, as Discoms/transmission companies find short quick gains in time blocks when the renewable energy is curtailed.
- Further, land acquisition continues to be a big challenge for renewable energy developers in India. Issues such as lack of a proper Land Utilization Policy, poorly maintained land records, land ceiling limits, and the task of obtaining permissions from local bodies act as roadblocks to the implementation of large-scale renewable energy projects.

### **Conclusion:**

Despite a significant delay in project timelines, further restricting capacity additions, investor sentiment remains strong. Further, the slump in installations is expected to be short-lived and growth is expected to bounce back sharply in 2021 as government and industry focus on emerging opportunities like solar-wind hybrids, round-the-clock power, energy storage and floating solar among others. In fact, as of 2029-30, renewable are expected to account for 53% of the total power capacity. The projected data for 2029-30 shows thermal power capacity will overtake every other power source including wind, hydro and thermal in the next ten years, and will have a share bigger than even that of thermal power.



**36. Critically evaluate the role played by federalism in the design and implementation of central welfare schemes.**

**Approach**

In this question candidates need to write about what is federalism and role played by federalism in designing the implementation of central welfare schemes

**Introduction**

The Indian Constitution provides a strict demarcation between the legislative competences of the Union and the States. Yet, the Union, which also has far greater Control over the nation's finances than the States, plays a leading role in determining welfare priorities for the nation through schemes and budgetary allocations. but sometimes federalism creates block in implementing central welfare schemes

**Body**

For the first fifty years of the Indian republic, social and economic welfare was Primarily administered through ad hoc measures known as schemes.

- In the early 2000s, there was a shift to “rights-based welfare.” The Government of India codified several important aspects of social welfare into statutes.
- These included Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA), the Right of Children to Free and Compulsory Education Act, 2009 (RTEA) and the National Food Security Act, 2013 (NFSA).
- This was welcomed by the academic community, who described it as a “new social contract” between Indians and the State.

Role of States:

- In the present federal set-up of India, the seventh schedule of the Constitution provides a tight-model of distinction of powers between Centre and States. However, ultimately it is the states which work at the grassroot level for the development of their respective states.
- The fourteenth Finance Commission substantially enhanced the share of the States in the Central divisible pool from 32%to 42%. Which was untied and can be spent by the States as desired?
- However, doing so it delinked many schemes which were previously centrally funded, thus sharing the burden of the welfare between Centre and States. In

case of Centre Sector Schemes like Bharatnet, PMSAMPADA even though the Central government is primarily responsible for funding and implementation.

- The collaboration and concurrence of the state governments is equally needed for the effective implementation. As such, states like Karnataka, Andhra Pradesh are way ahead in providing internet facilities in the rural areas as compared to Bihar, Jharkhand and Odisha.
- Over the years, proliferation of the centrally sponsored schemes (CSS) has greatly curbed the autonomy of the state governments. The greater the devolution through these one-size-fits-all CSS, the lesser is the untied fund available to the state governments.
- Hence, to examine the current centrally sponsored schemes (CSS) and recommend their suitable rationalization, a sub-group was constituted under the aegis of NITI Aayog.
- The sub-group, composed of chief ministers, has offered the Union government an institutional framework to further consolidate the constructive trends in fiscal devolution under the new emblem of cooperative federalism.
- Even, the Fourteenth Finance Commission (FFC) had brought in significant changes in state-centre finances by increasing the devolution to states from 32% to 42% of the net Union tax receipts.

Important recommendations made by the sub-group:

- Reduce the number of centrally sponsored schemes (CSS) down to 30 from 50 in 2015-16.
- Divide CSS into core schemes and optional schemes. The core schemes will require mandatory implementation by the states, and the centre will fund 100% share for the Union territories, 90% for the eight north-eastern (NE) and three Himalayan states, and 60% for the rest of the states. The corresponding figures for the optional schemes are 100%, 80% and 50%, respectively.
- States should be given the flexibility to choose optional schemes they want to implement.
- The fund meant for the scheme opted out by any state can be used in other schemes. The states should be made free to deselect some components of a scheme they are implementing.
- Increase the flexi-funds—meant to provide greater flexibility to spend on diverse requirements under the overall objective of the scheme—from 10% to 25%.

Why states are not happy with CSS?

- The Union Budget allocates about 59% of the Central Plan funds as Central Plan Assistance (CPA) to the States and the balance 41% is allocated in the form of CSS. The straight-jacketed conditionalities of the CSS do not allow any flexibility to meet local needs which result in the States either conforming to a uniform eligibility and strategic posture, or losing out on resource allocation.

States are not backing central schemes like Ayushman Bharat and farm laws



Eg. west bengol opposing Ayushman bharat and Rajasthan opposing farm laws.

How can the financial position of states be improved?

- Devolution of funds should be done leaving space for local initiatives.
- The States should be given greater liberty in opting for strategies to achieve the national goals within the given time-frame.
- The States must be allowed greater flexibility to raise funds from the market to finance their projects.

### **Conclusion-**

The states have an important role to play in terms of both economic growth as well as poverty reduction. It should also be recognized that the States are not homogenous and hence they should be allowed to collectively deliberate and do the groundwork for defining the national goals, the sectoral targets and the achievable indicators. The constitution of the sub-group was an excellent example of involving the states in the decision-making process.



**37. What are the challenges associated with the selection of beneficiaries for welfare initiatives? Illustrate with the help of suitable examples.**

**Approach-**

In this question candidates are need to write about what challenges are there with selection of beneficiaries for welfare programmes. Illustrate with help of suitable examples

**Introduction-**

Government schemes aim at welfare of people via distribution of benefits. However, most times the benefits do not reach the intended beneficiaries rendering the schemes ineffective. There are many challenges in identification of beneficiaries for welfare schemes which results into wastage of resources.

**Body-**

Identification of beneficiaries for government schemes is tricky

Most of the government initiatives depend on either land records — which are often patchy — or on a dated database based on 2011 numbers: the Socio-Economic Caste Census (SECC). The SECC is being used in central schemes such as the Ayushman Bharat and Pradhan Mantri Awas Yojana to identify beneficiaries.

- A district-wise comparison with data from the last census conducted in 2011 and numbers from the more recent National Family Health Survey (NFHS 2015-16) suggest that while there are some common patterns in all three databases, there are considerable differences when it comes to identification of the most backward districts.
- SECC, in principle, remains a targeted approach for welfare delivery mechanism. There are various problems attached with targeted mechanism, some of which are enlisted as follows:
- Targeted programs create tensions between those who are excluded—some of whom may be among the poor but “missed” by targeting schemes—and the beneficiaries.
- Many scholars have pointed out the tendency of politicians to abuse targeted programs by converting them into instruments of patronage.
- Additionally, most of the benefits meant for end-up being elite captured. As, Amartya Sen points out, “benefits that go only to the poor often end up being poor benefits.”

- The other challenge in using the SECC database is that it is already eight years old in an economy which is transforming fast, and where some people have climbed up the income ladder while others have fallen down.
- This means that a SECC-type exercise needs to be repeated at frequent intervals to ensure that it matches current reality. But the more the database is mined for such use, the greater the chances of reporting biases creeping in, as people learn how to game the database to remain within the 'right' cutoff limits.
- 'Exclusion' works far better as a criteria for identification than 'inclusion'
- There is evidence that, because of the burdens placed on state administrations, universal benefits are sometimes cheaper than targeting.
- Sewa-INBI took up two types of villages in Madhya Pradesh for their pilot, one was a normal Indian village while the second was only inhabited by tribals.
- In each case, a set of 'control' villages was identified where no UBI was given while the other set got a UBI for 12 to 17 months. Over 6,000 people got the UBI of Rs. 200 per adult and Rs. 100 per child; after a year, this was raised to Rs. 300 and Rs. 150—respectively—in the normal villages. In the tribal villages, the sum was kept at Rs. 300 and Rs. 150 in the 12-month period.
- In this experiment, it was found that, on many parameters, conditions of inhabitant of UBI controlled villages improved. However, there are many problems associated with universal targeting, like Conspicuous spending: Households, especially male members, may spend this additional income on wasteful activities.
- Moral hazard (reduction in labour supply): A minimum guaranteed income might make people lazy and opt out of the labour market.
- Gender disparity induced by cash: Gender norms may regulate the sharing of UBI within a household – men are likely to exercise control over spending of the UBI. This may not always be the case with other in-kind transfers.
- The programs like Beti Padhao, Beti Bachao, Swach Bharat Abhiyan(Rural), National literacy mission has less to do with advanced states like KERALA, Sikkim, TAMILNADU, but has lots of significance in places like BIHAR & Jharkhand. Food Security act, MNREGA etc need to implemented differentially.
- The uniform administration needs to change and must be replaced with NEED BASED PLANNING.

### **Conclusion-**

The inherent challenges in any targeting exercise suggests that quasi-universal schemes with simple exclusion criteria based on regular and professionally conducted censuses may be a better bet for a country such as ours. In current times, the last mile delivery of services is being taken up in a vigorous manner through tools like Sevottam Model, Social Audit etc. Need is to further strengthen the existing

measures to ensure a smooth delivery of benefits and improve governance in the country.

### **38. Critically evaluate the need and viability of unemployment allowance in India.**

#### **Approach**

Candidates are expected to write about the unemployment allowance and then simply critically evaluate the need and viability of unemployment allowance in India.

#### **Introduction:**

Unemployment allowance is paid by the state to unemployed. It is meant to provide a source of income for jobless workers until they can find employment. Unemployed allowance also given to the worker who had gone through layoff and retrenchment.

#### **Body**

Need and validity of Unemployment allowance in India:

- People unemployed are given an allowance for financial help in case of job loss. It can help person due to sudden job loss with 3 months by allowance, can claim 50% of the average salary. Under the Atal Beemit Vyakti Kalyan Yojana.
- In Mgnra if work is not provided within 15 days, applicants are entitled to an unemployment allowance: one third of the wage rate for the first thirty days, and one half thereafter. This benefits the rural unskilled worker and landless workers.
- Most of the decline in employment has happened due to the fall in the number of workers in agriculture and a sharp fall in the absolute number of female workers.
- Over 1.5 million people from both the formal and informal sectors lost their jobs in August, reversing some of the gains made in July, as the unemployment rate rose in rural and urban India. In this situation allowance can give relief and help with basic necessities.
- India is facing unemployment crisis. Until now, government is unable to provide enough employment opportunities for the huge population. And hence providing unemployment allowance can help the situation. Unemployment in October rose to 7.75% from a three-month low of 6.86% in September, as per CMIE.
- The consequences of unemployment are far-reaching as it not only adversely affects the economy and GDP growth, but also affects societal fabric.



- It has Psychological Benefits due to guaranteed allowance reduces the pressure of finding a basic living on a daily basis. Few unemployed young people are taking extreme steps like committing suicide. Unemployment allowance helps in easing the pressure on them.
- It can help in reduce the poverty gives safety net against health income and other shocks.
- It can help person with re skilling and attain the future education for aspiring job. With the support of unemployment allowance, they can take a gap of two to three months to settle in a better job.
- Fourth Industrial Revolution will make 75 million jobs obsolete by the year 2022. It is moral and the social obligation of state its ideal and long term solution is to provide allowance to adequate eligible workforce.

Unemployment is a major issue which India faces and has been further exacerbated by the pandemic. But we should check the effectiveness of such allowances:

- Giving unemployment benefits for an extended period results in the opportunity cost of not being able to grow within an society. India being the emerging economy impact many can miss out on the opportunity to establish themselves as a serious employee and gain the experience.
- People may lose motivation to find a job as unemployment allowance helps in feeding themselves. A minimum guaranteed unemployment allowance might make people lazy and opt out of labour market. Decrease in economic activities and in result decrease in economic growth rate.
- It can have hugely impact with politicians will continuously use this to woo voters, but may not work on improving employment opportunities.
- The huge workforce of the country is associated with the informal sector. It is susceptible to be misused by some people who are self-employed etc.
- Difficulty in obtaining data due to improper employment statistics also due to multiple unemployment status in PLFS it will be complicated.
- India is the second most populated country. It's practically impossible to provide unemployment allowance to the huge number of unemployed youth. Also it will impact the public purse, create fiscal burden on government. The fiscal burden caused by allowance may prompt the government to increase taxes, result in inflation, reduce the purchasing power of the people.

Suggestions for creating employment opportunities:

- One of the remedies of the unemployment situation in India is rapid industrialisation.
- There are number of labour intensive in India such as food processing, leather and footwear, wood manufacturers and furniture, textiles and apparel and garments.

**Conclusion:**

Unemployment is a major issue which India faces and has been further exacerbated by the pandemic. In this the focus has been always on the whole section. But in the view of increasing students who are educated but unemployed as special initiative is necessary to address their issues of skill, quality of education, unemployment benefits and counselling to connect to job markets of India and western world. The demographic dividend should not be allowed to morph into demographic disaster for India.

**39. What are the merits and demerits of in-kind transfers as a means of poverty reduction. Explain with the help of suitable examples.**

### **Approach**

Candidates are expected to first explain in-kind transfers and then explain merits and demerits of in-kind transfers as a means of poverty reduction with the help of suitable examples.

### **Introduction:**

When it comes to helping those in need, a debate rages about whether cash or in-kind benefits are best. Cash transfers are exactly what they sound like. The recipients receive cash or a pre-loaded credit card which they can use to purchase the goods and services they need. In-kind benefits work differently in that people receive a specific good or service, such as food or health care. In this instance, the provider dictates what benefit is given rather than the recipient.

### **The Merits and Demerits of In-Kind Transfers as A Means of Poverty Reduction**

There are pros and cons to both arrangements.

#### **Pros Of In-Kind Benefits:**

- In-kind benefits allow governments and donors much more control over what types of benefits they give.
- An individual or organization may choose to provide food, shelter, medical assistance, tax preparation helps or any number of services and can do so knowing that recipients got exactly the type of help the donor meant to give.
- In-kind services are also adept at meeting a need or demand by increasing the supply without causing price increases.
- In fact, a 2017 study of in-kind transfers found that they decreased prices in a given community by 4 percent.
- There is a risk that poor people “misuse” the money they receive. Assuming that the service providers know better than the poor people themselves what is good for them, it is more effective to provide the necessary goods directly rather than transferring money. This is the paternalistic justification.
- Even if policymakers and scientists are less and less paternalistic, voters still believe that poor people are likely to make “wrong” use of their money. As a

consequence, in-kind transfers are easier to justify in front of the voters than money transfers.

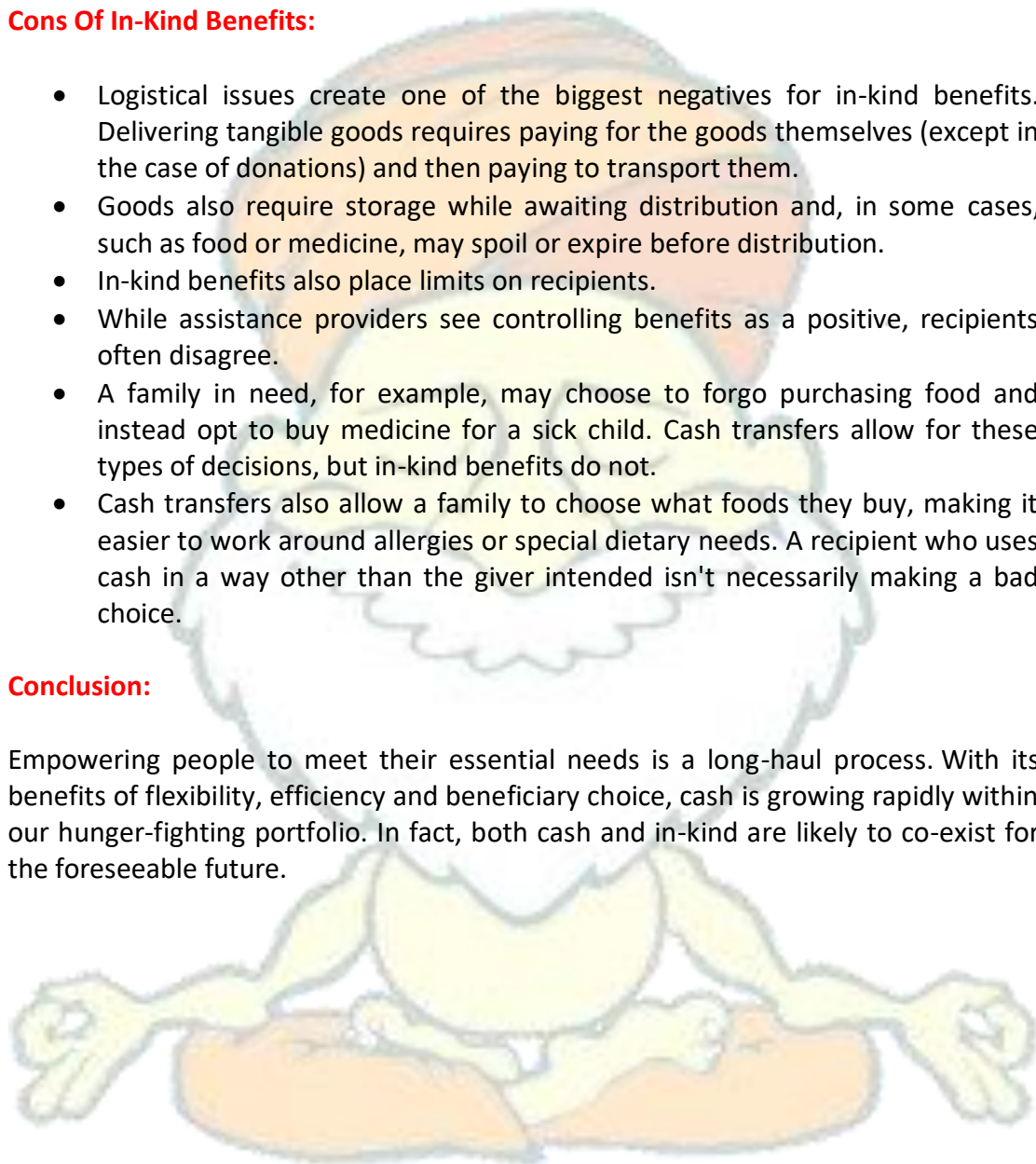
- While simple money transfers are believed to give incentives to non-poor people to claim to be poor in order to receive the money, there are theoretical arguments and there is some evidence that it is less the case with in-kind transfers.

#### **Cons Of In-Kind Benefits:**

- Logistical issues create one of the biggest negatives for in-kind benefits. Delivering tangible goods requires paying for the goods themselves (except in the case of donations) and then paying to transport them.
- Goods also require storage while awaiting distribution and, in some cases, such as food or medicine, may spoil or expire before distribution.
- In-kind benefits also place limits on recipients.
- While assistance providers see controlling benefits as a positive, recipients often disagree.
- A family in need, for example, may choose to forgo purchasing food and instead opt to buy medicine for a sick child. Cash transfers allow for these types of decisions, but in-kind benefits do not.
- Cash transfers also allow a family to choose what foods they buy, making it easier to work around allergies or special dietary needs. A recipient who uses cash in a way other than the giver intended isn't necessarily making a bad choice.

#### **Conclusion:**

Empowering people to meet their essential needs is a long-haul process. With its benefits of flexibility, efficiency and beneficiary choice, cash is growing rapidly within our hunger-fighting portfolio. In fact, both cash and in-kind are likely to co-exist for the foreseeable future.



**40. What are the key features of the Atmanirbhar Bharat scheme? Discuss. How is it affecting the objectives and direction of other schemes. Illustrate.**

### **Approach**

Candidates should Discuss the the key features of the Atmanirbhar Bharat scheme? Candidate should also illustrate How is it affecting the objectives and direction of other schemes.

### **Introduction**

Atmanirbhar Bharat Abhiyaan or Self-reliant India campaign is the vision of new India envisaged by the Hon'ble Prime Minister Shri Narendra Modi. On 12 May 2020, our PM raised a clarion call to the nation giving a kick start to the Atmanirbhar Bharat Abhiyaan (Self-reliant India campaign) and announced the Special economic and comprehensive package of INR 20 lakh crores - equivalent to 10% of India's GDP – to fight COVID-19 pandemic in India. The aim is to make the country and its citizens independent and self-reliant in all senses. He further outlined five pillars of Aatmanirbhar Bharat – Economy, Infrastructure, System, Vibrant Demography and Demand. Finance Minister further announces Government Reforms and Enablers across Seven Sectors under Aatmanirbhar Bharat Abhiyaan.

### **The key features of the atmanirbhar Bharat scheme**

- The prime minister aims to make India confident. Atmanirbhar Bharat aims at creating products within India and sell those. This will in-turn reduce the dependency on other countries. Therefore, India would have the upper hand in deciding its own course. Other developed nations will not be able to utilize the loopholes and gain on that front.
- The prime minister has laid out a plan, where there will be several provisions for the upliftment of the society. There will be several offers for various sections of society.
- According to the minister, this will lead to increased self-confidence. The government does not wish to isolate the country as such.
- Till now, Rs 52,606 crore has been credited to Jan Dhan Account Holders. Rs 18,000 crore worth grain has also been transferred.



- The drive will ensure that the BPL cardholders, migrant workers and aged do not suffer.
- Moreover, there is a provision of collateral-free MSME loans.
- The government is planning to give Rs 20,000 crore to MSMEs. This would, in turn, help 2 lakh MSMEs.
- 'Make in India' campaign is bound to be a success story. As more people will get engaged in self-reliant business stories.
- Moreover, the Government is also planning to start a Rs 30,000 crore scheme, in which they will be making investments in NBFCs, HCFCs, and MFIs.

#### **How is it affecting the objectives and direction of other schemes?**

- The strategy of Atmanirbhar Bharat Abhiyan seems to give a strong supply-side push by boosting the availability of capital on easy terms and through supporting agriculture and business sectors.
- The additional allocation to MNREGA will help in productively employing returning migrants.
- The Atmanirbhar Bharat yojana aims to bring relief to various sectors, that are affected by the Covid-19. The Government's Package aims to bring about fiscal relief that may be considered as 1.1% of GDP. They have also allowed most states to increase borrowing to 0.50% of the Gross State Domestic Product. Thus, the main aim of this package is to bring in new reforms in agriculture and public sector enterprises.
- The Pradhan Mantri Garib Kalyan Yojana is a part of the Atmanirbhar Bharat package and is also making heads turn.

#### **Conclusion:**

Self-reliance will make globalization human-centric. India's fundamental thinking and tradition of "Vasudhaiva Kutumbakam" provides a ray of hope to the world. We all know, that a single virus has destroyed the entire world. Therefore, it remains to be seen, how we can protect ourselves. So, more such schemes have to come from the government to ensure that lives are not lost. We as Indians can only hope for the best today with Atmanirbhar Bharat Scheme.

**41. What are your views on the recent decision to repeal the farm laws? Substantiate your views.**

**Approach-**

A simple straightforward question where candidates need to write about what are new farm laws. Do we actually need them and implications of repealing new farm laws? Give your views about it and substantiate your views .

**Introduction-**

Agriculture is called the backbone of Indian economy because 70% of Indian population are engaged in agriculture. The economic contribution of agriculture to India's GDP is steadily declining with the country's broad-based economic growth. Still, agriculture is demographically the broadest economic sector and plays a significant role in the overall socio-economic fabric of India. To improve agricultural efficiency new laws brought by govt in 2020 but lack of communication by govt they had to repeal the laws.

**Body-**

Recently, the Prime Minister announced the repeal of the three contentious farm laws.

**Key Points-**

**Three Farm Laws:**

- Farmers Produce Trade and Commerce (Promotion and Facilitation) Act, 2020: It is aimed at allowing trade in agricultural produce outside the existing APMC (Agricultural Produce Market Committee) mandis.
- Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020: It seeks to provide a framework for contract farming.
- Essential Commodities (Amendment) Act, 2020: It is aimed at removing commodities such as cereals, pulses, oilseeds, edible oils, onion and potato from the list of essential commodities.

**Reasons Behind Farmers Protest:**

- Repealing the farm laws: The first and foremost demand of the protesting farmers' organisations is the repeal of three new agricultural laws.
- As per the farmers the law is framed to suit big corporations who seek to dominate the Indian food and agriculture business and will weaken the

negotiating power of farmers. Also, big private companies, exporters, wholesalers, and processors may get an edge.

- Minimum support price: The second demand of farmers is the guarantee of Minimum Support Price (MSP) to ensure procurement of crops at a suitable price.
- The Farmers are also demanding to get a written assurance in the form of a Bill for the continuation of the MSP and conventional food grain procurement system.
- The Farmers' organisations want the APMC or the Mandi System to be protected.
- Electricity (Amendment) Bill: The third demand of farmers is the withdrawal of the Electricity (Amendment) Bill, as they feel that they won't get free electricity due to this.
- Swaminathan Commission: The Farmers are demanding MSP as recommended by the Swaminathan Commission.
- The Swaminathan Commission Report states that the government should raise the MSP to at least 50% more than the weighted average cost of production. It is also known as the C2+ 50% formula.
- It includes the imputed cost of capital and the rent on the land (called 'C2') to give farmers 50% returns.

Staying the Implementation:

- The Supreme Court stayed the implementation of the three laws in January 2021.
- The farm laws were in force for only 221 days — June 5th 2020, when the ordinances were promulgated to January 12th 2021, when the Supreme Court stayed their implementation
- Since the stay, the laws have been suspended. The government has used old provisions of the Essential Commodities Act, 1955 to impose stock limits, having amended the Act through one of the three farm laws.

Impacts of Repealing the Law:

Need of Consultation:

- The repeal underlines that any future attempts to reform the rural agricultural economy would require a much wider consultation, not only for better design of reforms, but for wider acceptance.
- The repeal would leave the government hesitant about pursuing these reforms in stealth mode again.
- The government will doubtless have to walk the path of reform very cautiously.

Low Farmers Income:

- Given that the average holding size stands at just 0.9 ha (2018-19). Unless one goes for high-value agriculture — and, that's where one needs efficient functioning value chains from farm to fork by the infusion of private investments in logistics, storage, processing, e-commerce, and digital technologies — the incomes of farmers cannot be increased significantly.

- There is no doubt that this sector is crying for reforms, both in the marketing of outputs as well as inputs, including land lease markets and direct benefit transfer of all input subsidies — fertilisers, power, credit and farm machinery.

Negative Impact on Industries:

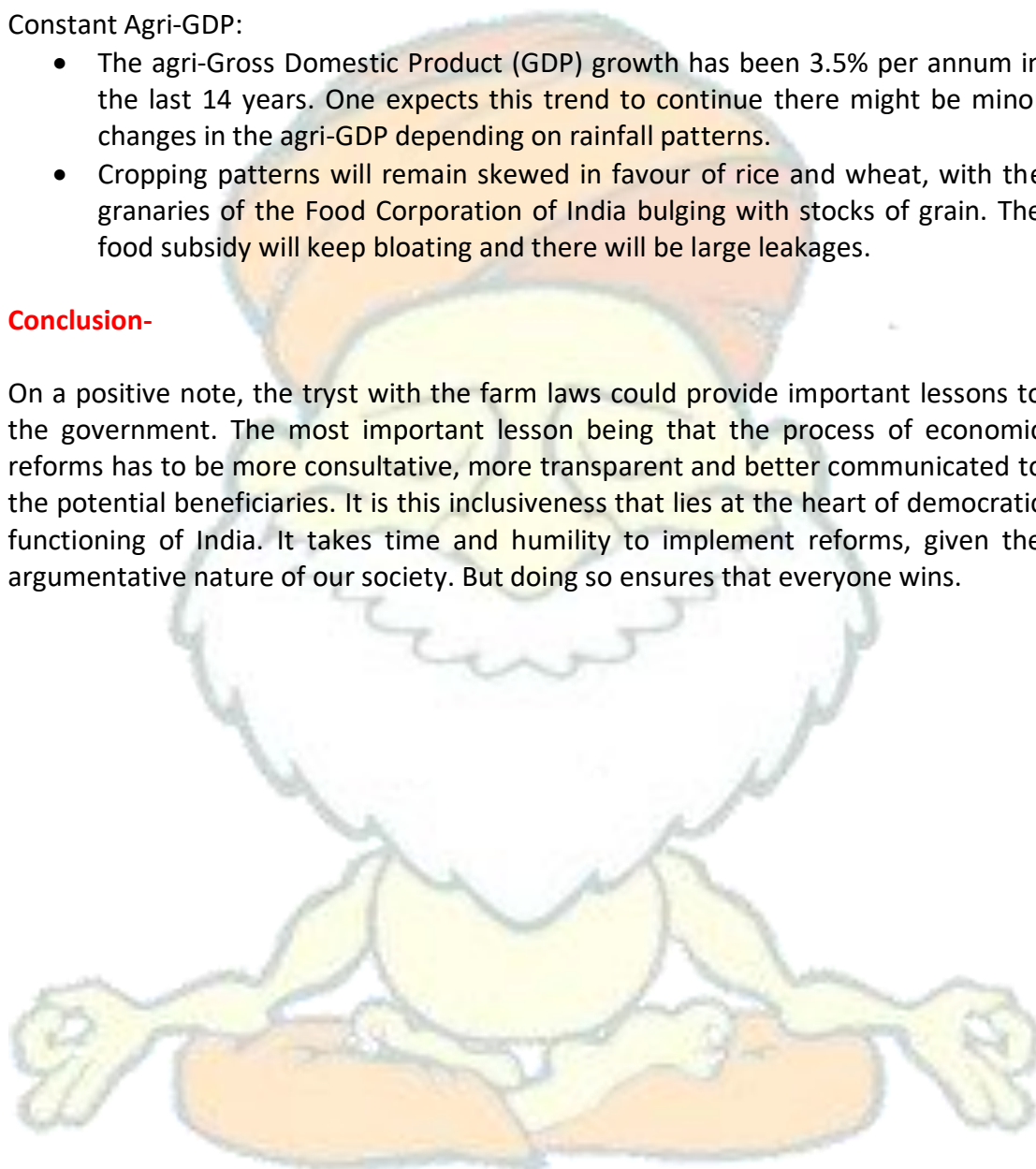
- Industries including logistics, cold chain, agri-related, and farm equipment would be impacted the most because they were supposed to be the direct beneficiaries of these laws.

Constant Agri-GDP:

- The agri-Gross Domestic Product (GDP) growth has been 3.5% per annum in the last 14 years. One expects this trend to continue there might be minor changes in the agri-GDP depending on rainfall patterns.
- Cropping patterns will remain skewed in favour of rice and wheat, with the granaries of the Food Corporation of India bulging with stocks of grain. The food subsidy will keep bloating and there will be large leakages.

### **Conclusion-**

On a positive note, the tryst with the farm laws could provide important lessons to the government. The most important lesson being that the process of economic reforms has to be more consultative, more transparent and better communicated to the potential beneficiaries. It is this inclusiveness that lies at the heart of democratic functioning of India. It takes time and humility to implement reforms, given the argumentative nature of our society. But doing so ensures that everyone wins.





**42) There is a general mistrust of common citizens towards Police Department. What can be the possible reasons for that? What steps should be taken to improve the image and working of police?**

**Approach-**

A simple straightforward question where candidates need to write about why there is mistrust between common citizens towards police department, what are reasons for this mistrust. And which step should be taken to improve image and working of police.

**Introduction-**

India's existing police system suffers a series of deficiencies from problems relating to a police organization, environment, infrastructure, and understaffing, to obsolete weaponry and intelligence gathering techniques to a shortage of manpower to corruption. There are many reasons which resulted into general mistrust of common citizens to wards

**Body-**

**Reasons for mistrust of common citizen toward police department -**

- Police-Public Relations, which is an important concern in the effective policing, is suffering from the great trust deficit.
- 2018 survey across 22 states on perceptions about policing, found that less than 25% of Indians trust the police highly (as compared to 54% for the army) and the reason for the distrust is that interactions with the police can be frustrating, time-consuming and costly.
- The Second Administrative Reforms Commission has noted that police-public relations is in an unsatisfactory state because people view the police as corrupt, inefficient, politically partisan and unresponsive.
- Underreporting of crime in India-An expert committee under the Ministry of Statistics and Programme Implementation has noted that there is significant under-reporting of crimes under the NCRB .
- The National Crime Records Bureau (NCRB) under the Ministry of Home Affairs annual report called Crime in India, that records crime on the basis of the FIRs registered in the police stations across the country.
- Pendency: 30% of all cases filed in 2016 were pending for investigation by the end of the year (this combined with the pendency in the judiciary means

securing justice in India can take a very long time). Pendency in the police is driven by lack of resources.

- **Political Control:** They are usually beholden to corrupt and venal superiors. In this context, the Second Administrative Reforms Commission in 2007 had noted that politicians were unduly influencing police personnel to serve personal or political interests.
- **Prejudiced:** Many policemen, like the rest of Indians, carry prejudices—hidden and not-so-hidden—which make their performance uneven and unfair.
- **Police Abuse:** There are complaints against the police including unwarranted arrests, unlawful searches, torture and custodial rapes.
- **Not Citizen friendly:** Interactions with the police are generally considered frustrating, time-consuming and costly.
- **Weak Investigations:** Well over 50% of cases filed by the police (nearly 80% in rape cases) end up in acquittals. One of the reasons is that Police often prioritise law & order over investigative matters.
- **Structural issues:** 86% of the police force are constables, who have no growth path other than a single promotion (to Head Constable) before they retire. This pushes them to adopt corrupt pathways thus reducing the credibility of Police.
- **Lack of Uniformity across India:** Policing in India is a state subject which means there is significant variation across states.

Steps to be taken to improve image and working of police

- **SMART Police:** Police reforms are needed on three fronts Improvement in capacity and infrastructure of police forces. Revisiting the constitution of police forces in the country through legislative administrative changes. Technological scaling-up.
- The Model Police Act of 2006 was circulated to all the states but many of its fundamental principles that remains unfulfilled. There is a need for state to implement it in letter & spirit (considering the evolved scenario).
- There is a need to separate law and order from investigation.
- There is a need to have an independent complaints authority to inquire into complaints of police misconduct.
- To check against such abuse of power there has internal accountability to senior police officers, and independent police oversight authorities.
- To increase the funding of Police so as to better their infrastructure which reduces the incentives for corruption.
- **Sensitization of Police** when dealing with public especially during sensitive issues like rape and dowry.
- **Modernisation of Police Forces** in the light of growing cyber crimes.
- **Decriminalization of Politics:** These reforms are not implemented due to lack of political will, which in turn could be linked to the growing criminalization of politics.

**Conclusion-**

Internal security is very much a prerogative of police and efficient policing is needed in order to tackle threats arising in the form of cyber-attacks, bank frauds, and organized crimes, which need to be tackled in a more specialized manner. But for that, the police system needs to be efficient, effective and technologically sound. and above all trust of common man on police need to improve.

**Q.43- Do you think Lateral entry in Civil Services should be allowed? Will it dilute the importance of UPSC? Analyse.**

### **Approach**

Candidates are expected to write about ICT and how governments are using the ICT to deliver services with help of examples.

### **Introduction**

Lateral entry into civil services refers to induction of eligible candidates into bureaucracy by bypassing the regular mode at a higher level of its hierarchical structure. It has been recommended by many commissions and committees and is not a new idea such as 2nd ARC, Hota Committee, Surinder Nath Committee.

### **Body**

Need for lateral entry:

- **Shortage of Officers :** In large states like UP, MP, Rajasthan and Bihar. These are also those states where the social development as well as economic growth numbers are dismal.
- **Specialists and experts :** Career bureaucrats, due to their frequent transfers and deputations, remain generalists in nature. Also there is little incentive within the bureaucracy to join advanced courses and gain cutting edge knowledge. Thus in the wake of changing geo-political and economic environments, experts are needed for certain positions.
- **Burden to Exchequer:** Recruitment through formal process comes with the economic baggage of lifetime of salary, pensions and other perks. Constitutional safeguards prevent removal of even non-performing officers.
- **Incentives to innovations:** It is believed that bringing professionals from private sector would bring fresh ideas and usher innovative problem solving methods to otherwise a monolithic institution.
- **Competition:** It will push career bureaucrats towards healthy competition to perform better.

Issues with UPSC:

- Bypassing UPSC: UPSC is a constitutional body and has retained legitimacy and credibility of selection process over the years. Some experts opine that lateral entry is unconstitutional in nature.
- Issue of Reservation: It is unclear whether there would be reservation which is provided by UPSC for recruitment through Lateral Entry or not.
- Watchdog of merit system in India: Such direct lateral entry with UPSC consultation may hamper the role of UPSC in future and upholding of merit system can be bypassed by spoils system.

UPSC itself announced that it had granted lateral entry to 31 candidates into senior and mid-level positions across Union Ministries. To bring new dimensions and fresh talent in Policy Making. It is essential to have people with specialized skills and domain expertise in important positions as policy making is becoming complex in nature.

Way forward:

- While Lateral entry is a need of hour to bring expertise into higher echelons of power, however certain safeguards are required to ensure that this novel idea is not misused and merit system under UPSC is maintained.
- Agencies such as UPSC can play a role based on a selection process approved by Parliament on the basis of fair, transparent, and egalitarian.
- Value system: The value systems between the government and the private sector are quite different. It is important for UPSC to ensure that the people who come in are able to have the skills to adjust to a totally different system of functioning.

### **Conclusion**

There is no doubt that India's civil service, which serves as the backbone of the government, requires reform. This is crucial to the country's progress and development. If lateral entry is allowed, it must be done in a well-defined manner without diluting the importance of UPSC functions and role. Internal reforms to improve systemic efficiency, as well as a defined structure to allow lateral entry of professionals into the civil service, are urgently needed.



**Q 44) The democracy of India would not have been able to stand the test of time without a strong bureaucracy. Comment.**

**Approach**

The candidate has to comment or give his views on how the democracy of India would not have been able to stand the test of time without a strong bureaucracy.

**Introduction:**

Democracy is the process whereby the government is elected by the people whereas Bureaucracy is the system in which elected government employs competent state officials to run state matter. They are selected by government through merit-based process. Bureaucracy is the executive arm of the government where elected government employs competent state officials to run state matter. They are selected by government through merit-based process.

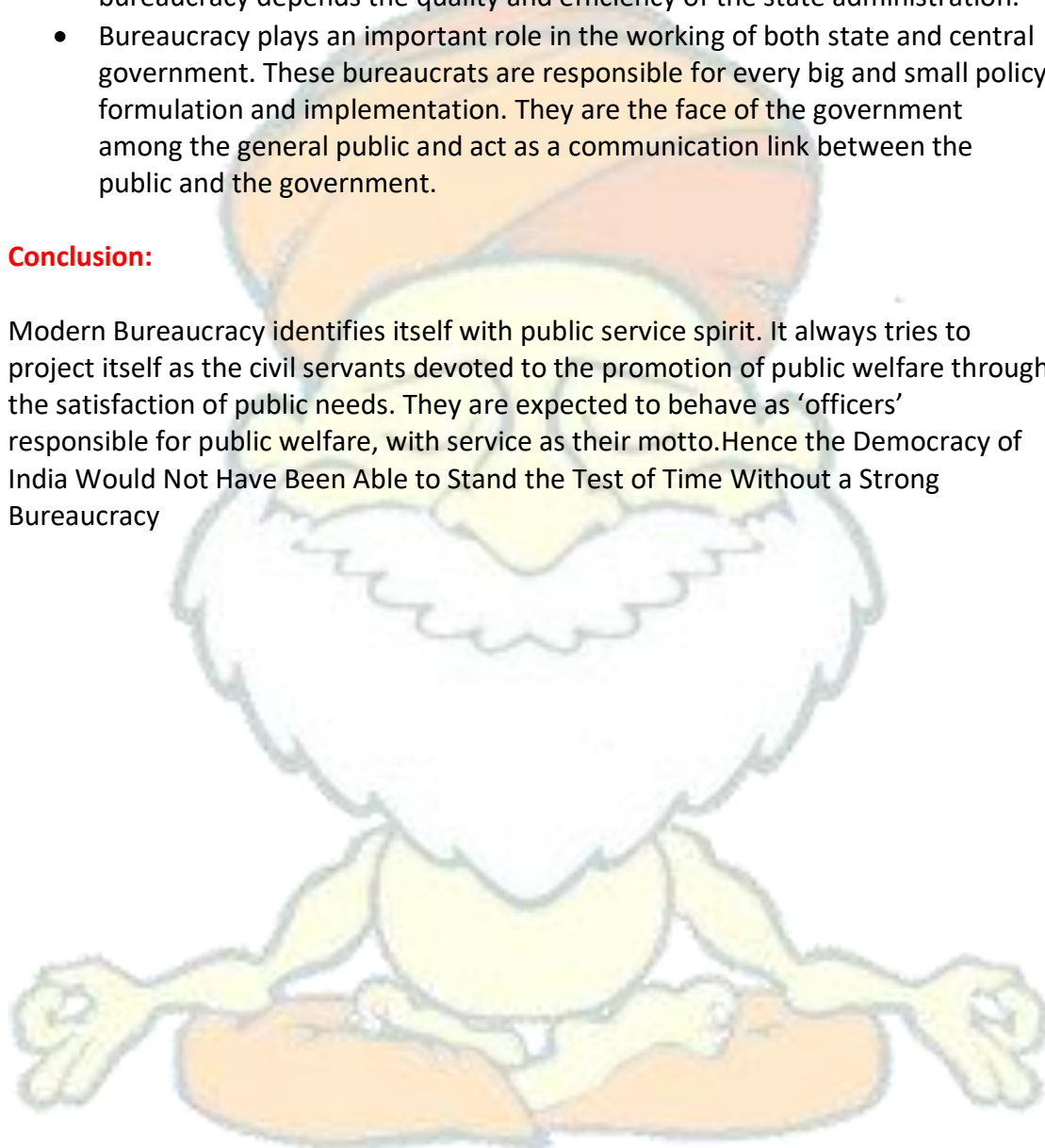
**How The Democracy of India Would Not Have Been Able to Stand the Test of Time Without a Strong Bureaucracy**

- Bureaucrats or civil servants play a major role in the public administration and there are required by the elected government to implement and keep a check on the effective working of their policies.
- The bureaucracy faced tremendous challenges to preserve the democracy like partition and subsequent communal riots, integration of princely states, linguistic reorganisation of states.
- After the elected government decides on a policy it is the responsibility and duty of the bureaucracy to implement those policies. Bureaucracy also plays an important role in the formation of different policies. While political executive is the one who heads the policymaking but they need the help of the bureaucracy for formulating it.
- One of the key responsibilities of the bureaucracy is to make sure the day-to-day administration is running effectively.
- Unlike political executives who enjoy supervision and controlling power, they are responsible to keep administration running according to the laws, rules, and regulations that are formulated by the government.

- These bureaucrats are also responsible for maintaining relations with the general public.
- Ministers count on them to inform their policy decisions to the populous and in return, they communicate the interests, views, and needs of the public to the ministers.
- It runs the administration of the state according to the policies and laws of the government political executive. Upon the qualities and efficiency of bureaucracy depends the quality and efficiency of the state administration.
- Bureaucracy plays an important role in the working of both state and central government. These bureaucrats are responsible for every big and small policy formulation and implementation. They are the face of the government among the general public and act as a communication link between the public and the government.

**Conclusion:**

Modern Bureaucracy identifies itself with public service spirit. It always tries to project itself as the civil servants devoted to the promotion of public welfare through the satisfaction of public needs. They are expected to behave as 'officers' responsible for public welfare, with service as their motto. Hence the Democracy of India Would Not Have Been Able to Stand the Test of Time Without a Strong Bureaucracy



**45. What are India's economic and strategic interests in Central Asia? Examine. Discuss the initiatives taken by India to increase outreach in this region.**

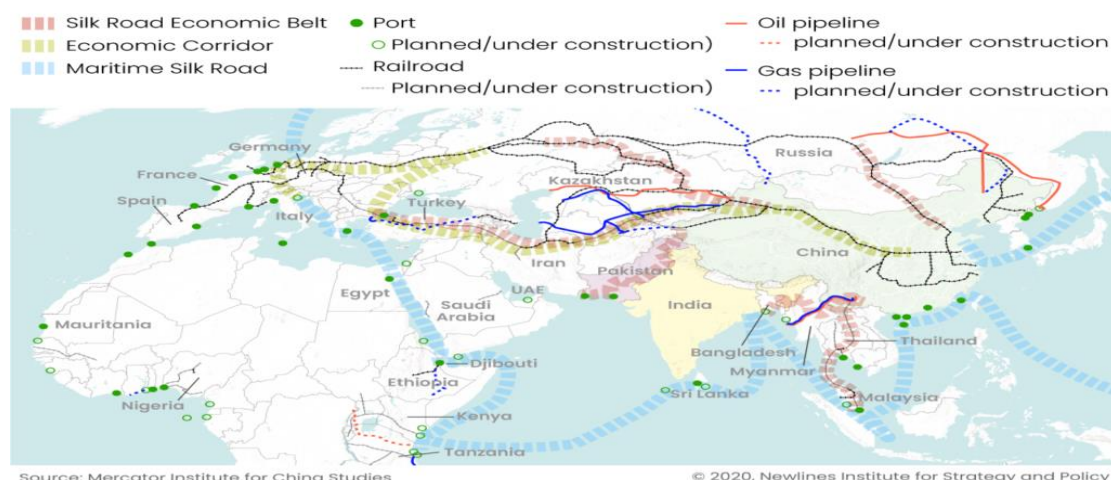
### Approach

The candidate has to examine by going deep into India's economic and strategic interests in Central Asia. Also discuss the initiatives taken by India to increase outreach in this region.

### Introduction:

India's key objectives in the central Asia region were articulated in India's 2012 "Connect Central Asia" policy document, but in recent years Indian efforts to engage in the region have taken on a greater urgency as China's economic influence in the region has grown.

### South Asia and China's Belt and Road Initiative



### India's economic and strategic interests in central Asia

Among India's key economic and strategic interests are the following:

- India's key long-term strategic interests in Central Asia include accessing energy resources, expanding India's economic influence, and deepening its regional integration.
- India seeks access to Central Asia's supplies of uranium, natural gas, oil, and coal as part of its national energy security strategy

- India seeks to become a regional economic power in Central Asia, limit Pakistan's influence, and compete more effectively with China's influence in the region.
- In Kazakhstan, India's major strategic interest is to access its uranium deposits for supporting India's national nuclear energy security strategy.
- Uzbekistan, which is the seventh-largest exporter of uranium in the world, is also strategically significant for India's nuclear power industry, and the two countries signed a long-term supply.
- Turkmenistan, which holds the world's fourth-largest reserves of natural gas, is primarily of significance to India because of the long-planned Turkmenistan-Afghanistan-Pakistan-India natural gas pipeline, which could ultimately provide energy-dependent India with up to 33 billion cubic meters of gas per year.
- Kyrgyzstan has had minimal economic relations with India, but there are signs that this could change as India has interests in its gold, coal, uranium, antimony, and other metal deposits, and in developing its hydroelectric capacity for exporting electricity to India.
- Tajikistan has a small economy that has been of little economic interest to India, but its geographic location in the center of Central Asia is of significant strategic interest to India.

#### **The initiatives taken by India to increase outreach in this region**

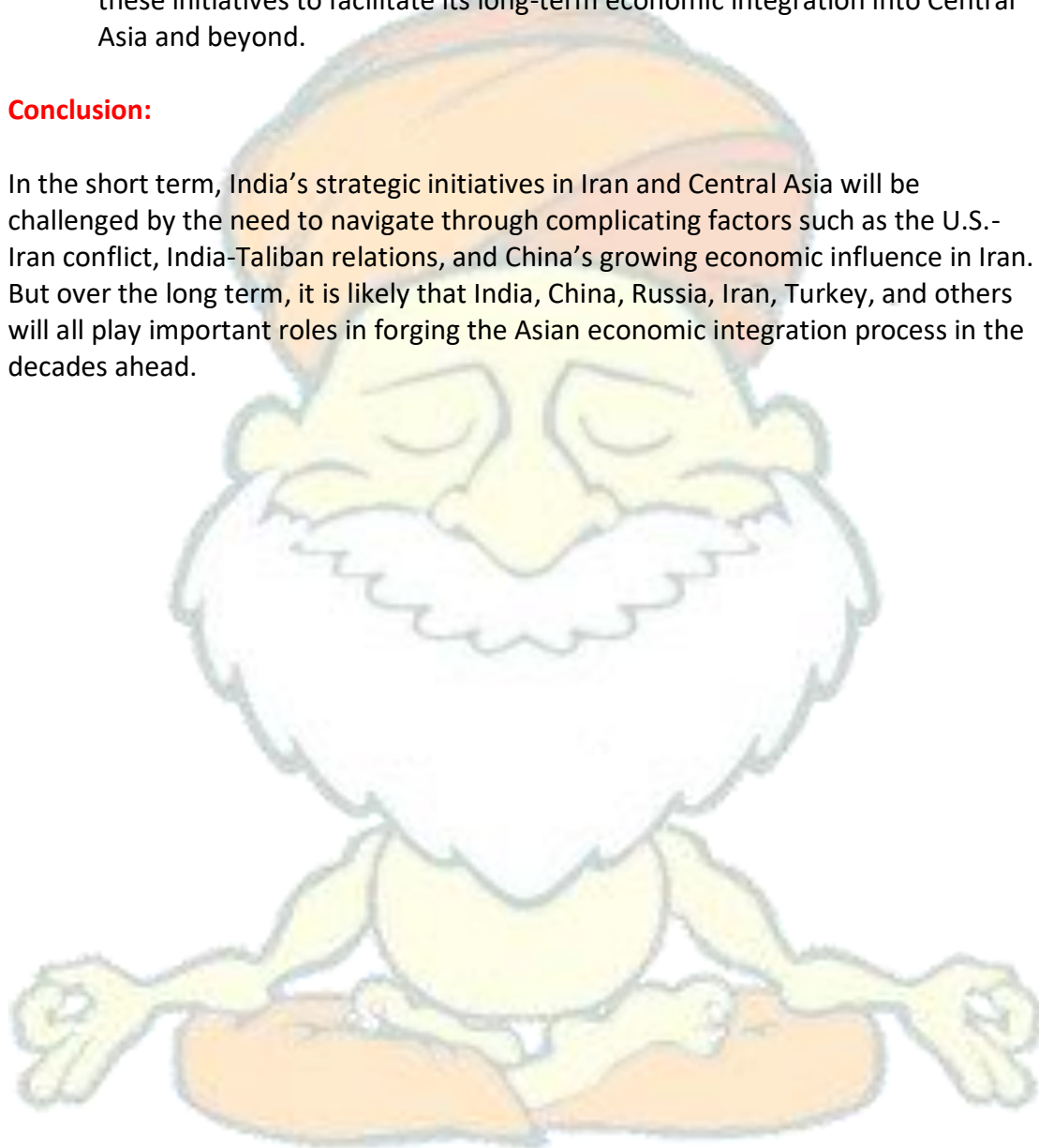
- The focal point of Indian-Iranian economic relations has undergone a fundamental shift in recent years, from being primarily about Indian oil imports to being about how Iran can serve as an entry point to facilitate India's economic integration with Central Asia and beyond.
- India has been engaged with Iran and a host of regional partners in recent years to develop two major north-south infrastructure corridors designed to expand Indian trade and investment in Afghanistan, Central Asia, Russia, and Europe.
- While China's east-west BRI has received a great deal of attention, India has been working with Iran and Russia to establish the International North-South Transport Corridor (INSTC) – a 7,200-kilometer, multi-modal route that brings Indian goods across the Arabian Sea to the southern Iranian port of Bandar Abbas, where it moves northward by road and rail through Iran and Azerbaijan to Russia and Europe.
- Today, Indian goods are shipped across the Arabian Sea to the southern Iranian ports of Bandar Abbas and Chabahar, and from there northward by road and rail through Afghanistan, and into the Central Asian republics, Russia, Turkey and Europe.
- India is working with Iran and Afghanistan to develop the southern Iranian port of Chabahar on the Arabian Sea and transport goods shipped from India northward through Iran to Afghanistan and Central Asia via the Chabahar-Zahedan-Mashhad railway.



- The Ashgabat Agreement is another international multi-modal transport corridor being developed to facilitate trade and investment between Central Asian and Persian Gulf countries, which India joined in 2018.
- Additionally, India and the five Central Asian nations are exploring the establishment of “air corridors” similar to what India established in 2018 with Afghanistan, which would provide special clearing and customs facilities to expedite regular cargo flights to facilitate trade. India has invested in all of these initiatives to facilitate its long-term economic integration into Central Asia and beyond.

**Conclusion:**

In the short term, India’s strategic initiatives in Iran and Central Asia will be challenged by the need to navigate through complicating factors such as the U.S.-Iran conflict, India-Taliban relations, and China’s growing economic influence in Iran. But over the long term, it is likely that India, China, Russia, Iran, Turkey, and others will all play important roles in forging the Asian economic integration process in the decades ahead.



**46. Trade ties must be the central plank for India's relations with the EU. Do you agree? Substantiate your views.**

### **Approach**

The candidate has to give his views if the trade ties must be the central plank for India's relations with the EU. The candidate needs to substantiate his views by giving evidence or proof in form of examples, etc to support his views.

### **Introduction:**

India's partnership with the European Union (EU) has come a long way since the signing of the strategic partnership in 2004 that led both partners to intensify and deepen their cooperation through summits, dialogues and high-level working groups. Their economic relation has emerged to be a cornerstone of their partnership and has evolved from that of development aid to development partnership.

### **Trade ties must be the central plank for India's relations with the EU**

- USA and China are the leading trading partner of India by the year 2021 which is following by Gulf & Asian countries along with European Union.
- Despite a robust start in the 2000s, the India-EU partnership lost much of its momentum over the next decade.
- While India's bilateral relations with EU member states — like Germany, France and the United Kingdom (UK) — developed substantially, it did not lead to the expected intensification of ties with the grouping.
- India and EU's pre-occupation with their neighbourhoods contributed to the relations taking a backseat.
- This was further affected by the lack of progress in the FTA and the 2012 arrest of Italian marines, which not only affected ties between Italy and India but also led to increased tensions with the EU.
- During this period, the EU largely turned its attention to China as a key partner and larger market in Asia.
- The need for investment protection has been illustrated by the devastating impact of the COVID-19 on European countries and its subsequent disruption of supply chains and manufacturing, which potentially endangers Indian investments in Europe and vice versa.
- The EU can make use of India's ICT and manufacturing potential to enhance capacities for sourcing components and supporting technological development.
- India and the EU have emerged as important stakeholders in the multilateral global system. Economic cooperation between the two sides has been grown despite the stalled FTA negotiations.

- Although India and the EU have not been able to tap into each other's strengths, there is tremendous opportunity to overcome long-standing differences in trade relations.
- Given India's growing regional and international relevance, it is crucial for the EU to renew its focus on developing the economic, political and defence partnership.
- Digital trade can be facilitated by adjusting the existing bilateral trade policy.
- The lockdown consequences like the decline in production and exports and temporary suspension of projects have a direct impact on several partnerships.
- India and the EU can build strong domestic technological bases via talent exchanges, providing work permits for students and professionals, reciprocal market access for business, joint initiatives for research and innovation.

**Conclusion:**

Intensified dialogue and deliberations, a realignment of trade policies and emerging prospects of collaboration in the post-pandemic world provide India and the EU an opportunity to transform their economic ties into a robust strategic partnership.



**47. Describe India's major strategic challenge in dealing with small neighbours like Nepal, Bhutan and Myanmar.**

**Approach-**

A simple straightforward question where candidates need to explain what are key strategic challenges faced by India while dealing with small neighbours like Nepal, Bhutan, and Myanmar.

**Introduction-**

India has a very large and complex border covering around 15106.7km, which it shares with Bangladesh, China, Pakistan, Nepal, Myanmar, Bhutan as well as small portion with Afghanistan. Porous nature of border with Nepal Bhutan provides safe route to human traffickers, illegal arms dealers, drug smugglers which creates major security challenges to India .

**Body-**

**India Nepal Border**

- India and Nepal have shared an open border since 1950. The conception of such a border can be found in the Treaty of Peace and Friendship that the two countries signed that year.
- Open border has been a great facilitator of strong and unique bilateral relations. At the same time, it has given rise to many irritants and problems that raise serious concerns.
- Allegations of excesses such as intimidation, and forcible grabbing of land by either side along the disputed border also surface from time to time. All terrorist organizations, be it from Punjab, Kashmir, northeast or those of Maoists have fully exploited open borders with Nepal.
- It has been reported that many terrorists have sneaked into India through the porous and poorly guarded Indo-Nepal border. Apart from insurgents and terrorists, many hard-core criminals pursued by Indian and Nepalese security forces escape across the open border.
- These anti-national elements indulge in illegal activities, such as smuggling of essential items and fake Indian currency, gun-running, and drugs and human trafficking.
- The problem is further aggravated by intelligence inputs that Pakistani Inter-Services Intelligence (ISI) has been using Nepalese territory to carry out anti-India activities since the 1990s.

**India Bhutan Border-**

- Like with Nepal, India's boundary with Bhutan is also an open boundary. The border was peaceful till Indian insurgent groups established camps in the southern districts of Bhutan.



- This problem has been effectively dealt with during the Bhutanese government's 'Operation All Clear', which saw the destruction and uprooting of all insurgent camps in Bhutanese territory.

#### India Myanmar Boundary-

- The location of the Indo-Myanmar boundary throws up many challenges for the effective management of the boundary. Though the boundary is properly demarcated, there are a few pockets that are disputed.
- The rugged terrain makes movement and the overall development of the area difficult. The internal dynamics of the region in terms of the clan loyalties of the tribal people, inter-tribal clashes, insurgency, and transborder ethnic ties also adversely affect the security of the border areas.
- India has been concerned over some militant groups like the United National Liberation Front (UNLF) and National Democratic Front of Bodoland (NDFB) from the North-East region taking shelter in Myanmar.
- Myanmar handed over 22 cadres of Indian insurgent groups in May 2020. The maintenance of security and stability in their border areas and mutual commitment not to allow their respective territories to be used for activities inimical to each other were re-stressed is the challenge for Indian foreign policy.

#### To control Chinese factor:

- The last thing Delhi policymakers would want is a failed Myanmar state at India's doorstep and a weakened Myanmar falling into the clutches of China as a satellite state, thereby being pressured to do Beijing's bidding in regional affairs.
- Without colliding head-on with China, Delhi scours for ways to outsmart Beijing so that the balance of power in mainland Southeast Asia is tilted in favour of India.
- India's long-term strategic goal is to create a Special Economic Zone surrounding the Sittwe port, and in so doing, cement India's footprint in Rakhine and boost its presence in the Bay of Bengal.
- The Sittwe port is meant to be India's answer to the Chinese-fronted Kyaukpyu port, which is intended to cement China's geostrategic footprint in Rakhine.

#### **Conclusion –**

Main threat to the Himalayan region in contemporary times is posed by India–China hostility and the Doklam incident very nearly escalated into a war, Bhutan's careful diplomatic navigation of the standoff was a crucial contribution to averting it, thereby illustrating that Coordination among neighbouring countries is vital and would also strengthen the measures taken for security and border management.

**48. What are the implications of the ongoing US-China trade war for India? Explain.****Approach-**

In this question write about what is nature of US –China trade war and what will be the implications of this ongoing trade war on India.

**Introduction-**

A trade war is defined as an economic war between two or more countries when they try to impose extreme foreign policies so as to protect or gain more control over their own economy. Their profound motive is to reduce competition of commerce by blocking inward trade towards the home country. China and the United States have been engaged in a trade war through increasing tariffs and other measures since 2018.

**Body-**

The trade war between the US and China, the world's two biggest giants, slows down the world economies at a larger scale. This trade war will help India to tap the international market very easily. India could increase its trade particularly on which the US has imposed heavy tariffs on Chinese goods and services.

US – China trade war and India's economic interests

Positive impact

- Several economists have indicated the possibility of India benefiting through increasing exports to the US and a shift of foreign direct investment (FDI) to India.
- India is among a handful of countries that stand to benefit from the trade tensions between the world's top two economies, the UN has said in a report.
- India can strengthen its trade relationships with both superpowers.
- As the US is being protectionist and unilateral, China and India would have to incline towards a multilateral world. China could cultivate a relationship with India as a substitute. It could also open up its markets for Indian goods and services – so could the US.
- There has been a rise in the export of goods to both countries. Export to the US grew by 9.46% to \$52.4 billion. As many as 203 Indian goods are likely to displace Chinese exports to the US, like rubber, carpets, graphite electrodes, etc.
- Favourable goods that can replace the Chinese goods in the US are sacks, bags, polymers, printed circuits, automobile lighting equipment, Christmas-lighting sets, etc.
- Diversion in investment flows is an opportunity that India could benefit from, as manufacturers seek alternative origination destinations.

**Negative impact-**

- There could be a short-term impact on the stock markets.
- In a report earlier this year, the IMF noted that the US-China trade tension was one factor that contributed to a “significantly weakened global expansion” late last year, as it cut its global growth forecast for 2019.
- India’s shipments track the global trade closely. Regressing past data suggests that for every one percentage point increase in global exports, India’s shipments tend to rise by half that much and vice versa.

**India is not equipped enough to address the emerging challenges-**

- India has been relatively immune to the collateral damage inflicted on other countries from Australia to Japan, South Korea and Singapore by the sparring between China and the US for geopolitical influence.
- But that apparent good fortune owes little to diplomatic skill and even less to any economic clout. Instead, it reflects India’s lack of global competitiveness, its slowing domestic economy, and its high cost of money and the paucity of risk capital.
- Exports to the US from some other Asian economies, notably Vietnam and Cambodia, have picked up much more.
- Out of 56 companies that relocated their production out of China between April 2018 and August 2019, only three went to India.
- Make in India scheme, designed to encourage manufacturing — is not very effective because of infrastructure bottlenecks.
- India need to further liberalise trade, spend more on infrastructure construction, reform land and labour laws and offer tax breaks for foreign investors. Legal reforms, liberalisation and favourable taxes are necessary for economies to reach their full potential.

**Conclusion-**

Indian policy of adoption of non-alignment in the Cold War era helps India to save itself from the counter effects of the trade war compared to other economies. It maintains economic and diplomatic relationships with countries from either side. Although, if the trade war stretches for a considerable time it would help Indian economy to make strides. Yet, India should not officially push forward any such policy that intends to take advantage of the crisis. We should stick to our fundamental foreign policy of non-alignment and wait and watch without getting involved in the core trade war.

**49. What role do you envisage for India in a war torn Afghanistan? Should India keep distance? Discuss.**

### **Approach**

The candidates has to introduce with the recent Afghanistan crisis and then highlight the role of India in war torn Afghanistan. Discuss whether India should keep distance from afghan situation.

### **Introduction:**

India and Afghanistan have had a strong relationship based on historical and cultural links. The relationship was not limited to the governments and had its foundations in the historical contacts and exchanges between the people. But the recent events of Taliban take over of Afghanistan after withdrawal of Western forces have put India-Afghanistan relationships at the crossroads. In this context it becomes imperative to evaluate what are the points of convergence and divergence between both nations in current context.

### **Body**

Indian role in Afghanistan:

#### **Developmental Projects**

- The massive reconstruction plans for the country to offer a lot of opportunities for Indian companies.
- Three major projects: the Afghan Parliament, the Zaranj-Delaram Highway, and the Afghanistan-India Friendship Dam (Salma Dam), along with India's assistance of more than \$3 billion in projects, hundreds of small development projects (of schools, hospitals and water projects) have cemented India's position in Afghanistan.

#### **Economic and Strategic**

- Afghanistan is a gateway to the oil and mineral-rich Central Asian republics.
- Afghanistan's main advantage is its geography, as anyone who is in power in Afghanistan controls the land routes connecting India with Central Asia (via Afghanistan).
- Major Indian exports to Afghanistan are man-made filaments, apparels and clothing accessories, Pharma products, cereals, dairy and poultry products. Afghan exports to India primarily comprise of dry and fresh fruits. This will remain a link between both the nations as the new Afghanistan government would want to diversify its financial resources.



### Security Point of view

- India has been the victim of state-sponsored terrorism emanating from Pakistan supported terrorist group operating in the region (e.g. Haqqani network).
- Thus, India has two priorities in Afghanistan to prevent Pakistan from setting up a friendly government in Afghanistan, and to avoid the return of jihadi groups, like al Qaeda, which could strike in India.

India must be proactive in dealing with afghan crisis rather distancing itself:

- India should take the diplomatic route to press for its inclusion in “6+2+1” dialogue, to claim its legitimate role in the Afghan peace process.
- India should leverage the United Nations’s call for a pause in conflicts during the Covid-19 pandemic to restart dialogue with Pakistan, which in turn is necessary for lasting peace in Afghanistan.
- For India, given its abiding interest in Afghanistan’s success and traditional warmth for its people, making that leap should be a bit easier. Thus, India can consider the appointment of a special envoy and start Track II diplomacy with the Taliban.
- India should pursue the issue of peace in Afghanistan through Shanghai Cooperation Organisation where the neighbouring countries of Afghanistan such as China, Pakistan, Russia and India are members.
- India has invested heavily in Afghanistan both in material and moral support over the years. The current government may do away with all these linkages which might hurt India both economically and strategically.
- Afghanistan is the hotbed of drug trafficking as it is the largest producer. The inability to curb the movement of opium can become a point of friction between both the nations.
- The huge population of Hindus and Sikhs in Afghanistan and the atrocities and forceful conversions has to be dealt by New Delhi.
- The current situation of Covid-19 can be an opportunity to converge for both nations to help Afghanistan in essential medicines and vaccines.
- The peaceful Afghanistan can be beneficial for Indian trade and which in return will prosper and stabilise the Afghan country from the current war-torn scenario and fear on the street.

### Conclusion

The situation in Afghanistan has evolved very rapidly. Therefore the most prudent step for India will be to align with the opinion of the world and also start a diplomatic dialogue with Taliban to secure its strategic and economic assets and leverage historical relationships with the people of Afghanistan. A peaceful Afghanistan is very essential for India from both security and strategic point of

view. Therefore India should wait and take appropriate steps to through Security council and direct diplomacy to reduce future frictions between both nations.



**50. How do immigration policies in the developed countries affect India's interests?****Explain.****Approach**

The candidate has to explain how the immigration policies in the developed countries affect India's interests.

**Introduction:**

India has been a major source of human resource for many countries of the world for long. Substantial migration of people from the Indian subcontinent, which started in the 1830s and led thousands of Indians to colonial destinations, still continues. However, the later migrants differ markedly, particularly from the earlier migrants of the 19th century, in terms of various socio-economic attributes, intentions to migrate, and the diversity in destinations as well.

**Some immigration policies of developed countries**

- European Union immigration policies include divergent national approaches to accepting Asylum Seekers, using EU budgets to support refugee integration, strengthening external borders, collaborating with third countries to cut off transit routes, tying Foreign Assistance to stemming migration, etc.
- U.S. has also made some changes in its Immigration policy. Last year the US administration extended the 60-day ban on immigration and non-immigrant worker visas till the end of 2020. Popular work visas including the much-coveted H-1B and H-2B, and certain categories of H-4, J, and L visas would also remain suspended until December 31.
- Also in 2019, USA, under the new administration, had changed its immigration policy under its protectionist measures by calling for an America First approach in its economic services.
- Italy has called for detention and deportation of migrants, who it blames for the instability and threats in the country.

**How the immigration policies in the developed countries are affecting India's interests**

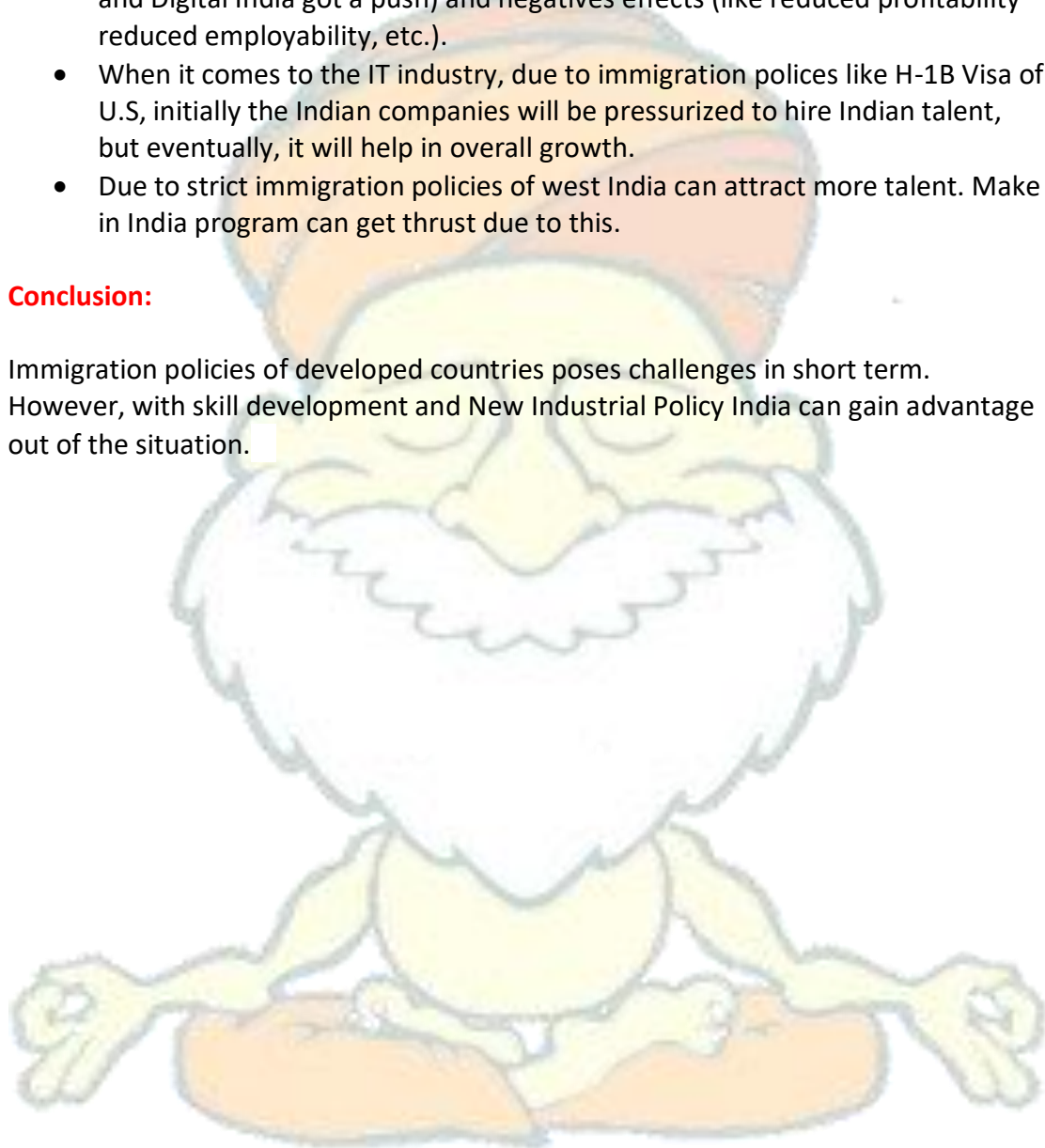
- The USA 60-day ban on immigration (2020) came at a crucial inflexion point for the Indian economy when restrictions on the movement of people and goods slowly were lifted after India passes its peak viral case numbers creating a knock-on effect from IT to other sectors.
- Increased labour mobility has led to an upsurge in the magnitude of money transfers across international borders as migrant workers send a large proportion of their earnings home to help families left behind. In case of

India, Remittances hit adversely. Ex: Kerala remittance was nearly 40% of their GDP in 2011-2014 but after that there was sharp decline in remittances.

- Recent merit-based immigration system of US — one that admits people who are skilled – has been welcomed by Indian professionals.
- It will increase unemployment as people who are not getting jobs overseas needs job in India.
- After the 2019 America First approach, India had both positive (like Skill India and Digital India got a push) and negatives effects (like reduced profitability reduced employability, etc.).
- When it comes to the IT industry, due to immigration policies like H-1B Visa of U.S, initially the Indian companies will be pressurized to hire Indian talent, but eventually, it will help in overall growth.
- Due to strict immigration policies of west India can attract more talent. Make in India program can get thrust due to this.

**Conclusion:**

Immigration policies of developed countries poses challenges in short term. However, with skill development and New Industrial Policy India can gain advantage out of the situation.





**51. Examine the significance of India's diaspora as a soft power.****Approach**

The candidate has to examine or dig deep into the significance of India's diaspora as a soft power.

**Introduction:**

Soft power can be defined as "the ability of a country to persuade others to do what it wants without force or coercion". In other words, soft power is a power of appeal and attraction, which has the ability to shape the preferences of others. The concept of soft power like any other power is very vital in the international relations or politics also.

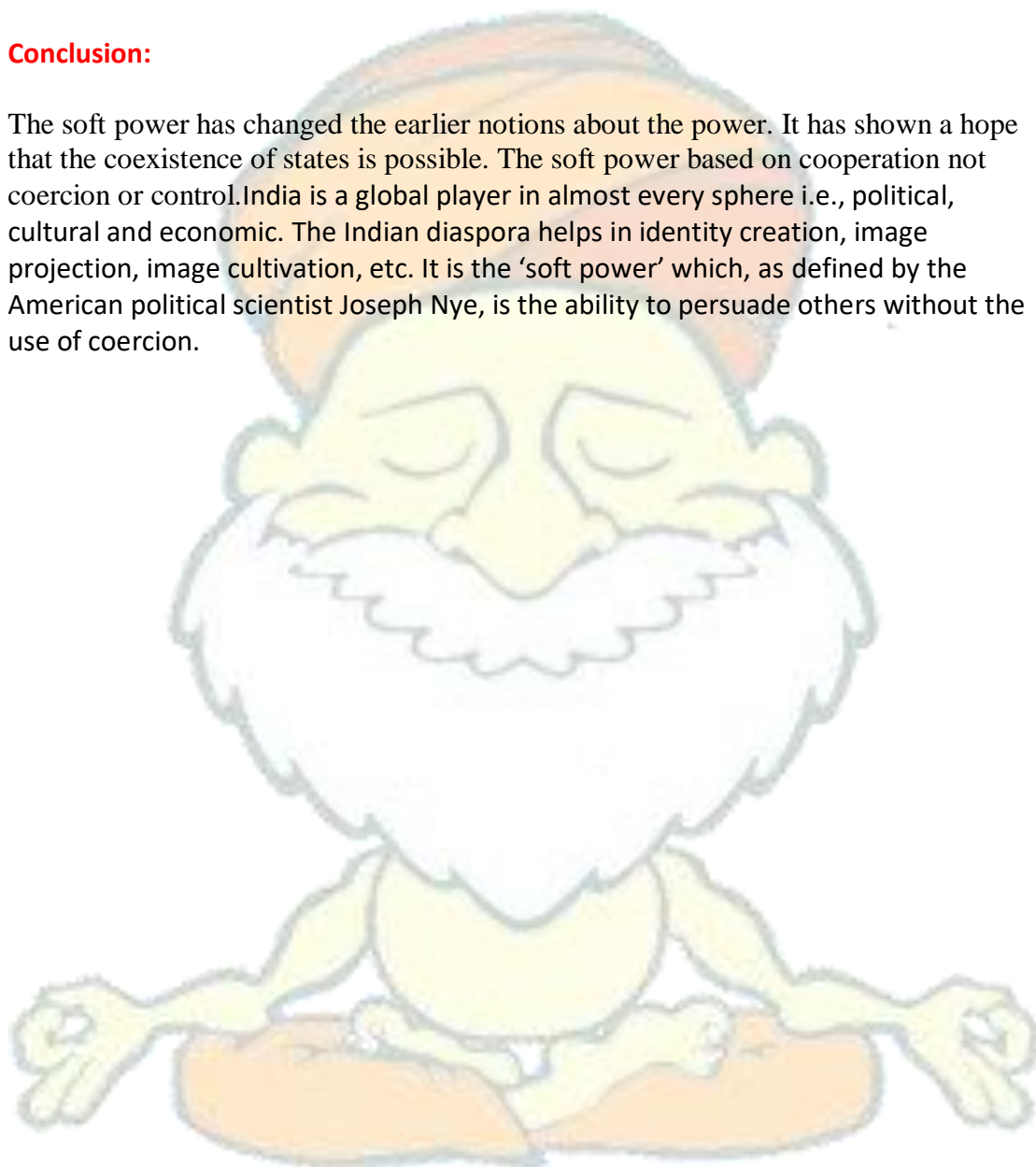
**The significance of India's diaspora as a soft power**

- India's Diaspora policy has evolved over time from disengagement to active engagement and it's considered as a soft power in the foreign policy strategy which germinates from India's moral and political philosophy shaped by Indian thinkers like Tagore, Gandhi and Nehru. It is also considered as a catalyst for economic development in India and host countries.
- The basis of India's soft power is its culture, secularism, spiritualism, music, dance, Bollywood, Yoga, Ayurveda, a tradition of good learning and most importantly the "Indian Diaspora (ID)".
- The vibrant Indian diaspora is yet another significant source of our soft power. The over 17.5 million strong diasporas (as per *Global Migration report 2020*) has led to the universalization of Indian culture.
- The Indian Diaspora is beneficial for the soft power of India as they have the power of attractive ideas through their position of wealth and education.
- One more reason for their being beneficial is that they are mostly skilled migrants and their level of education as well as income is very high.
- The Indian Diaspora is not only a source of India's soft power but it is also an agent of India's soft power; the Indian expatriate community also disseminates i.e., the other soft power sources of India at world level.
- The Indian Diaspora is using India's other sources of soft power like culture, Ayurveda, Bollywood, Indian cuisine, knowledge, spirituality, etc. and luring the populace all over the world.
- The knowledge, which Indian Diaspora carries with them to the visiting countries especially, in case of professional migration or the post-colonial migration in the western developed countries, clearly indicates the claim of India to become a knowledge super power very soon.
- One of India's most important therapies of longevity i.e., yoga has now embraced by almost everyone in the world. It is through Indian Diaspora that people across the globe came to know about this Indian enchanted therapy.

- The delicious Indian food is not less in contributing the soft power of India. It creates attraction for India every single time the foreigners taste the Indian food.
- Wherever Indian diasporic community has a strong position in terms of wealth, knowledge and political participation or influence in the host country, it has played a very proactive role in influencing various issues concerning the interest of the home country.

**Conclusion:**

The soft power has changed the earlier notions about the power. It has shown a hope that the coexistence of states is possible. The soft power based on cooperation not coercion or control. India is a global player in almost every sphere i.e., political, cultural and economic. The Indian diaspora helps in identity creation, image projection, image cultivation, etc. It is the 'soft power' which, as defined by the American political scientist Joseph Nye, is the ability to persuade others without the use of coercion.



**52. What are the current challenges faced by the World Trade Organisation (WTO)? What recommendations do you have for making WTO a more effective Organisation?**

**Approach-**

In this question candidates need to explain what are the current challenges WTO is facing ,and in second part write about which steps should be taken by WTO for making it more effective organisation.

**Introduction-**

The World Trade Organization (WTO) has been the cornerstone of the multilateral rules-based global trading system since its inception in 1995. However, even before the Covid-19 pandemic, all three of the organization's functions – providing a negotiation forum to liberalize trade and establish new rules, monitoring trade policies, and resolving disputes between its 164 members are facing challenges. Hence a modernized and fully functioning WTO is more essential than ever.

**Body-**

Issues Related to WTO-

China's State Capitalism:

- The nature of China's economic system, combined with the size and growth of its economy, has created tensions in the global trading system.
- China's state-owned enterprises present a major challenge to the free-market global trading system.
- However, a critical part of the problem is that the rulebook of the WTO is inadequate for addressing the challenges that China presents in respect of intellectual property, state-owned enterprises and industrial subsidies.
- It is due to this US-China are engaged in Trade war.

Institutional Issues:

- The Appellate Body's operations have effectively been suspended since December 2019, as the US's blocking of appointments has left the body without a quorum of adjudicators needed to hear appeals.
- The crisis with the dispute settlement function of the WTO is closely linked to the breakdown in its negotiation function.

Lack of Transparency:

- There is a problem in WTO negotiations as there is no agreed definition of what constitutes a developed or developing country at the WTO.
- Members can currently self-designate as developing countries to receive 'special and differential treatment' – a practice that is the subject of much contention.

E-commerce & Digital Trade:

- While the global trade landscape has changed significantly over the past 25 years, WTO rules have not kept pace.

- In 1998, realizing that e-commerce would play a growing role in the global economy, WTO members established a WTO e-commerce moratorium to examine all trade-related issues relating to global electronic commerce.
- Recently, however, the moratorium has been called into question by developing countries because of its implications for collecting revenue.
- Moreover, as the Covid-19 pandemic accelerates the shift to e-commerce, rules to regulate online trade will be more important than ever. But in contrast to trade in goods and services, few international rules govern cross-border e-commerce.

#### Agriculture and Development:

- The WTO Agreement on Agriculture, which came into force in 1995, was an important milestone.
- Agreement on Agriculture targets reform of subsidies and high trade barriers, which distort agricultural trade.
- However, agreement on agriculture is facing issues due to food security and development requirements for developing countries like India.

#### Recommendation for making WTO more effective –

- New Set of Rules: Modernizing the WTO will necessitate the development of a new set of rules for dealing with digital trade and e-commerce.
- WTO members will also have to deal more effectively with China's trade policies and practices, including how to better handle state-owned enterprises and industrial subsidies.
- Environmental Sustainability: Given the pressing issues around climate change, increased efforts to align trade and environmental sustainability could help to both tackle climate change and reinvigorate the WTO.
- Trade and the WTO have key roles to play in efforts to achieve the UN Sustainable Development Goals (SDGs) and the Paris Agreement climate goals.
- Also, the WTO can play a role in reforming fossil fuel subsidies.
- For example, at the Buenos Aires Ministerial Conference in 2017, a coalition of 12 WTO members led by New Zealand called on the WTO 'to achieve ambitious and effective disciplines on inefficient fossil fuel subsidies that encourage wasteful consumption.

#### Conclusion-

In future, WTO members will have to strike a balance between moving forward with negotiations on 21st-century issues and keeping sight of the unresolved 'old trade issues' such as agriculture and development. so This will leads to a more prosperous, peaceful and accountable economic world.



**53. What are development banks? What sort activities do they pursue? Discuss.****Approach -**

A simple straightforward question where candidates need to write about what are development banks. In second part write about what sort of activities they pursue. Discuss in detail.

**Introduction -**

A development financial institution (DFI), also known as a development bank or development finance company (DFC), is a financial institution that provides risk capital for economic development projects on a non-commercial basis. DFIs can play a crucial role in financing private and public sector investments in developing countries, in the form of higher risk loans, equity positions, and guarantees.

**Body-**

Development banks are different from commercial banks, which mobilize short- to medium-term deposits and lend for similar maturities to avoid a maturity mismatch.

- In India, the first DFI was operationalized in 1948 with the setting up of the Industrial Finance Corporation (IFC).
- DFIs in India like Industrial Development Bank of India (IDBI), Industrial Credit and Investment Corporation of India (ICICI) and IFCI did play a significant role in aiding industrial development in the past with the best of the resources made available to them.
- However, after 1991 reforms, the concessional funding they were getting from Reserve Bank of India (RBI) and the government was no longer available in the subsequent years.
- As a consequence, IDBI and ICICI had to convert themselves into universal banks.
- While these DFIs disappeared, a new set of institutions like IDFC (1997), IIFCL (2006) and more recently, National Investment and Infrastructure Fund (NIIF) (2015) emerged to focus on funding infrastructure.
- In budget 2021, with the initial capital base of ₹20,000 crore as committed by the government, the new DFI, assuming a leverage of around 7 times, can lend up to ₹1.4 trillion.

Activities perused by developmental banks –

- Development financial institutions provide long-term credit for capital-intensive investments spread over a long period and low yielding rates of return, such as urban infrastructure, mining and heavy industry, and irrigation systems.
- They act as critical intermediaries for channelling long-term finance required for infrastructure and realising higher economic growth.

- In India, after the 1991 reforms, major DFIs were converted into commercial banks. However, after these there were few institutions in the country which could take care of industrial or infrastructure development.
- Therefore, in order to plug the infrastructure deficit, the government has taken a positive step by making a proposal to re-establish the DFIs in India.

**Need for DFI-**

- Infrastructure Building-Inadequate and inefficient infrastructure leads to high transaction costs, which in turn stunts an economy's growth potential.
- Therefore, DFIs makes sense as the Centre government envisages mobilizing nearly ₹100 lakh crore for the ambitious National Infrastructure Pipeline.
- International Precedent-Irrespective of the level of development, countries across the world have set up development banks to finance key infrastructure and manufacturing projects.
- For instance, the European Investment Bank (EIB) acts like a DFI for Europe.
- Lack of Finance for Infrastructure: Although India has a long-term debt market for the government securities and corporate bonds cut, it is still out of reach of retail investors and unable to meet the large infrastructure financing needs.
- Economic Crisis Triggered By Covid-19 Pandemic: The Covid-19 pandemic has exacerbated inequality, the poverty gap, unemployment, and the economy's slowing down. Thus, infrastructure building through DFIs can help in quick economic recovery.

**Conclusion-**

In order to provide the financing needed in the developing world. Development banks can thus be key players for development by providing long-term financing directly from their own funding sources, by tapping into new sources and by leveraging additional resources. For a developing country like India, it is desirable that the new DFI remains viable and sustainable to be able to cater to the long-term development financing requirements.

**54. Discuss various arms control regimes or agreements. What are their mandates? Take at least 3 examples.**

### **Approach**

The candidates has to write about the arms control regime or agreements explain the mandates in technology limitations and exports with suitable examples.

### **Introduction:**

Arms control regime or agreements are the platforms a regime aim to restrict the proliferation of items that could lead to the spread of nuclear arms, weapons of mass destruction and chemical and biological weapons. India has continuously put efforts to gain entry into these regimes and agreements such as MTCR, NSG etc. It has taken a number of steps to align its export regulations with what these regimes specify.

### **Body**

#### **Missile Technology Control Regime (MTCR)**

- The Missile Technology Control Regime (MTCR) is an informal and voluntary partnership among 34 countries to prevent the proliferation of missile and unmanned aerial vehicle technology capable of carrying a 500 kg payload for at least 300 km.
- The members are thus prohibited from supplying such missiles and UAV systems that are controlled by the MTCR to non-members.
- It is not a legally-binding treaty. Hence, no punitive measures could be taken against non-compliance to the guidelines of the regime. India was inducted into the Missile Technology Control Regime in 2016.

#### **Wassenaar Arrangement**

- The Wassenaar Arrangement is a voluntary export control regime. The Arrangement exchange information on transfers of conventional weapons and dual-use goods and technologies.
- Dual-use refers to the ability of a good or technology to be used for multiple purposes usually peaceful and military. India was inducted to the Wassenaar Arrangement on 7 December, 2017.
- The Wassenaar Arrangement has been established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies.

### Nuclear Suppliers Group

- The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports.

### Organisation for the Prohibition of Chemical Weapons (OPCW)

- It is authorized to perform inspections to verify that signatory states are complying with the convention.
- This includes a commitment to grant inspectors full access to chemical weapons sites.
- It also performs testing of sites and victims of suspected chemical weapons attacks.

### Benefits to India by becoming a member:

- It will allow India to ensure that the waiver due to the Indo-US 123 Agreement (Civil nuclear agreement) stays and is not modified. This can only be done if India becomes a member of the NSG.
- India can export the most advanced UAVs for use in security and counter-terrorism purposes under the MTCR for example, the Predator drone from the USA.
- The range of the Brahmos missile can be extended beyond the 300km that it has been limited to under the MTCR.

### Conclusion

In geopolitical points of view, the states are compelled to pile up the stock of arms. Therefore its imperative for global decision making bodies to enhance the credibility of a nation as a responsible member of the world order with access to technology and weapons. Therefore India poised to become a significant credible defence player in the world and thus requires a voice in these multilateral export control regimes to further its claim as a rising power.