

UPSC CSE 2020 MAINS PAPER 3 JANUARY 09, 2021 GENERAL STUDIES II ANSWER KEY**Q1. “There is a need for simplification of procedure for disqualification of persons found guilty of corrupt practices under the Representation of Peoples Act”. Comment.**

Answer - The Representation of the Peoples Act (RPA), 1951 deals with the conduct of elections to the parliament and state legislatures. It also covers the qualifications and disqualifications for the membership of these Houses, the corrupt practices and other election offences.

Section 123 of RPA, 1951 provides for disqualification on ground of corrupt practices like:

- Bribery i.e., any gift/offer/promise or gratification to any person as a motive or reward.
- Undue influence i.e., any direct or indirect interference on part of the candidate with the free exercise of any electoral right.
- Publication by a candidate any statement of fact which is false.
- Promotion of feelings of enmity or hatred between different classes of citizens.
- The incurring of expenditure more than the stipulated limit.

Procedure of Disqualification under RPA

- The procedure of disqualification under the corrupt practices can be started only after the election is over and only in an election petition submitted in the State High Court in accordance with the provisions of Article 329 of the Constitution.
- Section 8 (3) of the Act states that if an MP or MLA is convicted for any other crime and is sent to jail for 2 years or more, he/she will be disqualified for 6 years from the time of release.
- Despite such an elaborate classification of corrupt practices that could potentially nullify the election of a candidate, electoral malpractice continues to flourish.

Reasons

- Many of the provisions are extremely difficult to enforce despite an assertive Election Commission.
- Electoral frauds such as booth capturing and casting of false votes have been drastically reduced, but vote buying and unaccounted campaign expenditure continue unabated.
 - A study by the Centre for Media Studies found that over the last decade, at least one-fifth of India's electorate was paid cash for their votes.
- Besides, the cap on campaign expenditure is often breached by candidates.
- The petitions are filed before the High Courts, which already have a large number of pending cases. The RPA has mandated that the petitions be disposed of within a period of six months, in reality, they drag on for years.
- The RPAs lack clear provisions and guidelines on the matters related to the misuse of official machinery that gives an unfair advantage to the ruling party.

Way forward

- The Law Commission has recommended changing the procedure for hearing election petitions. It said that special election benches should be constituted to dispose of election petitions quickly.
- It also recommended that the President of India should decide the period of disqualification of guilty candidates on the advice of the Election Commission.

Q2. “Recent amendments to the Right to Information Act will have a profound impact on the autonomy and independence of the Information Commission”. Discuss.

Answer - The basic objective behind the Right to Information (RTI) Act was to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense.

The recent amendments to the RTI Act

- The Right to Information (Amendment) Act, 2019 has changed the status, salary and tenure of the Central Information Commissioners (CICs) and State Information Commissioners (SICs).
- The original Act prescribed salaries, allowances and other terms of service of the state CIC as “the same as that of an Election Commissioner”, and the salaries and other terms of service of the State Information Commissioners as “the same as that of the Chief Secretary to the State Government”.
- The amendment says that these “shall be such as may be prescribed by the Central Government”. Thus, the Centre now has the powers to decide the salaries, term, and service conditions of CICs and SICs.

It has been argued that the amendments were necessary to correct certain anomalies. For example, the mandate of Election Commission of India and Central and State Information Commissions are non-identical, so should be their status and service conditions.

However, the amendments have the potential to impact the autonomy and independence of the Information Commissions.

- Independent structures set up to regulate and monitor the government are vital to a democratic state committed to delivering justice and constitutional guarantees.
- The amendment allows the interference of the executive in the functioning of information commissions which are quasi-judicial bodies. This may affect the doctrine of separation of powers, which underscores this independence and is vital to our democratic checks and balances.
- Apart from this, the amendment also affects the constitutional principles of federalism, as now the Central government can change terms of service of state information commission.

- The amendment has the potential to make access to information difficult. Easy and quick access to information is vital to ensure the accountability of the representatives and the state.

The 2nd ARC held that RTI is the master key to governance as it checks the misuse and arbitrariness of power and corrupt governance. Therefore, in the pursuit of good governance, the RTI Act requires strengthening of the provisions.

Q3. How far do you think cooperation, competition and confrontation have shaped the nature of federation in India? Cite some recent examples to validate your answer.

Answer - A federation is a political entity characterized by a union of partially self-governing states or regions united by a central government. Granville Austin describes the Indian federation as an example of cooperative federalism that produces a strong Central government but does not result in weak provincial governments. Such distinctive nature of federalism gives rise to cooperation, competition and sometimes confrontation among the federal units.

Collaboration

- It was seen during the GST reforms when each state agreed to leave some part of their share in the tax pool for the long-term goods.
- Collaboration was also evident during the COVID-19 pandemic when states and the Centre acted as one in the fight against the virus.

Competition

- With the Liberalization Reforms of 1991, there has been a competition among the states to attract foreign investment and industries.
- Planning Commission was replaced by NITI Aayog to promote competition among states and promote the spirit of cooperative federalism. The NITI Aayog publishes rankings of different states in accordance with Ease of Doing Business and this has led to several states and districts doing reforms at the ground level.
- The Aspirational Districts Programme (ADP) started by the NITI Aayog aims to identify 115 lagged districts in terms of socio-economic outcomes and institute a programme with convergence, collaboration and competition as the core tenets.

Confrontation

- From 1967 to 1990, India had witnessed confrontational federalism due to the emergence of regional parties. The confrontation between States and the Union was due to the role of the governor and the use of Article 356.
- Politically, the rise of coalition politics increased the role of states at national level. This can be seen in the role of West Bengal in River Sharing Agreement with Bangladesh and of Tamil Nadu during India's role in conflict with LTTE in Sri Lanka.

This collaboration, competition and confrontation has shaped the Indian federation. It is visible in following ways:

- The diverse regional aspirations have managed to constantly assert themselves, resulting in the decentralization of governance in India and the institutionalisation of the Local Self -government under the 73rd and 74th Constitutional Amendment Acts.
- The passing of the Goods and Services Tax (GST) is another such example. By implementing GST, the Centre and States have become equal fiscal partners in sharing a common indirect tax base.
- The Union government accepted the 14th Finance Commission recommendation to give the States 42% share of the funds from the central pool.

Cooperative and competitive federalism are complementary ideas that will drive India's growth story in the coming decades. However, it is necessary to avoid confrontations among the units of federalism. Inter-state Council can play an enabling role in bringing the Centre and the States together on contentious policy issues.

Q4. The judicial systems in India and the UK seem to be converging as well as diverging in recent times. Highlight the key points of convergence and divergence between the two nations in terms of their judicial practices.

Answer - Both India and the United Kingdom are democratic countries with parliamentary form of government. Besides, there are differences as well as similarities on how the Executive, Legislature and Judiciary of these countries function.

The Indian Judicial System has its origin in the 'Mayors Courts' established by the East India Company in 1726. During the course of the British Rule, the judicial systems developed imbibing the features like rule of law, and recording judicial precedents.

After Independence India inherited the same judicial system but made changes to suit the peculiar Indian situation.

The points of convergence in the judicial system include:

- **Independence of Judiciary:** In Britain as well as in India the judges can only be removed from the office for serious misbehavior and with the consent of both the Houses of Parliament.
- **Ultra-vires:** Courts in both the UK and in India can declare the action of executive as ultra-vires i.e. acting or done beyond one's legal power or authority.
- **Interpretation of Constitution:** The courts in both India as well as in the UK act as the highest interpreter of the constitution.

The points of divergence in the judicial system include:

- **Sovereignty of Parliament:** Under the doctrine of Parliamentary sovereignty, the judiciary in the UK lacks the power to strike down an Act of Parliament. However, in India, the courts have been given this power.
- **Basic Structure Doctrine:** The courts in India have come up with the Doctrine of Basic Structure, which prevents executive from making laws or amendments which alter or deviate from the basic values enshrined in constitution. British system lacks the concept of 'Basic Structure'.
- **Unified Three-Tier System:** The United Kingdom does not have a single unified legal system, England and Wales have one system, Scotland another, Northern Ireland a third. The Constitution of India has established a unified three-tier system of judiciary, with the Supreme Court at the top.
- **Appointment of Judges:** In the UK, the Constitutional Reform Act, 2005 has created the Judicial Appointments Commission for appointment of judges. However, in India, the Judges of the Supreme Court, as well as High Courts, are appointed by the President under collegium system.

The British judicial system provided the foundation on which its Indian counterpart was built. But Indian judiciary has evolved and learnt from the best practices around the world to safeguard democracy and rule of law.

Q5. 'Once a Speaker, Always a Speaker'! Do you think this practice should be adopted to impart objectivity to the office of the Speaker of Lok Sabha? What could be its implications for the robust functioning of parliamentary business in India?

Answer - The Speaker of the House is a key office in parliamentary democracy. The Speaker facilitates the business of the House and maintains decorum in the House. The Speaker has functions to perform in regulatory, administrative and judicial matters.

However, the Speakers have often been alleged to be working under their respective party affiliations. There have been incidents when the opposition members have been denied chance to raise questions. In a recent case, the demand for recording of votes has been declined by the Speaker and the motion had been passed by voice vote.

Speakers have also been blamed for harboring political ambitions as the person elected as Speaker are eligible for further appointment. For example, G.S. Dhillon, Speaker of the Lok Sabha (for two terms), stepped down in 1975, and became the Union Minister for Shipping.

As a revamp in the structure of the office, the UK practice of Once a Speaker always a Speaker is sometimes suggested. In the United Kingdom, once elected, the Speaker gives up all party affiliations and remains in office until retirement. Political parties do not field candidates from the constituency of the Speaker to ensure his/her re-election to the house. The British Parliament automatically elevates the Speaker to the House of Lords once they demit office.

Implications of adopting UK system of Speaker in India:

- The UK system ensures impartiality, fairness and autonomy of the Office of the Speaker.
- It ensures the freedom from interference and pressures which provide the necessary atmosphere where one can work with absolute commitment to the cause of neutrality as a constitutional value.
- It also ensures security of tenure.
- Nevertheless, uncontested re-election impacts representative democracy at the level of constituency.
- One person at one post for life also prevents bringing new conduct and alternative point of views in the office.
- The level of autonomy this system provides requires establishment of a similar level of accountability mechanism.

Given the need for reform for the office of the Speaker in India, it is necessary to strengthen the office of Speaker in India.

- In Ireland, the position of Speaker is given to someone who has built up credibility by relinquishing his or her political ambitions.
- Speaker can be disallowed from future political office, except that of the President, while being given a pension for life.
- Issues associated with representative disqualification can be determined by a separate tribunal.
- The restrictions can be placed on the discretionary powers of the Speaker. These may include imposing deadlines to deal with the cases of resignation or disqualification or floor tests.

It is time to ensure impartiality and transparency in the office of the Speaker by imposing a deadline and a set of guidelines required to exercise all the entrusted powers. It is only after such changes are put in place that the revered office of the Speaker can truly be called the symbol of India's freedom and liberty.

Q6. In order to enhance the prospects of social development, sound and adequate health care policies are needed particularly in the fields of geriatric and maternal health care. Discuss.

Answer - Poor health constitutes suffering and deprivation of the most fundamental kind. Diseases impact the wellbeing, burden family, weaken societies, and squander potential. Over the years, significant strides have been made in increasing life expectancy and reducing some of the common killers associated with child and maternal mortality.

Linkages between social development and health care:

- In developing countries, breaking the vicious circle of poverty and ill-health is an essential condition for development.

- Health is pertinent for the realization of basic human needs and for a better quality of life. Health is a causative factor that affects a country's aggregate level of economic growth.
- The rising out-of-pocket expenditures on healthcare pushes around 32-39 million Indians below the poverty line annually.
- Women and elderly are one of the most vulnerable sections of society. In this context, access to quality health care and sound health policies are crucial for their healthy development, reducing deprivation, and social empowerment.

Geriatric Health:

- Ageing is a continuous, irreversible, universal process, which starts from conception till the death of an individual.
- However, the age at which one's productive contribution declines and one tends to be economically dependent can probably be treated as the onset of the aged stage of life. National Elderly Policy defines people of 60+ age group as elderly.
- With well-designed and judicious investments, ageing population can help build-up human, social, economic and environmental capital.
- However, this would call for investing in all the phases of life, fostering enabling societies, and creating flexible but vibrant environment for building a society for all ages.
- In order to generate comprehensive data on social, economic and health conditions of the elderly, the Government undertook Longitudinal Aging Study of India.
- Other initiatives of the Government of India:
 - Integrated Programme for Older Persons (IPOP)
 - Rashtriya Vayoshri Yojana (RVY)
 - Indira Gandhi National Old Age Pension Scheme (IGNOAPS)
 - Varishtha Pension Bima Yojana (VPBY)

Maternal Care:

- Women are strong pillars of any society. Sustainable development in India can only happen through maternal and child care.
- Maternal health is an important aspect of the development in terms of increasing equity and reducing poverty.
- The survival and wellbeing of mothers is not only important in their own right but are also central to solving larger economic, social, and developmental challenges.
- The Sustainable Development Goal 3 pertains to maternal health, where the target is to reduce maternal mortality ratio (MMR) to 70 per 100000 live births.
- Institutional deliveries are an important means to achieve maternal health. Key initiatives in this are:
 - Janani Suraksha Yojana
 - Janani Shishu Suraksha Karyakaram

- Midwifery initiative aims to create a cadre of skilled nurses for providing compassionate women-centered, reproductive, maternal and newborn healthcare.

Healthcare has a major role to play in reducing social exclusion at the local level, due to its impact on employment, working conditions and household income. It can drive forward the implementation of local and national goals for sustainable development.

Q7. “Institutional quality is a crucial driver of economic performance”. In this context suggest reforms in the Civil Service for strengthening democracy.

Answer - Institutional quality in a democracy determines how successful the government machinery adheres to the principles of public service, rule of law, and social justice. One such institution is the Civil Services, which acts as a link between the government and citizenry strengthening democracy and furthering economic objectives such as sustainable growth and development.

Challenges Faced by Civil Services in India

- **Status Quoist:** As instruments of public service, civil servants have to be ready for change. The common experience, however, is that they resist changes as they are wedded to their privileges and prospects and thereby, have become ends in themselves.
 - For example, the 73rd and 74th Amendment to the Constitution have envisaged democratic decentralization.
 - However, due to the reluctance on the part of the civil servants to accept the changes in control and accountability, the intended vision has not been achieved.
- **Rule-Book Bureaucracy:** It means following the rules and laws, in words and not in spirit, without taking care of the actual needs of the people. Due to rule book bureaucracy, some civil servants have developed the attitude of ‘bureaucratic behavior’ which brings issues like red-tapism and poor responses to the needs of the people.
- **Political Interference:** The political representatives for the sake of fulfilling the populist demand, often influence the functioning of administrative officials. This leads to issues like corruption and arbitrary transfers of honest civil servants, an important reason for inefficient implementation of policies.

Civil Services Reforms

- **Prompt Delivery of Services:** Every department should seek to simplify their processes to cut administrative delays and ensure participatory feedback mechanisms for efficient service delivery.
- **Reducing Discretion & Enhancing Accountability Mechanism:** There is an inherent need to set key responsibility/ focus areas and progressively reduce discretionary aspects to evaluate civil servants.

- Online Smart Performance Appraisal Report Recording Online Window (SPARROW) should be instituted in all central and state cadres.
- Also, as suggested by many committees, there is a need to develop benchmarks to assess the performance of officers and compulsorily retire those deemed unable to meet the benchmarks.
- **Incorporation of Code of Ethics:** As suggested by 2nd ARC, along with streamlining of code of conduct rules, there is a need to inculcate ethical underpinning in the civil servants by implementing the Code of Ethics. This will sensitize civil servants to the problems of people.

Sardar Patel considered the civil service “the steel frame of government machinery”. However, without adequate reforms, this steel frame may start to get corroded and may collapse.

Q8. “The emergence of the Fourth Industrial Revolution (Digital Revolution) has initiated e-Governance as an integral part of government”. Discuss.

Answer - The Fourth Industrial Revolution is a way of describing the blurring of boundaries between the physical, digital, and biological worlds. It's a fusion of advances in Artificial Intelligence (AI), robotics, the Internet of Things (IoT), quantum computing, and other technologies. It is about more than just technology-driven change; it is an opportunity to help everyone, including government, policy-makers and people to harness converging technologies in order to create an inclusive, human-centered future.

The recent technological changes have fundamentally altered the way states govern and people respond. The growth of computers, digital technologies and telecommunications has drastically changed the way the state conducts its functions.

Electronic governance or e-governance is one of them. E-governance is about a process of reform in the way governments work, share information and deliver services. Specifically, e-government harnesses information and communication technologies (ICT) to deliver information and services to citizens and businesses.

Some positive examples of the e-governance that have promoted effectiveness of government at the national level include:

- **Digital India:** It strives to bring inclusive growth and bridge the digital divide by leveraging technology solutions that are low cost, developmental, transformative and designed to empower ordinary Indians.
- **BharatNet:** One of the largest digital infrastructures of the world was conceived to connect all the 250,000-gram panchayats by a high-speed optical fiber network.
- India is seeing a dramatic growth in the number of online transactions involving citizens and the government. It proves that citizens are quick to adopt these technologies. The onus lies on the government to provide the relevant infrastructure and policies to enable effective digitization of the economy.

- **Umang:** It is a platform that enables access to services offered by the Government, such as EPF, Ayushman Bharat, on mobile phone.
- **Direct Benefit Transfer (DBT):** Under this initiative subsidies and scholarships are directly credited in the bank account of the beneficiary. It has immensely helped in targeted delivery of benefits and reducing corruption.

Industrial Revolution 4.0 brings with it immense potential to improve governance. Its right use will result in improving accountability, access to services, and strengthening of democracy.

Q9. Critically examine the role of WHO in providing global health security during the Covid-19 pandemic.

Answer - WHO's primary role is to direct and coordinate international health within the United Nations system. Its main areas of work are health systems; health through the life-course; non-communicable and communicable diseases; preparedness, surveillance and response; and corporate services.

WHO during COVID-19 pandemic

- COVID-19 is characterized as a virus-induced pandemic which refers to a new disease for which people do not have immunity.
- The WHO issued guidelines and practices to be followed by the people to prevent the spread of the COVID-19 virus.
- However, the WHO was criticized for not functioning independently under Chinese pressure. It also delayed declaring COVID-19, a pandemic.
- WHO was also criticized for its handling of China, where the virus had originated. There was a deliberate delay in releasing virus-related information.
- Delay in releasing information resulted in late actions by countries which aggravated the pandemic.
- On the one hand, the WHO was accused of dancing to China's tunes and, on the other, there were serious questions on the powers that the WHO enjoys when it comes to taking strict action against deep funders like China.
- Withdrawal of the USA, inadequate funds and manpower further curbed the WHO's independence and its ability to function.

Today's global institutions are extremely dependent on their contributors for funding that they often become pawns for their political agendas. When the US cut funding to the WHO; China increased its contribution. However, the WHO is not a failure. Possibly, it needs restructuring. In the 70 years since its founding, the WHO did a commendable job in helping eradicate smallpox, reduced polio cases and has been on the front lines of the battle against outbreaks like Ebola.

Q10. 'Indian diaspora has a decisive role to play in the politics and economy of America and European Countries'. Comment with examples.

Answer - According to estimates released by the United Nations, India was the leading country of origin of international migrants in 2019 with a 17.5 million strong diaspora. The diverse profile of India diaspora allows it to actively shape the polity and economy of the host country.

Political Dimensions

- **Electoral Power:** The growing number of Indians in host countries has entrusted them with the ability to influence election results. For instance, Indian-Americans make up around 1% of the electorate, but their votes are crucial in swing states. In 2019, the British House of Commons had 15 MPs of Indian origin.
- **Emerging Leaders:** Many people of Indian origin hold top political positions reflecting their ability to lead. Examples include Kamala Harris - USA's vice president, Rishi Sunak - UK's Finance Minister, António Costa - Portugal's Prime Minister.
- **Lobbying Capacity:** The Indian community's efforts at lobbying the US Congress are seen in the context of diasporic mediations in international relations, like the India-U.S. nuclear deal.
- **Soft Power:** Indian diaspora through Yoga, movies, spirituality, has created tremendous 'soft power' power in host countries. It helps India to build strong diplomatic relations.

Economic Front

- **Technological Prowess:** Indian diaspora is known for their innovative skills and tech-savvy attitude which has contributed in benefiting the host countries. For example, at Silicon Valley, they have significantly contributed towards the growth of the IT industry. Technological giants like Google, Microsoft are headed by Sundar Pichai and Satya Nadela.
- **Indian Industrialists:** Indian Industrialists have left their mark on American and European industrial landscape. Indians abroad have made the nation a brand. There are several eminent British industrialists of Indian origin, including Lakshmi Mittal, and Hinduja brothers.
- **MNCs:** Many Indian MNCs have made their global presence felt by investing heavily and creating employment. For example, Jaguar and Land Rover, which are British car manufacturers, are owned by Tata.

The Indian diaspora has gained new visibility as their political and financial clout has grown. It contributes by way of remittances, investment, lobbying for India, promoting Indian culture abroad and for building a good image of India by their intelligence and industry.

Q11. Indian Constitution exhibits centralizing tendencies to maintain unity and integrity of the nation. Elucidate in the

perspective of the Epidemic Diseases Act, 1897; The Disaster Management Act, 2005 and recently passed Farm Acts.

Answer - During the Constituent Assembly debates, the prominent members of the assembly asserted a stronger Union government necessary for India's survival and political stability, given its vast diversity. The Indian Constitution has an inherent bias for the Union government as the central government is the superior authority to the states in various ways.

Centralizing Tendencies of the Constitution

- Article 1 describes India as a Union of States. That is, an indestructible Union of destructible States.
- The Union list contains more subjects than the State list and in case of a deadlock between the Union and States over subjects in the concurrent list, the Union law prevails. Further, the residual powers rest with the Union.
- Provisions like single Constitution; single citizenship; all-India public services etc. are other such manifestations of centralising tendencies.
- The application of centralising provisions was recently visible as the Union implemented several Acts to fight the Coronavirus, and to reform the agriculture sector.

Disaster Management Act, 2005

- It was enacted by the Union under the residual powers. The Act proved to be instrumental in combat against the COVID-19 though 'Public health and sanitation' is a subject under Entry 6 of State list.
- Under the Act, irrespective of any law in force, the Center can issue any directions to any authority anywhere in India to facilitate or assist in disaster management.

Epidemic Diseases Act, 1897

- The Act was formulated pre-independence mainly to control plague in the late 1800s.
- Under this Act, State governments have the prerogative to take appropriate measures for arresting the outbreak or spread of a contagious disease.
- During the outbreak of COVID-19, the Union Health Ministry had advised all the states/UTs to invoke provisions of Section 2 of the Act so that all advisories being issued from time to time are enforceable.
- The Act empowers the Central government to take measures for inspecting and detaining persons travelling out of or into the country during the epidemic.

The Three Farm Acts

- The Central government recently introduced major agricultural market reforms through three Acts: The Essential Commodities (Amendment) Act, 2020, The Farming Produce Trade and Commerce (Promotion and Facilitation) Act, 2020,

and The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020.

- These have been enacted under Entry 33 of Concurrent List which deals with trade and commerce, and production and supply of foodstuffs – an issue that holds enormous importance for enhancement of farm income.
- However, these three inter-linked Acts constitute the concerted entry of the Centre into the sphere of agriculture, which was designated a State subject in the Constitution.

Thus, a strong Union seems essential for coordinating vital matters of common concern and ensuring peace. Moreover, though there are some centralising tendencies, there also exists some highly federal features like dual polity and bicameral structure of the parliament.

Q12. Judicial Legislation is antithetical to the doctrine of separation of powers as envisaged in the Indian Constitution. In this context justify the filing of large number of public interest petitions praying for issuing guidelines to executive authorities.

Answer - The doctrine of separation of power divides the state into three branches – the legislative, executive and judicial – and gives each the power to fulfil different tasks.

- The executive is vested with the power to make policy decisions and implement laws.
- The legislature is empowered to issue enactments and review the functioning of the executive.
- The judiciary is responsible for adjudicating disputes. The judiciary also exercises judicial review over the executive and legislative action (Article 32 and 226).
- The separation of powers is important because it provides a vital system of 'checks and balances'.

Judicial Legislation

- Making law is the domain of the legislature. But occasionally, the judiciary has issued guidelines and made policies in the cloak of judgments, assuming the power of the legislature.
- For example, in Arun Gopal case (2017), the Supreme Court fixed timings for bursting Diwali fireworks, although there are no laws to that effect.
- In M.C. Mehta case (2018), the court annulled the Rule 115(21) of the Central Motor Vehicle Rules, 1989, when it directed that only BS-VI vehicles can be sold after March 30, 2020.

PIL and Judiciary

- Public Interest Litigation (PIL) is filed for the protection of "Public Interest", such as pollution, road safety, constructional hazards etc.

- The judiciary has been compelled to intervene in the domain of legislature and issue guidelines to the executives due to several reasons such as:
 - When the legislature fails to make the necessary legislation to suit the changing times.
 - When authorities fail miserably to perform their administrative functions sincerely.
 - When the fundamental rights of the people are threatened by the state.
- For instance, in Vishaka case (1997), the judgement recognized sexual harassment as a violation of the fundamental rights. The guidelines also directed for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- In K. Puttaswamy case (2017), the Court pronounced that the right to privacy is intrinsic to the right to life and provided the three-step test to decide on the constitutionality of any law infringing privacy.

Thus, though Judicial Legislation is antithetical to the doctrine of separation of powers, sometimes it becomes justifiable for the judiciary to issue guidelines to executive authorities. Nevertheless, with a view to see that judicial activism does not become judicial adventurism, the courts must act with caution and proper restraint.

Q13. The strength and sustenance of local institutions in India has shifted from their formative phase of 'Functions, Functionaries and Funds' to the contemporary stage of 'Functionality'. Highlight the critical challenges faced by local institutions in terms of their functionality in recent times.

Answer - "When the panchayat raj is established, public opinion will do what violence can never do." – Mahatma

Gandhi Local Self Government is the management of local affairs by such local bodies who have been elected by the local people. The history of local institutions in India goes back to 1952 when the **Community Development Programme (CDP)** was introduced.

Formative Years of Local Institutions

- In the developing phase of the local institutions, the debate was around what functions shall be allotted to these institutions, who will execute these functions and how the funds will be mobilized for their implementation.
- In 1957, Balwant Rai Mehta Committee reviewed the working of the CDP. The committee suggested a three tier PRIs, namely, Gram Panchayats at the village level, Panchayat Samiti at the block level, and Zilla Parishad at the district level.
- In 1977, Ashok Mehta Committee recommended compulsory power of taxation and in 1985 the GVK Rao Committee recommended assigning an role with respect to planning, implementation and monitoring of rural development programmes.

- The Gadgil Committee in 1988 made comprehensive recommendations on local institutions. Based on its recommendations, 73rd and 74th Constitutional Amendments were passed.
 - It provided a three-tier system for local government and assigned them constitutional status.
 - Gram Sabha is the foundation of the Panchayati Raj system.
 - All members of local bodies shall be directly elected by the people and seats shall be reserved for SC/ST and women at all three levels.
 - State Election Commission to supervise elections.
 - Endowment of power and functions, such as preparation of plans for economic development and social justice.
 - Formation of State Finance Commission every 5 years to review the financial provisions of local bodies.
- The above amendments have been able to address the functions, functionaries and funds debate. However, in recent times strength and sustenance of local bodies are facing functionality related issues.

Functionality related challenges

- **Structural Deficiencies:** PRIs suffer from structural deficiencies i.e., inadequate secretarial support and lower levels of technical knowledge which restricted the aggregation of bottom-up planning.
- **Adhocism:** There is a presence of adhocism i.e., lack of clear setting of agenda in Gram Sabha, Gram Samiti meetings and no proper structure.
- **Proxy Representation:** Though women and SCs/STs have got representation in PRIs through reservation mandated by 73rd amendment, proxy representation, for example, in case of women through Panch-Pati, acts as a major hurdle.
- **Overlapping Functions:** The issue of ambiguity in the division of functions and funds has allowed concentration of powers with the states and thereby restraining the elective representatives who are more aware and sensitive to the ground level issues to take control.

Local institutions have been able to strengthen democracy at the root level. But as the institutions have evolved, new challenges have emerged. Their rectification will require raising awareness among masses and their representatives, clear demarcation of responsibility and a system of accountability.

Q14. Rajya Sabha has been transformed from a ‘useless stepney tyre’ to the most useful supporting organ in past few decades. Highlight the factors as well as the areas in which this transformation could be visible.

Answer - The Constituent Assembly favored Rajya Sabha, as a vast country like India with immense diversities required a platform for the states at Parliament to raise their voices and to check legislation passed in haste. Rajya Sabha shares an unequal status

with Lok Sabha in terms of matters like money bill, appropriation bill, no-confidence motion, etc. but its position is special as:

- It can authorize the Parliament to make a law on a subject enumerated in the State List (**Article 249**).
- Rajya Sabha can authorize the Parliament to create new All-India Services common to both the Centre and States (**Article 312**).
- It checks hasty, defective, careless and ill-considered legislation made by the Lok Sabha by making provision of revision and thought.
- It maintains the federal equilibrium by protecting the interests of the states against the undue interference of the Centre.

Rajya Sabha has emerged as the most useful supporting organ in the past few decades because of several factors:

- **Cooperative Federalism:** With the strengthening of democracy in India, the spirit of cooperative federalism has pervaded. It has obliged the Government to appropriate the advice of the Rajya Sabha.
- **Rise of Regional Parties:** Since the 1980s, a rise in the popularity of regional parties was witnessed. It allowed regional parties to have a greater share in the membership of Rajya Sabha, thus enhancing the influence of Rajya Sabha while passing a Bill.
- **Coalition Governments:** The 1990s brought a new era in Indian polity, an era of coalition government. It required a wider consensus in the enactment of statutes.
- **Expert or Informed Opinion:** Requirement of expert or informed opinion in matters like Personal Data Protection Bill, Surrogacy Bill, etc. have made the role of Rajya Sabha indispensable.

The transformation can be seen in:

- Abrogation of **Article 370**, where the support of Rajya Sabha was vital for the benefit of people of Jammu and Kashmir and Ladakh.
- **GST reforms** was another subject where Rajya Sabha's role was proactive. States' support was essential in the implementation of the reforms.
- The passage of **POTA Act in 2002** whereby due to objections of Rajya Sabha joint sitting of Parliament was called under **Article 108** to discuss the provisions.

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. It has helped in assimilating the aspirations of the people of India and protecting their interests.

Q15. Which steps are required for constitutionalization of a Commission? Do you think imparting constitutionality to the National Commission for Women would ensure greater gender justice and empowerment in India? Give reasons.

Answer - Constitutionalisation involves the attempt to subject governmental action within a designated field to the structures, processes, principles, and values of the 'Constitution'.

Steps to Constitutionalise a Commission

- Constitutionalisation of a Commission will require the passing of a Constitutional Amendment Bill under **Article 368**.
- The Bill is passed in each House by a majority of the total membership of that House present and voting.
- After receiving the assent of the President, the Constitution shall stand amended in accordance with the terms of the Bill.
- **Example: 102nd Constitution Amendment Act, 2018** provides constitutional status to the National Commission for Backward Classes (NCBC). The Act inserted new Articles 338 B and 342 A.

Benefits of Imparting Constitutional Status the National Commission for Women (NCW)

- **Power of Civil Court:** It will provide the National Commission for Women (NCW) with the power of a Civil Court enabling NCW to safeguard women's interest more effectively.
- **Mandatory Tabling of Reports:** Constitutional status will make the discussion of NCW reports by Parliament binding, thus enhancing the reach of women's voice.
- **Autonomy:** It will provide NCW greater autonomy to act and regulate its own procedures.

However, if we study the functioning of other Constitutional bodies like NCST or NCBC the reality projects a different picture.

- **Advisory Role:** Their recommendations are advisory and they cannot issue binding directions or injunction orders and their reports could not be mandatorily enforced and executed.
- **Adjudicatory Role:** The Commissions are not adjudicatory bodies and their orders are not an alternative to the hierarchical judicial system envisaged under the Constitution.
- **Other Constraints:** Inadequate funds and manpower, political interference are the limitations that reduce the effectiveness of Commissions.

Granting constitutional status, the NCW helps in ensuring greater gender justice and empowerment. But it will also require steps like mandatory execution of injunctions, proper funding and upgrading its status to the adjudicatory body.

Q16. "The incidence and intensity of poverty are more important in determining poverty based on income alone". In this context analyze the latest United Nations Multidimensional Poverty Index Report.

Answer - According to the World Bank, Poverty is pronounced deprivation in well-being, and comprises many dimensions. It includes low incomes and the inability to acquire the basic goods and services necessary for survival with dignity.

A common method used to estimate poverty is based on the income or consumption levels and if the income falls below a given level, then the household is said to be poor. According to the World Bank population living under \$1 income/day is considered poor. Similarly in India, as per the Rangarajan committee (2014), the poverty line is estimated as Monthly Per Capita Expenditure of 1407 Rs. in urban areas and 972 Rs. in rural areas.

Based on income, incidence of poverty is measured by the poverty ratio, which is the ratio of the number of poor to the total population. But the extent of poverty is not equal among the poor. Intensity of poverty estimates the depth of poverty by considering how far, on average, the poor are from that poverty line.

However, these income-based estimates, offer a quantity-based assessment by simply counting the poor below the poverty line, and remain limited at the qualitative level.

UN's Multidimensional Poverty Index (MPI)

- MPI is based on the idea that poverty not just depends on income and an individual may lack several basic needs like education, health, etc.
- The UN's MPI presents quantitative as well as qualitative aspects of poverty. It uses three dimensions viz., Education, Health and living standard and gives score between 0-1.
- According to MPI report 2020, around 1.3 billion people are still living in multidimensional poverty.
- In 2019, the burden of multidimensional poverty disproportionately falls on children-half of multidimensionally poor were below 18.
- India was ranked 62nd among 107 countries with an MPI score of 0.123 with 27.9% head count.
- In 2019, around 19.3% of Indian population is vulnerable to multidimensional poverty.
- The report mentions that India lifted as many as 270 million people out of multidimensional poverty between 2005-06 and 2015-16.
- MPI also reflects that COVID-19 is having a profound impact on the development landscape.

The MPI methodology shows aspects in which the poor are deprived and helps to reveal inter connections among those deprivations. Thus, enabling policymakers to target resources and design policies more effectively. The MPI methodology can be, and often is, modified to generate national measures of Multidimensional Poverty that reflect local cultural, economic, climatic and other factors.

Q17. "Micro-Finance as an anti-poverty vaccine, is aimed at asset creation and income security of the rural poor in India". Evaluate

the role of the Self Help Groups in achieving the twin objectives along with empowering women in rural India.

Answer - Micro-Finance provides financial services to those who are not served by the conventional formal financial institutions. In rural India, where the credit market has been traditionally dominated by moneylenders, micro-finance becomes important to serve the credit requirement of poor and end the vicious cycle of debt trap through promoting income-generating activities.

Micro-Finance: An Anti-poverty Vaccine

- Microfinance services contribute to the improvement of resource allocation, promotion of markets, and adoption of better technology; thus, microfinance helps to promote economic growth and development.
- It assists the communities of the economically excluded to achieve a greater level of asset creation and income security at the household and community level.
- It aims to dispense access to the capital to small entrepreneurs.
- To promote Micro-Finance, the government launched initiatives like NABARD, MUDRA loans, etc. MUDRA provides refinance support to Banks/NBFCs for lending to micro units having loan requirements up to 10 lakh Rs.

Self-Help Groups (SHGs) and Micro-Finance

- SHGs are informal associations of people who choose to come together to find ways to improve their living conditions. In the last few decades, SHGs have emerged as the most effective mechanism for delivery of microfinance services to the poor in general and women in particular.
 - The Genesis of SHG in India can be traced to the formation of Self-Employed Women's Association (SEWA) in 1972.
- The income-generating and asset creating activities supported by SHGs include piggy farming, ginger cultivation, small business, handicraft and weaving, etc.
- They have a multiplier effect in improving women's socio-economic condition and enhancing their self-esteem.
- For instance, Kudumbashree SHG of Kerala has created a three-tier community network which is run by Community Development Societies (CDSs) of poor women.
 - One of the successful enterprises of Kudumbashree is Café Kudumbashree, which includes all women-run cafes as well as catering services.
 - Kudumbashree women run more than 30,000 enterprises and have an annual turnover of 1090 million Rs.

For equitable and sustainable development in rural India, financial inclusion supported by MFIs plays an important role. It strengthens India's ability to post fast economic growth with a focus on reducing poverty and empowering women.

Q18. National Education Policy 2020 is in conformity with the Sustainable Development Goal-4 (2030). It intends to restructure and reorient education system in India. Critically examine the statement.

Answer - Recently, the Government announced the New Education Policy (NEP) 2020, which will replace the National Policy on Education, 1986. The Sustainable Development Goal (SDG) 4 aims to “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all by 2030”.

Is NEP in tune with SDG 4?

- **Promote free primary and secondary education and universal literacy and numeracy (SDG 4.1 and 4.6):**
 - NEP aims at universalization of education from preschool to secondary level with 100% Gross Enrolment Ratio (GER) in school education by 2030.
 - The Policy also makes education more inclusive by proposing the extension of the Right to Education (RTE) to all children up to the age of 18.
- **Eliminate all discrimination in education (SDG 4.5):** NEP focuses on bringing 2 crores out of school children back into the mainstream through an open schooling system.
- **Equal access to quality pre-primary education (SDG 4.2):** The Policy also recognizes the importance of the crucial early stage for the development of mental faculties of a child by bringing uncovered age group of 3-6 years under school curriculum with three years of Anganwadi/pre-schooling.
- **Ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university (SDG 4.3):**
 - NEP emphasizes on Vocational Education from Class 6 with Internships.
 - The Policy overhauls the undergraduate education with a flexible curriculum of 3 or 4 years with multiple exit options and appropriate certification.
 - The National Research Foundation will be created for fostering a strong research culture and building research capacity across higher education.
 - The National Educational Technology Forum (NETF), will be created to promote free exchange of ideas and technology.
- **Substantially increase the supply of qualified teachers in developing countries (SDG 4.C):** A common National Professional Standards for Teachers (NPST) will be developed by 2022, in consultation with NCERT, SCERTs, teachers and expert organizations from across levels and regions.

NEP 2020 has the potential to make an overwhelming impact on the socio-economic fabric of society, as expected in SDG-4. However, its effective implementation coupled with sufficient financing may become the defining factor of its success.

Q19. Quadrilateral Security Dialogue (Quad) is transforming itself into a trade bloc from a military alliance, in present times Discuss.

Answer - Quadrilateral Security Dialogue (Quad) is the informal strategic dialogue between India, the USA, Japan, and Australia. The Quad was established, primarily as a strategic bloc, to counter China's aggressive stance in the South China Sea. However, Quad's shared objective to support a "free, open and prosperous" Indo-Pacific region, is also forming the basis of a trade agreement and turn it into a major trade bloc.

Is Quad Transforming into a Trade Bloc?

- **India-Pacific Ocean Initiative (IPOI):** The IPOI is an open, non-treaty-based global initiative that aims at practical cooperation in seven thematic areas which also include Maritime Resources; Capacity Building and Resource Sharing; Science, and Trade Connectivity and Maritime Transport. Australia and Japan have agreed to lead IPOI pillars on Maritime Ecology and Connectivity respectively.
- **Free and Open Indo Pacific (FOIP):** Japan's FOIP builds around 'two continents', Asia and Africa, and 'two oceans', Pacific and Indian. Japanese FOIP endorses cooperation with countries who share the common vision of a free and open Indo-Pacific.
- **Blue Dot Network:** It is a multi-stakeholder initiative led by the USA along with Japan and Australia to bring together governments, the private sector, and civil society to promote high-quality, trusted standards for global infrastructure development. It could directly counter China's Belt and Road Initiative (BRI).
- **Supply Chain Resilience Initiative (SCRI):** As COVID-19 and trade tensions between China and the United States threatened global supply chains, Japan mooted the Supply Chain Resilience Initiative (SCRI) as a trilateral approach to trade, with India and Australia as the key-partners. SCRI is a direct response to individual companies and economies concerned about Chinese political behavior and the disruption that could lead to the supply chain.

Challenges Remain

- **Integration:** All the trade associated initiative launched by the QUAD nations are independent. There is a need for a joint push in the domain of trade and economy.
- **Lack of Cooperation:** The Quad nations have so far not been able to iron out their trade-related difference. For example, India still does not have a Free Trade Agreement with Australia and the USA.
- **Need for Clear Vision:** The Quad nations need to better explain the Indo-Pacific Vision in an overarching framework with the objective of advancing everyone's economic and security interests.
 - This will reassure the littoral States that the Quad will be a factor for the regional benefit, and a far cry from Chinese allegations that it is some sort of a military alliance.

Quad member countries agreed that a free, open, prosperous, and inclusive Indo-Pacific region will serve the long-term interests of all countries in the region and of the world at

large. However, there is a need to put the military component and the economic component together.

Q20. What is the significance of Indo-US defence deals over Indo-Russian defence deals? Discuss with reference to stability in the Indo-Pacific region.

Answer - India's relationship with the US on defence and strategic issues has strengthened as reflected in Indo US proximity in the security architecture of the Indo-Pacific region. In 2014, the US emerged as the top arms supplier to India, pushing Russia to the second position.

Russia: A Traditional Partner

- Russia has been a longstanding and time-tested partner. India has longstanding and wide-ranging cooperation with Russia in the field of defence.
- Military-technical cooperation has evolved to involve the development and production of advanced defence technologies and systems, such as BrahMos.
- However, India desires to diversify its defence imports. There is also dissatisfaction in India with post-sales services and maintenance offered by Russia.

The 21st century has seen the rise of a relentless China. China's assertive, and bullying attitude is most evident in the Indo-Pacific region where it is challenging the sovereignty of ASEAN countries thus also threatening free sea.

An engaging feature of the current global situation is the transformation of the Sino-Russian relationship from enmity to entente. The changed scenario has an impact on India and the USA.

USA: India's New Best Friend?

- India has steadily developed important military ties with the US as their interests in the Indo-Pacific are being threatened by China's expansionist policies.
- The US supports India's desired role as a "net security provider" to preserve maritime transportation routes in the Indo-Pacific region.
- Thus, India and the US have signed a number of defence deals which also includes four foundational agreements viz., LEMOA, COMCASA, BECA, and GSOMIA. They enable interoperability of assets, provide each other logistic support, and allow sale of sensitive weapons.
- The US has also sold weapons like Apache, P-8I aircraft which have enhanced India's defence capabilities.
- QUAD which is an informal strategic forum between US, India, Japan, and Australia has a shared objective to support a "free, open and prosperous" Indo-Pacific region."

- However, the US support doesn't come without a rider. It has also frowned on the S-400 deal which India has signed with Russia and has also threatened to impose sanctions on India under CAATSA.

In the last two decades, the US and India defence relations have strengthened due to sustained efforts from both the countries to iron out differences and agree on protocols in working together against common threats. But India needs to balance relations with its two defence partners by considering its concerns associated with China and Pakistan over security issues.