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प्रश्न संख्या (Question No.)

U.P.S.C.

इस भाग में कुछ न लिखें (Don't write anything in this part)

A1) Interstate border disputes threaten the very core of cooperative federalism which is a bedrock of democracy in our country.

Disputes

1) Inter state water disputes
   (Eg) Karnataka & Goa over Mandovi river.

2) Territorial disputes
   (Eg) Assam & Meghalaya dispute.

3) Existing long standing disputes.
   (Eg) Andhra Pradesh & Telangana since partition of the state.

Constitutional Redressal

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- Provision for constitution of Inter State Council under Article 263 for enhancing cooperation & Water Tribunals under Article 262

- It is also the original jurisdiction of the Supreme Court to deal with such disputes under Article 142

Legal Framework

1) Creation of statutory and councils. (1956)
2) Boundary dispute settlement laws.

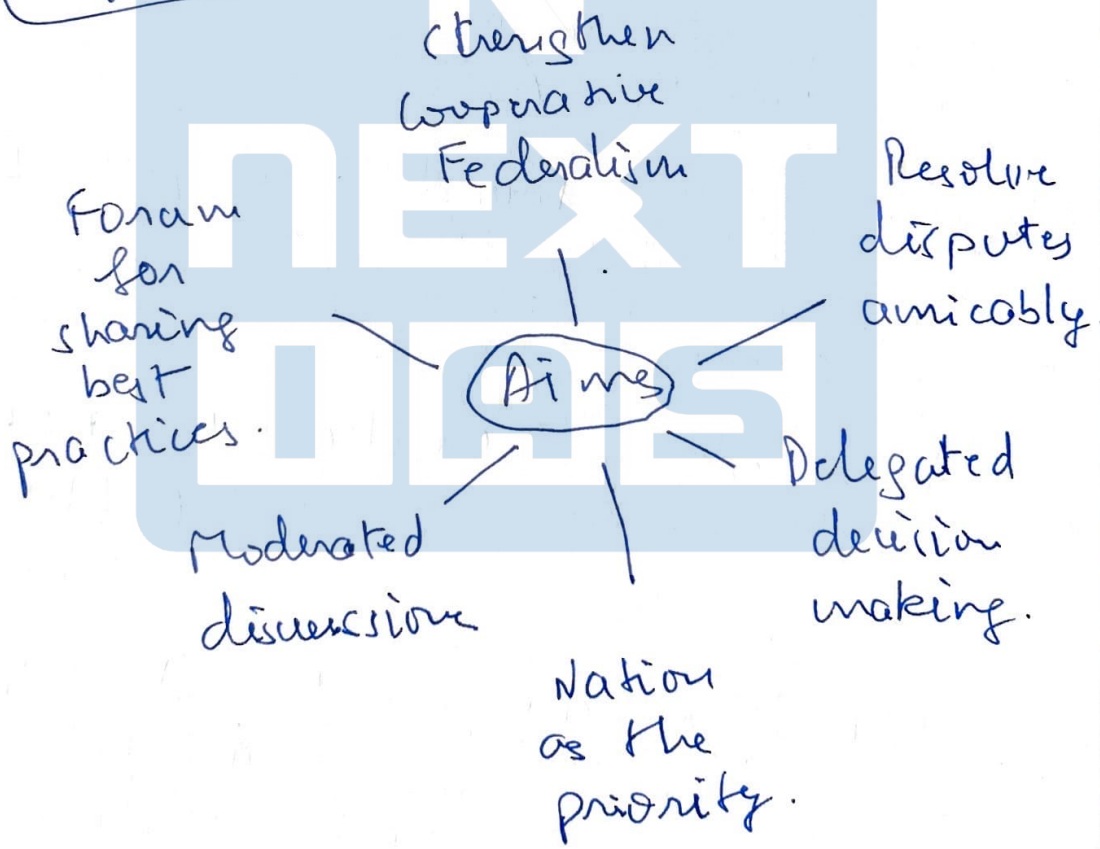
Conclusion

Such disputes have not been addressed well due to politicization of issues and different regional & national objectives. There is a need to address these to strengthen democracy.

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A→) The President is empowered to create an Inter-State Council under Article 263 of the Constitution when a need for vertical/horizontal cooperation & coordination arises.

Objectives



Vertical Cooperation

① Acts as a platform to ensure continuity of policy

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across centre & state. Eg. Mid-day meal scheme.

2) Resolve disputes pertaining to finances. Eg. 15th finance commission guidelines.

3) Cultural & linguistic issues Eg - Hindi in southern states.

4) Inter-State

i) Resolving boundary disputes Eg. Assam - Meghalaya.

ii) Jurisdiction conflicts. Eg. NCT of Delhi & UP.

3) Resource sharing. Eg. Sheetalpur industrial belt between UP, Bihar, Chattisgarh.

Thus, cooperation across horizontal & vertical domains will lead to furthering democratic objectives in the long

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A3) The Public Accounts Committee (PAC) was constituted in 1921 by erstwhile British Empire as a guardian of public funds (legislatively).

Key Functions

- 22 member committee (15 LS, 7 RS) No minister part of it.
- Examine reports & statements of CAG
- Discussion of expenditure from Consolidated Fund of India.
- Helps govt. in exercising fiscal prudence.

- The appointment of chairman ~~not~~ not from ruling party lends transparency & accountability

- There is now an urgent need to revamp it in the

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wake of issues like :- Aadhar passed off as money bill under Article 110.

(Highlighted) Financial irregularities. by CAG.
Eg. Dwarka Expressway cost overrun.

Steps to Revamp

a) More representation from RS
b) Vested with powers of a civil court (like NCSC)
c) More number of meetings.
d) Mandatory vetting of money & finance bills.

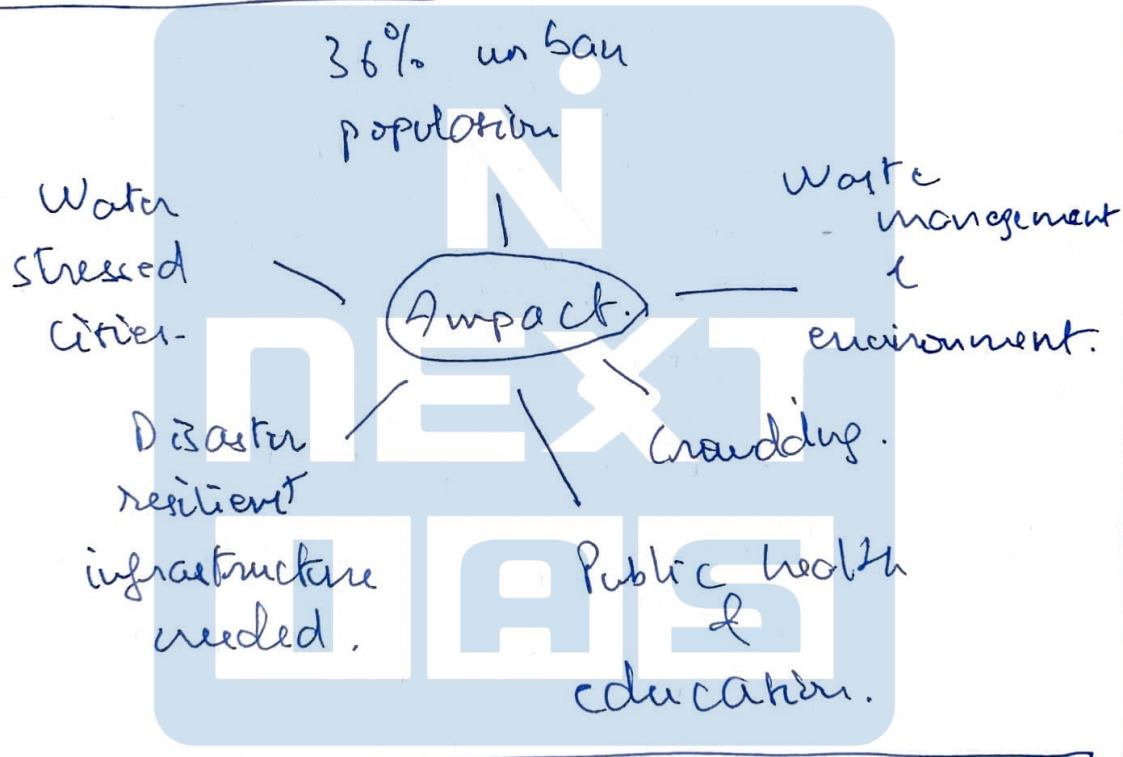
Way Forward

Such steps will ensure that the PAC retains its identity as a guardian of the public funds and it's more empowered to do so.

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Ans) Urbanisation & ULBs gained a Constitutional recognition in 1992 through the 74th Amendment.

Pivotal Role



Suggestion of 15th Finance Commission

① Funding : despite devolution by commissions the state finance amount is infrequent & paltry.

↳ Stricter implementation of property tax, octroi etc. to augment.

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(2) Lack of leadership: conflicts between elected mayor & executive appointed commissioners leads to policy paralysis

(3) Clashes of domain: need to create specific delineation of powers & functions to prevent clashes with state government.

(4) Best practices: Need to learn from cities like Indore in waste management & implement the learnings.

across

Way Forward

With almost 50% population living & 2050 there is a need to revamp ULBs to ensure sustainability & development

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As) Article 19 of the Constitution under Fundamental Rights accords the right to freedom of speech to all citizens. Parliamentary privileges goes one step beyond in order to ensure protection is accorded to MPs & others for views expressed in the temple of democracy.

Fundamental Rights.	Parliamentary Privileges
a) All citizens.	a) MPs & Others. like AGs etc.
b) Guaranteed by constitution.	b) Codified in rules of Parliament
c) Protected by ~~Supre~~ courts of the country.	c) Investigated by committee on privileges & speaker.
d) Not absolute.	d) Absolute within decorum of Parliament.

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- A person cannot be arrested for anything spoken in the Parliament.
- This is not so as have like 124A (IPC) - Sedition, etc. do not accord this to citizens.

Need for a Balance

i) Like everything privileges and rights cannot be absolute.

ii) The functioning of Parliament is down to 72 days a year due to ruckus, sloganeering and disruptions.

iii) Need to curtail the protection to enhance accountability.

Only by following the above can the legislature function effectively & efficiently.

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Ab) Civil Society Organisations work for the welfare of the people at large without being under the ambit of a formal govt. setup. Eg. SEWA, WASH, Sulabh.

Achievements & Objectives

- Reduce poverty.
- Health & Education of children
- Plug in gaps by the govt.
- Partnering with Public organisations to achieve a utilitarianistic approach.

role.

Challenges

Barriers to success.

- Road Blocks
  - Funding.
  - Support & clearance
  - Red tapism
  - Hostility of public institutions.
  - Poor facto support. Eg. AMC

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i) CRM

- Lack of understanding of local populace & society.
- poor identification of gaps.
- inadequate redressal.

ii) CSR funding

- lesser for social cause
- more to feed triple bottom line
- Regulatory compliance (obligation) of 2% of profits.

Remedy

1) Need to ensure pooling of resources to be made available to civil society organisation.
2) PPP approach instead of allowing free & open setup.
3) Coverage under priority sector lending, schemes like Stand up India etc.

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A-c) The MTI Aayog's MPI is largely based on the success of Oxford University's MPI index which overcomes the shortcomings of traditional poverty estimators like

- poverty line
- malnutrition / education / health.

MPI combines all.

Salient Features

- Uses - education, income, health, asset ownership, family planning.
- To determine poverty.
- incorporates all other types of estimators.
- Utilises primary search as a way to determine outcomes.

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L partnership with civil society organisations.

L scientific approach

Significance

1) Allows for appropriate designed interventions. Eg. Opening of relevant, ← Eklavya effective, Schools in efficient. tribal regions.
2) Basis for welfare schemes like - ODOP, 115 aspirational districts.
3) Remove one size fits all approach.

Impacts

Thus, MPI enables NITI Aayog to plan and develop schemes along with advice national & state govts on best practices to eradicate poverty.

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Ans) Right to Health has been covered under Article 21 of the Indian constitution is and is by extension a right to life.

Coverage

- A 3-D coverage of Right to Health:

Constitutional
- Art. 21,
- DPSP & Fundamental Rights.

Legal
- NHM
- Right to disability, act. (2016)
- PM Jan Arogya Yojana.
- Jan Aushadhi Kendra.

International
- Intl. Health Regulations.
- Links of Health Protection
- Beijing Declaration.
- One Health.

Presence

Despite all these there is a serious lacuna are a One Health law.

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Lack of explicit legal recognition

1. Presence of multitude of schemes, policies, rules leading to confusion & red tapism.
2. Conflicts between states & center.
3. Poor expenditure to the tune of 2.5% of GDP on health.
4. Lack of redressal mechanisms & grievance platforms.

Way Ahead

There is a need to collaborate cooperate accomodate in order to ensure that centre, states, private institutions (hospitals) & civil society work together in order to ensure health becomes an enable of growth.

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Ans) The term BRICS was envisaged by Goldman Sachs and was formally constituted in 2009 at Durban ~~x~~ Russia.

Objectives

- Voice of global South.
- Furthering aims of developing countries.
- direct foreign policy
- economic cooperation.
- holistic growth.

Achievements

(1) Incorporation of South Africa (2010) thus having representation of four continents.

(2) Fortaleza declaration on health. (2014)

(3) BRICS commerce & trade agency boosted bilateral trade in members.

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(4) Supporting each other on international fora.

(5) **Shortcomings**

(1) Inability to rise beyond national (individual) ambitions.

(2) Vetoing each other on other fora. Eg. China in UNSC. (to India)

(3) Lack of funding.

(4) No military cooperation.

(5) No Economic integration at all (Eg. Customs Union / FTA).

Way Ahead

Thus BRICS needs to align its objectives and formulate a constitution in order to codify cooperation & ensure growth & development of all.

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A10) The Indus Water Treaty was brokered in 1960 by the World Bank. It proposed a solution as follows.

- Indus, Jhelum, Chenab for Pakistan
- Ravi, Beas, Sutlej for India
- waters of the rivers.

- Rein of river projects of India allowed.
- It also setup a permanent Indus water commission & commissioners of both countries to examine the arrangement each ~~other~~ year.

Demand for Amendments

1. Change in requirement of the nations.
2. Flooding downstream due to dams upstream. Eg. Ratle dam
3. Global Warming induced

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differential melting of ~~Bandar~~ ~~Pooch~~ Glacier glaciers.

④ Boundary disputes leading to differential claims.

Impact

Possible ramifications →
- No Pareto optimal arrangement leading to dissatisfaction.
- May lead to war. (3rd World war will be for water).
- Grounds for proxy wars by. (US, China, Russia)
- Spiralling of more demands like Territorial dispute around Sir Creek in Gujarat.

Way Ahead

The existing mechanism may be suitably optimised in order to ensure max benefit to all rather than broker a new deal for lasting peace.

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A11) The Constitution of India envisages a division and doctrine of separation of powers as per Article 50 among

- Executive
- Legislature
- Judiciary

The country functions on a bedrock of cooperation in the three.

The polity of USA & India is also heavily dependent on

- Parliamentary sovereignty
- judicial Supremacy.

with a few differences.

India	USA
a) Parliamentary	a) Presidential.
b) Integrated Judiciary	b) Separate judiciary for state & centre.
c) Union of states.	c) Federation of states.

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Role of Judiciary

(1) Audia

1.1) Wide original & appelate jurisdiction.

1.2) Heirarchy of courts.

1.3) Cases impacting judiciary on the constitution.

Golaknath case (1967) • Parliament cannot curtail fundamental rights.	Shankari Prasad • Amendability of fundamental Rights & Art. 368	Berubari Case • Amendment to settle boundary disputes.
Kesavananda Bharati Case • Doctrine of basic structure.	Minerva Mills Case • Against 42nd Amendment, Constitution is supreme	Waman Rao Case • No retrospective application of basic structure

1.4) Fine line between judicial activism & overreach

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(2) America (United States of)

2.1) Narrower appelate jurisdiction.

2.2) Individual States have independent laws

2.3) Cases in point.

- Sarbanes Oxley Act. law
- 1st Amendment rights to be silent.
- Miranda v/s Arizona. on applicability of 5th amendment.

2.4) No ability to impact legislation directly.

Conclusion

Thus, both USA and India have a crucial institution of the highest court which ensures that the ideals and spirit of our constitution remains infallible & paramount.

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A12) Delimitation of seats done by the ~~it~~ Delimitation commission against which no appeal lies in any court. This is due to the fact that

Spirit of delimitation
- ensures equal population based representation.
- prevent judicial overreach
- Equal value of each vote.

Current Scenario

- Frozen till 2026 based on Census of 1972 by amendments to the constitution.
- state based delimitation based on later censuses happening. Eg. Assam based on 2011

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- Demand for more Lok Sabha seats due to more population.

Challenges & Pricking Points

1) Delimitation based on almost 50 year old census

2) Principle of equal population being represented used in Rajya Sabha leading to 10 states accounting for 70% seats.

3) Misrepresentation in constituencies amplifies effect as defeats purpose of one vote, one value

4) Some states feel grossly outdone in terms of impact in Parliament and national policies. Eg. North - East states.

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5) A progressive state on HDI indicators like Kerela bound to suffer due to controlled population.

All these lead to federal tension & friction which does not bode well for democracy.

Road Ahead

There is a need to analyse and determine the population based criteria of delimitation in this day and age. A concept on the lines of 'zonal' of all states will do it much better in furthering participative democracy

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A13) The Article 324 of the Indian Constitution entrusts an Election Commission to conduct free and fair elections in the country.

History

- Originally a 1 member body.
- Expanded to 3 in 1989 to accomodate the reduction in voting age to 18.
- Gained prominence under the guidance of T.N. Seshan who instilled trust in the institution.

Shortcomings

- CEC selected & appointed by govt. (no role of opposition & judiciary)
- No role in deregistering parties.

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- Lack of judicial powers like that of civil court.
- No power to deregister political parties.
- No bar on post retirement appointments of CEC & ECs. like in case of CAG.
- No manpower of own and reliance on machinery of state & CAPFs to conduct elections.
- No power to implement regulations like MCC

Role of SC

1) Directed the govt. to ensure that CEC is selected by PM, LoP & CJI for a fair appointment.

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2) Directed that powers of EC are same as CEC, CEC is first among equals.

3) SC has granted legal status to certain provisions of MCC giving more teeth to ECI for punishing.

Conclusion

Free and fair elections are a fundamental element in the motion of democracy and ECI plays a vital role in that process. Thus, the role of SC & ECI in conjunction are crucial.

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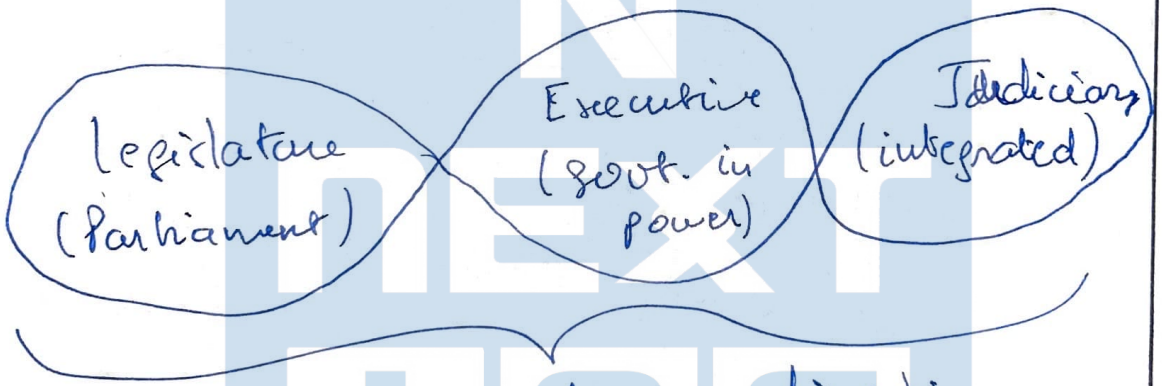
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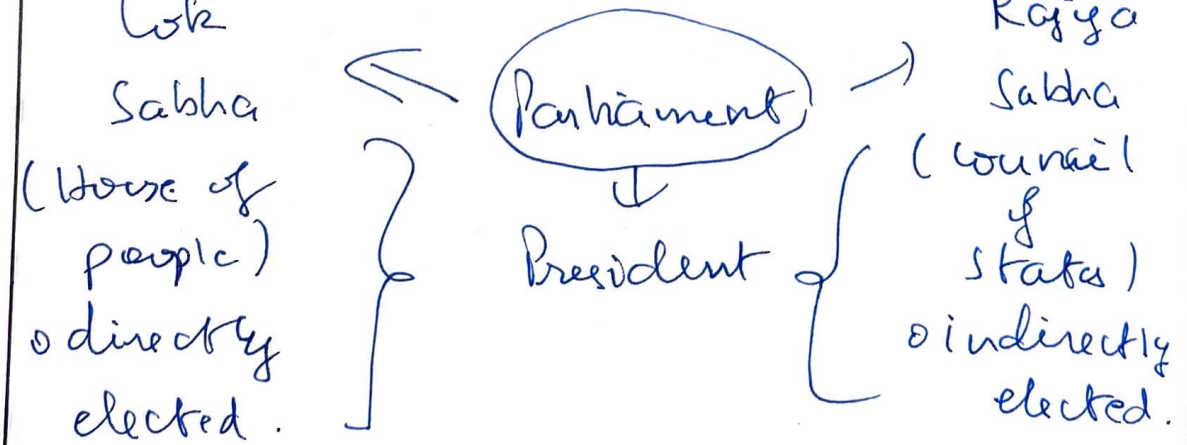
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Ans)

The Parliament serves as a temple ~~of to do~~ the mother of democracy and is the most crucial element of democracy.

Indian Polity





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Current Scenario

1) An an average 72 days of sitting pa year down from 120 of the previous Lok Sabha.

2) Frequent disruptions, adjournment & interruptions. Eg. Manipur issues, no confidence motion.

3) Walkouts and breach of privileges common. → leads to lowered dignity & decorum of Parliament.

4) Ordinance route for many laws. Eg. Delhi Service Bill & re promulgation.

5) No reference to standing & ad hoc committees. Eg. New IPC & CrPC.

6) Passing of normal regulations as money bill. Eg. Aadhar Bill under Art. 110

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Impact

1) Erosion of doctrine of separation of power as extra legislative route taken for many laws.

2) Judicial overreach & activism rising due to this. Eg. ECI selection guidelines.

3) Passing of laws with no discussion/voice vote or bare minimum discussion leads to erosion of confidence of public. Eg. 10% EWS bill passed after a day's discussion.

Take Away

Such a degradation of highest law making body is not positive for India and leads to many issues, it should be avoided and improved.

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Ans) The National Commission for Women is a ~~statutory~~ legislative body formed by the govt. in order to attain a three-fold objective.

- Give a voice to the unheard.
- increase representation
- Suo-moto cognizance of crimes against women

Role of NCW

- Highlight crimes against women
- Notice & petition police & govt. to act.
- Platform for grievance redressal.
- Advice on furthering objectives of women to govt.
- Create reports & databases of vital statistics

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Shortcomings

1) No power of a civil court.
2) No power to punish
3) Dependent on police & govt. for actions.
4) Only advisory in nature with no decision making authority.
5) Leads to judicial activism and overreach
   - Vishaka guidelines
   - Nirbhaya case and aftermath.
6) Silent on many issues being a political body.
7) Too few meetings, vacancies kept pending for long time.

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Elevation to Constitutional Status

Positives
- Ability to summon witnesses like civil courts.
- Power to punish
- Constitutional safeguard.
- Financial independence mandate.

Defined

Negatives
- Needs to be accompanied by proper appointments
- Min. working days
- Under Article 338 already other bodies so overlap.

Multitude of bodies without actual power.

Way Ahead

Giving NCW a constitutional status like NCSC under Art 338B will improve its functioning tremendously but there is also a need to inculcate a will else it might become similar to NCST which has been almost defunct since two years.

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Ans 16) A recent report by the DAKSH foundation showed that 3.2 crore cases are pending in Indian courts. The highest platform of grievance redressal has such pendency. That does not bode well for other platforms

Dimensions of Grievances

Types:

- Consumer Grievances
- Criminal
- Civil
- Against an individual / representative of the state.
- Temporal Grievance. Eg. Delayed Justice.
- Against the system Eg. Govt. service delivery.

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Challenges faced

(1) Poor creation & administration of Specialised Tribunals.

Eg. Under 323A CAT is the best example but none created under 323B.

(2) Weak ADR grievance resolution mechanism.

Eg. Few Lok Adalats.

(3) Vacancies and lag in appointments. Eg. Labour Courts

(4) Post facto litigation in judiciary Eg. SLP in courts.

Achievements

(1) Special courts for fast tracking cases.

Eg. TADA, CBI court.

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(2) Record number of ~~octuc~~ appointments to both higher & lower judiciary recently.

(3) Initiatives like adjudicators to facilitate out of court settlements.

Measures to strengthen & way Forward

(1) Initiatives like DISHA portal will help service delivery.

(2) Social Audit. Eg. Meghalaya.

(3) Use of ICT. Eg. E-courts.

(4) Virtual case hearings. Eg. Supreme Court.

(5) Better accountability mechanism & initiatives like Citizen's charter.

These will help mitigate challenges and strengthen redressal process.

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A 17) Satyendra Dubey was the most fearless civil servant India ever saw with him blowing the whistle on corruption in golden Quadrilateral project while at NHAI.

However due to lack of protections & safeguards, he had to lose his life..

The Disease of Corruption

- ↓ Siphons govt. funds
- ↓ Undermines credibility of govt. & functionaries
- ↓ affects economy of the country.
- affects morale of honest servants

Creates an internal rot in the system.

It creates an image in the minds of the public that their money is going in the pockets of functionaries rather than for the country

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RTI Act, 2005

1) citizens to seek information.
2) nodal officer for information under RTI sought (PIO) to be appointed by all organisations.
3) 30 days for replies.

Lokpal & Lokayukta Act, 2013

1) For bringing civil servants & ministers under both state & centre under ambit of Anti-corruption law.
2) Special courts, time bound resolution

Whistleblower Protection Act

1) Protect whistleblowers
2) Anonymity intact.
3) Institutional protection.

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Harmonization

A harmonization of such acts will result in

- Single Stop Solution
- Quick redressal
- Time bound actions & punishments
- Nodal authority

Result in foolproof anti corruption regimen.

Way Ahead

Need to create an umbrella body to not only help report corruption but also.

- punish
- fine
- disbar.

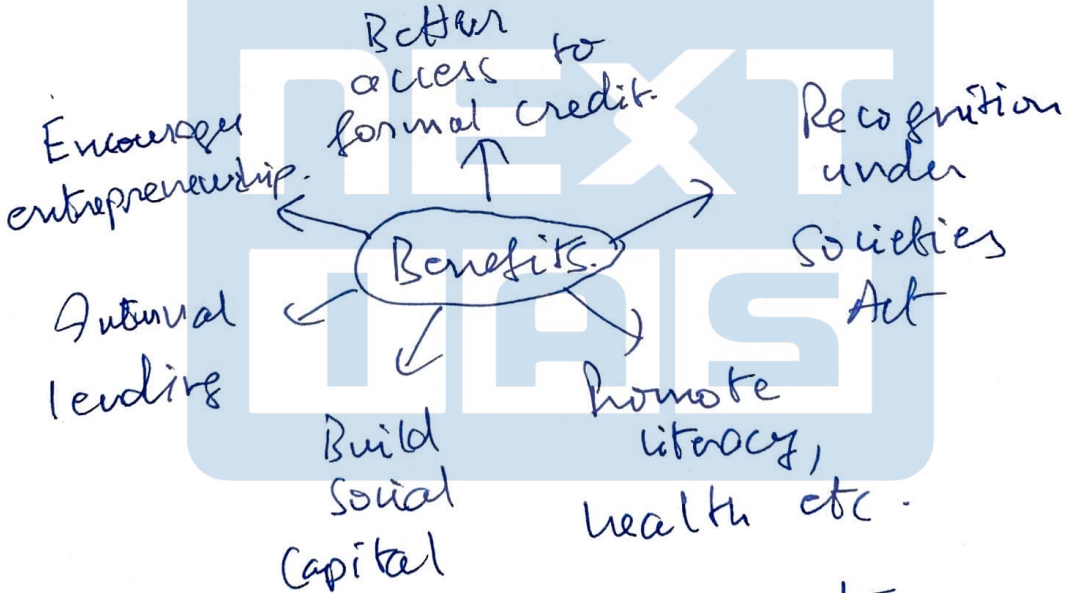
for it for making India free from the menace.

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Ans) Self-help groups are associations formed by like minded individuals coming together in order to create pooling informal loans better collateral resources.

This results and translates into:



- This allows SHGs to empower members to earn and create value.
- It also creates a system of discussing issues on a platform.

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Challenges

1) Dated concepts of skills
   - Eg: Lack of computer knowledge.

2) Weak financial control.
   - Eg: loans diverted to fund household expenses.

3) Inadequate training.
   - Eg: no handholding for entrepreneurial ventures.

4) Lack of stability & unity.
   - Eg: breaking away of members.

Impact on Marginalised Communities

1) Give voices to the unheard.

2) Prevent exploitation & abuse. Eg. By money lenders

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3) ~~X~~ Strength in numbers.

Way Ahead

SHGs are a noble concept and if utilized effectively & efficiently can lead to not only the stated benefits but can also impact schemes like Start up - stand up India, Skill India, PM Jan Dhan Yojana among others. Since SHGs mostly consist of female members it has been rightly stated.

"We cannot hope to develop if half of us are held back."

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A19)

The location of India as has been proved historically is at a central point / crossroads allowing it to leverage the geographical location along with its rich culture to spread its diaspora around the world.

Impact of Culture

1) The myriad of languages creates a unique mix.
2) Origin of Buddhism.
3) Various art & dance forms. Eg. Bharatnatyam, Veena.
4) Diversity of food. Eg. Biryani & Dosa

Impact of Diaspora

1) 24 million Indians living in other countries.
2) Remittance based income.
3) Bringing of values & culture

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of home to places abroad.

4) Role in foreign govt. Eg. Rishi Sunak, Kamala Harris., Leo Varadkar

5) Economic impact. Eg. CEOs of Microsoft (Satya Nadella), Google (Sundar Pichai)

Role of Democracy

1) India is mother of democracy.

2) Though G-20 power of Indian culture and diaspora spreading all across.

3) Staying true to the world is a family by (Vasudhev Kutumbakam)

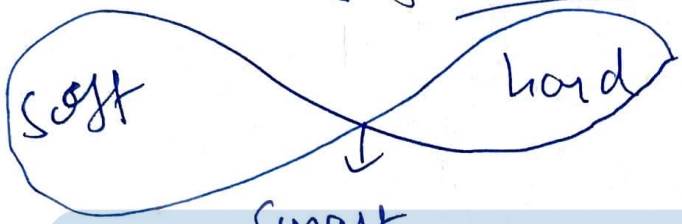
4) A country of which is the most populous on earth yet having an elected govt. is an example to the world.

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India as a Smart Power

1) New age world requires not just hard yet but soft power too.



2) India has played role of big brother in the subcontinent by groupings like SAARC, BIMSTEC etc.

3) Aid and help to countries in Asia & Africa.

4) Not only military but economic & cultural alliance too. (FTAs & ICCR in foreign countries)

Conclusion

Thus India is on the path to becoming a global superpower by harmonizing and becoming a smart power.

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Ans) India and Australia both share a rich history by virtue of being erstwhile colonies of the British. They are also now a part of the Commonwealth of Nations.

Diplomatic Ties

- Embassies, Consulates & missions at various locations.
- Student, tourist, medical visa
- bilateral talks and visits.

Economic Ties

1) Minerals like coking coal & Uranium are important import items from Australia
2) Not FTA yet.
3) Nuclear cooperation agreement.

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Defense Ties

1) Both part of QUAD grouping focussed on armed forces.

2) AUSINDEX is an annual bilateral exercises of defense force of both countries.

3) Both participate in the grand naval exercise of Malabar.

4) signed logistics agreement

Cricket Diplomacy

1) Border-Gavaskar test trophy.

2) long standing rivalry in cricket.

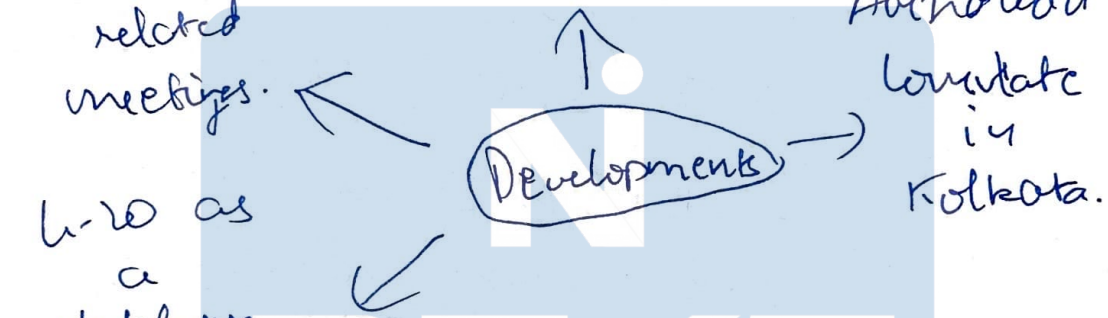
3) Bilateral tours by other countries have been a frequent feature.

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U.P.S.C.

Recent Developments

Visit of PM Modi to Australia



Way Ahead

Both emerging as major powers in the multipolar world, it is natural that the most powerful countries of Asia & Oceania will have a stronger relation to our nation in the days to come.