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General Studies Paper II

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GS - II

Topic: Comparison of the Indian constitutional scheme with that of other countries

Q) Compare and contrast election of system in USA and India. (200 Words)

The Indian Express

Both India and USA being big democracies, there are both similarities and differences in their electoral system.

The comparison and contrast can be given as under:

- **Process:**
- The registration of voters is voluntary and the responsibility to register lies with them in the US as against India where the voters' registration is done by the EC. As a result around 95% of the people eligible for voting in India are registered as against 71% of them in the US as of 2012.
- The election ballot in US is composite and this makes it very complex compared to the Indian system
- The method of casting votes is varied in the US but in India it is EVM except few exceptions.
- **Election Commission:** Unlike The EC of India which has full authority over Indian elections, USA has FEC(Federal Election Commission) and EAC (US Election Assistance Commission) formed in 2002 both of which are not like EC in functioning. They are limited to campaign finance regulations and are advisory in nature
- **Voting system:** No uniform ballot system formed across the US states, where in India, EVMS would be placed in all the poll booths to ensure efficiency and correctness
- **Polling stations :** it could be any place even religious, fire emergency stations, polling staff can be from government, private and even elected members. In India, mostly government schools and colleges are used, EC trained government staffs are placed in booths. In this EC considerably reduce the influence by various groups during elections. Also, they are much larger in no.

Conclusion:

- US democracy is old and matured, whereas for India it is young and vibrant. Accordingly nature of elections is different.
- The Indian election system is undoubtedly modern compared to the US in that in first election itself women were given voting rights which was done only after 144 yrs in US and India had women president within 19 yrs but US still does not have one even after 240 yrs.
- Also, the diversity and volume of votes that EC handles is way more than their USA counterparts.
- But Election in USA has never been charged with frauds as much as has been in India. Also, the system is robust but the people who vote are not politically as educated the ones in the US.
- Both democracies can hence learn from each to develop their electoral process.

Q) In the light of recent election of Donald Trump as the next US President, do you think India's democratic and electoral system is much more matured compared to the US system vis a vis electing responsible leaders of their respective countries? Critically examine. (200 Words)

The Hindu

Background:

- Both India and USA being large democracies, there are both positives and negative aspects of their electoral Systems.
- The recent election of the controversial figure of Trump for USA's president post has led to its comparison with the Indian electoral system.

Where India's democratic and electoral system is matured as compared USA:

- **High voting percentage and high political involvement in India:** In USA, its 50-60 % eligible people vote while Indian figure are beyond 80 % . Also Voter turnout in India is much higher than that in USA.
- India using **Electronic Voting Machine** while USA still uses **Paper ballot**
- **No centralized election management body like ECI in USA:** Although USA has the Federal Election Commission and the US Election Assistance Commission, both combined are not as effective and powerful.
- India gave **rights to women to vote** the day first election took place. It took America 144 years for the same.
- **Multi-party system of India** helps in connecting people more with their preferred parties. In USA, one has to decide between only 2 choices.

Where USA Electoral System scores over India:

- **Presidential debates** in USA are much better than election rallies in india where only on person speaks
- **Simultaneous Elections of lower house & Senate** (Upper house) in USA – while India has also mooted upon this point recently , this is a distant dream for us .
- **Primaries** in USA and no such thing in India
- **State funding** of Elections in USA whereas only electoral rolls , party symbol and electronic media time given by ECI .

Conclusion:

- Hillary Clinton termed Indian election as “golden standard “ owing to its various worthy aspects like managing the high voter turnout diligently and impartially
- But India needs also to learn from USA Electoral System where people are more aware and instances of corruption are lower.

Q) Critically analyse forms, intentions and effects of censorship in India, which are based on the assumption that the text or film in question hurts the sentiments of some members of society. (200 Words)

EPW

Censorship is refusal to publish certain books by publishers, or to remove any scene, dialogues from movie, etc. especially when some sort of pressure (by threats, protests, lawsuits, etc) is involved. Mostly, it is done on the clause of “hurting sentiments”, whose purpose is different under different types of censorship, as discussed below with its intentions and effects:-

- **State censorship** – Censorship by the state is imperative, threatening and punitive. State censorship is used as a political tool to govern the citizens, sometimes for the political benefits of ruling parties and sometimes to maintain harmony in the society. It arouses fear among masses.

It is used to check the commodification of women in movies, or showing unnecessary sex related scenes in movies. It becomes important for agencies like, the Central Board of Film Certification (CBFC) to censor such thing, keeping in mind the dignity of women and cognitive development of children. It is also desirable that state uses it as a measure to prevent dangerous situations in society like -communal violence, protection of an injured/threatened section of the society (a minority group, for example).

But sometimes, this act of censoring is seen as harassment and it is merely used for political benefits. For example, Section 124-A (sedition) of IPC has been misused against the freedom of speech of citizens/ political opponents. Critical analysis of words are usually categorised under defamation and it becomes a criminal offence.

- **Social censorship-** it is a censorship within civil society, for the refusal to publish certain books by publishers, especially when some sort of pressure (by threats, protests, lawsuits, etc) by parts of the civil society is involved. Censorship by society is personal, domineering and ostracising”.

It is desirable when it accounts for public opinion about certain events or issues like – opposition against some obscene scenes in movie or matters involving rights of the citizens or when public comes on road against corruption and women’s safety. Censoring in such matters should be supported.

However, it should not be merely used to censor or hurt some minority interest. Majority people start dominating and forcing their decision through censorship on minority people. Thus malafide intentions should not be supported. For example- Banning beef meat just on the name of cultural sentiments is not correct, because within Hindu, there are many communities who eat beef and for few it is matter of livelihood. At the same time, it is part of cultural cuisine of Muslims/ Christians. Although censorship certainly has an element of protection and defence, censorship also includes productive and enabling elements. It may be in the higher national interest, to censor some content and sources, but the government or society should not act according to its whims and fancies and autonomous boards, which include the citizenry, should decide the pertinence of any content.

Topic: Structure, organization and functioning of the Judiciary

Q) Is creating an All India Judicial Service in the interest of judiciary? Critically examine. (200 Words)

The Indian Express

The idea of creating an All India Judicial Service (AIJS) has been mooted since long time from amendment proposed by Swaran Singh Committee in Article 312 of the Constitution to various reports published by Law Commission of India.

Creating AIJS is in interest of Judiciary as-

1. It will attract competent law students to judiciary who currently do not like to go for state judicial services due to the hassles involved in it.
2. Since the judges of higher court are appointed from lower courts mostly, therefore quality of judges at the subordinate courts needs to be improved. This will lead to more efficient judges at all levels
3. Having efficient judges at all levels, will reduce pendency of cases, adjudicatory delays and also reduce appeals.
4. It will also make recruitment and performance appraisal in judiciary transparent and competitive.
5. The independent commission for recruitment to judiciary will remove the current deadlock of method of appointment of judges between executive and judiciary.

Creating AIJS is not in the interest of Judiciary as-

1. It will hamper HC's control over subordinate courts and therefore will be against the constitutional principle of Integrated and Independence of Judiciary.
2. There is no clarity in the growth prospects of those who have been recruited through state judicial services.
3. Lack of regional language would affect judicial efficiency too

AIJS is facing hurdles from administrative block and also from HC, even though SC has asked for AIJS twice. Therefore, AIJS should be designed in a manner to remove its shortcomings and it can be an effective solution to the vacancy in judiciary.

Q) It is said that nearly 40 million cases are pending in different courts in India. Critically examine Role of the Supreme Court in addressing backlog problem. (200 Words)

The Indian Express

Background:

- Justice delayed is justice denied.
- Indian Judicial system has millions of pending judgments. Judiciary is the part of the problem and so it must also be the part of solution.

Analysis of the issue:

- **Low Strength of judges** in all levels of courts
- **Frequent transfer of judges** takes the interest out of them to hear and decision making gets delayed. Such arrears mustn't exist.
- **Appellate courts are falling short in dealing with the cases** hence passing the burden to civil and criminal justice system.
- Inefficient dispute resolution mechanism.
- **Filing of the frequent government litigation** keeps the courts busy instead of serving justice to the people speedily.
- Often lawyers through various means drags cases for years so that decision is delayed.

Critical Analysis of Steps taken by SC:

- **Lok Adalats and Nyaya Panchayats** were conducted to reduce pendency cases. However, frequency is less.
- **Adoption of fast track courts** to expeditiously reduce the pending cases in district and subordinate courts. But, there are allegations that fast track courts are not really fast and many cases take even more than a year.
- **Mobile courts:** First mobile court was inaugurated in Haryana for easy reach, but was not continued in full swing
- **NJAC:** much expected NJAC to expedite appointments was stuck down by Supreme court citing breach of independence of judiciary

Way ahead:

- **Selection and Appointment of Judges:** Cooperation with Center to form a mutually agreeable mechanism as against the current Collegium System.
- **Discourage mundane PIL cases**
- **All India Judicial commission:** Well-trained and specialized should be placed mainly in subordinate and district court, from where huge appeals pops up.
- **National Court of Appeal:** Will reduce workload burden of SC but it will also increase an extra level of judiciary whose role and limitations need to be deliberated upon.
- **Increase the number of high courts:** Currently, there are only 24 high courts for 29 states and 7 union territories
- **Increase and strengthen alternative dispute mechanisms** like fast track courts, mobile courts, commercial courts
- **Usage of IT tools should be promoted** to reduce excessive paperwork and create credible and usable database.

Conclusion:

- SC being the highest Judiciary authority has the power to manage the large no. of pending cases. But it will have to take revolutionary steps to reform the judiciary.
- Also, it will need an active support of Executive and Legislature in carrying out this reform.

Q) Recently, the Chief Justice has been quite vocal and unsparing in his criticism of the delay on the part of the executive in filling up vacancies. In your opinion, how does this delay affect judiciary? How can judiciary and executive find ways to halt delay in judicial appointments? Critically examine. (200 Words)

The Hindu

The Indian Express

The huge number of pending cases of the Judiciary along with delay in filling vacancies has compounded the problem of delayed justice in courts. This delay has been due to confusion regarding the system of appointments and delay in devising Memorandum of Procedure among others.

Effect on Judiciary

- (i) It will further compound the problem of pending cases and justice will be further delayed.
- (ii) It will lead to increased workload on present judges.
- (iii) The executive-Judiciary relations have been rough since some time. The delay will have an adverse impact on their relations.
- (iv) Further delay may lead to SC telling the government to set up an All India Judicial Service, as it has done twice before.

What can judiciary and executive do to solve this?

- (i) The judiciary and executive should come together and devise an agreeable Memorandum of Procedure.
- (ii) The executive on its part should not unnecessarily try to derail appointments and the Judiciary should not stop any reforms to the appointment process. A consensus involving compromise from both parties is needed.
- (iii) The idea of an independent committee for judicial appointments can be discussed

The delay apart from its impact on judiciary is a sign of uncordial relations between the executive and judiciary regarding various issues, appointments being one. As a democracy, our 1st priority should be benefit of the people, which in this case would be speedy delivery of justice by the courts. This should be kept in mind by both the executive and the judiciary before making any decisions.

Q) “While the sterling contribution of the court in asserting the inviolability of and expounding the right to dignity as the core constitutional value has been universally acclaimed, questions recur about the rightful limits of judicial intervention in the matter of policy choices in the executive and legislative domains.” In the light of the statements, critically discuss the limits of judicial review in a parliamentary democracy. (200 Words)

The Hindu

The Indian Constitution seeks for separation of powers of the three institutions of Indian parliamentary democracy, namely, executive, legislature and judiciary. Yet there have been cases when the judiciary played an activist role entering the sphere of legislature and executive.

Issue related to it

- 1) Independence- It is often alleged that independence of the other institutions are compromised due to judicial intervention
- 2) Democratic ethos - It also leads to conflict of democratic ethos since an unelected institution (judiciary) assumes supremacy over an elected institution (parliament)

Positive impacts

- 1) Delivery of justice- It cuts across procedural and legal delays and ensure faster delivery of justice. Eg: declaration of drought condition in Marathwada
- 2) Restricts excesses - It prevents executive excesses in the name of public interests. Eg: SC voiced against excesses due to APSPA and striking down of Salawa Judum
- 3) Constitutional value - It helps conserve constitutional value which is often jeopardized by unchecked executive. Eg: revoking of Presidents rule in some states
- 4) Principles of Natural Justice -When the state is at fault, judiciary aids by acting as an independent institution. Eg: SC appointed SIT to investigate 2G scam

Negative Impact

- 1) Checks and Balances - It often prevents legislative intervention in the name of judicial independence. Eg: striking off NJAC
- 2) Expertise- Often the judiciary does not possess the necessary expertise. Eg: judgments related to interlinking of rivers
- 3) Predictability - Judicial intervention often complicates matter and impedes predictability. Eg: issues related to NEET

Though judiciary must step in to fill the gap necessary to ensure proper governance, it must look into matter more rationally than emotionally. Judiciary must act as an alarm clock than a time keeper in case of such interventions.

Topic: Functioning of executive and judiciary

Q) Government litigation reportedly constitutes nearly half of all litigation in the Indian judiciary. In the light of this fact, do you think India needs a new litigation policy? Discuss. (200 Words)

The Hindu

As per the study by Law Commission of India, government litigation constitutes nearly half of total litigation in country hence affecting justice delivery in India. In order to address this issue government had constituted a **National Litigation Policy in 2010**

However NLP 2010 has not been able to address the issue effectively due to following reasons:

- 1) Draft of NLP was insufficient in respect of implementation mechanism & measures.
- 2) It does not specify any disciplinary actions against violators of policy.
- 3) Role & functioning of empowered committees for its implementation was not clearly specified.
- 4) There was no assessment of actual impact of reducing government litigation.
- 5) There was absence of proper monitoring mechanism, even the exact number of litigation was not known.

Way forward:

To eliminate the issues with NLP, 2010 a new NLP must be formulated considering the following facts:

- 1) Revised policy must contain clear & accessible objective with proper mention of role of various functionaries
- 2) Implementation process must be clearly specified along with mention of minimum standards for introducing litigation
- 3) It must contain accountability & monitoring measurement along with consequences for violation
- 4) There must also be a provision for periodic impact assessment of NLP

Judiciary in India is suffering from large number of pending litigation, hence practice of responsible litigation is the responsibility of government. With great political will and effective measures government should come out with best possible solutions to contribute for the success for third pillar of democracy

Topic: Functions and responsibilities of the Union and the States,

Q) There is a disturbing tendency among States to be judges in their own cause, especially when it comes to water disputes. Why do you think this tendency is increasing? How the union government and courts are responding? Critically examine. (200 Words)

The Hindu

Why in News:

Punjab-Haryana SYL issue, Karnataka-TN Cauvery issue

Background:

- Although there are Constitutional and statutory arrangements like Inter State Water Council(Art 262), Zonal Councils etc., States often bypass them due to political and populist motives.
- Specially regarding water, as water is in state list, they make their own legislation surpassing the tribunal verdict and SC verdict when matter reaches to it.

The reasons behind states becoming judges of their own are:

- Political: Vote Bank Politics as they don't want to lose popular vote by taking an unpopular action.
- Economic: When Decisions go against their economic interest, they take issues into their own hands. Like in recent water disputes, Agriculture being the major occupation was being affected which would have impacted the state economy.
- Competitive Federalism: States instead of Cooperative Federalism often compete against each other leading to tussle on many issues.
- Center's role: In this era, when taking opposition on board is absolutely necessary a smooth legislature, it doesn't decisively interfere in inter-state matters due to risk of losing the state party's support.
- Constitutional: Barring any court's intervention in a water dispute by Art.262, the Indian constitution leaves a scope for the states to become judges in their own cause

Responses of Union Govt and courts:

Union Govt's responses:

- Creation of a water tribunal and the Interstate River Water Dispute Act, 1956 by the Union govt. under Article 262 of the Indian Constitution. Ex-Cauvery tribunal, Krishna Tribunal, etc.
- Reaching out an agreement between states of Rajasthan, Punjab & Haryana for creation of Sutlej-Yamuna Link in 1981; also Rajiv-Longowal accord, 1985 was enacted.

Court's responses:

- Maintaining doctrine of 'separation of power' between different organs and upholding the spirit of federalism. Ex- SC invalidated Punjab's Act calling it as unilateral and against SC's decision of 2002.
- Special Leave: Although SC can't act in Inter State water disputes under Art 262, it can take up cases under art 136 as seen in SYL case.

Conclusion:

- The tenets of Sarkaria Commission to resolve Inter-state issues needs to be implemented
- States need to look beyond their political interests and aspire for overall public welfare.
- For a country to grow and run smoothly, both competitive and cooperative federalism is necessary but one should not be at the cost of the other.

Q) What is collegium system? how did the collegium system evolve when the Constitution is silent on it? Examine. (200 Words)

The Indian Express

Collegium is a system under which appointments and transfers of judges are decided by a forum of the Chief Justice of India and the four senior-most judges of the Supreme Court. It has no place in the Indian Constitution.

The collegium system has evolved through a number of cases often known as Judges cases

1) First Judges case :- In SP Gupta vs Union of India case 1981, the SC states that the primacy of the CJI's recommendation to the President can be refused for convenient reasons. This has shifted the power of appointment to the executive.

2) Second Judges case:- In Advocates-on Record Association vs Union of India case, the SC states that the Chief Justice of India must be given a primary role in appointing judges. The SC states that "the role of the CJI is primal in nature because this being a topic within the judicial family, the executive cannot have an equal say in the matter".

3) Third Judges case:- Based on the presidential order to explain the term 'consultation' as stated by SC, the supreme court laid down 9 guidelines for the functioning of the collegium for appointments and transfer. This system is presently followed as the collegium system.

But according to **article 124** of the constitution, the President of India appoints the judges after consultation with such judges of the High Courts and the Supreme Court as the President may deem necessary. The CJI is to be consulted in all appointments, except his or her own.

However through the judges cases SC states that, in order to protect the independence of the judiciary, there should not be any involvement of executive in appointments and transfer of Judges.

The govt has already introduced the National Judicial Appointment commission (NJAC) by 99th and 121st constitutional amendments, but struck down by the SC stating that the presence of union law minister in the selection committee will breach the independence of judiciary.

Topic: Government policies and interventions for development in various sectors and issues arising out of their design and implementation

Q) The law that governs cable broadcasts in India is the Cable Television Networks (Regulation) Act of 1995. Section 5 of this Act prohibits any cable TV transmission that is not "in conformity with the prescribed programme code". What are the concerns raised against Section 5 of the Cable Act? Do you think similar kind of laws need judicial scrutiny before the government uses them? Critically comment. (200 Words)

The Hindu

The Indian Express

The I&B ministry direction requiring NDTV India to go off air for a day because of its coverage of the Pathankot terror attack has become a debatable issue and raised concerns over Section 5 of Cable Act which gives sweeping power to government for censorship.

Concerns:

- "Programme Code" in section 5 is vague & boundlessly manipulable and positively invites censorship and abuse of power.
- The Act effectively vests the power of banning television with the government, without any judicial oversight
- Central and State governments, past and present, have misused this Act. regularly to force TV channels to "go off air" for flimsy, and often politically motivated, reasons.

- The Programme Code constitutes a serious infringement of Article 19(1)(a) of the Constitution i.e. Freedom of speech and expression.

Although issues like National security is the uttermost priority but it should not be used as false ground for misusing the law for imposing censorship.

Considering the fact that governments have misused the Cable Act and other similar laws for its political vendetta, its time that imposition of such laws should be subjected to Judicial scrutiny. The govt. must first convince an independent court, in adversarial proceedings, that its request is justified. The govt. arguments must be carefully scrutinized by court before granting or nullifying such ban.

Judicial scrutiny will not only check the misuse of such acts but also restore the public faith in government.

Q) Do you think the recent demonetization move is a boost to electoral reforms in India? Critically analyse. (200 Words)

Livemint

The recent Demonetization of Rs 500 and Rs 1000 by the government is affirmative action to curb the flow of unaccounted money in the economy .This move can be considered as a boost to election reform in India due to the following reasons .

The frequent reports on the usage of unaccounted money by Political Parties to lure the voters in many of the Assemble and Parliamentary elections have been common and this would surely reduce its illegal flow in the coming months. This would also help the genuine candidates contest elections with the main stream political parties that are faced with allegations of bribing the voter.

Nevertheless ,there are many hurdles the election system faces ,which needs to be addressed for the reformation to fast track :

- 1) The National and the State Political parties are still outside the ambit of the Right To Information (RTI) ,thereby reducing the transparency of these organizations that are accountable to the Public due to their direct involvement in Governance.
- 2) The Disclose criteria of Donations more than Rs 20,000 leaves a great loop-hole of misinforming the amount of donations received by the parties below the benchmark .

Election reforms should be put in place for ensuring healthy democratic system and the Elections Commission should be empowered to authorize to limit the withdrawal amount by the major political parties from the date of announcement of elections along with conducting surprise checks in Party offices to find illicit amounts during elections .

Topic: Important aspects of governance, transparency and accountability

Q) Recently India hosted the ICANN (Internet Corporation for Assigned Names and Numbers) 57 meeting in Hyderabad. In your opinion, what should India do to have a significant say in global Internet governance? Discuss. (200 Words)

Livemint

ICANN the international corporation for registrations of domain names of websites all over the world . Internet holds tremendous potential for governments in G2P , G2B AND G2G businesses.

To have a significant say in internet governance , India should :-

1. Display its effective leadership by implementing e-governance reforms at home .
2. Building world class infrastructure .
3. Implementing the vision of Multi-centric governance approach .
4. Taking parts in international conventions and forums of internet governance.
5. Put more emphasis on digital literacy programmes such as digital india and Digital Broadband highway which aims to connect 2.5 lakh Gram Panchayats via internet by 2017
6. Engage more MNCs to provide and develop more & better technologies in India . Ex Project Loon , Microsoft and Facebook commitments for connecting many places in india with internet.

We have already taken lead by programmes such as

- national e-governance plan started in may 2006 ,
- **MyGov.In** which is government led and works on discuss do disseminate approach ,
- **Pahal DBT for LPG Cooking Gas**
- **Digital Locker System**
- **Swachh Bharat Mission Mobile App**
- **National Scholarship portal**
- **Online Registration System for e-hospitals**
- **Bharat-Net – high speed digital highway , BSNL –Next Gen Network to replace 30 year old tech**

E-governance is application of ICT to transform the exchanges with government . A lot has been done and a lot needs to be done to achieve a global leadership in Internet Governance.

Topic: The role of NGOs, SHGs, various groups and associations

Q) “For a socially and environmentally just solution for Cauvery river dispute, we need to move to an adaptive management approach and an alternative set of principles of sharing, sound science and a participatory processes with non-state actors.” Discuss. (200 Words)

The Indian Express

The cauvery water dispute between TN and Karnataka is an example of a dispute that keeps arising. This is due to lack of cooperation on trying to work out a long term solution and frequent politicisation of the issue. An adaptive management process that takes into account needs of various stakeholders and changing environmental and agricultural scenario is needed.

Principles of sharing, sound science and participatory management

- (i) Sharing keeping in mind all available water and not just the stream flow which accounts for 10-20% of total water and working out upstream and downstream flow in various seasons, and distribute the water on a pro rata basis accordingly. This would lead to equitable sharing.
- (ii) A River basin authority to determine the water availability and decide practicability of water demands.
- (iii) Storage of water during good years to ensure availability in bad years will prevent crop failure.
- (iv) Focus on alternative sources of water by R&D on desalination for longer term solution.
- (v) Growing less water intensive crops like millets and using water saving methods like drip irrigation, sprinkler irrigation, etc.
- (vi) Such an approach will also protect the environment if factors like enough water availability for aquatic life are kept in mind.

NGOs+ Non-State actors

- (vi) Non-Political bodies like Cauvery Family can help address concerns of the farmers.
- (vii) Cooperation with the UN International Hydrological Program which aims to help improve understanding of water resources and foster effective water management. The UN's PCCP (Potential conflict to Cooperation potential) is also an active body concerned with managing water disputes. This will ensure we get to know about best global practices in this regard.

This dispute is a long term problem and thus needs a long term sustainable solution. Both states need to conduct discussions keeping in mind the priority of the people, who are most affected by such crises.

Q) Civil society plays a significant role in challenging, limiting or contesting state power. Critically comment on the role of civil society in states such as Jammu and Kashmir where environment is repressive. (200 Words)

EPW

Civil society can be considered as the aggregate of non-state actors and institutions that manifest interests and will of citizens. But its nature and functions varies according to the social context. In societies marred by prolonged conflict and military high handedness like J&K, they are expected to play broader roles such as :

1. **Counter-hegemonic role** : As a checking agent battling state atrocities by draconian laws like AFSPA, Public Safety Act and Disturbed Areas Act and pushing for demilitarisation
2. **Voice for self-determination of Kashmiri people**
3. **Means to legal aid** : to victims of human rights violations, prisoners and undertrials as performed by J&K High Court Bar Association
4. **Battle against enforced disappearance** --> To seek justice in cases where there is alleged role of state in disappearance as a strategy to break the resolve of the people.
5. **Redefining resistance** : Using regional artistic themes for protest like street plays, concerts etc
6. **Utilising state approved mechanisms** --> like RTI to obtain official data
7. **Creating awareness about the impacts of conflicts and militarisations to the natural environment**

8. In addition to these confrontationist roles that are burdened with NGOs in a conflict ridden society like J&K, they are also expected to focus on service delivery, relief and rehabilitation

On the flip side, some civil societies are setup to deviate focus from state atrocities and are indirectly promoted by state. Also, NGO-isation of societies wherein domination from vested interests to cover up the actual political scenario is also a threat to the ethical foundation of civil society.

A democratic society is one which is open to criticism and values democratic dissent. This right of the society is best utilised through civil society through constant criticism and confrontational engagement of an authoritarian state

Topic: Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

Q) Critically examine various concerns raised against the Citizenship (Amendment) Bill, 2016. (200 Words)

The Hindu

Citizenship amend bill makes foreign illegal migrants from 6 minority groups eligible for Indian citizenship. It further relaxes the eligibility criteria for such citizenship.

Various concerns raised-

- 1.VIOLATION OF ART 14:the much debated citizenship bill does not stand basic structure test as it clearly violates right to equality art 14 which clearly states discrimination cannot be done to both citizens and non citizens on various including religion unless a solid reason is stated..and in this case also govt hasnt provided any ground yet.
- 2.CONCERNS OF OCI CARDHOLDERS - bill also affects overseas citizens of india..the citizenship amendment bill 2016 adds in this regard that cancelation of OCI reg can be done on the ground of violation of the laws for major and minor of fences.
- 3.ASSAM ACCORD OF 1985: acc to this illegal migrants who have entered Assam from Bangladesh after march 1971 were to be detected and deported which will be contradicted if new bill comes to force.
- 4.THREAT TO ASSAM ETHNICITY AND CULTURE:will create divide in Assam on these grounds as Assam is the state which suffers huge illegal migrations
- 5.THREAT TO COUNTRYS PEACE:

it can be clearly seen that this will will seek communal fronts and violence will soon take its place..as its a clear indication of depriving Muslims and encouraging other comm.a social message will prevail that govt is tending towards hindutva.which is not acceptable at all.

However the Bill, even if enacted, shall remain just an enabling piece of legislation. Future governments may very well take shelter under Section 14 of the Citizenship Act that the present government is seemingly granting — the much-coveted citizenship.

Q) Forest development corporations (FDCs) have fell rich forests around the country to raise plantations, undermining people's rights and biodiversity. Has India introduced guidelines to assess their impacts? Critically discuss. (200 Words)

Down to Earth

Forest development corporations (FDCs) with the objective of increasing yield from forests through forestry programmes. In order to obtain their objective FDCs have been replacing the natural forests with plantation which has damaged biodiversity and people's right over the forests.

Guidelines to assess impact

- There has been no mechanism in India to assess the environmental impacts caused by converting complex forest ecosystems into commercial plantations.
- Such plantations are classified as “forestry activity” and therefore do not require environmental or social impact assessments. Instead of considering these forests as diverted they are considered as “transferred” from one agency to another.
- There is also no clear-cut criterion to decide which forestland should be transferred to FDCs for raising plantations

Way forward:

- Regulating the Activity under Forest(Conservation) Act,1980 which will mandate scientific study of impact of the activity.
- Instead of converting forests into commercial plantations, FDCs should focus more on making degraded forests and wastelands productive.
- Learning best practices from countries like Vietnam & Malaysia which have managed to minimize the environmental and social impacts of plantations

Plantations on forestland do not restore the ecosystem functions of original natural forests even after hundreds of years. Hence the activity must be regulated & decision to transfer forestland for any purpose, including plantations, should not be taken without the consent of all stakeholders and a rigorous scientific impact assessment

Q) “Aimed at protecting the rights of forest dwelling tribal communities the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 promised much. However, over the years its implementation has been tardy and there have been concerted efforts to dilute it.” Critically discuss. (200 Words)

EPW

Background – The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) was passed to restore the traditional rights of land to the people who have been living in forests for generations and guards against misuse by empowering gram sabhas to take decisions. But, its implementation has not been up to the mark and efforts to dilute it has been made:-

- **Rights only on paper** – After relocation, communities are allotted with lands for cultivation other than their natural forest land, next to their new homes, some of it unfit for growing anything. They have rights to minor forest produce but the forests are far away from their new homes, making them vulnerable to high levels of malnutrition and number of child deaths.
- **Relocation of forest dwellers**- Usually the primitive tribes face the problems of food, shelter, vulnerability to diseases, they don't get adapted to shelter homes, food through PDS system. It comes to them as cultural shock. State authorities remain insensitive to the needs of tribals. For example- few communities of Baiga tribe evicted from their homes in forest in Chhattisgarh. People died after relocation due to lack of access to food and shelter. The difficulties in relocation revolve mainly around livelihoods, access to food and basic amenities.
- **Diversion of forest for developmental projects** –The forestlands are being diverted for industry, roads and other infrastructure, there is widespread feeling that this act has come in the

way of speedy implementation of projects. Thus, MoEFCC is giving forest clearances to such projects, ignoring the rights of forest dwellers.

- **Forging gram sabha clearances** – it has been found that at many instances, district administration has taken decision on behalf of gram sabha for clearances, even without consulting them. For example- In 2012 gram sabhas in seven villages in Jharsuguda and Sambalpur districts in Odisha opposed two private coal plants. The district administration forwarded gram sabha resolutions which unanimously approved the diversion of forestland for the coal mining projects to the centre for approval, but in reality villagers had opposed the projects. The forgery came to light when the affected people from four villages compared these resolutions and found the real records were different.
- **Interference from the MoEFCC**- the FRA has to be implemented by Ministry of Tribal Affairs, but MoEFCC have been coming up with new rules interfering the powers of Tribal ministry. For example- In Maharashtra, such rule was passed in 2014, which would give more powers to the forest department and the villagers would have to manage forests in accordance with that. One of the rule was that if there is any “encroachment,” or fire, affecting more than 40% of trees in the plantations, the forest will be taken back. Upset with the success of the Mendha Lekha in Gadchiroli (Maharashtra), the first village in the country to be given control over 1,800 hectares of community forests and rights to harvest and sell bamboo, the new rules specified that bamboo can only be harvested according to the plans drawn up by the forest department. While the FRA gives powers to the gram sabha, the new rules emphasised the supremacy of the forest officials, defeating the spirit of the FRA.
- **Relaxing the supporting laws/rules** – The Environment Impact Assessment (EIA) Notification, 2006 has been relaxed by the government. For example -In December 2012, the environment ministry exempted public hearings for existing coal mining projects which applied for a one-time capacity expansion of up to 25% in the existing mining operation.
- **Poor implementation by states** – Many states have a poor record of implementation of the act: Bihar, Jharkhand, Himachal Pradesh, Karnataka, Kerala, Odisha, Telangana, Uttarakhand, Uttar Pradesh and West Bengal have been identified as having lagged behind in implementation of the FRA. The misuse of a law cannot be the reason to dilute it or call for its repeal.
- **Proposal under new laws**- under the FRA Act gram sabha (village council) is the final authority on forest land of tribals and other forest-dwellers. But the recently framed-The Compensatory afforestation (CAMPA) bill does not clearly acknowledge the power of such councils.

However, FRA has been helpful in following:-

- **FRA acts as first line of defence**- For conservators, it acts as first line of defence along with protecting the rights of the people. For example- it was beneficial for community conservation in Uttarakhand’s van panchayats, community forest management in Odisha, in the B R Hills Tiger Reserve in Karnataka, etc. It was possible because, FRA includes the principles of respect for rights (including right to use, manage and conserve), transparency and accountability.
- **Granting rights over minor forest Produce** – FRA’s passage was successful in granting rights to tribal people over minor forest produce like – bamboo, tendu leaves, etc. But, till now the scope of such produce has been very limited.

The forest department perceives FRA as a one-sided legislation that may lead to grave compromises at the cost of the environment. They believe that people residing in proximity of wildlife sanctuaries or parks would hamper conservation effort. Perception – must be changed by popularizing examples like Maldharis effort in conserving lions of Gir National Park, Bishnois are considered to be the environmentalists in the world. Land is a valuable resource for those who live off it and one way of ensuring lesser fragmentation is to approve community forest rights which take a long time for clearance.

Q) Critically evaluate implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. (200 Words)**EPW**

Background – The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was passed in 2013. It makes provision for mandatory internal complaints committees. Success of this act depends upon the employer, the employees and on the women, who are facing the situation. A survey evaluates the act and its important findings are as below:-

- **Poor implementation** – Most of the employers have not set up complaints panels till date and even if they have set up, there is very poor awareness about it among employees. The gravity of this problem can be analysed observing the report of the Federation of Indian Chambers of Commerce and Industry (FICCI)–Ernst and Young study (2015) revealed that one in every three Indian companies that is- 31% had not yet set up ICC and 40% had not oriented the members to legal provisions while 35% were unaware of the penal consequences of not complying with the law. Around 44% did not create awareness about the law among employees.
- **Hesitation among women about complaining** – Women, generally do not complain immediately after incidents of sexual harassment occurs. It was found in survey that registering a complaint with the employer was considered as the last choice and was resorted to when they found the workplace atmosphere becoming intimidating and difficult to handle. Women hesitate to complain due to social stigma attached for complainants and loss of economic potential for the family.
- **Poor awareness among employees**– Many of the women employees did not have information about the complaint mechanism within their organisations and sought the help of women’s organisations, the police or the state commission for women.
- **Insensitive attitude of members of ICC**- When the women reported sexual harassment to persons in positions of authority, they were laughed at or were not believed. The complaints were rendered insignificant and branded as psychological problems, administrative harassment arising from the complainant’s non-performance, workplace politics, ragging or rude behaviour. Such complaints were ignored and important finding was that – non-verbal forms of sexual harassment were not regarded as harassment and the woman was blamed for making an issue out of “nothing.”
- **Uncordial support of employer** – Many times, the retaliation from the private employer after complaint was not cordial and just to save the name of organisation and to avoid situation, women were compelled to resign due to humiliating working conditions deliberately created by the employer. In government organisation, for these women, sexual and administrative harassment escalated after they complained. In all cases, however, the women were subjected to senior management personnel actually devising ways of troubling them further.

However, this act has brought the issue of women security to lime light and organizations have started considering it seriously and has helped in following ways :-

- **Formation of ICC** – In many organisations, Internal complaints committee (ICC) has been instrumental to help women employees, which has caused less burden on courts and police and fear among offenders is visible.
- **Model code of Conduct** – Based on this act, a model code of conduct is being framed in organizations
- **External pressure** – Proactive NGOs have also come up to create awareness and help women in the organisation. Persistent efforts by the women and pressure from external agencies has compelled employers to implement the guidelines. Even though it was done half-heartedly complaints committees were constituted or activated after complainants insisted and/or when there was pressure from external agencies like the state commission for women and high court.

Way forward – The definition of sexual harassment should be broadened to cover the overall work culture and the ICC should meet regularly to gain visibility and reach out to the women in the organisation even when there are no reported complaints of sexual harassment. Though the act does not mandate presence of an external member in the quorum, the compulsory presence of such a member should be ensured during the committee’s meetings and proceedings.

Safety of women is very crucial for the society as well as economy, as in terms of labour force participation in India women lag far behind men. According to World Economic forum estimate, equal labour force participation in India would increase our GDP growth by more than 12% .

Q) In the light of recent incidences of custodial deaths around the country, examine what measures should be taken to prevent torture of prisoners at the hand of police and also to protect rights of prisoners overall. (200 Words)

The Indian Express

Incidence of death of a person in judicial custody or in police custody is defined as custodial death. According to National Human Rights Commission, About 12,727 people in judicial custody and 1275 people in police custody are reported to have died between 2001 and 2010. Further, the fact that only two policemen were convicted for every 100 deaths in police custody shows lack of accountability and flagrant violation of human rights.

Measures:

1. Ensuring presence of lawyer through contact to nearest legal aid committee as soon as person is taken into the custody.
2. The National Legal Services Authority should design processes that ensure lawyers are either stationed at police stations on a rotational basis or available on call.
3. Ensuring Accountability of Police - any such crime must be fast tracked within specified time period through Independent investigation Agency
4. Inculcation of scientific method of investigation in Police force and curtailing the practice of third degree torture
5. Strict Implementation of DK Basu case guidelines as well as NHRC guidelines by States
6. Behavioural change in Police force through Training and awareness campaign.
7. Encouraging civil societies, Human Rights' NGO, NHRC & SHRCs to play active role in creating awareness and accountability of Police.

Every Human being including prisoners have some basic fundamental rights such right to life as mentioned in our Constitution. Violation of these FRs by the authority which is supposed to protect them is severe blot to our noble constitutional ideas and requires urgent remedies.

Implementation of SC's recent directive to publish FIRs online within 24 hours, video conferencing through prisons and passing of The Prevention of Torture Bill will go a long way in curbing this menace.

Q) “Arguments in favour of a uniform civil code often project Hindu law as just, in spite of the evidence of its anti-women practices.” Critically comment. (200 Words)

The Indian Express

Petition submitted by the GOI against the practices polygamy , nikka hallala etc. which are a part of Muslim law and the activities and media reports which followed it has projected the whole exercise as a majoritarian move aimed at overriding the rights of muslims while giving an impression that Hindu law is completely just.

While the ground reality is different and most of the religious specific laws inherited from pre colonial

times still have provisions which deny equal justice to women. Reasons for creating an impression that Hindu laws relating to women are just include -

- Modern Hindu law was codified in 1955 and it underwent many changes with time, provisions such as legal rights to girls on parents properties were introduced. while the muslim law is not codified.
- Pointing out specific practices in muslim law was wrongly depicted by media as a need for a uniform civil code.

Though the fact that modern hindu law underwent changes for good is true , there are many derogatory practices still in practice as a apart of Hindu law.

- The system of 'Kanyadan' or giving away the girl being practiced means that the girl completely breaks her relation with the parental house .

- Even after making the practice of taking dowry punishable, in reality we can still see many dowry deaths.

- Recent Supreme Courts Judgement which stated that the unwillingness of the girl to stay with her in laws amounts to cruelty to her husband is completely based on the concept of 'Joint Families' in the Hindu laws.

- Divorce is seen as a nightmare by many because of the social stigma attached to it and forces women to stay in an unhappy marriage.

- Inspite of a legal provision restricting to a single marriage, analysis shows that the number of Hindu men practicing bigamy is huge. lack of legal provisions to safeguard the interests of second wife and her children is making their condition pathetic in most cases.

Secularism is the basic feature of our constitution and the fact that we will have to move towards the Uniform civil code eventually is true, focus should be on removing the social stigma attached to such practices and creating acceptance for any changes being made for the betterment of women should be made a priority irrespective of the religion. Women should be encouraged to take legal recourse while facing discrimination

Topic: Issues relating to development and management of Social Sector/Services relating to Health,

Q) It is said that taking inspiration from Thailand, a sound information technology platform could enable effective universal health coverage in India. Discuss why and how Thailand's healthcare model should be replicated in India. (200 Words)

Livemint

With a high quality of medical services and affordable prices, Thailand has become a major hub for medical tourism in Asia. Thailand(4.4%)and India(4.1%) spend almost same ratio of GDP on health sector. Despite this fact, the IMR and MMR is lesser in the former than the latter.

Why the Thai model should be replicated?

- >**Universal Health Coverage** scheme for the informal sector covering 70% of population in Thailand explains the huge gap of expenditure and outcomes between the two nations.

- >**Purchaser-provider split**- this system of Thais paid on the basis of services and performance. Thus doctors and nurses had no choice except to perform well.

- >**Strategic purchasing** for healthcare services keeps them at par with West. Also private providers account for a very low 25% in healthcare sector.

- >**Cigarette tax** was introduced and money generated was used in healthcare system.

- >**Service in the remote areas** was given by providers and medical students.
- >**An independent accreditation body** which developed a three-step system of quality improvement.

How can this be done in India?

- >India can **invest heavily in information technology** focused at the central level to provide mobility and convenience to citizens.
- >**Primary Health Centres** in India should use **online supply management system** with automated re-ordering.
- >**Greater participation of public sector** to make the healthcare system affordable to every person.
- >India can **use Adhaar to ensure that a beneficiary doesn't enroll in two schemes** at the same time, as we move towards National Health Protection Scheme.
- >**Electronic Medical Records** of patients which are sharable among the faculties must be kept as verification tools.
- >**Prepayment facilities** must be made effective.

As India approaches digitization, this replication of Thai-model will prove to be effective and outcomes will be better. India now requires a system for data exchange, a unified data model and a robust IT infrastructure.

Topic: Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests

Q) Baloch leader Brahamdagh Bugti's request for asylum in India has prompted calls for a uniform and apolitical asylum law. Should India enact such a uniform law? Discuss. (200 Words)

The Hindu

India has no domestic asylum law to address refugee inflow and has not signed the UN Refugee Convention of 1951. As such refugees currently are dealt under ad hoc executive policies which raises issue of uniformity in refugee law.

Why uniform

1. Uniform policies for different communities belonging to any parts of the world.
2. Regularise their stay and grant clearly defined rights and duties so that they are not denied justice.
3. Eliminate the need to review the old laws and policies each time a new refugee application is made.
4. Proper documentation and Single Law rather than ad hoc policies will help to clearly categorise illegal entrants and refugees as in porous borders of north east. This will reduce regional tension, and stress on regional economy.
5. It will serve humanitarian shelter in consonance with the international law.

Why not Uniform

1. Asylum has wider definition largely depends upon the willingness of the state to grant it. Thus, it would affect the sovereignty of the state if a set of clear and defined reasons for asylum are enforced.
2. Discretionary political asylum helps political dissidents were accused of serious non-political crimes by their countries which refused them getting refugee status as in case of Anti-apartheid fighters in

colonial Africa.

3. Determining fixed set of clauses for granting asylum status can largely impact the foreign relations between the countries and so must be decisions must be based on discretion. For ex: Dalai Lama welcoming in 1959 has stressed Indo-China relations.

4. Asylum is given mostly for political reasons and refugee status humanitarian grounds. Thus, two can exist without conflict.

Thus, India can afford to have a discretionary political asylum for people like Bugti and at the same time provide refugee status to the deserving ones on humanitarian ground under the same statute.

Q) Does a a blanket ban on Chinese goods help India? Critically examine. (200 Words)

Livemint

Trade relations between any two countries act as a binding factor in there diplomatic relations. India - China relations have been multi faceted, both being large economies in the region and commanding some amount of power.

Expected benefits to India by Imposing ban on Chinese goods;

- Boost to domestic industry, especially the MSMEs
- Emotional satisfaction for people especially in conditions where Increased support of China to Pakistan
- Might create certain pressure on China to keep aloof from India-Pakistan relations.

Implications of banning Chinese goods in India-

- India's imports from china mainly include machinery, electronics, Bulk drugs etc. Banning imports from china will drastically effect the availability of such items in India as not many countries produce them at a large scale there by forcing the consumers to compromise for high cost less efficient products.
- China might want to reciprocate such a ban on Indian goods. this might not be a huge risk to China as most of the imports from India like cotton, textiles etc. are easily available from other countries.
- India will have to face legal issues in international forums like WTO which mandates equal treatment (MFN status) to all the trading partners.
- This move will impact govts 'Make in India' initiative as investments will not flow from China.
- Trade relations might impact peace between the countries resulting in resurfacing of border disputes etc.
- China is being a center piece in all the recent regional initiatives like BRICS, AIIB, NDB, RCEP etc. such friction with China might impact effective transactions in these forums.
- India needs support from China in getting the membership of NSG, getting into the UN Security council etc. this move will further worsen the chances.

Considering that the share of Chinese exports to India is just 2.2 % of its total ecxports where as it is 4.4% for India , imposing such a ban will only create more problems to India with probably very little pressure on China. Strengthening the domestic industry to make it competitive and also improving th ediversity of its imports will help India.

Q) Do you think India's dismay over the China-Pakistan Economic Corridor is unfounded? Substantiate. (200 Words)

Livemint

China- Pakistan-Economic corridor (CPEC), part of One Belt One Road initiative, an ambitious infrastructure development project of China with Pakistan. Close relation between China and Pakistan is a cause of worry for India mainly due to security reasons. The concerns are aggravated by CPEC project.

Reasons are

- 1) **Trade route**- Passes through the disputed territory PoK, increase in Pakistan influence affirms its governance in the area
- 2) **Strategic** –Chinese naval stations in the trade route increases their naval supremacy in the Arabian sea. In case of escalating tensions with Pakistan and China joins Pakistan, naval power of China and Pakistan would make India power to fight back more difficult.
- 3) **Security**- it may later turn into transfer of arms and military equipments which may adverse effects to India

However, experts say India's concern to CPEC is baseless because

- 1) **Economic improvement**- CPEC is an economic project which is mainly titled towards China's advantage. China turning the route to irk India would not be in their in economic interests
- 2) **Employment** – would create more employment opportunities and stability for Pakistan and this would result in turning in Pakistan jihadi youths into economic sector.

Hence, CPEC should be in seen in wholesome package, confidence building measures, increasing trade with China and continuous negotiations diplomatically, informal meetings through CSOs with Pakistan are needed to negate the concerns of CPEC.

Q) Bilateral ties between the India and China have been facing several challenges. What are these challenges? How both can fix them? Examine. (200 Words)

The Hindu

Our Ties have been facing several Challenges Such as:

1. Issue over border and terrorism- China's continuous military engagement with Pak, it's consideration of Ar.Pr to be its part, and CPEC to pass through PoK which affects India's interest. China's blockage of the UN's move in declaring MASoor Azad as a Terrorist.
2. China's support for us being an NSG member without signing NPT.
3. Ban on Chinese goods. China loses a big market in form of India, Dumping up of Chinese goods affect our local industries. Consensus w.r.t. Trade and commerce remains a challenge.
5. Our intimacy with the USA has always made the Chinese insecure, mutual trust building is yet a challenge.
6. IFS: committee Chaired by Mr. Tharoor pointed out that only 569 diplomats have proficiency in any Non Indian Languages. This makes putting our interest across others really difficult and ineffective.

What we can do:

1. Regular meetings at higher level.
2. Increased people- People Contact- University exchange programs, Military exercises, broadcasting local programs in each other's country, Bollywood movies dubbed in Chinese.
3. Utilization of forums like BRICS, SCO

There are few outstanding issues. The leaderships are engaging with each other for faster redress. With stronger political mindset we can take our relationship with China like never before. India and China can be partners in building up the 21st century Asia.

Q) Critically analyse shortcomings of India's foreign policy . (200 Words)

The Hindu

The foreign policy of any country cannot be based on rigid postures and unchanging ideas. Viewed in this light, one is amazed at the reactions of India's foreign policy-makers to the remarkable developments. Still it is challenged by various shortcomings which are listed below-

1. Sole Focus - despite various global ambitions, India keeps itself confined to south asia geopolitical space confining it to issues of Pakistan eg its focus and interference on baloch and pakistan issue.
2. Terror fixated foreign policy - terrorism has become the base of deciding the next step in foreign policy especially dealing with Pakistan and china. other economic reforms, important issues of importance are being overlooked.
3. Messy alliance behavior- focus of India keeps fluctuating in terms when its foreign policy vision and tactics needs to be planned. example in starting India was well aware of China importance to her interest , despite knowing its economic and strategic interest with respect to china it associated itself to its antagonist and became closer ally with china rivals like US and japan.
4. change from traditional foreign policy without proper tactics- signing of LEMAO with US showed india shift in foreign policy but along it set an example of clear departure from tradition policy of not getting into military alliance and thus attracting rivals.
5. absence of long term vision- focusing mainly on unnecessary politicization has made India forgot that it has to look beyond this for nation interest and welfare.

India is most intimately affected by these events. But we have not: been able to face them squarely. What has been the bane of our foreign policy is its uni dimensional approach to issues concerning our interest which has to be turned to multidimensional but with smart approach.

Q) Many have emphasised that the Brexit movement would benefit India-U.K. ties. Examine why. (200 Words)

The Hindu

Background:

- Both India and UK are one of largest investors in each other countries.
- With the UK coming out of EU fold, Brexit has provided both the countries with great opportunity to enhance their relations.

The brexit will help the bilateral ties as:

- **Free Trade Agreements**– India has been holding talks with EU regarding this but talks had stalled which will now continue with Britain exiting from EU. Britain will also be free to discuss a bilateral trade pact with India.
- **Investment:** After Brexit, uncertainty of EU markets and UK's support for India's 'Smart Cities Mission' will see Britain increase its investment for various schemes like Make in India, Digital India etc.
- **Defense and space cooperation:** Post Brexit, both countries would try to leverage the defense market of India and space market of UK.
- **UNSC Bid:** Britain has supported India's stand and is certain to continue its support.

Challenges:

- **Immigration policies**– Brexit could lead to changes in UK immigration policies that would favor only the high-skilled workers from India.
- **Complex trade policies of India:** Especially in auto sector, Britain wants India to liberalize its trade laws.

Conclusion:

- After Brexit, UK is seeking more strong and close partners for business and investment ties and also looking for market.
- In this sense, India is big market with huge opportunities to grow.
- But India will not undermine its relations with EU on cost of deeper ties with UK.
- Thus India needs to be cautious and have a balanced approach to ties with UK post Brexit.

Q) Do you think Indo-US ties will suffer under the Donald Trump administration? Critically analyse in what direction India-US ties will move under Trump administration. (200 Words)

Livemint

Livemint

Background:

- Recent cordiality between India and USA has led to deepening economic, strategic, security ties as well as diaspora relations.
- Thus, the Indo-US ties will be definitely impacted under the new Donald Trump administration due to his new and unconventional approach to policy making.

Positive Impact:

- **Fight against terrorism:**
- The president of America is in favor of eradicating Cross-Border Terrorism from the world. This will boost India's initiative to curb terror activities sponsored by Pakistan.
- Also his tough stance on Pakistan and China would help India to diplomatically isolate Pakistan on international stage.
- **Strategic:** Improvement in us-Russia relationship will ease India's problem of balancing relationship with both the nations and this helps India to gain an upper hand over china
- **Economic:** Trump has mentioned India as a land of economic opportunities. Thus it may help in bringing more investment of US companies to India.
- **Defense:** Trump administration is likely to improve the defense ties between both the countries.
- **Decrease in push for TPP:** This may prove a breather for Indian trade market and less apprehension in terms of technical barriers to trade.

Negative Impact:

- **Decreasing corporate tax:** This may result in taking out of FDI from India, with us better profit margins scope for investors in US. Though, it will also be opportunity for India enterprises to invest in US.
- **Immigration Policy:** India, one of the top beneficiaries of H-1B visas needs to worry about the immigration and visa policies of the Trump regime.
- **Diaspora:** An environment of polarized society, with xenophobia nationalist cult on rise, racism, Islam phobia will create insecurity for India diaspora.

- **US-Iran Policy:** If US once again re-impose sanctions on Iran, India's investment in development of ports, oil storing facilities in Iran may go in vain.
- **Paris Agreement:** Trump has openly argued for cancelling the Paris agreement. Since India had ratified Paris climate agreement, this move will be against India's stand.

Conclusion:

- Although he been a supporter for stronger ties with India and is likely to benefit India in many ways especially in economic, strategic and military areas.
- But India must tread a cautious path as his unconventional and often controversial approach might hamper India's interest bilaterally as well as on other international issues.
- Indian government should start engaging in talks and clear any air of uncertainty with US.

Q) Critically discuss the significance of India's nuclear deal with Japan. (200 Words)

The Hindu

The Indian Express

Background:

- In a historic step, India has become the first non NPT country with which Japan has signed nuclear deal.
- Although, in 1998 Japan had opposed India for the same and had applied very hard sanctions on India.
- Recent signing of MoU between India & Japan regarding Nuclear cooperation after prolonged efforts since 2009 is a significant step towards improved strategic relationship between the two nations.

Advantages:**India:**

- **Move towards Renewable Energy:** It will be significant for India in attaining its Renewable Energy goals and moving towards clean environment.
- **New Technology:** It will facilitate supply of cutting edge reactor technology from Japan to India
- **NSG Membership:** Since its Japan's first nuclear deal with a non-signatory nation to NPT, it will enhance India's image as responsible Nuclear power.
- **Indo-US Nuclear Agreement:** India depends on Japan for raw material and equipment used in nuclear projects. So the 123 agreement will remain only on papers without this deal.
- **Trade and Defense relations** will be enhanced.

Japan:

- **Countering China:** Strengthening of India-Japan relationship will help to counter China's increasing hegemony in the region especially in east and South China Sea
- **Indian Nuclear Market:** Japan will get deeper access to the growing nuclear energy market of India and due to its domino effect, it will also get further foray in other segments especially auto sector and Bullet Trains

Challenges:

- Deal needs to be approved by Japanese Parliament
- Both Japanese & Indian PM may face criticism for too few & too much assurances respectively regarding nuclear test ban.
- **Provision of emergency suspension** of deal in case of nuclear test by India will affect other trade relations.
- **Impact on ties with China:** Both mutual trust and trade relations will be affected and China may try to counter it by increasing investment in Pakistan & Russia.

Conclusion:

- The future of deal depends on Japanese Parliament but once approved, this deal has several advantages for both India and Japan but it should not be done at cost of worsening relationship with China.
- Further, India needs to be cautious of the smaller details of the agreement where any mistake could result in loss of not only the nuclear agreement but other trade deals as well.

- Also, India should use it to commence its nuclear reactors as soon as possible to get the best results of the deal.

Q) The U.S.-India-Japan trilateral engagement is gaining momentum. Critically discuss how would India's growing proximity to Japan and USA change regional architecture in Asia. (200 Words)

**The Hindu
Livemint**

The trinity of India-U.S.-Japan is gaining momentum and seems to take a formal shape in the near future. Malabar naval exercise shows unity despite of geographical distances between the countries.

Effect on regional architecture of Asia-

- 1) It will vivify the South China Sea issue again. Small claimant countries like Brunei and Vietnam might fall back on U.S.
- 2) It might also revive East China dispute between Japan and China since Japan will now feel strengthened.
- 3) Equal and opposite reaction is also expected from China. China will resort to Pakistan and Russia and a new trinity China-Pakistan-Russia can emerge. Russia Pakistan recently concluded military exercise which was not expected. Russia has supported China in SCS dispute. Kuril island dispute between Japan and Russia might come in news.

Possibilities of creating a big impact are, however, less because of following reasons-

- 1) India, Japan and U.S. are having their own self interests rather than a single objective.

U.S. interest - controlling monopoly of China in the region and securing world peace by enforcing universally accepted laws related to maritime.

Japan's interest- Support of big powers to deal with ECS dispute.

India's interest- 50% of India's trade pass through SCS thereby securing the routes.

- 2) Government has changed in U.S. and the new president is having different set of objectives.
- 3) China's attempt to attract regional players through OBOR.

At the time when Geopolitical trends are changing all over the world and countries are serving their own interests first, India also needs to consider its domestic interests first and ensure that its growing relations with some countries should not hamper relations between other countries.

Q) A year and a half after China and Pakistan announced plans for an Economic Corridor, the CPEC, to connect “Kashgar to Gwadar”, the two countries operationalised the trade route this week. Analyse the challenges and opportunities that CPEC pose to India. (200 Words)

The Hindu

CPEC is a \$46 billion initiative, funded by the Chinese government that will connect Xinjiang with the Gwadar Port in Baluchistan and open a new route to Middle East and further beyond (for China). It forms the lynchpin of China's OBOR initiative and will physically link OBOR with the Maritime Silk route.

Challenges for India

1. Goes through disputed territory of PoK, which is legally a part of J&K.
2. Could pose a threat to national security in following ways:
 - Used by militants to transport arms and better organise themselves.
 - Used by Pakistani military to strengthen their position on other side of the border. China is also seeking to establish a naval base on Gwadar.
3. Greater support by neighbouring countries to China's OBOR initiative considering its delivery on commitments.

Opportunities

1. The operationalisation of CPEC raises the stakes for Pakistan to ensure peace in the region. This could mean reduction of support to militancy by Pakistani government, bringing long-term peace.
2. The economic growth brought in Pakistan due to CPEC could lead to greater emphasis on cross-border trade as people will see benefits of greater integration.
3. India could use the CPEC to serve markets in Middle East, Central Asia if Pakistan, China shows willingness to cooperation.

Despite India's opposition, CPEC has been completed without any hitches. It is in India's interests to make use of the new opportunities available. Further, we must strengthen military capabilities and ensure speedy completion of projects like Chabahar, to ensure we don't lose out on potential markets abroad.

Topic: India and its neighborhood- relations

Q) Critically comment on implications of India's growing military footprint in Afghanistan. (200 Words)

The Hindu

India has already helped Afghanistan in its civil developmental projects. Military engagement and military capacity building has been strategically restricted. But India has started to engage more on military front and has already supplied Afghanistan with helicopters and other equipment. Following would be the positive impact of such a move:

- i. Capacity of Afghan forces – will increase resulting in better combat of militants.
- ii. Bilateral relation – will be further strengthened. It will be helpful in aligning Afghanistan towards India, away from Pakistan.

iii. Status of regional power - requires active involvement in efforts to maintain peace and stability. India was left out of the four-nation Quadrilateral Coordination Group (QCG) on peace talks comprising Afghanistan, Pakistan, China and U.S. India also need to make its presence and influence felt.

iv. Thrust to manufacturing - of defence equipment. India already has plans to sell Light Combat Helicopter.

v. Balance of power – Vis-a-vis China and Pakistan will get checked.

vi. Larger vision – of supporting Seychelles, Mauritius, Maldives, Sri Lanka, Vietnam etc

vii. Better preparedness – at the time of crisis.

However there is limitation of military footprint

i. Leadership crisis – is a fundamental problem in Afghanistan which arms cannot compensate for.

ii. Fuel conflicts – Conflict with Taliban and other state actors may increase.

iii. Global image - of a peace loving country may get hurt.

To act as a larger security provider, India has to secure her own border first. We cannot afford to have any ripple effect on our own territory.

Q) In your opinion, what should India do to stop worrying about China's rising profile in Nepal? Do you think India's involvement in Nepal's internal affairs helps it gain upper hand over China? Critically comment. (200 Words)

The Indian Express

The 'rise of China' and its influence in Nepal has significantly increased within the last decade. A globalizing world that enables China to overcome geographic barriers through finance & technological prowess poses a frequent challenge for India which can be countered by :-

- 1) TRADE - trade facilitation, simplifying transit arrangements, removing non-tariff barriers, improving transborder roads, improving the ease of business for Nepali enterprises
- 2) CULTURAL TIES - India and Nepal share deep linguistic & cultural similarity, religious affinity, historical ties & geographical proximity, which China's trade cant overwhelm.
- 3) PEOPLE-TO-PEOPLE TIES - Nepalese are free to come and work in India including in its Central government services
- 4) REGIONAL COOPERATION - Greater cooperation under regional fora like BIMSTEC. Speeding of construction of hydro power plants, BBIN corridor, Buddhist Circuit for tourism, SAARC satellite etc
- 5) MILITARY - Joint military exercises with Nepal.
- 6) DISASTER RELIEF - For instance in time of emergency India being geographically closer to Nepal e.g in Nepal earthquake India's interference in Nepal's internal matters- India's interventions in Constitution making of Nepal urging Nepal to address Madhesi grievances.

Owing to the Madhesi unrest along India Nepal border, India which is a major oil supplier to Nepal stopped the supply. This led to a massive crisis in the country further pushing Nepal into the arms of China with significant agreements Trade & Transit, Pokhran Airport, & Nepal agreeing to be a part of

China's "One belt one road" which has serious implications for India. Thus, India must resist from involving itself too much in political process of Nepal. Nepal can learn a lot from a democracy like India but India needs to position itself more as a partner & less as a Big Brother and not let china be at advantage.

Q) Critically analyse steps taken by India and Sri Lanka in resolving the dispute between fishermen of both countries. (200 Words)

The Hindu

Sri Lankan coast guard arresting Indian Fishermen, particularly from Tamil Nadu coast for crossing international waters has been an hot issue for several decades.

Now both the countries have agreed to frame a mutual solution regarding the matter of Fishermen. This has both positive as well as negative factors

Positive

- 1) Both nations agreed to set up Joint working group for resolving the fishing issue. This will meet in every 3 months for updating info and solutions to the problems
- 2) Both countries have agreed to stop violence and loss of life of fisherman.
- 3) Agreed for immediate release of Indian fisherman from custody.
- 4) Ministerial meeting between two countries in every six months will help in improving the relations and fast disposal of problems
- 5) Providing facilities for meeting between Fishermen's Associations of India and Sri Lanka.

However there are some negative factors or factors that are not considered

- 1) Regarding the destruction of livelihood opportunities of Sri Lankan fisherman due to bottom trawling by Indian boats
- 2) Protection of environmentally rich Palk Bay marine environment and biodiversity
- 3) To provide a balanced mechanism for sharing the Fishing ground by both countries fishermen.
- 4) Lack of initiative by Tamil Nadu state Govt to frame a balanced agreement benefiting fishing communities from both sides

Thus it is the duty of Governments of both the countries to provide a balanced and suitable solutions to the existing issues between the fishing communities of both the countries

Q) Discuss the potential and challenges of implementation of ETCA (Economic and Technological Cooperation Agreement) between India and Sri Lanka. (200 Words)

The Hindu

Reference

Background:

- The proposed ETCA, which will replace the CEPA has been in discussion for past few months.
- It is designed to take into consideration the drawbacks of past FTA and to establish an agreement in trade in services and technological exchange.

Potential of change that could be brought by ETCA :

- **Economic:**

- ETCA is likely to strengthen FDI by both private individuals and institutions for both Srilanka and India.
- It would also help Srilanka in paying off its 9000 billion SriLankan rupee debt. Both countries have sought discussions for details so that the domestic producers are not negatively affected.
- It will also provide employment in both countries
- **Share Expertise:** Both the countries will share expertise in select services like telecommunication, finance, health etc.
- **Strategic:** The recent pro-China tilt indicated by entry of Chinese submarine to Sri Lankan port can be balanced by improving relations with the strategically important island nation.
- **Diplomatic:** Better relations may allow Indian government to persuade the Sri Lankan government on the issue of Human Rights violation of Sri Lankan Tamils

Challenges of ETCA :

- **Protectionist measures** would not result in better trade engagement.
- **Sri Lanka`s less offering list of services** as compared to India would make ETCA as lopsided and asymmetric.
- **Srilanka`s Trade deficit:** Certain Sri Lankan oppose this agreement as they believe that ETCA is in favor of India and not Sri Lanka as the nation has a trade deficit in exports.
- **Coalition government of Srilanka is unstable** and the president there is still dealing with all parties to come on a single stage.
- **Fisherman dispute:** Though govt. time to time tried to solve it, but no concrete step has been taken.
- **Indian Tamil community:** they might oppose it on ground of ill treatment to their Tamil counterparts in Srilanka by their Govt.

Conclusion:

ECTA is a way forward to enhance the relations and better coordination through High level meetings along with choosing the items for trade selectively that would NOT create undue advantage to either of the two parties would make the relation better.

Topic: Effect of policies and politics of developed and developing countries on India's interests,

Q) Why has USA failed to force Pakistan to abandon its terror proxies? In your opinion, what new course of action could the US take in this regard? Examine. (200 Words)

Livemint

Reason of USA failure to handle Pakistan:-

- Pakistan is only islamist nation in its favour, if taking USA'a "proxy" adversaries in highly islamist, crush zone, middle east.
- To stabilize "afgan atrocities" in a face of Taliban, Pakistan's regional presence is important.
- To encounter China's expansionary ideology, south Asian influence in the name of Pakistan and India is inevitable for USA.
- To present its hegemony against Russia, as Russia support India and china(communalist connection), presence in Pak thus become vital.

Therefore USA's proxy presence in Pakistan, first helps pak to umbrella its N-regime and second use American assistance to cherish its "selfish-inhumanitarian" goals. So new course of action is required here:-

- Restriction:- on spare part maintenance; on Coalition Support Fund Program, will destruct "long term" plans of Pak, to fund "terrorism".
- Deceleration of terrorist state:- Mumbai attack clears pak army and isi connection with terrorists, thus better to exclude such state using UNSC resolutions.
- Targeting:- present snubbing of India's move to declare "laksher-e-taiba" universal threat by china dis-hurt India, if US to clear its stance over it, will definitely force china to change its mind. Plus help to

rectify “comprehensive convention on international terrorism” .

- Sealing of accounts:- US can take help of Saudi Arabia and Qatar to seal accounts of terror groups, thus stop illegal flow of fund.

- By staying away from Kashmir issue:- simla accord called for bilateral talks, thus if US want to pacify region, better to force Pak to stop using twin pronged approach-terrorism&talk; strict action like “sanction” on breach of LOC; refusal of VISAs.

As UNSC provide the large scope to US to change its Atitude toward pak, there is need of “stricness” and “determination” to fight against terrorism, rather if it call handshaking with Russia, US should thought about it. As it kills not only nationals but humanity in large.

Q) Critically analyse possible implications of Donald Trump’s presidency for India, USA and the world. (200 Words)

The Hindu

The Indian Express

Livemint

The Indian Express

- Against the popular prediction of political pundits across the world, Donald Trump has become the President-Elect of USA.
- Having a controversial stand on various issues like Muslim Ban, Immigration, protectionist approach vis-a-vis free trade, international security, etc., his presidency might have a big impact on various countries including India:

Implications on India:

- **Immigration policies could be made strict:** H1B visas could be curtailed. However new president favors entry of Indian entrepreneurs and students.
- **Trade agreements could be renegotiated:** Republicans usually favors free market pricing which can help Indian pharmaceutical companies who supplies one third of all drugs in the US.
- **Asia pivot policy could see a change:** New president elect had advocated about withdrawing US forces from Asia and for making Asian countries like India, Japan and S Korea more responsible for containing china.
- **Export of Services could be hit:** Trump favors anti outsourcing policy which could affect Indian jobs as companies will start preferring cloud based solutions and automation.
- **Uncertainty:** There is uncertainty over India’s NSG bid and UNSC permanent membership. A lot depends on US’s china policy.

Implications on US:

- Immigration restriction will increase jobs and security.
- Health sector can see the Obama care will be replaced with new framework.
- Protectionist trade policies will help domestic industries.
- Anti-Muslim approach will increase threats from terror groups.
- Both houses of Congress has Republican majority thus passing any Act will be easy.

Implications on world:

- Iran nuclear deal could be relooked.
- Chinese dominance on Asia if USA withdraws its forces.
- Pro Russia policy will shift balance in power and Syrian crisis could be solved.
- Trade barriers could emerge due to protectionist policies proposed by trump.
- Renegotiation on all trade agreements good for Chinese silk road initiative.
- US fed rates uncertainty not good for world economy.
- Paris treaty could be affected as trump is opposed to agreements which stunts growth

Conclusion:

- Though a controversial figure, he now holds the position of president –elect of the most powerful democracy. So his actions will affect the whole world.
- Hence onus is on him to act responsibly for safety and betterment of USA and the world.

Topic: Important International institutions, agencies and fora- their structure, mandate.

Q) Recently Russian President signed an executive order removing Russia's signature from the International Criminal Court's (ICC) founding treaty, piling pressure on a court that is already reeling from withdrawals by some African countries. Examine the reasons behind these withdrawals and critically comment if these withdrawals reflect failure of ICC as an institution. (200 Words)

The Indian Express

ICC was created in 1998 after the adoption of Rome statute by 124 countries to investigate war crimes, genocide, and crimes against humanity. But the recent withdrawals by many African countries question the relevance of this institution because:

- 1) many Africans perceive it as being biased against their continent. E.g. 9 out of 10 situations examined are from Africa itself and since its inception, the office of prosecutor has brought charges against individuals, all of which were Africans
- 2) it still does not examine crimes like illegal exploitation of natural resources, arms and human trafficking, terrorism etc.
- 3) flawed structure and procedure such as taking up case on the recommendation of UNSC, even though 3 out of 5 countries are not members of this institution (US, Russia and China)
- 4) its verdict sometimes affects the bilateral relations and poses diplomatic challenges for countries. For e.g. its recent verdict to South African govt. to detain and arrest Sudan's President Al-Bashir

Though these withdrawals may indicate a credibility threat to this institution but it will be too early to tell whether it has failed or not because ICC has had some successes in convicting heinous war criminals and has acted as a complementary court to the domestic judicial system in countries where judiciary is facing charges of corruption and criminal bias. Therefore it would be prudent to reform this institution to make it relevant to current global dynamics rather than closing it.

Q) Critically discuss ramifications of Russia's exit from the International Criminal Court (ICC). (200 Words)

The Hindu

The International Criminal Court was founded with the noble vision of promoting the rule of law and bringing to justice criminals regardless of domestic borders.

Russia's exit comes after ICC termed Russia's annexation of Crimea as occupation.

Its ramifications:

1. Russia's exit, following that of three other nations, would further erode the global legitimacy of ICC. ICC depends on cooperation by member nations to enforce punishment.
2. Weaken the moral authority of ICC since it would be seen as weak & ineffective. Russia's brazenness could trigger exit from other nations as well.

3. Would undermine ICC's willingness to stand firm on the issue of war crimes. From Yemen to Syria, war crimes (often committed by powerful nations) are occurring with alarming frequency.
4. Could lead to domino affect, triggering policy paralysis in other global institutions like UNSC, WTO etc.

Unilateralism on part of the powerful nations has become the sad reality of today. It's either my way or the highway.

Unless, the global instiutions are lent more teeth and all the nations agree to abide by global norms of conduct, the downward slide in the credibility of international institutions would continue unabated.

