



# INSIGHTSIAS

SIMPLIFYING IAS EXAM PREPARATION

## **INSTA EDITORIAL COMPILATIONS**

## **AUGUST 2023**

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## EDITORIAL ANALYSIS

### The EC's Guardrails

[Source: Indian Express](#)

**Prelims:** Current events of national importance (ECI, CEC, Article 324, PIL, constitution bench etc)

**Mains GS Paper II:** Appointments to various constitutional posts, powers functions and responsibilities of various constitutional bodies etc

#### ARTICLE HIGHLIGHTS

- **Government tabled the Chief Election Commissioner and other Election Commissioners (Appointments, Conditions of Service, Term of Office) Bill** in the Rajya Sabha.
  - The proposed Bill effectively stands to dilute the **SC verdict** and many of the concerns that the SC verdict had warned against.

#### INSIGHTS ON THE ISSUE

##### Context

##### Election Commission of India (ECI):

- The Election Commission of India is an autonomous constitutional authority responsible for administering Union and State election processes in India.
- **The body administers elections to:**
  - Lok Sabha
  - Rajya Sabha
  - State Legislative Assemblies in India
  - Offices of the President and Vice President in the country.
- **Part XV of the constitution** deals with elections, and establishes a commission for these matters.
- **Article 324 to 329:** deals with powers, function, tenure, eligibility, etc of the commission and the members.
- **The commission:** It consists of **one Chief Election Commissioner and two Election Commissioners.**
- **The President** appoints Chief Election Commissioner and Election Commissioners.

- **Tenure:** They have a fixed tenure of six years, or up to the age of 65 years, whichever is earlier.
- **Status:** They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India.
- **The Chief Election Commissioner** can be removed from office only through a process of removal similar to that of a Supreme Court judge by Parliament.
- **All three members have equal voting rights** and all decisions in the commission are taken by the majority,

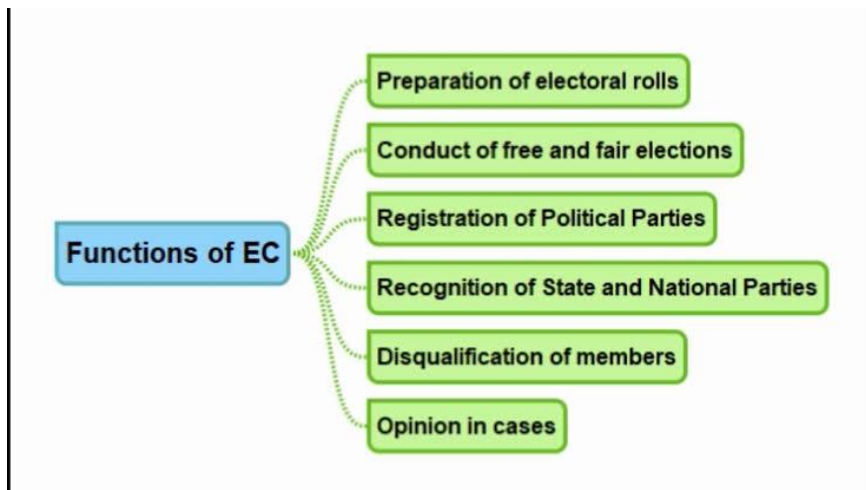
### **Procedure For Removal**

- **He/she can be removed** either on the ground of “**proved misbehavior or incapacity**”.
- **Resolution:** He/she can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority(majority of two-third members present and voting supported by more than 50% of the total strength of the house).
- **The Constitution** does not use the word ‘impeachment’, for the removal of the Chief Election Commissioner.
- **The Election Commissioner or Regional Commissioner:** They can only be removed from office by the Chief Election Commissioner.

### **Article 324:**

- The Superintendence, direction and control of elections to be vested in an **Election Commission.**

### **Functions of EC:**



### Supreme Court Judgement:

- **It ruled that a panel comprising**
  - Prime Minister (PM)
  - Leader of the Opposition (LoP)
  - Chief Justice of India
  - **They shall appoint CEC and ECs** until Parliament brings a law
- **The court said that the purity of the election process** must be maintained to preserve democracy, else it “would lead to disastrous consequences”.
- **The presence of the CJI is required** to usher in impartiality and insulate the appointment process from the Executive’s interference.
- **The SC verdict had maintained that the CJI’s presence** could quell the executive’s unchecked and unaccounted-for hold over appointments, as all governments will want “yes men in the poll panel

### What does the bill say?

- **It seeks to replace the CJI** with a Cabinet Minister nominated by the Prime Minister.
- **It proposes a search committee:** headed by the **Cabinet Secretary**, with **two other members** not below the **rank of secretary** to the government, to prepare a panel of five members for the consideration of the Selection Committee.
- **The CEC and other ECs will be appointed from** “amongst persons who are holding or have held a post equivalent to the rank of secretary

- **They shall be persons of integrity**, who have knowledge of and experience in the management and conduct of elections”.
- **There was no rule prescribing the qualifications** for appointment to the posts.
- **It seeks to protect the two Election Commissioners** from removal, bringing them on par with the CEC.
  - **They can be removed** through a process of impeachment like a SC judge.
- **The Commissioners, who were equated with SC judges** since the Act of 1991, are being downgraded.
  - **While the salary of the EC then and now** is the same as that of CS (and the SC judge)
  - **The rank in the warrant** of precedence is being reduced.

#### **What are the issues with the current process?**

- **The current selection process — by the President on the advice of the PM and the Cabinet** — does a grave disservice to newly appointed ECs.
- **The institutional actions carried out in good faith** and in the course of their duty are often projected as one favoring a particular party.

#### **Need for autonomy:**

- **Maintaining the EC’s institutional autonomy** is urgent in the current national and international context.
- **There has been an increasing global erosion** of trust in electoral institutions.
- **According to the Gallup World Poll: Only 50 percent** of voters are reported to have confidence in the honesty of elections
  - **USA:** the figure in 2019 stood at 40 per cent.
- **The EC’s credibility is increasingly being called into question: The** allegations of bias in the scheduling of elections and arbitrary deletion of names of registered voters, ignoring blatant violations of the model code.
- **The recent democracy reports of the V-Dem Institute:** It highlights that various indicators of democracy in India, including the autonomy of the ECI, have been declining.

#### **Way Forward**

- **The CBI directors have also been appointed through collegium,**and some of them have not covered themselves with glory.
- **The collegium system will be all the more credible** if a unanimous verdict is added as a precondition to the appointment.
  - **The choice should be limited to the five candidates** shortlisted by the Cabinet Secretary-led committee.
- **The Election Commission of India has for long been a shining symbol of democracy** all over the world.
  - **To consolidate this reputation,** we must ensure all the safeguards are in place to quell the possibility of any question mark on its credibility and status.

### QUESTION FOR PRACTICE

Q. Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct.(UPSC 2022)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### The Election Commission — autonomy in the crosshairs

Source: The Hindu, Indian Express

**Prelims:** Current events of national importance(ECI, CEC, Article 324, PIL, constitution bench etc)

**Mains GS Paper II:** Appointments to various constitutional posts, powers functions and responsibilities of various constitutional bodies etc

### ARTICLE HIGHLIGHTS

- The Supreme Court in a judgment directed that the **Chief Election Commissioner (CEC)** and the **Election Commissioners (EC)** will be appointed by the President of India
  - **On the advice of a committee** made up of the
    - Prime Minister
    - Leader of the Opposition in the Lok Sabha or the leader of the single largest Opposition party
    - Chief Justice of India (CJI)

## INSIGHTS ON THE ISSUE

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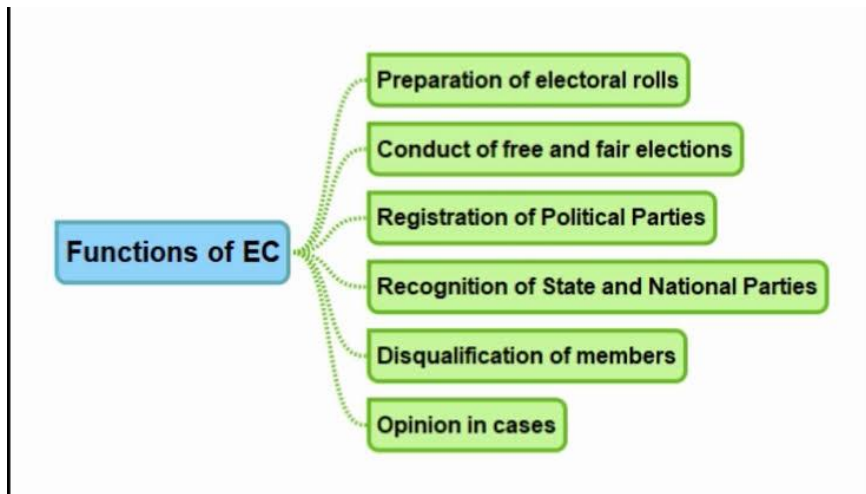
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- **The SC verdict had maintained that the CJI’s presence** could quell the executive’s unchecked and unaccounted-for hold over appointments, as all governments will want “yes men in the poll panel

#### What does the bill say?

- **It seeks to replace the CJI** with a Cabinet Minister nominated by the Prime Minister.
- **The Bill seeks to replace the Chief Justice of India** from the high-powered selection committee.
  - The committee will be made up of the
    - Prime Minister (Chairperson)
    - Leader of the Opposition in the Lok Sabha (Member)
    - Union Cabinet Minister to be nominated by the Prime Minister (Member).
- **It proposes a search committee:** headed by the **Cabinet Secretary**, with **two other members** not below the **rank of secretary** to the government, to prepare a panel of five members for the consideration of the Selection Committee.
- **The CEC and other ECs will be appointed from** “amongst persons who are holding or have held a post equivalent to the rank of secretary
  - **They shall be persons of integrity**, who have knowledge of and experience in the management and conduct of elections”.
  - **There was no rule prescribing the qualifications** for appointment to the posts.
- **It seeks to protect the two Election Commissioners** from removal, bringing them on par with the CEC.
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#### **What are the issues with the current process?**

- **The current selection process — by the President on the advice of the PM and the Cabinet** — does a grave disservice to newly appointed ECs.
- **The institutional actions carried out in good faith** and in the course of their duty are often projected as one favoring a particular party.

#### **Constituent Assembly Debates:**

- **The appointment of the CEC** should be subject to confirmation by two-thirds majority in a joint session of both Houses of Parliament
- **Parliament was entrusted with the charge** of making appropriate laws on the matter.

### **Recommendations by different committees and people:**

- V.M. Tarkunde Committee
- Dinesh Goswami Committee
- The Second Administrative Reforms Commission in its fourth report(2009)
  - **They made recommendations that the appointments of members of the ECI** should be more broad based (through a collegium) than leaving this solely to the government on whose advice the President made these appointments.
- **Former CEC(B.B. Tandon):** A seven-member committee headed by the **Prime Minister** should choose the CEC and the other ECs.
  - **The committee should include**
    - Lok Sabha Speaker
    - Leaders of the Opposition in the Lok Sabha and the Rajya Sabha
    - Law Minister
    - Deputy Chairperson of the Rajya Sabha
    - A judge of the Supreme Court nominated by the CJI.
- **Former Deputy Prime Minister(L.K. Advani):** A collegium should be formed with the
  - Prime Minister as its chairman
  - CJI
  - Minister of Law and Justice
  - Leaders of the Opposition in the Lok Sabha and the Rajya Sabha as its members.

### **Need for autonomy:**

- **Maintaining the EC's institutional autonomy** is urgent in the current national and international context.
- **There has been an increasing global erosion** of trust in electoral institutions.
- **According to the Gallup World Poll: Only 50 percent** of voters are reported to have confidence in the honesty of elections
  - **USA:** the figure in 2019 stood at 40 per cent.

- **The EC's credibility is increasingly being called into question:** The allegations of bias in the scheduling of elections and arbitrary deletion of names of registered voters, ignoring blatant violations of the model code.
- **The recent democracy reports of the V-Dem Institute:** It highlights that various indicators of democracy in India, including the autonomy of the ECI, have been declining.

## Way Forward

- **Interestingly, all these high-level committees, experienced officers and other leadership** saw the importance of this and recommended that the CJI or a judge appointed by him/her should be a part of this committee;
- **The effort was to curb ECI** from becoming a 'committed', partisan and an incumbent-friendly entity.
- **The ECI has been held to be a reliable, responsible and trustworthy institution** by the people of India.
  - **Handling elections that involve about 900 million voters** (2019 election data) through a machinery of 11 million personnel in a setting of economic hardship and inequalities is a remarkable feat.
  - **However, going soft on the ruling party or its ideology, as the perception is**, whether this has to do with
    - election schedules
    - electoral speeches
    - alleged hateful propaganda
    - electoral rolls or other kinds of malpractices
    - **It is eroding not only its own autonomy** but also people's trust.
- **The collegium system will be all the more credible** if a unanimous verdict is added as a precondition to the appointment.
  - **The choice should be limited to the five candidates** shortlisted by the Cabinet Secretary-led committee.
- **The Election Commission of India has for long been a shining symbol of democracy** all over the world.
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## QUESTION FOR PRACTICE

Q. Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct.(UPSC 2022)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### A strong case to restore Section 8(4) of the RP Act

Source: The Hindu

**Prelims:** Parliamentary democracy, functions of whip, house rules, article 105, rule 353(Lok Sabha), RP Act, parliamentary committees etc

**Mains GS Paper II:** Parliament-Structure, organization, functioning and conduct of business etc

## ARTICLE HIGHLIGHTS

- **Rahul Gandhi** was disqualified on being convicted and sentenced to two years imprisonment in a **2019 defamation case**.

## INSIGHTS ON THE ISSUE

### Context

#### Laws related to disqualification;

- **Article 102:** It specifies that a person shall be disqualified for contesting elections and being a Member of Parliament under certain conditions.
  - These include:
    - holding an office of profit
    - being of unsound mind or insolvent
    - not being a citizen of India.
  - **It also authorizes Parliament to make law** determining conditions of disqualifications.
  - **There are analogous provisions** for members of state legislatures.
- **The Representation of the People Act, 1951:** It provides that a person will be disqualified if convicted and sentenced to imprisonment for **two years or more**.

- The person is disqualified for the period of imprisonment and a **further six years.**
- exception for sitting members
  - they have been provided a period of three months from the date of conviction to appeal
  - The disqualification will not be applicable until the appeal is decided.

### **Judgements related to Disqualification:**

#### **K. Prabhakaran vs P. Jayarajan(2005)**

- The differential treatment of candidates for elections and sitting members was challenged under **Article 14 (right to equality)**
- **It decided** that the consequences of disqualifying a contestant and a sitting member were different.
- **The Court considered whether in case of a disqualified** candidate who is later acquitted, the disqualification would be removed with retrospective effect.
- **It stated that this could not be done** as this would require the results of the election to be canceled.
  - Therefore, the removal of disqualification would be prospective and for future elections.

#### **Lily Thomas vs Union of India(2013):**

- **It stated that Article 102 empowers Parliament** to make law regarding disqualification of a person “for being chosen as, and for being, a member of either House of Parliament”.
- **The judgment cited Article 101:** A MP was disqualified under Article 102, “his seat shall thereupon become vacant”.
- **The disqualification was automatic** and had immediate effect if the conditions of Article 102 were met.

#### **Section 8 of the Representation of the People Act, 1951 (RP Act):**

- It specifies the various offenses, conviction for which entail the disqualification of a member of the legislature.
- **Clause (3) of this section** says that a person convicted of any offense other than those mentioned in the other two clauses, and sentenced to not less than two years shall be disqualified from the date of conviction.

- **Clause (4)** has exempted sitting members from instant disqualification for **three months** to enable them to appeal against the conviction.
  - **This clause was struck down as ultra vires** in the Lily Thomas vs Union of India, 2013.

### **The role of the President:**

- **Article 103** shows that the **President of India** is that authority who decides that a sitting member has become subject to disqualification in all cases which come under **Article 102(1)**.
- **Sub Clause (e) of Article** relates to all cases of disqualification under the **RP Act 1951** which include disqualification on conviction and sentence under **Section 8(3) of the Act**.

### **What law says?**

- **Under the legal provision cited**, there was no instant disqualification of sitting members of the legislature.
- **But after the Court struck down provision of the Representation of People Act 1951:** A sitting legislator is disqualified the moment the court orders conviction and sentence under Section 8(3) of the Representation of People Act.
- **The court said that Article 102(1)** does not create any difference between the sitting member and a candidate so far as disqualification is concerned.
  - **Parliament has no power to grant exemption** to sitting members for three months and thus struck down Section 8(4) as ultra vires the Constitution.

### **Section 8(3) of RP Act:**

- It deals with disqualification of persons convicted and sentenced to two years imprisonment.
- **A person who is convicted of an offense** and sentenced to imprisonment for not less than two years shall be disqualified from the date of conviction.
- **It does not say that such a person stands disqualified** from the date of conviction.
  - **So, there is no ground to conclude** that the disqualification takes place the moment the court pronounces a person guilty.

- **Experts on Section 8(3):** when a sitting member is convicted and sentenced to imprisonment for two years or more, he shall be disqualified with effect from the date of conviction.
  - **Further, it is the President** who shall disqualify him under Article 103.
  - **The Secretariat of the House to which the member belongs** has no authority to declare that a member stands disqualified as soon as he is convicted by a court of law.

#### **Disqualification and sentence quantum as per judiciary:**

- **Sachindra Nath Tripathi vs Doodhnath, 1987 and Vikram Anand vs Rakesh Singha, 1994)** court had held the view that disqualification remains intact on staying the sentence.
- **Madras High Court in the Jayalalithaa case (2001):** It held that “the moment the sentence is suspended, conviction should be deemed to have been suspended or otherwise the framers of the code would have taken care to provide for stay of conviction or suspension of conviction also”.

#### **Rahul Gandhi’s case:**

- Supreme Court stayed the conviction
  - **It did not express any opinion on the question** of whether a stay of conviction is also necessary or on suspending the disqualification.
- **Disqualification arises only when the sentence is imprisonment** for two or more years.
- **The Court observed,** if the period of imprisonment was less by one day the disqualification would not have occurred.
  - **The disqualification is directly relatable** to the quantum of sentence and not conviction.

#### **Issues with the judgment in Lily Thomas**

- It can play havoc with the careers of sitting legislators in the country.
  - **Instant disqualification on conviction and sentence** will upset their entire legislative career
- **Courts in general have a very dilatory system** in dealing with appeals, revisions and such.

#### **Section 8(4):**

- **It was enacted** to deal with precisely such a situation.
- **Clause 4 of Section 8, the Lok Sabha Secretariat issued a notification:**This notification has presumably been issued on the basis of the judgment in the **Lily Thomas case**.
- **Section 8 (3)** uses the words “shall be disqualified” and does not specify which authority shall disqualify
  - **Lok Sabha Secretariat** cannot declare disqualified without referring the case to the **President under Article 103** for a declaration
- **The authority to declare a sitting Member disqualified** on the basis of the Court’s decision is not vested in the Lok Sabha Secretariat, either under the Constitution or the **RP Act 1951**.
  - **The power is vested** in the President under **Article 103**.

### Way Forward

- **The issue of instant disqualification needs to be addressed urgently** as it may affect the career of legislators.
- **The Supreme Court struck down Section 8(4)** on the ground that Parliament has no power to provide for a special dispensation for convicted legislators because Article 102(1) does not permit such differentiation between them and the candidates.
  - **The Constitution permits it under Article 103:** In the case of sitting legislators, the question of disqualification under Article 102(1) will be decided by the President.
  - **A suitable amendment can be made in Article 102** to enable Parliament to restore the invalidated Section 8(4).
- **The judgment in Lily Thomas** has not resulted in any perceptible qualitative change in the criminal proclivity of politicians.
  - **Politicians belonging to the powerful ruling dispensation** at a particular time are able to get a conviction stayed within a few hours, thus saving themselves from instant disqualification.
- **Section 8(4) needs to be restored and protected constitutionally** in order to protect the careers of India’s legislators from abrupt convulsions caused by court orders which are given, in the words of the Supreme Court, “without any application of mind”.
- **The law on criminal defamation needs** an urgent review.

- **Countries such as the United Kingdom and the United States** have scrapped it.
  - **India's neighbor Sri Lanka** too has done away with it.

### QUESTION FOR PRACTICE

Q. To what extent, in your view, the Parliament is able to ensure accountability of the executive in India?(UPSC 2021)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### The gaps in the Births and Deaths Registration (Amendment) Act

Source: The Hindu

- **Prelims:** Current events of national importance(child mortality, The Registration of Births and Deaths (RBD) Act, 1969, Registrar General of India, Aadhaar etc
- **Mains GS Paper I & II:** Social empowerment, development and management of social sectors/services related to Health, poverty and hunger etc

### ARTICLE HIGHLIGHTS

- The **Registration of Births and Deaths (Amendment) Bill, 2023** has been passed by **Parliament** and has got the assent of the **President of India**.

### INSIGHTS ON THE ISSUE

#### Context

**The Registration of Births and Deaths (RBD) Act, 1969:**

- **It provides for compulsory registration** of births and deaths under a uniform law across India.
- **Registration of Births and Deaths in India is mandatory** with the enactment of RBD, Act 1969 and is done as per the place of occurrence of the event.
- **It is the responsibility of the States** to register births and deaths.
- **State governments have set up facilities for registering** births and deaths and keeping records.
- **A Chief Registrar appointed in every State** is the executive authority for implementation of the Act.

- **A hierarchy of officials at the district and lower levels** do the work.
- **The RGI, appointed under this Act**, is responsible for coordinating and unifying the implementation of the RBD Act.

### Need for New Bill:

- **To create a National and State level database** of registered births and deaths
- **It would help in updating other databases** resulting in efficient and transparent delivery of public services and social benefits”.

### Provisions in New Bill:

<b>REVAMPING THE SYSTEM</b>	
<ul style="list-style-type: none"> <li>➤ All the state governments will be mandated to share the database with the office of the Registrar General of India</li> <li>➤ The database will be linked to other government schemes, which will enable automatic addition and deletion</li> <li>➤ Rigorous penalty clause on registrars who fail to register births and deaths as per the</li> </ul>	<p>Registration of Births and Deaths Act, 1969</p> <ul style="list-style-type: none"> <li>➤ Real-time data of both births and deaths to be shared in the public domain by all state governments</li> <li>➤ Maharashtra is among the 24 states, besides Uttar Pradesh and Rajasthan, which will maintain real-time data of births and deaths</li> </ul>

- **The Bill makes it compulsory** that the Registrar General of India maintains a national level database of births and deaths
- **The Chief Registrar of births and deaths in every State** is required to maintain a State-level database of registered births and deaths ‘using the portal approved by the Registrar General of India’.
- **The databases are to provide information** to update the National Population Register, the Aadhaar database, electoral rolls, ration card, passport, and other databases at the national level, as may be notified.
- **In the case of birth:** The amendments provide for collecting the Aadhaar number of the parents.
  - **Nothing is mentioned** about the Aadhaar number of the deceased.

### Background of births and deaths registration:

- **The registration hierarchy** is the responsibility of State governments, with the Registrar General of India having only the role of coordination and unification of the registration system.
- **The maintenance of the central database is being added to the Registrar General** of India's functions.
  - **The Chief Registrars are the executive authorities** for the matters relating registration of births and deaths in the States.
  - **They need to maintain a database** for efficient delivery of services of providing birth and death certificates.

#### **National Database:**

- **The national database will be a collection of State-level databases**, except for some data items that some States may have in addition to the national standards prescribed by the Registrar General of India.
- **If the authorities maintaining other databases** require information on births and deaths
  - **It will be possible to design a system** wherein the required data flow to their databases on a daily basis or even a real time basis from the State-level database.

#### **What is the need for a national-level database?**

- **It is provided that database at the central level** be made available to authorities dealing with the maintenance and preparation of databases relating to
  - population register
  - electoral rolls
  - Aadhaar number
  - ration card
  - passport
  - driving license
  - property registration
  - other databases at the national level, as may be notified.
- **If authorities require information** from the database of registered births and deaths to update their databases
  - **It requires amendment in the laws or executive orders** under which they are maintained.

- **The RBD Act needs an enabling provision** to share information from the database.

#### **Issues:**

- **New additions to the list later may be more dangerous** than those listed and approved by Parliament.
  - **For example, the government can now decide that a list of women** whose third or higher order birth is being registered be prepared and given to the Family Welfare department for follow up on family planning programmes.

#### **Certificate of cause of death**

- **Presently, the State government** decides that a cause of death certificate should be issued by the medical practitioner who attended the deceased person
- **The areas/hospitals where such a certificate** has been made mandatory varies across States
  - **but is generally restricted to deaths** in medical institutions.
- **The amendments** make it compulsory that for all deaths in medical institutions
  - **A cause of death certificate** is sent to the **Registrar of Births and Deaths** and a copy of the certificate is provided to the closest relative.
  - **For deaths that occur outside hospitals,** the medical practitioner who attended to the deceased during the person's recent illness has to issue such a certificate.

#### **Associated Issues with the amendment in certification of cause of death:**

- **The medical practitioner** may not have always arrived at a definite diagnosis before the person died.
- **The forms for cause of death** that are being used are in conformity with World Health Organization recommendations.
  - **If the deceased was attended by a practitioner of the AYUSH systems of medicine:** The cause of death recorded may not be usable for cause of death statistics
  - **since they may not be classifiable** under the International Classification of Diseases.

- **A person who was under treatment for a certain disease** can die of an entirely different cause outside a medical facility when the medical practitioner was not available for consultation.
  - **How can the practitioner** be expected to issue a certificate of cause of death in such cases?
- **Section 17 of the Act** prohibits the inclusion of cause of death in any certificate issued under the Act
  - **It now says that the cause of death certificate** should be given to the relative of the deceased.
  - **These are contradictory as the cause of death in the death register** is taken from the same cause of death certificate issued by the medical practitioner

### Way Forward

- **Updating many of the databases** would require removing the names of the deceased from the database.
  - **If the Aadhaar number of a deceased person is not collected, it** would be impossible to achieve this objective.
- **It is provided that the birth certificate** alone would be accepted as proof of date and place of birth for many purposes such as school admission, issue of passport, and issue of Aadhaar number.
  - **This may not require** any amendment in this Act or any other Act.
  - **It should be done through amendments** in the rules relating to those databases or even executive orders.
  - **For example, while applying for passports,** it was compulsory to have the birth certificate for those born after January 26, 1989 under the relevant rules.
  - **The government removed** this requirement in December 2016.
- **When natural calamities or accidents occur, several persons are reported missing:** The families of such persons would have to wait for seven years to request for a certificate that says 'presumed dead'.
  - **A provision could have been inserted in the Act** to register a 'presumed death'
  - **when it is reasonable to assume** that the person would have died in the calamity or accident.
  - **This would help the family concerned** get the death certificates earlier.

## QUESTION FOR PRACTICE

Q. Can the vicious cycle of gender inequality, poverty and malnutrition be broken through microfinancing of women SHGs? Explain with examples.(UPSC 2021)  
(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### New Bills and a principled course for criminal law reforms

Source: The Hindu

- **Prelims:**, IPC, CrPC, Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, Bharatiya Sakshya Bill, Indian Evidence Act, Directive Principles of State Policy etc
- **Mains GS Paper II & IV:** Government policies and interventions for development of various sectors, weaker sections of society and interventions for their development etc

## ARTICLE HIGHLIGHTS

- The introduction of three Bills:
  - **Bharatiya Nyaya Sanhita** to replace the **Indian Penal Code**
  - **Bharatiya Nagarik Suraksha Sanhita** to replace the **Code of Criminal Procedure**
  - **Bharatiya Sakshya Bill** to replace the **Indian Evidence Act**

## INSIGHTS ON THE ISSUE

### Context

Major provisions of the three new bills:

Provisions	Bhartiya Nyaya Sanhita Bill 2023	Bharatiya Nagarik Suraksha Sanhita Bill 2023	Bharatiya Sakshya Bill 2023
Replaces	Indian Penal Code, 1860	Criminal Procedure Code, 1898	Indian Evidence Act, 1872
Focus	Reflects Indian ethos, justice-oriented	Enhances citizens' protection	Modernizes evidence presentation
Sections	356 sections (replacing 511)	533 sections (160 changed)	170 sections (23 changed)
Women and Children	<ul style="list-style-type: none"> <li>· A separate chapter is dedicated to them;</li> <li>· <b>Sexual intercourse on the false promise</b> of marriage, employment, etc., has been made a new offence.</li> <li>· <b>Initiating children into crime</b> made punishable</li> </ul>	Protection, priority in crimes	

<b>Digital Integration</b>	Expanded definition of documents	Digitization of processes	<ul style="list-style-type: none"> <li>- <b>Video recording</b>, electronic evidence;</li> <li>- <b>Accepted documents</b> include electronic and digital records, emails, etc;</li> </ul>
<b>Speedy Trials</b>	Summary trials, time limits	<ul style="list-style-type: none"> <li>- <b>Trial expedited</b>, Summary trial for petty offences;</li> <li>- <b>Fixing the 90-day window for investigation</b> after filing of chargesheet</li> <li>- <b>Witness protection scheme</b> to be made by states;</li> <li>- Bail after <b>serving 1/3rd of the maximum sentence</b> for first-time offenders.</li> </ul>	
<b>Victim Support</b>	Compulsory status updates of victim support	Protection, timely information	Video recording of search and seizure operations by the police
<b>Modernized Punishments</b>	Address newer crimes, cyber offences		

<b>Terrorism and Organized Crime</b>	<b>Terrorism</b> for 1 <sup>st</sup> time, property confiscation; armed rebellion, separatist activities, organized crimes, etc., have been made separate offences; <b>Mob lynching</b> made an <b>offence explicitly</b>	Harsher provisions against gangs	Define, and address organized crimes
<b>Fugitive Trials</b>		Trials for fugitives in absentia	
<b>FIR</b>	Zero FIR, e-FIR introduced	Zero FIR, e-FIR introduced; introducing community service as punishment	<b>Mandatory digitization of FIR</b> , chargesheets, etc.; <b>Mandatory use of Forensic services</b> for offences punishable with 7 or more years
<b>Sedition Law</b>	Repealed		

### Significance:

- **The new laws aim to expedite justice** delivery while protecting citizens' rights and addressing modern challenges.
- **They emphasize accountability, digitization, and justice** rather than mere punishment.
- **In May 2020, an Expert Committee led by Ranbir Singh** was established to propose reforms in the realm of criminal law.

### Reformatory measures:

- **The Bills exhibit several moderate modifications**, including linguistic adjustments for gender inclusivity and replacement of outdated terms such as 'insanity' with 'mental illness'.
- **There is a measured reconfiguration** in the punitive degrees for minor and serious offenses.
- **The integration of ICT applications** with the criminal justice process
  - **Although the scope is limited**, innovations such as trial in absentia and the introduction of community service are commendable.
- **The offense of sedition** has been judiciously tempered to prevent misuse, facilitated by introducing a test for criminal intent.
- **Newly created offences such as terrorism**, organised crime, mob lynching, and negligent acts adds novel dimensions.

#### Concerns:

- **Ascertaining whether the fundamental tenets of criminal jurisprudence** are being upheld throughout this process.
  - **The trajectory of these reforms** and their operational dynamics remain to be determined.
- **Amended laws must revolve around striking** a delicate equilibrium between state security imperatives and individual freedoms.
  - **The efficiency of the revised laws hinges** on their capacity to curtail any potential misuse by law enforcement agencies effectively.
- **Criminal laws are generally detested** as they fail to discharge their public function as a protective tool for its subjects.
  - Reforms in laws typically fail on this count.
- **Criminal laws in India further a class divide** as the rich and the resourceful get better access to justice than the marginalized and the vulnerable.
  - **The principle of equality and equitability**, therefore, becomes an essential check on criminal law reform.
- **The political executive has consistently sought to wield criminal law** as a pre-emptive tool.
  - **Criminal law remains a strategic power** asset for the state.
- **Concepts of risk, endangerment and dangerousness** continue to contaminate the criminal law jurisprudence in great measure.
  - **The proliferation of preventive approaches** to criminal law raises legitimate concerns.

## Way Forward

- **The Bills hold the potential to shape the future landscape of criminal law**, Therefore, the task of testing their sustainability; efficacy; adherence to rule of law; and, justice delivery capacity, becomes paramount.
- **In 'Crime, Reason and History', Alan Norrie states:** “Far from being free-standing foundations for a rational criminal law, the central principles of the law are a site of struggle and contradiction.”
- **Revision of India’s Macaulay-era criminal law is undeniably complex**, as the functionaries and stakeholders of this legal framework have been conditioned by the same for over 162 years.
- **The Indian criminal law is undoubtedly an instrument of social control**, molding and guiding us in more ways than one.
- **There is a need to study the principled basis** of the harm or the moral/legal offense caused by such criminalized conduct.
- **The Bills face a pivotal challenge** in bridging the gap between rhetoric of the law and its reality.
  - **The potency of reforms hinges on their alignment** with the criminal justice system’s capacity to implement it effectively.
- **Regardless of their textual merit**, numerous legal provisions remain infeasible due to systemic shortcomings.
  - **The effectiveness of the reforms** will also be tested on the basis of its impact upon the status of the vulnerable, the victims and the poor.
- **As the Bills are placed before the select committee** for its consideration: It is expected that committee will allow greater engagement to improve the drafts in terms of both language and substance.
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- **The envisioned criminal law reforms** must be made in a manner that fosters the rule of law and fortifies the pursuit of justice for eons to come.

## QUESTION FOR PRACTICE

Q. Constitutional Morality’ is rooted in the Constitution itself and is founded on its essential facets. Explain the doctrine of ‘Constitutional Morality’ with the help of relevant judicial decisions. (UPSC 2021)

**(200 WORDS, 10 MARKS)**

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**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

### Neither the right to privacy nor the right to information

[Source: The Hindu](#)

- **Prelims:** RTI Act, CIC, Governance etc
- **Mains GS Paper I and II:** Statutory, regulatory and various quasi-judicial bodies, Important aspects of governance, transparency and accountability etc

### ARTICLE HIGHLIGHTS

- **Nasscom:** 'Personal data bill will boost digital economy.'
- **Digital Personal Data Protection (DPDP) Bill 2023** that was introduced in Parliament.
  - **Industry response:** The real purpose of the Bill — **legalizing data mining**

### INSIGHTS ON THE ISSUE

#### Context

#### The Right to Information (RTI) Act:

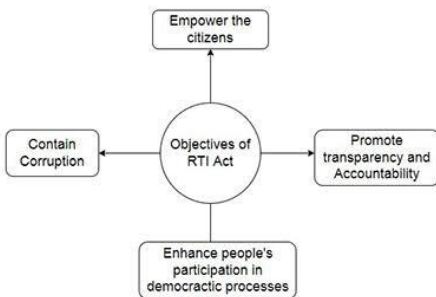
Changes and revisions made in the RTI Act		
Provision	RTI Act, 2005	RTI (Amendment) Bill, 2019
Term of office	At the central and state level, Chief Information Commissioner (CIC) and Information Commissioners (ICs) are eligible to hold office for five years, or up to 65 years of age.	The Bill removes this provision and confers the power on the central government to notify the term of office for the CIC and ICs.
Amount of Salary	At the central level, the salary of the CIC and ICs will be equivalent to the salary paid to the Chief Election Commissioner and Election Commissioners, respectively. At the state level, the salary of the CIC and ICs will be equal to the salary paid to the election commissioners and chief secretary, respectively.	The Bill removes these provisions and confers the power on the central government to decide salaries, allowances and other terms and conditions of service of central and state CICs and ICs.
Reductions in Salary	At the central and state level, if the CIC and ICs, at the time of appointment are in receipt of pension or any other superannuation benefits for previous government service, their salaries will be lessened by an amount equal to the pension.	The Bill removes these provisions.

#### Important provisions:

## Important provisions of RTI Act, 2005

- ✓ Section 4(1)(b):- Suo motu disclosure.
- ✓ Section 5:- Designation of PIOs/Deemed PIOs.
  - \*Assistance u/Section 5(4).
- ✓ Section 6:- Request for obtaining information.
- ✓ Section 6(3):- Transfer within 5 days.
- ✓ Section 7:- Disposal of RTI application.
  - \*Section 7(6):- If not replied within timeline-free of cost.
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- ✓ Section 7(9):- Denial due to voluminous info/diversion of resources.
- ✓ Exemptions from Disclosure:- Section 8(i)(a) to Section 8(i)(j).
- ✓ Section 10:- Redact the exempted.
- ✓ Section 11 : Third party procedure .
- ✓ Section 9:- Rejection on infringement of copyright subsisting in a person other than the state.
- ✓ Section 18 & Section 19:- Complaint/Appeal.
- ✓ Section 20:- Penalties.

### Objectives:



### Background of Digital Personal Data Protection Bill:

- **It was placed in the public domain** in December 2022 but the final Bill has not been placed before the public.
- **It has two provisions** which would greatly weaken the Indian citizen's right to information.
- **It plans to amend RTI Act Section 8(1)(j)** to read as exempting information under (j), which relates to personal information
- **The proposed Bill defines** the term 'person' very widely to include individuals, companies, and the state.
  - **Most information except budgets** would be linked to one of these.

### The Digital Personal Data Protection Bill, 2022:

- **It is a crucial pillar of the overarching framework of technology regulations** the Centre is building.

- **It includes the**
  - **Digital India Bill**(the proposed successor to the Information Technology Act, 2000)
  - **The draft Indian Telecommunication Bill, 2022**
  - **Policy** for non-personal data governance.
- **It will apply to processing** of digital personal data within India
  - **To data processing outside the country** if it is done for offering goods or services
  - for profiling individuals in India
- **It requires entities that collect personal data** — called data fiduciaries — to maintain the accuracy of data, keep data secure, and delete data once their purpose has been met.

#### **The right to privacy:**

- **It was reaffirmed by a nine-judge Constitutional bench** of the Supreme Court in 2017.
- **It set an international benchmark and illustrated** the new challenges to the right to privacy posed by the digital age.
- **The DPDP Bill 2023**, is an outcome of the debate around the right to privacy.

#### **The right to information:**

- **It provides us access to government documents** to ensure transparency and accountability of the government.
- **Right to Information Act (RTI) 2005** has played a critical role in deepening democratic practices.
- **DPDP Bill 2023 ends up undermining our right to information**, without doing much to protect our right to privacy.

#### **Right to Information and Right to privacy-Complementary or competing rights?**

- **The right to information** seeks to make the government transparent
  - **The right to privacy** is meant to protect us from government (and increasingly, private) intrusions into our lives.
- **For example, under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):**

- **mandatory disclosure provisions** are meant to ensure that workers can monitor expenditure and also facilitate public scrutiny through social audits.
- **Everyone has access to data about individuals** registered under the Act, including when and how much was paid to each worker.
- **Recent issue:** operators can monitor, even scrape data systematically to swindle workers of their hard-earned wages.
  - **for example,** showing up at their doorstep with offers of lucrative ‘savings’ or ‘insurance’ or with wares to sell.

### Issues with the DPDP Bill 2023:

- **It makes the government less transparent** to us while making us transparent to both the government and private interests.
- **It states;** A Bill to provide for the processing of digital personal data in a manner that recognises both the right of individuals to protect their personal data and the need to process such data for lawful purposes”.
- **Section 4(2) defines** “lawful purposes” in the broadest possible manner as “any purpose which is not expressly forbidden by the law”.
  - **Thus, as scraping information on wages/pensions paid to workers/ pensioners or mobile numbers** of government scheme beneficiaries from government portals is “not expressly forbidden”
  - **data mining** can merrily continue.
- **Section 36** allows the central government to ask the Board, data fiduciary or others to “furnish such information as it may call for”.
- **Sections 4(2) and 36** together make our data fair game for both government and private entities.
- **The DPDP Bill 2023 suggests replacing Section 8(1)(j)** with just “information which relates to personal information”.
  - It will undermine the **RTI 2005**.
  - **For example:** Current requirements for public servants (including judges, and Indian Administrative Service officers) to disclose their immovable assets will likely be off limits.
  - **This is “information** related to personal information
  - **But it serves a larger public interest:** for example, to identify public servants with disproportionate assets.

### Section 8(1)(j) of RTI ACT:

- **It exempts personal information** which is not a part of public activity, or which is an invasion on the privacy of an individual.
- **To help anyone claiming exemption it states:** 'Provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.'
- **Personal information may be exempt if:**
  - **it is not related to a public** activity or interest
  - **would cause unwarranted invasion** of the privacy of an individual
- **Whoever claimed that a disclosure was exempt under Section 8(1)(j)** should make a statement that he would not give this information to Parliament.

### Misuse of section 8(1)(j):

- **Many refusals of information did not adhere to the law** but refused information with a bland statement that since it was personal information, they would not give it.
- **To cover government officials:** It has been widely used to cover arbitrary, corrupt or illegal acts of government officials.
- **Some examples of illogical refusal:**
  - **The Department of Personnel and Training refused "Total number of Annual Performance Appraisal reports (APAR) of IAS officers pending for over years"** by claiming exemption under Section 8(1)(j).
  - **Request for details of Member of the Legislative Assembly funds** being denied saying it was personal information
  - **Details of the beneficiaries** of the Prime Minister's fund
  - **Bogus caste certificates, education certificates,** ghost employees
  - **Gross arbitrariness and corruption** in selections for jobs and non-conformance to rules and laws
  - **Disproportionate assets** compared to declared income
  - **Verification of affidavits** of elected representatives
  - **Unfair assessment** of students and job seekers in government
  - **Disregard of corruption** charges against officials that have been proven
  - **File notings** and minutes of meetings

### Concerns around Data Protection Bill:

- **Wide-ranging exemptions** for the central government and its agencies.
- **The Bill has prescribed that the central government** can exempt “**any instrumentality of the state**” from adhering to the provisions on account of:
  - national security
  - relations with foreign governments
  - maintenance of public order among other things.
- **Central government will appoint members** of the data protection board.
  - **Data protection board:** an adjudicatory body that will deal with privacy-related grievances and disputes between two parties.
- **The chief executive of the board** will be appointed by the central government, which will also determine the terms and conditions of their service.
- **Law could dilute the Right to Information (RTI) Act**, as personal data of government functionaries is likely to be protected under it, making it difficult to be shared with an RTI applicant.

## Way Forward

- **The DPDP 2023** suffers from other shortcomings.
  - **For instance, the Data Protection Board**, an oversight body will be under the boot of the government as the chairperson and members are to be appointed by the central government (Section 19).
  - **The DPDP Bill 2023** attempts to pass off a lame-duck as a watchdog.
- **In Europe, the General Data Protection Regulation (GDPR)** set a high standard for data protection.
  - **It has a strong watchdog** that operates in a society with universal literacy, and high digital and financial literacy.
- **In France, the data protection regulator** was able to fine Google **€50 million** for violation of policies related to consent.
  - **Edward Snowden** warned of the real danger of GDPR becoming a “**paper tiger**”, that “the problem isn’t data protection, the problem is data collection.”
  - **Restricting data collection** is not even being discussed in India.
- **A weak board combined with the lack of universal literacy** and poor digital and financial literacy, as well as an overburdened legal system,
  - **It means that the chances that citizens** will be able to seek legal recourse when privacy harms are inflicted on them are slim.

## QUESTION FOR PRACTICE

Q. What do you understand about the term 'good governance'? How far have recent initiatives in terms of e-Governance steps taken by the State have helped the beneficiaries? Discuss with suitable examples.(UPSC 2022)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### The dangers in the Digital Personal Data Protection Bill

[Source: The Hindu](#)

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- **Mains GS Paper I and II:** Statutory, regulatory and various quasi-judicial bodies, Important aspects of governance, transparency and accountability etc

### ARTICLE HIGHLIGHTS

- The government is set to introduce the **Digital Personal Data Protection (DPDP) Bill** in Parliament.
  - The final draft is wrapped in secrecy.

### INSIGHTS ON THE ISSUE

#### Context

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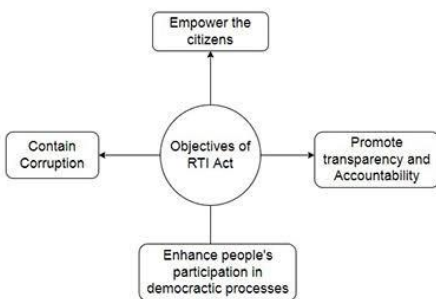
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### Background of Digital Personal Data Protection Bill:

- **It was placed in the public domain** in December 2022 but the final Bill has not been placed before the public.
- **It has two provisions** which would greatly weaken the Indian citizen's right to information.
- **It plans to amend RTI Act Section 8(1)(j)** to read as exempting information under (j), which relates to personal information
- **The proposed Bill defines** the term 'person' very widely to include individuals, companies, and the state.
  - **Most information except budgets** would be linked to one of these.

### What are the issues with circulation?

- **MeitY focused primarily on consulting industry** and big tech companies on a law that will have vast ramifications for the information regime in India

- **It will impact every citizen** of the country.

### **The Digital Personal Data Protection Bill, 2022:**

- **It is a crucial pillar of the overarching framework of technology regulations** the Centre is building.
- **It includes the**
  - **Digital India Bill**(the proposed successor to the Information Technology Act, 2000)
  - **The draft Indian Telecommunication Bill, 2022**
  - **Policy** for non-personal data governance.
- **It will apply to processing** of digital personal data within India
  - **To data processing outside the country** if it is done for offering goods or services
  - for profiling individuals in India
- **It requires entities that collect personal data** — called data fiduciaries — to maintain the accuracy of data, keep data secure, and delete data once their purpose has been met.

### **Importance of RTI?**

- **The Data Protection Bill of 2022** includes a provision to amend the Right to Information (RTI) Act
- **To effectively hold their governments accountable** in a democracy, people need access to information, including various categories of personal data.
  - **For example, the Supreme Court** has held that citizens have a right to know the names of wilful defaulters and details of the Non Performing Assets (NPAs) of public sector banks.
- **Democracies routinely ensure public disclosure of voters' lists** with names, addresses and other personal data to enable public scrutiny and prevent electoral fraud.
- **The RTI Act in India, especially the poor and marginalized,** obtain the benefits of government schemes and welfare programmes, they must have access to relevant, granular information.
  - **For example the Public Distribution System (PDS) Control Order** recognises the need for putting out the details of ration card holders and records of ration shops in the public domain
    - **It enables public scrutiny** and social audits of the PDS.

- **The RTI Act includes a provision to harmonize peoples' right to information** with their right to privacy through an exemption clause under **Section 8(1)(j)**.

**Personal information is exempt from disclosure under RTI Act if :**

- It has no relationship to any public activity
- It has no relationship to any public interest
- **If information sought is such** that it would cause unwarranted invasion of privacy
  - **The information officer is satisfied** that there is no larger public interest that justifies disclosure.

**Issues with DPDP Bill 2022:**

- **The enactment of a data protection law** does not require any amendment to the existing RTI law
  - This is also noted by the **Justice A.P. Shah Report on Privacy**.
- **The DPDP Bill 2022, proposes amendments to Section 8(1)(j)** to expand its purview and exempt all personal information from disclosure.
  - **This threatens the very foundations of the transparency and accountability regime** in the country.
- **A primary objective of any data protection law is to curtail the misuse of personal data**, including for financial fraud.
  - **Government is the biggest data repository**, an effective data protection law must not give wide discretionary powers to the government.
- **The DPDP Bill, 2022, empowers the executive** to draft rules and notifications on a vast range of issues.
  - **For instance, the central government can exempt** any government or even private sector entity from the application of provisions of the law by merely issuing a notification.
  - **It would potentially allow the government** to arbitrarily exempt its cronies and government bodies such as the **Unique Identification Authority of India (UIDAI)**
  - **It will result in immense violations** of citizens' privacy.
- **Small non-governmental organizations, research organizations, associations of persons and Opposition parties**
  - **The government chooses** not to include in the notification

- **It would have to set up systems** to comply with the stringent obligations of a data fiduciary.
- **To meet its objective of protecting personal data**, it is critical that the oversight body set up under the legislation be adequately independent to act on violations of the law by government entities.
  - **The draft Bill does not** ensure autonomy of the **Data Protection Board**
    - **The institution responsible** for enforcement of provisions of the law.
- **The central government is empowered** to determine the strength and composition of the board, as well as the process of selection and removal of its chairperson and other members.
  - **The chief executive responsible** for managing the board is to be appointed by the government
  - **It will give the government** direct control over the institution.
- **Law could dilute the Right to Information (RTI) Act**, as personal data of government functionaries is likely to be protected under it, making it difficult to be shared with an RTI applicant.

#### **Section 8(1)(j) of RTI ACT:**

- **It exempts personal information** which is not a part of public activity, or which is an invasion on the privacy of an individual.
- **To help anyone claiming exemption it states:** 'Provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.'
- **Personal information may be exempt if:**
  - **it is not related to a public** activity or interest
  - **would cause unwarranted invasion** of the privacy of an individual
- **Whoever claimed that a disclosure was exempt under Section 8(1)(j)** should make a statement that he would not give this information to Parliament.

#### **Misuse of section 8(1)(j):**

- **Many refusals of information did not adhere to the law** but refused information with a bland statement that since it was personal information, they would not give it.

- **To cover government officials:** It has been widely used to cover arbitrary, corrupt or illegal acts of government officials.
- **Some examples of illogical refusal:**
  - **The Department of Personnel and Training refused “Total number of Annual Performance Appraisal reports (APAR) of IAS officers pending for over years”** by claiming exemption under Section 8(1)(j).
  - **Request for details of Member of the Legislative Assembly funds** being denied saying it was personal information
  - **Details of the beneficiaries** of the Prime Minister’s fund
  - **Bogus caste certificates, education certificates,** ghost employees
  - **Gross arbitrariness and corruption** in selections for jobs and non-conformance to rules and laws
  - **Disproportionate assets** compared to declared income
  - **Verification of affidavits** of elected representatives
  - **Unfair assessment** of students and job seekers in government
  - **Disregard of corruption** charges against officials that have been proven
  - **File notings** and minutes of meetings

### Way Forward

- **The creation of a totally government-controlled Data Protection Board,** empowered to impose fines upto ₹500 crore
  - **It is bound to raise serious apprehensions** of it becoming another caged parrot
  - **It will be open to misuse by the executive** to target the political opposition and those critical of its policies.
- **These concerns need to be urgently addressed** before the DPDP Bill is enacted.
- **If this amendment is made,** all information which can be related to a person could be legally denied.
  - **Most information could be shown as being related to a person,** and hence the law would become a Right to Deny for **Public Information Officers (PIO)** who do not wish to give out information.
- **The Data Protection Bill:** It will set up a system of amending the RTI law in a manner that all personal information will be exempted.

### QUESTION FOR PRACTICE

Q. What do you understand about the term 'good governance'? How far have recent initiatives in terms of e-Governance steps taken by the State have helped the beneficiaries? Discuss with suitable examples.(UPSC 2022)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

In Article 370 hearing, the original text and spirit count

Source: The Hindu

- **Prelims:** Jammu and Kashmir-Issue, article 370, geographic location etc
- **Mains GS Paper II:** Importance of Jammu and Kashmir, security concerns, delimitation Commission etc

### ARTICLE HIGHLIGHTS

- The Supreme Court will begin hearing oral arguments in the case concerning **Article 370** of the Constitution.



### INSIGHTS ON THE ISSUE

Context

Jammu and Kashmir-Background .

- Jammu and Kashmir, **from 1846 until 1947, remained a princely state ruled by the Jamwal Rajput Dogra Dynasty.**
- Like all other princely states in India then, Kashmir too enjoyed **only a partial autonomy**, as the real control was with the British.
- **Hari Singh tried** to negotiate with India and Pakistan to have an independent status for his state.
  - **He offered a proposal of Standstill Agreement** to both the Dominion, pending a final decision on State's accession.
- **On August 12, 1947, the Prime Minister of Jammu and Kashmir** sent identical communications to the Government of **India** and **Pakistan**.
- **Pakistan accepted the offer** and sent a communication to the J&K Prime Minister on August 15, 1947.
  - **India advised the Maharaja** to send his authorized representative to Delhi for further discussion on the offer.
- Pakistan, broke the Standstill Agreement by sponsoring a **tribal militant attack in Kashmir in October 1947.**
- India assured help on condition Hari Singh should sign the **Instrument of Accession.**
  - **Maharaja Hari Singh** signed the instrument of accession with India (1947).
  - It was agreed that once the situation normalizes, the views of the people of J&K will be ascertained about their future.

#### **Article 370:**

- The **Constituent Assembly of Jammu & Kashmir** was empowered to recommend which articles of the Indian Constitution should apply to the state.
- **The J&K Constituent Assembly was dissolved** after it drafted the state's constitution.
- **Clause 3 of the article 370** gives the President of India the power to amend its provisions and scope.

#### **Article 35A:**

- It was introduced through a **Presidential Order in 1954**, on the recommendation of the J&K Constituent Assembly.
- **Article 35A empowers the Jammu & Kashmir legislature** to define the permanent residents of the state, and their special rights and privileges.

- It appears in Appendix I of the Constitution.

### Removal of Article 370:

- **It commenced with a presidential order issued** nearly four years ago.
- **Amendments were made to make applicable** the entirety of India's Constitution to Jammu and Kashmir (J&K).
- **The State was also sundered** into two Union Territories: **J&K** and **Ladakh**.
- **It was done when the State was under President's Rule** with no elected Legislative Assembly in place.

### How was Article 370 introduced?

- **The Indian Independence Act, 1947:** It allowed the Government of India Act, 1935, to serve as an interim constitution until the country adopted its own.
- **The statute permitted princely States** to accede to India by executing an instrument of accession.
- **In the case of J&K**, the instrument came with qualifications that were ultimately written into **Article 370**.
- **It stipulated that Parliament could legislate for J&K** only over matters concerning **external affairs, defense, and communications**.
- **Where Parliament intended to legislate over areas otherwise** provided for in the instrument of accession, it could do so by consulting the State government.
- **where it proposed to enact laws beyond the agreed subjects**, it required additional ratification by the State's Constituent Assembly.
- **After 1957, when J&K's Constitution came into force**, its Constituent Assembly was disbanded and replaced by a Legislative Assembly.
  - **Article 370** remained unaltered.
- **Chief drafter Gopaldaswami Ayyangar:** He described the State Constituent Assembly's recommendation, as mandated by **clause (3) to Article 370**, as a "condition precedent" to any effort at abrogating the provision.
  - **After the Constituent Assembly was disbanded**, this clause had become nugatory.

### How was it altered?

- **Part XIX of the Constitution, Article 367** comprises a set of general rules for interpreting the Constitution.

- **Through this Article, the President's order** on August 5, 2019, amended with a view to transforming the existing status of J&K.
- **It was done by adding a new clause to Article 367:** It stipulated that wherever the term "**Constituent Assembly of the State**" was used in Article 370, it would now refer to the "**Legislative Assembly of the State.**"
- **The basic thrust of Article 370 was abrogated,** without complying with the precondition that Ayyangar thought obligatory.

#### **Issues with the process of removal of Article 370:**

- **With J&K under President's Rule,** the Governor came to act not only as the State's Legislative Assembly but also as its Constituent Assembly.
- **The President followed his decision** with a declaration under **Article 370(3)** that with effect from August 6, 2019, "all clauses of the said **Article 370** shall cease to be operative."
- **New Article 370** proclaimed that all provisions of the Constitution would apply to J&K.
- **The President's order asserted** that it was made with the concurrence of the "government of the state of Jammu and Kashmir."
  - **The State was under President's Rule,** and assent was made by J&K's Governor.
- **The Union government** was effectively assenting to its own decision.
- **Without so much as consulting** and securing the concurrence of the State's democratically elected representatives.

#### **Petitioners' argument:**

- **Representative democracy** is a basic feature of the Constitution.
- **Any interpretation of the Constitution must strive,** they say, towards enhancing this value.
- **Even the framers of Article 370** viewed that any overriding of the provision can only be done through the procedure contemplated in **clause (3)**
  - **That is with the concurrence** of the State's Constituent Assembly.
  - **Once the Assembly stood disbanded,** this option ceased to exist.
- **Previous presidential orders, including the order introducing the controversial Article 35A,** were made without altering the text of either Article 1 or Article 370 in any manner.
- **On a conjoint reading of clauses (c) and (d) of Article 370(1)** the President could make applicable to J&K, "such of the other provisions of the

Constitution” i.e., provisions other than Articles 1 or 370 — with modifications or exceptions as deemed necessary.

### Government’s stand:

- **This is not the first time** that different provisions of the Constitution have been made applicable to J&K.
  - **There have been numerous instances of presidential orders** made through the erstwhile **Article 370(1)(d)**
  - **By securing the concurrence** of the State government wherever necessary.

### Way Forward

- **No doubt, the President’s order on August 5, 2019**, only alters the text of Article 367.
  - **But as a consequence** it upsets the existing text of Article 370
- **By amending Article 370 through changes made to Article 367**, the petitioners claim that the Union has done indirectly what it could not have done directly.
- **India’s Constitution establishes a system of governance**, where power and authority are divided between the Union and the States.
  - **Political scientist Louise Tillin:** described this balance as representing a form of asymmetric federalism
    - where some States enjoy greater autonomy over governance than others
    - **A feature reflected in various constitutional provisions**, especially in **Articles 371 to 371J**.
- **The Supreme Court has routinely described federalism as representing an essential component of the Constitution:** the Court will have to be guided not only by the text of the provision’s original version but also by the spirit that pervades through the document’s basic structure.
- **The Court might want to ensure that fidelity is maintained** both to these moral values and to the systems and processes that make up the administration of the country’s laws.
- **At stake in the case is not only the bare relationship that the Constitution** establishes between the Union and the States but also the sanctity attached to the various subtleties in this relationship.

## QUESTION FOR PRACTICE

Q. The banning of 'Jamaat-e - islami' in Jammu and Kashmir brought into focus the role of over-ground workers (OGWs) in assisting terrorist organizations. Examine the role played by OGWs in assisting terrorist organizations in insurgency affected areas. Discuss measures to neutralize influence of OGWs.(UPSC 2019)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

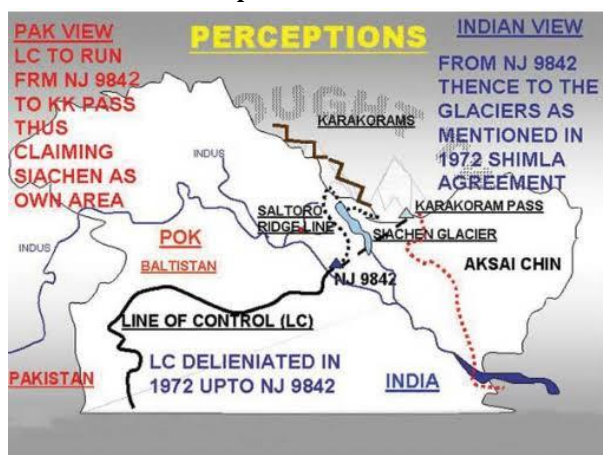
### Cross the boulders in the Indus Waters Treaty

Source: The Hindu

- **Prelims:** Current events of international importance(India-Pakistan relations, Indus water treaty, Kishanganga Hydel Power Project, LOC, SAARC etc
- **Mains GS Paper II:** Bilateral, regional and global grouping involving India and affecting India's interests, India and its neighborhood-relations

## ARTICLE HIGHLIGHTS

- The **Indus Waters Treaty (IWT)**, brokered by the **World Bank** has again become a source of **contention** between **India** and **Pakistan**
  - It considerably encapsulates the **principle of equitable allocation** rather than the principle of appreciable harm
- The **Indus Waters Treaty (1960), or IWT**, regulates the Indus water courses between the riparian states of India and Pakistan.



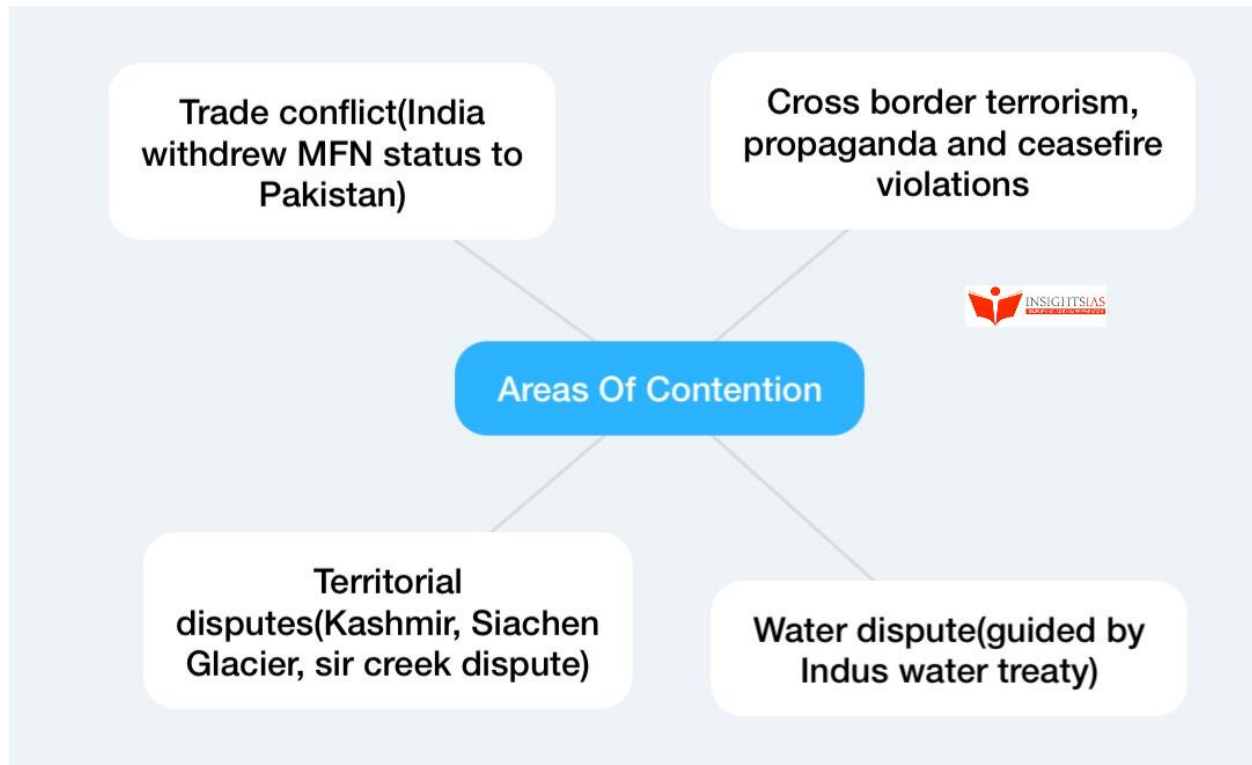
## INSIGHTS ON THE ISSUE

## Context

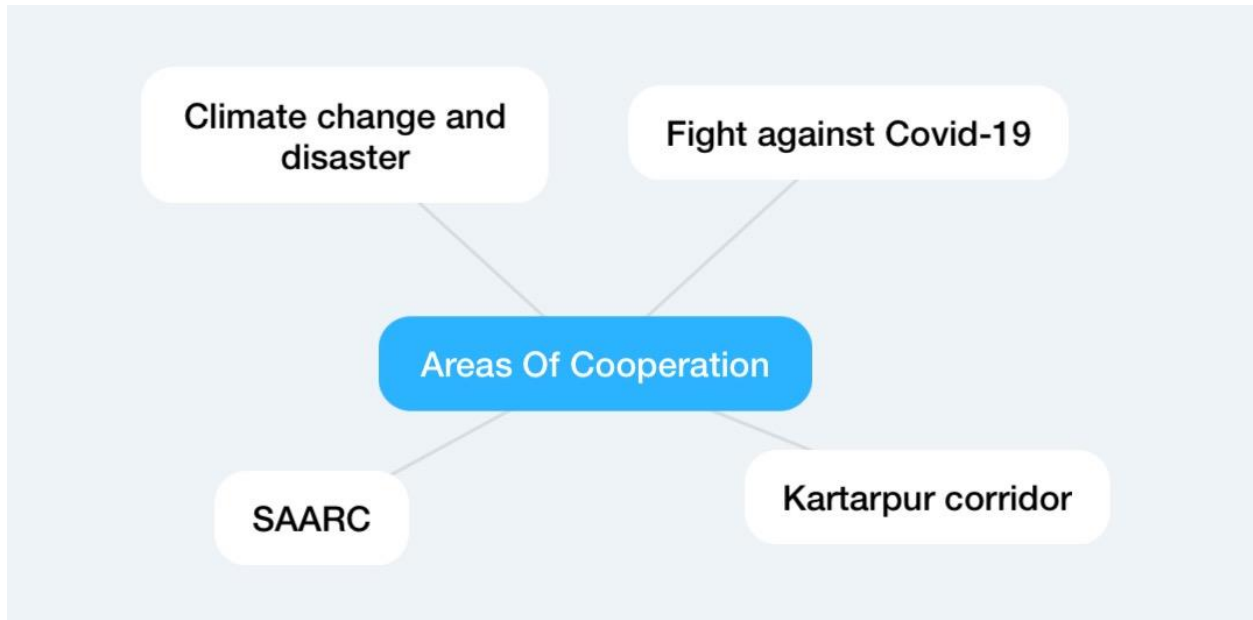
### India-Pakistan Relations:

- With the *partition of British India*, two separate nations, India and Pakistan were formed.
- Since the very beginning, the immediate violent partition, wars, terrorist attacks and various territorial disputes overshadowed the connection.

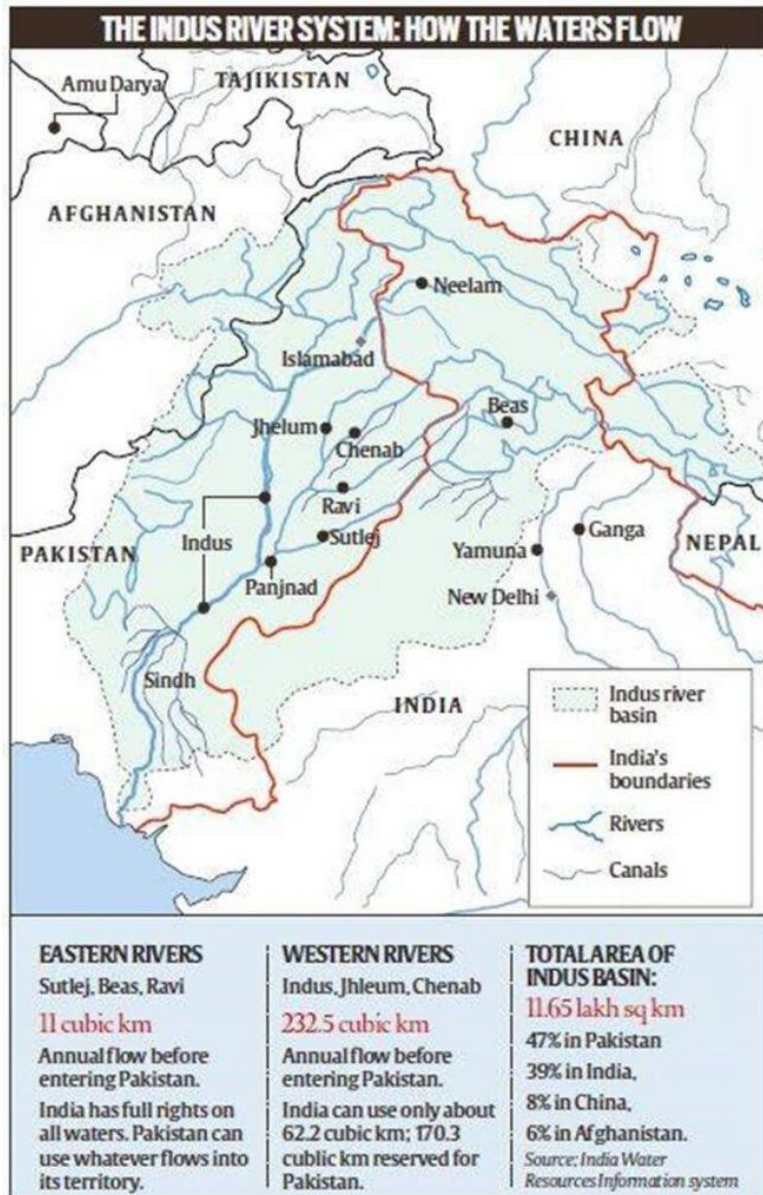
### Areas of contention:



### Areas of Cooperation:



**Indus Water Treaty(IWT):**



- **IWT is a water-distribution treaty** between India and Pakistan, brokered by the **World Bank (WB)**, to use the water available in the **Indus River and its tributaries**.
- **It was signed in Karachi in 1960** by then-Indian PM Jawaharlal Nehru and then-Pakistani president Ayub Khan.
- **The Treaty gives control over the waters of the three “eastern rivers”** – the Beas, Ravi and Sutlej (BRS)- to **India**.
- **Control over the waters of the three “western rivers”** – the Indus, Chenab and Jhelum -has been given to **Pakistan**.
- **India has about 20% of the total water** carried by the Indus system while **Pakistan has 80%**.

- **The treaty allows India to use the western river waters** for limited irrigation use and unlimited non-consumptive use for such applications as power generation.
- **India has the right to generate hydroelectricity** through run-of-the-river (RoR) projects on the western rivers which, subject to specific criteria for design and operation, is unrestricted.
- **The dispute redressal mechanism** provided under the IWT is a graded **3-level mechanism**.
- **Under the IWT**, whenever India plans to start a project, it has to inform Pakistan.
- **The concerns have to be cleared** at the levels of the Indus Commissioners → Neutral Expert → Court of Arbitration, in a graded manner.

#### Significance:

- **IWT has survived several wars** and phases of bitter relations
- **It lays down detailed procedures and criteria** for dispute resolution.

#### Background:

- **Both India and Pakistan are granted exclusive rights** to utilize the waters of the rivers allocated to them without harming others' interests.
- **Under the IWT**
  - **India has unrestricted use of the three eastern rivers** (Ravi, Beas, and Sutlej)
  - **Pakistan enjoys similar rights over the three western rivers** (Indus, Jhelum, and Chenab).
  - **India is allowed to store 3.60(three point six zero)million-acre feet (MAF**
    - **0.40(zero point four zero)MAF on the Indus**
    - **1.50(one point five zero)MAF on the Jhelum**
    - **1.70(one point seven zero)MAF on the Chenab)**
    - **The sector-wise allocation is 2.85(two point eight five)MAF for conservation storage** (divided into
      - 1.25(one point two five)MAF for “general storage”
      - 1.60(one point six zero)for “power storage”
      - An additional 0.75(zero point seven five)MAF for “flood storage”.

#### What is the present issue?

- **The core of the issue now between India and Pakistan** involves the **Kishanganga and Rattle hydroelectric power** plants in Jammu and Kashmir.
- **Pakistan has raised objections, citing violations of the treaty and potential negative effects** on its water supply which goes against the provisions outlined in Annexure D of the treaty.
- **Pakistan first raised its concerns** over the Kishanganga project in 2006 and the Rattle project on the Chenab in 2012.
- **In 2010, the dispute on the Kishanganga project** was taken to the Court of Arbitration (CoA).
- **Pakistan contended that India's plan is not in line** with Article III, Article IV (6) and Paragraph 15(iii) of Annexure D of the IWT.
- **In 2013, the CoA delivered the final judgment**, ruling that the Kishanganga hydroelectric project is a run-of-river dam
  - **India, under the IWT, can divert water** from the river Kishanganga/Neelum for power generation.
  - **India has to maintain a minimum flow of water in the Kishanganga/Neelum river** to nine cusecs (cubic metre of water per second).
  - **The two countries reached an amicable resolution** on only one out of four issues that were expected to be resolved.
- **In 2016, Pakistan requested the World Bank to form a CoA:**
  - India requested a neutral expert be appointed to deal with the dispute.
  - **At that time, the World Bank paused the works** on the Kishanganga and Rattle projects "to allow the two countries to consider alternative ways to resolve their disagreements".
- **Despite the pause, works on the Kishanganga continued**, and, in 2018, Prime Minister of India inaugurated the Kishanganga project.
- **Pakistan raised its concerns with the World Bank.** In
  - **In 2022, the World Bank appointed Michel Lino** as the neutral expert and Professor Sean Murphy as Chairman of the CoA.

#### **India's stand:**

- **In 2023, the Permanent Court of Arbitration(PCA) chaired by Prof. Murphy**; It unanimously rejected India's objections and confirmed its competence to consider and resolve the disputes raised by Pakistan.

- **The PCA, based on its interpretation of paragraph 1 of Annexure G and Article IX of,** unanimously said that it is competent to “consider and determine the disputes set forth in Pakistan’s Request for Arbitration”.
- **India said:** It cannot be “compelled to recognize or participate in illegal and parallel proceedings not envisaged by the Treaty”.
- **India has been participating in the neutral expert’s proceedings** whose first meeting was held at The Hague on February 27-28.

#### **Article 9 of IWT:**

- **It offers a graded pathway** to address any issue related to the implementation or interpretation of the IWT.
- **It provides for the appointment of a neutral expert** in case there is a lack of consensus among the Commissioners.
- **If the neutral expert believes** that the difference should be treated as a dispute, it can be referred to the Court of Arbitration.
- **The Commission has to report** the facts to the two governments.
- **The report must state:**
  - Points of concord in the Commission
  - The views of each Commissioner on these issues
  - Mention the issues of disagreement.
- **Only after receiving a report** can either of the governments address the issue bilaterally or through the Court of Arbitration.

#### **Way Forward**

- **More than going to court, the need is to incorporate** “equitable and reasonable utilization” and the “no harm rule” in the IWT.
- **Any such incorporation requires better ties** and enduring trust between India and Pakistan.
- **Due to a wide trust deficit between the two countries,** there is a remote chance of Pakistan accepting India’s request to renegotiate to modify some of the provisions in the IWT.
- **There is a need to involve local stakeholders** also in any negotiation process between India and Pakistan on shared water issues.
- **A joint group comprising technocrats, climate experts, water management professionals,** and scientists from both countries can be set up to look at the core of the problem.

- **Article 7 of treaty:** It talks about future cooperation — discussing and broadening transboundary governance issues in holistic terms.
  - It could be the starting point for any potential diplomatic handshake.

### QUESTION FOR PRACTICE

Q. Increasing cross border terrorist attacks in India and growing interference in the internal affairs of several member states by Pakistan are not conducive for the future of SAARC (South Asian Association For Regional Cooperation)." Explain with suitable examples.(UPSC 2016)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### At Delhi summit, demonstrate climate leadership

[Source: The Hindu](#)

- **Prelims:** Current events of international importance, G20, Global south, Inflation etc.
- **Mains GS Paper II & III:** Significance of G20 countries, Bilateral, regional and global grouping and agreements involving India or affecting India's interests.

### ARTICLE HIGHLIGHTS

- **The G-20 summit in New Delhi (September 9-10)** is a crucial moment to show leadership ahead of the **UN Secretary General's Climate Ambition Summit** and the **United Nations Framework Convention on Climate Change COP28**.
-



## INSIGHTS ON THE ISSUE

### Context

#### G20:

- **The G20 is an informal group: 19 countries** and the **European Union**, with representatives of the **International Monetary Fund** and the **World Bank**.
- **The G20 Presidency rotates annually:** according to a system that ensures a regional balance over time.
- **For the selection of the presidency: 19 countries** are divided into 5 groups, each having no more than 4 countries.
  - The presidency rotates between each group.
- Every year the G20 selects a country from another group to be president.
  - **India is in Group 2 which also has Russia, South Africa, and Turkey.**
- The G20 does not have a permanent secretariat or Headquarters.

#### Recent steps by G20 members:

- **G-20 members have shown a degree of commitment** to shift towards clean energy:
  - **Renewable energy sources provided 29%** of their energy mix in **2021**, an increase from **19% in 2010**.

- **The G-20 members emit most of the world's greenhouse gas emissions** and produce the bulk of its fossil fuels.
  - **Most members have pledged to be “net-zero”**, cutting back on emissions and fossil fuel use.

**Areas G20 need to focus on:**

- **At the national and local levels:** G-20 countries need to improve their governance processes for just energy transitions.
- **Governments should establish clear governance structures** to ensure that the transition process is inclusive and the results equitable, and avoid siloed working.
  - This includes
    - **Clarifying responsibilities**
    - **mandates between ministries and across government levels** with the goal of having coherent delivery plans that can attract investment.
- **Progress indicators should go beyond the traditional ones** such as net job creation, diversity of manufacturing and regional economic growth to include metrics on the kinds of jobs created
  - **who has access to them**, and levels of broader community resilience and innovation.
- **Depending on the country's context:** G-20 countries could establish a **multi-ministerial task force** or joint working groups between government and non-government actors to coordinate energy transition efforts.
  - **For example, South Africa** has developed a **just transition framework** that was led by the **Presidential Climate Commission (PCC)**.
  - **Other G-20 members can accelerate** their own just energy transitions by developing concrete frameworks, road maps, or action plans.
- **As the Indian G-20 presidency has acknowledged:** The G-20 should see this transition as a way to diversify G-20 member economies to ensure
  - long-term economic stability
  - livelihoods
  - public revenue streams.

- **International financial institutions** can align their investments and risk-taking to rapidly deploy vast amounts of renewable energy and grid infrastructure
  - **They can target support to energy efficiency** and very low-carbon industrial technologies.
  - **For example, the global increase in demand** for and production of green steel necessitates the immediate transition to low carbon steel production pathways.
- **The G-20 countries, representing 90% of global steel production and 80% of consumption**, have a pivotal role in advancing global low-carbon steel production.
- **By setting clear mandates for international financial institutions**, such as multilateral development banks and international climate finance
  - **They can drive investments in green steel transitions** within developing and emerging economies.
- **A collective commitment by the G-20 to Green Public Procurement** would accelerate the decarbonisation of hard-to-abate sectors such as steel and cement.
- **Collaboration within and among G-20 nations is necessary** for effective and ambitious reform in public purchasing.
- **Governments must implement effective monitoring**
  - Create clear mandates for low-carbon procurement
  - Upskill” procurement officers
  - Set time-bound targets to harness the full potential of Green Public Procurement.
- **The G-20 should take a lead in streamlining international efforts** to achieve just energy transitions.
  - **These efforts will be aided by** radically improved transparency and accountability
  - **For example** by setting up disclosure mechanisms on energy transitions-related data through existing mechanisms such as:
    - **G-20 Energy Transitions** and Sustainable Finance Working Groups
    - The Just Energy Transition Partnerships (JET-Ps).
- **The G-20 should also encourage fossil-fuel producing countries**
  - **To provide current, comparable** and reliable information about their plants

- Projects for oil, gas and coal production
- How these align with international as well as national climate goals.

### India's G20 agenda:

- Green growth
- **Digital transition** and sustainable progress (for which this author has coined the acronym GDP)
- **Reinforces** how this could truly be a "People's G20"
- **Transform forum for international economic cooperation** into a forum for people-to-people cooperation.

### Way Forward

- **It is time for the G-20 to act as a united group** that drives its own collective climate ambition through collaboration, coordination and competition.
- **The race to deploy clean energy for all, to decarbonise industry** and to achieve a just and inclusive transition cannot be run alone.
  - **By taking a lead in these three action areas**, the G-20 can ensure this is a relay race that is won together — not at the expense of some countries and communities.
- **The outcome document of July's G-20 Energy Transition Ministers' meeting** called for "Just, Affordable, and Inclusive Energy Transition Pathways".
  - **But for countries to get onto such pathways**, the G-20 must act together, collaborating and coordinating steps to achieve net-zero ambitions, while competing to achieve them.
- **The G-20 summit in New Delhi is a crucial moment for the Heads of State and Government** present at the meeting to adopt a strong leader's declaration
  - Committing to collective ambition to combat climate change.

### QUESTION FOR PRACTICE

Q. The long sustained image of India as a leader of the oppressed and marginalized nations has disappeared on account of its new found role in the emerging global order.' Elaborate(UPSC 2019)

**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

### India's G-20 opportunity for an African Renaissance

Source: The Hindu

- **Prelims:** Current events of international importance, G20, Global south, BRICS, ECOWAS, etc.
- **Mains GS Paper II & III:** Bilateral, regional and global grouping and agreements involving India or affecting India's interests.

### ARTICLE HIGHLIGHTS

- **Africa** is flagging its demands nowadays on multilateral fora such as **BRICS**, the **G-20** and the **United Nations General Assembly**.
- The **15th BRICS summit** is the first in-person meet since 2019 and the COVID-19 pandemic in South Africa.



### INSIGHTS ON THE ISSUE

#### Context

#### G20:

- **The G20 is an informal group: 19 countries** and the **European Union**, with representatives of the **International Monetary Fund** and the **World Bank**.

- **The G20 Presidency rotates annually:** according to a system that ensures a regional balance over time.
- **For the selection of the presidency: 19 countries** are divided into 5 groups, each having no more than 4 countries.
  - The presidency rotates between each group.
- Every year the G20 selects a country from another group to be president.
  - **India is in Group 2 which also has Russia, South Africa, and Turkey.**
- The G20 does not have a permanent secretariat or Headquarters.

## BRICS:



## Background of BRICS formation:

- **Jim O'Neil's conception of BRIC**, a grouping of four emerging economies (Brazil, Russia, India, and China).
- **Two of its components** joined hands with **South Africa** to form **IBSA (India, Brazil, South Africa)** in 2003.
- **China played a trump card**, and bought South Africa into BRIC, thus turning it into BRICS.
  - **IBSA** has been unable to hold its summit since 2011.
  - **BRICS has held 14 summits** in the past 13 years.

## Challenges and disruptors:

- **Existential challenges** such as
  - misgovernance
  - unplanned development
  - the dominance of ruling tribes

- corruption.
- **New disruptors such as**
  - the Islamic terror
  - inter-tribal scrimmage
  - changing climate
  - runaway food inflation
  - urbanization
  - Youth unemployment
- **Military interventions by France, the United States and Russia's Wagner Group** to curb the militancy have frequently become part of the problem.
  - **keeping dictatorships in power** to protect their economic interests, such as
    - uranium in Niger
    - gold in the Central African Republic
    - oil in Libya.
- **socio-political disorder:** The past decade has seen the generals coming back in Egypt, Burkina Faso, Mali, and Niger.
- **The armed forces in Libya and Sudan** have split and are vying for supremacy.
  - **Most military establishments in these countries** are relatively weak and incapable of defeating the Islamists and tribalists
  - **The top brass** do not lack political ambitions.
- **When the Economic Community of West African States (ECOWAS)** recently threatened to act militarily against Niger's junta
  - **Member-States, Mali and Burkina Faso** — both run by military governments — opposed the idea.
  - **Similarly, Sudan's warring generals** have defied calls for a ceasefire.

#### **International support:**

- **China has been Africa's largest trading partner and investor**, but a slowing economy and trade have reduced its appetite for Africa's commodities.
- **China's Belt and Roads Initiative** has raised the debts of some African countries to unsustainable levels
  - **causing them to cede control** of some of their assets to China.
- **Russia previously promoted the Wagner Group in Africa** as a shortcut for security

- **But after the militia's mutiny against the Kremlin** and the death of its chief, the situation is unclear.
- **France, the United Kingdom and other colonial powers as well as the United States** have continued to exploit mineral wealth in Africa
  - **Their economic downturn** has limited their outreach.
  - **Europe's main concern** is limited to stopping illegal migration from African shores.

#### **Developments around Africa:**

- **The 15th BRICS summit** took place in South Africa on August 23-24 with the theme “**BRICS and Africa**”
- **The 18th G-20 Summit hosted by India** where several issues of the “**global south**” with Africa as a focus would come up.
- **The annual session of the United Nations General Assembly** would also get underway — once again the Black continent's travails would prick the world's conscience.

#### **India's ties:**

- **India's ties with Africa are deep, diverse and harmonious: They range from Mahatma Gandhi's satyagraha** against the apartheid to the UN peacekeeping role.
- **India-Africa trade** reached **\$98 billion in 2022-23**.
- **India's investment and other socio-economic engagements** with Africa remain robust, especially in such sectors as
  - education
  - health care
  - telecom, IT
  - appropriate technology
  - agriculture.
- **India was the fifth largest investor in Africa** and has extended over **\$12 billion** in concessional loans.
- **India has completed 197 projects** and has provided 42,000 scholarships since 2015.
- **Approximately three million people of Indian origin** live in Africa, many for centuries.
  - **They are Africa's largest non-native ethnicity.**

## Way Forward

- **India is well placed to leverage its comprehensive profile with Africa** to help the continent either bilaterally or through these multilateral forums.
- **India's hosting of the G-20 Summit** will present it with a historic opportunity to up the ante.
  - **It could consult like-minded G-20 partners** and multilateral institutions for a comprehensive semi-permanent platform
  - To resolve the stalemated security and socio-economic situations in several parts of Africa.
- **India should deliver political stability and economic development** by combining peacekeeping with socio-political institution building.
- **India can offer force multipliers** such as targeted investments and transfer of relevant and appropriate Indian innovations, such as
  - JAM trinity (Jan Dhan-Aadhaar-Mobile)
  - DBT (Direct Benefit Transfer)
  - UPI (Unified Payments Interface)
  - Aspirational Districts Programme.
- **By offering a more participative and less exploitative alternative**, India can make the India-Africa ecosystem an exemplary win-win paradigm for the 21st century.

## QUESTION FOR PRACTICE

Q. The long sustained image of India as a leader of the oppressed and marginalized nations has disappeared on account of its new found role in the emerging global order.' Elaborate(UPSC 2019)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### The BRICS test for India's multipolarity rhetoric

[Source: The Hindu](#)

- **Prelims:** Current events of international importance, G20, G7, BRICS etc.
- **Mains GS Paper II & III:** Significance of G20 countries, Bilateral, regional and global grouping and agreements involving India or affecting India's interests.

## ARTICLE HIGHLIGHTS

- The upcoming BRICS summit in **South Africa(August 22 to August 24)** will be an important stress test for Indian diplomacy, and a harbinger of the shape of geopolitics to come.

## INSIGHTS ON THE ISSUE

### Context

#### BRICS:



#### Background of BRICS formation:

- **Jim O'Neil's conception of BRIC**, a grouping of four emerging economies (Brazil, Russia, India, and China).
- **Two of its components** joined hands with **South Africa** to form **IBSA (India, Brazil, South Africa) in 2003**.
- **China played a trump card**, and bought South Africa into BRIC, thus turning it into BRICS.
  - **IBSA** has been unable to hold its summit since 2011.
  - **BRICS has held 14 summits** in the past 13 years.

#### Advantages of BRICS:

- **BRICS focused its attention** on both geopolitical and economic dimensions.
- **By articulating a common view on key global and regional issues**, it projected a non-western view.
  - **This strengthened the world's march** towards multipolarity.
  - **It helped to curb** the dominating influence of the West.
- **On the economic front:**

- It launched the **New Development Bank** which has committed **\$32.8 billion(thirty two point eight)**in 96 projects
- **Contingent Reserve Arrangement (CRA)**, a financial mechanism to protect against global liquidity pressures
- **Comprehensive programme to expand trade** and investment cooperation among the five-member countries.
- **The ability of BRICS** to reorder or steer the global economy in any significant manner is deeply suspect
- **Its appetite to create economic agreements** amongst its own members was limited
- **Historical capability** to influence global geopolitics overestimated.

#### **Why are other paths to global governance needed?**

- **The deeply unrepresentative character of global governance** institutions and mechanisms has led to their failure
- **Little possibility** of a more inclusive system

#### **Role of Forums like BRICS:**

- **It will invariably fill an important institutional vacuum**, no matter how inadequate.
- **That 40-odd countries** have formally or informally expressed interest in joining an expanded BRICS
- **With the global order going through a major churn**, middle powers, regional heavyweights and the outliers that are weighing their options
  - **They would want to utilize forums such as BRICS** to make sense of global geopolitical headwinds
- **The uncertainties arising out of the Ukraine war and the steady rise of China** have provided a new lease of life to the otherwise moribund BRICS.

#### **Where does India belong in the global geopolitical landscape?**

- **India's active participation in non-western multilateral forums** such as BRICS, SCO is India's response to the undemocratic and inequitable governance structures of institutions such as the IMF, World Bank and the UNSC.
- **India's objective is not** to create or belong to an anti-U.S./West bloc either.

- **India is located right in the middle** of an emerging geopolitical fault line with interests on either side, welcomed by either side, but fully belonging to neither.

### **Implications:**

- **This could either make India a bridge** between the great divides or its lack of loyalty to neither could make it a victim of emerging geopolitical contestations.
- **The sharper the faultline becomes**, the harder it will be for India to balance it.
- **The rise of competing blocs** in the international system.
  - **With China and Russia aligning** their global interests
  - The organizations they are part of are likely to be pitted against the status quo order led by the U.S. and its allies.
- **India has traditionally opposed the creation of blocs** as they go against the fundamental spirit of equitable global governance and multipolarity.

### **Multipolarity, in the Indian context:**

- **It is about equity, inclusion and representation**, not bloc rivalry, ideological or otherwise.

### **China's role:**

- **Given its size, economic influence and the spread of the Belt and Road Initiative and diplomatic bandwidth**, China will influence an expanded BRICS
- **The more India helps strengthen non-western institutions and frameworks**
  - The more it helps indirectly, China's revisionist agenda.

### **Issues with BRICS:**

- **The IBSA trio within the BRICS** expected that China and Russia would fully back their bid to secure membership of the UN Security Council; they were disappointed.
- **Supporting 'the aspiration' of Brazil, India and South Africa** to play a greater role in the UN, figures in every BRICS communiqué
  - **It shows the grouping's** diplomatic bankruptcy.

- **The Chinese dramatic economic rise** and, more importantly, military assertiveness.
  - **This disturbed** the group's inner balance.
- **The post-Ukraine consolidation** of Russia-China cooperation, economic malaise in South Africa that accelerates dependence on China
- **Brazil's long fling with rightist** policies followed by the return of a tired Lula da Silva as the President, have generated new tensions.
- **China's push for a common currency** for intra-BRICS trade is also symptomatic of the group's inner troubles.

#### **Countries eager to join BRICS:**

- **Latin America (four)** – Argentina, Nicaragua, Mexico and Uruguay
- **Africa (five)** – Nigeria, Algeria, Egypt, Senegal and Morocco
- **Asia (10)** – Saudi Arabia, the United Arab Emirates (UAE), Türkiye, Syria, Iran, Afghanistan, Indonesia, Thailand, Kazakhstan and Bangladesh.

#### **Way Forward**

- **The challenge before India** is to choose between a China-centric world order or a West-centric world order, or balance the two.
- **India must keep its eyes firmly fixed on its goal:** promote a more representative and equitable global governance
  - **ensure that such an order** does not end up undercutting its own national interests.
- **India must moderate the** influence of China in non-western forums
  - **It must make sure not to alienate other countries** in the global South who may see merit in China's efforts at expanding the membership of those forums.
- **South-south cooperation:** We need to expand south-south cooperation to share experiences on food and agriculture production and make expanded efforts to share India's experiences for countries in Africa and Asia.

#### **QUESTION FOR PRACTICE**

Q. Do you think that BIMSTEC is a parallel organization like the SAARC ? What are the similarities and dissimilarities between the two ? How are Indian foreign policy objectives realized by forming this new organization? (UPSC 2022)

**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

### BRICS 2.0

[Source: Indian Express](#)

- **Prelims:** Current events of international importance, G20, G7, BRICS etc.
- **Mains GS Paper II & III:** Significance of G20 countries, Bilateral, regional and global grouping and agreements involving India or affecting India's interests.

### ARTICLE HIGHLIGHTS

- The decision to invite **six countries** — **Argentina, Egypt, Ethiopia, Iran, Saudi Arabia, and the UAE** — to join **BRICS** as full members and keep its doors open for further expansion will open a new era.

### INSIGHTS ON THE ISSUE

#### Context

#### BRICS:



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- **Historical capability** to influence global geopolitics overestimated.

### **BRICS 2.0 will have global repercussions:**

- **On the role of the US-led Western alliance** centered around G7
- **Emerging economies** and developing countries
- **Engagements** between the two worlds.

### **Why did BRICS increase its membership?**

- **To represent a larger share of world population**, global GDP and international trade.
- **BRICS was initially driven by China with the backing of Russia and South Africa:** But once India and Brazil accepted the principle of expansion, the choice of six new members was based on consensus.
- **At least 23 countries of the Global South** had conveyed interest in seeking BRICS membership.
  - **It is a recognition of the grouping's value**, notwithstanding the negative view taken by the West.

### Is the expansion good for BRICS?

- **The new BRICS-XI will have more political clout**, but the extent of its increased influence will depend on building inner unity

### Why were these six countries chosen?

- **Argentina was brought** in to expand Latin American representation.
- **Egypt, given its excellent ties with China and India**, was a natural choice.
- **Ethiopia was a surprise**, the result of a compromise between the claims of Nigeria and Kenya.
- **The inclusion of Saudi Arabia and the UAE** will help in recapitalisation of the New Development Bank
  - **enhancing its capacity to finance** development projects.
- **Iran's entry reaffirms its strategic location** as a bridge between West, Central and South Asia.
- **BRICS 2.0 will also have six of the top 10 oil-producing countries:** Saudi Arabia, Russia, China, UAE, Brazil, and Iran
- **A definite global power shift** and one not defined by the West.

### In line for admission in BRICS:

- Indonesia
- Vietnam
- Bangladesh
- Mauritius
- Nigeria
- Kenya
- A Latin American country.

### What are the aims?

- **The immediate rebalancing focus is UNSC membership** for the original BRICS members — **India, Brazil, and South Africa**
  - **It is articulated in Paragraph 7 of the Johannesburg Declaration.**
  - **It requires the support of the permanent members, China and Russia.**
- **Paragraph 44 of the joint statement:** grouping will encourage **local currencies** in trade and financial transactions “between BRICS as well as their trading partners”

- For “fast, inexpensive, transparent, safe and inclusive payment systems.”

### Way Forward

- **Both UNSC membership and local currency trade** are welcome to India.
- **China and Russia conveyed their support for the successful hosting of successive G20** presidencies by India, Brazil, and South Africa.
  - **This generates hope that these two states may become a little more conciliatory**, and a consensus-based **Delhi Declaration** is delivered at the G20 summit in September.
- **The meeting between the Chinese President and Indian Prime Minister** on the summit’s side lines, may offer fresh impetus for expediting a workable resolution of the border issues in the western sector of Ladakh.
- **The other BRICS members do have differences with the existing global order**, but they prefer reform through dialogue.
- **As the six new members join BRICS**, these inner dynamics will evolve further.
- **India will have a seminal but challenging role**, given its growing cooperation with the West on the one hand and its active articulation and pursuit of the interests of the Global South on the other.

### QUESTION FOR PRACTICE

Q. Do you think that BIMSTEC is a parallel organization like the SAARC ? What are the similarities and dissimilarities between the two ? How are Indian foreign policy objectives realized by forming this new organization? (UPSC 2022)

(200 WORDS, 10 MARKS)

### EDITORIAL ANALYSIS

#### The U.K.-India relationship is alive with opportunity

[Source: The Hindu](#)

- **Prelims:** Current events of international importance(FTA, India-UK relations, G20, tariff etc)
- **Mains GS Paper II & III:** Bilateral, regional and global grouping involving India and affecting India’s interests etc

## ARTICLE HIGHLIGHTS

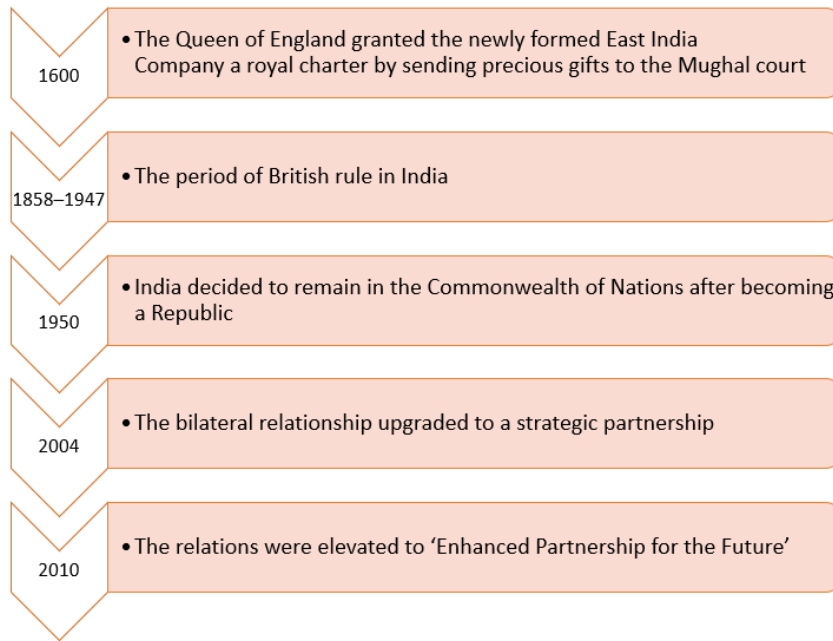
- The U.K. and India share a thriving trading relationship, worth **£36 billion** in 2022.



## INSIGHTS ON THE ISSUE

### Context

India-U.K relations:



### **India-United kingdom economic and trade relations:**

- **India is the 2nd largest investor** in the UK. While the UK ranks 18th as a trading partner of India, it is 3rd as an investor in India.
- **The Joint Economic and Trade Committee (JETCO)(2005)** was inaugurated in New Delhi aimed at boosting two-way bilateral investments.
- **In the services sector**, the UK is the largest market in Europe for Indian IT services.

### **India's main exports to the UK are:**

- Ready-made garments and textiles
- gems and jewelry
- engineering goods
- petroleum and petrochemical products
- transport equipment and parts
- spices
- manufactures of metals
- machinery and instruments
- drugs & pharmaceuticals and marine products.

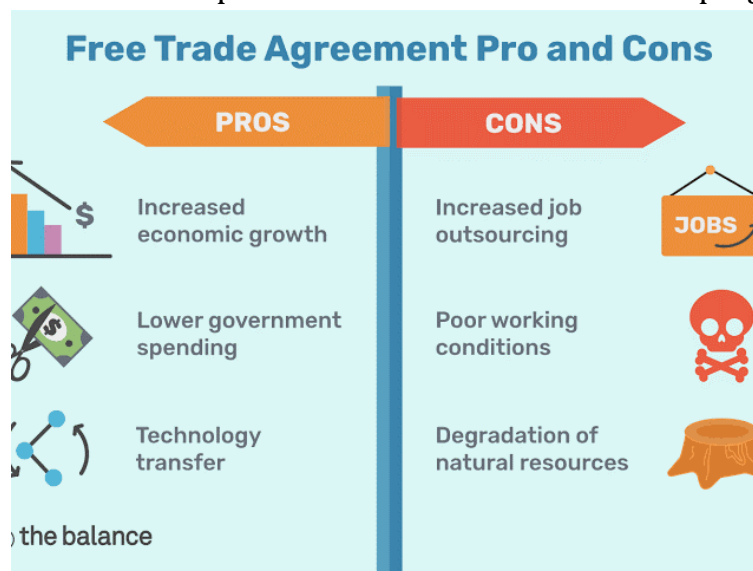
### **The main imports from the UK to India are:**

- precious and semi-precious stones
- metalliferous
- ores and metal scraps

- engineering goods
- professional instruments other than electronics
- non-ferrous metals, chemicals, and machinery.

### What is an FTA?

- FTA is a pact between two or more nations to reduce barriers to **imports** and **exports** among them.
- **Under a free trade policy:** Goods and services can be bought and sold across international borders with little or no government tariffs, quotas, subsidies, or prohibitions to inhibit their exchange.
- **Protectionism:** The concept of free trade is the opposite of **trade protectionism** or economic **isolationism**.
- **FTAs can be categorized as:**
  - Preferential Trade Agreement (PTA)
  - Comprehensive Economic Cooperation Agreement (CECA)
  - Comprehensive Economic Partnership Agreement (CEPA)



### What does FTA cover?

- **Tariff reduction** impacting the entire manufacturing and the agricultural sector
- Rules on services trade
- Digital issues such as data localisation
- **Intellectual property rights** that may have an impact on the accessibility of drugs

- Investment promotion, facilitation, and protection.

### Current economic scenario:

- **Figures from the U.K.'s Department for Business and Trade:** India retained its position as the U.K.'s second largest source of investment projects in the last financial year,
  - **118 new projects creating 8,384 new jobs** across the U.K
- **India's sixth largest investor**, between April 2000 and March 2023
  - **The U.K. has invested \$34 billion** in India in foreign direct investment.
- **U.K. companies are creating jobs and growth opportunities:** There are **618 U.K. companies in India** with a combined turnover of around **\$50 billion** employing about **4 lakh 60 thousand** people directly as of **2021**.

### Way Forward

- **The partnership extends far beyond trade and investment** into culture, sport, education and tourism too.
  - **Prime Minister Narendra Modi:** there is very much a 'living bridge' between our nations
  - **Shared love of Bollywood** to see this in action.
- **A vibrant Indian diaspora of over 1.6(one point six) million people** makes a significant contribution across all walks of life in the U.K., from education through to the workforce
  - **with Indian students** making up one of the U.K.'s largest groups of international students
- **The U.K. is launching 'Alive with Opportunity', a £1.5 million(one point five)marketing campaign** designed to showcase the tremendous bond between our countries and build on the continuous exchange of people, ideas and culture.
- **As part of the U.K.'s ambitions to double trade with India by 2030**, the campaign aims to stimulate interest and demand for U.K. goods and services
  - **increase the U.K.'s ability** to grow their business through trade with India, and attract new Indian inward investment.

### QUESTION FOR PRACTICE

Q. The judicial systems in India and the UK seem to be converging as well as diverging in recent times. Highlight the key points of convergence and divergence between the two nations in terms of their judicial practices.(UPSC 2020)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### A 'fab' way to conduct India-Japan tech diplomacy

Source: The Hindu

- **Prelims:** Current events of international importance, India-Japan relations, INSC, semiconductors, Technology transfer, quad etc
- **Mains GS Paper II:** Bilateral, regional and global grouping involving India or affecting India's interests etc

### ARTICLE HIGHLIGHTS

- **India and Japan** agreed to collaborate on **semiconductors** in a bid to create a more resilient supply chain for this critical technology and work together for the joint development of the **semiconductor ecosystem**.



### INSIGHTS ON THE ISSUE

#### Context

#### Indo-Japan relations:

- Japan is regarded as a key partner in India's economic transformation.

- **In the recent past, the India Japan relationship** has transformed to a partnership of great substance and purpose.
- **Japan's interest in India is increasing** due to a variety of reasons including India's large and growing market and its resources, especially the human resources.
- **Within India:** Japan has been a leading financial donor in the form of ODA (*Official Development Assistance*) to India.
  - It continues to maintain a high degree of interest and support for India's mega infrastructure projects like:
    - Delhi-Mumbai Freight Corridor
    - Delhi-Mumbai Industrial Corridor
    - Chennai-Bangalore Industrial Corridor
    - Ahmedabad-Mumbai High Speed Rail
- **Outside India:**
  - **Asia-Africa Growth Corridor (AAGR)** announced in 2017
  - **Joint projects** in some third countries like Bangladesh, Myanmar, and Sri Lanka and in Africa as well will be taken jointly.
- **Defense ties:**
  - **Quadrilateral Security Dialogue** is a strategic dialogue between India, United States, Japan and Australia will be carried out.
  - **Malabar exercise** has been carried by India, Japan and USA on a continuous basis.
  - **2+2 dialogue** at the defense and foreign minister level.

#### **Focus areas in semiconductor development between India and Japan:**

- Semiconductor design and manufacturing
- Equipment research
- Establishing resilience in the semiconductor supply chain
- Talent development
  - **Paving the way for** government-to-government and industry-to-industry collaborations.

#### **Importance of the deal:**

- **It will prompt the need for growing the pool** of talent available in the industry alongside increasing the number of **semiconductor fabrication plants (fabs)**.

- **The partnership fosters the exchange of technical knowledge, research, and innovation** between the Indian and Japanese semiconductor industries
  - It facilitates technology transfer
- **It enables India and Japan** to stay at the forefront of semiconductor advancements.
- **The collaboration stands as a testament** to the power of strategic alliances and technological synergy.
- **Both nations recognise the critical importance of semiconductor technology** in driving innovation, economic growth, and national security.
- **Japan, with its advanced semiconductor industry**, has long been a global leader in chip manufacturing and research.
  - **India has a growing information technology sector** and a burgeoning demand for semiconductor products across industries.
  - **The convergence of these strengths** has laid the foundation for a mutually beneficial collaboration.
- **Joint research initiatives** enable the pooling of resources and expertise to tackle complex challenges in semiconductor design, manufacturing processes, and materials science.
- **The collaborative approach accelerates** both innovation and the development of cutting-edge solutions.
- **The partnership emphasizes human resource development** through skill exchange programmes, workshops, and training.

#### **Steps taken by India and Japan for the semiconductor collaboration:**

- **Both nations have aligned their policies** to support semiconductor manufacturing and research.
- **India's "Make in India" initiative and Japan's "Society 5.0" vision** share the goal of technological self-reliance and innovation-driven growth.
- **Bilateral agreements signed** to promote technology transfer, cooperation in semiconductor research, and reciprocal trade in semiconductor-related products.

#### **Other collaborations by India around semiconductor:**

- **United States and India** covers investment, innovation, and workforce development, facilitating the long-term strategic development of complementary semiconductor ecosystems.

- **As part of the agreement with the US: India** is set to sign an agreement with Georgia Tech University.
- **Investments by Micron Technology and Applied Materials** to set up a semiconductor unit and a research and development center.

#### **Restriction over semiconductor manufacturing :**

- **U.S.'s CHIPS and Science Act of 2022:** It places strategic curbs on the expansion of semiconductor manufacturing by countries posing a direct threat to the U.S., including China
- **Japan and the Netherlands restricted exports of semiconductor manufacturing materials** required in the making of advanced chips to China.

#### **Way Forward**

- **The India-Japan partnership is poised to play a pivotal role** in shaping the global semiconductor landscape.
- **As technology continues to evolve**, their collaboration will remain dynamic, addressing new challenges such as
  - semiconductor miniaturization
  - AI integration
  - quantum computing.
- **The partnership will have far-reaching implications** for the global technology ecosystem and the dimensions of geopolitical partnerships in the Indo-Pacific.
- **The bilateral agreements of both Washington and Tokyo with India:**
  - It demonstrates the consolidation among like-minded partners in the Indo-Pacific **towards critical technologies** vis-à-vis geostrategic and national security concerns.
- **The partnership with India is significant** as a means of diversifying the landscape of the semiconductor industry.
- **Both agreements indicate the confidence placed in India by the two Quad countries:** It signals the coming of age of India's own capabilities in the development of semiconductors and related technologies.
- **By combining Japan's technological prowess and India's innovation and design capacities**, the collaboration on semiconductors paves the way for a future characterized by advanced electronics and enhanced connectivity

#### **QUESTION FOR PRACTICE**

Q. Quadrilateral Security Dialogue is transforming itself into a trade block from the military alliance, in present times. Discuss(UPSC 2020)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

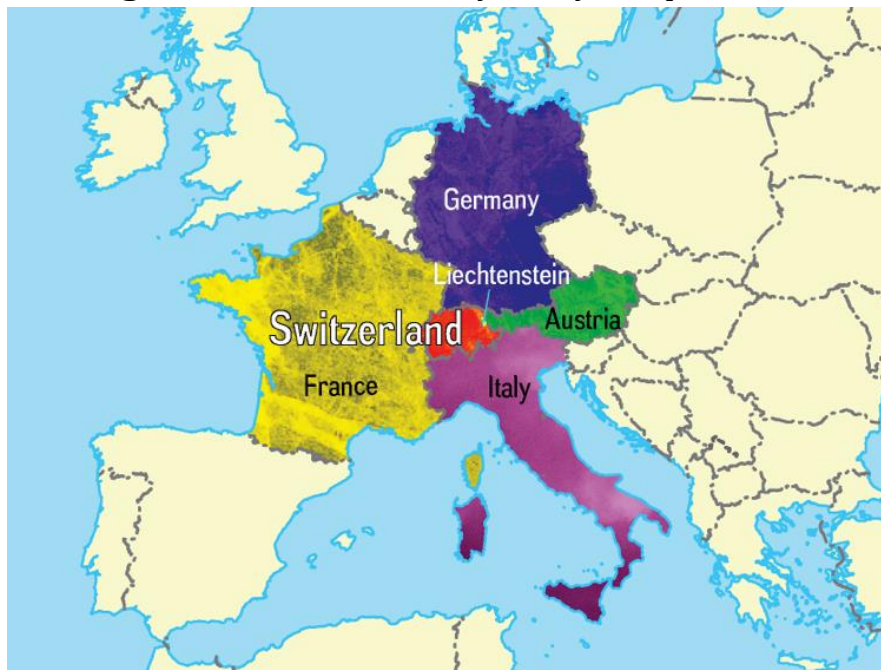
### A time-tested friendship

Source: Indian Express

- **Prelims:** Current events of international importance(India-Switzerland relations, Limestone Calcined Clay Cement, CO<sub>2</sub>, Antimicrobial Resistance (AMR) etc
- **Mains GS Paper II:** Bilateral, regional and global grouping involving India, Significance of Indo-Pacific for India etc

### ARTICLE HIGHLIGHTS

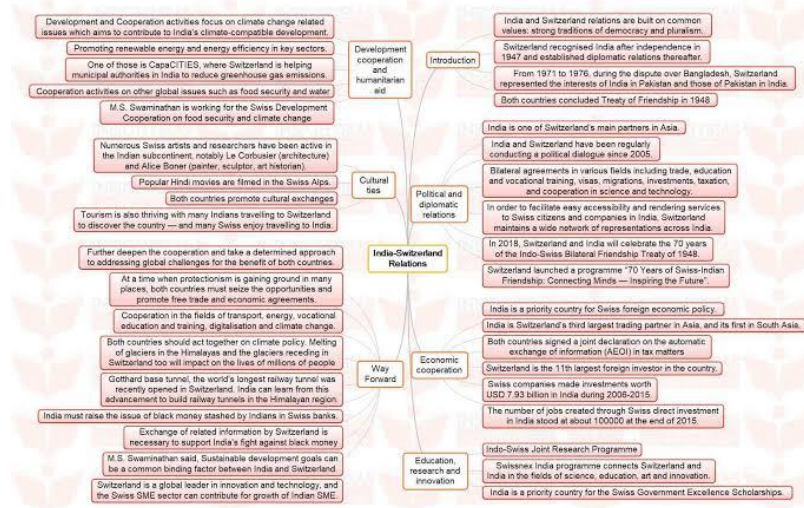
- **Treaty of Friendship and Establishment between Switzerland and India of 1948** was the first of its kind and one of the very first **bilateral agreements** concluded by newly independent India.



### INSIGHTS ON THE ISSUE

## Context

### India-Switzerland Relations:



### Areas of collaboration:

- Vocational training
- Milk production and manufacturing
- Health
- Climate
- Information technology

### Switzerland contribution:

- It invested in Farmers and workers by
  - Setting up vocational training institutions in Chandigarh,
  - Milk farmer cooperatives in Kerala
  - Rail wagon factories in Tamil Nadu.

### India's Contribution:

- **India's expertise in information technology**
  - **It has been cornerstones of Swiss-Indian relations**
  - **It has greatly benefitted** enterprises in Switzerland
    - fixing the millennium bug
    - support the Swiss industry towards digital transformation.

### Recent collaboration between Swiss and Indian scientists:

- **Development of Limestone Calcined Clay Cement**

- **A climate-friendly alternative** to conventional cement
- **It is responsible for up to 8 percent** of CO2 emissions globally.
- **LC3 is 30-40 percent** less carbon-intensive.
- **It could make a tangible impact** in reducing global carbon footprint.

#### **Economic cooperation:**

- **Switzerland is the 12th largest** foreign investor in India.
- **Over 330 subsidiaries, joint ventures, branches, and liaison offices** of Swiss companies are active in India.
- **A substantial number of them are manufacturing** in India and exporting from India.

#### **Way Forward**

- **India will be a country of choice** for Swiss companies, researchers, and innovators.
- **The future of Swiss-Indian friendship** will be defined by cooperation in three specific areas:
  - **Working** towards a sustainable future
  - **deepening collaboration in healthcare** for global good
  - **cooperation in technology** for the benefit of humanity.
- **Both countries are actively working to establish a Swiss-Indian Innovation Platform** that will bring together the best universities in both countries and the best of innovative Swiss and Indian enterprises.
  - **The official launch of the Swiss-Indian Innovation Platform** will focus on one of the most pressing global health risks – **Antimicrobial Resistance (AMR)**.
- **A Free Trade Agreement** between the European Free Trade Association (comprising Iceland, Liechtenstein, Norway, and Switzerland) and India is also on the horizon.
  - It will deepen trade ties
  - It will increase investments and innovation in India and Switzerland.

#### **QUESTION FOR PRACTICE**

Q. Discuss India's achievements in the field of Space Science and Technology. How the application of this technology has helped India in its socio-economic development?(UPSC 2016)

**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

### Stop the fence-sitting in cluster bomb use

[Source: The Hindu](#)

- **Prelims:** Current events of international importance, referendum, UNGA, Cluster bomb, Convention on Cluster Munitions (CCM) etc
- **Mains GS Paper II:** Bilateral, regional and global grouping involving India or affecting India's interests.

### ARTICLE HIGHLIGHTS

- United States send **cluster munitions** to Ukraine, as part of a new military aid package to bolster **Ukraine's war** efforts against **Russia**



### INSIGHTS ON THE ISSUE

#### Context

#### What is the Conflict?

- Contesting the Post-Cold War central European territoriality and resurrecting Russian past is at the core of the Ukraine crisis.

- They share hundreds of years of cultural, linguistic and familial links.
- Ukraine's bid for **NATO membership** and Russian interests in the **Black Sea** accompanied by the protests in the Ukraine are the major causes of the ongoing conflict.

#### **Cluster munitions or cluster bombs:**

- **They are weapons that release multiple explosive submunitions**, also called bomblets, into the air.
- **These submunitions explode** as soon as they hit the ground, killing and maiming people in the area.
- **Many bomblets do not blow up instantly** and remain dormant for years (also known as the **dud rate**).
- **These inactive bomblets act** as precarious landmines, posing a grave threat to the civilian population, including women and children, for a long time.
- They were used in the **Second World War**.
- **Cluster bombs have been used on multiple occasions** including by the U.S. in the wars in Vietnam, Afghanistan, and Iraq.
- **According to the Cluster Munition Monitor**, anywhere between 56,000 to 86,000 people have died in cluster munition-affected countries, since the 1960s.

#### **Convention on Cluster Munitions (CCM):**

- It was enacted in 2008.
- **The enactment of the CCM** has been a major step in eradicating cluster bombs.
- **The treaty is not universal** — 112 countries have acceded to the CCM including many North Atlantic Treaty Organization (NATO) members such as Canada, Germany, France, and the United Kingdom.
- **Important countries** such as the U.S, Russia, China, Israel, and **India** have **not signed the CCM**.
  - **Ukraine** is not a member.
- **Article 1 of the CCM** bans the use, production, stockpiling, and transfer of cluster bombs.
- **The convention obligates countries** to destroy existing stockpiles of cluster munitions in their possession.

- **Countries are legally bound to develop** a victim assistance programme to provide support and rehabilitation to the cluster bomb victims in their jurisdiction.

## Way Forward

- **A fundamental customary international law (CIL) norm** applicable to armed conflicts is the prohibition of indiscriminate attacks.
  - **An essential canon of international law** is that the use of force must be discriminate.
    - that is, the force should target specific military objectives and not civilians.
- **This CIL norm is codified in Article 51(4) of Additional Protocol I to the 1949 Geneva Conventions**, to which both Russia and Ukraine are parties.
- **Given the nature of cluster bombs, their usage** is a classic example of indiscriminate use of force that fails to differentiate between combatants and civilians, or between civilian objects and military objectives, and is thus illegal.
- **Codified in Article 51(5) of the Additional Protocol I to the 1949 Geneva Conventions:** This rule prohibits excessive use of force that causes incidental damage to the civilian population or civilian objects, when compared to military benefits anticipated.
  - **The use of cluster bombs is inherently indiscriminate**, harming civilians
  - **Their use will amount to disproportionate** use of force and is thus illegal.
  - **Even if Russia and Ukraine are not signatories to the CCM**, their use of cluster bombs violates international law.
- **Supplying cluster bombs to Ukraine outside of the CCM**, is not a violation of international law.
  - **Nonetheless, supplying cluster bombs to any country** is an irresponsible act.
- **The usage and the possession and transfer or supply of cluster bombs** should be banned universally, as envisaged in the CCM.
  - **All United Nations member-countries** should accede to the CCM and eradicate cluster bombs from the face of the earth.

## QUESTION FOR PRACTICE

Q. What is the significance of Indo-US deals over Indo-Russian defense deals?  
Discuss with reference to stability in the Indo-Pacific region (UPSC 2020)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### America's pursuit of Saudi-Israel rapprochement

Source: The Hindu

**Prelims:** Current events of international importance, west Asia, Saudi-Iran conflict, Arab League, OPEC, OPEC+, G20 etc

**Mains GS Paper II:** Bilateral, regional and global grouping and agreements involving India or affecting India's interests.

### ARTICLE HIGHLIGHTS

- The **Middle East to spring surprises** are on call again.
- **United States diplomacy** to reconcile two regional powerhouses, viz. **Saudi Arabia and Israel**.



### INSIGHTS ON THE ISSUE

#### Context

## The Israeli-Palestinian conflict:



- **It dates back to the end of the nineteenth century**, and is one of the world's most enduring conflicts, with the Israeli occupation of the West Bank and the Gaza Strip
- **The Israel and Palestine conflict is complex:** It's rooted in national, political, territorial, cultural and religious factors
- **The core issue is not just about the land;** it is about having the right to self-determination

## Challenges for US in Saudi-Israeli pursuit:

- **The PM of Israel heads an extreme right-wing coalition** determined to accelerate the Jewish settlements in the Occupied West Bank and curb the judiciary's independence
  - **The U.S.** strongly opposes both.

- **Saudi Crown Prince, initially ostracized by the Biden Administration** for his alleged involvement in the Jamal Khashoggi murder
  - **The Kingdom** has been calm towards Washington.

#### **Saudi initiatives:**

- **It has reconciled tactically, with Iran** through Chinese mediation, hosted the Chinese President for three summits in Riyadh
- **Cooperated with Russia under the Organization of the Petroleum Exporting Countries-Plus (OPEC+)** rubric for higher oil prices
- **It facilitated the return of Syria** to the Arab fold.

#### **Steps by the US to persuade Saudi Arabia to normalize its relations with Israel:**

- The proposal to normalize has been on the Saudi table **since 2020**
- **The Saudi Crown Prince and Israel PM** had an unpublicised meeting in Neom, Saudi Arabia, in the presence of the then-U.S. Secretary of State
- **U.S. National Security Adviser** and U.S. Secretary of State visiting Saudi Arabia.

#### **Pre-conditions by Saudi:**

- **To be included in North Atlantic Treaty Organization-like** U.S. security guarantees
- **Access** to advanced American weapons systems
- **Approval** for the acquisition of civilian nuclear technology
- **Israeli commitment to a process** leading to a two-state solution with the Palestinians.

#### **Motives of US, Saudi and Israel:**

##### **USA:**

- **It is deeply concerned with the growing influence** by China and Russia in the 'Middle East'
- **It wants to re-entrench the Pax Americana** over the region by bringing two traditionally pro-west regional players together.
- **It feels that fostering such a reconciliation** would ingratiate USA with the two miffed leaders.
- **The powerful Jewish lobby's gratitude** would help Mr. Biden win the U.S. presidential election next year.

##### **Saudi Arabia:**

- **Under the Crown Prince**, it has adopted an assertive and ambitious foreign policy
  - **commensurate** with its oil wealth
  - **To become primus inter pares** for the region

- **To emerge** as an important global player.
- **By reconciling with Israel**, it takes away the first movers' advantage that the UAE has had as a member of the "Abraham Accords".
- **The diplomatic ties with Israel** would balance the Kingdom's recent reconciliation with Iran and Syria
  - It helps it emerge as a more nationalist power than an Islamic one.
- **Saudi Arabia needs a stronger U.S. security commitment** and access to Israeli technology.
- The Saudi Crown Prince may need to mitigate the skepticism about Israel at home and within Al-Saud.

### Israel:

- **A Star of David** flying in Riyadh would be a major geopolitical victory
- **It will symbolize its final acceptance as a legitimate Jewish state** by the center of Islam after 75 years as a regional outcast.
- **Given the Kingdom's trendsetting role as the custodian** of Islam's two holy shrines
  - **The Riyadh-Tel Aviv détente: It** would herald Israel's integration with the Arab-Islamic world.
- **It would provide direct air and land access to Asia**, enabling better leveraging of the economic opportunities as the economic center of gravity shifts eastwards.

### Way Forward

- **The global fallout from such a development would be quite profound:** The Islamic mainstream would likely follow the Saudi lead, with countries such as Pakistan and Indonesia in the first row.
- **It would further marginalize the "Palestinians' Cause"** and may polarize and radicalize along with **other opponents of Israel** such as Iran and Syria, Hezbollah, Hamas and the Islamic State.
- **The U.S. may eventually succeed** despite the formidable odds, particularly as the Israeli government would have to moderate some of its hard-held policies.
- **Saudi-Israeli rapprochement would have a mildly positive impact** on India.
  - **It would remove a contradiction** in India's regional policy and better align Saudi Arabia with us.
  - **It may open opportunities** as the U.S. pushes back China from the region.

- **It may give Israel reasons to hyphenate India** with Islamic countries, including Pakistan.

### QUESTION FOR PRACTICE

Q. How will I2U2 (India, Israel, UAE and USA) grouping transform India's Position in global politics?(UPSC 2022)

**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

### From state visit to a more robust trade relationship

Source: The Hindu, The Hindu

- **Prelims:** Current events of international importance(India-US relations), disputes with China(Mapping) etc
- **Mains GS Paper II:** Bilateral, regional and global grouping involving India, Significance of Indo-Pacific for India etc

### ARTICLE HIGHLIGHTS

- **The Prime Minister's** State visit to the **USA** was historic.
  - The first for an Indian head of state in **14 years**, and only the third for an Indian leader in **75 years** since Indian Independence

### INSIGHTS ON THE ISSUE

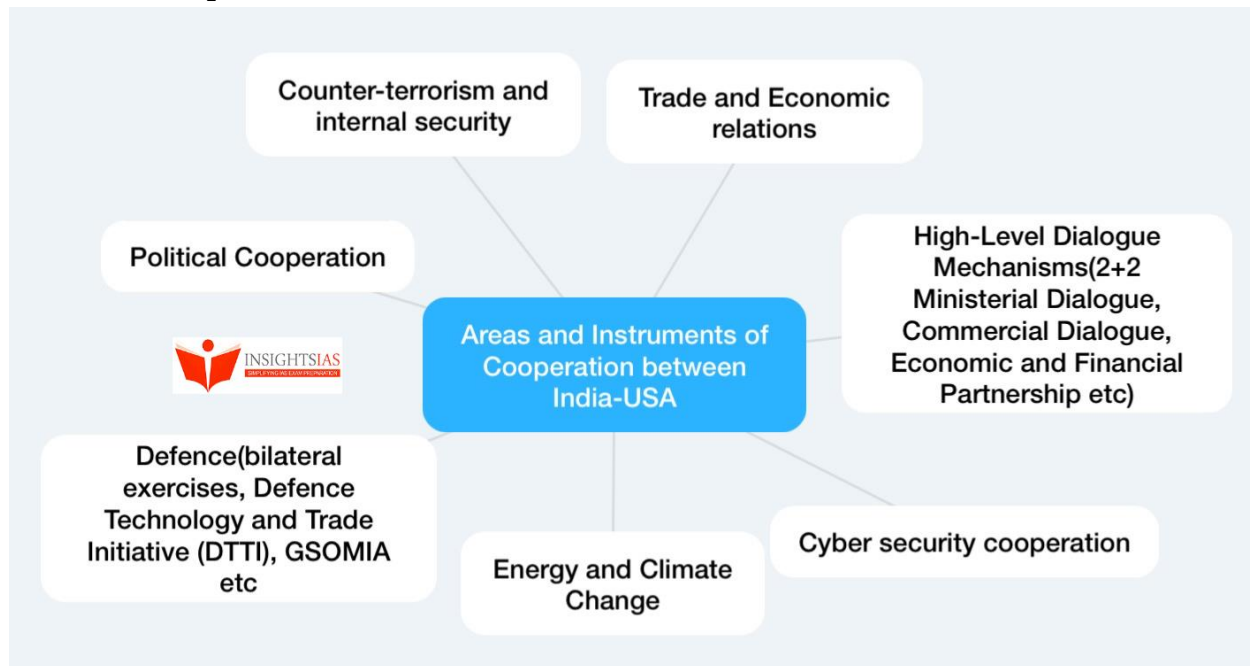
#### Context

#### India-US Relations:

1949	<ul style="list-style-type: none"> <li>• Indian PM meets USA president</li> <li>• This trip precedes India's formal proclamation of neutrality in the developing cold-war</li> </ul>
1959	<ul style="list-style-type: none"> <li>• Inspired by Gandhi's non-violent struggle, Martin Luther arrives in India</li> <li>• Also, first serving USA president visits India</li> </ul>
1962	<ul style="list-style-type: none"> <li>• Nine American universities and the U.S. Agency for International Development (USAID) help establish one of the first Indian Institutes of Technology at Kanpur</li> </ul>
1962	<ul style="list-style-type: none"> <li>• Washington supports India in the Indo-China border conflict, recognizing the McMahon line as the border, and provides air assistance and arms</li> </ul>
1963	<ul style="list-style-type: none"> <li>• Norman Borlaug travels to India to begin testing high-yield wheat varieties. His collaboration with Indian scientist Dr. M.S. Swaminathan results in the "Green Revolution," and India goes from food scarcity to self-sufficiency</li> </ul>
1974	<ul style="list-style-type: none"> <li>• India completes first Nuclear test- the move contributes to a period of estrangement between the USA and India</li> </ul>
1978	<ul style="list-style-type: none"> <li>• USA enacts the Nuclear Nonproliferation Act, which requires countries not included in the Nonproliferation Treaty—which includes India—to allow inspections of all nuclear facilities by the International Atomic Energy Agency. India refuses, and Washington ends all nuclear assistance to Delhi</li> </ul>
1991	<ul style="list-style-type: none"> <li>• India Launches Economic Reforms that help expand economic ties with USA</li> </ul>
1998	<ul style="list-style-type: none"> <li>• India tests Nuclear devices and badly damages its relationship with USA</li> </ul>
2000	<ul style="list-style-type: none"> <li>• The visit of US president ends the estrangement of the post-1998 Indian nuclear weapons tests</li> </ul>
2001	<ul style="list-style-type: none"> <li>• USA lifts all remaining sanctions that were imposed on India after its 1998 nuclear test</li> </ul>
2005	<ul style="list-style-type: none"> <li>• The United States and India sign the New Framework for the U.S.-India Defense Relationship</li> </ul>
2010	<ul style="list-style-type: none"> <li>• The United States and India formally convene the first U.S.-India Strategic Dialogue</li> </ul>
2011	<ul style="list-style-type: none"> <li>• The United States and India sign a Memorandum of Understanding in New Delhi to promote closer cybersecurity cooperation</li> </ul>
2016	<ul style="list-style-type: none"> <li>• The United States elevates India to a major defense partner, a status no other country holds</li> </ul>
2018	<ul style="list-style-type: none"> <li>• During a "two-plus-two" dialogue in New Delhi, COMCASA signed</li> </ul>
2020	<ul style="list-style-type: none"> <li>• The Basic Exchange and Cooperation Agreement (BECA) is the last of four foundational military agreements signed by both countries over the past two decades</li> </ul>

- India-U.S. bilateral relations have developed into a **“global strategic partnership.”**
- **Relationship is based on:**
  - Shared democratic values
  - Increasing convergence of interests on bilateral, regional and global issues.

## Areas of Cooperation:



## What state visit of PM to USA demonstrated?

- **The Biden administration's intense desire** to cultivate India as a durable, long-term partner in a variety of realms
  - **Including in the United States' strategic competition with China** for the foreseeable future.
- **It conveyed a full range of areas of cooperation and collaboration** between them
  - **defense trade**
  - **emerging technologies**
    - **such as in Artificial Intelligence and space exploration.**

## Trade relationship between the two countries:

- **It is growing** — surpassing **U.S.\$120 billion**
  - **It continues to underperform** relative to the sheer potential.
- **The announcement for potential joint manufacture of General Electric (GE) Aerospace's F414 engines** in India by GE and Hindustan Aeronautics Limited
  - **To power India's indigenous Light Combat Aircraft MK2**

- **The twin-engine Advanced Medium Combat Aircraft MK1** as well as the purchase of **31 high-altitude, long-endurance Predator-MQ-9B** armed unmanned aerial vehicles
- **Military cooperation between the two nations**
  - **India has bought from the U.S.**
    - **C-130 and C-17** Globemaster transport aircraft
    - AH-64E Apache attack helicopters
    - CH-47 Chinook and MH-60R multi-role helicopters
    - P-8I maritime patrol aircraft
    - M777 ultra light howitzers
- **The U.S. has been aggressively pitching its fighter jets**, the F-16 and F/A-18, for the Indian Air Force and the Indian Navy.
- **India and the U.S. had tried and shelved** an earlier engine development effort under the **Defence Technology and Trade Initiative**
- **The new jet engine deal** is an investment in each other
  - **It addresses the shared security concerns**, while continuing to navigate the disagreements.

#### **Recent trade deals by India:**

- **Free trade agreements (FTAs)** with the **United Arab Emirates** and **Australia**
- **India launched or reinvigorated negotiations** for parallel deals with the **European Union, the United Kingdom, and Canada.**

#### **The U.S.'s approach:**

- **It has evolved away from FTAs** and discovered a better approach to:
  - trade
  - emphasizing resilient supply chains
  - reshoring or friend-shoring
  - prioritizing labour rights
  - climate-friendlier production over craven and mistaken globalization.

#### **Issue with this policy:**

- **It ignores all the objectives** that could be robustly addressed in a revamped FTA agenda.

#### **Evolution of India's trade relations with various countries:**

- **India's agreements to date fall far short of the U.S. gold standard**
  - **i.e., the U.S.-Mexico-Canada Agreement (USMCA)**, but the gaps are decreasing.
- **U.S. and India** have been able to agree to **transactional concessions** in their respective markets
  - **e.g., mangoes and pomegranates** for India in exchange for cherries, hay and pork for the U.S.
  - **Through the bilateral Trade Policy Forum (TPF)** even without an active FTA negotiation.
- **In agriculture**, India has shown surprising readiness to gradually open its market when offered opportunities to win concessions in return through FTAs.
- **Australia(Economic Cooperation and Trade Agreement):** It obtained important gains in the Indian market for wine, wool, and sheep meat, among other goods
  - **India won duty-free access to** the Australian market.

## Way Forward

- **On FTA negotiations there** could be more extensive agreement on the agricultural sector writ large
  - **In addition to the full range of trade in goods and services** and facilitation of higher levels of investment between the two.
- **The PM's State visit should be a starting point** for a more ambitious trade agenda going forward.
- **U.S. and Indian trade negotiators** know how to go small, and even achieve results along the way.
- **The trade relationship deserves more attention**, and a stronger mandate from the leaders of both administrations.
- **With greater ambition, the often-mentioned target of \$500-\$600 billion** in bilateral trade by 2030 can easily be attained and surpassed.
- **India is exhibiting a remarkable openness to negotiating new trade relationships** with important partners around the world
  - **It is demonstrating genuine commitment** to revisiting long-standing positions
  - **It pursues policies to attract and grow domestic manufacturing** value chains and reduce over-dependencies on other countries.

- **India is a potential node in the diversification** of supply chains.
  - **The US government** is going out of its way to signal to the private sector to look at India seriously.

### QUESTION FOR PRACTICE

Q. The USA is facing an existential threat in the form of China, that is much more challenging than the erstwhile Soviet Union.” Explain.(UPSC 2021)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### Consumption-based poverty estimates have relevance

Source: The Hindu

- **Prelims:** Current events of national importance(Different social service Schemes, MPI)
- **Mains GS Paper I & II:** Social empowerment, development and management of social sectors/services related to Health, poverty and hunger etc

### ARTICLE HIGHLIGHTS

- **NITI Aayog** report on **multidimensional poverty** shows that the percentage of the poor has gone down from **25% in 2015-16** to **15% in 2019-21**
- The **Global Multidimensional Poverty Index** report of **2023** of the **United Nations Development Programme (UNDP)** and the **Oxford Poverty & Human Development Initiative (OPHI)**, shows that the incidence of the multidimensional poverty index **declined** from **27.5(twenty seven point five)% in 2015-16** to **16.2(sixteen point two)% in 2019-21**.

### INSIGHTS ON THE ISSUE

#### Context

#### Multidimensional Poverty Index (MPI):

- The MPI seeks to measure poverty across its multiple dimensions and in effect complements existing poverty statistics based on **per capita consumption expenditure**.
- **It has three equally weighted dimensions:**
  - Health
  - Education

- Standard of living
- **Indicators:** These three dimensions are represented by **12 indicators** such as: nutrition, school attendance, years of schooling, drinking water, sanitation, housing, bank accounts among others.
- **Global Multidimensional Poverty Index:** It is released by the **United Nations Development Programme (UNDP)** and the **Oxford Poverty & Human Development Initiative (OPHI)**.

### How is multidimensional poverty measured?

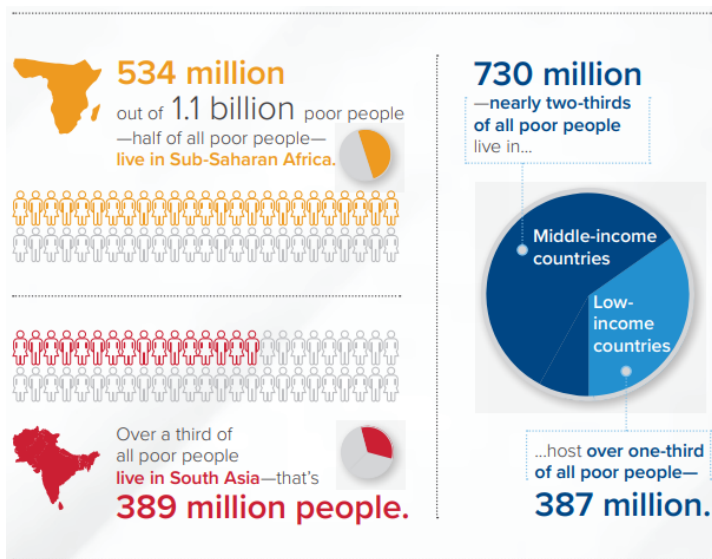
Dimensions of Poverty	Indicator	Deprived if living in the household where...	Weight
Health	Nutrition	An adult under 70 years of age or a child is undernourished.	1/6
	Child mortality	Any child under the age of 18 years has died in the five years preceding the survey.	1/6
Education	Years of schooling	No household member aged 10 years or older has completed six years of schooling.	1/6
	School attendance	Any school-aged child is not attending school up to the age at which he/she would complete class 8.	1/6
Standard of living	Cooking Fuel	The household cooks with dung, wood, charcoal or coal.	1/18
	Sanitation	The household's sanitation facility is not improved (according to SDG guidelines) or it is improved but shared with other households.	1/18
	Drinking Water	The household does not have access to improved drinking water (according to SDG guidelines) or safe drinking water is at least a 30-minute walk from home, round trip.	1/18
	Electricity	The household has no electricity.	1/18
	Housing	Housing materials for at least one of roof, walls and floor are inadequate: the floor is of natural materials and/or the roof and/or walls are of natural or rudimentary materials.	1/18
	Assets	The household does not own more than one of these assets: radio, TV, telephone, computer, animal cart, bicycle, motorbike or refrigerator, and does not own a car or truck.	1/18

### The 2023 global MPI:

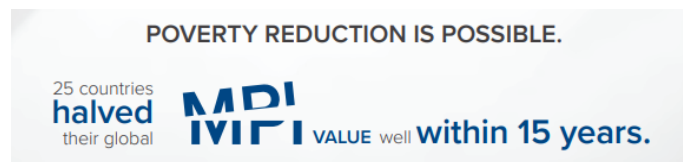
#### Prevalence:



#### Distribution:



## Reduction:



## Global Multidimensional Poverty Index (MPI) 2018:

- **The incidence of multidimensional poverty was almost halved between 2005/06 and 2015/16, climbing down to 27.5 (twenty seven point five) percent.**
- **The number of poor people in India fell by more than 271 million.**

## Different methodologies for poverty determination:

- **Based on consumer expenditure and using the Tendulkar committee methodology (between 2004-05 and 2011-12):** The number of poor came down by 137 million despite an increase in population.
- **Rangarajan Committee methodology:** The decline between 2009-10 and 2011-12 is 92 million (46 million per annum)
- **Poverty ratios based on the Tendulkar and Rangarajan Committee methodologies** are lower than as estimated by global MPI.

## Issues:

- **Poverty based on income or consumption** is different from deprivations based on education or health.

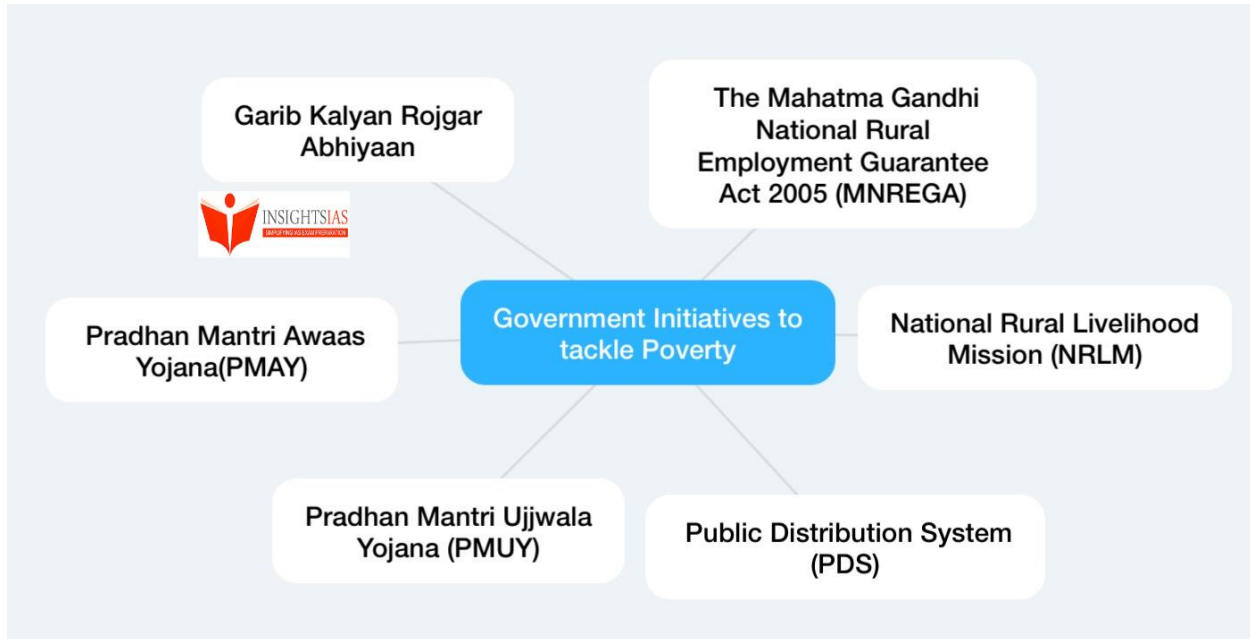
- **Expert Group to Review the Methodology for Measuring Poverty (2014):** there are reservations on using multiple indicators.
  - **Multidimensional indicators/measures** raise several issues regarding their measurability, aggregation across indicators
- **The databases that provide the requisite information** at reasonably short intervals.
  - **These need to be considered** and evaluated carefully.
  - **For example:** There is a problem with the child mortality indicator as it is for population groups and not for households.
- **Issue with Aggregation:** In principle, they should be independent.
  - **For example: Access to safe drinking water** cannot be aggregated with indicators such as child mortality.
- **In respect of independent indicators,** analytically appropriate rules of aggregation require that all of them relate to the same household.
  - This requirement poses several data constraints.
- **The progress of non-income indicators** such as education, health, sanitation, drinking water etc over time with income or consumption poverty.
  - **But, converting all of them into an index** poses several problems.
- **Deaton and Drèze (2014):** It is important to supplement expenditure-based poverty estimates with other indicators of living standards
  - **Relating for instance to nutrition, health, education and the quality of the environment”.**
- **Srinivasan (2007) says** viewing public services as another dimension besides consumption in a multidimensional conceptualisation of poverty is more fruitful.
  - **He says that “collapsing many relevant commensurate dimensions into a single index** makes little sense.
  - **The Human Development Index(by UNDP)** is an example of an arbitrarily weighted sum of non-commensurate indexes.

#### **Other issues:**

- **There is no official data on consumer expenditure** after 2011-12 to make a comparison with trends in the multidimensional poverty index.
- **The survey data on consumption expenditures done in 2017-18** have not been released officially.

- **Several studies on poverty using indirect methods:** using **Centre for Monitoring Indian Economy (CMIE)** and **Periodic Labour Force Survey (PLFS)** data sources
  - They have come up with differing conclusions

### Government initiatives:



### Way Forward

- **The differences in aggregate consumption** estimates between **National Accounts Statistics (NAS)** and **NSS data**.
  - These two estimates of consumption do not match in any country; India is no exception.
  - **The difference in India between the NSS and the NAS consumption** is widening over time.
  - **From a difference of less than 10% in the late 1970s**, it has come to **53 % in 2011-12**
  - **The difference is too big** to be brushed aside.
- **The National Statistical Office must study** the problem and come out with possible suggestions to improve the collection of data through both routes.
- **There is a need to supplement the results of consumption surveys** with a study of the impact of public expenditure on health and education of different expenditure classes.

## QUESTION FOR PRACTICE

Q. Can the vicious cycle of gender inequality, poverty and malnutrition be broken through microfinancing of women SHGs? Explain with examples.(UPSC 2021)

**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

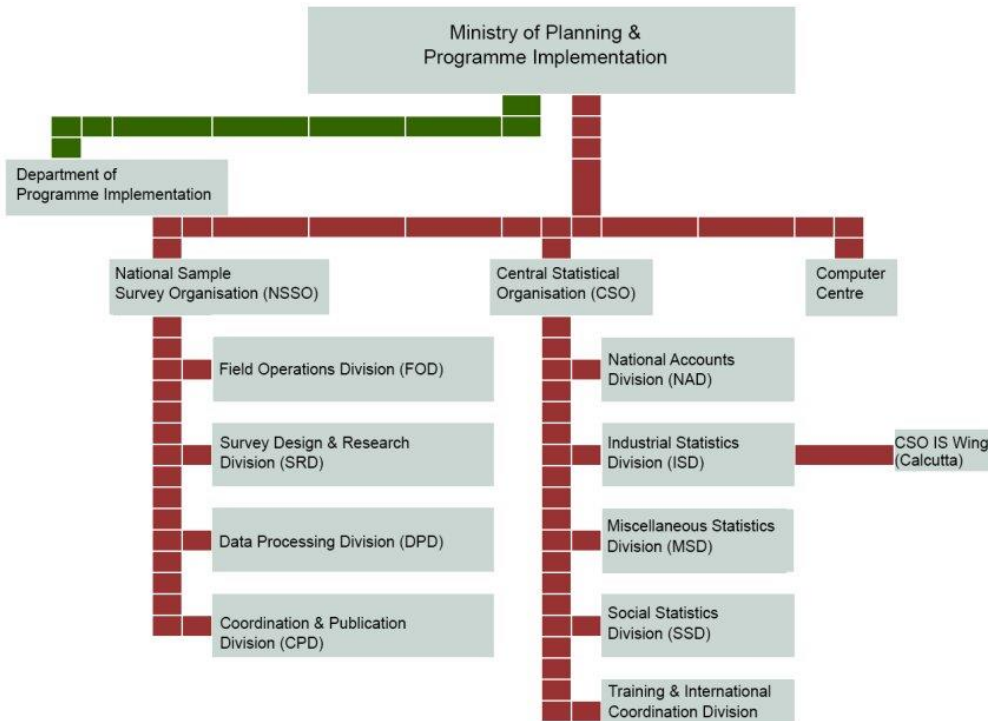
### Data Beyond Surveys

[Source: Indian Express](#)

- **Prelims:** Census, The Census Act, 1948, NPR, National Register of Citizens (NRC) etc
- **Mains GS Paper I and II:** Government policies and interventions for development of various sectors and issues arising out of them etc

### ARTICLE HIGHLIGHTS

- There is a continuing theme emerging from the Council which suggests that several indicators used by **NSS** as well as **international agencies like the WHO** fail to capture the actual progress and lament the degradation of the official statistical system.



## INSIGHTS ON THE ISSUE

### Context

#### National Statistical Office(NSO) :

- **The Ministry of Statistics and Programme Implementation (MoSPI)** is a ministry of Government of India Concerned with coverage and quality aspects of statistics released.
- **The surveys conducted by the Ministry** are based on scientific sampling methods.
- **The Ministry has two wings**
  - Statistics
  - Programme Implementation.
- **The Statistics Wing** called the National Statistical Office (NSO) consists of the Central Statistical Office (CSO), the Computer center and the National Sample Survey Office (NSSO).
- **In 2019, the government merged the NSSO** with the Central Statistics Office (CSO) to form the National Statistical Office (NSO).

#### Census:

- **The census** provides information on size, distribution and socio-economic, demographic and other characteristics of the country's population.
- The Census was first started under **British Viceroy Lord Mayo in 1872.**

- **It helped in framing new policies**, government programs to uplift areas of improvement in the community.
- The first synchronous census in India was held in **1881**.
- **Every ten years:** Since then, censuses have been undertaken uninterruptedly once **every ten years**.

### Who conducts the census?

- The responsibility of conducting the decennial Census rests with the **Office of the Registrar General and Census Commissioner, India under the Ministry of Home Affairs, Government of India**.

### The Census is one of the most credible sources of information on the following:

- Demography.
- Economic Activity.
- Literacy and Education.
- Housing & Household Amenities.
- Urbanization, Fertility, and Mortality.
- Scheduled Castes and Scheduled Tribes.
- Language.

### What are the issues and solutions in NSO?

- **we should recognise** that there is a problem in the statistical system that needs to be fixed.
  - **Defending the statistical system** is no solution at all.
- **The National Statistical Office (NSO) has been collecting data primarily through administrative and sample surveys**, both of which have their own strengths and challenges.
  - **The data collection from administrative sources is economical** and less time-consuming,
    - It has several challenges in terms of representativeness.
- **The update of the Census frame** used for most surveys needs to be digitized dynamically and made accessible to improve the quality of surveys and reduce bias in the estimates.
  - **Geospatial technologies and crowd-sourced data** platforms now permit such dynamic updation.

- **The national statistical system** needs to expand and diversify its resource base of data.
- **It should include new and emerging sources like Big Data leverage** processing through machine learning and artificial intelligence.
- **The UN Statistics Division guidelines** for using Big Data for official purposes.
  - **The NSO needs to work closely with multilateral and regional agencies** for enhancing the capacity of the statistical system for the use of such data available from alternative sources.
- **The strength of the national system** is integrally dependent on the strength of the state statistical systems.
- **The Dholakia Committee Report 2020 on sub-national accounts:** It could pave the way for state governments in pursuing and adopting a bottom-up approach
  - **thereby strengthening the data collection** capacities of the state governments.
  - **Issue: Several states are yet to initiate building institutional frameworks** at the state and district levels.
- **The Ministry of Statistics and Programme Implementation (MOSPI) launched the India Statistical Strengthening Project**(financial support from the World Bank) for enhancing the capacities of state statistical systems for data collection.
  - **Parallel efforts are needed to enhance and institutionalize** inter-agency coordination covering both national and sub-national statistical systems.
- **Rural-urban divide**-Rural and urban sub-groups appearing
  - It needs a holistic approach to capture the interaction terms.
  - **Madhya Pradesh** has established a permanent state statistical commission for improving and integrating the statistical data flow systems.
  - **Development of district domestic products using GSTN** and revenue data as well as a state statistical business register has already commenced
  - **It could pave the way for improving** the statistical system in other states as well.

**Steps by The Ministry of Earth Sciences:**

- **It established the National Centre for Medium Range Weather Forecasting** in 1988
- **It used India's first supercomputer** to develop and evolve advanced numerical models for weather forecasting.
- **The commitment to the upgradation of observation systems** has made the biggest contribution in enhancing predictability
  - **An improvement in the capacity** of human resources for complex data collection and the development of IT infrastructure.

**Instances where technological advances are leveraged to improve service delivery:**

- Direct taxes
- GSTN
- railway reservations
- banking and financial sector
- UPI
- portal aggregators
- online shopping etc

**Way Forward**

- **The underlying tenet of any official statistical system/product** are the resources (physical, human, financial and technology) available to the system.
- **Economic growth occurs when there is a sustained expansion** in the production possibility frontier and this happens by:
  - developing better technologies
  - **improve the quality of labour through education**, on-the-job training, work experience and exposure to best practices
  - **acquire more machines/technology (capital)** to help produce more.
- **There needs to be sustained growth** in the resources available to the national statistical system for it to improve and this needs to be seen as an investment to ensure that India achieves the target of becoming a \$5 trillion economy.
- **The National Policy on Official Statistics, announced in the Budget 2020** needs to be finalized quickly along with appropriate institutional support and resources.

- **This will ensure that we are able to track India's progress** on the Sustainable Development Goals using a bottom-up approach and also ensure that no one is left behind.
- **The fast-tracking reforms and investment** in the national statistical system in a mission mode is the need of the hour and cannot be delayed if India wants to once again play an active role in the international statistical fraternity.

### QUESTION FOR PRACTICE

Q. Discuss the main objectives of Population Education and point out the measures to achieve them in India in detail.(UPSC 2021)

**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

### The grammar of commerce in a new age of geopolitics

Source: The Hindu

- **Prelims:** Current events of international importance, currency swap, swift, BRICS etc
- **Mains GS Paper II:** Bilateral, regional and global grouping involving India and Affecting India's interests etc

### ARTICLE HIGHLIGHTS

- **India** is a favored trading partner, with potential for a large market.
- **Since March 2018, 23** advanced and developing countries have agreed to have **currency swap arrangements with India**, extending credits in settling transactions.

### INSIGHTS ON THE ISSUE

#### Context

#### Currency Swap Arrangement:

- A currency swap between two countries is an agreement or contract to **exchange currencies** with predetermined terms and conditions.
- **The facility is to provide swap support** as an alternative source of funding for short-term foreign exchange liquidity requirements.

- **In 2020, the RBI signed a currency swap agreement** for extending up to **USD 400 million** to Sri Lanka.
- **Central banks and Governments engage in currency swaps** with foreign counterparts
  - **to meet short-term foreign exchange** liquidity requirements
  - **to ensure adequate foreign currency** to avoid the Balance of Payments (BOP) crisis till longer arrangements can be made.
- **The swap operations** carry no exchange rate or other market risks as transaction terms are set in advance.

### **Use of rupee for international payments:(Sanctions imposed by the United States and the European Union on Russia):**

- To settle payments between India and Russia the **Indian rupee** in transactions related to trade between the two countries was used.
- **Payments from either India or Russia** go to the **Rupee Vostro accounts**, opened in Russian banks by the authorized dealer banks in India.
  - **It takes care of settling payments** between the two countries.
- **Indian importers, going by the terms in this arrangement**, pay rupees to the Rupee Vostro account through authorized Indian banks against invoices presented by the Russian supplier.
- **The arrangement will provide for payments to Russians** — for items India has been importing on a regular basis such as
  - mineral fuels
  - crude oil
  - air defense system.
- **Exports from India** can be paid in rupees from the same Vostro account maintained with the corresponding bank in Russia.

### **What are the challenges?**

- **Payments with Russia continuing with a trade surplus** despite global turmoil
  - **In 2020-21 amounted to \$3.42(three point four two billion,** followed by similar surpluses in the following years.
- **Russia is reluctant to hold more of the Indian rupee** as an asset in the Vostro account (as the rupee has a low rank in the global currency hierarchy and may be subject to depreciation)

- **India faced an issue in arranging for payments** and letting the agreement continue.
- **The sanctions prevent some Russian banks** from making or receiving international payments using SWIFT or by purchasing the rouble at an exchange rate which is too volatile in the market.
  - **Indian refiners** have settled some payments for Russian oil imports using the Chinese yuan — which seems to be acceptable to Russia.
  - **Russia is selling oil to China** and accepting yuan payments.

### **Agreements in the past(Between India and Soviet):**

- **Bilateral trade and clearing arrangements(1950s):** This was a major tool used in conducting trade with the former Soviet Union and countries in the Soviet bloc — arrangements
  - **It reflected the inter-war clearing arrangements** in Europe largely used to contain and confine mutual trade within the region.
- **Bilateral trading agreements between India and the Soviet Union** provided a closed account in rupees to handle merchandise as well as credit-related transactions between the two countries
  - **The rupee was the medium** for all such dealings.
  - **The Soviet Union set up a steel plant in Bhilai**
- **Loans from the Soviet Union to India** as well as the net proceeds from trade were pooled through the bilateral clearing account which was denominated in rupees.
- **The floating of the dollar in 1971** led to a turmoil in the currency market and the rouble, at 10 to a rupee.
- **With the Balkanisation of the former Soviet Union:**The India-Soviet Agreement had a natural ending at that stage.

### **Chinese Yuan and BRICS:**

- **There is a history of opposition, in the context of BRICS, to the** use of the Chinese currency by the non-Chinese members of BRICS.
- **This was in the context of setting up a clearing arrangement** among BRICS members to settle the consistently large surpluses that were held by China.

### **Settlements in local currencies(rupee-dirham agreement)**

- **Between India and the United Arab Emirates (UAE)**, covering transactions in trade, remittances and capital flows.
- **The process will help to avoid exchange risks** for both trade partners
- **It will save, for India, dollar payments** for its imports of crude oil and minerals from the UAE.
- **The agreement provides for interlinking their payment** and messaging systems.
- **It makes for quick and cost-effective transfers of money** for an estimated **3.5(three point five) million** Indian community in the UAE
  - **18% share in terms of the total remittance** flows into India.

### Way Forward

- **With the Indian rupee, the Russian rouble, China's yuan, the UAE's dirham and Indonesia's rupiah** sharing the common goal of local currency transactions.
  - **A geo-economic and political** turn with countries in the South
  - **They are getting ready to trade and settle their payments** with one another without the use of the hegemonic currencies from the advanced economies in the North.
- **The set up will avoid seeking the help of institutions** in the advanced countries, which include the IMF and the World Bank as well as private capital — at least in settling their mutual transactions.
- **Political differences as well as the disparate status of currencies** may crop up as issues, especially with China's role in it.
  - **But geo-economics may prevail over geopolitics** to overcome the differences.

### QUESTION FOR PRACTICE

Q. What is the significance of Indo-US deals over Indo-Russian defense deals?

Discuss with reference to stability in the Indo-Pacific region.(UPSC 2020)

**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

### The Growth Check-List

[Source: Indian Express](#)

- **Prelims:** Indian Economy(GDP, BOP, GVA, Economic reforms etc
- **Mains GS Paper III:** Indian economy and issues related to planning, mobilization of resources, Effect of liberalization on the economy etc

### ARTICLE HIGHLIGHTS

- India has **ascended** from being the **10th largest economy** in the world in **2014** to the **5th largest in 2023**.
- **The PM said** that during the third tenure of our government, India will be among the **top three economies of the world**.

### INSIGHTS ON THE ISSUE

#### Context

#### International Monetary Fund (IMF) projections:

- It projects that **India** will be the third-largest economy by 2027.
- **India has registered the highest growth rate** amongst G20 countries, surpassing China's for two successive years.
- **IMF's historical data shows** that India took six decades (1947 to 2007) to cross the one trillion-dollar GDP mark in 2007 (\$1.2 trillion).
  - **It took India just seven years** to become a \$2 trillion economy in 2014.
  - **It added another \$1.2(one point two)trillion** by 2021.
- **If India hits the IMF's projected figure of \$5.2(five point two)trillion by 2027:** It would be adding \$2 trillion in just six years.

#### GDP and per capita GDP in purchasing power parity (PPP)

- It determines what a **US dollar** can buy in that country.
- **Measuring GDP on a PPP basis** shows that India already has the third highest with a GDP of **\$13 trillion (PPP)**
  - **China is at the top** (\$33 trillion, PPP)
  - **The US is second** (\$26.9(twenty six point nine)trillion).
- **PPP conversion ratios** can vary widely across countries
  - **The price levels of goods and services** could differ significantly.
- **India's conversion ratio from dollar to PPP is 3.5(three point five)-** almost twice that of China at **1.7(one point seven)**.

- **Example:** If a US dollar can buy a burger in its home country, the currency can buy 3.5 burgers in India and 1.7 burgers in China.
- **India's per capita income is the lowest in G20 countries** in both dollar (\$2,601) and PPP terms (\$9,073)
- **China's one-child family policy from 1981 to 2016** has given the dividend of raising per capita GDP to \$23,382 PPP,
  - The US is at the top with a per capita GDP of \$80,035.

### How can India raise Per Capita Income?

- **People have to move from low-productivity jobs** to high-productivity jobs.
- **The largest segment of India's working population (45 per cent)** is still engaged in agriculture.
  - **We need to raise agri-productivity** and give farmers access to the best agri-markets.
  - **It would help raise their incomes** and dream of doubling farmers' incomes.
- **Doubling investments in agri-R&D, irrigation, rural infrastructure, and liberalizing agri-markets** — both domestic and foreign.
  - **The resources to do all this can be generated by rationalizing** various subsidies
    - **especially food and fertilizer subsidies** at the central level
    - **power subsidy** at the state level.
- **Invest heavily in the education and skill development** of rural people to build new cities
- **Undertake massive construction activities** — homes, hotels, hospitals and schools.
  - **Urbanization experts say almost 75 percent** of New India is yet to be built.

### Way Forward

- **It requires political will and smart policymaking** that can reward farmers for aligning farm practices with environmental sustainability.
- **Bharat Mandapam and the new Parliament House** are just the beginning of an India story.
  - **It will require new skills and millions of people** will have to move from rural areas to build New India.

- It will be accompanied by high-productivity jobs in manufacturing and services.
- China followed this developmental pathway.
- If India has to grow on a sustainable basis, it may have to follow a similar path with Indian characteristics.
  - If the government can expedite that process, it could help abolish poverty soon
- As per Niti Aayog's report, it stands at almost 15 percent in 2019-21, down from almost 25 percent in 2015-16.
- The only visible challenge to this seems to be our competitive populism in politics (the revdi culture) in the run-up to elections.
  - The promised freebies are "bribes for votes"
  - It can derail India's growth story.
  - The Supreme Court and/or Election Commission need to check these freebie promises to ensure meaningful democracy.

### QUESTION FOR PRACTICE

Q. Do you agree that the Indian economy has recently experienced recovery ? Give reasons in support of your answer.(UPSC 2021)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### Charting the path for the Sixteenth Finance Commission

Source: The Hindu

Continuation of article: The next Finance Commission will have a tough task

- **Prelims:** Current events of national importance(Federalism, Finance Commission, Cess and Surcharges, NITI Ayog, etc)
- **Mains GS Paper II & III:** Functions and responsibilities of the union and the states, issues and challenges pertaining to the federal structure etc

### ARTICLE HIGHLIGHTS

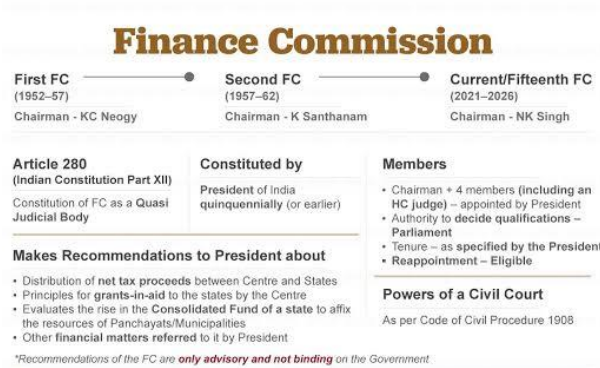
- The **Sixteenth Finance Commission** is due to be set up shortly.

- The combined **government debt-GDP ratio** had also shot up close to **90%** at the end of **2020-21**.
  - Many States show large **fiscal imbalances** too.

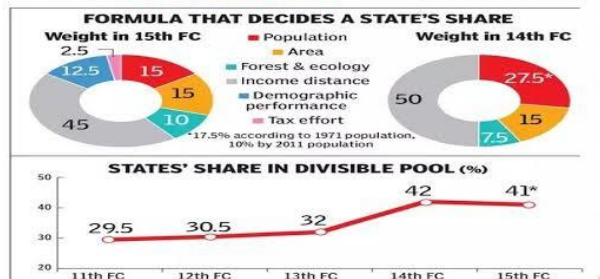
## INSIGHTS ON THE ISSUE

### Context

#### Finance Commission:



### HOW THE BOOTY IS DIVIDED



### The vertical and horizontal dimensions

- **The Fourteenth Finance Commission** raised the share of States in the divisible pool of central taxes to **42%** from **32%**.
  - This was revised to **41%** when the number of States in India was reduced to 28.
- **During 2020-21 to 2023-24 (BE):** The effective share of States in the Centre's **gross tax revenues (GTR)** averaged close to 31%
  - It was **significantly lower than the corresponding share** of nearly **35%** during **2015-16 to 2019-20**.
  - The increase in the share of cesses and surcharges to **18.5(eighteen point five)%** of the Centre's GTR during **2020-21 to**

2023-24 (BE) from **12.8(twelve point eight)%** during **2015-16 to 2019-20**.

### **Recommendations:**

- **The heavy reliance on cesses and surcharges** requires scrutiny by the **Sixteenth Finance Commission**.
  - **Option:** freeze the share of cesses and surcharges to some base number.
  - **Under Thirteenth Finance Commission:** The share was just **9.6%**.
  - **A 10% upper limit of the share of cesses and surcharges** as a percentage of Centre's GTR may be recommended.
  - **The share of States** must be increased if the proportion crosses 10%.
- **There will be one proportion-42%**, if cesses and surcharges exceed 10%, and another share of 41% if they are 10% or below.
  - **The formula may be nuanced by the Sixteenth Finance Commission** with the help of the latest data.
- **GST collections** have maintained good buoyancy in the last two years.
  - **GST still needs restructuring** to make it a good and simple tax.

### **The share of individual States in the Centre's divisible pool of taxes:**

- **It is determined by a set of indicators:**
  - population
  - per capita income
  - area
  - incentive-related factors
    - forest cover
    - demographic change.
- **In the case of per capita income: It** is the distance of a State's per capita income from a benchmark
  - **It is usually kept at the average per capita income** of the top three States that is used as a determining factor.
  - **The distance criterion implies** relatively larger shares for relatively lower income States.
  - **At present, it has the highest weight of 45%** — it had an even higher weight previously.

### **Lower Income states:**

- **These States are expected to provide a relatively larger share of 'demographic dividend' to India in future**
  - **Attention needs to be paid to the educational and health needs of their populations.**
- **It may be useful to freeze the weight to distance criterion at the current level or even reduce it to 40%**
  - **but some upward adjustment in the resources transferred to the poorer States may be done through grants.**

### **Equalization principle:**

- **Equalization of the provision of education and health services** should be prioritized in the overall scheme of resource transfers.
- **Instead of using a large number of tax devolution criteria**, the transfer of resources to individual States may be guided by the equalization principle
  - **using a limited number of criteria** such as population, area and distance, supplemented by a suitable scheme of grants.
- **The equalization principle is consistent** with both equity and efficiency.
- **It is used in federations** such as **Canada** and **Australia**.
- **The basic consideration of reflecting needs**, costs of providing services, and equity considerations.
  - **It can all be reflected through these three criteria**, provided there is more fine-tuning.

### **What are the other Recommendations?**

- **The debt-GDP ratio for the combined account of central and State governments** had peaked at **89.8(eighty nine point eight)%** in **2020-21**
  - **Out of which the Centre's debt-GDP ratio** excluding any on-lending to the States amounted to **58.7(fifty eight point seven)%**, and that of States was **31%**.
  - **While these numbers have** begun coming down
  - **These are still above the corresponding Fiscal Responsibility and Budget Management (FRBM) norms** of **40%** and **20%**, as in the **2018 amendment**.
- **In 2020-21, the Centre's fiscal deficit** had shot up to **9.2(nine point two)% of GDP** and that of States to **4.1(four point one)%**.
  - **The 2018 amendment to the Centre's FRBM** needs to be re-examined.

- **This was also recommended** by the **Fifteenth Finance Commission**.
- **The Twelfth Finance Commission** had recommended a target of **28%** consistent with an underlying nominal GDP growth of **12%**.
  - **The adjustment needed for the central government** is larger than that for State governments.
  - **Few State governments** appear to have relatively larger debt and fiscal deficit numbers relative to their GSDPs.
  - Concerns:
    - Proliferation of subsidies
    - Re-introduction of the old pension scheme in States
  - **such subsidies** are sought to be financed by raising the fiscal deficit.

### Way Forward

- **There may not be a strong case for recommending any further increase** in the States' share of **central taxes** in view of the Centre's large fiscal imbalances.
  - **A re-examination of the role** of non-shareable cesses and surcharges is required.
- **Set up a loan council(recommended by the Twelfth Finance Commission):** This independent body should oversee the loan magnitudes and profiles of the central and State governments.
- **The Sixteenth Finance Commission** should examine the subject of non-merit subsidies in detail.
  - **However, exclusion of 'unjustified' subsidies** while determining grants may cause the Finance Commission to be caught in political crossfire.
- **The Finance Commission should be strict about States maintaining fiscal deficit** within limits.
  - **It should provide carrots to States** maintaining fiscal deficit
  - **for example:**
    - **including fiscal performance** as a criterion in horizontal distribution
    - **sticks for those that exceed fiscal deficit** limits by suitably acting on the extent of borrowing allowed.

### QUESTION FOR PRACTICE

Q. How far do you think cooperation, competition and confrontation have shaped the nature of federation in India ? Cite some recent examples to validate your answer.(UPSC 2020)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

### Cleantech, for an inclusive green future in India

Source: The Hindu

- **Prelims:** Current events of national importance, Environmental pollution and degradation(Solar energy, Paris Agreement), PM2.5 etc
- **Mains GS Paper III:** Conservation, environmental pollution and degradation,Solar energy and its use in different sectors particularly agriculture etc.

### ARTICLE HIGHLIGHTS

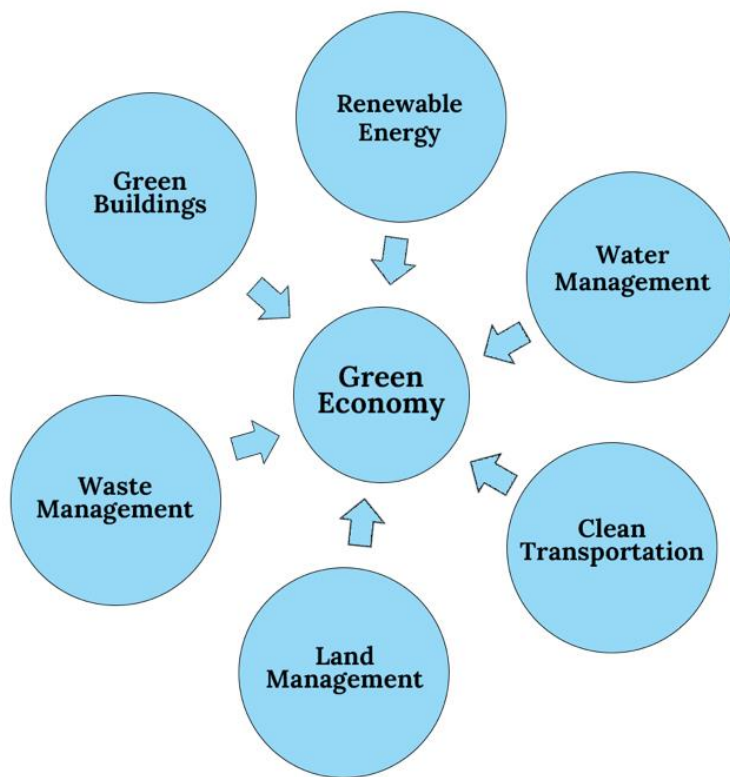
- On **Independence Day** this year, the Prime Minister said that India is showing the world how to combat climate change.
  - **Climate action** is only effective and embraced at scale if it aligns with the development aspirations of millions and contributes to economic growth.

### INSIGHTS ON THE ISSUE

#### Context

##### WHAT IS A GREEN ECONOMY?

- A **Green Economy** is one that results in increased **human well-being** and **social equity**, while significantly **reducing environmental risks** and **ecological scarcities**.
- It is an **economy** that results in **reducing environmental risks** and **ecological scarcities**, and that aims for **sustainable development** without **degrading the environment**



### Importance of green economy:

- **It provides an optimistic pathway** to align development and environmental outcomes.
- **For instance, building a solar park or an electric vehicle charging station** helps expand the much-needed infrastructure in a developing economy while furthering climate action.
- **Reviving millets** helps improve farm incomes in rain-fed areas while making our agriculture climate resilient.

### Initiatives in the hinterlands:

- **Solar dryers** converting throwaway tomatoes into sun-dried ones in **Andhra Pradesh**
- **Biomass-powered cold storages** help farmers in **Maharashtra** selling lemons make a gain that is three to five times that of the original price.

- **Solar silk reeling machines** reducing drudgery for thigh-reelers and doubling their income in **Odisha**

### Steps that can scale up:

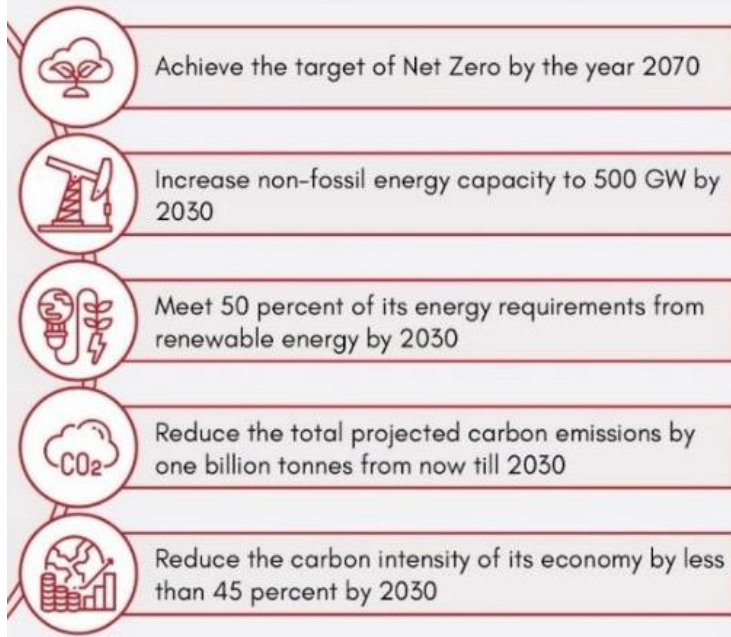
- **India's rural economy** often struggles with unreliable electricity access and a dependence on expensive and imported diesel.
  - **These cleantech solutions** can help India reduce its diesel imports
  - Avoid the loss of perishable food
  - **Enhance rural livelihood opportunities** while posing an investment opportunity worth \$50 billion for investors and financiers.
- **Research at the Council on Energy, Environment and Water (CEEW):** It shows that just 12 such cleantech solutions (varying from solar pumps to cold storages to charkhas and looms) have the potential to impact at least **16%** of our rural population.
  - **There needs to be a three-fold approach** to traverse this journey from 50,000-plus to tens of millions.
- **Leverage existing government programmes** supporting livelihoods.
  - **For instance, the Pradhan Mantri MUDRA Yojana** that extends collateral-free loans for microenterprises can be used to enable the adoption of cleantech solutions.
  - **Pradhan Mantri Formalisation of Micro food processing Enterprises (PM-FME) scheme** that supports the adoption of technology among micro food enterprises can be used to unlock support for solutions
    - **such as a solar dryer, an energy-efficient multipurpose food processor or a solar grain mill.**
- **Pradhan Mantri Matsya Sampada Yojana** can be leveraged towards adopting solar refrigerators and dryers for fishing communities.
- **Agriculture Infrastructure Fund( only 15% fund utilization** against a target of **₹1 lakh crore**
  - **It can support the adoption** of biomass-powered cold storage and beyond.

- **Enable large-scale financing of cleantech solutions:** It requires supporting bankers' capacity on credit assessment for cleantech
  - There is a need to hedge their risks in the initial stages of the market through partial guarantees.
- **Active engagement with financiers** is important to structure loan products that are aligned with the cash flow scenarios of users.
- **Adopting some of these principles helped 'Powering Livelihoods(CEEW-Villgro initiative)** unlock 300-plus loans for cleantech solutions to
  - women
  - self help groups
  - farmer producer organizations
  - individual micro entrepreneurs in rural areas.
- **Enable multi-actor partnerships** between technology innovators, manufacturers, distributors and service providers, financiers, and market-linkage players to enable an overall ecosystem.

#### **Challenges:**

- **Cleantech manufacturers** often need help bringing their products to customers.
- **The challenges faced include**
  - low product awareness
  - **high customer acquisition cost** as users need to touch and feel these products before adoption,
  - **low density of customers** for such products in a given area.
- **Users struggle with limited after-sales service** and market linkage of the final processed products.

## PANCHAMRITA: INDIA'S CLIMATE COMMITMENTS AT COP26 SUMMIT IN GLASGOW



### Way Forward

- **We need a holistic ecosystem where distributors work with manufacturers** to enable
  - technology access at the last mile
  - service providers ensure after-sales services
- **Market-linkage players** enable the connection to the market to create a thriving ecosystem for cleantech to impact rural livelihoods at scale.
  - **For instance solar dryer companies** are deploying dryers and enabling financing for users to adopt the dryers and buying back the final produce from them to ensure market linkages.
- **India has massive ambitions for a clean and green future:** By focusing on cleantech for livelihoods and jobs, especially in rural areas, we can make that green future inclusive.

### QUESTION FOR PRACTICE

Q. Do you think India will meet 50 percent of its energy needs from renewable energy by 2030 ? Justify your answer. How will the shift of subsidies from fossil fuels to renewables help achieve the above objective ? Explain.(UPSC 2022)

**(200 WORDS, 10 MARKS)**

## EDITORIAL ANALYSIS

### Crafting safe Generative AI systems

Source: The Hindu

- **Prelims:** Science and technology, Artificial intelligence(AI), Generative AI, Big Data, GANs, ChatGPT1 tool, DALL.E2 etc
- **Mains GS Paper III and IV:** Significance of technology for India, AI, indigenisation of technology and development of new technology.

#### ARTICLE HIGHLIGHTS

- **The Generative AI** revolution will potentially unleash a wave of technical and social change.
- **Large Language Models (LLMs)** alone are predicted to add **\$2.6(two point six)trillion-\$4.4(four point four)trillion** annually to the global economy.
  - The ongoing pilot of **Jugalbandi Chatbot** in **rural India (powered by ChatGPT)**

#### INSIGHTS ON THE ISSUE

##### Context

##### Artificial intelligence(AI):

- It is a branch of computer science dealing with the simulation of intelligent behavior in computers.
- **It describes the action of machines** accomplishing tasks that have historically required human intelligence.
- **It includes technologies** like machine learning, pattern recognition, big data, neural networks, self algorithms etc.
- **E.g: Facebook's facial recognition software** which identifies faces in the photos we post, the voice recognition software that translates commands we give to **Alexa**, etc are some of the examples of AI already around us.

##### Generative AI:

- **It is a cutting-edge technological advancement** that utilizes machine learning and artificial intelligence to create new forms of media, such as text, audio, video, and animation.

- **With the advent of advanced machine learning capabilities:** It is possible to generate new and creative short and long-form content, synthetic media, and even deep fakes with simple text, also known as prompts.

### AI innovations:

- GANs (Generative Adversarial Networks)
- LLMs (Large Language Models)
- GPT (Generative Pre-trained Transformers)
- Image Generation to experiment
- **Create commercial offerings** like DALL-E for image generation
- **ChatGPT for text generation.**
  - It can write blogs, computer code, and marketing copies and even generate results for search queries.

### Uses of Generative AI:

- **Generative AI** can craft sales, marketing, and brand messaging.
- **Agencies can generate** personalized social media posts, blogs, and marketing text and video copies by providing a text prompt to a Generative AI service, like ChatGPT.
- **Service can quickly iterate different text** by simply tweaking the prompt to effectively communicate with the audience.
- **DALL.E(a generative image generation service):** It can also generate original imagery to align with the branding.
- **GitHub, Copilot6 and ChatGPT1** can generate code and help with developer productivity.
- **It can suggest entire functions,** snippets, and even fully functioning modules and generate code in real-time right in your editor.
- **ChatGPT** can also help you write code to build a technology service or integration quickly.
- **Generating synthetic data** for data augmentation and creating additional training data to train and test AI models to experiment at scale.
- **It can sift through numerous legal research materials** and produce a pertinent, specific, and actionable summary.
- **It can reduce the countless hours of human research** and enable them to focus on more complex and exciting problems.
- **ChatGPT:** It can assist in providing answers to complex queries and augment search algorithms to generate responses to complex search queries.

- **It can accelerate the discovery of new research**, drafting and synthesizing documents and reports.
- **It can also help create and simulate** complex engineering, design, and architecture.
- **It can help speed up the iterative development** and testing of novel designs.
- **Architecture, machine design, and even house floor plans** are all made by Generative Image and video technology.
- **It can let engineers and consumers** design and iterate over floor plans and architectures with as little as a text prompt or vocal command.
- **It can also help health professionals** with their medical diagnosis.
- **AI can generate potential and alternative treatments** personalized to patients' symptoms and medical history.
  - For instance, DeepMind AlphaFold can predict the shape of protein.

#### What is the news?

- The ongoing pilot of **Jugalbandi Chatbot** in **rural India (powered by ChatGPT)**
- **It will serve as a universal translator**
  - accepting queries in local languages
  - retrieving answers from English-language sources
  - presenting them back to users in their native language.
- **It can democratize access to information** and improve the economic well-being of millions of people.

#### Concerns:

- **AI powered tools** are enabling bad actors to create artificial entities that are indistinguishable from humans online (via speech, text, and video).
  - **Bad actors can misrepresent themselves** or others
  - **They potentially can launch a barrage of variations** on old harms such as misinformation and disinformation, security hacks, fraud, hate speech, shaming, etc.
  - **Example: In the U.S., an AI generated image** of the Pentagon burning spooked equity markets.
- **Fake Twitter and Instagram users promulgating strong** political views have been reposted millions of times, contributing to polarized politics online.

- **Cloned AI voices** have been used to circumvent bank customer authentication measures.
  - Examples:
    - **An individual in Belgium** was allegedly driven to suicide with his conversations with an LLM.
    - **Recent elections in Turkey** were marred by AI generated deep fakes.
- **Role of bad actors in elections:** Over one billion voters will head to polls across the U.S., India, the EU, the U.K., and Indonesia in the next two years,
  - **The risk of bad actors harnessing Generative AI** for misinformation and election influence is steadily growing.

### What steps need to be taken?

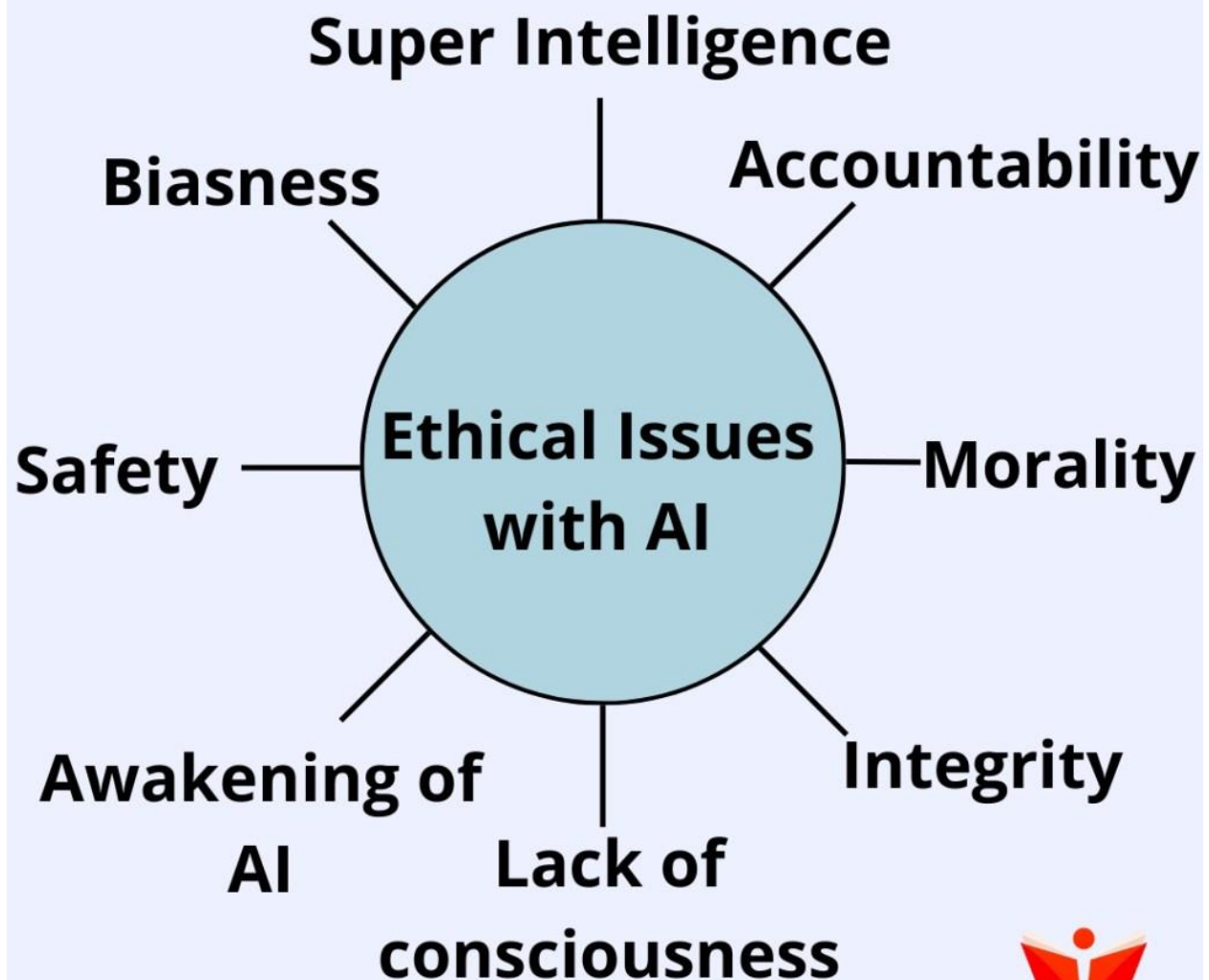
- **Regulatory proposal:** All digital assistants (aka 'bots') to self-identify as such, and to criminalize fake media.
- **Established companies may ensure their AI bots** self-identify, and only publish valid information.
  - **However, bad actors will simply disregard** the rule
    - capitalizing on the trust created by compliant companies.
- **There is a need for a more conservative assurance paradigm**, whereby all digital entities are assumed to be AI bots or fraudulent businesses unless proven otherwise.
- **Regulation is necessary but not sufficient:** A broader approach should be considered to improve Internet safety and integrity.
  - **Recent research at the Harvard Kennedy School (Identity assurance framework):** Identity assurance ensures trust between interacting parties
  - **It verifies the authenticity of the involved entities**, enabling them to have confidence in each other's claimed identities.
  - **key principles:**
    - **It can be open to the numerous credential** types emerging around the world
    - **It is not specific to any single technology** or standard, and yet provides privacy protections.
    - **This identity assurance framework** would be extended to humans, bots, and businesses.

- **More than 50 countries have initiatives underway to develop or issue digital identity credentials:** It will form the foundation of this identity assurance framework.
  - **India, with Aadhaar,** is in a leadership position to establish online identity assurance safeguards.
  - **European Union:** It is establishing a new identity standard which will also support online identity assurance, but full user adoption will likely take the rest of this decade.

#### **Information integrity:**

- **Information integrity ensures** that the content being accessed is authentic and was published by the person it claims to be published by.
- **Identity assurance** is also tied to the question of information integrity.
- **This credibility comes from three pillars:**
  - **Source validation,** which is to enable verifiability that information comes from a known source/publisher/individual.
  - **Content integrity:** Which is to enable verifiability that the information has not been tampered with.
  - **Information validity:** This is contentious but can be realized with automated fact-checking and crowdsourced reviews.
- **Identity assurance touches** privacy versus surveillance, civil liberty versus security, anonymity versus accountability.
- **Information integrity** raises the questions of censorship and the timeless question of 'who defines the truth.'

#### **Ethical Issues with AI:**



### Way Forward

- **As we consider rebalancing between Information integrity and identity assurance:** We must recognise that each nation's values differ and their appetite for different risks will be different.
  - **But these differences** are manageable within a larger framework.
- **It is the responsibility of global leaders to guarantee** the secure and safe deployment of Generative AI.
- **We need to reimagine our safety assurance paradigm** and build a trust framework to ensure global identity assurance and information integrity.

- **Beyond regulation**, we need to engineer our online safety.
- **We must add rigor and responsibility to developing AI** technology, enforce ethical guidelines, conduct regular audits for fairness, identify and address biases, and protect privacy and security.

### QUESTION FOR PRACTICE

Q. What are the different elements of cyber security ? Keeping in view the challenges in cyber security, examine the extent to which India has successfully developed a comprehensive National Cyber Security Strategy.(UPSC 2022)

(200 WORDS, 10 MARKS)

## EDITORIAL ANALYSIS

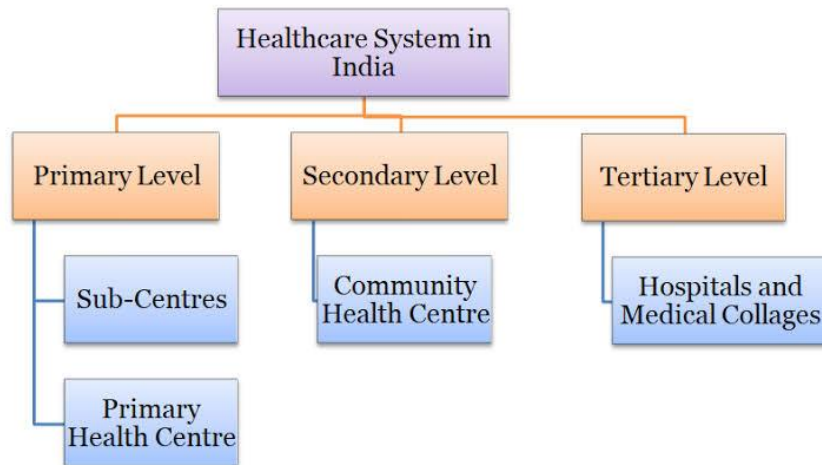
### India needs evidence-based, ethics-driven medicine

Source: The Hindu

- **Prelims:** Current events of national importance, health maintenance organizations (HMOs), AYUSH,
- **Mains GS Paper I & II:** Development and management of social sectors/services related to Health and education etc

### ARTICLE HIGHLIGHTS

- The push to integrate '**AYUSH**' medicinal systems into mainstream health care to achieve **universal health coverage** and '**decolonise medicine**' is a pluralistic approach.
  - It would require every participating system to meet basic **safety and efficacy standards**.



## INSIGHTS ON THE ISSUE

### Context

#### AYUSH:

- **Traditional & Non-Conventional Systems** of Health Care and Healing Which Include **Ayurveda, Yoga, Naturopathy, Unani, Siddha, Sowa-Rigpa and Homoeopathy** etc.

#### Features of the Indian systems of medicine:

- **Their diversity, flexibility; accessibility;** affordability, a broad acceptance by a large section of the general public
- **Comparatively lesser cost** and growing economic value
- **Great potential** to make them providers of healthcare that the large sections of our people need.

#### Reasons for Skepticism about AYUSH:

- **Skepticism in the public mind** about the soundness of Ayurvedic theories and the fruitfulness of its practices.
- **The Ayurveda establishment** has failed to keep pace with the intellectual and scientific advances of the times.
- **Archaic theories** that are apt to arouse suspicion in the minds of educated patients are peddled as sophisticated dogmas.
- **Treatments are made** to escape straightforward experimental scrutiny because of their supposed rootedness in such theories.
- **Diminished** evidence-based quality.
- **Ayurveda treatments** are slow to heal is another common view that characterizes the public image of Ayurveda.

## Homeopathy:

- **Homoeopathy was introduced in 1839 in India** by Austrian physician **J.M. Honigberger**
- **It is a method of treating patients with medicines** when a healthy person imitates a natural illness and exhibits similar symptoms.
- **Homoeopathy is a style of supplementary medicine** founded on the concept of “symmetry”.
- **Patients are treated holistically in this method**, but they are also treated individually, keeping in view their specific characteristics.

## Efficacy and safety of homeopathy

- **Evidence on homeopathy’s efficacy** is weak.
- **Double-blind randomized controlled trial (RCT), the Nuremberg Salt Test (1835)**, noted that the symptoms or changes which the homeopaths claimed to observe as an effect of their medicines were the
  - fruit of imagination
  - self-deception
  - preconceived opinion
- **Multiple systematic reviews and meta-analyses** found that, across ailments, population groups (adults versus children), study types (placebo-controlled versus other trial types), and treatment regimes (individualized versus non-individualised)
  - **Homeopathic treatments** lack clinically significant effects.
- **Homoeopathy’s efficacy also caution** over the low evidence quality and raise concerns about its clinical use.
- **Researchers demonstrated** that more than half of the **193 homeopathic trials** in the last two decades were not registered.
  - **Unregistered trials** showed some evidence of efficacy but registered trials did not.
  - **There was reporting bias and other problematic practices**, throwing the validity and reliability of evidence thus generated into doubt.
- **The World Health Organization (WHO) has warned against homeopathic treatments** for HIV, tuberculosis, and malaria, flu and diarrhoea in infants
  - It has “no place” in their treatment.
- **Evidence is accumulating that homeopathy does not work** for cancers

- **It may not help to reduce the adverse effects** of cancer treatments, contrary to lay belief.
- **Treatments have been linked to both non-fatal and fatal** adverse events as well as their aggravation.
- **Seeking homeopathic care also delays** the application of evidence-based clinical care.
  - **In several cases**, it has caused injuries and sometimes death.

### **Issues with standards and claims of Homeopathy:**

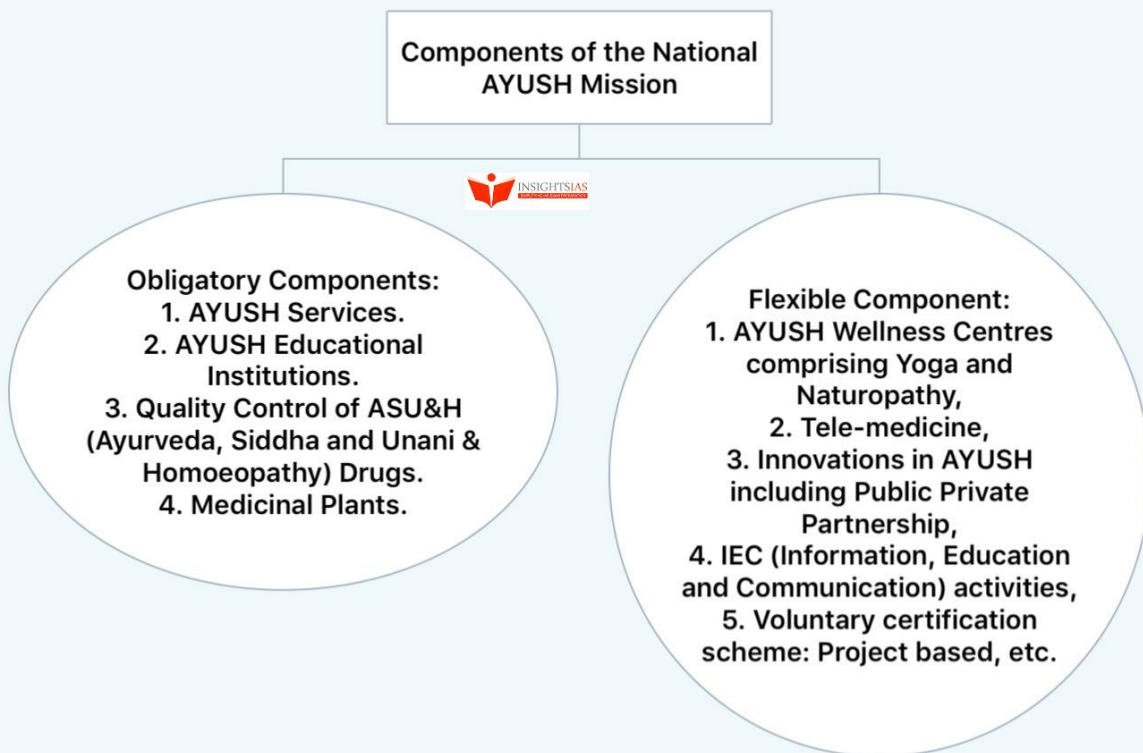
- **The standards are not conveniently chosen by practitioners** of allopathic medicine for themselves.
  - **RCTs and other methods for collecting and assessing evidence** are collaboratively set and updated by a global community
  - **Pushing for evidence-based medicine** that includes
    - epidemiologists
    - biostatisticians
    - quality improvement
    - researchers
    - implementation managers
    - several others, beyond clinicians.
  - **These methods have weeded out practices** in allopathic medicine that failed to meet the evidence criteria.
- **Multiple disciplines such as psychology, economics, community health, implementation science, and public policy, beyond medicine** have successfully adapted evidence synthesis methods to establish their claims.
- **Homeopathy advocates have failed to invent valid alternative evidence synthesis frameworks** suited for testing its efficacy and safety, which are also acceptable to the critics.
- **The claim about homeopathy being holistic** is typically paired with evidence-based medicine being “reductionist”.
  - **Most exponents of evidence-based medicine** are aware and accepting of biopsychosocial approaches toward health endorsed by WHO
  - **Composed of evidence-based medicine practitioners and supporters.**
- **Evidence-based medicine** does not and should not stop at establishing empirical evidence.

- **The quest is to discover and explain** the mechanisms underlying the evidence.
- **There has been no concrete evidence** for proposed mechanisms of action for homeopathy.
  - **No mechanistic ( molecular, physiological, biochemical, or otherwise) evidence** to explain how concepts such as “**like cures like**”, “**extreme dilution**”, and “**dematerialised spiritual force**” result in better health.
- **Several allopathic/modern medicine practices** have updated themselves based on growing scientific evidence.
  - Which is lacking in Homeopathy.

### National Ayush Mission:

- Launched in September 2014 by the Department of AYUSH under the Ministry of Health and Family Welfare, during the 12th Plan for implementation through States/UTs.
- Now, it is implemented by the **Ministry of Ayush**.
- The scheme involves expansion of the AYUSH sector to promote holistic health of Indians.
- The Mission addresses the gaps in health services through supporting the efforts of State/UT Governments for providing AYUSH health services/education in the country, particularly in vulnerable and far-flung areas.

### Components:



### Way Forward

- **Adopting a pluralistic approach in medicine** can decolonise medicine.
  - **In India, homeopathy** is at odds with this.
- **Homoeopathy was introduced quite recently in India's history** during the colonial period for colonial benefit.
  - **Hence, its traditional tag** is untenable.

- **Not all colonial-era practices need to be surrendered:** Those with health and developmental benefits
- **such as evidence-based elements of allopathic medicine** and gender role and caste reforms should be retained.
- **The argument to reject homeopathy is not based on its coloniality**
  - On the lack of evidence for efficacy
  - some evidence for lack of safety
  - no substantive progress on mechanisms of action in the last century
  - homoeopathic practitioners' escapist arguments.
- **India's path to universal health care must be grounded in evidence-based** and ethics-driven medicine.

### **QUESTION FOR PRACTICE**

Q. Besides being a moral imperative of the Welfare State, primary health structure is a necessary precondition for sustainable development." Analyze.(UPSC 2021)

**(200 WORDS, 10 MARKS)**















