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Contents

INTERNATIONAL RELATIONS

POLITY & GOVERNANCE

Constitution: Evolution, Basic Structure, Important Provisions

1   Checks and Balances

⊙ Recently, the Supreme Court said that collegium system has Checks & Balances while disapproving Centre delaying judicial appointments.

Background: What is the principle of checks and balances?

⊙ It is principle of government under which separate branches are empowered to prevent actions by other branches and are induced to share power.

⊙ Checks and balances are applied primarily in constitutional governments.

Weakness of the system:

⊙ **Low accountability of Executive:** According to data by PRS Legislative Research, while 60% of the Bills in the 14th Lok Sabha and 71% in the 15th Lok Sabha were referred to Department-related Standing Committees (DRSCs) concerned, this proportion came down to 27% in the 16th Lok Sabha.

⊙ **Judicial Activism:** In many recent judgments, the Supreme Court has become hyper-activist in making judgements that are deemed as laws and rules. This transgresses the domain of legislature and executive.

⊙ **Executive Excesses:** Executive in India is alleged of over-centralisation of power, weakening of public institutions like CIC & RTI.

⊙ **Weakened role of opposition:** Democracy works on the principle of checks and balances. It is these checks and balances that prevent democracy from turning into majoritarianism.

Suggested measures:

⊙ **Strengthen the Role of the Opposition:** In order to strengthen the role of the opposition, the institution of shadow cabinet can be formed in India.

⊙ **Strengthening accountability of the executive:** Parliament should be able to convene itself. Question hours, debates, deliberations etc. should be given higher weight.

2   Constitutionality' of the First Amendment Act, 1951

Recently, the Supreme Court (SC) has agreed to view the plea challenging the **'Constitutionality' of the First Amendment Act, 1951** which had put the reasonable restrictions under **Clause(2) of Article 19 (a) of Freedom of Speech and Expression.**

Background:

⊙ The First Amendment Act was enacted to remove certain practical difficulties created by the court's decision in several cases such as **Kameshwar Singh Case**, **RomeshThapar Case**, etc.

⊙ Issues involved in the cases included freedom of speech, acquisition of the Zamindari land, State monopoly of trade, etc.

What are the arguments against this Amendment?

⊙ **Objectionable insertions:** According to the petitioners the Amendment allows restrictions also "in the interest of public order" and "in relation to incitement to an offense". The new Clause (2) also omitted the expression "tends to overthrow the State" as appeared in the original Clause (2).

⊙ **Neglects national security:** By dropping the expression 'tends to overthrow the State' which raises grave concern in the context of the dangers posed to the concept of a secular democratic republic by radicalism, terrorism, and religious fundamentalism.

3   Sedition

Recently, Central Government told the Supreme Court that consultations for re-examining **IPC Section 124A**, which deals with sedition, are at a substantially advanced stage.

Background: About the sedition law

⊙ The sedition law is enshrined in **Section 124A of the Indian Penal Code (IPC).**

⊙ Prominent examples of the application of the law include the trials **of Tilak (1897) and Gandhi (1922).**

- **Jawaharlal Nehru, VinayakDamodarSavarkar, and AbulKalam Azad** were also charged with sedition.

Interpretations other than judiciary:

- In August 2018, the Law Commission of India published a consultation paper recommending that it is time to re-think or repeal the Section 124A of the Indian Penal Code that deals with sedition.

- In its **39th Report (1968),** the Law Commission had rejected the idea of repealing the section.

- In its **42nd Report (1971),** the panel wanted the scope of the section to be expanded to cover the Constitution, the legislature and the judiciary, in addition to the government to be established by law, as institutions against which 'disaffection' should not be tolerated.

- In the recent consultation paper on the sedition, the Law Commission has suggested invoking 124A to only criminalize acts committed with the intention to disrupt public order or to overthrow the Government with violence and illegal means.

Criticism of Sedition law:

- **Archaic law: The law remains a colonial legacy as Thomas Macaulay**, who drafted the Indian Penal Code, had included the law on sedition. The first application of the law was the trial of newspaper editor **Jogendra Chandra Bose in 1891.**

- **Prone to misuse:** The government of the day can invoke the section arbitrarily to quell genuine criticism. The ambiguity in the definition makes the situation worse.

- **Against democratic ideals:** The existence of the law creates a deterrent to open and robust democratic discourse.

4   Rise of Protests

The recent proliferation of protests and grassroots movements points to increased public discourse on politics and human rights. The recent farmers protest is one example of an energized population eager to invoke change in the country.

Are Protests legal?

- All protests are legal only if they are non-violent and carried out with appropriate permissions.

- **Fundamental duties** that are enshrined in the constitution require that the **rule of law** is followed and that **public property is not destroyed**.

- The right to protest peacefully is enshrined in the Indian Constitution under Article 19.

What's behind the protests?

- **Fractured growth discredited State:** These protests draw their legitimacy from the lived experience of fractured growth driven by oligarchic capitalism and a discredited State.

- **System failure and injustice:** Conflict is expected and when judicial and state processes fail, people often take to the streets to administer some form of vigilante justice and retribution.

- **Threat:** This is also happening in a context where civil liberties are being eroded and dissenting views are under attack.

How protests are 'strong tools' for change?

- **Contagious:** Of late, protest has emerged more contagious than any other political tool. The spread and degree of these protests are unbelievably massive and without identified leaders.

- **Bringing core issues in light:** In democracies, protests are for more about rights and also to question democratic institutions. In many non-democracies, protests are over economic hardship and for bringing in democracy.

- **Grievance redressal:** In the absence of other avenues, protests have become a means of grievance redressal, a way of legitimising the demands, a function of multi-cultural democracy and a form of freedom of speech and expression.

- **Collective conscience:** Protests can be seen as the articulation of the collective conscience of the nation.

- **Building community:** Protests not only build communities of like-minded people, but they also increase civic engagement in general.

- **Bring change:** Protests create an important avenue to bring about the much desired change in

the society. This also helps in improving the status of affairs in the country.

- ◉ **Strengthening democracy:** Protests are a means of ensuring that democracy thrives. It helps a people express their views without the interference of others who have a contrary opinion.

5 Rights and Duties

Recently, the Union Law Minister advocated the need to find a balance between the fundamental rights and duties for the country's progress.

Relation between rights and duties:

- ◉ **Complementing nature:** Citizens have right to freedom of speech (Article 19) but at the same time it is the duty that this freedom does not disturb the brotherhood and social harmony.

- ◉ **Promote cooperation together**: Duties taken together with rights help administration in constructiveengagement with people. Together they preserve the vibrancy and pluralistic nature of society.

- ◉ **Accountability of the government**: Together they increase citizens' participation in the democracy. A dutiful citizen also demands the same from the government. Thus accountability of the government increases.

Issues in perceiving Rights and Duties together

- ◉ **Difference of nature:**Certain rights are acquired by every human being from the moment ofbirth, but duties need capable individuals to perform. Rights are precursors to Duties

- ◉ **Enforceability:**The rights are enforceable in a court of law while the duties are not.

- ◉ **Vague and subjective nature of duties:**Rights have elaborately covered by the Constitution and the variouscourts' judgments have enlarged the scope of them, while duties havebeen vaguely worded.

Way forward:

- ◉ **Focus on individual rights:** Government should aspireto fulfill the rights of each citizen to ensure an adequate standard of living before any duties.

- ◉ **Flourishing democracy:** Deepening the roots of democracy to address the fundamental issues of inequality, intolerance etc. base on caste, creed, religion, region etc. and maximizing thefulfillment of duties.

6 Positive Secularism in India

Argument made in the Supreme Court of India by Senior Advocate DevdattKamat stating that India's secularism is 'positive' in nature.

Background: What is secularism?

- ◉ The definition of secularism that came up after the **French revolution** essentially meant that the State (politics) will maintain distance from religion.

- ◉ This was the result of people of Europe and more specifically the people of France not wanting to be governed by the dictates of the Church in all aspects of life including politics.

- ◉ In the western societies therefore religion is an 'independent aspect' of life which is considered to be outside the influence of politics.

- ◉ This is idea of secularism is termed as negative secularism.

Is the concept 'static' in nature?

- ◉ The concepts of secularism are not static; it is elastic in connotation.

- ◉ In this area, flexibility is most desirable as there cannot be any fixed views in this concept for all time to come.

- ◉ The courts decide from time to time the contours of the concepts of secularism and enforce it in practice.

How is the above debate relevant to the current petition?

- ◉ In the current petition, revocation of order banning Hizab is colleges is sought.

- ◉ According to petitioners, wearing hizab is an essential religious practice whose defense falls upon the Indian State including the Supreme Court.

7 | Defamation

Recently, the Congress leader Rahul Gandhi was held guilty and sentenced to two years in jail by a Surat court in a 2019 **defamation case**.

Background:

- A publication of false and defamatory statement, either written or oral, which tends to harm a person's reputation, decreases the respect, regard or confidence, in which a person is held, without any lawful justification, is known as defamation.

- In India, the criminal offence of defamation is contained under **Section 499 of the Indian Penal Code** (IPC), 1860 and the civil law that provides for damages and injunctive relief.

Defamation laws acting as a challenge to freedom of speech:

- **Defamation laws go against the Article 19:** The existence of defamation laws violate the Fundamental Rights guaranteed under **Article 19** of the constitution.

- **Suppression of freedom of speech:** A recent report by **Common Cause and Lokniti-CSDS** reveals that nearly two out of three respondents are scared to post their political or social opinions for fear of legal action.

8 | Federalism

Fiscal federalism

Recently, Governor of Kerala flagged the challenges associated with fiscal federalism in the country vis-a-vis state's borrowing limits among other issues.

Background:

- Fiscal Federalism refers to the division of responsibilities with regards to public expenditure and taxation between the different levels of the government.

- It is the economic counterpart to political federalism.

Issues in the fiscal federalism:

- **Fiscal imbalance:** Central government has a far greater domain of taxation. It collects around 60% of the total taxes, while its expenditure responsibility (for carrying out its constitutionally mandated responsibility such as defense, etc.) is only 40% of the total public expenditure.

- **Disparity in contribution in the share of taxes:** Maharashtra, Delhi, Karnataka, Tamilnadu, Gujarat contribute 72% of tax revenue. Uttar Pradesh, the most populated state contributes around 3% but get about 17% of the total tax distributed by the government.

- **14th FC recommendations implementation**: Recommendations of the 14th FC has not been fully realized. Devolution has not reached 42%.

- **Grants in aid**: Relatively better of states demand that it should be performance based while the poor performing states see this at a necessity.

- **Division of fiscal powers given by the 7th schedule**: Overuse of cesses and surcharge by the Union which is not shared by the states.

- **Misuse of the Art 282:** Union or States can make any grant for any purpose irrespective or their legislative competency under 7th Schedule.

- **Voting rights in the GST Council:** Centre has one third votes while all the states together have two third with equal right each regardless of their size.

Suggested Measures:

- **Decentralization:** Steps should be taken to strengthen local finances and state finance commission.

- State FC should be accorded the same status as the Union FC and the 3Fs of democratic decentralization (funds, functions, and functionaries should be implemented properly.

- **Simplification of GST:** GST should be simplified in its structure and by ensuring a single Rate GST with suitable surcharges on sin goods, zero ratings of exports and reforming the Integrated Goods and Services Tax (IGST) and the e-way bill.

- **Local public finance:** The creation of an urban local body or the PRI consolidated fund should be taken up to streamline the local body finance.

9 Need of Cooperative Federalism to Tackle Climate Change

Context: Rapid electrification is a key pillar of India's public transportation. This pillar has the potential to reduce India's pollution and its import bill. E-mobility- 'Grand Challenge 1' in this context is an innovative model for India and the world.

Issue: Status of State-owned Buses

⊙ **Sputtering engines**: Most of the registered public buses on India's roads have inefficient engines emitting planet-warming fumes into the atmosphere.

⊙ **Old Vehicles**: At least one-third of these buses are at the end of their lifespan and must be taken off the roads immediately.

⊙ **States in poor financial health**: It is disheartening to see that because of the poor financial health of states in addition to the responsibility of providing subsidized fares, it is a herculean task to overhaul the entire fleet of buses.

⊙ **Higher cost for buying buses**: Due to fragmented demand the state transport undertaking often faces problems of higher prices while buying buses.

⊙ **Limitations on nationwide action**: As state governments control issues such as transit, urban governance, and pollution control, it becomes difficult to find a unified solution.

Climate change and Indian Federalism:

⊙ India cannot address climate change without re-imagining Indian federalism as the division of powers in the Indian Constitution gives states a crucial role in several arenas of climate action.

⊙ This spans water, agriculture, cities, and transport – solely the responsibility of the states – and crucial levers in mitigation like forests and electricity, that are the joint responsibility of the federal government (hereafter referred to as 'the Centre') and the states.

The success of Unified Tender:

This change in the unified tender was enabled by three key factors collaboration, pace, and transparency.

⊙ **Consultative process**: The tender itself was a fully consultative process. The different contributions by participants helped in influencing the design of future tenders also.

⊙ **Pace**: There was a sense of climate urgency that shaped this collaboration.

⊙ **Transparency**: Transparency was the strongest aspect of this tender. There was clarity about the intention to build trust and build a publicly available process that invited bids from automakers and operators.

Merits of decentralization decision in improving the climate conditions:

⊙ **Different state has different levels of vulnerability**: India's States and districts vary vastly in their vulnerability to climate impacts, and decentralized decision-making and locally-led adaptation will help reduce potential damage to the environment.

➤ The role of urban local bodies and gram panchayats can be instrumental in the efforts towards climate action.

⊙ **Need for Balance:** Excessive centralization has limitations and contradicts the federal principles enshrined in the Constitution. However, in cases such as, where States lack size and financial clouts, such as the electrification of mass mobility, centralized procurement, and programme management can deliver architectural transformations rather than just incremental transitions.

10 Public Service Delivery Challenge Because of Legislative Division of Power

In general terms, the public good is something that must be delivered by the government. Article 246 of the Constitution mentions three lists in the Seventh Schedule — union, state, and concurrent lists thereby affecting the delivery of public goods.

Genesis of division of power:

⊙ The provisions relating to power-sharing can be linked to historical antecedents, colonial

legislation as well as the socio-political context at the time of the rafting of the Indian Constitution.

⊙ The measures were undertaken by the British Crown after it took over from the East India Company post-1857, formally institutionalizing many aspects of the federal principle.

⊙ **Constitutional backing:** The Constitution provides a scheme for demarcation of powers through three 'lists' in the Seventh Schedule under Article 246.

⊙ **The gist:** The Seventh Schedule is thus indicative of the spirit of cooperation between the Union and the States. Also, it represents a limitation to the powers of both centers and States. Such a limitation is essential to ensure that the different institutional layers in a federation can function autonomously in their respective spheres of influence.

How is it affecting the delivery of public goods?

⊙ Items have moved from the state list to the concurrent list and from the concurrent list to the union list. Rather than progressing towards decentralization of power.

⊙ Every public good is optimally delivered at a certain level of government. Delivery becomes suboptimal both above that level and below that level. Most public goods people will think of are efficiently delivered at the local government level, not Union or state level. Most public goods are efficiently delivered at the local government level, not Union or state level.

⊙ Citizens increasingly demand efficient delivery of such public goods. But without delegation of funds, functions, and functionaries, presently left to the discretion of state governments, local governments are unable to respond.

Efforts are taken to reform the 7th schedule

⊙ **The Rajamannar Committee** — formally known as Centre-State Relations Inquiry Committee suggested the constitution of a High Power Commission to examine the entries of Lists I and III in the Seventh Schedule to the Constitution and suggest a redistribution of the entries.

⊙ B Das (former chief minister of Odisha) stated

the need for having general principles involved in the selection of Items under Union, Concurrent, and State lists. Such principles will help us to understand the lists much better. However, it was not accepted.

⊙ However, the 1983 Sarkaria Commission and the 2002 National Commission to Review the Working of the Constitution avoided this issue.

⊙ Such limited movements have reflected greater centralization, such as in 1976.

⊙ N K Singh, Chairman of 15th Finance Commission has also often made this point, in addition to scrutiny of Article 282.

11 | Inter-state Border Disputes

Recently, Assam and Arunachal Pradesh signed an agreement for the settlement of an inter-state boundary dispute between the two states.

Reasons for Intra-state border disputes:

⊙ **Historical reasons:** British Raj carved the states on the basis of its commercial, military/administrative interests with disregard to the local communities or ethnicities. Ex. In Northeast India.

⊙ **Lack of implementation of recommendation on border disputes:** Ex Nagaland rejected Sundaram Commission report on its dispute with Assam.

⊙ **Failure of constitutional mechanisms:** Assam-Arunachal Pradesh dispute has been before the Supreme Court since 1989 (under Article 131). Similarly Inter-States Council (Article 263) has failed to solve the disputes amicably.

⊙ **Political opportunism:** Many local political parties want to keep the issues raging for vote bank politics.

Consequences:

⊙ **Threat to unity of the nation:** Inter-state border disputes affect the cooperative spirit among the units of federation which can threaten the unity of nation if they go unchecked.

⊙ **Rise of violence:** Disputes create deep division among the population of the states which can threaten social harmony and stoke violence.

- **Internal security challenge**: Disputes among states can create deep instability within the region that can become an internal security challenge.

- **Negative impact on growth and development:** Due to decline of cooperative spirit among the states and additional challenges development takes a back seat.

- **Domino effect**: More state can follow the suit giving rise to a chain reaction at other disputed but peaceful borders.

Suggested Measures:

- **Maintenance of peace:** Until the dispute is settled along the disputed areas the population on the both sides should maintain peace and tranquility.

- **'Give and take' approach:** States should be ready to make some concessions to settle the border amicably. Recently Assam and Meghalaya signed an agreement to settle their dispute on this basis. More states should follow.

- **Temporary solutions:** Like creating no man land in the disputed areas until the disputes are resolved.

- **Utilization of institutional mechanism:** Frequent meetings of Inter-State Councils and Zonal Councils to arrive at consensus.

12 | Inter-state River Water Disputes

- Recently, the **Mahanadi Water Disputes Tribunal** completed an extensive tour of the **Mahanadi basin area** in Chhattisgarh, during which it inspected a network of dams, barrages and tanks.

- **Mahanadi water dispute** is just one of the many disputes **between Chattisgarh and Odisha** is just one of many disputes in the country lingering from decades.

Reasons behind persistent water disputes:

- **Legal ambiguities:** The existing framework has not been able to deal with the emerging challenges related to inter-state water disputes.

- **Affected interests:** Water disputes arise when the action of one state affects the interests of one or more other states.

- **Unsustainable use of water:** Economic factors like underpricing of irrigation waters, promotion of water-consuming crops through support pricing, etc., often lead to unsustainable use of water during lean seasons thereby escalating conflicts.

- **Increasing demand, pollution and decreasing availability:** Water sharing disputes across the country (and even beyond) are only going to escalate with increasing demands, and also with increasing pollution & losses reducing the available water. Climate change is likely to worsen the situation.

- **Politicization of the issue:** Antagonistic politics – a making of the nexus of water politics and democratic politics has helped keep the issues alive.

Required measures:

- **Coordinated approach between the states**: With adequate involvement of the Centre, is necessary for the preservation, equitable distribution and sustainable utilisation of river water.

- **Utilization of Inter-state Council**: The strategy has to be multi-pronged, and legal approaches have to be supplemented with institutional and political solutions.

13 | Rise of Combative Federalism

Recently, there have been several instances triggering conflicts between Centre and states going against the spirit of federalism envisaged in the Constitution.

Background:

- Indian federalism is a model of **'cooperative federalism'** where Centre is strong but the states are not weak in their fields.

- In Cooperative federalism the Centre and states share a horizontal relationship, where they "cooperate" in the larger public interest.

- But in the last few years there has been a rise of combative tendency.

Factors contributing the rise of conflicts:

- **Proposed amendments to IAS Cadre Rules 1954:** Taking away liberty of states to deny consent for handing over civil servants to central deputation. Many States have objected to the amendments.

- **Dismissal of State governments under Article 356:** In 2016, when the Governor of **Arunachal Pradesh** decided to advance the Assembly elections, which led to political crisis in the State and then President's Rule, the Supreme Court had to intervene later.

- **Governor's discretion in a partial way:** Interference in day to day functioning, denying consent to summon the assembly on the Council of Ministers advice Ex in Rajasthan. Not following the established conventions in the event of hung assembly.

- **Arbitrary use of Central agencies:** The deployment of central investigative agencies in the States, much to the displeasure of the States, has caused trouble for the federal principles. Example, CBI's attempted arrest of Kolkata Commissioner of Police without a warrant in early 2019.

Suggested Measures:

- **Sarkaria Commision recommedations:** Centre should not treat states as 'mere appendages of the Centre'.

- **Utilization of institutional mechanism:** Inter-states Council should be strengthened, permanent secretariat should be established as recommended by the **2nd ARC.**

- **Deliberation in the legislative matters:** Centre should avoid unilateral legislation consult with all the states before legislatingon the Concurrent List items.

14 | Anti-conversion Laws

Recently states like UP, Gujarat, MP etc. have enacted anti-conversion laws.

Rationale behind the Acts:

- **End to conversion by unlawful means:** Some of these laws specifically prohibit any conversion for marriage, unless consent given by the states.

- **Public order:** The Supreme Court in Stanislaus vs State of MP &Ors (1977) clarified that the anti-Conversion Acts fall within the purview of Entry I i.e. Public Order of List II of the State List as they are meant to avoid disturbances to the public order.

Issues with the Acts:

- **Interference of state:** The acts go against the individual's agency to marry a partner from a different faith which is provided under the Article 21.Acts also go against the Article 25, Freedom of religion.

- **Challenge in implementation:** The anti-conversion laws shift the burden of proof of a lawful religious conversion from the converted to his/her partner.

- **Issues in the Acts:** Most of these acts contain vague definition of "allurement" for religious conversion. The acts can also lead to harassment of inter-faith couples.

15 | Uniform Civil Code

Many states in India like Assam, Uttarakhandetc. are currently on different stages of finalization of a Uniform Civil Code.

Need of the Uniform Civil Code:

- **Simplification of laws:** UCC will simplify the complex laws around marriage ceremonies, inheritance, succession, adoptions making them one for all.

- **Gender justice:** Most of the religious or customary personal laws are patriarchal in nature, a gender neutral UCC will promote gender justice.

- **Promote national integration:** It will uphold the spirit of secularism and fulfill one of the directives provided in the Constitution.

Challenges of UCC:

- **Parliament does not have exclusive jurisdiction over personal laws:** "Personal laws" are mentioned in the Concurrent List, thus states have equal say in the matter.

- **State's interference on personal matters:** India is a secular state and a secular state should not

interfere with the personal laws. In **S.R. Bommai v. Union of India**, it was held that religion is the matter of individual faith and cannot be mixed with secular

- **Against the diversity of the country:** Ex. a UCC will go against the safeguard provided to the tribal people of the country.

- **Political challenges:** Parties in power are vary of political fallout of the UCC. There is also a lack of national consensus. All India Muslim Personal Law Board and All India United Democratic Front have termed it an unconstitutional and anti-minorities move.

16 Hate Speech

Recently, the Supreme Court iterated that hate speech was a serious offence that is capable of affecting the secular fabric of country. It also directed states and the UTs to file case in every hate speech.

Negative impacts of hate speech:

- **Threat to public order**: Hate speech can lead to communal disharmony, communal violence disturbing internal security of nation.

- **Marginalization of individuals**: Distress to individual group members against which the hate speech is directed. Eventually it can lead to discrimination, ostracism and segregation.

- **Polarization:** Hate speech has the potential pit one community against other creating deep division which goes against the fabric of the nation.

- **Deepening vote bank politics:** Politicians often exploit hate speech for enlarging their vote banks which can affect the development of the country and the community as well.

Framework related to hate speech in India:

- Currently, there is **no separate law** dealing with the hate speech in India. But there are some sections of Indian Penal Code (IPC) which touch upon the issue.

- **Sections 153A and 153B** of the IPC punish acts that cause enmity and hatred between two groups.

- **Section 295A of the IPC** deal with punishing acts which deliberately or with malicious intention outrage the religious feelings of a class of persons.

- **Supreme Court observation:** Supreme Court in **PravasiBhalaiSangathan v. Union of India 2014**, stated that hate speech must be viewed through the lens of the right to equality.

Suggested Measures:

- **Law Commission recommendation:** Insertion of a section in the IPC to prohibit incitement of hatred through online speech on grounds of religion, caste, community, gender, sexual orientation, tribe, language, place of birth etc.

- **Better implementing mechanism:** The Supreme Court has also pointed out lack of effective implementation of existing laws.

- **Stringent provision:** Various committees including **T.K. Viswanathan** committee has recommended introducing stringent provisions for hate speech.

17 Preventive Detention

Recently, while setting aside a preventive detention order, the Supreme Court noted that preventive detention laws in India are a colonial legacy with a high potential for abuse and misuse. The Court emphasised that these laws allowing the state with arbitrary powers must be scrutinized and used only in the rarest of the rare cases.

Background: Difference between preventive detention and an arrest

- An 'arrest' is done when a person is charged with a crime. An arrested person is produced before a magistrate within the next 24 hours.

- In case of preventive detention, a person is detained as he/she is simply restricted from doing something that might deteriorate the public order.

- In the case of **Union of India v. Paul Nanickan and Anr**, the Supreme Court stated that the purpose of the preventive detention isn't to punish any person for doing something but to obstruct him before he does it and deter him from doing so.

- The reasoning for such detention is based on suspicion or reasonable possibility and not a criminal conviction, which can be justified only by valid proof.

Challenges associated with the preventive detention laws:

- **Arbitrariness**: There have been different circumstances of abuse of Preventive Detention powers for political advantages or to control free discourse and articulation.

- **Abuse of power:** Unreasonable capacity to detain an individual without much checks and balances and the least legal impedance expands the chance of conceivable abuse of power to detain an individual.

- **A blot on Indian democracy**: India is the only democracy to have preventive laws in the statute books. No such law exists in the USA and in England (with the exception during wartime).

What needs to be done?

- **Critical evaluation**: It now requires an evaluation of the laws and their regulation. The state must take the responsibility to compensate the acquitted detenu in the place of damages caused relating to life, health, income, etc.

- **Ensuring human rights**: A proper system should be made which will make sure that the rights are being made available to the detenu during the detention period.

- **Ensuring safeguards**: If any accusations for coercive actions are made, it should be taken in a serious way and should be followed by a proper investigation by an appropriate authority.

18 Right to be Forgotten

Recently, a doctor filed a plea in the Delhi High Court for enforcement of his 'Right to be Forgotten', which includes the removal of news articles and other incriminating content related to his "wrongful arrest" in response to a "fabricated FIR against him" which he claims is causing detriment to his life and personal liberty.

Background:

- The "Right to be Forgotten" is the right to remove or erase content so that it's not accessible to the public at large.

- It empowers an individual to have information in the form of news, video, or photographs deleted from internet records so it doesn't show up through search engines, like Google in the present case.

Origin of the Right:

- The Right to be Forgotten originates from the 2014 European Court of Justice ruling in the case of "Google Spain SL, Google Inc v Agencia Española de Protección de Datos, Mario Costeja González".

- In this case, it was codified for the first time following a Spanish man's quest to make the world forget a 1998 advertisement saying "his home was being repossessed to pay off debts.

Challenges related with the Right:

- **Privacy vs. Information:** There is need for balancing the right with other conflicting rights such as the right to free expression or other publication rights.

- **Challenge of enforcement**: In majority of the cases the right is to be claimed against a private party raising the question of whether fundamental rights can be enforced against the private individual, which is generally enforceable against the state.

- **Lack of codification:** Currently, there is no comprehensive law dealing with the right in India.

In this digital era, data is a valuable resource that should not be left unregulated. In this context, the India needs to have a robust data protection regime containing right to be forgotten as well.

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Parliament and State Legislature

Topic of This Chapter

1	**Parliamentary Oversight**
2	**Delegated Legislation**
3	**Parliamentary Committees**
4	**Speaker**
5	**Rajya Sabha**
6	**Parliamentary Privileges**
7	**Defection**

1   Parliamentary Oversight

Recently, some experts voiced their concerns about the declining oversight of Parliament as it was evident in the Budget Session which witnessed the passing of the Union Budget without any discussion.

Background:

- This decline in the parliamentary oversight is a cause of concern as the public has the right to know how their money is going to be utilized and parliamentary oversight is essential for securing accountability of the government.

Challenges to the role of Parliament as the scrutinizer of the executive

- **More in theory:** Control of the government to convene Parliament. It goes against the principle of accountability of the Executive to the Parliament.

- **Number of sittings coming down:** During 1950s - avg 130 days, 2000s - avg 70 days. Question Hour is functioning way lower than the schedules time.

- **Declining productivity**: Because of frequent disruptions and adjournments in the functioning of the Houses. Committee system is not very effective as it lacks expertise. In the last few years, many important bills have been passed even without discussion.

- **Declining scrutiny of the bills:** According to the PRS Legislative Research, only 25% of the Bills introduced werereferred to committees in the 16th Lok Sabha, as compared to 71% and60% in the 15th and 14th Lok Sabha respectively.

- **Frequent use of ordinance**: In the last few years, government has taken the ordinance route many times which makes parliament redundant. Ex. the now repealed Farms Acts.

- **Issues in Anti-defection law**: Individual legislators can't express their opinion freely which suppresses deliberation.

- **Criminalization of politics**: This reduces the quality of debates on the floor of the House.

Recommendations to strengthen Parliamentary oversight:

- **Allowing Parliament to convene itself:** Currently the power to convene parliament is with the govt, this dilutes the parliamentary control over the

govt. Countries such as the UK and Australia release an annual calendar with the sitting dates at the beginning of the year, and this should be followed.

- **Increasing number of sittings**: NCRWC recommended at least 100 days for the RS and 120 days for the LS.

- **Strengthening the role of opposition:** Opposition parties can play greater role by deciding daily agenda of parliament. UK has the system where opposition decides the agenda for 20 days in every session.

- **Reforms in framework**: Revising certain rules of procedures of Parliament related to debates increasing the accountability in question hour. Ex. UK has Prime Ministers question time, where PM answers questions about broad government policies.

2   Delegated Legislation

Recently, the Supreme Court examined the validity of the delegated legislation vis-à-vis demonetization of 2016. While the majority ruling upheld the validity of the delegated legislation, the dissenting verdict

Need of delegated legislation:

- **Reduce the burden on Parliament:** Due to rising legislative burden, Parliament does not have enough time to discuss the minute details of the acts.

- **Provide expertise:** The executive can provide expertise vis-à-vis specific details necessary for the acts.

Challenges associated delegated legislation:

- **Against separation of power:** The legislature is entrusted with the power to legislate.

- **Low accountability:** Thereis a lack of clear mechanism to hold the executive accountable.

Safeguards:

- **Parliamentary oversight**: Parliamentary, through various committees like Committee on Subordinate legislation, DSRCs. They carry out detailed scrutiny of all the rules framed by the executives.

- **Judicial review**: Judiciary can declare a delegated legislative acts as "invalid" if
  - ➤ The parent act (enabling act) itself is ultra vires (against the Constitution).
  - ➤ The provisions of subordinate legislation violates the Constitution
  - ➤ Subordinate legislation is moving in a different direction than the parent act (enabling act).
- **Other mechanism**: Public scrutiny, PIL mechanism.

3 | Parliamentary Committees

Some experts have suggested strengthening the role of Parliamentary committees because of lowering of the overall time spent in conducting legislative business, the deteriorating ability of Question Hour to hold the government accountable, increasing disruptions on the floor of the Houses among other factors.

Benefits of the committees:

- **Extension of the Parliament**: The Parliamentary committees perform a good deal of legislative business. Recently in IBC and Motor Vehicle Amendment Act, many recommendations of the committees were incorporated.
- **Accountability**: The committees secure more accountability of the Executive to the Parliament particularly **financial accountability** through discussions, repots etc. Recently a DRSC pointed out underutilization of funds under BetiBachao, BetiPadhao.
- **Effective debate on the budget**: They facilitate the **in-depth examination** of budget clause by clause. They also release reports periodically on various matters, provide recommendations.
- **Supplement the Parliament:** Committees examine bills with detailed scrutiny and also invite expert for discussion so they improve quality of the legislation. Ex **recommendations** provided in the Data Protection Bill.
- **Members not bound by the party whip**: So they can voice their opinion freely on important matters. The committees also invite multiple **stakeholders** enriching the discussion.

Shortcomings of the committees:

- **Constitution of DRSCs for a year:** This leaves very little time for specialization. There are also issues of low attendance of MPs and too many members in the committees.
- **Low weight given to the reports**: Less than 10% of the budget is discussed; reports given by Estimate Committee/PAC are rarely discussed in Parliament.
- **Bypassing:** According to the **PRS Legislative Research**, only 25% of the Bills introduced were referred to committees in the **16th Lok Sabha**. Important bills like the RTI amendment Bill 2019, UAPA bill 2019 etc. were passed without their scrutiny by the Standing Committees.
- **Other issues:** Confidentiality in the proceedings/functioning. Politicization of the proceedings. Lack of technical expertise.

Way forward:

- **Longer tenure for its members:** This will provide stability and more time for specialization for members.
- **Mandatory referring of the Bill:** In UK Bills are mandatorily referred to the committees of both House. This should be followed in India.
- **Institutionalization:** Major reports of all the committees should be discussed in the House. Recommendations of PAC should be accorded greater weight.
- **Other recommendations:** Proceedings of the committees should be opened to public scrutiny. Adequate research support.DRSCs should be **periodically reviewed** as recommended by the NCRCW.

4 | Speaker

Recent verdict of Supreme Court regarding the **political crisis of Maharashtra** has highlighted the issue of partial role of speaker once again. In the last few years, Speakers' partial role favoring the political parties they belong to has come under criticism.

Issues with the Office of Speaker:

- **Arbitrary role in the Anti-defection Act:** Misuse of disqualification power under the Anti-defection Act. Speaker has found to be working according to the wishes of the party they belong. Ex. In Manipur case in 2020, the Supreme Court had to invoke its special power under Article 142 due to delay in decision of Speaker.

- **Partisan role in disciplinary actions**: Recently the role of speaker has come into question for taking actions in an arbitrary manner against the opposition members. Ex. In case of Karnataka, the Speaker barred the resigning MLA for the life of assembly, which has later held void by the Supreme Court. This also endangers **separation of powers.**

- **Other issues:** Decision on the Money Bill for example, controversy regarding **Aadhar Bill 2016**, failure in effectively conducting the proceedings of the House.

Recommendations:

- **Making Speaker truly independent:** The office of Speaker in India can follow the **UK convention** where once elected, Speaker resigns from the membership of the party. This will help enable the Speaker to perform the constitutional functions well.

- **Following the practice of once a speaker, always a speaker:** The constituency of the Speaker should go uncontested in the next general elections.

5 | Rajya Sabha

In the last few years there have a decline in the productivity of the Rajya Sabha, which has impacted its core function of representation of interests of states.

Need of Rajya Sabha:

- **Establishing federalism:** Bicameralism is necessary for a federal constitution to give representation to the units of the federation. **Thus,** the House represents the interests of the States as a federal chamber.

Special powers given to the Rajya Sabha under the Constitution

- **Article 249:** Power to transfer a subject from the State List to Union List for a specified period.

- **Article 312:** To create additional All-India Services (AIS).

- **Article 352:** To endorse Emergency for a limited period when the Lok Sabha remains dissolved.

- **Better deliberation on the laws and policies:** Acts as a revisionary house to keep a check on the hasty legislation that could be passed by the lower house under populist pressures.

- **Prevents authoritarianism in the event of government having brute majority in the LS.**

Issues with Rajya Sabha:

- **No equal Representation of states**: Federal countries like US, Australia, institutionalize the principle of federalism more strongly than India, by providing equal representation to all states in their upper houses. In that sense our Upper House does not promote true federalism.

- **RS can be bypassed in many important matters:** RS does not have equal powers as given to the Lok Sabha in many aspects. With respect to the Money Bills, Rajya Sabha can not vote to pass it and can just send recommendations.

- **Representation of People (Amendment) Act, 2003: Parliament** has removed the word 'domicile' from Section 3 i.e. any person not belonging to the state to contest for the RS seat. This has encouraged members to toe the party line instead of promoting the states' interest.

- **Stalling chamber**: Sometimes it is alleged that RS only plays the role of stalling chamber. Its members are not directly elected and hence are not accountable to the people.

- **Falling productivity:** Between 2014 and 2019 around 40% time was lost due to disruptions.

Suggested measures:

- **Minimum days of sitting:** NCRWC recommended the minimum 100 working days for the RS.

- **Reforming rules of the House**: Stricter Rules of Procedure and conduct of business to deal with the unruly behavior.

- **Reviewing the Anti-Defection Law:** Having fixed number of seats for each state in Rajya Sabha, like the U.S. Senate, could be considered.

- **Domicile requirement:** NCRWC suggested keeping the domicile requirement for eligibility to contest elections to Rajya Sabha from the concerned state.

- **Equal representation:** Punchhi Commission recommended equal representation irrespective of the population of the state**.**

6   Parliamentary Privileges

Recently, Rajya Sabha Chairman JagdeepDhankhar directed a parliamentary committee to probe the alleged breach of privilege by 12 Opposition MPs for their "disorderly conduct". Parliamentary privileges in India remain **uncodified** and thus undefined which create arbitrariness in the enforcement of the privileges.

Issues with the absence of codified provisions:

- **Misuse:** Many times assemblies have imposed fine and imprisonment on journalists for writing something against the speaker. Legislators have used the privileges many times to cover up corruption.

- **Against constitutionalism:** Lack of codification gives unbridled power to house to decide when and how breach of privilege occurs.

- **Against freedom of speech and expression:** The Constitution does not restrict any fair criticism, so punishment is direct violation of Article 19.

- **Disturbance of separation of powers:** As the Speaker acts as complainant, advocate and the judge in the case involving breach of privilege.

- **Against equality before law:** 'Sovereign people of India' have a restricted right to free speech but their representatives have an absolute freedom of speech in the House.

Suggested measures:

- **Urgent codification**: The Constitution Review Commission **(NCRCW)** headed by the Justice M Venkatchaliah has recommended that privileges should be codified. **2nd ARC** also endorsed the recommendations of NCRWC.

- **Balance between Fundamental rights and privileges:** Any Publications with fair criticism should not be punished, balance between Fundamental Rights and parliamentary privileges must be reexamined. Until the privileges are codified they must be invoked rarely.

7   Defection

In the last few years, there have been some instances where the political parties have exploited the loopholes of the Anti-defection Act defeating the original purpose of the Act.

Success of the Act:

- The Act provides stability to the government by preventing shifts of party allegiance.

- It also ensures that candidates elected with party support and on the basis of party manifestoes remain loyal to the party policies. Also promotes party discipline.

Shortcomings of the Anti-defection law:

- **Limits on legislators**: It curtails the freedom of the legislator to take a principled position on apolicy matter and makes them obey the whims of party bosseslegitimate dissent curtailed.

- **By-passing the Anti-Defection law**: In the last few years the act has failed to curtail 'horse trading', destabilization of the government.

- **Arbitrariness**: The Act does not set any time limit to decide on the disqualification, due to thisSpeakers are seen to act according to the wishes of the party he/shebelongs. There is also a lack of clear definition of 'voluntary giving up of membership'.

Suggestions

- **Dinesh Goswami Committee** on electoral reforms (1990) suggested that the issue of disqualification should be decided by the President/ Governor on the advice of the Election Commission.

- **Law Commission** (170th Report, 1999) suggested that the Political parties should limit issuance of whips to instances only when the government is in danger.

- **Election Commission** suggested that decisions under the Tenth Schedule should be made by the President/ Governor on the binding advice of the Election Commission.

- **Constitution Review Commission (2002)** suggested that the vote cast by a defector to topple a government should be treated as invalid and that the defectors should be barred from holding public office for the duration of the remaining term.

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Executive

Topic of This Chapter

1.	Doctrine of Neutrality
2.	Role of Governor and Recurring Controversy

1 | Doctrine of Neutrality

In the last few years, the conflicts between governors and the state governments have impacted the doctrine of neutrality. Some other constitutional bodies like the **Election Commission of India (ECI)** too have been alleged to move away from the doctrine and act in a partial manner.

Significance of doctrine of neutrality:

- **Constitutional trust:** The doctrine helps upholding the constitutional trust bestowed on the Constitutional offices. It also ensures political fairness.

- **Accountability of the government:** The doctrine helps keep a check on the executive thus ensuring accountability and reducing discourages corruption, crony capitalism etc.

- **Strengthens federalism**: For example, if Governor of a state acts partially like in the event of hung assembly, federalism is disturbed (which is a part of basic structure).

- **Strong, neutral judiciary:** This helps strengthen the rights of citizens against any arbitrariness, unfairness.

Recent incidents of the violation of the Doctrine:

- Governors seen to be acting on behalf of the ruling party at the Centre in the event of hung assembly, recommendation of **President's Rule** (Article 356) Ex. in Maharashtra, Goa.

- Election Commission of India has faced allegations of being partial in its conduct in the recent years.

- **Questionable role of Speakers** in the **Anti-defection Act** and in disciplinary against the MPs. Speakers of Lok Sabha and State Legislative Assemblies have been found in an arbitrary manner in the decision of disqualification in defection.

2 | Role of Governor and Recurring Controversy

In the recent years, there have been rise in friction between the state and Governor mainly on issues around selection of the party to form a government, deadline for proving majority, sitting on Bills, and passing negative remarks on the state administration.

Discretionary powers of the Governor:

- Reservation of a bill for the consideration of the President (Art 200 and Art 201).

- Recommendation for the imposition of the President's Rule in the state (Art 356).

- Exercising his functions as the administrator of an adjoining union territory (in case of additional charge).

- Special responsibility in **5th and 6th schedule areas**.

- Seeking information from the chief minister with regard to the administrative and legislative matters of the state.

Recurring issues with the office of Governor:

- **Governor's position reduced to mere agent of the Centre**: There is increasing collision in the states that are ruled by parties different than the ruling party in the Centre. Ex. there has been friction in Maharashtra, Rajasthan etc. recently.

- **Partial use of discretionary power:** Recently there are many instances where Governors are found to break with the convention in the event of hung assembly often at the behest of the ruling party at the Centre. Ex Goa, Maharashtra the Governor did not follow the established convention.

- **Arbitrary time limit for the floor test**: This promotes horse trading in Indian politics. There have been instances of **'resort politics'** in the last few years.

- **Interference in day to day functioning:** Governors have been found to act acting against the advice of Council of Ministers. Ex. In Maharashtra, the Governor refused to accept the date to elect the Speaker suggested by the state government.

- **Recommendation of President's Rule (Art 356):** In many instances Governors have acted in questionable manner.

Recommendations to avoid the situation:

⦿ **NabamRebia judgment (2016):** The exercise of Governor's discretion under Article 163 is limited and his choice of action should not be arbitrary. It should be followed.

⦿ **M MPunchhi Commission**: Governor should follow constitutional convention in a case of a hung Assembly. Provision of 'localized Emergency' by which the Central government can tackle issue at town/district level without dissolving the state legislative assembly.

⦿ **Sarkaria Commission:** It provided recommendations on the appointment/removal process. Consultation with the Chief Minister should be done for the appointment of the Governor. As far as possible, the governor should enjoy the term of five years.

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Judiciary

Topic of This Chapter

1   Judicial Accountability

In the last few years, there have been some instances like opaque judicial appointments, judicial corruption etc. which has dented the judicial accountability in India.

Background:
Need of judicial accountability

- Judicial accountability refers to the idea that judges are accountable for the judgments they render.

- It is a corollary fact of the independence of the judiciary.

Areas where judicial accountability is lacking:

- **Judicial Appointments by collegium**: There is a lack of clear benchmarks for names to be proposed for consideration of appointments because of this the Supreme Court has been criticized for promoting mediocrity and nepotism.

- **Arbitrary transfers in HCs**: There have been some instances where the transfer of a judge from one High to another has been done as punitive measure. This creates opacity in the operations of Judiciary.

- **In-house mechanism**: Sexual harassment charges against the former CJI were swept away under the carpet which shows a lack of accountability in the in-house mechanism of the higher judiciary. There is also a lack of clarity on rules which came to light after four senior most judges had to do unprecedented press conference against the then CJI in 2018.

- **Arbitrary slapping of contempt**: Sometimes the judiciary has slapped contempt charges even in the case of fair criticism.

- **Judicial corruption and misconduct**: There is no provision on discussion on conduct of judges except for impeachment proceedings. Impeachment process itself is very difficult and not a single judge has been impeached yet despite some facing corruption charges.

Steps to be taken:

- **Judicial standards and accountability bill**:

The bill should incorporate legally enforceable standards to improve the functioning of judiciary.

- **Clear criteria for appointment and transfers**: Appointment and transfer process should be clearly, MoP should be finalized at the earliest.

- **Sparse use of contempt**: Contempt of Court Act should be used sparingly only when the functioning of the judiciary actually comes into danger.

2   Appointment of Judges

The collegium system of appointment in India where sitting judges appoint judges to the constitutional courts has become a major bone of contention between the judiciary and the government.

There have been allegations of favouritism, opaque recommendation which has affected the judicial accountability as well.

Challenges with the current system:

- **Judges appointing judges:** This affects the separation of power and the system of checks and balances which is the foundation of the Constitution.

- **Opacity:** There is lack of definite criteria for recommendation of names to the President for appointment.

- **Favouritism:** There has been allegation of favouritism which has given rise to 'Uncle judge syndrome' in the judiciary. This also goes against merit.

Suggested measures:

- **Earliest finalization of MoP**: The Government and judiciary should work together for the earliest finalization of MoP for the appointment of judges.

- **Ensuring transparency**: The collegium should make the criteria clear for the recommendations of the names till the MoP is finalized.

3   Post-retirement Benefits

Few years back retired CJI RanjanGogoi was nominated RS MP by the Presidentunder the

power given to him by Art 80. Previously too, CJI P Sathasivam was appointed Kerala governor, MCChagla was appointed as India's ambassador to US. This pattern has fueled the concern related to the impacts on judiciary because of the post-retirement appointments.

Arguments in the support of the post-retirement appointments:

- **No legal or constitutional bar:** Article 124 of the Constitution only restricts post-retirement appointments in Judiciary itself.

- **Valuable experience and insights:** Thus the retired judges can enhance the quality of debates on the floor of the houses.

- **Legal framework**: These posts are generally constitutional or of quasi-judicial bodies, whoselaws more often than not mandate that only retired judges can occupy them.

Concerns associated:

- **Goes against the judicial independence:** As the post-retirement job can influence pre-retirement judgments.It also promotes conflict of interest.

- **Politicization of judiciary:** This can eventually erode the people's trust in the judiciary.

Suggested Measures:

- **A minimum cooling off period:** This provision can dent the lure of the post-retirement appointments among the judges.

- **Increasing the retirement age:** In India judges retire at comparatively early age (in UK, 70 years), theretirement age could be increased.In UK, a SC judge has the right to sit in the House of Lords for the rest ofthe life; this could be followed in India.

- **Change in legal framework:** Amend existing laws which mandate the appointment of retired judges intribunals and other quasi-judicial bodies e.g. NHRC, NGT etc.

- **Transparent process**: Envisioning a transparent process as suggested by ex CJI RM Lodha.A list of judges desiring appointment should be kept and in the eventof vacancies in the post name should be recommended according to the list. This will delink judicial verdicts from future prospects.

4 | Judicial Review

Recently, former Chief Justice of India (CJI) U. U. Lalit said that judicial review by constitutional courts was the basic feature of the Constitution, and, therefore, Parliament could not put in place a mechanism to exclude the jurisdiction of constitutional courts. Certain provisions of the Constitution are inviolable, and they could not be frittered away or amended or modified or substituted with something else.

Significance of Judicial Review:

- **Maintain supremacy of the Constitution**: Judicial review checks misuse of power by legislature and executive.

- **Maintains federal equilibrium**: It helps protect rights and interests of the states and thus maintain federal balance.

- **Upholding rights of individual**: The mechanism guards the rights of public and implements the fundamental rights.

Challenges:

- **Lack of clarity**: The judicial review can take form of judicial overreach sometimes encroaching upon the powers of the legislature.

- **Judicial legislation:** This is an anathema to the constitutional values.

5 | Pendency of Cases

According to data shared by the government recently, pending cases across various courts in the country are moving towards the five crore-mark with an over 4.32 crore backlog in subordinate courts.

Challenges created by the pendency:

- **Denial of 'timely justice' amounts to denial of 'justice' itself:** Judiciary is the guardian of the rights and lack of speedy trial amounts to failure of judiciary in protecting the rights.

- **Serious impact on 'rule of law':** Many of the constitutional questions remain in lingo for long time, some of them affecting civil rights.

- **Erosion of trust in judiciary:** damage to the accountability: Supreme Court ruled "Access to

justice is and has been recognized as a part and parcel of right to life. The delay affects this right.

- **Increase in the number of under-trials:** Pendency of cases creates the problem of overcrowding of prisons. It increases the cost on poor section of society. Hence, impacting accessibility and affordability of justice.

- **Economic cost:** It was estimated that judicial delays cost India around 1.5% of its GDP annually.

Reasons:

- **Huge vacancy:** In HCs in 2019 37% of the sanctioned strength (according to DRSC report). 455 vacancies as of Aug 1, 2021. In lower judiciary nearly 21% vacancies (Economic Survey 2018-19). Low number of judges,

- **Delays in appointment:** Currently India has 19 judges/mn population, it should be around 50 as suggested by the Law Commission. Centre has told Supreme Court that on avg it takes 337 days for appointment, after a name is recommended.

- **Rising government litigation**: According to Ministry of Law and Justice the government is litigant in 46% of the court cases.

- **Double burden on Supreme Court:** It is acting as a Court of Appeal and Constitutional court at the same time which impacts the efficiency.

- **Infrastructural challenges:** Poor infrastructure and low utilization of technology, especially in district courts, where most of the cases are pending. Low budgetary allocation to the judiciary exacerbates the challenge.

- **Inefficient criminal justice system**: Poor investigative process, gaps in the police etc. further impact the pace of resolution of cases burdening the courts and dragging on of the cases for years.

Suggested measures:

- **Focus on subordinate courts**: Most of the cases are pending in the subordinate courts (according to DRSC report), so focus should be on increasing their efficiency. Vacancies should be filled and infrastructure in District Courts should be improved.

- **Additional judges should be recruited:** It was suggested by the ES 2018-19. In HCs and SC also the number of judges should be increased and the

vacancies should be filled without delays. Time frame should be fixed for appointment after the recommendation is made.

- **Increase the retirement age of judges:** In India judges retire a comparatively early age compared to US, UK, it could be increased. Age of retirement of HC judges should be increased to 65 (same as a SC judge).

- **Procedural laws of the courts should be revamped:** For example, cases should not be listed before the court unless all the documents are filed. Supreme Court Rules could be amended to provide for a structure of pre-hearing of Special Leave Petitions.

- **Adopting All India Judicial Service**: This can help fill the vacancies in the judiciary.

6   All-India Judicial Services

Recently, **Union Minister for Law & Justice** informed the Parliament that presently there is no proposal to bring 'All India Judicial Services' due to lack of consensus among various State Governments and High Courts.

Background:

- The judiciary is facing various challenges like pendency of cases and high number of vacancies among others issues due to which the debate around the**All India Judicial Services** has increased in the last few years.

- **Article 312** of the Constitution provides for the establishment of **All India Judicial Service (AIJS),** which shall not include any post inferior to that of a District Judge. The constitutional provision enables creation of the AIJS at District Judge level.

Potential of AIJS to solve the challenges of Judiciary:

- **Fill up the vacancies:** Currently there are approximately 5,000 vacancies across the District and Subordinate Judiciary in India, AIJS can help fill up the vacancies.

- **Reducing the pendency:** According to recent reports, around 47 million cases are pending in the various courts of the country.

- **Bring efficiency:** The recruitment will be done by a central procedure which will address structural issues such as varying pay and remuneration and training standards across states.

- **Best talent:** As the candidates will be selected through national level exam.

- **Clear career progression**: A study by EPW finds that less than a third of seats in the HCs are filled by the judges of the district cadre i.e. there is no definite criteria of career progression in the subordinate services.

Potential challenges:

- **Impact state judicial services:** AIJS will reduce promotional avenues of the members of the subordinate State Judicial Service.

- **Not a panacea:** AIJSdoes not guaranteefillingupvacancies as the All India Services (AIS) are currently facing the same challenge.

- **Lowering status of the High Courts:** AIJS will result in loss of control and supervision of the District Courts vested with the HCs under Article 235 of the Constitution.AIJS is seen as an encroachment on the powers of states granted by the Constitution**.**

- **May fail to represent the diversity:** It is also argued that central recruitment would not be able to address the unique concerns that individual states may have.

- **Issue with the local language and the custom:**Ex. Arunachal Pradesh has opposed the idea as it is tribal state with its own peculiar and distinct tribal customs.

7   Criminal Justice System

Recently, Union Minister of State for Home informed the Parliament that the central government has initiated the process for comprehensive amendment of criminal laws.

Need for reform:

- **Colonial era relic**: Criminal laws in India like Indian Penal Code 1860, Indian Evidence Act, 1872 are colonial relic which needs to be reformed.

- **Speedy justice:** Prevailing criminal justice system has proved ineffective in reducing crime. Rise in pendency of cases in Indian courts is the classic case of justice delayed is justice denied. Faulty criminal justice system is one of the reasons for the current scenario.

- **Making the system affordable:** Current legal system cost heavy toll on the poor and marginalized population. There is a need to create a people-centric legal structure.

- **Huge number of under-trials**: According to the **NCRB Prison Statistics India**, 77.2% of the total prison population comprises under-trial prisoners as of September 2022.

- **Other issues**: Victimization, lack of witness protection, victim protection, witness anonymity etc. which need to be incorporated in the criminal laws.

Suggestion for reforms:

- **Prevention of victimization**: Any revision to the criminal justice system needs to be done with the focus on several principles like reasons for victimization.

- **Holistic coverage:** Addition of new offences and reworking of the existing classification of offences. A comprehensive reclassification of offences may be done urgently to reduce the burden of work for both the Courts and the Police.

- **Focus on reform not retribution**: New types of punishments like community service orders, restitution orders should be added.

- **Concept of federal crime**: As **recommended by the 2nd ARC**, it should be accepted and offences which have all-India ramifications, like those of terrorism and organized crimes, should be brought within its ambit.

8   Custodial Ciolence

According to the National Crime Records Bureau (NCRB), a total of 11,419 custodial deaths were reported in India between 2016-17 and 2021-22.

Background:

- Custodial violence is physical or mental violence against an individual in the judicial and police custody.

⊙ According to the Law commission of India (LCI), the crime by a public servant against the arrested or the detained person who is in custody amounts to custodial violence.

Reasons behind high rate of custodial violence in India:

⊙ **Lack of training of policemen:** According to theCommon Cause and CSDS-Lokniti report, 12% of police personnel never receive human rights training.

⊙ **Misuse of power of arrest:** National Police Commission (3rd Report) had observed that 60% of all arrests were unnecessary. Second Administrative Reforms Commission (2007) also noted the excessive power in the hands of police.

⊙ **Acceptance of the practice as a norm:** The custodial violence is forbidden in law; it is considered a practical tool.

⊙ **Some sort of impunity and low rate of conviction:** Between 2001 and 2018, only 26 policemen were convicted of custodial violence despite 1,727 such deaths being recorded. Also the government's approval is needed to prosecute policemen which acts as a roadblock.

⊙ **Lack of strong legislation against torture:** India does not have an anti-torture legislation and is yet to criminalize custodial violence U.N. Convention against Torture is yet to be ratified.

Steps to be taken:

⊙ **Ratification of UN convention Against Torture:** This will give additional push to act in the cases of custodial violence.

⊙ **Ease of prosecution:** The need for government's approval to prosecute the policemen should be done away with.

⊙ **Accountability:** DK Basu judgment, 1997 gave strict direction in relation to arrest and detention, they should be followed. Police Accountability should be ensured both external and internal.

Recent steps taken:

⊙ Kerala Police Act puts the onus on all police officers to report any physical torture.

⊙ Prisons in Telangana don't admit people brought into judicial custody if they appear injured.

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9 | Under-trials in India

Deterioration of prison conditions and the prisoners because of the high number of under-trials languishing in the prisons in India.

Reasons for high under-trial population in India's prisons-

⊙ **Delay in conducting trials.** This is despite the fact that Right to Speedy investigation and trial is established to be a fundamental right under Article 21 of the Indian Constitution.

⊙ Inability of many under-trials to furnish the **bail amount or present surety.** The primary reason behind this is the socio-economic condition of the most undertrials.

⊙ Most undertrials in India belong to **socially and economically vulnerable category** and furnishing a bail or surety is beyond their capacity.

⊙ Majority of undertrials in India are **illiterate and hence lack awareness of their rights.** Including the right to legal aid.

⊙ **Lack of police personnel to escort the under-trails to court.** This leads to a situation where the hearing of bail petition of the undertrial gets adjourned for no fault of his.

⊙ The above reasons make difficult for an undertrial even when the Indian Legal System, in letters, has promoted that **"Bail and not Jail is the rule".**

Challenges faced by undertrials in prison:

⊙ **Prison violence:** Jails are commonplace for violence between prisoners or gang-wars. Many first time inmates are caught in these violent incidences.

⊙ First time prisoners are also subject to violence by the harden criminals in prison.

⊙ **Criminalizing effect of a prison:** With hardened criminals being around and in the absence of scientific classification methods to separate them from others, contamination of first time, circumstantial and young offenders into full-fledged criminals occurs very frequently.

⊙ **Health Problems**: Most of the prisons face problems of overcrowding and shortage of

adequate space to lodge prisoners in safe and health conditions. Most of the prisoners found in prisons come from socio-economically disadvantaged sections of the society where disease, malnutrition and absence of medical services are prevalent.

- When such people are cramped in with each other in unhealthy conditions, **infectious and communicable diseases spread easily.**

Recommendation for overall reforms that would better the situation of under-trials:

- **Undertrial** prisoners should be **lodged in separate institutions** away from convicted prisoners.

- There should be a **proper and scientific classification even amongst the undertrials** to ensure that the first timers and petty offenders do not mix up with full fledge and hardcore criminals.

- Institutions meant for lodging undertrials should be as **close to the courts** as possible.

10 Increase in Death Penalty by Trial Courts

According to the **Annual Death Penalty Report 2022**, Indian courts in 2022 awarded a record 165 death sentences, the highest in over two decades. This is against the pattern of the higher courts in India which are looking for alternatives ways of reform death penalty sentencing.

Death penalty in India:

- Capital punishment in India is a legal penalty for some crimes under main substantive penal legislation, the Indian Penal Code, as well as other laws. India has opposed the idea of abolishing capital punishment from statutes.

- In December 2022, at the UN General Assembly, 125 countries voted in favor of a moratorium on the death penalty. India voted against it.

- In 2021, at the **UN Human Rights Council**, India also opposed a draft resolution calling for a moratorium on the death penalty.

- Nevertheless, the actual number of executions in India remains comparatively low. Since 2000, India has carried out **just eight executions** in total.

What are the issues in the current system?

A Supreme Court Bench led by **Justice U.U. Lalit** made the following observations:

- **Quick decision:** In some cases, trial courts sentence a person to death merely hours after conviction.

- **Little effort to unearth the issue:** Little effort is taken to unearth or understand the circumstances which led a person to commit the crime. In short, trial judges hardly know the people they are sending to the gallows.

- **Ignored individual details:** No effort is ever made to dig deeper into a convict's childhood experiences, multi-generational history of physical and mental health issues, exposure to traumatic events and other familial, social and cultural factors crucial in order to undertake an individualized sentencing enquiry.

- **Mitigation expert:** The court said a "mitigation expert", a qualified professional with unhindered access to the convict's past, ought to be at the centre of this change in outlook.

Suggested measures:

- The Supreme Court had laid emphasis on 'reform' as a core concept in the death penalty sentencing framework.

- It had reiterated the duty of the State to present evidence of the 'improbability of reform' before any person can be sentenced to death.

- The guidelines of the apex court should be followed by the subordinate courts.

11 Tribunals

In the last few years, the Supreme Court has emphasized the concerns related to the functioning of tribunals in India.

Benefits of the tribunals:

- **To reduce the workload of courts, expedite decisions.**

- **Specialized jurisdiction:** The tribunals perform an important and specialised role in justicemechanism hearing disputes related to the

environment, armed forces, taxand administrative issues.

Challenges with the tribunals:

⊙ **Separation of Power:** Tribunals act as judicial bodies but are in the control of the Executive.

⊙ **Short tenure:** Along with provisions of re-appointment increases the control of the Executive over the judiciary SC stated this issue in 2019.

⊙ **Huge vacancies:** Delays in appointments after recommendations, absence of presiding officers. This makes many tribunals totally dysfunctional. Also aids in the high pendency in the tribunals.

⊙ **Undermines the HCs:** As appeals against some tribunals can go directly to the SC, this also increases the burden on the SC.

⊙ **High pendency**: According to the Law Commission, in Central Administrative Tribunal around 44000 cases are pending.It defeats the original purpose of the Tribunals.

Suggested Measures:

⊙ **Law Commission recommendations:**

➢ Involvement of government agencies should be minimal, since the government is typically a party in every litigation.

➢ Chairman, vice-chairman, and judicial members of tribunals should be appointed by a selection committee headed by the CJI or a sitting judge of the Supreme Court.

➢ Currently there is no uniformity in the age of retirement of tribunal members. There should be uniformity in the appointment, tenure, and service conditions for the chairman, vice-chairman, and members of tribunals.

12 | Public Interest Litigation

There is a rise of frivolous Public Interest Litigation (PIL) which has increased the burden of cases on judiciary.

Merits of PIL:

⊙ **Democratization of justice**: PILs act as an important instrument of social change, welfare of sections of society.

⊙ **Facilitates the DPSP of Art 39:** The mechanism gives a wider description to the right to equality, life and personality.

⊙ **Promotion of human rights**: Important tool to make human rights reach those who have been deniedrights.

Challenges associated:

⊙ **Rise of frivolous cases in courts**: It results in time lost, increased pendency in judiciary.Abuse of PIL has become rampant which affects courts affairs.

⊙ **Judicial Overreach:** Sometimes judiciary is said to have overstepped its jurisdiction because of PIL.

The court must be careful to see that the petition must be acting bona-fide and not for personal gain. In shaping the relief the court must take into account the impact on public.

13 | Use of Technology in Judiciary

An unstarred question in the Lok Sabha during the first part of the Budget session of Parliament was asked with reference to artificial intelligence and its use in judicial processes to reduce the pendency of cases.

What will be the benefits of integrating AI & ML in Justice Delivery?

⊙ **While implementing phase two of the eCourts projects**, under operation since 2015, a need was felt to adopt new, cutting edge technologies of Machine Learning (ML) and Artificial Intelligence (AI) to **increase the efficiency of the justice delivery system.**

⊙ **The Supreme Court of India has constituted an Artificial Intelligence Committee** which has mainly identified application of AI technology in Translation of judicial documents; Legal research assistance and Process automation.

⊙ **ML-based applications in Judiciary:** AI powered tools like **SUPACE** will not only help organise cases, it will also bring references into the judgment at a speed not seen so far.

- **Tools derived from AI** could help expedite the case-flow management which in turn helps in lowering delays and pendency in courts.

What are the issues and Challenges associated with AI in Judiciary?

- **The use of ML in India's legal sphere has so far been restricted to automating back-end work**, and is still a very long way from being used as a decision-making tool for the judiciary.

- **Many of the judgments**, particularly in the lower courts, **are yet to be fully digitized.**

- **Going by global trends**, greater adoption of these tools in the Indian legal system is inevitable.

- AI and ML should assist but **do not replace human decision making**.

- The **ethical and responsible use of AI and ML** for the advancement of efficiency enhancement can be increasingly embedded in legal and judicial processes.

What is the way forward?

- **Automated systems, controversially, were being used to decide bail applications in some parts of the United States, and other countries such as Estonia** have incorporated AI and ML in a major way.

- **But the Indian judicial system is generally "more conservative"**, and a lot more work remained in making India's legal data amenable to ML formats.

- **AI and ML can be tried in tribunals** where there is no need for oral evidence and cross examination. **Consumer courts are an area where AI can be helpful**.

14 The State of Judicial Infrastructure

There is a substantial gap in infrastructure and availability of basic amenities in the judiciary. These gaps or deficiencies are there because there is no agency to ensure use of funds allocated to augment judicial infrastructure. In this scenario, establishing a National Judicial Infrastructure Corporation has been suggested.

Significance of judicial infrastructure:

- **Better productivity:** The positive correlation between adequate judicial infrastructure and productivity in justice delivery are empirically well-established.

- **Efficient performance:** Adequate and quality judicial infrastructure is the basic pre-requisite for judges, lawyers, and judicial officers to efficiently perform their responsibilities while dispensing justice.

- **Reduced delay and backlogs:** Adequacy of judicial infrastructure is a pre-condition for reducing delay and backlogs in cases. There is a direct connection between physical infrastructure, personnel infrastructure, digital infrastructure, and pendency.

- **Essential during difficult times:** Criticality of adequate judicial infrastructure, particularly the digital, was very much felt during the course of the pandemic when courts were forced to opt for virtual mode.

What are the reasons behind infrastructural lag?

- **Lack of funds:** One of the primary reasons for the infrastructural lag in trial courts is the lack of funds.

- **Underutilization of funds:** Not only lack of funds, but underutilization of funds meant for specific judicial infrastructure projects does not help either.

- **Poor budgetary allocations:** Even after more than seven decades of independence, the budgetary allocations, including states, are still below 1 percent of the GDP.

How would National Judicial Infrastructure Corporation resolve the crisis?

- **Speedy implementation:** The National Judicial Infrastructure Corporation (NJIC)would act as a coordinating agency to speed up the works.

- **End bureaucratic hurdles:** It would include the CJI, judges of the Supreme Court, and high courts, finance secretaries of the Centre and states concern. It can quickly end bureaucratic hurdles

and challenges of coordination amongst multiple bodies.

- **Ensuring smooth funding process:** The proposed body is intended to monitor and address the issues of delay in land allotment, funds diversion for non-judicial purposes, evasion of responsibilities by the high courts and trial courts, amongst others.

Criticism of the concept

- There are doubts about NJIC's necessity and the roles it desires to play.

- Centralization of powers under a new body would go against the principles of federalism.

- The NJIC cannot force the states to spend more or concede powers to a new body.

- There is concern regarding priority to be given by judges to infrastructure projects or to mounting backlog of cases.

15 Recusal in Judiciary

In the last few years, there have been many instances of recusal in the judiciary.

Need of Recusal in Judiciary

- The requirement is that the judge must be impartial and must decide the case objectively on the basis of the evidence on record.

- A person cannot take an objective decision in a case in which he has interests, for as human psychology tells us, very rarely can people take decisions against their own interests.

- This concept of recusal is applied not only to avoid the possibility of a partial decision but also to ensure public confidence in the in the impartiality of the adjudicatory process.

- In this manner Impartiality, objectivity and public confidence provide the foundation on which the superstructure of rule against bias is built.

Usual Grounds of Recusal

- **Disqualification by interest**: it is where some direct or indirect interest in the proceedings, whether pecuniary or otherwise, gives rise to a reasonable apprehension of prejudice, partiality or prejudgment.

- **Disqualification by conduct:** it includes 'published statements' and 'consists of cases in which conduct, either in the course of, or outside, the proceedings, gives rise to such an apprehension of bias'.

- **Disqualification by association**: it consists of cases where the apprehension of prejudgment or other bias results from some direct or indirect relationship, experience or contact with a person or persons interested in, or otherwise involved in, the proceedings.

- **Disqualification by extraneous information:** overlaps with the third, but commonly 'consists of cases where knowledge of some prejudicial but inadmissible fact or circumstance gives rise to the apprehension of bias.

16 Contempt of Court

There have been increased instances of contempt of court cases in the last few years fuelling the debate around the issue.

In cases of contempt of court, judgesare the prosecutor and they themselves sit and decide cases in which they have felt that contempt of court has been committed. This issue is at the core of the debate.

Genesis of contempt of court

- The law concerning contempt of court in India has its roots in the British Raj.

- An undelivered judgment of J Wilmot in 1765 lead to the genesis of this act, where the judge said the power of court was necessary to maintain the dignity and majesty of judges and vindicate their authority.

- Henceforth, the Contempt of Court Act, 1971 was enacted to bring transparency and more clarity in the concept of contempt of court and the power to punish for the contempt of subordinate courts.

- This Act was replaced by Contempt of Court Act, 1952 which was again replaced by Contempt of Court Act, 197on the recommendations of H.N. Sanyal committee.

Why does the Contempt of Court Act should be retained?

- As per the Law Commission report 274, there

were a high number of civil (96,993) and criminal (583) contempt cases pending in various High Courts and the Supreme Court. The Commission observed that such high number of cases vindicates the claim of relevancy of the contempt of court in present scenario

- Even if the concerned act is repealed but the offence of Scandalising the Court continues to be punishable in UK under other laws

- Supreme Court and High Courts derive their contempt powers from the Constitution. The procedure in relation to investigation and punishment for contempt are only mentioned in the Contempt of Court Act, 1971. Therefore, repeal of relevant sections of the offence from the Act will not impact the constitutional powers of the constitutional courts to punish anyone for its contempt.

- if the definition of contempt is narrowed, subordinate courts will suffer as there will be no remedy to address cases of their contempt, as they cannot punish for their contempt as per the constitution.

- The Act had passed judicial scrutiny at various levels and hence it is justified to retain the law in the stature books.

Why the provisions regarding contempt of court are unwarranted?

- The Contempt Law in England has now been abolished after the last contempt proceedings occurred in 1930.

- If the courts are to preserve their duty using this archaic law, the dignity of court will not be established and respected if it impedes fundamental rights of the citizens.

- A law for criminal contempt is completely standing apartfrom our democratic system which recognises freedom of speech and expression as a fundamental right.

- It violates the principle of natural justice, where a party to the case cannot be its adjudicator

- In the Namboodiripad's case, the court observed that the Freedom to Speech and expression should always prevail except where contempt is manifest, mischievous or substantial.

- If citizens are free to voice their opinion, then certain structural inefficiency like the opaque system of appointment of Judges in the Higher Judiciary adds to the argument against retaining this provision of contempt of court.

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Election

Topic of This Chapter

1 Independence of Election Commission

Recently, the Supreme Court of India made strong observation about the independence of the Election Commission of India (ECI). Successive governments have 'completely destroyed' the independence of the Election Commission of India (ECI) by ensuring no chief election commissioner (CEC) gets the full six-year term to head the poll body since 1996, the Supreme Court said in the observation.

What are the shortcomings in the EC structure?

⦿ **Tenure on the will of Government:** The CEC and ECs are appointed by the President of India and can only be removed by the Parliament with a two-thirds majority in both the Lok Sabha and the Rajya Sabha on the grounds of proved misbehavior or incapacity. Thus, it enjoys its tenure on the will of the Government of the Day.

⦿ **Toothless:** The situation of political competition in India has intensified, and political parties or actors stepped up violence. However, the election commission could not arrest this deterioration.

⦿ **No say to curb political finance**: Election commission remains ineffective to curb the political finance. The politicians during the election violating the model code of conduct and also postponed/canceled elections, if the credibility of the election commission is compromised.

⦿ **Unaddressed issues:** There is a rising concern related to problems like as of voter bribery and paid news, which the ECI has not been able to address so far.

⦿ **Inefficient functioning:** Several critics have raised questions about the inefficiency of the election commission in the case of not to combat black money and other illegal inducement used during the electoral process.

Where does the Constitution lack?

⦿ The Constitution has not prescribed the qualifications of the members of the Election Commission.

⦿ The term of the members of the Election Commission is also not defined in the constitution.

⦿ The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

⦿ Under Representation of People's act (1951), the Election commission has no powers to deregister the political parties.

Suggestions to strengthen the functioning:

⦿ **Appointment**- Tarkunde Committee (1975) suggested the use of collegium system of appointment for Election commissioners. It will reduce President's and thus, executive choice.

⦿ **T&C:** Parliament should provide for the qualifications and terms of the members of the Election Commission.

⦿ **Model code of conduct** (MCC) - It is voluntary at present and it can be given a legal sanction.

⦿ **Learning from global examples**- In Canada Chief electoral officer directly reports to Parliament and in USA Federal Election Commissioners are appointed by the President with the advice and consent of the Senate.

2 Supreme Court's Ruling on Appointment of CEC

Recently, the Supreme Court (SC) unanimously ruled that the appointment of the Chief Election Commissioner (CEC) and the Election Commissioners shall be made by the President on the advice of a Committee consisting of the Prime Minister, the LoP of the Lok Sabha and Chief Justice of India (CJI).

Other challenges faced by the Election Commission:

⦿ **Rise of electoral malpractices:** EC is currently faced with fake news, paid news, hate speech, criminalization, and unaccounted flow of money during elections.

⦿ **Expenditure in election campaigns:** There is a cap on candidate's expenditure but not on party's. This makes monitoring of expenditures difficult for the EC.

- **Enhanced use of internet and social media**: This creates issues of regulating, monitoring the content.

- **Lack of power to deregister parties**: EC has the power to register political parties but it cannot deregister them which results in mushrooming of parties.

- **Allegations related to the EVM:** In the last few years EC has come under attack many times by political parties regarding the EVMs.

Recent Electoral reforms at a glance:

- **Limit on spending of candidate:** Conduct of Election Rules, 1961, mandate a candidate contesting Lok Sabha polls can spend up to ₹70 lakh and in an assembly election up to ₹28 lakh.

- **Lily Thomas vs Union of India 2013:** The nature of disqualification for being a member of the House as provided under Article 101(3) & 190(3) is automatic and takes place with immediate effect.

- **People's Union of Civil Liberties vs Union of India 2013:** Voters enjoy "Right to Negative Vote" in the election process and directed the ECI to include the choice of "NOTA" in the ballot paper.

- Introduction of **Voter Verifiable Paper Audit Trail** (VVPAT).

- Recently, ECI **proposed** implementing electronically-transmitted postal ballots for **overseas Indian voters.**

Suggested measures:

- **Equal protection to all election commissioners:** Law Commission in its Report on Electoral Reforms recommended giving equal constitutional protection to all members of theCommission in matters of removal to strengthen the independence of the commission.

- **Reforms related to political parties**: Political parties need to be brought under the ambit of RTI Act. Better monitoring mechanism for the expenditure of political parties.

- **Power to de-register political parties**: There are nearly 2000 parties; most of them are bogus, only for money laundering.

- **Other steps for ensuring independence**: Creating

a permanent, independent Secretariat for the ECI, expenditure to be charged on the Consolidated Fund of India, etc.

3 | One Nation One Election

- Recently, **Law Commission of India** (LCI) invited suggestions from people and parties on holding simultaneous polls.

- Since coming into the power, Prime Minister Narendra Modi too has initiated the debate about the simultaneous elections citing many reasons.

Benefits of the One Nation One Elections:

- **Less frequent elections:** Syncing the Lok Sabha and state assemblies' elections will mean only one election in five years.Thus, fewer impositions of **Model Code of Conduct** (MCC) and no suspension of development programmes.

- **Decline in expenditure:** Indian national elections are among the **most expensive globally**.Reducing the cycles of elections will reduce the expenditure on election thus saving tax-payers money. This will also help curtailing the black money flow in the system.

- **Limit on the populist measures:** Political parties resort to populist measures to increase their **vote bank** during the elections. Elections once in five years will reduce this and more meaningful issues will come to the fore.

- **Additional benefits:** Boost in **voter turnout**, freeing up the security forces, less disruption to the public life, etc. are some of the other benefits.

Challenges associated:

- **Operational feasibility:** As various assemblies or the Lok Sabha may end before completing the full term, synchronization is a tough task.

- **Constitutional issues:** Curtailment or extension of terms of the LS/State Legislative Assemblies will require amendment to the constitution.

- **Less frequent elections:** Government's accountability to the people will be reduced as elections are one of the ways to hold governments accountable.

- **Weakened federalism**: National issues may get priority in the elections over the local issues impacting the federalism in the country.

Way forward:

- **Consensus before taking any decision:** Centre should hold consultations with the states as they are equal stakeholders.

- **Consultation with all the parties:** Local and national parties must arrive at consensus before reaching any conclusion.

4 | No Bar on Contesting Two Seats in One Poll

The Supreme Court has refused to set aside a provision in the election law which allows candidates to contest polls from two constituencies simultaneously.

Background of the case:

- A petition has argued in the Supreme Court to declare Section 33(7) of the Representation of People Act invalid and ultra vires.

- In response to it, the SC has mentioned that it is a matter of political democracy and it is the authority of Parliament to take a call on the matter.

- Section 33(7) of the Act allows a person to contest a general election or a group of by-elections or biennial elections from two constituencies.

Government's stand on the issue:

- In 2018, the government objected to the petition in court.

- It had argued that the law cannot curtail the right of a candidate to contest elections and curtail the polity's choice of candidates.

- The government had further told the Supreme Court that the one-candidate-one-constituency restriction would require a legislative amendment.

Concern associated:

- When a person contests an election from two constituencies and wins from both, then he/she vacates the seat in one of the two constituencies.

- The consequence is that a by-election would be required from one constituency involving avoidable expenditure on the conduct of that by-election.

Suggestions:

To address the concerns associated with elections from two constituencies, a poll body has given the following suggestions:

- **Raising the deposit:** The poll body had even suggested that a candidate should deposit an amount of Rs 5 lakh for contesting in two constituencies in an Assembly election or Rs 10 lakh in a general election.

- **Cost of the by-elections to be covered from the deposit:** The amount would be used to cover the expenses for a by-election in the eventuality that he or she was victorious in both constituencies and had to relinquish one.

5 | Electoral Bonds

The electoral bonds scheme, despite its institutional framework aimed at regulating campaign finance, is replete with various inadequacies and vulnerabilities. The examination of the validity of the scheme is pending in the Supreme Court currently.

Benefits of the electoral bonds:

- **Reduction in the flow of cash:** Electoral bonds limit the use of cash in the political funding which in turn curb the use of unaccounted/black money in the system.

- **Increased transparency:** The donation is made through banking channels and the KYC is requirements which bring transparency. This also reduces the number of fraudulent parties.

Recent changes in election funding:

- Amendment in Foreign Contribution (Regulation) Act, 1976. Now foreign companies can contribute too.

- Earlier limit of 7.5% in corporate donation done away with through amendments in Companies Act, 2013.

- Introduction of Electoral Bonds scheme through Finance Act 2017 to route the donations through banking channels.

- Capping of anonymous cash donations to political parties at Rs. 2,000 through amendment in Income Tax Act.

Challenges:

- **Still maintains opacity:** The scheme remains outside the purview of section 29 C of the RPA, 1951. Who donated how much to which party remains anonymous, but the government of the day can have access to this information as the donations are routed through SBI.

- **Open for foreign funding**: This can promote money laundering, foreign influence in elections in India.

- **Promotes corporate influence**: The scheme allows unlimited donation from the corporate sector, anonymously. Companies don't need to disclose details of their political funding. This can increase lobbying, crony capitalism.

- **Fails to provide level playing field**: According to report by the ADR, the ruling party (BJP) has received 94.6% of all the electoral bonds sold in 2017-18.

Steps to be taken to strengthen electoral funding:

- **Strong disclosure norms needed**: Failing to disclose funding should be made criminal offense. Expenditure limit strict statutory limits on election expenses on political parties should be put.

- **Ceiling on corporate donations**: This will limit the corporate influence in the election and politics in India.

- **Creation of a national election fund:** In the fund donation can be made and EC can distribute the funds to political parties based on their performance. Former ECI SY Quraishi has recommended for the same. Public funding of elections should be considered.

Free and fair elections are sine qua non for healthy functioning of democracy and electoral funding plays an important role in that. All the necessary steps should be taken to strengthening the funding mechanism.

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6 | Freebies

Recently, **Election Commission of India (ECI)** has asked political parties to provide authentic information to the public in order to assess the financial viability of their poll promises.

Earlier, in the last few months, Prime Minister Narendra Modi has slammed the 'culture of freebies' fueling the debate around the issue.

Need of freebies:

- **Food security**: To ensure proper Food Security and the Right to Food as a fundamental right under Article 21 of the constitution it becomes mandatory for the government to implement schemes for subsidized food.

- **Better Demography**: Ensuring nutritious food to the citizens can create healthy and productive demography and help in the creation of Human Capital.

- **SDG goals**: Sustainable Development Goals have objectives to **eradicate hunger (SDG-2)** and good health and wellbeing (SDG-3) which can be achieved by the subsidized food schemes in developing nations.

- **Farmers Welfare**: India faces severe cases of farmers' distress; to improve the condition of the rural economy government needs to ensure schemes and freebies.

- **Social Welfare and security**: The welfare principle of the state encourages the states to introduce such schemes to promote social welfare and reduce inequality in society.

- **Reducing social inequality**: Providing food for all can reduce the prevailing social inequalities on various grounds.

- **Gender Equality (SDG-5)**: To reduce gender inequality and provide a secure social status and recognize all the gender and their sexual orientation it becomes a compulsory step for the government to take such steps.

- **Induce demand**: During the slowdown and low demand phase these subsidies and freebies can induce demand in the market that can bring up the growth at a certain level.

Challenges created by freebies:

- **Distorted expenditure priorities:** Freebies undercut the basic framework of macroeconomic stability. The politics of freebies distorts expenditure priorities.

- **Fiscal deficit**: Freebies accounts for the economic burden on public exchequer and may lead to fiscal deficit.

- **Not 'actually' free**: Freebies are not free i.e. be it today or tomorrow ultimately tax payers have to bear the brunt

- **Tax avoidance**: People are generally become motivated to conceal their income in order to get freebies, also tax avoidance will happen that ultimately lead to revenue loss for the state.

- **Exploitation of resources**: Resources, provided for free are generally not valued as precious and won't be exploited optimally.

- **Inefficiency and corruption**: Freebies are accused of bringing down the productivity of masses and make them inefficient and reduce them to put minimal effort. At times lead to corruption in government offices.

Can the Election Commission regulate freebies?

- Offering freebies either before or after elections is a policy decision of a political party, and it cannot regulate state policies and decisions taken by the parties.

7 | Criminalization of Politics

Recently a PIL was filed in the Supreme Court in light of the recommendation made by the Law Commission in its 244th report that dealt with the need to curb the trend of criminal politicians in legislature.

Reasons for the scenario:

- **Increasing role of money and muscle power:** It is found that such candidates with serious records seem to do well despite their public image, largely due to their ability to finance their own elections and bring substantive resources to their respective parties.

- **Nexus between politicians and criminals: 2nd ARC**, Ethics in Governance, describes the nexus between corruption and criminalization of politics.Lack on inner party democracy in India also plays a role in selection of tainted candidates.

- **Focus on the 'winnability' of the candidate:** Political parties are often reluctant to introduce changes to combat criminalization and give tickets to fair candidates. They have shown contempt to various orders of the Courts.

- **Slow and inefficient criminal justice system in India:** Not more than 6% of the criminal cases against Indian MPs and MLAs ended in a conviction. Currently, under the RPA, lawmakers cannot contest elections only if they are convicted.

Impacts:

- **Violation of Article 14, equality before the law:** Under-trials are languishing in jails with their FRs curbed, while candidates on bail can fight election and even become lawmakers.

- **Undermines the sanctity of the Parliament: There is rise of** unruly behaviours of the members. The quality of debates and deliberations in the Parliament and SLAs also get affected.

- **Poor governance:** Criminalization affects the governance and delivery of public goods. Accountability of the Executive declines which is the core function of the legislature.

Suggested measures:

- **Disqualification of tainted politicians at the stage of framing of charges**: A rule should be framed which bars candidates against whom charges have been framed for serious crimes. Law Commission has also recommended for the same.

- **Enforcement of SC orders**: SC should order the govts to set up a mechanism to monitor compliance of its orders and failure in compliance should debar the candidate before the elections.

- **Formation of special benches**: This will fast-track courts for cases involving tainted lawmakers.

- **Other steps**: Enhanced awareness and increased democratic participation. Life ban for convicted politicians should be considered.

8 | Intra-party Democracy

The politics in India is faced with several challenges like corruption, criminalization, and low representation of women among others. **Lack of intra-party democracy** has been identified as one of the factors for the current situation.

Intra-party democracy:

- Intra-party democracy can be defined as implementation of a minimum set of norms within the organization of political parties.

- This minimum set of norms should provide a **bottom-up approach** to forming a decision in the party and the internal distribution of power at different levels, bodies, and individuals.

- In India, majority of the political parties lack strong internal democracy norms and revolve around some central figures.

Need for Intra-party democracy:

- **Reduction of criminalization**: In the current Lok Sabha, **more than 40% of the MPs** are facing some criminal charges which act as a blot on India's democracy. Fair candidates will be able to come with the help of intra-party democracy.

- **Space for dissent:** It willreduce the centralizing tendency within the party structure that will give space for dissent. It will help in better debates within the party and better policy stand.

- **Reduction of corruption:**2nd **ARC** also cited high corruption as a result of high centralization.

- **Dismantling of nepotism**: Intra-party democracy focuses of providing **level-playing field** the candidates thus it has the potential to dismantle nepotism & dynasty politics which are the biggest challenges in Indian party politics. More deserving leaders will get fair chance.

What to do:

- **Comprehensive Act:** There is a need for a comprehensive law that deals specifically with the framework and relevant provisions for inner party democracy.

- Committee headed by M. N. Venkatachaliah, had drafted a bill to regulate the functioning of political parties. This should be passed in Parliament.

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9 Delimitation Commission

The Jammu & Kashmir Delimitations Commission has finalized its report in which it has recommended increase in the total number of seats in the Legislative Assembly of the Union Territory of Jammu &

About the Jammu & Kashmir Delimitations Commission:

- It is a 3 member Commission headed by retired **Supreme Court Judge Ranjana Desai.**

- Its main function was to look into reorganization of Assembly and Lok Sabha seats in the Union Territory of Jammu & Kashmir in such a way that the people in different parts of the UT get equitable representation.

What are the important take away from the report of Delimitations Commission?

- Increasing the total number of seats in the UT to 90 from 83 earlier.

- This will increase the number of seats in the Jammu Division to 43 from 37 seats earlier, and that in the Kashmir Valley to 47 from 46 earlier.

- Reorganisation of the Parliamentary constituencies such that the five Lok Sabha seats now are made up of exactly 18 Assembly constituencies each, taking the total number to 90,

- Reservation of nine Assembly seats for Scheduled Tribes – six in Jammu and three in Kashmir, and Removal of the regional distinction between Jammu and Kashmir and treating it as one, as is reflected in the combining of Anantnag region in Kashmir with Rajouri and Poonch in Jammu to carve out Anantnag-Rajouri as a Parliamentary constituency.

Why has the Commission's decision received criticism?

- The panel's decisions are politically significant and have met with criticism amongst mainstream parties in the Valley.

- The Jammu region has got more seats relative to its population compared with the Kashmir Valley, and this violates the population criterion, is a key contention of these parties.

- The award of seats based on the 2011 census has meant that Jammu with 44 per cent population will get 48 per cent share in seats, while Kashmir with 56 per cent of population will get only 52 per cent share in seats.

- Earlier, the Kashmir region had 55.4 per cent share in seats and Jammu 44.5 per cent share in seats.

- Further it is also alleged that, the new Assembly seats in the Jammu region have been carved out

mostly in Hindu dominated areas; the only seat in the Valley that has been carved out is in frontier Kupwara district.

10. Right to Vote for Under Trials and Civil Prisoners

Recently, the Supreme Court (SC) decided to examine a petition challenging a provision in the election law that imposes a blanket ban on under trials, persons confined in civil prisons, and convicts serving their sentence in jails were deprived of their right to vote.

Provisions related to Prisoners' right to cast their vote:

◉ The right to vote is a constitutional right under **Article 326** of the Constitution.

◉ Under Section 62(5) of the **Representation of the People Act, 1951**, individuals in the lawful custody of the police and those serving a sentence of imprisonment after conviction cannot vote.

◉ Undertrial prisoners are also excluded from participating in elections even if their names are on the electoral rolls.

◉ Only those under **preventive detention can cast** their vote through postal ballots.

Why undertrials should be given voting rights?

◉ **Illogical classification:** The present voting ban is criticized on the ground that it makes no offense-based or sentence-based classification — that is, prisoners are debarred from voting irrespective of the gravity of the offense they have committed, or the length of their sentence.

◉ **Same standards for all the prisoners**: There is no distinction between convicted prisoners, undertrials, and those in lawful police custody. Besides, a person is innocent until proven guilty by the law. Despite this, it denies an undertrial the right to vote but allows a detainee the same.

◉ **Violation of right to equality:** The provision also violates the rights to equality, and votes (Article 326) and is arbitrary. It is not a reasonable restriction.

◉ **Discrimination:** It has been seen that a convicted person can vote if she is out on bail, whereas the same right is denied to an under trial who is not yet found guilty of a crime by a court of law.

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Governance

Topic of This Chapter

1	E-governance
2	National Data Governance Framework Policy
3	RTI
4	Proposed Amendments to IAS Cadre Rules
5	Mission Karmayogi
6	Civil Servant's Life After Retirement
7	Aspirational Block Programme
8	Social Audit
9	Poll Body for Cooperative Societies

1 | E-governance

Recently, SWAGAT Initiative completed 20 years in existence which is a first of its kind tech-based grievance redressal programme in the country.

Recent initiatives of e-governance in India:

- ⦿ **Digital India**: An umbrella program to prepare India for a knowledge-based transformation. National e-Governance Plan (NeGP) is also integrated into Digital India Program.

- ⦿ **PRAGATI (Pro-Active Governance and Timely Implementation):** Existing in the PMO that reviews and monitors various governmental projects across the country.

- ⦿ **UID/Aadhaar, promotion of JAM trinity**: to give thrust to digital banking, enhancing the reach of governance in cost effective manner.

- ⦿ **BharatNet:** To provide high speed broadband connectivity to the villages.

- ⦿ **National Urban Digital Mission (NUDM):** It aims to build the shared digital infrastructure that will strengthen the capacity of the urban ecosystem.

Benefits:

- ⦿ **Ease of governance:** Digitization helps in bringing in greater scalability in the operation of government, promotes greater coordination and communication, and simplifies bureaucratic procedures.

- ⦿ **Greater access to information:** Access to information is vital for the empowerment of citizens. With increased digitization, there has been further progress in information sharing.

- ⦿ **Greater trust between the state and citizens:** With the focus on transparency, citizens get to know about the clear functioning of the government, allocation and utilization of resources, etc. which fosters greater trust between citizens and the state.

- ⦿ **Better service delivery**: Cost-effectiveness, greater efficiency within the government, and leak-proof delivery of welfare services can be achieved by digitization thus making the governance service oriented. Ex. discrepancies in wage transfer **in MGNREGA** have been reduced with the help of digitization.

- ⦿ **Increasing the reach of government**: Digitization helps increase the reach of government, both geographically and demographically by connectivity between the citizens and the government.

Challenges associated with realization of full potential of e-governance:

- ⦿ **Digital divide in accessibility:** There is rural urban divide in access to information which results in uneven benefits of e-governance.

- ⦿ **Lack of awareness**: Majority of the population is not aware about the benefits, rights, security/safety issues. Poor literacy level adds to the challenge.

- ⦿ **Concerns related to data breach**: Many breach in Aadhaar data has been reported in the past few years that fuel apprehensions.

- ⦿ **Capacity deficit:** Inadequate resources, infrastructural issues, connectivity. Language barrier, most the service not in regional languages.

2 | National Data Governance Framework Policy

In the budget speech, Finance minister mentioned that the government was going to unveil **National Data Governance Framework Policy** to enable access to anonymized data to start-ups in order to boost development.

Objectives:

- ⦿ It will aim to ensure greater citizen awareness, participation, and engagement with open data, increase the availability of datasets of national importance, and identify datasets suitable for sharing and improve overall compliance to secure data sharing and privacy policies and standards.

- ⦿ A core component of the data governance framework will be the formation of an **India Data Management Office** (IDMO) under the IT ministry.

Benefits:

- ⦿ **Improving governance:** The datasets will be provided for governance research, which even the government can use to create better targeted

policies, more AI researchers can look at technology solutions.

- **Gauging consumer behavior**: Datasets that represent India's consumers is a huge opportunity for the next generation of artificial intelligence and machine learning algorithms.

- **Benefits to start ups:** For start-ups, ability to have access to anonymised data will be a phenomenal capability that really should help overall AI Machine Learning (AIML) research, outcomes, solutions, companies, everything becomes significantly better.

Concerns associated:

- **Challenge of implementation:** There is a concern related to the policy mandate sharing of anonymised data by government entities only or private entities as well.

- **Threat of data leak:** There have been multiple studies that have found that anonymised data sets can be deanonymised by various means including by layering multiple types of anonymised datasets creating a risk of data leak.

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3 | RTI

Recently, Supreme Court gave States, UTs and High Courts three months to set up online RTI portals to ensure transparency in governance. The apex court noted in its order that even after 17 years in existence, online web portals are still to be operationalized by some of the High Courts.

Success of RTI:

- **Empowerment of citizenry:** Due to the enactment of RTI there has been a positive atmosphere of accountability and transparency between the Government officials and the citizens.

- **Uncovering major scams:** The Act has been instrumental in uncovering Adarsh Society scam, 2G scam, Commonwealth Games Scam among others.

Shortcomings:

- **Misuse of RTI Act:** RTI act is misused by the many petitioners due to non-requirement of giving reasons for seeking information. This increases the pendency under the Act.

- **Huge backlog:** Due to high vacancy in Information Commissioners, there is a high backlog and delay in the hearing of the cases. According to a report by SatarkNagrikSangthan, nearly 3.15 lakh complaints or appeals pending with 26 information commissions across India. This defeats the original purpose of the Act.

- **Exemptions, secrecy:** The free flow of information remains restricted by the legislative framework including several pieces of restrictive legislation, such as **the Official Secrets Act, 1923.** Long list of exemptions dilutes the Act.

- **Dilution of Act through amendment:** By vesting excessive powers with the central government through RTI Act (Amendment) Act, 2019 gives, autonomy of CIC is impacted.

- **Low public awareness:** Especially among women, rural population, disadvantaged communities.

- **Lack of redressal mechanism**: In the absence of redressal mechanism, only obtaining information is not enough. Poor quality of information provided.

- **Other issues:** Inadequate training of officials, Non-friendly attitude of the PIOs.

Suggested measures:

- **Preventing Misuse of RTI:** Frivolous RTIs can be prevented by introducing the reason knowing provision for filing the petition.

- **Balancing with Right to Privacy:** The information should be revealed if there is a public interest associated. This will prevent the breach of privacy of the public officers.

- **Exemption list should be shortened:** This will make the Act more effective and remove arbitrariness of withholding information.

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4 | Proposed Amendments to IAS Cadre Rules

A controversy has raged regarding the proposed amendments to the IAS (cadre) rules by the Central Government. There have been concerns associated with the issue vis-à-vis the impacts of the federalism in India which is a part of the 'Basic Structure' of the Constitution.

What are the current rules regarding deputation?

⊙ Central deputation in the Indian Administrative Service (IAS) is covered under **Rule 6(1)** of the **IAS cadre rule 1954** inserted in May **1969** which states that "a cadre officer may, with the concurrence of the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government".

⊙ It further states that "provided that in the case of any disagreement, the matter shall be decided by the Central Government and the State Government concerned shall give effect to the decision of the Central Government".

How a central deputation reserve (CDR) is created and what is proposed now?

⊙ Depending upon the strength of the IAS officers in a particular state a **central deputation reserve** is created which indicates the number of officers, at various levels, who are eligible for Government of India deputation.

⊙ Based on this, the Central Government asks for an "offer list" of officers from which it selects the required officers.

⊙ The Government of India has now proposed an additional condition in **6(1)** which states "provided that each government shall make available for deputation to the Central Government such number of eligible officers of various levels to the extent of the central deputation reserve".

⊙ **Deciding authority:** The actual number of officers to be deputed to the Central Government shall be decided by the Central Government in consultation with the State Government concerned.

⊙ **Disagreement:** In the event of any disagreement the State Governments shall give effect to the decision of the Central Government within a specified time.

⊙ In specific situations where services of cadre officers are required by the Central Government in the public interest the Central Government may seek the services of such officers for posting under the Central Government".

What about 'willingness' of Officers?

⊙ It is significant to note that the willingness of the officer concerned to go on deputation to the Government of India is essential as per rule **6(2)**

⊙ Rule 6(20 states that "no cadre officer shall be deputed except with his consent".

⊙ The clause about posting the officers in the Government of India in **public interest** appears to override this crucial requirement of the willingness of the officer concerned.

⊙ In effect, it would mean that any time the Central Government can pull out an officer from the State Government to serve in Government of India irrespective of the willingness of the State Government or the officer concerned.

5 | Mission Karmayogi

Recently, the government formed a panel led by cabinet secretary to monitor Mission Karmayogi.

Need of the Mission:

⊙ **Enhancing domain knowledge**: Currently the civil service in the country is based on 'generalist' which affects the specialization.

⊙ **Promotion of rule of law**: Civil service has been accused of carrying on the colonial tradition, remaining aloof of the challenges at the grass root level. The Mission moves away **from 'Rule based to Role based'** approach.

⊙ **Building capacity:** The Mission focuses right at the recruitment level and then invests in building more capacity through the rest of careers of civil servants.

⊙ **Targeted training approach**: There is a need to formalize the recruitment process and match the public service to a bureaucrat's competence, so as to find the right person for the right job.

⊙ **Compatible with changing needs of governance:** With the growth in Indian economy and rising international profile, the civil service will have to be ready for out the box solution.

Challenges:

⊙ **Breaking the bureaucratic inertia:** Civil service in India is often resistant to any reform and is has the

tendency to perpetuate the established procedures and modes.

⊙ **Behavioural change:** The Mission is focusing on brining radical change in the attitude and behavior of the civil servants which will not be an easy task.

6 Civil Servant's Life After Retirement

Context: The cooling off period before joining post-retirement job is necessary for increasing the accountability and efficiency of the person after years of continuous services.

What does "post-retirement commercial employment" mean?

The expression covers:

⊙ **Employment in any capacity**: Including that of an agent, under a company, co-operative society, firm or individual engaged in trading or business but this does not include employment under a body corporate, wholly or substantially owned or controlled by the Central Government or a State Government.

⊙ **Setting up practice**: Either independently or as a partner of a firm, as adviser or consultant in certain matters specified under the rules, including matters that are relatable to the pensioner's official knowledge or experience.

Rules about government servants joining politics after retirement:

⊙ While in service, the Conduct Rules bar government servants from being associated with any political party or organisation, and from taking part in or assisting any political activity.

⊙ There is no rule, however, to stop government servants from joining politics after retirement.

7 Aspirational Block Programme

Recently, the Prime Minister launched Aspirational Block Programme (ABP), which is aimed at improving performance of blocks lagging on various development parameters.

Background:

⊙ Through the programme, aspirational district model should now be taken up to block level.

⊙ Earlier in 2018, the government has launched Aspirational District Programme which covers 112 districts across the country.

Significance of the ABP:

⊙ **Development at the micro level:** Under the programme, the focus area will be more specific thus ensuring greater attention to detail.

⊙ **Decision making closer to the grass root:** Customized approach towards improving socioeconomic indicators based on the context of the region and the most emergent needs.

⊙ **Convergence among existing schemes:** Similar to the approach followed in the Aspirational District Programme (ADP), all social sector schemes will be implemented in an integrated manner to achieve effective outcomes.

⊙ **Moving away from a one-size-fits-all approach:** Tailor-made solutions for each block will be provided according to the requirement. Outcomes have also been clearly defined specific to the requirement of the blocks.

⊙ **Synergy**: The selection of the blocks is based on consultation between inter-ministerial and states and Union territories.

⊙ **Effective monitoring**: The scheme focuses on 15 key socio-economic indicators (KSIs) and these indicators will be tracked on a real-time basis. This will encourage data-driven governance in urban development.

8 Social Audit

Recently, Kerala became the first state to complete the social audit of MGNREGS works.

Benefits of social audit:

⊙ **Scrutiny**: It transfers the power of scrutiny and validation to the people. It focuses on performance audit of a service or programme, from planning,

to implementation. Thus facilitates good governance.

- **Citizen empowerment**: The whole mechanism of audit puts information at the core of empowerment.

- **Accountability:** Social audit exposes problems and deter corruptions in projects/schemes thus enhancing accountability of the government and people's trust. Brings transparency and accountability to local bodies as pointed by CAG earlier.

- **Better utilization of the funds**: It is achieved through removal of ghost beneficiaries, ghost projects, fake development works.

- **Grievance redressal**: Redressing individual worker grievances in schemes like MGNREGA.

Challenges:

- **Poor implementation**: The process of social audit is marred by vested interests which results in poor implementation.

- **Capacity deficit**: Illiteracy, lack of awareness about the process and low utilization of technology limits the potential of the process.

- **No legislative backing**: Lack of institutionalized, uniform mechanism promotes impunity of the system in delivery and implementation.

- **Poor government support**: Government indifference, CAG's guidelines have yet to be implemented.

Suggested Measures:

- **Legislative backing**: The social schemes should have inbuilt clause of social audit to promote the transparency in the implementation and outcomes.

- **Uniform approach**: State should implement the guidelines of CAG. Social audit process should be viable, credible and true to principles of social accountability. Specific methods of information sharing should be followed.

- **Other steps**: An independent facilitation structure needs to be set up to act on the findings. States should learn from that experience and also follow the example of Meghalaya which has been successful in implementing it.

Union minister for cooperatives **had mentioned to conduct** elections for the cooperative societies **to be conducted by the Election commission of India.**

Need of elections in cooperatives

- **To ensure transparency:** Cooperatives need elections conducted in free and fair manner to ensure transparency in the system.

- **Adequate representatives:** Each community in the region living should get representation in any organisation for equal rights and everybody should be heard.

- **Popular representation:** The elections conducted by the election commission of India by participation of every individual in the region will help to get their popular elected representative amongst themselves for better working of cooperatives.

- **Rural issues to be heard**: The person elected should have local knowledge of the region and culture with agricultural needs of that region. Most of the states like Maharashtra, Orissa, Gujarat, Madhya Pradesh are major states which are benefitting from the cooperatives in rural areas.

- **Financial transparency:** The funds allocated from banks and to individual representatives for distribution will be in the right hands as he/she will be responsible to the people.

Issues faced by cooperatives in India

- **Government Interference**: Co-operative institutions were handled as if they were an integral component of the government's administrative structure.

- **Mismanagement and Manipulation:** The co-operative movement's central idea is that it **elevates farmers to the level of shareholders and provides them with agricultural, educational,** and medical services. Farmers, sometimes, find it difficult to manage the institutions with large shareholder strength.

- **Lack of Awareness:** People are **unaware of the movement's goals**, the contributions it can make

to society's reconstruction, and the norms and regulations that govern co-operative institutions. Regrettably**, no concerted attempts** have been undertaken in this direction. People regard these institutions as a means of gaining government benefits and concessions.

◉ **Functional Weakness:** Since its start, the co-operative movement has struggled with a lack of skilled workers. **There** had been a dearth of institutions dedicated to **training workers** also efficient individuals were not drawn to or driven by them.

◉ **Flaws in operation:** Co-operative societies, too, have several flaws in their operation. They have been unable to progress along healthy lines due to this deficiency..

Recent developments

◉ In 2013, the **Gujarat High Court** ruled that the amendment was likely to be struck down since it was passed without the assent of one-half of the state legislatures, as required under Article 368(2) of the Constitution**.**

◉ **According to Article 368(2),** ratification of one-half of state legislatures is required for an amendment that makes changes to an entry in the state list**.**

◉ The **exclusive legislative power granted to states** in issues covered by the Second List of the Seventh Schedule is a key constitutional concept enshrined in the Constitution's basic framework.
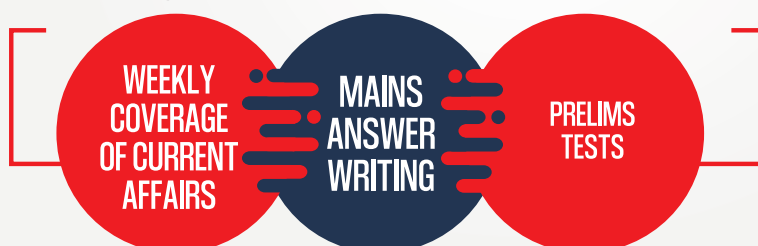
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Local Governance

Topic of This Chapter

1.	Challenges to ULBs
2.	Panchayat and Service Delivery
3.	PESA Act
4.	Sixth Schedule

1 Challenges to ULBs

In India, the "disorganized" nature of urban planning habitually becomes a topic of public debate whenever cities encounter a major crisis (urban flooding in Chennai).

Since urban planning and its enforcement are routinely declared the culprit of India's "dysfunctional" cities, it is important to examine the roots underpinning India's current urban planning regime.

Background:
Major challenges faced by ULBs

- **Lack of autonomy in management:** ULBs across the country lack autonomy in city management and several city-level functions are managed by parastatals (managed by and accountable to the state).

- **Lack of fiscal autonomy:** Indian ULBs are amongst the weakest in the world in terms of fiscal autonomy and have limited effective devolution of revenue.

- **Limited source of revenue:** They also have limited capacity to raise resources through their own sources of revenue such as property tax.

- **Dependency:** Lack of finance and other required power lead to a dependence on transfers by the state and central government.

- **Skin-tight control of government:** Government crafts its own schemes for the ULBs run at the local level with financial contribution from the GoI. These schemes run with skin-tight administrative and financial control, asking the ULBs to essentially carry out the will of the GoI.

- **Low encouragement by state government:** Not only the centre, even the states, themselves want to give no elbow room to the ULBs in local governance.

Impact on the governance

- **Poor service delivery:** The above multiple challenges have led to poor service delivery in cities.

- **Administrative and governance challenges:** It has also created administrative and governance challenges at the municipal level.

Why decentralisation is essential?

- **Good governance:** In the democratic world, decentralisation is amongst the most significant instruments for good governance.

- **Greater knowledge and informed decisions:** It brings decision-making closer to the people and allows authorities with greater knowledge of local conditions to make more informed decisions.

Challenges related to the public participation:

- Indian ULBs have been unwilling to allow any meaningful direct citizen participation in any aspect of civic governance.

- Considerable progress in this area has been achieved in the western world, aided by the march of technology, social media, and the ease of establishing online platforms for citizen interaction.

- Since information flow is rapid and voluminous in the modern world, citizens in many Indian cities have formed groups and associations with a view to press for decision-making space in their own localities.

- Union Government itself initiated the Model Nagar Raj Bill to institutionalise people's participation.

2 Panchayat and Service Delivery

Participants from 16 States signed the Mysuru Declaration and resolved to roll out the Common Minimum Service delivery by Panchayats across the country.

Mysuru Declaration:

- Mysuru declaration is aimed at recognising Citizen Centric Services as the "Heart of Governance".

- The declaration also aims to promote inclusive and accountable Local Self Governments in delivery of services in consonance with the priorities and the aspirations of our citizens.

About panchayats:

- Panchayati raj system is a three-tier structure of the Indian administration for rural development. Panchayati Raj aims to develop local self-governments in districts, zones and villages.

- The main objectives of Panchayati Raj is rural development and this has been established in all states of India except Nagaland, Meghalaya and Mizoram, in all Union Territories except Delhi, and certain other areas.

- These areas include:
  - ➤ The scheduled areas and the tribal areas in the states,
  - ➤ The hill area of Manipur for which a district council exists and
  - ➤ Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists

- There were many committees appointed by the Government of India to study implementation of self-government at the rural level and also recommend steps in achieving this goal.

- The committees appointed are as follows:
  - ➤ Balwant Rai Mehta Committee
  - ➤ Ashok Mehta Committee
  - ➤ G V K Rao Committee
  - ➤ L M Singhvi Committee

Salient features of Panchayat:

- The Gram Sabha is a body consisting of all the people registered in the electoral rolls who belong to a village comprised within the area of the Panchayat at the village level.

- **Permanent:** Gram Sabha is the smallest and the only permanent unit in the Panchayati Raj system. The powers and functions of Gram Sabha are fixed by state legislature according to the law on the subject.

- **Reservation:** Seats are reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) and chairpersons of the Panchayats at all levels are reserved for SCs and STs in proportion to their population.

- **Women:** One-third of the total number of seats are to be reserved for women. One-third of the seats reserved for SCs and STs, are also reserved

for women. This policy extends to the office of the chairperson at all levels as well (Article 243D). The reserved seats may be allotted by rotation to different constituencies in the Panchayat.

- There is a uniform policy with each term being five years. Fresh elections must be conducted before the expiry of the term. In the event of dissolution, elections compulsorily within six months **(Article 243E).**

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3 | PESA Act

Jharkhand government recently said that it would soon implement the Panchayat (Extension to Scheduled Areas) Act, 1996, in the state.

Significant of the Act:

- **Democratic Decentralization**: PESA empowers Gram Sabhas to play a key role in approving development plans and controlling all social sectors.

- **Preserving Identity**: The powers of Gram Sabhas include maintenance of cultural identity and tradition, control over schemes affecting the tribals, and control over natural resources within the area of a village.

- **Conflict Resolution**: The PESA Act thus enables Gram Sabhas to maintain a safety net over their rights and surroundings against external or internal conflicts.

- **Public Watchdog**: The Gram Sabha would have the powers to monitor and prohibit the manufacturing, transport, sale and consumption of intoxicants within their village limits.

Challenges associated with PESA Act:

- **Partial implementation:** Even after 25 years of existence, many of the states have not notified the regulations related to PESA Act. The partial implementation has worsened self-governance in Adivasi area like in Jharkhand.

- **Administrative hurdles**: Many experts have asserted that PESA did not deliver due to the lack of clarity, legal infirmity, bureaucratic apathy, absence of political will, resistance to change in the hierarchy of power, and so on.

- **Redundancy because of other laws:** The Act has come in conflict with other acts like Forest Rights Act 2005, LARR Act 2013 etc.

- **Other issues:** Dilution of role of Tribal Advisory Council, bureaucratic apathy, absence of political will, resistance to change in the hierarchy of power, and so on.

Suggested measures:

- States should notify the Act as soon as possible.

- **Xaxa Committee** recommendations about the Act should be followed.

- Institutionalized mechanism for conflict resolution.

4 | Sixth Schedule

A latest demand has arisen from Ladakh that the region should be included in the **Sixth Schedule** of the Constitution to safeguard land, employment, and cultural identity of the local population.

Understanding the 'crux' of Ladakh's demand?

- At the heart of the UT's demand is power. The UT status came without a legislative Council and instead, even the existing powers of LAHDC got shifted to the Lt Governor.

- The demand now is that the local Councils are empowered with legislative power by bringing them under the ambit of Sixth Schedule of Article 244(1) of the Constitution.

- They demand a Bodoland-type power arrangement that protects the rights of indigenous people over their land with legislative subjects that are exclusive to local governments without interference from Central Laws.

- A similar provision under Article 371 (A) is given to other areas such as in Nagaland in respect of the religious, social practices, customary law of the Nagas.

Can Ladakhis be described as vulnerable community?

Ladakh is known as a part of the global Buddhist civilisation or Islamic heritage that cannot be described as a 'primitive' or 'vulnerable' community

- **Diverse and rich cultural setting:** Ladakh is historically perceived as a cosmopolitan region with centuries of multiple cultural settings. It was an Asian pivot – the people here traversed diverse cultural boundaries and engaged with ideas.

- Its Buddhist community resembles nothing like the Chakma tribes in the Northeast.

- The Baltis and Purigs of Kargil cherish their rich Persian Shia and Sufi heritages.

- **High education level:** The region had the highest literacy rate (82 percent) in J&K.

- **Social equality:** A great deal of social equality exists; the women enjoy high status in every aspect of life.

- **Elite population:** It has a highly westernised Buddhist and Balti elite which send children to study in India's top-public schools.

Suggested measures for Ladakh:

- **Heritage protection:** Ladakh was once an ancient Western Himalayan Kingdom with a profound cultural backdrop. Its rich Buddhist, Balti and Dardic cultural heritage requires a much higher degree of protection.

- **Policy measure:** A prudent policy step would be to consider Ladakh under the ambit of protecting the Himalayan heritage – its people, culture, environment and security.

- **National Commission:** A national commission is urgently needed to review the issue as also addressing the Ladakhi demand so as to bring about a necessary law by the Parliament.

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Constitutional, Statutory and Regulatory Bodies

Topic of This Chapter

1 CBI

As many as nine states, including Chhattisgarh, Jharkhand and West Bengal, have withdrawn general consent to the Central Bureau of Investigation (CBI) to probe cases, Union minister of state for personnel told Rajya Sabha recently.

Implications of the move:

◉ **No registration of fresh cases:** It means the CBI will not be able to register any fresh case involving officials of the central government or a private person in the state without the consent of the state government.

◉ **Loss of power:** CBI officers will lose all powers of a police officer as soon as they enter the state unless the state government has allowed them.

Other issues related to CBI:

◉ **Political interference:** The Supreme Court has labeled the CBI a "caged parrot speaking in its master's voice", due to excessive political interference in its functioning. This has hurt the credibility of the investigating body.

◉ **Shortage of manpower:** This has been caused by a system of inefficient, and inexplicably biased, recruitment policies of the government. This has resulted in enormous delays in concluding investigations.

◉ **Lack of Accountability:** CBI is exempted from the provisions of the Right to Information Act (RTI), thus, lacking public accountability.

◉ **Limited Powers:** The powers and jurisdiction of members of the CBI for investigation are subject to the consent of the State Govt., thus limiting the extent of investigation by CBI.

◉ **Restricted Access:** Prior approval of Central Government to conduct inquiry or investigation on the employees of the Central Government, of the level of Joint Secretary and above is a big obstacle in combating corruption at higher levels of bureaucracy.

Suggested Measures:

◉ **Statutory status:** Providing statutory status on the lines of NIA and other bodies will help maintain the independence of the institution. Second

◉ **DRSC recommendations:** Strengthening human resources by increasing strength of CBI, better investments in infrastructural facilities, increased financial resource and administrative empowerment with accountability etc. should be followed.

2 Call for Unified Human Rights Commission

Recently, **Kerala Governor Arif Mohammed Khan**, called for the termination of **National Commission for Minority** and transferring its powers and functions to **National Human Rights Commission.**

Why is the call for abolition of minority commission being made?

◉ **Creating differences:** Presence of such Commission cultivates an idea within **certain groups** that a community or some communities are **different** than the rest and **hence special provisions or bodies** are required for its or their protection.

◉ The abovementioned idea has the potential of sowing the **seeds of separatism.**

◉ **Wastage of resources:** The National Human Rights Commission is adequately empowered to look into the issues relating to infringement of rights of people in India and hence of any other organisation that focusses on the rights on just minorities leads to **waste of both material and human resources.**

◉ **Political influence:** National Minority Commission may become and in some instances has become place of where appointment for **political appeasement** is made.

Why existence of separate National Minorities Commission is necessary?

◉ **Attentive protection of minorities:** The Constitution of India guarantees **Secularism** and hence protection of Minorities has to be paid adequate attention.

◉ **For effective functioning:** National Human Rights Commission is already overburdened with

its existing workload and therefore asking it to perform the duties of Minorities also would lead to compromise of the quality of work done by it and also severe backlog effecting many Indians.

- **Lack of expertise with NHRC:** The National Human Rights Commission may not possess the expertise required to tackle the issues impacting rights of Minorities that are guaranteed by the Indian Constitution and other statutes of the country.

- **For diversity in unity:** Religious minorities add to the diversity of India and their unique characteristics have to be safeguarded if India has to maintain its image of being a plural civilisation. This can be done in better way with the National Commission for Minorities being in existence.

3 OTT regulation

A survey of Over-The-Top regulation in different countries suggests that most of them are yet to come up with a clear statute-backed framework.

Background:

- In India, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, through which the Ministry of Information and Broadcasting (I&B) was given the task of regulating content on OTT and online platforms.

- India's approach can be termed as a light-touch 'co-regulation' model where there is 'self-regulation' at the industry level and final 'oversight mechanism' at the Ministry level.

> **OTT Platforms:**
>
> - The acronym OTT stands for Over-the-Top. This convenient term explains the new delivery method of film and TV content over the internet whenever we want, across many different devices, without the need for traditional broadcast, cable or satellite pay-TV providers.
>
> - In simple terms, OTT streaming means paying an internet provider, like Xfinity, for internet access to watch Netflix, without paying for cable TV.

Challenges of regulating OTTs in India:

- **Volume of content on OTT platform:** Compared to traditional media, volume of content in the OTT platforms is enormous posing a regulatory challenge. Substantial influx of OTT content from foreign countries adds to the complications.

- **No separate regulatory mechanism**: There is no separate legislation or body for regulation of OTT platforms in India. They are only governed by the Ministry of Electronics and Information Technology (MeITy).

- **Threat of Cybercrime**: In the process of subscribing to an OTT platform, people share their confidential information like bank details, credit card access, which has the potential to be misused and lead to cybercrime.

Suggested Measures:

- **Hybrid model of governance**: Independent, self-regulatory body comprising stakeholders from the industry to deal with grievances and complaints relating to the OTT content guided by a certain set of principles.

- **Appellate body with independent members:** Recommendations by the self-regulatory body could be appealed before an appellate committee established by the same body, with independent members on the panel.

- **Convergence:** An effective solution can be reached with convergence between media, public interest, and government policy.

4 Digital Sovereignty

Various experts have warned that India's push for digital sovereignty will have enormous consequences for country's population with a potential increase in state surveillance and tightening of freedoms in online spaces.

Background: Data Sovereignty

- Data Sovereignty means that data collection and processing is subject to the laws and regulations of the country where data is originated.

Steps taken by government to ensure Data Sovereignty:

- The **RBI issued directive to all system providers** to ensure that, the entire data relating to payment systems operated by them is stored only in India.

  - This covered not only card payment services by Visa and MasterCard but also of companies such as Paytm, WhatsApp and Google which offer electronic or digital payment services.

- Government has introduced **personal data protection bill** on the lines of EU's General Data Protection Regulation (GDPR).

  - It requires all sensitive and critical data to be stored in India.

  - Further it requires that a digital company must obtain explicit permission from a user before collecting their personal data.

- India did not sign **the Osaka track**, which is a framework to promote free flow of cross border data.

- Flagship '**Digital India' programmes** is a way forward to make data as the cornerstone of India's socioeconomic future, where the government leverages the Indian citizen's data for the benefit of the people themselves, and not solely for profit-making.

- **National Digital Communications Policy (NDCP)2018:**

  - Key Strategy of the Policy:
  - Establishment of a National Digital Grid by creating a National Fibre Authority.
  - Establishing Common Service Ducts and utility corridors in all new city and highway road projects.
  - Creating a collaborative institutional mechanism between Centre, States and Local Bodies for Common Rights of Way, standardization of costs and timelines.
  - Removal of barriers to approvals.
  - Facilitating development of Open Access Next Generation Networks.

5 Personal Data Protection Act, 2023

Recently, the Parliament passed the Digital Personal Data Protection Bill, 2023

Key Features of the new Act:

- **Regarding Data protection principles:** The current Act removes explicit reference to certain data protection principles such as collection limitation.

  - This would allow a data fiduciary to collect any personal data consented to by the data principal.

- **Concept of 'Deemed consent':** The DPDP Act, 2023 also introduces the concept of "deemed consent".

- **Fines and Penalties:** For breach of Law; According to the Act, Companies dealing with the personal data of consumers that fail to take reasonable safeguards to prevent data breaches could end up facing penalties as high as around Rs.200 crore.

  - Under the previous bill, the penalty proposed on a company for violation of the law was 15 crores or 4 percent of its annual turnover, whichever is higher.

- **For intimidating**: Penalties are expected to vary based on the nature of non-compliance by data fiduciaries — entities that handle and process the personal data of individuals.

  - Companies failing to notify people impacted by a data breach could be fined around Rs.150 crore, and those failing to safeguard children's data could be fined close to Rs.100 crore.

- **Administration body**: The Data Protection Board, an adjudicating body proposed to enforce the provisions of the Bill, is likely to be empowered to impose the fine after giving the companies an opportunity of being heard.

- **Scope of Data being protected**: The Act will only deal with safeguards around personal data and is learned to have excluded non-personal data from its ambit.

Why the bill has been reconsidered many times?

- The current legal framework for privacy enshrined in the (Information Technology Rules, 2011) is wholly inadequate to combat harm to data principals, especially since the right to informational privacy has been upheld as a fundamental right by the Supreme Court (K. Puttaswamy vs. Union of India).

- Therefore the previous bill was inadequate on four levels:
  - The extant framework is premised on privacy being a statutory right rather than a fundamental right and does not apply to the processing of personal data by the government;
  - It has a limited understanding of the kinds of data to be protected;
  - It places scant obligations on the data fiduciaries which, moreover, can be overridden by contract and;
  - There are only minimal consequences for the data fiduciaries for the breach of these obligations.

Concerns associated:

- The Act does not consider the concept of **"sensitive personal data".** This includes biometric data, health data, genetic data, etc.

- This personal data is afforded a higher degree of protection in terms of requiring explicit consent before processing and mandatory data protection impact assessments.

- The DPDP Act, 2023 seems to suppose that a notice is only to be provided to take consent of the data principal. This is a limited understanding of the purpose of the notice.

- A notice is also important for the data principal to exercise data protection rights such as the right to know what personal data is being processed by whom, whether that data needs correction or updating, and also to request deletion of data that may not be relevant for processing.

Way forward:

- Data protection laws need to ensure that the compliances for data fiduciaries are not so onerous as to make even legitimate processing impractical.

- The challenge lies in finding an adequate balance between the right to privacy of data principles and reasonable exceptions, especially where government processing of personal data is concerned.

- With technological evolutions, an optimum data protection law design needs to be future-proof — it should not be unduly detailed and centered on providing solutions to contemporary concerns while ignoring problems that may emerge going forward.

- The law needs to be designed for a framework of rights and remedies that is readily exercisable by data principals given their unequal bargaining power concerning data fiduciaries.

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INTERNATIONAL RELATIONS

India's Foreign Policies & Its Neighbourhood Relations

Topic of This Chapter

1 | India-Sri Lanka

India has been the first responder with credits and rollovers and humanitarian support to help Sri Lanka get through the crisis. This has rejuvenated the relations between India-Sri Lanka while also generating goodwill from the people.

Reasons for the crisis:

◉ **Economic mismanagement:** Corruption, mismanagement of state-owned enterprises and inefficient government spending are some of the challenges faced by the country for the last few years.

◉ **Global financial headwinds:** Sri Lanka has become increasingly reliant on external borrowing to finance its budget deficits leaving the country vulnerable to external shocks. In May 2022 it failed to make an interest payment on its foreign debt for the first time in its history hurting the country's credit in the international market.

◉ **Decline in exports:** A dropin external demand, increasing global competition, and lack of diversification decreased the country's overall exports and the forex reserve.

◉ **Decline in agricultural output:** The government completely banned all fertilizer imports in 2021topromote organic farming. This severely affected the food production in the country translating into **high food prices**.

◉ **Russia-Ukraine War:** The war exacerbated the economic situation due to Russia being the second biggest market to Sri Lanka in tea exports and Sri Lanka's tourism sector is heavily reliant upon tourists from Russia.

◉ **Pandemic and related challenges:** Covid pandemic coupled with worldwide travel restrictions crippled the tourism industry of the country which contributes to 10% of the GDP. This affected its foreign exchange reserves.

◉ **Political instability:** Frequent changes in the government in the past few years led to uncertainty which deterred foreign investment and contributed to the crisis.

Impact of the assistance on the relations:

◉ **Increased bilateral ties:** India's assistance to Sri Lanka has helped strengthen the bilateral ties which have witnessed some fluctuations in the recent past due to reasons including maritime disputes, and ethnic clashes in Sri Lanka.

◉ **Flow of trade and investment:** As Sri Lanka's economy recovers, there will be increased opportunities for the flow of trade and investment between the two countries.

◉ **Enhanced goodwill for India:** India has provided Sri Lanka with essential goods like food grains, fertilizers, fuels, etc. during one of the worst crises hence, generating goodwill from the people of the country.

2 | Instability in Pakistan

Pakistan has been convulsed by political (political paralysis) and economic crises (exploding inflation) which has security implications for India.

Implications for India:

◉ **Cross-Border Terrorism:** Pakistan has been a source of cross-border terrorism, with several terrorist groups operating from its territory. These groups have carried out attacks on Indian soil, posing a significant security challenge for India.

◉ **Proxy Warfare**: Pakistan has engaged in proxy warfare by supporting and sponsoring militant groups that target India. These groups operate in Indian-administered Kashmir and other parts of India, leading to a volatile security situation. India has faced the challenge of countering these proxy warfare tactics and maintaining peace and stability in the region.

◉ **Nuclear Concerns:** Both India and Pakistan are nuclear-armed countries, which adds an additional dimension of complexity to their relationship. The potential for nuclear escalation in the event of a major conflict poses a significant challenge to India's national security and regional stability.

◉ **Diplomatic Challenges:** Pakistan's support for cross-border terrorism and its attempts to internationalize the Kashmir issue present diplomatic challenges for India.

◉ **Regional Instability:**Instability in Pakistan can have spillover effects on the wider region, impacting India's security environment. It can potentially create a breeding ground for terrorist groups, contribute to regional tensions, and affect the stability of neighboring countries.

- **No strong player in Pakistan right now:** The crisis leaves New Delhi without a partner, a credible stakeholder within the Pakistani government.

Can Pakistan exit the situation?

- With all the existing problems, the reality is also that Pakistan has a large military well equipped with modern weaponry and growing nuclear arsenal, which it received from the West and continues to import from its all-weather ally China.

- Pakistan's geographical location facilitated strategic dividends for the state from major powers, including the US and China.

- In the past, Pakistan's debt burdens have been occasionally eased by its friends and allies who believed stability in Pakistan was in their strategic interest.

Where is the world focusing right now?

- The US has been focused more on its **Indo-Pacific strategy** aimed at countering China.

- The fallouts of the Russia-Ukraine war have engaged the attention of the Muslim world.

- India's economic growth and expanding diplomatic profile have attracted suitable attention and curiosity at the global level.

Political stability in Pakistan is essential for any kind of dialogue with India. In the line of the statement, outline the challenge created by recent economic and political turmoil in India and the broader region.

3 India-Nepal

In recent years, especially after the **2015 Indian economic blockade**, Nepal has tried to undo India's monopoly over its trading routes by increasing connections with China. The upcoming **Trans-Himalayan Multi-Dimensional Connectivity Network** is another way toward that objective.

Background (India-Nepal):

- India and Nepal share very close ties based on linguistic, religious, and cultural affinity and close people-to-people contacts.

- Nepal, being a **landlocked state** is heavily dependent on India for the supply of essential goods including fuel, and the use of its ports for trade with other countries gives India enormous leverage.

- **Current issues:**
  - Nepal and India have a competing territorial claim over Himalayan land — called **LipuLekh, Limpiyadhura and Kalapani** — located near the borders of Nepal,India and China.

- **Latest developments**

Nepal and India are working to increase **cross-border connectivity and energy cooperation,** sealing a number of deals, including a **long-term energy cooperation plan** that paves the way for Nepal to export up to 10,000 megawatts of electricity to India within a decade.

Trans-Himalayan Multi-Dimensional Connectivity Network:

- It is an economic corridor between Nepal and China and part of China's **Belt and Road Initiative** (BRI).

- The project involves the building of railways and communication networks.

- It has the vision to transform Nepal from a landlocked country to a **land-linked country**.

Concerns for India

- **Deep Chinese inroads in India's neighborhood:** It will challenge India's long-held position as the dominant power in the region.

- **Impact on India's security interests:** India and China have been locked in a military standoff since 2020. Chinese deep presence in Nepal will give it **further depth** to push its agenda against India.

- **Growing Chinese influence in Nepal's politics:** China is actively influencing all the political parties, especially the left-wing parties. For example, **Nepali Communist Party (NCP)** has developed close ideological linkages with the **Chinese Communist Party (CCP).** The increased influence of China in Nepal's politics will affect policy making which can take a detrimental approach towards India.

- **Trade deficit:** Nepal runs a massive trade deficit with India, its largest trading partner. In the fiscal year 2021-2022, Nepal imported $10 billion (€9 billion) worth of goods and services from India, while exporting $1.3 billion.

India's Advantage:

- **Geographical advantage:** India has a greater geographical advantage compared to China because of the easy terrain. India already has a well-functioning cross-border link with Nepal and some additional linkages are in the pipeline.

- **Greater economic linkage: Open border** with India, and huge employment opportunities make Nepal closer to India than China, it will take a long time for China to make a dent in this relationship.

- **People-to-people link:** India shares extensive **cultural ties** with the terai's inhabitants such as **Madhesis** and **Tharus** which is hard for China to compete.

4 India-Bangladesh

Under India's flagship 'Neighbourhood First' policy, Bangladesh is an important partner. The cooperation between the two countries ranges across all fields including trade and commerce, power and energy, transport and connectivity, science and technology, defense and security, maritime affairs, climate change, and sustainable development among others.

Areas of Cooperation:

- **Connectivity and Infrastructure:** Projects such as the construction of bridges, roads, and railway links have enhanced connectivity and facilitated trade and people-to-people exchanges. The development of inland waterways and the opening of new border crossings have further improved connectivity.

- **Power and Energy:** India has been supplying electricity to Bangladesh through cross-border transmission lines, addressing Bangladesh's energy needs. The countries have also explored opportunities for cooperation in renewable energy, including solar and wind power.

- **Security Cooperation:** India and Bangladesh cooperate closely on security matters, including intelligence sharing, counterterrorism efforts, and border management. They collaborate to address common security challenges, combat transnational crimes, and exchange information to ensure the safety and security of both countries.

- **Education and Cultural Exchanges:** Scholarships, student exchanges, and cultural festivals are organized to foster educational and cultural cooperation between the two countries.

- **Development Assistance:** India provides development assistance to Bangladesh through lines of credit, grants, and capacity-building programs. Areas of assistance include infrastructure development, agriculture, healthcare, education, and rural development.

Challenges:

- **Water sharing challenges:** Teesta Water Sharing Agreement, long pending Ganga-Padma barrage project.

- **Illegal migration:** Fate of 1.9 mn Assamese who are rendered stateless after failing to feature in the NRC - this has the potential to harm the bilateral relations.

- **Slow development projects:** Not full utilization of the line of credit provided by India to Bangladesh because of bureaucratic red tape in disbursement.

- **Security issues in the borders areas:** Border Management - porous border, kettle smuggling.

5 India-China

Due to rising confrontations with China along the border, many commentators have suggested a revisit of **India's Tibet Policy.**

What are the present issues?

- Dalai Lama and Tibet issue
- Border dispute

Need of India to revisit Tibet policy:

- **Asymmetric relations between India and China:** India's border conflicts with China is centered primarily around two large sectors, mostly centered in Ladakh and Arunachal Pradesh. China claims Ladakh as being part of its administered region

of Aksai Chin while Arunachal Pradesh as being part of "South Tibet".

> Both of these conflicts stem from the history of China's occupation of Tibet, India's reluctance, and the endurance of British India's policies in the region.

◉ **Better securing its interest:** The strategic importance of the region has increased in recent years due to China's increased military and economic presence. Thus, it has been argued that India should adopt a more assertive approach through increased support to the refugees, efforts to highlight the human rights situation, etc.

◉ **To correct water crisis:** The **ongoing damming of Tibet's rivers** by China directly affects the Indian economy and population directly is the ongoing damming of Tibet's rivers by China. India remains largely an **agriculture-based society and economy** and the **Brahmaputra River** which flows from Tibet has a significant role to play in the survival of the farming community in Northern India.

◉ **Exploiting China's vulnerability:** In the past, India has been careful in exploiting the issue as a major bargaining card but China on the other hand, had not responded well. It continues to show Arunachal Pradesh as part of Southern Tibet. An aggressive approach will give India a strategic advantage.

◉ **Increasing global pressure:** Several countries in recent years and decades have called out the Chinese regime for its abysmal records on human rights in Tibet and adjoining regions of Xinjiang, etc.

> The United States recently passed the **Tibet Policy and Support Act** that officially recognizes that there is a grave human rights problem in Tibet while the **Reciprocal Access Act** lays out punitive measures against Chinese authorities for blocking access to Tibet from the outside.

Challenges of the move:

◉ **Increased tensions with China**: China could double down on its strategy on the border which could lead to increased tensions.

◉ **Lack of international support**: The support for the Tibetan issue has fizzled out in the last few years with increased economic relations of China with major countries. India may have to work independently on the matter.

6 India-Maldives

Due to increased competition with China in the **Indian Ocean Region**, Maldives has become one of the most important partners in the region.

Aspects of cooperation between India-Maldives:

◉ **Strategic Partnership:** India and Maldives have a strategic partnership aimed at promoting mutual cooperation and strengthening ties in various areas. The relationship is built on shared democratic values, security cooperation, and development cooperation.

◉ **Security Cooperation**: India has provided assistance to enhance the capabilities of the Maldivian defense forces, including training, equipment, and joint exercises.

◉ **Economic Cooperation:** India is one of the major development partners of Maldives. Economic cooperation includes areas such as infrastructure development, connectivity projects, trade, and investment.

◉ **People-to-People Exchanges:** India and Maldives promote people-to-people exchanges through cultural, educational, and tourism cooperation. Indian tourists visit Maldives in large numbers, and the countries have facilitated visa processes to promote tourism and cultural interactions. Educational scholarships and training programs are also offered to Maldivian students in India.

◉ **Connectivity and Infrastructure Development:** India and Maldives collaborate on connectivity and infrastructure projects. This includes the development of ports, harbors, and other maritime infrastructure.

Challenges for India-Maldives relationship:

◉ **Political Instability:** Maldives has experienced political instability in the past, including changes in government and strained political dynamics.

These uncertainties can impact the continuity and progress of bilateral initiatives, requiring India to adapt and engage with different administrations.

- **Influence of External Powers:** The Maldives is located in a strategically important region, and external powers may seek to exert their influence in the country.

- **Maritime Security Challenges:** The Indian Ocean region faces various maritime security challenges, including piracy, illegal fishing, and smuggling. Collaborative efforts between India and Maldives are necessary to address these challenges effectively, enhance maritime domain awareness, and ensure the safety and security of the Indian Ocean.

7 India's Soft Power

India, since independence has utilized its soft power with the spirit of **'VasudhaivKutumbkam'** (The whole world is family) to further the interests of itself and the global community.

Elements of India's soft power:

- **Democratic values:** India has been the 'mother of democracy' and its liberal, plural democracy acts as a model for democratic countries around the world.

- **Yoga, meditation:** Yoga has been'India's gift to the world' as it has attractedmillions of practitioners around the world. The recognition of June 21 as World Yoga Day by the UN has furthered the enthusiasm and goodwill about India. Yoga along with **Ayurveda, meditation** attracts millions of people for **wellness tourism**.

- **Rich culture and tradition:** Numerous **World Heritage Sites**, rich cuisine, art forms, architecture, etc. offer **an** unmatched experience to international travellers enhancing 'Brand India.'

- **Development partnerships:** India has become a pivotal development partner through its support to developing countries through Lines of Credit (LOCs) grants and loans, and capacity building. Ex: Recently, India extended financial help to **Sri Lanka** during its worst economic crisis. In **Bangladesh**, It has taken up various several connectivity projects.

- **Humanitarian Assistance and Disaster Relief**

(HADR): India has been the first responder during the crisis in the neighborhood. In extended support to the **Maldives** during its water crisis in 2014. In the recent earthquakes in **Turkey**, India's quick support was much appreciated.

- **Strong Indian diaspora:** India has **20mn strong diaspora** which acts as a bridge between India and the resident countries. It plays an important role in promoting India's interests and culture. For example, **Indian Americans** play an important role in improving Indo-US relations by lobbying American politicians and offering a positive image of India to the American public as well.

- **Cinema, sports, etc:** Bollywood has been a major source of attraction in the international realm, it has been popular in USSR is the 20th century. In recent decades it has become popular in the US, South America as well. The academy's win of **'naatunaatu'** song further breaks the barriers. **'Cricket diplomacy'** has been visible in India's relations with **Commonwealth** nations.

8 Strategic Autonomy

India has maintained strategic autonomy against the backdrop of increased pressure from the West to limit its cooperation with Russia due to the ongoing war in Ukraine.

Need for strategic autonomy

- **Geostrategic balancing, need for connectivity**: India maintaining close relations with Iran despite its bigger push in the relations with Saudi Araandbia, Israel.

- **Need for multi-alignment:** During ongoing the Ukraine crisis, India refused to take a side because of its national interests demand close cooperation with countries on both sides.

- **Securing core interests like defense, and energy**: India despite getting closer to the US has good relations with Russia because of defense cooperation with ex S400 missile system.

- **Diverse Partnerships:** It seeks to foster strategic partnerships with both traditional and non-traditional allies, including major powers, neighboring countries, and regional organizations, and emerging economies. This diversification of partnerships helps India safeguard its national interests and expand its diplomatic options.

- **Multi-Polarity**: India believes in a rules-based international system that promotes a level playing field, inclusivity, and the peaceful resolution of disputes. India's pursuit of strategic autonomy is closely linked to its vision of a multipolar global order.

- **Independent Decision Making:** India's decisions are guided by its own assessment of national interests, rather than being dictated by external pressures.

Challenges for India:

- **Geostrategic Constraints:** India is located in a region that is geopolitically complex and volatile. It shares borders with multiple countries and faces security challenges such as cross-border terrorism, territorial disputes, and regional power rivalries.

- **Economic Interdependence**: Economic ties and trade relationships may influence foreign policy decisions, as India's interests in maintaining economic growth and stability can be tied to the interests of other nations.

- **Dependence on External Sources:** Despite efforts to enhance indigenous capabilities, India remains dependent on external sources for defense equipment, technology, and energy resources.

- **Balancing Competing Interests:** As major powers compete for influence in the region, India must navigate its relationships with these powers while safeguarding its own national interests. Striking a balance between different partnerships and alliances can be challenging and requires astute diplomacy.

9 | Indian Antarctic Act, 2022

India recently enacted the Indian Antarctic Act, 2022, which is in pursuant to India's accession to the **Antarctic Treaty**, **Madrid Protocol** to the Antarctic Treaty, and to the Convention on the Conservation of Antarctic Marine Living Resources.

Indian Antarctic Act, 2022: Major provisions

- **Indian Antarctic Authority (IAA):** It will provide a stable, transparent, and accountable process for Antarctic research and expeditions and ensure the protection and preservation of the Antarctic environment.

- **Penal provisions:** The Act lays out penal provision for crimes on the continent by Indian citizens, foreign citizens who are a part of Indian expeditions, or are in the precincts of Indian research stations.

- **Ban on private tours:** Private tours and expeditions to Antarctica would be prohibited without a permit or the written authorization by a Member country of the **Antarctic Treaty** of 1963.

- **Creation of Antarctic fund:** The fund will be used for protecting the Antarctic environment.

Significance in elevating India's position:

- **Increased credibility of India:** The Act will help in increased international visibility, credibility of India in Polar governance leading to international collaboration and cooperation in scientific and logistics fields.

- **Protection of fragile Antarctic ecosystem:** The Act is consistent with the Antarctic Treaty System which will go long to protect the fragile ecosystem of Antarctica with the existence of a regulatory framework.

- **Promotion of international scientific cooperation:** A rule based system with India as an important player will foster the spirit of cooperation among the countries present in Antarctica enhancing the status of the country globally.

10 | No-First Use Policy of India

Due to the emerging security threats from China and Pakistan in India's borders, there have been some proponents for a relook of the long-standing nuclear doctrine. A shift in the policy will increase the deterrent against the hostile nations but it will not be free of challenges.

Need of a relook of the policy:

- **Consistent security threat at the border:** India has been locked in military standoff with China since June 2020. Pakistan too, poses a consistent security threat to India.

- **Use of non-conventional strategies by Pakistan:** Pakistan has been using unconventional means like terrorism to destabilize India. Another argument is that there is no guarantee that Pakistan will not use its nuclear weapons in the event of war.

- **Strategic disadvantage vis-à-vis China:** The current policy may constrain India's ability vis-à-vis China which has more nuclear weapons and can use them against India in times of war.

Arguments to keep the status quo:

- **NFU is consistent with India's stands on nuclear weapons:** India has been a long proponent of non-proliferation and full nuclear disarmament. A shift in the nuclear doctrine could hurt India's position.

- **Shift could start an arms race in the region:** China and Pakistan have already enhanced their nuclear arsenal and a change in India's NFU policy can start another armed race in the region which will impact its security.

- **Maintaining India's image:** Though India is not a signatory to the NPT it has many bilateral nuclear deals such as with the US, France etc. for the use of civilian nuclear power. A change in long-standing policy will hurt India's image as a responsible nuclear weapons state.

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Bilateral, Regional, Global Groupings and Diaspora

Topic of This Chapter

1	US, India 'Change the Paradigm' for Defence Cooperation
2	India-Australia
3	India-Central Asia
4	China-Russia
5	India-Africa
6	G7
7	Quad
8	BRICS
9	Indian Diaspora
10	South-South Cooperation

<table>
<tr><td>**1**</td><td># US, India 'Change the Paradigm' for Defence Cooperation</td></tr>
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In order to pull India away from its security dependence on Russia, the US administration has been eagerly upgrading its defence ties with New Delhi. In this regard, the launch of a new defence initiative between the two nations called **INDUS-X** has been announced.

What is INDUS-X?

- INDUS-X stands for enhanced strategic and defence partnership between India and the US.

- It is aimed at deepening the partnership between the US and Indian defence innovation sectors.

- INDUS-X will focus on advancing high-tech cooperation and fostering joint research, development, and production opportunities in the defence sector.

- The initiative aims to explore possibilities for co-producing jet engines, long-range artillery, and infantry vehicles. Secretary Austin highlighted the importance of this initiative and announced that its formal launch would be undertaken during Prime Minister Modi's state visit to Washington.

- With India and US coming together under the **INDUS-X initiative**, India will be in a better position to achieve the $5 billion target in the upcoming two years.

- This will pave the way for US companies to invest massively in India and build a defence ecosystem.

  ➤ India has already undertaken such a defence partnership with Russia.

- For instance, the **BrahMos joint venture**, which saw India and Russia co-produce medium-range Ramjet Supersonic BrahMos Cruise Missile that can be launched from submarines, ships, airplanes or land.

Elements of India-US relationship:

- **Strategic Partnership:** The partnership encompasses political, economic, defense, and people-to-people ties. Both countries engage in regular high-level dialogues and have signed numerous agreements to deepen their collaboration.

- **Economic Cooperation:** The United States is one of India's largest trading partners, and bilateral trade has been growing steadily. The United States has also been a significant source of foreign direct investment (FDI) in India.

- **Defense and Security Cooperation:** The two countries have also signed various defense agreements, including the foundational agreement, such as the Logistics Exchange Memorandum of Agreement (LEMOA), the Communications Compatibility and Security Agreement (COMCASA), and the Basic Exchange and Cooperation Agreement (BECA).

- **Counterterrorism and Homeland Security:** India and the United States cooperate closely in the fight against terrorism and share intelligence and information to combat terrorist threats. Cooperation includes intelligence sharing, capacity building, joint counterterrorism exercises, and collaboration in multilateral forums.

- **Science, Technology, and Innovation:** India and the United States collaborate extensively in the fields of science, technology, and innovation. There are several joint research and development programs, academic exchanges, and collaborations between institutions and industries of both countries.

Challenges for India-US relationship

- **Trade and Market Access Issues:** Both countries have had disagreements over tariffs, non-tariff barriers, intellectual property rights, and market restrictions. Resolving these issues and promoting a balanced and mutually beneficial trade relationship remains a challenge.

- **Differences in Geopolitical Priorities:** India and the United States have different geopolitical priorities and strategic interests in various regions of the world. Balancing these interests and finding common ground on regional security issues, such as Afghanistan, Iran, and the Indo-Pacific, can be challenging.

- **Defense Technology Transfers**: While defense cooperation between India and the United States has expanded, there have been challenges related to defense technology transfers. India has sought advanced defense technologies and greater access to US defense equipment.

- **Climate Change and Environmental Issues:** Finding a common ground that addresses India's developmental needs while also addressing climate change concerns can be a complex challenge.

- **Visa and Immigration Policies:** Striking a balance between security concerns and facilitating the movement of skilled professionals and students is an ongoing challenge in the relationship.

2 | India-Australia

Australia-India relations have been on the upswing lately. As comprehensive strategic partners since June 2020, New Delhi and Canberra have positioned defence cooperation as a key pillar of the bilateral partnership.

Areas of Cooperation between India and Australia

- Australia and India **upgraded their bilateral relationship from a 'Strategic Partnership' in 2009 to Comprehensive Strategic Partnership (CSP) in 2020.**

- **Economic Front: Trade and economic relations:** India is **Australia's 9th largest** trading partner, and Australia is **India's 17th largest** trading partner.

  ➤ **Economic Cooperation Trade Agreement (ECTA)**: It is the first free trade agreement signed by India with a developed country in a decade, which entered into force in December 2022.

  ➤ Both Australia and India are members of the **Quad, Commonwealth, Indian Ocean Rim Association (IORA), ASEAN Regional Forum, Asia Pacific Partnership on Climate and Clean Development**, and have participated in the **East Asia Summits.**

- **Defence and security:**

  ➤ Both countries established defence cooperation through the **Mutual Logistics Support Agreement (MLSA),** in 2020 to enhance defence cooperation.

  ➤ Australia will host the "Malabar" exercises in August 2023, with participation from India, Japan, and the US. India has been invited to join the Talisman Sabre exercises in 2023.

- **People-to-people ties:** As per the **2021 Census**, around **9.76 lakh** people in Australia reported their ancestry as Indian origin, making them the second largest group of overseas-born residents in Australia.

Challenges:

- **Differences in approach towards Indo-pacific:** While both have embraced the logic of the Indo–Pacific, important differences will remain. For India, the entire Indian Ocean will take precedence, while for Australia it will be the southwest Indian Ocean, its immediate north, and vast stretches of the South Pacific.

- **Asymmetric priorities:** For Australia, the challenge of China relates to its own politics, society, and economy, as well as the security of its wider region. For India, China is a direct military threat on a hotly contested border.

- **Issues faced by diaspora:** There have been reports of discrimination and racism against people of Indian origin in Australia.

- **Strains in the relations**:There is controversy surrounding the **Adani coal mine project** in Australia, which has led to protests by activists and has put pressure on the bilateral relationship.

How do they see China?

- Australia-China ties became strained due to several reasons, including Australia banning Huawei from the 5G network, a call for an enquiry into the origins of Covid-19 and slamming China's human rights violations in Xinjiang and Hong Kong.

- Both Australia and India support a rules-based international order and they are seeking to forge regional institutions in the Indo-Pacific which are inclusive and promote further economic integration.

Suggested measures:

- India and Australia should seek trilateral maritime and naval cooperation with Indonesia.

- Interoperability in the maritime sphere can deepen in terms of **maritime domain awareness, search and rescue operations, and humanitarian assistance and disaster relief.**

3 | India-Central Asia

As India cements its position as one of the fastest-growing major economies of the world, its increased engagement with the Central Asian region can lead to mutually beneficial gains — both in economic and strategic terms.

Why Central Asia assumes significance for India?

⊙ **Geostrategic location:** Central Asia, forms a part of India's extended neighbourhood. Its geographical proximity, strategic location, and historical linkages make it an important partner for New Delhi.

⊙ **Energy**: Central Asia is significant for India as it has an abundance of oil and gas deposits.

⊙ **Global power hub:** Strategically, Central Asia is emerging as the next high-stakes competition ground for global powers, hence, it would behoove India to pay closer attention.

⊙ **Significant transportation hub:** Central Asia is a major transportation hub for gas and oil pipelines and multi-modal corridors connecting China, Russia, Europe, and the IOR.

Recent initiatives:

⊙ **India-Central Asia Dialogue: A**s a part of moving India's engagement with the region forward, the first India-Central Asia Dialogue was held in Samarkand, Uzbekistan on 13 January 2019. India is also involved in three connectivity initiatives that involve Central Asia. These initiatives are the International North South Transport Corridor (INSTC), the Ashgabat Agreement and the development of Chabahar Port in Iran.

⊙ India's 'Connect Central Asia Policy' covers an entire gamut of a multi-model approach to strengthen politico-economic, security, and cultural ties between the two.

Suggested measures:

⊙ **Strategic and economic cooperation**: In Sectors like the construction industry, sericulture, pharmaceuticals, IT, and tourism offer potential for collaboration.

⊙ **People-to-people tie:** India must increase its developmental and humanitarian aid to the region and promote closer people-to-people ties through education, knowledge transfer, medicine and health, culture, cuisine, and tourism.

⊙ **Multilateralism:** While India has strong relations with the U.S., it needs to apply multilateralism in Central Asia.

4 | China-Russia

China and Russia have increased their cooperation on economic, security, and defense issues in the backdrop of the Russia-Ukraine War.

Elements of Russia-China Cooperation:

⊙ **Economic Cooperation:** The two countries are also jointly involved in infrastructure projects, such as the Belt and Road Initiative and the Eurasian Economic Union, which aim to enhance connectivity and economic integration across the Eurasian region.

⊙ **Military and Defense Cooperation:** Military cooperation between the two countries is seen as a counterbalance to perceived U.S. dominance and aims to enhance their respective defense capabilities.

⊙ **Strategic Alignment:** China and Russia share strategic interests in challenging what they perceive as U.S. hegemony and promoting a multipolar world order. They have developed a common approach to international affairs, advocating for a greater role for emerging powers and calling for reforms in global governance institutions.

Impacts on India:

⊙ **Geopolitical Challenges**: It creates a strategic alignment between two major powers that may have different interests or positions on issues relevant to India. This alignment can impact regional dynamics and potentially limit India's maneuverability in areas such as border disputes, regional conflicts, or multilateral forums.

⊙ **Regional Balance of Power**: The Russia-China partnership strengthens the overall balance of power in the region. The combined military capabilities and political influence of Russia

and China can influence the regional security environment, potentially affecting India's security interests.

◉ **Economic Competition**: India may face challenges in accessing Russian markets or attracting Russian investments due to Russia's closer economic ties with China.

◉ **Defense Implications:** Russia is a longstanding defense partner of India, supplying significant military equipment. However, if Russia prioritizes its defense exports to China or engages in joint military exercises or technology transfers with China, it may impact India's access to advanced defense technologies and affect defense cooperation between India and Russia.

5 India-Africa

India and Africa share a close and historical relationship. In contemporary times, the relationship has acquired a renewed push due to greater convergence in economic, defense, and maritime security interests.

The vitality of Africa for India

◉ **Trade and investment opportunities:** Africa is an important investment destination for Indian businesses because of the high growth potential of countries like Nigeria. India's bilateral trade with Africa touched $90 billion in 2021-22.

◉ **Energy security:** Africa is rich in natural resources including oil and gas, making it vital for the energy security of India which is the third largest energy consumer globally and highly dependent on imports.

◉ **Strategic partnership, defense, and security:** Over the last few years, India has consistently cultivated closer ties with African countries on the issues such as counterterrorism, maritime security, prevention of extremism etc.

◉ **South-South cooperation:** Due to the developing nature of India and most of the African countries, there is an immense potential to enhance engagement in global foras for achievements of shared interests and raising the collective voice.

◉ **Sustainable development:** India has taken a leadership role in the global efforts towards sustainable development, climate change, and energy transition. Cooperation with Africa is key to achieving these objectives because much of the future economic growth will come from the continent.

◉ **Soft power projection:** Africa has a central role in India's soft power projection beyond its borders through development partnerships, Humanitarian Assistance and Disaster Relief (HADR), tourism, etc.

Role of Indian diaspora in promoting India-Africa relations:

◉ **Investment:** Many Indian diaspora members are entrepreneurs and investors who have helped create employment in African countries especially South Africa, Kenya, Tanzania etc. They also act as a bridge between Indian and African businesses.

◉ **Cultural exchange:** Indian diaspora plays an essential role in cultural exchange between India and African countries. Indian community organizes festivals to showcase its culture and traditions further strengthening the bond between countries.

◉ **Lobbying:** Indian diaspora has been involved in political advocacy, and lobbying for greater cooperation between India and African countries. They have with the governments to promote policies that support collective interests.

Steps taken by India

◉ **India-Africa Defense Dialogue:** It focuses on new areas of convergence for defense engagements, including capacity building, training, cyber security, maritime security, and counter-terrorism paving the way for further strengthening of India-Africa defense relations.

◉ **India-Africa Forum Summit:** The forum brings together leaders from India and Africa to discuss the issue of mutual interests and explore opportunities for further cooperation.

◉ **Development assistance:** India has been an active partner of Africa in its development. It has provided grants, Line of Credit (LoCs) loans, investments in capacity-building programs, infrastructure development projects, etc. As of 2021, India has extended LoCs worth $11bn to African countries. This has helped India acquire the goodwill of the African people.

6 | G7

The Presidency of the Group of Seven has passed to Japan at a time when the war in Ukraine has injected new relevance into the forum while also highlighting the need for closer partnership with the Global South. Recently G7 summit meeting was held in Hiroshima, Japan. India was also invited to the summit meeting.

The G7 in a Changing World

- The origins of today's G7 go back a half century.

- In 1973, the finance ministers of the United States, Britain, France, and West Germany met to confer on measures to deal with the oil crisis and its economic impact. With the addition of Japan the following autumn, the forum became known as the Group of Five major industrial democracies.

- In 1975, the group expanded to include Italy. The forum became the G7 in 1976, when Canada joined.

- The world has changed dramatically in the half century since the forum's establishment, transformed by such events as the collapse of the Soviet Union, the September 11 terrorist attacks, and the financial crisis of 2008, along with the rise of China and the other emerging economies.

- In 2008, the Group of 20 held the first of its summits, and US President Barack Obama subsequently designated it the "premier forum for international economic cooperation," leading some to question the relevance of the G7.

- But perspectives have changed in the light of Russia's invasion of Ukraine and China's refusal to rule out force in achieving the reunification of Taiwan.

- In the G20 and other forums where Moscow and Beijing have a voice (including the UN Security Council and the World Trade Organization), it has become harder than ever to reach an agreement on key issues. As a consequence, the G7 has reemerged as an important framework for deliberation and cooperation among like-minded governments.

Significance of G7:

- **Economic powerhouses:** The G7 countries represent some of the largest economies in the world, accounting for a significant share of global GDP and international trade. They possess advanced industrial sectors, technological capabilities, and financial resources.

- **Aid and Development:** The G7 countries discuss and coordinate their efforts to address global poverty, health crises, and other development challenges, often setting priorities and commitments for aid and development initiatives.

- **Global Governance:** The member countries have significant influence in international organizations such as the United Nations, International Monetary Fund (IMF), World Bank, and World Trade Organization (WTO). They use the G7 forum to coordinate their positions on global issues and promote their common interests.

Importance of G7 for India:

- **Rules-based International Order:** The G7 countries uphold the principles of democracy, human rights, rule of law, and multilateralism. India shares these values and seeks to promote a rules-based international order.

- **Technology and innovation**: The G7 countries are at the forefront of technological advancements and innovation. Engaging with the G7 provides India with opportunities to collaborate on emerging technologies, research and development, digital governance, and cybersecurity.

- **Climate change and clean energy:** As India is one of the world's largest emitters of greenhouse gases and has significant energy needs, collaborating with G7 countries on climate change mitigation, renewable energy technologies, and sustainable development is crucial for India's environmental goals and energy security.

7 | Quad

The Quad has gained significant importance for India for the Indian Ocean and wider Indo-Pacific.

Significance of Quad for India:

- **Regional Security:** India, being a major regional power, has security interests in the Indian Ocean and the wider Indo-Pacific. The Quad provides a framework for cooperation among like-minded countries to maintain peace, stability, and freedom of navigation in the region.

- **Counterbalance to China:** China's increasing assertiveness in the region has raised concerns for many countries, including India. India sees the Quad as a strategic grouping that can help ensure a balance of power in the region, which is crucial for its own security interests.

- **Economic Cooperation:** India, being an emerging economic power, benefits from increased trade, investment, and technology exchanges facilitated by the Quad. It opens up opportunities for India to diversify its trade and investment partners and enhance its economic engagement with other countries in the Indo-Pacific.

- **Disaster Response and Humanitarian Assistance:** The Quad partners have demonstrated their commitment to cooperation in disaster response and humanitarian assistance.

- **Technological Collaboration:** The Quad also emphasizes technological collaboration in areas such as 5G, cybersecurity, artificial intelligence, and emerging technologies.

Challenges in front of Quad:

- **China's Response**: China views the Quad as a potential threat to its interests and has expressed concerns about its military implications and intentions. China may employ diplomatic, economic, and military means to undermine the Quad's unity and effectiveness, posing a challenge to the group's objectives.

- **Differing Priorities and Expectations:** Balancing the interests of all four members can be challenging, as each country may have different regional priorities, levels of commitment, and approaches to engagement.

- **Geostrategic Constraints:** The Quad faces certain geographical and logistical constraints in the Indo-Pacific region. It covers a vast area, and each member country has its own unique geographical challenges, ranging from the Indian Ocean to the South China Sea and the Pacific.

8 | BRICS

BRICS, which now consists of Brazil, Russia, India, China, and South Africa, is considering expanding its membership, and a growing number of countries have expressed interest in joining.

Significance of BRICS:

- **Political Dialogue:** Regular summits and ministerial meetings allow leaders to discuss issues of common concern, share perspectives, and coordinate positions on regional and global matters.

- **Development Financing:** BRICS has established institutions such as the New Development Bank (NDB) and the Contingent Reserve Arrangement (CRA) to provide development financing and financial stability among member countries.

- **Geopolitical Influence:** The BRICS countries collectively represent a significant portion of the world's population, landmass, and natural resources. By coming together, they seek to strengthen their geopolitical influence and promote multi-polarity in the international system.

- **South-South Cooperation:** BRICS embodies the principles of South-South cooperation, emphasizing collaboration among developing countries. BRICS serves as a platform for enhancing trade, investment, and technological exchanges among emerging economies, fostering inclusive and sustainable development.

Challenges for BRICS:

- **Economic Disparities:** BRICS countries vary in terms of economic size, development levels, and growth rates. Managing the economic disparities among member countries can be challenging. Differences in economic structures, trade imbalances, and unequal distribution of benefits from cooperation may hinder the smooth functioning of BRICS.

- **Geopolitical Differences:** BRICS member countries have different stances on regional and global issues, which can make consensus-building and joint decision-making challenging. Managing geopolitical differences and finding common ground on critical issues can be a complex task for BRICS.

- **Institutional Development:** BRICS has established institutions such as the New Development Bank (NDB) and the Contingent Reserve Arrangement (CRA). Ensuring effective coordination and governance within the BRICS framework remains a challenge.

9 | Indian Diaspora

There has been a rise in 'diaspora diplomacy' in the last few years as a tool for Indian foreign policy.

Significance of Indian Diaspora:

⊙ **Economic Contributions:** The Indian diaspora often excels in diverse fields such as information technology, finance, healthcare, entrepreneurship, and academia. Their skills, expertise, and investments contribute to job creation, innovation, and economic development in both India and their adopted countries.

⊙ **Remittances:** The Indian diaspora sends billions of dollars back home, which helps in improving the standard of living, supporting families, and boosting the economy. Remittances contribute to foreign exchange reserves, reduce poverty, and support various sectors such as education, healthcare, and infrastructure.

⊙ **Cultural Exchange and Soft Power:** People of Indian origin promote Indian culture, traditions, cuisine, and languages in their adopted countries, fostering a deeper understanding and appreciation of Indian heritage.

⊙ **Diplomatic Influence:** They advocate for India's interests, promote bilateral relations, and contribute to policy discussions and decision-making processes.

Challenges:

⊙ **Identity and Integration**: Maintaining a sense of cultural identity while adapting to the cultural norms and practices of the host country can be a challenge for the diaspora.

⊙ **Discrimination and Racism:** Like any immigrant community, the Indian diaspora may encounter discrimination, racism, or xenophobia in their host countries. They may face stereotypes, prejudice, or bias based on their ethnicity, religion, or national origin.

⊙ **Legal and Immigration Issues**: The Indian diaspora may face legal and immigration-related challenges, including obtaining residency permits, work visas, or citizenship in their host countries.

⊙ **Cultural Adjustment**: Adjusting to a new culture, language, and social norms can be challenging for the diaspora. Adapting to new social structures, etiquette, and ways of life requires time, effort, and flexibility.

10 | South-South Cooperation

India has had a long history of South-South Cooperation which reflects in its essential role in popularizing NAM and an anti-colonialism stand that India took after its independence.

⊙ India has strong relations with developed and developing countries which encompass economic, security, technological, space, and cultural aspects. This helps India achieve its foreign policy objectives efficiently and results in a mutually beneficial partnership.

Importance of South-South Cooperation for India

⊙ **Development partnerships**: India has supported developing peers with Lines of Credit, loans for healthcare, infrastructure development, etc.

⊙ **Cooperation at multilateral bodies**: India has voiced concern of the emerging economies at the multilateral groupings like IMF, WTO, the UN.

⊙ **Reform of the multilateral structure**: India believes that the current multilateral world order does not represent the realities of changed world order and along with countries of the Global South it has advocated for reform.

⊙ **Economic Growth:** Cooperation with developing countries is crucial for India to achieve accelerated growth through investment, the flow of labor, etc.

⊙ **Technological cooperation and innovation:** Partnership can help India access new technologies in the fields of security, infrastructure, and agriculture, etc.

⊙ **Flow of trade:** Increased trade results in employment and income generation. Hence, promoting economic growth.

⊙ **Cooperation in global issues:** World is faced with pressing challenges like terrorism, global warming, climate change, climate finance, etc. and to deal with them efficiently cooperation is necessary.

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Effects of Policies & Politics of Developed Countries on India's Interests

Topic of This Chapter

<table>
<tr><td>**1**</td><td>**Impact of Taliban's Takeover on India's Relationship with West Asia**</td></tr>
</table>

There were concerns related to impacts on India's relations with Central and West Asia because of the crucial role of Afghanistan in India's approach toward these regions.

Impact of the development on India's relations with Central and West Asia:

◉ **Threat to physical connectivity**: India invested heavily in the Zaranj-Delaram Highway in Afghanistan which acts as a link between Central Asia and the Chabahar port in Iran. The initiative became less viable following the Taliban's return to power. The Turkmenistan–Afghanistan–Pakistan–India (TAPI) pipeline also got stuck.

◉ **Increased strategic depth for Pakistan:** With the Taliban ruling Afghanistan, Pakistan has got the upper hand in influencing the politics of the country. It has used it to derail India's approach to the regions.

◉ **Impact on economic relations with West Asia**: West Asian region is a major supplier of crude oil to India. Instability in Afghanistan has had a ripple effect on countries like Iran that can impact India's economic relations anytime.

Positive impacts:

◉ **Increased collaboration:** India has increased its collaboration on defense, security, and intelligence level with the countries in the region. For ex, I2U2 was launched along with Israel, UAE, and the US.

◉ **Strengthening of ties with the Gulf countries:** Due to the common challenges of Central Asian Republics (CARs), West Asian countries now aspire for a greater role in India. India along with CARs established a joint working group at the senior officials' level.

<table>
<tr><td>**2**</td><td>**Russia-US**</td></tr>
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Due to the ongoing Russia-Ukraine War, the relations between Russia and the US have taken a further downward trend with some diplomatic implications for India.

Background:

◉ The relationship between Russia and the United States is influenced by a wide range of factors, including domestic politics, national interests, regional dynamics, and global power dynamics.

◉ The trajectory of their relationship can be unpredictable and subject to significant shifts based on changing circumstances and policy decisions.

Trends in the US-Russia Relations:

◉ **Strained Relations**: The relationship between Russia and the United States became increasingly strained in the 2000s and 2010s. Issues such as NATO expansion, missile defense, human rights concerns, and disagreements over regional conflicts like the wars in Georgia and Ukraine contributed to deteriorating relations.

◉ **Ukraine Crisis and Sanctions:** The Ukraine crisis in 2014, sparked by Russia's annexation of Crimea, led to a sharp deterioration in Russia-US relations. The United States, along with the European Union, imposed economic sanctions on Russia in response to its actions in Ukraine.

◉ **Election Interference and Cybersecurity**: Russia's alleged interference in the 2016 US presidential election has further strained relations between the two countries. The United States has accused Russia of cyberattacks, disinformation campaigns, and meddling in its democratic processes.

◉ **Arms Control and Strategic Stability**: The United States and Russia have been engaged in arms control efforts for decades. However, recent challenges, including the expiration of the Intermediate-Range Nuclear Forces (INF) Treaty in 2019 and the uncertain future of the New START treaty, have raised concerns about the erosion of strategic stability between the two countries.

◉ **Regional Conflicts:** Russia and the United States have found themselves on opposite sides of various regional conflicts, including the Syrian civil war. Their differing positions on issues like the Assad regime's future, support for opposing factions, and the role of Iran in the region have contributed to disagreements and heightened tensions.

Impacts on India:

- **Regional Dynamics**: The strained Russia-US relations can impact regional dynamics in areas of India's interest, such as Central Asia, Afghanistan, and the Middle East.

- **Economic Implications:** Russia and the United States are both important economic partners for India. Trade and investment relations with these countries could be indirectly impacted by their strained relations.

- **Defense Cooperation**: Russia has been a longstanding defense partner of India, supplying a significant portion of India's military equipment. The strained relations between Russia and the United States, particularly regarding defense matters, could affect India's defense procurement and technology access.

3 | Indo-Pacific Region

Due to the presence of many powers like the US, China, India, etc. the Indo-Pacific region has gained salience in the diplomatic and strategic aspects.

Significance of Indo-Pacific for India:

- **Economic Significance:** The Indo-Pacific region is home to some of the world's fastest-growing economies, major trade routes, and important shipping lanes. It plays a crucial role in global trade, energy flows, and maritime commerce.

- **Strategic Importance**: The Indo-Pacific region holds significant strategic importance due to its maritime domain, which provides access to important sea lines of communication (SLOCs) and critical chokepoints. The region is home to major military powers, including the United States, China, India, Japan, and Australia, who have geopolitical interests in the area.

- **Connectivity and Infrastructure Development**: The region has seen increasing focus on connectivity and infrastructure development initiatives, such as China's Belt and Road Initiative (BRI) and India's Indo-Pacific Oceans Initiative (IPOI). These initiatives aim to enhance connectivity, trade, and development in the region while also raising questions about competition, debt sustainability, and geopolitical influence.

- **Rules-based Order and Multilateralism:** Many countries in the Indo-Pacific region advocate for a rules-based international order, respect for international law, freedom of navigation, and peaceful resolution of disputes. They emphasize the importance of multilateralism and regional cooperation to address common challenges and maintain stability.

Challenges for India in the region:

- **China's Rise:** India is navigating China's increasing influence in the Indo-Pacific region, both economically and militarily. China's assertive behavior in the South China Sea, its Belt and Road Initiative (BRI), and its growing military capabilities pose challenges for India's regional aspirations and security interests.

- **Maritime Security**: As a key player in the region, India faces maritime security challenges, including piracy, terrorism, smuggling, and illegal fishing. It needs to protect its maritime interests, secure its sea lanes of communication, and counter potential security threats in the Indian Ocean region.

- **Geopolitical Competition**: The Indo-Pacific region is witnessing increasing geopolitical competition, particularly between India and China. The border disputes between the two countries, especially along the Line of Actual Control (LAC), present a significant challenge to India's security and influence in the region.

- **Balancing Act:** India aims to maintain strategic autonomy and a balanced approach in the Indo-Pacific region. It faces the challenge of managing its relationships with major powers, including the United States, China, Japan, and Russia, while safeguarding its national interests and avoiding entanglements in geopolitical rivalries.

4 | South China Sea

South China Sea is one of the most fiercely contested regions globally with the presence of many regional and local powers like the US, China, etc. Strategic geographical location, lack of demarcation coupled with China's hegemony, and vast energy resources are some of the reasons for increasing contentions among the countries.

India's interests:

◉ **Energy security:** As a rapidly growing economy and third largest energy consumer globally, India is increasing collaboration with littoral countries like Vietnam to tap the vast energy resources in the region.

◉ **Trade:** Significant amount of India's trade passes through the South China Sea. Hence, ensuring uninterrupted sea lines of communication is in India's interest.

◉ **Defense and strategic cooperation**: India has developed strategic partnerships with Vietnam, Japan, South Korea, the US, etc. to maintain peace and stability in the region.

India's views in the region:

◉ **Rules-based international order:** India has expressed concern over the militarization of the South China Sea and the increased assertiveness of China in the region.

◉ **Freedom and navigation and overflight:** India has emphasized the need for a rule-based international order based on freedom of navigation and overflight which is critical for maintaining peace and stability in the region.

◉ **Peaceful resolution of disputes:** India supports peaceful resolution of disputes in accordance with international law.

5 | Changing World Order

The world order is not static and has experienced significant changes throughout history. In the last few decades, there is a visible change in the global world order.

Background: Manifestation of changing world order

Emerging new Cold-War: This is due to the emergence of a New Cold War between the US & China, which amounts to a struggle for a new distribution of power—political, economic, and military. Moreover, the differences between the US, China, and Russia have become intractable.

Decline of US-led order: The prominent feature of the current world order is the US's retrenchment from global affairs. This can be reflected by the withdrawal of the US the Paris Climate deal, JCPOA, etc.

Shifting balance of power to Asia: With the rise of China and India the economic pivot has shifted to Asia.

◉ **Declining Role of UN:** Due to internal conflicts among the major powers, the US has largely failed to address the challenges, giving rise to mini-lateralism.

Factors behind changing world order

◉ **Shifting Power Dynamics**: The rise of new powers, particularly China, and the relative decline of Western dominance, primarily the United States, have led to a rebalancing of power in the international system. Emerging economies such as India, Brazil, and Russia also play influential roles, contributing to a more multipolar world.

◉ **Technological Advancements**: Rapid advancements in technology, particularly in areas such as information technology, artificial intelligence, and biotechnology, are reshaping the global landscape.

◉ **Globalization and Interconnectedness:** Increasing interconnectedness through trade, finance, and communication has led to a highly globalized world. This interconnectedness has created interdependencies among states and facilitated the flow of information.

◉ **Changing Norms and Values:** There is an increased focus on issues such as sustainability, gender equality, human rights, and democratic governance, shaping the priorities and behavior of states and societies.

◉ **Regional Integration and Cooperation:** Regional blocs and organizations have gained prominence, leading to increased regional integration and cooperation. Examples include the European Union, ASEAN, and the African Union. Regional dynamics and institutions are influencing the global balance of power and shaping the world order.

Changing world order and impacts on India:

◉ **Economic Opportunities and Challenges:** As the global economic center of gravity shifts towards Asia, India has the potential to benefit from increased trade, investment, and economic cooperation.

- **Regional Dynamics:** India's regional dynamics are influenced by the changing world order. As regional integration and cooperation gain prominence, India has been actively engaging with regional organizations such as ASEAN, SAARC, and the Indian Ocean Rim Association. India's foreign policy in the region is shaped by evolving dynamics and power shifts.

- **Security Concerns**: It includes managing strategic rivalries, countering terrorism and extremism, and ensuring maritime security in the Indian Ocean region.

6 Nuclear Disarmament

India has been a strong supporter of nuclear disarmament despite possessing nuclear weapons. The approach is a balance between India's efforts towards global peace and necessary deterrent in the face of nuclear-armed neighbors i.e. China and Pakistan.

India's viewpoint on global nuclear disarmament:

- **Establishment of a nuclear-free world:** India believes possession of nuclear weapons poses a threat to global security and that the only way to ensure peace and stability is for all nuclear weapons to be destroyed.

- **Discriminatory current regime:** Nuclear Non-proliferation Treaty (NPT) forms the basis of current efforts for nuclear disarmament but India finds it discriminatory as it creates a system of 'haves and have-nots.' Because of this India has refused to sign the Treaty.

- **Selective actions for disarmament:** India believes that the international treaties are aimed at disarmament and non-proliferation as they are selectively applicable legitimizing the monopoly of five recognized nuclear power states.

Future of nuclear disarmament

- **Signs of progress:** 2017 Treaty on Prohibition of Nuclear Weapons (TPNW) was a major milestone in the global efforts to eliminate nuclear weapons.

- **Efforts to reduce the number of nuclear weapons:** There are some efforts at a bilateral level between the US and Russia, the two largest nuclear weapon states. The START treaty, signed in 2010 aims to curb the deployment of nuclear weapons.

Challenges that still remain:

- **Lack of initiative from nuclear-armed states:** Nuclear-armed states have not taken concrete steps at the global platforms as they are wary of giving up the weapons. None of the nuclear-armed states signed the TPNW, limiting the disarmament efforts.

- **Emerging geopolitical scenario:** The ongoing war in Ukraine has reinforced the need for nuclear weapons as a credible deterrence. Against this backdrop, disarmament will be even more challenging.

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International Institutions

Topic of This Chapter

1 | India's Presidency of G20

India assumed the presidency of the G20 forum.

Background:

- The G20 or Group of 20 is an intergovernmental forum comprising 19 countries and the European Union (EU). Its major focus areas are related to international financial stability, climate change mitigation, and sustainable development among others.
- With its collective economic heft and greater representation, G20 has become more relevant than earlier groupings like G7.
- Together, the G20 countries account for almost two-thirds of the global population, 75% of global trade, and 85% of the world's GDP.

Advantage of G20 as a world forum:

- **Better representation of global economic interests:** The Group represents approximately 85% of the global GDP and two-thirds of the world's population, thus making it a highly representative forum for the coordination of economic relations in world affairs.
- **More Inclusive:** The group provides a collective platform for developed and emerging economies to address global economic challenges in a more inclusive and consensus-oriented.
- **Crucial role in coordinating policy responses:** especially after the 2008 global financial crisis the relevance of the grouping has increased to coordinate policy responses in volatile situations.
- **Greater cooperation**: Other than the members, G20 also invites other countries, international organizations, and nongovernmental organizations to attend the summits thus increasing cooperation.

2 | Reforms in the United Nations

During the UNSC membership, India outlined

Outdated structures of the UN:

- **Lack of power to the General Assembly**: UNGA can only make non-binding recommendations which is a reason for the failure of the UN to tackle important issues like conflicts, global terrorism, climate change etc.
- **Veto power:** The P5 nations namely the US, the UK, Russia, China, and France continue to hold the veto power in the UN Security Council which is one of the most important multilateral decision-making bodies. Deep polarization among these countries impact positive outcomes.
- **Lack of adequate representation**: There is no representation from Latin America, Africa or South Asia in the UNSC which results in suppression of the voice of developing countries.

NORMS:

- NORMS stands for **New Orientation for Reformed Multilateralism.**
- It was the guiding principle for India's two-year term as a non-permanent member of the UNSC which ended in December 2022.

Potential impact:

- **Building of alliances for the greater good**: The NORMS has opened up possibilities for increased cooperation through dialogue with like-minded countries looking for an overhaul of the structure. India's cooperation with the G4 countries can get an additional push.
- **Highlighting the issues that go beyond the interests of the P-5 nations:** The principle can help evolve consensus on more pressing issues like sustainable development, equitable economic growth for all, etc.
- **Push for reformed multilateralism:** NORMS envisages reform in all three pillars of the current multilateral architecture (peace and security, development, and human rights), with the UN at its center. Some progress can be made in that regard.

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Reflective Questions

Polity

Q 1. The Preamble serves as a brief introductory statement that sets out the guiding purpose, principles, philosophy and spirit of the Indian Constitution. Examine.

Q 2. Illustrate how the Constitution of India is distinctive in its own way, notwithstanding being a blend of various constitutions around the world. Also, discuss how Indian Secularism is different from Western Secularism.

Q 3. The Indian Constitution is mainly federal with unique safeguards for enforcing national unity and growth. In view of the above statement, explain the federal features of the Indian Constitution.

Q 4. With respect to financial oversight undertaken by the Parliament, discuss the mechanisms utilized before and after the budget is passed.

Q 5. Compare the functions and Powers of Lok Sabha and Rajya Sabha. Present a reasoned argument in support of reform measures required in both the houses.

Q 6. The scope and ambit of fundamental rights have expanded over the years, both in terms of legal aspects, as well as on a substantive basis. Comment and substantiate the argument with relevant examples.

Q 7. Indian constitution presents India as a compromise between the British Parliamentary Sovereignty of and American Judicial Supremacy. What are the arguments for and against the statement? Elaborate with examples.

Q 8. Though Directive Principles of State Policy (DPSP) are non-justiciable, the moral backing of these principles have played an important role in shaping the government policy since independence. Comment.

Q 9. Despite being part of the Indian Constitution for more than four decades, Fundamental Duties have remained mere guidelines without any legislative backing. Do you agree with this view? Justify your answer with suitable examples.

Q 10. The theory of Basic Structure of the Constitution has not only put constraints on excessive use of powers by the executive, but it has also prevented the legislature to subvert or deviate from any fundamental principles of the Indian Constitution. Discuss.

Q 11. The "Doctrine of Essentiality" applied by the Supreme Court on the Religious rights of Indian Citizens is ambiguous and has scope for overriding the "Doctrine of Principle Distance" of Indian Secularism. Do you agree? Justify your answer, highlighting the Supreme Courts' recent judgments.

Q 12. The Indian constitution guarantees the fundamental rights of both individuals and communities. However, in recent years, the Indian judiciary has given more primacy to individual rights over community rights. Do you agree with this view? Justify your answer with suitable examples.

Q 13. "The principle of individual responsibility in the Indian Parliamentary System is used through the instrumentality of the Prime Minister to secure principle of collective responsibility." Analyse.

Q 14. The Indian Presidency differs from most other Presidencies across the world. Do you think the Indian President serves a purely ceremonial role? Give reasons in support of your answer. Also, discuss the discretionary powers of the President of India.

Q 15. While the Governor is the nominal executive authority, the Chief Minister is the real head of the state. In light of

the above statement, discuss the role of Chief Minister in a parliamentary form of government.

Q 16. Though the Centre and the States are supreme in their respective fields, the Constitution places certain limitations on the territorial jurisdiction of the Parliament. Discuss the limitations on the territorial jurisdiction of the Parliament.

Q 17. The office of the Governor with respect to the Sixth Schedule has many important functions, but it has been observed that there are overlapping functional responsibilities between the States and the District councils along with a lack of clarity in the role of Governor. Discuss.

Q 18. Despite states share distribution of power with the Centre in a federal system, the Union Territories are under the direct control and administration of the Central government. Explain the areas of administration of the UTs under the direct control of the Central government.

Q 19. Although the Attorney General of India doesn't enjoy the right to vote in Parliament, he plays a vital role both inside and outside the house with respect to role played in governance. Analyze.

Q 20. The role played by Finance commission in maintaining the fiscal federalism in India is credible, although with lacunae. Analyze. Do you think further rationalization of Centrally Sponsored Schemes will help in better realization of targets of Finance Commission? Give favorable arguments.

Q 21. Explain how CAG is instrumental in securing accountability of the executive to the parliament in the sphere of financial administration. List the constitutional provisions to ensure the independence of CAG.

Q 22. Discuss the controversies faced by India's foremost investigation agency CBI which is blamed to be governed by British-era law. Also, analyse why is CBI is termed as a "caged parrot".

Q 23. In the wake of recent allegations of sexual harassment against former Chief Justice of India, discuss conflict between judicial independence and judicial accountability. Suggest remedial measures.

Q 24. Inter-state riverine disputes have been in controversy since independence but not much has been concretized regarding the permanent solutions. The Inter-State River Water Disputes Amendment Bill, 2019, gives hope in providing the way forward. Critically analyze the provisions mentioned in the bill and suggest the way forward.

Q 25. "Preventive detention is a necessary evil only to prevent public disorder, however, the State should not arbitrarily resort to 'preventive detention' to deal with all 'law and order' problems". Analyse.

Q 26. While elucidating salient features of Presidential form of government, examine the causal factors which prevented India from accepting the above mentioned form of government.

Q 27. While the idea of the Basic Structure to the Constitution is well established, its contents cannot be completely determined with any measure of finality until a judgment of the Supreme Court spells it out. Analyse.

Q 28. The Ministers in the state shall hold office during the pleasure of the Governor. In the light of the above statement, discuss whether the Governor is competent to dismiss a Council of Ministers.

Q 29. The scheme of distribution of legislative subject between Centre and state is either modified or suspended in abnormal times. In light of the above statement, examine the areas where the Parliament legislates in a state's field during abnormal times.

Q 30. The Judiciary faces the uphill task of huge pendency and speedy justice is the right of every litigating person. It has come under criticism for allegedly being an elitist institution and constitutional functionaries have suggested structural changes to make it more people-friendly. Explain.

Q 31. Discuss the constitutional framework dealing with the principle of checks and balances in India.

Q 32. Analyze the impacts of First Constitutional Amendment on the fundamental rights of citizens.

Q 33. Discuss the negative impacts of the Sedition Act on the functioning of Indian democracy. Do you think its high time that this act should be done away with? Provide arguments to justify your answer.

Q 34. Analyze the reasons for the rise of protest in India in the last few years. Do you think the trend strengthens the democracy in India?

Q 35. Analyze the co-relation between the rights and duties for the efficient functioning of democracy in India.

Q 36. Discuss the most significant differences between the secularism followed by Indian and the Western constitutions.

Q 37. Analyze the concerns associated the weaponization of defamation laws in India in the recent times.

Q 38. Discuss the challenges created by the asymmetric financial relations between the states and Union for the federalism in India.

Q 39. The "new climate federalism" model proposes a framework for the federal, state and local governments to work together to address climate change. Elaborate.

Q 40. Discuss the need to reform the 'division of power' in the List system to tackle the challenges created in the recent times.

Q 41. Discuss the impact of inter-state border disputes on the peace and security of India. Suggest some effective measures to overcome them.

Q 42. Discuss the reasons for failure of the legal mechanisms to resolve the recurring issue of water disputes between the states. Suggest some measures to overcome the challenges.

Q 43. Analyze the reasons behind the increased confrontation between the Centre on one hand and states on the other. Suggest some measures to promote the spirit for cooperative federalism in the country.

Q 44. Do you think anti-conversion laws in India serve their purpose well? Substantiate your answer with adequate examples.

Q 45. Discuss the challenges created by enactment of a Uniform Civil Code (UCC) for the whole territory of India.

Q 46. Abjuring hate speech is the fundamental requisite for maintenance of communal harmony. In the light of the statement, analyze the growing challenge of hate speech in India.

Q 47. Do you agree with the view that the existence of laws related to preventive detention is necessary for the functioning of democracy of they act as a blot? Justify your answer.

Q 48. Analyze the position of India vis-à-vis right to be forgotten. Mention the challenges associated with enforcement of the right.

Q 49. Analyze the challenges associated with the decline of productivity of parliament vis-à-vis accountability of the executive. What are the steps that can be taken to tackle the situation?

Q 50. What is delegated legislation? Do you agree with the view that delegated legislation disturbs the principle of 'separation of power'?

Q 51. Discuss the utility of parliamentary committees in strengthening the spirit of debate and deliberation in the Indian democracy.

Q 52. Once a person is elected Speaker, he is expected to be above parties, above politics. In the light of the above statement, discuss the challenges associated with the functioning of the Speaker in India.

Q 53. Discuss the role of Rajya Sabha in strengthening the federalism in India. Do you think it has been successful in upholding the vision laid by the Constitution?

Q 54. How does Article 105 of the Constitution protect MPs? What are reasons behind the rising cases of breach of privileges by the parliamentarians?

Q 55. Discuss the flaws in the current anti-defection law in India. Do you think the Anti-defection Act restricts the freedom of speech of the lawmakers?

Q 56. Discuss the significance of doctrine of neutrality for upholding the constitutional morality in India.

Q 57. Discuss the relevance of 'principle of neutrality' in the office of Governor in

India. Highlight the concerns that have affected the principle in the last few years. Substantiate with adequate examples.

Q 58. It is a constitutional imperative that an authority must be accountable if it wields power. In the light of the statement examine the status of judicial accountability in India.

Q 59. Highlight the challenges associated with the functioning of the collegium system in India.

Q 60. Pre-retirement judgments are influenced by the post-retirement appointment. In this context discuss the need to ban post-retirement appointment of judges in India.

Q 61. Judicial review provides the remedy to prevent any abuse when harsh measures become necessary to deal with extraordinary situations. Elaborate.

Q 62. What are the cause and consequences of huge backlog of court cases in India? Examine the potential of All India Judicial Service to strengthen the overall justice delivery system in the country.

Q 63. Analyze the potential of All India Judicial Services to overcome the challenges faced by the Judiciary in India.

Q 64. Discuss the challenges associated with the criminal laws in India. Suggest some reforms to make the criminal laws attuned with contemporary challenges.

Q 65. Custodial violence raises serious questions about the credibility of the Rule of Law and administration of criminal justice system. In light of the statement explain the reasons for rising cases of custodial deaths in India.

Q 66. Discuss the reasons and the challenges associated with the high number of under-trials languishing in Indian prisons. Suggest some measures to overcome the challenge.

Q 67. What is the 'rarest of rare doctrine' in the criminal justice system in India? Bring out the reasons behind the surge in number of death penalty by the lower courts in the last few years.

Q 68. Analyze the challenges associated with the rising 'tribunalization of justice' in India. Do you think tribunals have been successful in carrying out their madate? Justify your answer.

Q 69. 'PIL now being abused by publicity mongers'. In light of the observation, suggest some ways to strengthen the tool for the democratization of justice in India.

Q 70. In the face of high pendency of court cases, discuss the potential role of technology to make the judiciary in the country more efficient.

Q 71. Discuss the role of National Judicial Infrastructure Corporation in overhauling the judicial infrastructure in India. Suggest some alternative mechanism to solve the problem.

Q 72. Analyse the reasons behind the increased instances of recusal of judges in the last few years.

Q 73. Discuss the rationale behind the existence of contempt of court framework for the functioning of judiciary.

Q 74. Highlight the importance of independence of Election Commission of India to uphold the free and fair election in India. List the instances that have affected the independence of the poll body.

Q 75. Free and fair elections form the bedrock of a strong democracy and Election Commission remains at the center. In the light of the statement suggest some measures to strengthen the functioning of the EC.

Q 76. Do you think One Nation One Election is the idea whose time has come? Provide arguments to substantiate your answer.

Q 77. Do you think that the Representation of the People Act, 1951, should be amended to provide that a person should be allowed to contest only from one seat? Justify your answer.

Q 78. The present system of electoral bonds is flawed and fails to provide level playing field. In this context, examine the feasibility of national electoral fund to hold free and fair elections in India.

Q 79. India has experienced the politics of freebies for a long time. In this context, discuss the pros and cons of Freebies? Do

you think criminalization of politics is one of the outcomes of these freebies?

Q 80. When criminals turn into elected representatives and become law-makers, they pose a serious threat to the functioning of a democratic system. In light of the statement analyze the challenges associated of criminalization of politics in India.

Q 81. Discuss the reasons for poor intra-party democracy in Indian part system. Suggest some measures to overcome the challenge.

Q 82. Robbing a person confined in a civil prison of the right to vote is plainly discriminatory. In the light of the statement analyze the issues associated with right to vote for under trials and civil prisoners.

Governance & Social Justice

Q 83. Right to Information Act (RTI) is one of the most powerful tools for ushering in Good Governance. In light of this statement, critically assess the efficacy of the RTI as a tool of accountability and transparency in governance. Also, briefly highlight the recommendations of 2nd ARC in this regard.

Q 84. "Competitive governance" among states can usher in much-needed energy in the governance discourse. In this light examine the significance of good governance index.

Q 85. "E-governance can facilitate inclusiveness in governance and bring social transformation in India." Discuss. Also, explain the impediments for the success of e-governance initiatives in India.

Q 86. Examine the significance of Citizen's Charters in improving organisational transparency, accountability and quality of services. Also, highlight the importance of the recently drafted Model Panchayat Citizens Charter.

Q 87. The digital aspect of urban development is indispensable to modern urban development. Elaborate. Also, analyze the potential of the national urban digital mission to strengthen the capacity of the urban digital ecosystem.

Q 88. Civil Services in India need a systemic overhaul to stay relevant and effective to cater to the challenges of 21st-century governance. Discuss. How will Mission Karmayogi reform Indian bureaucracy and prepare civil servants for the future?

Q 89. What do you understand by the concept of social accountability? Explain how Social accountability mechanisms can contribute to improved governance, empower citizens and ensure better service delivery.

Q 90. Hailed as one of the bulwarks of the democratic system of government in India, CAG's role as a guardian of the public purse is irreplaceable and crucial. Discuss the scope and role of the CAG in ensuring transparency and accountability. Also enlist steps to strengthen the institution further.

Q 91. Why is India struggling to achieve tangible results against corruption? Critically analyze the role of the Central Vigilance Commission (CVC) in curbing corruption in the country.

Q 92. "A robust mechanism for the protection of whistleblowers in a time-bound manner is necessary to promote an environment to encourage people to blow the whistle about wrongdoings". In this context critically examine the various features of the Whistleblowers Protection Act.

Q 93. Self Help Groups (SHGs) have emerged as the most successful strategy in the process of rural development, poverty alleviation, and social empowerment in India. However, they are facing numerous problems which are creating obstacles to their growth. Discuss. Also, highlight the various steps taken by NABARD to promote SHG in India.

Q 94. Discuss the critical role played by NGOs in developing society, improving communities, and promoting the participation of the citizens. Do you think that increased regulations over NGOs in India have crippled their functioning?

Q 95. Women in India face several challenges in moving up the career ladder in Science, Technology, Engineering and Mathematics (STEM) fields due to systemic barriers and societal factors. Discuss. Suggest measures to be taken by the government in this regard.

Q 96. Where there is no civil society there cannot be citizens with capacities. Explain. Also, identify the challenges faced by the civil society in India and suggest measures for their greater effectiveness.

Q 97. India has made significant advances in the health of its populations, yet rural communities continue to face health challenges and disparities. Discuss with suitable examples. Highlight the various initiatives taken by the government and suggest further intervention needed in this regard.

Q 98. The gendered notion of exploitations, in the name of socio-economic development, has evolved the instances of modern slavery. Critically analyze the statement and suggest the way forward.

Q 99. The fourth Estate has an indispensable role in the functioning of democracy. Discuss how it moulds and morphs public opinion and policymaking in India.

Q 100. The coalition of Non-Governmental Organizations (NGOs) and the government can act as a "think tank" to drive the development forward. Analyze.

Q 101. The government system is too well-entrenched and too vast for a few lateral entrants to make a difference. Analyse.

Q 102. Discuss the evolution of environmental movements in India with emphasis on role played by civil society in making them successful.

Q 103. Critically analyse the relationship between poverty and gender in India. Suggest measures to solve the issue of 'feminisation of poverty'.

Q 104. The time is ripe to rethink our strategies to overcome challenges and focus on creating a road safety revolution in the country. Justify the statement and also discuss the significant measures taken by the government to improve road safety and ameliorate the impact of road accidents.

Q 105. "Caste specification" during the Census exercise and its analysis thereafter can give great insights to fine-tune the development agenda for the future. In this regard, analyse the challenges, opportunities as well as threats which it may pose.

Q 106. Do you agree with the view that the true essence of inclusivity and democracy for the transgender community will be realized when they will be made equal stakeholders in the government? Comment.

Q 107. Regulating betting with proper legislation will be better than banning it. Else, there would be a substantial monetary loss which is neither feasible nor desirable. Do you agree with this view? Give arguments in favour of your answer.

Q 108. "Informed legislation will help in realizing the stated objects of various laws and this requires a detailed impact assessment of legislation." In light of this statement, analyse the need for 'Legislative impact assessment".

Q 109. Since the inception of National Human Rights commission in India, many issues have been surrounding its functioning and despite its success, a lot needs to be done for better outcomes from the institution. Comment with respect to NHRC amendment Act 2019.

Q 110. Migration and related issues present major socio-economic challenges for the governance of a country. The discourse for their welfare must move beyond the basics of food, clothing and shelter. Analyse the government's interventions in this regard. What more needs to be done for ensuring the social security of the migrants?

Q 111. National Education Policy (NEP 2020) prioritizes the attainment of foundation literacy and numeracy (FLN) for all children as an "urgent national mission". What are the key challenges that have to be overcome to achieve this goal?

Q 112. Critically discuss the need for Criminal justice reforms in India. Explain how the Supreme Court judgments have established a new legal precedent of making reforms reform-oriented rather than punishment-oriented.

Q 113. Examine the role of e-governance in facilitating good governance and empowering Indian citizens. Substantiate with suitable examples.

Q 114. Discuss the role of National Data Governance Framework Policy in maximizing data-led governance and catalyzing data-based innovation in India.

Q 115. Efficacy of RTI Act is threatened by opacity, opposition from bureaucracy and lawmakers. In this context suggest measures to strengthen the RTI Act.

Q 116. Analyse the challenge created by the All-India Services in upsetting the Centre-state relations.

Q 117. Mission Karmayogi is about creating a civil service with domain, technological competencies and empathy. Examine with suitable examples.

Q 118. Discuss the challenges associated with ensuring the accountability of civil servants in India.

Q 119. Aspirational Blocks initiative has the potential to take development further closer to the grassroots. Discuss.

Q 120. The objective of social audit is to create awareness among beneficiaries about the scheme, to empower public/beneficiaries to hold the government accountable. In light of the statement examine the success of social audit in India.

Q 121. What are reasons for the failure of the cooperatives to achieve their full potential in India? Highlight the recent reforms and their potential impacts on the cooperatives.

Q 122. Discuss the need for more resources, both trained professionals and funds, for urban local bodies for the efficient public service delivery in India.

Q 123. Self-reliant Panchayats are fundamental for the self-reliant India. In this context analyse the challenges associated with the functioning of Panchayats in India.

Q 124. The PESA Act was enacted to empower local communities in tribal areas, but its implementation on ground has remained questionable. Analyze with adequate examples.

Q 125. Examine the functioning of sixth schedule for ensuring the autonomy of tribal areas in Indian states.

Q 126. Analyze the reasons for inefficiencies plaguing Indian investigating agencies despite several observations made by the Supreme Court of India (SC) to improve the situation.

Q 127. Discuss the challenges associated with the multiplicity of the human rights bodies in India. Do you think creation of single body will solve the challenges? Justify your answer.

Q 128. Highlight the challenges associated with the regulation of Over-the-Top platforms in India.

Q 129. Analyze the potential challenges created by the enforcing the digital sovereignty norms in India.

Q 130. Data protection legislation is still missing in India which places the privacy and other digital rights of users at risk. In the light of the statement list the factors inhibiting India to formulate a comprehensive data protection framework.

International Relations

Q 131. As close neighbours, India and Nepal share a unique relationship of friendship and cooperation. Identify the areas of interdependence and issues between India and Nepal. Suggest measures to leverage this inter-dependency to improve relationships.

Q 132. The Indian diaspora spread throughout the world is the most robust and influential strategic asset in the hands of Indian policy makers today. Comment with examples. Also, highlight the engagement of India with Diaspora in recent times.

Q 133. China continuous infrastructure development along the LAC (line of actual control) has increased the security vulnerabilities of India. Do you think that India needs to revisit its Tibet policy to secure its interest in the eastern sector?

Q 134. The SCO provides India a convenient channel for its outreach, trade, and strategic ties, to Central Asian countries. Explain.

Q 135. To promote its development interests, India must overhaul its approach to economic diplomacy. Critically evaluate the statement

with regards to India's economic diplomacy in South Asia.

Q 136. The relevance of the UN Security Council depends upon its ability to reorient itself to the dynamics of the 21st century. Critically examine. Suggest the way forward for India.

Q 137. Is India's simultaneous membership of both QUAD and SCO (Shanghai cooperation organization) a quest for multipolarity or a sign of ambiguity? Critically analyze.

Q 138. With the common concern of growing Chinese assertiveness, G-7 provides the ideal platform for India to expand its ties with the West. Discuss.

Q 139. The Arctic circle in recent years has emerged as a new space for great power rivalry. Discuss the strategic significance of the Arctic Circle for India. Briefly outline the engagement of India in the region.

Q 140. India's participation in the one ocean summit highlights the growing importance of maritime diplomacy in the context of climate change. Discuss.

Q 141. How the debt trap policy of China threatens countries' ability to achieve self-reliance? Critically analyze the policy of India to engage with IOR countries to counter the growing influence of China.

Q 142. What do you understand by data diplomacy? Enumerate the significance and challenges of data diplomacy and suggest measures.

Q 143. Evaluate the role played by the Indian Diaspora in providing a platform for a stronger relationship between India and ASEAN countries.

Q 144. Despite its initial years of dormancy BIMSTEC holds the potential to act as the vehicle of transformation in the region. Discuss.

Q 145. The recent economic crisis in Sri Lanka has reinforced India as the stabilizing power in the south Asian region. Analyse.

Q 146. Russia hoped that its action in Ukraine leads to its Finlandization but instead it leads to Ukrainization of Finland. Discuss.

Q 147. The QUAD encirclement of China can go down the same path as NATO encirclement of Russia. Do you agree? Also, discuss the impact of Russian action in Ukraine on India's quest for multipolarity.

Q 148. The global order that led to the establishment of Bretton Woods institutions was different from what it is now. In the light of this statement, discuss why the reform in Bretton woods institutions is the need of the hour.

Q 149. Russia-Ukraine conflict is the biggest test for India's strategic autonomy after the end of the cold war era. Critically analyse.

Q 150. If the Indo-Pacific is about India's new maritime geopolitics, Eurasia involves the recalibration of India's continental strategy. In this context, examine the challenges in India's engagement with Eurasia. Suggest the elements that should form part of India's strategy towards Eurasia.

Q 151. G-20 has become the most credible multilateral forum for pushing forward the secure , peaceful, prosperous and even environmentally safe world order. Critically examine.

Q 152. An institution reflecting the realities of 20th century cannot solve the challenges of 21st century. Discuss it in context of UNSC. Also discuss the hurdles in the road to India's permanent membership of UNSC.

Q 153. India-Bangladesh relations is the biggest success story of "neighbourhood first" policy however it has to be shielded from the deleterious impact of both countries domestic political discourse. Discuss.

Q 154. China belligerence in its neighbourhood reflects the assertion of their comprehensive national power. Do you think that era of peaceful rise of China is over? What is the impact on India of China assertiveness?

Q 155. Soft power is one of the most significant pillars of India's foreign policy since independence. Explain different elements that comprise India's soft power.

Q 156. What is strategic autonomy? How is it different than the non-alignment policy followed by India during the Cold War?

Q 157. Mentioning the provisions of Indian Antarctic Act, 2022, explain how this legislation helps in protecting the Antarctic environment and dependent and associated ecosystem.

Q 158. What is South-South Cooperation? How does it offer solutions in solidarity for global challenges faced by developing countries?

Q 159. The challenges India faces in the emerging new world order are immense and encompass a wide range of conventional and non-conventional threats. Elaborate with suitable examples.

Q 160. Explain the role of a variety of factors behind India's nuclear balancing act between disarmament and deterrence.

Q 161. Regional geopolitical realities have a significant bearing upon India's 'No First Use' commitment. In this light do you think it is necessary for India to relook upon its 'No First Use' strategy?

Q 162. India needs greater investments in the Sri Lankan economy to reduce the strategic stronghold of China in the island nation. In this context, examine the impacts of India's recent support to Sri Lanka.

Q 163. The growing political and economic instabilities in Pakistan are a serious concern for India. Analyse.

Q 164. Analyze the factors hindering the realization of connectivity potential between India and Nepal. How can regional platforms like BIMSTEC be used to overcome these constraints?

Q 165. Highlight the importance of strong India-Bangladesh ties for a vibrant north-eastern region in India. In this regard, outline some of the recent steps to strengthen the ties between the two countries.

Q 166. Discuss the security implication created by the Taliban's takeover of Afghanistan for India. Analyze the success of India's diplomatic and humanitarian efforts in Afghanistan in the aftermath.

Q 167. India and China have often competed for strategic dominance in the international and regional order. Elaborate. Suggest some measures which can help India deal with the rise of China efficiently.

Q 168. Over the past decade, India and China have been engaged in a tug-of-war to consolidate influence in Maldives. Against this backdrop, analyze the success of India's recent initiatives vis-à-vis the island nation.

Q 169. The Indo-Pacific has emerged as an opportunity to expand and support India's strategic and economic profile. In the line of the statement analyze the role of the recently launched Indo-Pacific Economic Framework.

Q 170. With the global geopolitical and economic epicenter shifting to the Indo-Pacific, European countries are keen to benefit from the economic opportunities that the region offers. In this context analyze the importance of cooperation between India and the G-7 nations.

Q 171. In a period of extreme strategic uncertainty, Quad can help India establish itself as one of the most important pillars of global peace and security. Elaborate.

Q 172. The South China Sea remains a hotspot of regional as well as international conflicts that may have an adverse impact for India's interests in the region. Discuss.

Q 173. India and Central Asia have had longstanding cultural, political, and economic relations that have over time metamorphosed into a transformational partnership. Elaborate.

Q 174. India's relationship with the US has been the most comprehensive association the country has had since its independence. In this context examine the impact of the Russia-Ukraine war in the broader relationship between India and the US.

Q 175. The dynamic between the US and Russia has long been the principal factor shaping independent India's geopolitics. Examine the implication of increased conflict between the two countries on India since the war in Ukraine.

Q 176. Critically analyze the security scenarios created by the expansion of the North Atlantic Treaty Organization (NATO) from the end of the Cold War to the Russia-Ukraine War.

Q 177. Considering the dominance of Russia and China in the Shanghai Cooperation Organization (SCO), can the platform become a tool for enhancing India's profile in the region? Give arguments to support your answer

Q 178. Australia is one of India's most important Indo-Pacific partners, with the relationship characterized by strong people-to-people links. Elaborate.

Q 179. What makes Africa significant for India's economic and strategic interests in contemporary times? Discuss the steps taken by India in this regard in the last few years.

Q 180. BRISCS has the potential to increase emerging economies' say in institutions of global governance but is fraught with internal conflicts and contradictions limiting its potential. Elaborate.

Q 181. BRISCS has the potential to increase emerging economies' say in institutions of global governance but is fraught with internal conflicts and contradictions limiting its potential. Elaborate.

Q 182. Analyze the potential role of G20's presidency for India to play a leadership role in setting the agenda of global financial stability, climate mitigation and adaptation, and sustainable development.

Q 183. United Nations is facing a crisis of confidence to deal with today's reality and address contemporary challenges. In this light outline the areas of reforms needed to strengthen the role of the global multilateral body.

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