

UPSC GS MAINS PAPER - 2

HINTS

1. *Discuss the possible factors that inhibit India from enacting for its citizen a uniform civil code as provided for in the Directive Principles of State Policy.*

Hints:

- Uniform Civil Code in India is to have a single set of governing laws for every citizen without taking religion into consideration. These laws are distinguished from public law and cover marriage, divorce, inheritance, adoption and maintenance.
- Article 44 of the Indian constitution under DPSP says that State shall endeavor to secure for the citizens a Uniform Civil Code throughout the territory of India.
- Uniform Civil Code will in the long run ensure equality. Also, UCC will help to promote gender equality.
- But the possible factors that are inhibiting India from enacting for its citizen a Uniform Civil Code as provided for in the DPSP are:
 - a) **Vote Bank and Appeasement Politics:** The minorities are always treated as vote bank by political parties and become a hurdle in implementing the Uniform Civil Code. For example, In Shah Bano case, when SC allowed Muslim women to get benefit after divorce as per Hindu Marriage Act then ruling Congress party government enacts a new law to nullify the SC judgment.
 - b) **Communal Leaders and Unaware Masses:** Communal leader get support from unaware masses by mending the reality of Uniform Civil Code. For example, Muslim Leaders says Uniform Civil Code is a threat on their religious freedom and it is an initiative to make India a Hindu country. On other side, Hindu communal leaders argued that why Muslim personal law based on Sharia is in place in the country of Ram and Krishna.
 - c) The vast diversity of the personal laws, along with the devotion with which they are adhered to, makes uniformity of any sort very difficult to achieve. Even under the Hindu Marriage Act, 1955, marriages may be solemnized in accordance with the rites and ceremonies of a variety of people who come under the definition of a Hindu. In the Muslim law too, though there are no elaborate rites or ceremonies, there exist some differences between the Sunni and Shia marriages. Some people also argue that it would lead to a loss of the culture and the identity of the minorities in the Indian society.
- All these different perspectives on Uniform Civil Code make this issue a communal one which itself has power of making India a secular country. The better course would be to bring about small reforms, correcting some inherent irrationality in some of the personal laws, and make them suitable for modern times. The focus should also be on removing disparities between different religions. This might lay the foundation of implementing a UCC at a later date.

2. *The concept of cooperative federalism has been increasingly emphasised in recent years. Highlight the drawbacks in the existing structure and the extent to which cooperative federalism would answer the shortcomings.*

Hints:

- Cooperative federalism means that the centre and the states share a horizontal relationship and address each other grievances through mutual trust and co-ordination.
 - **Problems in Existing Structure:**
 - a) **Institution of Governor:** Governor has been seen as an agent of centre in the state government because governor is generally appointed without consent of Chief Minister and centre government can remove governor anytime for trivial reasons as there are no sufficient safeguards provided in the constitution. Further governor has been provided lot of discretionary powers as compared to President like referring a bill to the President etc and become a major hurdle in achieving the objective of cooperative federalism.
 - b) **Centrally Sponsored Schemes (CSS):** These schemes are formulated by union and implemented by states by getting financial support from centre. These schemes are against spirit of cooperative federalism because how can you decide requirement of North Eastern State by staying at New Delhi.
 - c) States are also criticized for some actions in contradiction of spirit of cooperative federalism like oppose the various important bills GST or VAT either in Rajya Sabha or legislative assembly for political reasons, poor implementation of welfare schemes etc. Further poor devolution of power and finance by states with local government is a matter of concern for spirit of cooperative federalism.
 - d) AFSPA, All India Services and financial control over large number of resources by central government are other drawbacks in existing federal structure, among others.
 - With the enactment of the concept of Cooperative Federalism the governor shall act as an institution of coordination between centre and states rather than conflict. Sharing of powers and responsibilities between the three levels of government will lead to participative policymaking which may lead to horizontal and vertical decentralization in a cooperative manner rather than conflict and confusion.
 - This is particularly important in areas of concurrent responsibility, where the Centre has had a tendency to ride roughshod over the States by occupying the common legislative space. A reform of the seventh schedule lists in the direction of greater empowerment of States would be consistent with the logic of increased financial transfers and cooperative federalism. Locating the right level for making and implementing policy is a central feature of the cooperative responsibility matrix.
 - The creation of NITI Aayog in place of Planning Commission, devolution of 42% share of taxes to states, committee to review the scope of all CSS and share a large chunk of revenue with states from mining are some good steps towards achieving the objective of cooperative federalism.
3. *In absence of well - educated and organised local level government system, 'Panchayats' and 'Samitis' have remained mainly political institutions and not effective instruments of governance. Critically discuss.*

Hints:

- Local governance refers to the processes through which public choice is determined, policies formulated and decisions are made and executed at the local level, and to the roles and relationships between the various stakeholders which make up the society. This requires an enlightened thought process which comes through education.
- **Benefits of Introducing Education as a Requirement:**
 - a) It might help in bringing the better qualified people who has better scientific knowledge to tackle the everyday problems of agriculture and other infrastructural shortcomings.
 - b) Educated and organized people may be able to incorporate the worldwide practices, due to more acquaintance with communication technology, so as to develop their region.

- c) The minimum education criteria is necessary, as we wish to embark to e-governance as a mode of delivery and grievance redressal.
- d) They might be better to tackle and eradicate the social evils like child marriage, female foeticide and infanticide, which are largely prevalent especially in states like Punjab, Haryana and Rajasthan where this education criterion is adopted.
- However it may not be possible to make local government system an effective system of governance even with educated and organized system, because:
 - a) Local government system is also facing some other major difficulties such as devolution of powers and functions from states along with social prejudices.
 - b) Making education the criteria for selection of candidates may not be feasible until all people are educated. This rule may deprive large section of adult population from contesting the elections such as approx. 66% population become ineligible in Haryana with law of minimum criteria of 10th standard for contesting the elections. This is against their right to contest election and also against Article 15 and 16.
 - Hence it's true that education is must for local governance with respect to changes in society but it should be inclusive in terms without discrimination.
4. *Khap panchayats have been in the news for functioning as extra - constitutional authorities, often delivering pronouncements amounting to human rights violations. Discuss critically the actions taken by the legislative, executive and the judiciary to set the things right in this regard.*

Hints:

- Khap is a cluster of villages united by caste and geography. It is as old as 14th century started by upper caste jats to consolidate their power and position. Khap panchayat governs the khap formed by same gotra (clan) families from several neighbouring villages. Khap panchayats are prevalent in Haryana, western Uttar Pradesh and parts of Rajasthan.
- The main criticism of Khap panchayat is that rights of an individual are not respected. Rights of liberty, dignity, freedom to choose own life partner are jeopardized. Women are abused and their issues are never addressed. Most of the Khap rules are against law. Rule of men rather than rule of law prevails.
- **Legislature, executive and judiciary has taken following steps:**
 - a) As Khap Panchayats are informal organization of governance, so strengthening the formal institutions of governance is the best method to counter these types of organizations. 73rd Constitutional Amendment to provide panchayat a constitutional status was a strong step taken by legislatures to curb the power of Khap Panchayats.
 - b) Recently, Maharashtra government has proposed a bill called "Maharashtra Prohibition of Social Boycott Act 2015" against social boycott of individuals or families by Caste Panchayats and termed any action of social boycott as crime.
 - c) Khap Panchayats in North India and Katta Panchayats in Tamil Nadu have been declared as illegal and barbaric by Supreme Court.
 - d) A judgment by a session's court in Karnal in 2010, for the first time awarded the death penalty to five men for murdering a young couple who had married against the diktats of a Khap panchayat. It gave life sentence to a member of the Khap panchayat who declared the marriage invalid and was present when the killing took place.
- Overall, the judiciary, executive and legislature have taken somewhat strong steps in dealing with the problem of Khap Panchayats, but government should work for awareness generation and socio-economic development of people so that they can understand the lacunas of this alternative dispute redressal system.

5. *Resorting to ordinances has always raised concern on violation of the spirit of separation of powers doctrine. While noting the rationales justifying the power to promulgate ordinances, analyse whether the decisions of the Supreme Court on the issue have further facilitated resorting to this power. Should the power to promulgate the ordinances be repealed?*

Hints:

- The separation of power doctrine as proposed by Montesquieu is implicit in the Constitution of India and is also upheld by the Supreme Court.
 - But the rationale behind ordinance provision is to tackle situations of crisis which are vital for national interest. When both houses or any one of them is in recess, there is no way out except the ordinance route.
 - However, recently the increased numbers of ordinances have been promulgated by the incumbent government in the last year has brought this issue to renewed debate. The major example being the Land Ordinance, which was promulgated thrice, but the bill was defeated in the Rajya Sabha.
 - Opposition accused the government of taking the ordinance route and bypassing the legislative procedure. In this regard, Supreme Court's judgment held that ordinance route is not the parallel power of the executive to legislate and executive cannot undermine the separation of power, which provides the Parliament the unparallel authority to make laws and policies for the people of the country.
 - Though Supreme Court's decision has facilitated the promulgation process, however, it cannot be denied altogether that ordinances have helped the government to overcome many unfavorable and difficult situations. Thus, ordinances serve their purposes, if used judiciously. There is not a need to repeal the instrument, rather to be used as a savior of national interest only.
6. *What are the major changes brought in the Arbitration and Conciliation Act, 1996 through the recent Ordinance promulgated by the President? How far will it improve India's dispute resolution mechanism? Discuss.*

Hints:

- Arbitration is a method for settling disputes privately, but its decisions are enforceable by law. An arbitrator is a private extraordinary judge between the parties, chosen by mutual consent to sort out controversies between them.
- The A&C Act was enacted for ensuring minimum court intervention in arbitration and greater coherence and consistency between domestic arbitration law and international practises. Despite this, arbitration in India continues to be ad-hoc, expensive, long drawn and often suffers from excessive court intervention.
- Many foreign investors have been hesitant to invest in India, due to the various delays associated with the judicial system of the country. The Government with the intention of exhibiting its positive intent in making India an ideal investment destination has decided to immediately effect the desired changes to the A&C Act and therefore has promulgated the present Ordinance.
- The Ordinance requires the appointment of an arbitrator by the courts to be completed expeditiously, preferably within a period of sixty (60) days.
- The Ordinance provides for time bound arbitrations. A tribunal is obligated to deliver the final award within a period of twelve (12) months. This period can be extended by the consent of parties for an additional six (6) months. Any further extensions will require court consent. A provision for fast track settlement of disputes is also provided, which requires the tribunal to make its award within a period of six (6) months.
- The Ordinance is likely to radically overhaul the arbitration landscape in India.

7. *Does the right to clean environment entail legal regulation on burning crackers during Diwali? Discuss in the light of Article 21 of Indian Constitution and Judgement(s) of the Apex court in this regard.*

Hints:

- Article 21 of the Indian Constitution provides the right to life and personal liberty as a fundamental right. However, the Supreme Court through its liberal interpretation has widened the scope of the right and held that right to life is not merely subsistence, but a life of dignity. Thus, right to clean environment is considered to be a part of the right to life.
 - On the issue of legal regulation on burning crackers, the Supreme Court did not banned the burning of cracker as it may be against the right to freedom of religion as burning crackers on Diwali comes under a religious practice. The Article 21 can also be widened to include the right to celebrate hence can violate the fundamental rights.
 - Further, to celebrate and express our joy also come under Right to personal liberty, but this personal liberty should not encroach upon the rights of other or shall not affect the general interest of people at large.
 - Thus, SC kept a balanced approach to resolve the issue. It hasn't banned the burning of crackers, but reiterated its stance on previously adopted rules regarding the same, which regulates the timings for the purpose.
8. *Examine critically the recent changes in the rules governing foreign funding of NGOs under the Foreign Contribution (Regulation) Act (FCRA), 1976.*

Hints:

- The prime objective of the Act is to regulate the acceptance and utilization of foreign contribution and foreign hospitality by persons and associations working in the important areas of national life.
- Some of the changes being introduced in the FCRA rule are-
 - a) All FCRA services are made online and human interface has been reduced to minimum.
 - b) Applications for registration, prior permission and renewal of registration under FCRA, 2010 will be accepted online.
 - c) All intimations required under FCRA, 2010, including annual returns are accepted online.
 - d) All FCRA designated bank accounts & utilization accounts will have to be brought on the online platform of public finance management service of Controller General of Accounts, Ministry of Finance.
 - e) To make receipt & utilization of foreign contribution by association transparent, associations are required to place the annual returns and such data quarterly on their website or website as prescribed by the central government.
 - f) Seeking details of functionaries of the association in annual return has been dropped.
- Benefits:
 - a) Online delivery of services would remove the bureaucratic hassles & interventions, thus make the task of day to day functioning in NGOs smooth.
 - b) Online display of bank accounts would bring transparency in the utilization of funds and will increase trust in the functioning of NGOs.
 - c) Reporting of banks within 40 hours about foreign fund deposition would reduce the chances of misappropriation of funds.
 - d) Government would be able to monitor the utilization of fund, however, over intervention & monitoring would undermine the autonomy of NGOs.

- NGOs play an important role in bringing transparency and accountability in the government functioning hence more governmental controls would restrict freedom of expression. There is a risk that government may use the act to settle scores against the NGOs. Hence, the act should be used judiciously to make the work of NGOs effective.
9. *The Self Help Group (SHG) Bank Linkage Programme (SBLP), which is India's own innovation, has proved to be one of the most effective poverty alleviation and women empowerment programmes. Elucidate.*

Hints:

- Empowerment; is not just about offering the opportunity of a livelihood and access to basic social services; it is also concerned with creating an environment where people can realize their rights and participate meaningfully in society.
 - Thus SHG provide a platform for holistic development. Self-Help Groups are informal associations of people who choose to come together to find ways to improve their living conditions. They help to build Social Capital among the poor, especially women.
 - SHGs have been recognized as useful tool to help the poor and as an alternative mechanism to meet the urgent credit needs of poor through saving. SHG is a medium for the development of saving habit among the women.
 - SHGs enhance the equality of status of women as participants, decision-makers and beneficiaries in the democratic, economic, social and cultural spheres of life.
 - SHGs Bank-linkage programme launched by NABARD is a micro financing programme which provide loan to the SHGs for entrepreneurial activities. When groups become financially stable, banks provides loans to the group without collaterals as collective wisdom & peer pressure ensure to the proper use of fund and timely repayment.
 - The women are engaged in entrepreneurial activities related to handicraft, cottage industries, etc.
 - However, on the flip side some SHGs have been charged exorbitant interest rates from their operators. Often these are masqueraded behind the complex financial plans and interests are discussed on weekly and daily basis, which makes them look much less than what they actually are. Interest charges to the tune of 36-48 per cent p.a. hence lead to exploitation of poor women.
10. *How can the role of NGOs be strengthened in India for development works relating to protection of the environment? Discuss throwing light on the major constraints.*

Hints:

- NGOs are working on various aspects related to protection of environment. They are creating environmental awareness to undertaking watershed development: from disaster management to sustainable livelihoods; from joint forest management to giving inputs to policies.
- Some are working in research & development to evolve the environment friendly practices & adaptation of mitigation of environment impact, while others are policy advocates & activist groups.
- NGOs involved in research analysis are often collaborated by government institution in the field to provide more data & expertise, for example, the partnership between DFID and Ministry of Housing and Urban Poverty Alleviation.
- In execution of environmental projects, such expertise can be harnessed in various way, for example, lot of young students and researchers do their internship with these institution, which provides the regular supply of fresh talent without long term commitments.
- These groups can become interface between government ministries and tribunals and the young scholars, and thus, can bridge the talent gap in the field.
- By inviting NGOs in pre-policy discussion, the ground conditions can be taken into account and as a result more sustainable policy can be drafted.

- Many international NGOs have strong technical expertise, which can provide impetus to environmental protection work along with adoption of best global norms.
- The major constraints are:
 - a) NGOs are expressing difficulty in finding sufficient, appropriate and continuous funding for their work.
 - b) The big international NGOs are sidelining the local and small NGOs hence creating disparity.
 - c) The community participation is poor in environmental projects. Environmental policies will achieve positive results only when they are addressed to local issues and solve the problems of local people.
 - d) As per recent IB report some NGOs are working against developmental activities of government in India and funds are utilized in protests and delaying public projects, instead of core consultancy activity. This is creating challenge for both government & functioning of NGOs. Government has amended rules under FCRA act 2010 to increase transparency & monitoring.
- The policymakers should keep in mind the needs of the people while framing the policies and implementing the environment-friendly projects rather than the vested interests.

11. *The quality of higher education in India requires major improvements to make it internationally competitive. Do you think that the entry of foreign educational institutions would help improve the quality of technical and higher education in the country? Discuss.*

Hints:

- The major problems that higher education sector in India faces can be summarized as below:
 - a) Lack of Research and Development.
 - b) Lack of Entrepreneurship and Industry/Job Orientation.
 - c) Capacity to accommodate all the students passing through schools.
 - d) Outdated Curriculum.
 - e) Poor Regulatory System.
- Gaps which can be fulfilled by the Foreign Education Institutions are:
 - a) There is a large gap between number of schools and higher education institutes in India and this is a major cause of high drop-out rate in India after senior secondary level. For example, India has largest population of teens (17-19), approx 100 million and capacity of higher education to absorb students is around 20-25 million which leaves around 75 million deprived from higher education, whether they want to study or not. The foreign universities might help to bridge or say reduce this gap.
 - b) Foreign universities might help to improve the quality of curriculum in higher education, which is presently obsolete or outdated through boosting the competition for domestic private and premier institutions.
 - c) Foreign Institutions would help to increase investment in higher education which may not be fulfilled by private or governmental efforts in India.
 - d) Foreign universities would provide a better global interface for the students and create more opportunities for Indian students abroad.
- Though, foreign educational institutes might help to improve quality of higher education in some of the areas, but may not cause improvement in all areas such as:
 - a) Research and entrepreneurship/job oriented attributes of higher education might not get boost after entry of foreign institutions in India, because they are entering for the purpose of profit and are

offering courses which are already at par with global standards in premier institutes, for example, management and technical education at under-graduate level.

- b) 49% FDI has been allowed since a long time, but they haven't contributed enough in the field of research and entrepreneurship.
- c) Further it is just anticipation that foreign institutes might help in bridging the supply and demand gap in higher education as almost all branch campuses are small and limited in scope and field. This gap has rarely been reduced in countries like, Vietnam, Singapore, and Malaysia, where foreign campuses are active.
- Overall, there is no doubt that foreign educational institution will help to increase quality of higher education in India but it is not a panacea for overhaul of higher education in India. So, government shall focus on other aspects such as regulatory system, research and entrepreneurship, etc.

12. Public health system has limitations in providing universal health coverage. Do you think that private sector could help in bridging the gap? What other viable alternatives would you suggest?

Hints:

- Universal health coverage is based on 3A - **affordability, accessibility, and availability** of essential health care services. Indian public health system is facing several limitations like:-
 - a) Public health expenditure is less (only 1% of GDP).
 - b) Poor people not able to access the quality health services.
 - c) High out of pocket expenditure leading to vicious cycle of poverty.
 - d) Poor public health infrastructure.
 - e) Gender disparities.
 - f) Procurement and delivery challenges.
 - g) Too few frontline health workers.
- The underlying factor in all above limitations is the crunch of funds and quality infrastructure. And private sector can play a very crucial role. In fact under RSBY, private sector has been involved for better services.
- So private sector can help in bridging the gap but with sound regulation so as to not repeat the incidents in Chhattisgarh where hysterectomy was performed. To prevent private sector from misusing the power, there are alternatives suggested:
 - a) PPP models can be utilize to bridge the supply and funds gap.
 - b) Hub and spoke model, to reduce the crowding at district centers.
 - c) Development of skill of local people to provide primary health care as ASHAs, midwives, etc.
 - d) A major move can be the adoption of insurance model with help of private sector.
 - i) This would include providing medical insurance at affordable prices which will be eligible at private hospitals too.
 - ii) Mandatory prescription of Generic drugs to keep drugs costs down under insurance scheme.
 - iii) Compulsory auditing of Private sector health centers by IMA/any other body to prevent profiteering on such schemes.
 - e) Medical Services forum on the lines of Consumer courts to prevent recklessness by private/public officials to ensure grievance redressal.

13. *Though there have been several different estimates of poverty in India, all indicate reduction in poverty levels over time. Do you agree? Critically examine with reference to urban and rural poverty indicators.*

Hints:

- Poverty is a social phenomenon wherein a section of society is unable to fulfill even its basic necessities of life. India has experimented with various poverty measurement parameters and survey techniques, which have created different poverty lines such as Lakdawala Committee defined the poverty line based on per capita consumption expenditure as the criterion to determine the persons living below poverty line whereas Tendulkar committee used Uniform Recall Period (URP), Mixed Recall Period (MRP), and Modified MRP (MMRP), which has yielded significantly different results.
- Far from the 21.9 per cent (for 2011-12) calculated by the Suresh Tendulkar Committee, or the even higher 29.5 per cent pegged by the Rangarajan Committee, the World Bank's estimate is just 12.4 per cent in 2015. But more than any real change in the condition of the poor, the differences in poverty rates for the same year only underlines the importance of the way in which data is collected.
- Irrespective of the method adopted all of these have shown a decline in the headcount ratio overtime. However, the results are significantly different and the MMRP based estimates show lower level of poverty even after a decline of similar proportion.
- However, it can be said that by narrowing the definition of poverty with mere calorific intake, such estimates only provide the proportion of extremely vulnerable and hungry people.
- Poverty is not merely hunger and it has a wider aspect which has a better parameter like, World Bank's index of people living under 3.1 \$ a day on PPP basis. Even Rangarajan committee suggested that head count ratio must be measured at a higher scale and not on merely calorific intake.
- In the recent time, urban poverty has increased at rapid pace than rural one, due to distress migration from rural areas or agriculture sector. Further Urban poverty is more severe than rural one as people in rural areas have something to back-up on through field produce or livestock, but no such safety net is available in urban areas
- On the survey methods, the rural poverty has fallen sharply as people almost always recall their consumption in a better way as they are not fully monetized and remember the fewer transactions they make. Thus, the survey techniques have produced a difference in the poverty measurement results of rural and urban areas.

Additional notes:

URP-consumption: Consumption data are collected from the households using 30 day recall period for all the items.

MRP-consumption: Consumption data for five non-food items viz., clothing, footwear, durable goods, education, and institutional medical expenses are collected using 365-day recall period and 30-day recall period for remaining items.

Modified MRP (MMRP): This is new concept suggested by Rangarajan Committee (2012) under which a new consumption data (in addition of other attributes of MRP) for edible oil, egg, fish and meat, vegetables, fruits, spices, beverages, refreshments, processed food, pan, tobacco and intoxicants are collected using 7 days recall period.

14. *In the light of Satyam Scandal (2009), discuss the changes brought in corporate governance to ensure transparency, accountability.*

Hints:

- Satyam scandal brought to light the weaknesses in the corporate governance structures and processes. To avoid such incidents in the future, the government quickly brought in the new companies act and SEBI came up with guidelines from time to time to usher into new era of corporate governance.

- The following provisions of Company Act 2013 ensure transparency and accountability along with their critical assessment.
 - a) **Independent Directors (IDs):** The provision to make companies have one-third of their board members as independent directors.
 - b) **Excessive Bureaucracy:** In order to make directors accountable, the new Companies Act mandates that every director shall register him or herself with the government and obtain a Director Identification Number (DIN) to prevent fraud. The DIN will enable the government to monitor the number of directorships that a person holds and also his track record.
 - c) All companies (except one person company, small company and dormant company) are now mandatorily required to maintain financial statements.
 - d) Every Listed company can appoint an individual auditor for 5 years and a firm of auditors for 10 years. This period of 5/10 years commences from the date of their appointment.
 - e) Class action suits have to be filed before the National Company Law Tribunal first, but banking companies are excluded from such action.
15. *"If amendment bill to the Whistleblowers Protection Act, 2011 tabled in the Parliament is passed, there may be no one left to protect." Critically evaluate.*

Hints:

- The 2011 Act provides a mechanism for receiving and inquiring into public interest disclosures against acts of corruption, willful misuse of power or discretion, or criminal offences by public servants.
- Highlights of the Amendment Bill are:-
- a) The Bill prohibits the reporting of a corruption related disclosure if it falls under any 10 categories of information.
- b) These categories include information related to: (i) economic, scientific interests and the security of India; (ii) Cabinet proceedings, (iii) intellectual property; (iv) that received in a fiduciary capacity, etc.
- c) The Act permits disclosures that are prohibited under the Official Secrets Act (OSA), 1923. The Bill reverses this to disallow disclosures that are covered by the OSA.
- d) Any public interest disclosure received by a Competent Authority will be referred to a government authorized authority if it falls under any of the above 10 prohibited categories. This authority will take a decision on the matter, which will be binding.
- It is apprehended by the activists that if it gets passed there will no one left to get protected because of the following reasons:-
- a) The Statement of Objects and Reasons of the Bill states that the 10 prohibited categories are modeled on those under the RTI Act, 2005. However, this comparison may not be appropriate. Unlike the RTI Act, disclosures under the Bill are not made public, but in confidence to a high level constitutional or statutory authority.
- b) With regard to the 10 prohibited categories, the RTI Act allows (i) the public authority to disclose information if he considers it to be in public interest; and (ii) a two stage appeal process if information is not made available. The Bill does not contain such provisions.
- c) A Competent Authority is required to refer a prohibited disclosure to a government authority for a final decision. However, the Bill does not specify the minimum qualifications required or the process of appointment of this authority.
- d) Whistleblower laws in other countries also prohibit the disclosure of certain types of information. These include information related to national security and intelligence, received in a fiduciary capacity, and any disclosure specifically prohibited by a law.

16. *“For achieving the desired objectives, it is necessary to ensure that the regulatory institutions remain independent and autonomous.” Discuss in the light of experiences in recent past.*

Hints:

- At the conceptual level, the regulatory agencies were created to achieve certain policy objectives consistent with those of the government, be it attracting private investment, enhancing consumer protection or ensuring orderly growth of the sector.
- But once the policy framework and objectives are determined, a regulator should be independent and autonomous. It should be allowed to take charge without interference either from the government or other stakeholders. Further, regulators need to be empowered to become financially self-sufficient and appoint staff with appropriate skills.
- Autonomy goes hand-in-hand with accountability and the current provision of submitting an annual report to the legislature is not sufficient to hold regulatory agencies accountable. Notably, several of the regulatory bodies have been failing in this aspect.
- The Committee on Paper Laid on the Table of the Lok Sabha observed that TRAI has been a habitual defaulter in the matter of timely laying of their Annual Reports and Audited Accounts. The issue can be addressed effectively by employing multiple approaches to ensure regulatory accountability on a continued basis. This can include empowering civil society organisations to work with the regulators or constituting a Committee of Eminent Persons to select regulators and to consult them on various issues.
- In recent past, The Electricity Regulatory Commissions have been considered fairly autonomous and empowered bodies, thanks to the provisions in the Electricity Act, 2003. But, the Ministry of Power appeared to have been ensuring that the ERCs ‘act in conformity with’ the tariff policy and the electricity policy to be prescribed by the Ministry, instead of just being ‘guided’, as the Act provides. This tinkers with the autonomy and independence of the commission.
- Further, there should be fair and merit based appointment system, uniformity and security of tenure, time to time regulatory impact assessment, management statement between ministry and the regulator as in UK to clarify their roles. All this could go a long way to ensure independence and autonomy of regulatory agencies in India.

17. *Increasing interest of India in Africa has its pro and cons. Critically examine.*

Hints:

- Indian investment in Africa has been rising in the recent years. Africa can emerge as a potential partner for India in coming years. The increasing Indian interest, however has both its pros and cons which can be discussed as:
 - a) Africa is rich in resources such as teak, cobalt, uranium, copper, bauxite, palm oil, wood and tropical fruits. In the presence of these rich resources, Africa is important for India. With good relations between two regions, India can get access to these resources.
 - b) Africa is important for India from the point of meeting its energy needs as North Africa is rich in oil resources. Apart from oil, Africa is also an important source of coal and natural gas.
 - c) Africa can be a market for Indian goods which is very important for strengthening Indian economy. By investing in Africa India can have access to its huge market.
 - d) Africa is important for Indian diplomacy and its candidature in UN Security Council. India is a member of G77 and African support will prove helpful for India to become a permanent member in UN Security Council.
 - e) Africa is also important for India as there is a large proportion of Indian Diaspora in Africa with significant presence in Kenya, South Africa and other East African countries.

- The other side of the issue can be discussed as:
 - a) There is lack of political stability in Africa which is a very important factor. Due to this instability, Indian investment would always be at risk as there are civilian and political conflicts going on in Africa.
 - b) Another issue is lack of business regulation. The African economy does not have established rules and regulations which may affect Indian interest.
 - c) India faces tough competition from China as China is also investing heavily in Africa and Chinese Investment is more as compared to India. So, in the longer run, China may utilize Africa for its own interest and India may lag behind.
- India's primary aim should be to support its African partners in their efforts to accelerate the momentum of their development and address key challenges of present times including food, health and environmental security. So India's approach towards Africa needs to be much more structured.

18. Discuss the impediments India is facing in its pursuit of a permanent seat in UN Security Council.

Hints:

- India is a strong contender for a permanent seat in UN Security Council as India has been elected as a non-permanent member to UNSC for seven terms.
- India is the largest contributor to the UN Peacekeeping Operations with nearly 180,000 troops serving in 44 missions.
- Apart from that India has a tremendous soft power and is one of the most culturally recognized countries in the world, apart from present Security Council members.
- Similarly, India is also home to nearly one-fifth of total human population, and thus, even its domestic decisions have global implications. However, the Indian journey to UNSC Permanent membership seems difficult.
- Following are the major roadblocks:
 - a) **P5 Resistance:** One of the issues is getting a consensus to allow expansion of council and offer permanent seat to another country. Some or the other member veto downs any such agreement. Thus this remains the biggest roadblock.
 - b) **India not being a member of NPT:** Since India has still not ratified NPT even after so many years. This is seen as an impediment to India's membership as it is opposed by other nations with the view that India should first ratify these treaties.
 - c) **India's economic contribution:** Compared to P5 Countries India's contribution to Security council budget is very minimal, which again acts as an impediment to its claim to join council as a permanent member.
 - d) **International diplomacy:** India is seen as a soft country, especially on matters related to Middle East and gulf countries. It maintains neutrality and puts its own interest before taking a hard stance. This is misinterpreted by P5 countries as India's inability to offer and sanction extreme measures. Especially USA is not comfortable with this behavior.
 - e) To get a permanent seat India would needs 2/3 votes out of 191 members and getting the resolution passed is not that easy for India. The road ahead is difficult further because of presence of opposing groups like Coffee club.
 - f) Three powerful members of the UNSC – Russia, China, and the U.S. – are opposed to any major restructuring of the Council. Even if the General Assembly members reach a consensus on reform, the permanent members could muscle it down.
- The permanent members should, however, realize that a more democratic and representative Security Council would be better equipped to address global challenges.

19. *Project 'Mausam' is considered a unique foreign policy initiative of Indian Government to improve relationship with its neighbours. Does the project have a strategic dimension? Discuss.*

Hints:

- Project MAUSAM is a trans-national initiative that aims at revival of India's ancient maritime routes and cultural linkages with the countries of the Indian Ocean Region (IOR). The project aimed for reviving the ancient links among countries of the Indian Ocean to expand the base of Delhi's soft power diplomacy.
 - Project Mausam would allow India to re-establish its ties with its ancient trade partners and re-establish an "Indian Ocean world" along the littoral of the Indian Ocean. This world would stretch from east Africa, along the Arabian Peninsula, past southern Iran to the major countries of South Asia and thence to Sri Lanka and Southeast Asia.
 - It involves a three-dimensional approach:
 - a) To deepen cultural bonding.
 - b) To ensure maritime security.
 - c) To broaden economic connectivity with nations of the IOR.
 - Though India is also amongst the nations asked to join China's maritime silk route plan, India has been worried by the curiosity displayed by Sri Lanka and Maldives in the Chinese offer, which supposedly looks to restore ancient economic links. India government will try to pull on its ancient connections with nations in this region as it proposes an alternative, which could counter-balance the maritime silk route of China.
 - The project is supposed to have both a cultural and strategic dimension. Perhaps one thing India could consider is seriously developing its Andaman and Nicobar Islands as a security and trade zone given the islands' location close to the strategically important Straits of Malacca and Thailand.
20. *Terrorist activities and mutual distrust have clouded India - Pakistan relations. To what extent the use of soft power like sports and cultural exchanges could help generate goodwill between the two countries? Discuss with suitable examples.*

Hints:

- India Pakistan relations have been tumultuous since the inception of these two countries owing to historical factors. And over the years, Pakistan tacit support to terrorist activities have widened the gap between the two countries and increased the mutual distrust.
- Terrorism has become the key issue between the two countries, and the recently NSA level talks were postponed indefinitely just because of the fact that both countries were not on the same page regarding the inclusion of terrorism in the talks.
- Considering this scenario and the fact that both sides are nuclear powered, talks are the only way out and it needs a proper environment and that environment can be provided by the use of soft power like sports and cultural exchanges like:
 - a) Indian movies are immensely popular across the border.
 - b) Musicians and artists of both the nations have huge fans on both sides of the border.
 - c) Cricket diplomacy can help to create people to people ties in a way, because of the love for cricket within citizens on both sides.
- But all the goodwill generated using this soft power needs to be sustained and it can only be sustained when ceasefire is maintained. Once the cross border firing happens, all the goodwill generated using sports and cultural exchanges go to trash.

- Unless a peaceful environment is maintained, the soft power will not help much. The soft power takes a back seat when the nation sees its soldier giving lives on border. Soft power is the second step that can be used to take relations forward but it cannot be the only alternative or the first line of contact for improving the relations. It can be sustainable only to some extent.
- So both the countries need to work on bridging the trust deficit and it can be done by continuous engagement, relaxation in trade exchange from both sides and trying to resolve problems as quickly as possible.



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