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# PRIYANSHU AGRAWAL_GS II_TEST - 2

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11- Article 280 accounts for creation of Finance Commission as means to ensure fiscal federalism and more transparency in fund devolution

Difference from earlier form

I) Focussed area

Towards more holistic vertical distribution to account modern parameters unlike 14th FC giving more weight to populatio

II) Local bodies fund

For sustainable financing means unlike 13th FC for voluntary mechanisms

III) Improving accountability

Through decentralized monitoring means unlike 12th FC on centre biased means

IV) Reaching last mile

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Nuanced focus on fund allocation for areas like transgender upliftment or social good

v) Improving devolution to key areas

Eg:- Disaster risk reduction, due dilapidated situation in 15th FC devolution

## Causes of economic disparity

i) Nature of policy

Eg:- Ease of doing business like Gujarat aid in high investment

ii) Political interference

Eg:- Haryana for reservation lead to fall in private investment

iii) Fund allocation

Eg:- Misuse of discretionary fund based on ruling party favouritism

iv) Ground situation

Eg:- Poor fiscal discipline across North East state

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v) law and order situation

Eg:- Poor financial development across red corridor region

**Way forward**

i) Economist R. Rajan stated need to empower bureaucracy for optimum fund utilization

ii) Mani Shankar Committee to overcome localization of corruption at Panchayat level

iii) Resolving disparity by Neera Chandokhe idea of public audit means for accountability

In this manner ensuring fiscal responsibility for good governance.

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12- Recently PRS legislature highlighted over 19% MP faced suspension in 17th Lok Sabha, the maximum since history on ethical grounds.

## Differences

| Ethics Committee | Privilege Committee |
|---|---|
| i) Highlight on means of suspending MP's on misconduct | Provide on misuse of parliament privilege under Art 105 |
| ii) The decision is finally by speaker (de-facto chairman) | The decision by selected chairman of committee |
| iii) More broader and discretionary action | Better codified and accountable course of action |
| iv) The first formed at Rajya Sabha level | The initial formation at Lok Sabha level |

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To address cases :-

**Ethical Committee**
- Against decorum of houses
- Impact smooth functioning of house
- Impact dignity of other members like case of derogatory statement
- Violation of constitutional morality

**Privilege Committee**
- Misuse of privileges on accounts like freedom of speech
- Misuse of office on grounds like office of profits
- The disciplinary action on hampering right use of parliament privilege like hatespeech in house
- Against the whip of the party in not following mandate

**Complementary Role**

1) Ensure right code of conduct

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ii) PV Narsimha Rao Case
SC held that both help in managing parliament privileges and ethical sanction based on Art 14, Right To Equality

iii) Both empowers chairman of house to refer the method on accounts of parliament discipline

iv) It prevents any further disruption in conduct on business at house

v) They accounts check and balance on arbitrary action of MP's.

Thus both complement in ensuring decorum and spirit of ethical conduct of houses.

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13- The legislative dysfunction can be seen by PRS legislature data whereby only 37% conduct of question hour and increased adjournment motion impacted quality of deliberation.

Evolving role of Judicial activism

i) Shift towards responsible judiciary

Eg:- Kesharvananda Bharti Case through doctrine of basic structure

ii) Prevent misuse of power

Eg:- Minerva Mills Case to ensure judicial review under basic structure

iii) Overcoming severability

Eg:- IR Coelho Case in regards to misuse of IX^th schedule.

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iv) The active role for complete governance Anoop Baranwal Case for filling gaps in election of Election Commissioners

Effectiveness of judicial Interventions

i) Preventing misinterpretations and centralizing tendencies like S.R. Bommai Case to limit misuse of Art 356 and safeguard federalism

ii) Address governance gaps

Eg:- Vishaka Case to shape guidelines for gender equality through POSH

iii) Citizen rights

Eg:- Rights of sex workers in Buddhadev Case based on Art 21 spirit

iv) Complete justice under Art 142

Eg:- Bhopal Gas tragedy case for rights of victims

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प्रश्न संख्या (Question No.)

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v) Reaching marginal section

Eg:- Samantha Case for adequate implementation of IV^th and VI^th Schedule provision

vi) Ensuring doctrine of public faith

Eg:- TSR Subramanium Case in rational use of freebies in politics

vii) Emerging as necessary evil

Eg:- Holding legislature accountable like coal block allocations and 2G scam case

Justice Bhagwati rightly said "Judicial activism become necessary evil for safeguarding constitutionalism".

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14- Political Analyst Nani Palkhiwala in "We the people India's largest democracy", held political parties act as vital component for democratic values and ensuring essence of participatory democracy

**Level of Internal democracy**

Positive level

i) Vidhi Centre observed over 70% reduce cases of horse trading with internal party consonance

ii) Improved consistency within party like internal election conduct across BJP, Congree etc.

iii) The adequate support to regional offices with streamline working

iv) Diverse recruitment for ensuring internal diversity

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Challenges persist

i) Law Commission observed misuse of whip to prevent adequate dissent to parliament conduct

ii) Ashutosh Varshney observed the elitism within party based on leader driven ideology

iii) The poor internal fiscal management as discretion lies with senior members

iv) Ageing of party as Vidhi Centre observed less than 10% member below 35 years age

v) The lack of inclusion like Naz foundation seen more 1% members from transgender

vi) The doctrine of swim and sink together, causing alienation within member to actively represent constituency

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Reforms needed :-

i) Dinesh Goswami Committee stated reform in anti-defaction laws to balance freedom of speech

ii) Law Commission stated need to promote internal ways of participation and engagement for holistic conduct

iii) The prudence of Elton Mayo's study on promoting local leadership to account for responsibility

iv) Learning from best practice like "Constitutional week" in USA whereby party members discuss on their approach for constitutional mandate

Thus accounts key criteria for substantial democracy.

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15- National Human Rights Commission, is a statuary body formulated based on UN Human Rights declaration principle in order to ensure inclusive and equitable protection of rights

**Role and mandate**

i) Prevent case of misuse of power

Eg:- Active role to end TADA and POTA on human rights violation

ii) Ensure human dignity

Eg:- Role in rehabilitating workers from manual scavenging

iii) Promoting public awareness

Eg:- Against custodial torture and case of forced self incrimination

iv) Uphold executive accountable

Eg:- Highlight on gender discrimination

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at public offices and helping women to file complaints against perpetrator

v) Bridging service delivery

Eg:- Service delivery to tribals by adequate awareness on their rights

**Impact on NHRC working**

i) Supreme Court called it "teasing illusion" due to restrictive role in cases like UAPA, AFSPA rules.

ii) The misappropriate representation like Naz foundation questioned low from transgender section

iii) Functionary restriction due to political interference like against criminalization of politics

iv) Post-facto investigation approach restrict on prevention of certain crimes

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v) The fiscal dependency from devolution from Consolidated fund of India, make it dependent of Union government

vi) WHO observed ineffectiveness during Covid-19, largely due to poor training and mandate against issues like shadow pandemic

Way forward

i) Vibha Arora observed need for independent working at par to offices like CAG

ii) Law Commission stated need for fiscal independence and revisiting composition on comprehensive lines

Thus representative NHRC holds key to safeguard rights of individual and ensure inclusive governance.

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16- The recent National family health survey observed poor state due only 2.1% GDP (rather 6% at OECD) in healthcare with 60% cost through out of pocket expenditure

**Other challenges to equity in health**

I) Accessibility

The regional disparity as 15% villages lack adequate clinic facilities and only 10% hospitals provide support to serious diseases

II) Affordability

Poor life insurance penetration, privatization of healthcare system.

III) Availability

lack of doctors and care staff, with

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regional disparity like 1 doctor for over 20,000 people across North East

IV) Quality coverage

Due to state of art instrumentation limitation and adequate college and training facilities on modern lines

## Role of different sector

### Public - urban

- Coverage under Arogya Setu for Vaccine
- Support to largely middle class or urban poor

### Public - rural

- Immunization and service under PM Matru Vandana Yojana
- Provide basic primary facilities

### Private - urban

- Class difference due Corporate culture
- High out of pocket expenditure
- Provide support to complex cases.

### Private - rural

- Poor penetration due profitability
- Low investment due to patient affordability and faith on private sector.

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## Way forward

i) Improving investment across healthcare sector to 6% through Jan Aarogya Yojana

ii) Focus on improving insurance facilities as LASI report on priority to adults

iii) Looking for PPP models as per Bibek Debroy on reaching undermined areas of healthcare

iv) Improving traditional medical system by Ayush Ministry

Thus adequate health coverage holds key for SDG target 2.

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17- Recently NITI Aayog on localization on SDG goals highlighted active need of Panchayats as they are means for grassroot coverage and service delivery.

**Role of Panchayats**

I) Ensuring equality on gendered lines

Eg:- Chhavi Rajawat for health coverage under SDG-2 to women inclusion

II) Promoting adequate implementation

Eg:- In Tamil Nadu to promote Amma canteens for zero hunger goals

III) Ensuring sustainable cities

Eg:- Indore local bodies to implement Swach Bharat Abhiyan for fulfilling targets under SDG-11.

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iv) Improving education

Eg:- Kerala model of Panchayats to ensure high enrollment ratio

v) Promote development

Eg:- Kudumbashree Panchayats to overcome poverty, so as to ensure better financial position

vi) Supply of basic needs

Eg:- SDG target of water as Kullu Panchayat through universal coverage for taps installment

vii) Improve social condition

Eg:- Odisha Panchayat for SDG targets across tribals through Eklavya School or anemia supplements

viii) Provide quality environment

Eg:- Role of Panchayat across Uttarakhand to preserve natural resources and sacred groves.

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## Way forward

1) Apoorva Baruah stated need for modelled approach for implementing at grassroot level

2) NITI Aayog highlighted on need of sensitive and capacity building at Panchayat level

3) Promoting active citizen bonding through Panchayats for support and auditing in implementing plans

Thus Panchayat holds key to ensure SDG targets by 2030 and paved way to Viksit Bharat 2047.

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18 - POCSO Act as per Kailash Satyarthi can be "revolution in itself", as it protects childhood of children and provide legal safety to life and dignity at young age.

**Implications of it**

i) The reduced crimes against children with legal support mechanism

ii) Overcoming dilapidated growth due to carry on of childhood trauma

iii) The deterrence mechanism for ensuring ethical conduct to preserve bodily rights of children

iv) Preventing broken window hypothesis by not pushing children towards heinous crimes through 'walk the talk'

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v) Indian Institute on Psychology holds broken children creates issue of low social faith and thus resolve issue of self-alienation.

vi) Overcoming misconduct by external actors like protection from cases like movie shown "Ek Banda Kaafi Tha"

vii) The right to report even after 18 years of age, help in justice delivery at mature stage of realization

Challenges persist
- Low awareness at school level observed by Pratham NGO
- The limited reach especially at rural areas
- The problem of addressing the case as mostly near-ones are true perpetrators
- Inadequate counselling mechanisms

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## Way forward

1) Sociologist Zoya Hasan highlighted need of schools to create adequate awareness

11) The community based policing to keep adequate checks against such practices

111) Need for better rehabilitative facilitees as NHRC observed inadequate handling post reporting of cases

IV) Empowering children and awareness through timely counseling like Sweden model.

Thus ensuring future of nation is shaped by empowered youth.

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19 - India-USA relation is based on Comprehensive Strategic Partnership spreading across multi-faceted engagements and common responsibilities like safeguard global democracy.

**Influence on relations**

i) Human rights issue

ii) Strategic divergence due condemn on cases like mismanagement during abrogation of Article 370

iii) The means of disengagement in recent Khalistani issue and mistrust

iv) Impacting on diaspora, as the repurcussion seen on Overseas citizen

v) The restrictions on trade by means like CAATSA or visa (H1 Visa issue).

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2) Democratic values

i) USA hold India as flawed democracy with impacts geo-economic position due reduced FDI's contribution

ii) The spill-over across multi-lateral institution like USA refraining to India's candidature of permanent member

iii) Delay across engagement in forums like I-CET or bilateral exercises like 2+2 talks.

India's step

i) EAM Jainshankar ensured adequate enquiry and collaborative investigation across common issues like Pannu matter

ii) The increased engagement through high level visits like PM Modi to USA during Biden invitation

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iii) Using expanding diplomatic ties like recent artemis accord support or on common Indo-Pacific engagement through IPEC.

## Way forward

i) Analyst C. Rajamohan suggested on improving diplomatic ties through increased engagements to fulfill common goals like defence engagement

ii) Use of soft-diplomacy means like Howdy-Modi ways in order to create more sense of engagements

iii) The role of responsible action with mutual respect and multilateral support through QUAD, I2U2 etc.

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20 - South Asia emerged as key centre of International relations due to centricity in Indo-Pacific and presence of key choke points like Malacca Strait.

Challenges to India in region

I) Regional Instability

Witnessed through military coup at Myanmar, the entry point to India

II) Increase Chinese dominance

By Belt and Road initiative and debt trap diplomacy seen across investment in Malaysia or Laos.

III) The challenge to internal security

Prevalence of golden triangle as hub of drug trafickking through Laos, Myanmar and Thailand

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iv) Poor inter-connectivity

Due to low P-2-P ties and diplomatic engagements across areas like trade & commerce.

v) Divergence in relations

Seen through India's RCEP refrain impacting potential of geo-political engagements

**India's effort**

i) Improving ties under Act East extension and Neighbourhood first policy

ii) Geo-economic expansion like defense export to Indonesia and Philipines

iii) Military engagements through practices with Singapore and Indonesia

iv) Soft diplomacy by spiritual connect through Buddhist circuit.

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v) Improving investment through ways like IMT corridor

vi) Multi-lateral engagements through shared forums like G20.

**Way forward**

i) Harsh V. Pant suggested on high potential to explore oceanic blue based engagements based on shared sustainable solution

ii) Kaushik Basu highlight need for bilateral engagements and with treaties in new areas like clean technology

iii) The need for dedicated doctrine for the region based on shared interest and scope

Thus crucial for India's leadership as voice of Global South.

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1- In Minerva Mills Case, Supreme Court held judicial review is pre-requisite for rule of law, by accounting to Dicey Principles of Independent judiciary

Judicial Review as important aspect

I) Protect rule of law

Eg:- S.R. Bommai Case to prevent misuse of President rule and ensure federalism

II) Right To Equality

Eg:- In Buddhadev Case, equal protection of rights for sex workers

III) Ensure affirmative support

Eg:- In Janhit Abhiyan Case, allowing EWS reservation on grounds of economic justice

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iv) Ensure due process of law

Eg:- Maneka Gandhi Case to ensure Right To travel abroad and golden triangle of Art 14, 19, 21

v) Ensure accountable conduct

Eg:- Doctrine of severability for implementing cooperative laws

However, other aspect are important :-

i) Need for other basic structure elements like secularism in social justice like in Triple Talaq case

ii) The role of judicial activism like Vishaka Case for promoting gender equality through POSH Guidelines

iii) Judicial Independence like NJAC case for appointment of judges

Thus judicial review plays a vital role in promoting constitutional morality

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2- The office of Governor plays a vital role to act as connecting bridge between Union and State Government, and all works in State are done under it's stamp

Difference of power and authority

| Lt. Governor, Delhi | Other governors |
|---|---|
| i) Role in controlling state legislative by more stringent control | Less power deduction in managing work of state legislative |
| ii) No role to appoint CM of Delhi | Appoint and monitor Oath of CM and his cabinet |
| iii) Role in certain appointments directly | Restricted role based on constitutional mandate |
| iv) Prevent state to make laws on public order, land and police | Has no such power as it lies in state list under Art 246. |

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In regards to aid and advice

i) Lt. Governor are not bound to act unlike Governor of other states

ii) The greater power to reserve bills for President recomendations compare to other Governors.

Way forward

i) SC in NCT of Delhi Case, 2023 held need for low interference by Lt. Governor for effective working of Delhi State government

ii) Working on models like USA on Washington DC or UK seperate police like Scotland Yards

iii) The adequate devolution of power to state so as to ensure cooperative federalism like other state

Thus ensuring effective governance of Delhi

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3- In the backdrop of increased cases arousing between Right To Religion (Art 25) and Right To Life (Art 21), Court played a vital Role to resolve contradiction.

Role of judiciary

i) Balancing act through Doctrine of Essentiality in Shirur Matt Case based on Durkheim's saured and profane idea

ii) Role in gender equality

Eg:- Sabarimala Case to uphold rights to women in temple entry

iii) Prevent religious violence

Eg:- In loud speaker case, Supreme Court declared it non-essential during Id preventing religious clash

iv) Ensure humanitarian rights

Eg:- In Vineeta Sharma Case, safeguard

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Coparcenary rights over Hindu marriage act for equitable inheritance rights

v) Protection from unnecessary assimilation
In Samantha Case, Court held to protect religious belief of tribals as their unique identity

vi) Prevent misuse of religion
Like triple talaq Case, for overcoming derogatory divorce practices

vii) Right of animals
Eg:- In Jallikattu Case, preventing animal harm for religious sacrifice and practices

viii) Promote greater responsibility
In Sarla Mudgal Case, for Uniform Civil Code for rights outside religious laws

Hence ensure greater good and balance with religious fervour.

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4- Doctrine of Separation of power is based on distributing roles and responsibility among different pillars to prevent concentration and misuse of power.

Differences in USA and India

| USA | India |
|---|---|
| i) Strict separation due Presidential form | The dual responsibility by Parliamentary form |
| ii) Judicial Supremacy to ensure constitutional values | Constitutional supremacy for rule of law and constitutional morality |
| iii) low scope of checks and balance with specific domain | Higher scope as executive are accountable to legislatures |
| iv) Ensures symmetric federalism, with equal power devolutio | Asymmetric federalism with high concentratio at Central level. |

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## Advantages of checks and balances

I) Prevent policy paralysis as executives themselves shapes policy and measure for implementations

II) Promote degree of internal-accountability like Art 32 of constitutional remedies to prevent executive arbitrary action

III) Larger scope of public participation
Eg:- Through PIL to hold accountable like 2G scam case

IV) Prevent excessive power concentration
Eg:- Doctrine of sky high powers to President of USA.

V) Protect democratic values
Eg:- Strict seperation like in President system causes flawed democracy like China case.

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5- The recent demand of Ladakh for 6th Schedule status, highlights on its eminence in governance system.

**More than legal provision**

i) Based on Elwin's idea of autonomous governance by degree of independence like right to collect taxes

ii) Promote grassroot governance through District autonomous Councils with high degree of flexibility

iii) Self-governance

By forming bodies based on internal membership of local communities

iv) Balancing Act

By allowing for continuance of local practices in governance task.

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## Benefits of VI$^{th}$ Schedule

i) T.K. Oommen stated it prevents assimilist approach unlike V$^{th}$ Schedule on Hinduized governance.

ii) It promotes cultural continuity

Eg:- Sufficient fund for conducting traditional festivals and rituals

iii) Creating local leadership

Case Study by Sharmila Chanu in resolving conflict across Mizoram with reduced extremism

iv) Sense of responsibility

Through internal audit mechanism and decentralized monitoring by reporting to Governor of region

Thus, Law Commission stated need to expand from Assam, Meghalaya, Mizoram and Tripura to other region for development

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6- Anthony Giddens called Civil Society Organization as "Independent Umpires", which can act as bridge to promote socio-political development

Role of partnership in development

i) Helps to provide feedback

Eg:- Pratham NGO for highlight lapses in Sarva Siksha Abhiyan

ii) Facilitate service delivery

Eg:- TRIFED help Ministry of Tribal affairs for aids to tribal group

iii) Highlight on areas of concern

Eg:- Naz Foundation on shaping Transgender Act for upliftment

iv) Aid fulfill international commitment

Eg:- Greenpeace Foundation to raise

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awareness with CPCB to avoid use of single use plastics.

v) Reaching marginal section

Eg:- Kailash Satyarthi foundation to rehabilitate children from child labour

vi) Hold executive accountable

Eg:- FICCI in budget scrutiny and comprehensive fiscal consolidation

vii) Promote grassroot governance

Eg:- Self help groups like MAVIM help Panchayat in service to rural areas

viii) Provide dissent and voice for change

Eg:- India Against Corruption to shape Lokpal Act in India

Thus need lies to promote effective partnership to achieve goal of minimum government, maximum governance

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7- Sardar Patel called Indian Civil services as "Steel framework of governance" to ensure continuity and doctrine of public trust

Importance of lifelong learning

i) Overcoming Weberian iron cage of rationality like Janta Darbar for public centric approach

ii) Promote out-of box solution

Eg:- IAS Armstrong Pame to use crowdfunding in road making

iii) Promote specialized approach

Eg:- IAS O.P. Chaudhary Choo Loo Aasman for naxalites governance

iv) Ensure adequate miro-accountability

Eg:- Ashoka Khemka overcoming

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corruption and ensure judicious utilization of public funds

v) Provide holistic governance

Eg:- IAS Prashant Nair, Operation Sulamani for food security

Role of Mission Karmayogi

i) Shift from rules based to role based governance like overground work in disaster management

ii) Improving efficiency by I-GOT for e-governance like use of CPGRAMS

iii) Promote micro-development like use of integrity pacts in service

iv) Ensure citizen centric approach like feedback based on CPGRAMS

Hence ensuring capability development for good governance.

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8- The current NITI Aayog Multidimension Poverty Index account 11% Indians as poor, while Tendulkar poverty line approach states 5% poor based on economic criteria

Need to re-define poverty line

i) The current Tendulkar line is much below to level of incomes suggested globally by World Bank

ii) Case Study:- During Covid-19 Within year 10% people fall below poverty line, highlighting on high spread near poverty line limits

iii) Rangarajan Committee recomended comprehensive coverage to changing lifestyle and material needs

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iv) The static poverty line fails to account multi-dimensional approach to ensure substantial improvement

Challenges associated

i) The shifting poverty line will need comprehensive changes across policy development. Eg:- PDS distribution

ii) Current system accounts broader principle over calorie-specific approach like former system

iii) Increased subsidy burden so prevent meaningful investment

iv) Not a comprehensive solution to resolve inter-generational poverty

Thus need lies to account Amartya Sen capability approach to ensure inclusive solution.

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9- With emerging new vectors in International relations with multi-polarity, opened the new channels for geo-political engagement for India with Western States.

**Impacts of it :**

1) Geo-Strategic

Overcoming Chinese dominance and utilize China + 1 world order with increased engagements like recent India Free trade Agreement with certain EU members

11) Geo-political

Improving position of India as voice of Global South, seen in support to recent G20 summit and minilateral forms like I2U2

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iii) Geo-economic

Improving opportunity of trade and investment, with bilateral treaties and new areas of cooperation like Indo-USA i-CET initiative

iv) Advocating support for India's interest like France, UK stated for permanent membership at UNSC

India's approach to it

i) C. Rajamohan stated need for more 'diplomatic effervescence' in order to ensure balancing act, with India's interest at prime

ii) Improving areas of engagement like diversify market for exports and togetherness in new-technology transfers

iii) Promote self-interest by voicing for democratic world order.

Thus strengthening cases of India's global leadership.

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10- In the backdrop of changing geography of Arctic Ocean, the global order provides opportunity of shifting focus to untapped resources at Arctic region

India's Arctic policy alignment

i) It is aligned to global commitment for Arctic region and Arctic treaty

ii) The focus on geographic restoration with peaceful use for multi-lateral spirit

iii) Securing geo-economic interest by placing dedicated missions like Himadri near Norway's region

iv) The scope to harness new trade routes with opening up of regions

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as discussed in Chennai- Vladivostov connectivity channel

v) The strategic presence to cooperate in mineral exploration in the region with multilateral engagement

India's approach :-

i) Collaborating with Arctic Council to study repurcussions of climate change on it and consequences to phenomena like monsoons.

ii) Working with bodies like UNFCCC to restore region, to prevent new challenges like recent Anthrax due permafrost thawning

iii) Prioritize peace and multi-lateralism in regional safety

iv) Support to Svelvard Mission to protect certain seeds variety present across the region.