



# EDITORIALS

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## Ensuring Access to Justice

Category: GS 2 (Polity & Governance)

### Theme of the article

The Supreme Court must set up more Benches, and disciplinary jurisdiction over lawyers must go back to the judiciary.

### Aim of the justice system

The justice system in any democracy is set up, under the Constitution to serve the public without “fear or favour, affection or ill-will” as far as judges are concerned.

### Article 130 of the Constitution

- The Central government had proposed that the Supreme Court should sit in other places in the country under Article 130 of the Constitution.
- Article 130 of the Constitution says that the Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint.

### Should Supreme Court sit in other places as well?

- It is feared that the authority of the Supreme Court would get diluted. However, this notion is fallacious.
- Many High Courts in this country have different Benches for meting out justice. For example, the Bombay High Court has four Benches — in Mumbai, Aurangabad, Nagpur and Panaji (Goa) — and the quality of its decisions or status have certainly not been diluted thereby.

### Negative consequences of Supreme Court sitting only in Delhi

- First, the Supreme Court sitting only in Delhi has resulted in excellent lawyers from other High Courts not appearing before the Supreme Court, possibly because it casts too large a monetary burden on their clients, many of whom are impoverished.
- Second, all lawyers, whatever their calibre or competence, who happen to be in Delhi now appear in the Supreme Court. Some of the good lawyers have settled down in Delhi, but they have established a monopoly, and, as a result, charge unconscionable fees even from charitable concerns.
- The third fallout of the failure to act under Article 130 is that the Supreme Court in Delhi has been flooded with work and been reduced to a District Court instead of a Court of Final Appeal and Constitutional Court as envisaged under the Constitution.

### **Unethical lawyers**

- The fault in actually denying access to justice to citizens is the fault of unethical lawyers.
- Lawyers are the middle-men between judges and the litigating public, they act like dishonest brokers.
- Some of the lawyers specialising in victim compensation cases take huge money as a percentage of compensation amount awarded towards victim compensation. Such a practice is frustrating the whole purpose of victim compensation.
- More than 70% of the delays in the disposal of cases are attributable to lawyers, a major reason being sometimes unjust pleas for adjournments.
- Unfortunately the disciplinary powers available to Bar Councils both in Delhi and in States are more often than not ineffective. Some are politically motivated and some States do not have disciplinary committees at all.

### **The way forward**

- First, the Supreme Court should reconsider setting up Benches in different States in keeping with the recommendations of the Law Commissions (125th Report and 229th Report).
- Second, the Bar Council of India should exercise its powers under the Advocates Act, 1961 more effectively. If not, the disciplinary jurisdiction must be returned to the judiciary as was the position prior to the Advocates Act, 1961 by repealing the 1961 Act.
- Third, lawyers should be made irrelevant by referring more cases to trained mediators, as the Supreme Court has done in the Ayodhya dispute.

# Outer Clarity

**Category: GS 3 (Defence & Security)**

**Theme of the article**

India must take up more forcefully the case against weaponization of outer space.

**Why has this issue cropped up?**

ISRO recently launched the PSLV-C45 rocket that placed 29 satellites in three different orbits. Earlier, ISRO and DRDO did the ASAT test.

**What message does the recent launches give?**

- It appears that the Indian space programme stands galvanised and poised for a giant leap.
- The dexterity with which so many satellites, most of them American, were placed in three different orbits certainly showcases both the reliability and the expertise that ISRO offers.

**Not a new development**

This is not a new development. In February 2017, the PSLV-C37 placed 104 satellites, 96 of them from the U.S., in one go, a testimony to ISRO's ability to launch satellites at a fraction of the cost that other countries incur.

**Space military architecture**

The recent PSLV-C45 launch, ASAT test, and previous launches such as PSLV-C37, and the satellites lined up for launch clearly indicate that India is assiduously putting in place a space military architecture.

Over the next few months, as many as eight satellites are expected to be launched, strengthening the defence dimension.

**Articulating space doctrine**

- The government should articulate much more clearly the doctrinal aspects of the space programme, as well as the deterrence sought to be achieved by it.
- India must communicate its peaceful intentions just as it showcases its capabilities, so as to contribute to a better understanding among countries it hopes to deter and thereby reduce the chances of wrong inferences being drawn in crisis situations.

**Militarisation of space**

- There is no global regulatory regime to address the growing militarisation in space.

- Last year, at the UN Disarmament Commission, India expressed concern about the “weaponisation” of outer space, and sought collective action to secure space-based assets.
- In this regulatory vacuum, India has legitimate reasons to develop deterrence for the security of its space-based assets.

### **Way forward**

- India must take a bigger lead in forging a global and legally binding instrument to prevent militarisation of space.
- India should play a role in the future in the drafting of international law on prevention of an arms race in space.
- Given the prohibitively expensive nature of space projects, India and other countries must utilise the increased presence in space to legitimately advance the well-being of their people.

# Lowering the Cost of Capital

Category: GS 3 (Economy)

## Why has this issue cropped up?

The BJP manifesto puts the goal of making India a \$5 trillion economy by 2025 and a \$10 trillion economy by 2032.

## The requirement of investment

- India is currently the fastest-growing major economy in the world.
- The question is whether the current growth rate is enough to create quality jobs for a growing population.
- The experience of the two previous economic boom is that a shift in trend growth requires an investment boom led by the private sector.
- One of the requirements for that is competitive cost of capital.

## Ways to reduce cost of capital

- First, the direct tax system has to be overhauled. The indirect tax system has already been transformed with the introduction of GST. The other leg of the tax reforms agenda i.e. Direct tax has not been pursued.
- Second, the cost of borrowing in India is too high. Sustained low inflation should help bring down the cost of borrowing. Low inflation should also hopefully put the Indian currency on stable ground, and thus reduce the risks to corporate finances from sudden depreciations.
- Third, investment activity quickens when the relative cost of intermediate goods falls. In other words, machinery has to be competitively accessed.

# India-Maldives Relations have Never Been Better

Category: GS 2 (International)

## Introduction

For Maldivians, the election of President Ibrahim Mohamed Solih in September 2018 meant a possible opening up of democratic space in the country. It also meant reconnecting with many countries with which Male's relationship had turned rather tense in those years, particularly India.

## India-Maldives relation in the past

- On November 3, 1988, when mercenaries attacked the Maldives, India was the first to respond.
- In 2004, when the tsunami hit Maldives, Indian naval ships were despatched to assist it.
- During the last government's term, there was a water crisis in Male. Within four hours Indian Navy and Air Force vessels delivered water.
- Between 2013 and 2018, then-President Yameen's administration was seen as tilting heavily towards China amid growing tensions with India.

## Evidence of improvement in relations

- Prime Minister Narendra Modi attended President Solih's swearing-in ceremony. The recent visit by External Affairs Minister Sushma Swaraj cemented many aspects of the cooperation agenda.
- Indian government provides development assistance. It is going into people-oriented projects like providing fresh water, sanitation, sewerage.
- Building roads and moving the Male commercial harbour to Thilafushi [island west of Male] are huge projects that are going to be major symbols of cooperation between the two countries.



# Humanise the Law

**Category: GS 2 (Welfare)**

**Theme of the article**

The draft Indian Forest Act must be redrawn to rid it of bureaucratic overreach.

Why has this issue been raised?

The draft Indian Forest Act, 2019 is woefully short of being a transformative piece of legislation.

**Classification of forests**

Only 2.99% of India's geographic area is classified as very dense forest; the rest of the green cover of a total of 21.54% is nearly equally divided into open and moderately dense forest, according to the State of Forest Report 2017.

**The draft forest bill**

- The draft Bill reinforces the idea of bureaucratic control of forests, providing immunity for actions such as use of firearms by personnel to prevent an offence.
- The hardline policing approach is reflected in the emphasis on creating infrastructure to detain and transport the accused, and to penalise entire communities through denial of access to forests for offences by individuals.

**Impact of the draft bill on the poor**

- Such provisions of the draft Bill invariably affect poor inhabitants, and run counter to the empowering and egalitarian goals that produced the Forest Rights Act.
- India's forests play a key role in moderating the lives of not just the adivasis and other traditional dwellers, but everyone in the subcontinent, through their impact on the climate and monsoons.

**Way forward**

- Any new forest law must aim to reduce conflicts, incentivise tribals and stop diversion for non-forest uses.
- This can be achieved by recognising all suitable landscapes as forests and insulating them from commercial exploitation.
- Such an approach requires a partnership with communities on the one hand, and scientists on the other.
- The Forest Department should allow independent scientific evaluation of forest health and biodiversity conservation outcomes.

- Environmental policy should strengthen public scrutiny of decisions on diversion of forests for destructive activities such as mining and large dam construction.
- Impact assessment reports have mostly been reduced to a farce, and the public hearings process has been diluted. This must change.
- The government needs to launch a process of consultation, beginning with the State governments to ensure that a progressive law is adopted by all States, including those that have their own versions of the existing Act.
- The Centre must hear the voice of all stakeholders and communities, including independent scientific experts.

### **Conclusion**

The provision of the original law, the Indian Forest Act, 1927 had been drafted to suit the objectives of a colonial power that had extractive uses for forests in mind. A new law enacted should make a departure and be aimed to expand India's forests, and ensure the well-being of traditional forest-dwellers and biodiversity in these landscapes. The need is for a paradigm that encourages community-led, scientifically validated conservation.

## For a Free Referee

Category: GS 2 (Polity/Governance)

### Theme of the article

The Election Commission must be unfailingly strict in ensuring a fair election.

### Why has this issue been raised?

Recently, after the criticism of the Supreme Court, the Election Commission of India stirred from slumber amid repeated violations of the law and transgressions of the Model Code of Conduct in the ongoing election campaign.

### What action did EC take?

- The EC had appeared to be willing itself into inaction amid a flurry of abusive and divisive speeches by pleading powerlessness to act.
- After, the Supreme Court came down heavily on the EC for its lack of initiative in enforcing the law, it cracked the barred four leaders accused of intemperate speeches from campaigning for varying durations of time.

### What are the powers of EC?

- Article 324 of the Constitution gives the commission the powers of “superintendence, direction and control” of elections.
- Through the Representation of the People Act, other rules and orders, by the apex court and the EC, the system governing the Indian electoral process has evolved, and continues to do so.
- The EC has powers to deal with newer challenges that crop up, such as the easy dissemination of misinformation with the help of technological tools in recent years.

### Way forward of EC

- While responding to new situations by changing the legal architecture is essential, the EC needs to build upon a fundamental premise of the rule of law, which is, ‘be you ever so high, the law is always above you.’
- The commission has in the past shown the capacity to come up with creative solutions that adhere to both the spirit and the letter of the law. These examples should encourage the EC to find strength in its constitutional mandate and not plead helplessness in the face of challenges to its authority.
- The Supreme Court should keep making the EC conscious of its own powers.

### **Conclusion**

The EC needs to do much more to be seen as a fair referee. The EC may end up expending the accumulated trust in the institution if it does not consistently and unfailingly demonstrate efficiency and neutrality in enforcing the law and the MCC.

## Down to Earth on the ASAT Test

Category: GS 3 (Defence & security)

**Why has this issue been raised?**

On March 27, India carried out a successful test of an Anti-Satellite (ASAT) weapon, launching an interceptor missile from the Balasore range in Odisha to hit a live satellite in Low Earth Orbit. It thus became the fourth country in the world to develop an ASAT capability.

### About the ASAT test

- India's demonstration of ASAT capability comes a little more than a decade after China's, and nearly six decades after that of the U.S. and Russia.
- The test shows that India is not averse to weaponisation of outer space.
- India has sought to reassure the global community that it has not violated any international treaty or understanding with this test.
- India has also taken great pains to advertise the fact that the international community, especially the U.S., had not faulted India for carrying out this test, in marked contrast to what had happened when China had carried out an ASAT test in 2007.
- It would be facile to think that the world endorses India's claims regarding its peaceful intentions.

### Weaponization of outer space

- ASAT capabilities are generally perceived as integral to ballistic missile defence programmes. This clearly identifies an ASAT test as a military programme. In turn, it implies an intention to embark on weaponisation of outer space. It is, perhaps, for this reason that countries such as Israel and France, which are believed to have this capability, have so far refrained from carrying out such tests
- Why India chose to test an ASAT weapon at this juncture is likely to cause consternation among many, given the tacit agreement among nations not to weaponise outer space.
- The international community cannot be faulted if it were to think that India had deliberately breached an unwritten convention against weaponisation or militarisation of outer space.

### Relevance of ASAT

- ASAT was essentially a Cold War phenomenon whose strategic importance has declined over the years.

- Currently, none of the other three countries which possess an ASAT capability extol its strategic value and importance.
- The U.S., Russia and China, all seem to demonstrate less and less interest in pursuing ASAT weaponry.
- These countries are increasingly focussing on laser and cyber capabilities to achieve the objective of neutralising killer satellites.
- Countries are experimenting with directed-energy weapons, radio frequency weapons, etc. rather than concentrating on shooting down satellites in space.
- Thus, it is a moot point whether India's ASAT test, and its positioning as a critical element in India's strategic defence capability, will have the desired impact that the nation's leaders hope for.

### **Pak-China angle**

- It is almost certain, as was the case with India's nuclear test, that Pakistan will immediately try to acquire the same capability, in all likelihood with generous assistance from China.
- China can also be expected to become increasingly wary of India's intentions in space, and take appropriate counter-measures. The bottom line is that by carrying out the March 27 test, India has neither achieved a higher level of deterrence nor is it likely to lead to a more stable strategic security environment.

### **Way forward for India**

- India should play down the military objective of its ASAT test.
- India needs to convince other nations that space is not part of India's overt defence calculations.
- India should highlight the fact that its enormously successful space programme, unlike those of many other countries, is notable for being conceived and implemented as a civilian programme, quite distinct and separate from any military programme or objective.

### **Conclusion**

There is little strategic advantage accruing from an ASAT test; on the other hand the damage that could be caused to India's image as a peaceful and responsible nation intent on, and committed to, peaceful uses of space could be immense.

## A Half-Written Promise

Category: GS 2 (Women empowerment)

### Theme of the article

Political parties must steer public debate to crucial issues relating to women's health and reproductive rights.

### Why has this issue been raised?

The 2019 general election has brought to the forefront hotly contested political issues and promises. But one area of reform that has just not been an important electoral issue is the sexual and reproductive rights of women.

### Party manifestos on women reproductive rights

Political parties have addressed reproductive rights in narrow ways.

- For example, the Congress manifesto says the party will pass suitable legislation to make registration of marriages compulsory and to enforce the law prohibiting child marriages.
- The Bharatiya Janata Party's manifesto focusses on women's menstruation and says it will ensure that all reproductive and menstrual health services are easily available to all women across India. Further, with the expansion of the Suidha scheme, sanitary pads at a cost of ₹1 will be provided to all women and girls.
- The CPI(M) has promised to make marital rape an offence and to ensure strict implementation of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT) Act, which prohibits sex determination tests and female foeticide.

### Limited understanding of women's reproductive rights

- The above points show the extent to which reproductive rights are understood in India — child marriage, female foeticide, sex selection and menstrual health and hygiene. These are extremely important issues but are selective.
- Sexual and reproductive rights in India must include a concern with maternal deaths, access to maternal care to safe abortions, access to contraceptives, adolescent sexuality, prohibition of forced medical procedures such as forced sterilisations and removal of stigma and discrimination against women, girls and LGBTI persons on the basis of their gender, sexuality and access to treatment.

### Data on maternal deaths

- India has among the highest number of maternal deaths worldwide-45,000 maternal deaths every year.

- Unsafe abortions are the third leading cause of maternal deaths in India. Half the pregnancies in India are unintended and that a third result in abortion. Only 22% of abortions are done through public or private health facilities.

### **Factors responsible for unsafe abortions**

- Lack of access to safe abortion clinics, particularly public hospitals, and stigma and attitudes toward women, especially young, unmarried women seeking abortion, contribute to this.
- Doctors refuse to perform abortions on young women or demand that they get consent from their parents or spouses despite no such requirement by law. This forces many women to turn to clandestine and often unsafe abortions.
- The Medical Termination of Pregnancy Act, 1971 provides for termination only up to 20 weeks. If an unwanted pregnancy has proceeded beyond 20 weeks, women have to approach a medical board and courts to seek permission for termination, which is extremely difficult.

### **Efforts by the Supreme Court**

- The Supreme Court has been extremely progressive on women's reproductive rights.
- The court in decriminalising adultery and in the Navtej Johar judgment striking down Section 377 held clearly, that women have a right to sexual autonomy, which is an important facet of their right to personal liberty.
- In the landmark Puttaswamy judgment in which the right to privacy was held to be a fundamental right, the Supreme Court held that privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation.
- These judgments have an important bearing on the sexual and reproductive rights of women. The right of women and girls to safe abortion is an important facet of their right to bodily integrity, right to life and equality and needs to be protected.

### **Way forward**

- Political parties, which also represent India's women, have an obligation to take forward the debates on reproductive rights, equality, and access to abortion in political debates as well as in framing laws and policies.
- The responsibility also lies with civil society and development actors to bring up these issues for public debate and in demands.
- The silence around unsafe abortions is leading to deaths of women and hides important problems that lie at the intersection of these concerns, such as the formidable barriers for adolescent girls to access reproductive health services, including abortion services. This silence needs to be broken.



### **Conclusion**

The right to safe abortion is an important political issue that must be addressed and widely debated, particularly if parties and leaders are committed to women's human rights. Access to legal and safe abortion is an integral dimension of sexual and reproductive equality, a public health issue, and must be seen as a crucial element in the contemporary debates on democracy.

# Taking Advantage of BRI

Category: GS 2 (International Relations)

## Introduction

The China-led initiative's global reach signals the advent of a new order led by Asia, which cannot exclude India.

## Reasons why India should associate itself with BRI

There are at least five reasons why India should have sent an observer to the Belt and Road Initiative (BRI) Forum.

- First, the defining feature of the 21st century is that Asia, not China, is at the centre of the world. Of the estimated \$30 trillion increase in middle-class consumption growth estimated by 2030, only \$1 trillion is expected to come from Western economies and most of the rest from Asia.
- Second, the global spread of the BRI signals the political end of the old order where the G7 shaped the economic agenda. Italy, a member of the G7, is joining the BRI.
- Third, the Asian Development Bank, not China, drew global attention to infrastructure as the key driver of economic growth in Asia.
- Fourth, the BRI, faced with criticism over lack of transparency and insensitivity to national concerns, is evolving towards standards of multilateralism, including through linkages with the United Nations Sustainable Development Goals.
- The International Monetary Fund describes it as a “very important contribution” to the global economy and is “in very close collaboration with the Chinese authorities on sharing the best international practices, especially regarding fiscal sustainability and capacity building”. China is now also seeking co-financing with multilateral institutions as well as private capital for a Silk Road Bond.
- Fifth, for the BRI to have strategic objectives is not unusual. The Marshall Plan in the 1950s also required recipients to accept certain rules for deepening trade and investment ties with the U.S.

## Way forward for India

- The BRI's commercial advantage has certainly increased China's international weight and India needs to shape the new standards to benefit Indian technology companies.
- India has declared a cooperative vision of the 'Indo-Pacific'. Hence, joining the BRI seems logical.
- China recognises the difficulties inherent in the interlinked international and domestic agenda of the BRI, and needs India's support for reform of global governance, which was an important part of last year's discussion at Wuhan.

- India should respond to the strategic complexity arising from the BRI, a key part of which cuts through Gilgit-Baltistan and Pakistan-occupied Kashmir, through three related but distinct diplomatic initiatives.
  - First, India needs to highlight that a British-led coup by the Gilgit Scouts led to Pakistani occupation of this territory and seek appropriate text recognising India's sovereignty — a drafting challenge but not an insurmountable one.
  - Second, New Delhi should give a South Asian character to the two BRI corridors on India's western and eastern flanks, by linking them with plans for connectivity in the Association of Southeast Asian Nations (ASEAN) region.
  - Third, India needs work towards 'multilateralising' the BRI with a set of rules.

## A Silk Road for the Heavens

Category: GS 2 (International Relations)

**Why has this issue been raised now?**

India, which stayed away from the launch of the China's Belt and Road Forum in 2017 despite considerable pressure from Beijing, has announced that it will sit out again.

### **Pressure on India on regional connectivity due to China**

- Although India has adopted the mantra of connectivity more than a decade ago, China's BRI (Belt & Road Initiative) has pressed it to get its act together on regional connectivity.
- The scale of the challenge has also encouraged India to shed its traditional "lone-ranger" mentality and consider working with others, especially Japan, Australia and the United States, in promoting regional connectivity in the Indo-Pacific.

### **Change of India's perception on BRI**

- India is coming to terms with the fact that the BRI is more than two-dimensional.
- Under the BRI, the "belt" was about overland connectivity and the "road" referred to the maritime corridors spreading out from China's eastern seaboard.
- The additional and inter-related dimensions of BRI are about connectivity in outer space and the digital domain.

### **The space and digital aspects of BRI**

- At the heart of China's space silk road is the BeiDou satellite navigation system that is expected to rival the American Global Positioning System (GPS), the Russian GLONASS and the European Galileo. BeiDou will consist of a number of satellites in the geostationary and intermediate earth orbits. Some analysts have called BeiDou the digital glue that holds the BRI together.
- China has also launched a Big Earth Data initiative that will develop the generation of massive remote-sensing data and commercial products based on it for use across the entire spectrum of sustainable development — from agriculture to disaster management.
- China is not only into providing space-based services, but is also in the business of exporting satellites to a large number of countries, seeding space-related infrastructure and training space personnel.
- While China presents these dramatic advances as part of its effort to promote space and digital connectivity through international cooperation, it has its geopolitical implications — especially in expanding Beijing's global surveillance and intelligence

capabilities, upgrading the PLA's military effectiveness, and a big say in shaping the digital infrastructure of developing nations.

### **India's space program vs China**

- India's space programme too has grown by focusing on modernising national telecommunication, application of remote sensing data for national development and more recently on developing assets for national security.
- India has a satellite navigation system of its own, the GAGAN. India's remote sensing capability too is impressive.
- If India has missed a trick it is in the expansive scale that China has brought to its space programme. While the origin and development of both space programmes was led by state entities, China has more recently opened up room for the participation of non-state entities and encouraged private innovators.

### **Way forward for India**

- India needs to reform its space sector to allow private corporations to play a larger role, promote space startups, and rejuvenate India's international space collaboration, both civilian and military — with friends and allies.
- Unlike in the traditional Belt and Road projects, India has significant capabilities in the space and digital domains.
- With policies that will lend them the necessary political support, commercial ambition and organisational scale, India can surely shape the future of space and digital connectivity.

# Competing for the Best

Category: GS 2 (Education)

Theme of the article

India's ability to attract global faculty hinges on dramatic changes in its higher education structure.

## Why has this issue been raised?

The flow of academics, for decades, has been from India to other countries. This flow of talent has heavily impacted the availability of highly qualified academics in Indian universities.

## Efforts by the govt to counter 'brain drain'

To counter this "brain drain" and to quickly improve top Indian institutions, the government introduced flagship programmes such as the

- Global Initiative of Academic Networks (GIAN),
- Visiting Advanced Joint Research Faculty Scheme (VAJRA), and
- Scheme for Promotion of Academic and Research Collaboration (SPARC).

## Foreign faculties at Indian higher educational institutions

- There are just 40 foreign teachers at all of the Indian Institutes of Technology (IITs) — 1% of the total faculty of 5,400 — despite the government's goal to attract 20% international faculty at higher education institutions such as the IITs.
- This is despite the fact that internationalisation in general and the appointment of global staff is central to the new 'Institutions of Eminence' programme.
- The Graded Autonomy Regulations of the University Grants Commission also now allows the highest performing universities to hire up to 20% foreign faculty on tenure basis.

## Have govt efforts been successful?

- The major recent initiative of the Indian government, GIAN, has been successful in attracting many academics of Indian origin from different countries for shorter durations.
- However, the experiences of two prominent universities sponsored by Indian and other regional governments — the South Asian University in Delhi and Nalanda in Bihar — show that offering higher salaries with exemption from taxation has not been very successful in attracting senior faculty of foreign origin.

### **Challenges in attracting foreign faculties**

- It is virtually impossible for India to attract large numbers of international professors of high standing and ability without dramatic changes in many aspects of the existing governance structure in higher education. Dramatically enhanced funding would also be required.
- The structural and practical realities of Indian universities make them generally unattractive to academic talent from abroad.
- Scales of salary Indian academic salaries are not globally competitive, even taking into account variations in living costs.

### **Way forward to attract foreign faculties**

- In some ways, the best Indian universities would require a kind of “cultural revolution” to join the ranks of global world-class universities — and to be able to lure top faculty.
- The key motivation for hiring foreign faculty is to improve international competitiveness and secure positions in global rankings, which in turn would also attract more motivated students.

### **Conclusion**

Some private institutions have proved that it is possible to attract foreign faculty, at least those with an Indian ethnic background. But the challenges faced by public institution seem insurmountable.

## Uncertain Times

Category: GS 3 (Energy)

Theme of the article

India needs to diversify its oil supplier base and increase domestic sources of energy.

**Why has this issue been raised?**

The oil market is in ferment once again with a great deal of uncertainty over supplies. Recently, the United States announced that it would not extend beyond May 1 the 180-day waiver it had granted to eight countries, including India, to purchase oil from Iran.

**The price of Brent crude**

- The US announcement caused the price of Brent crude oil to witness a sudden jump as traders expected the withdrawal of the waivers to adversely affect the supply of oil in the market.
- The price of Brent crude has been rising steadily in the last few months, and has increased by almost 50% since it hit a low of about \$50 in December, as a result of the decision of the Organisation of the Petroleum Exporting Countries (OPEC) to restrict their output to boost prices.

**The shale gas factor**

The entry of U.S. shale producers into the oil market has put a lid on the price of oil as freely competing shale suppliers have been happy to increase their output whenever oil prices rise significantly.

**Challenge that India faces due to the recent decision**

- India imports more than 10% of its crude oil from Iran, so the government faces the immediate challenge of having to find alternative suppliers to meet its huge energy needs.
- Even more worrying is the likely negative impact higher oil prices will have on India's current account deficit, fiscal deficit and inflation in the wider economy.
- Higher oil prices also make it lucrative each time for members of OPEC to cheat on their commitments to restrict supply.

**Way forward for India**

- If India is to protect its interests in the ever-volatile global oil market, the government will need to take steps to diversify its supplier base and also work towards increasing domestic sources of energy supplies.



- Opening up the renewable energy sector for more investments will also help avoid over-dependence on oil from the global market to meet the country's ever-increasing energy needs.

## Vision for Our Cities

Category: GS 3 (Infrastructure)

Theme of the article

New Government must learn from successes and failures of past urban schemes.

### Strength and weaknesses of our urban programmes

- The Atal Mission for Rejuvenation and Urban Transformation (AMRUT) was launched as a continuation of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM). But AMRUT focused only on big cities as opposed to the JNNURM that covered smaller towns as well.
- Even though the JNNURM was criticised for favouring big cities over small towns, it covered a wide variety of sectors from roads and transport to water and sanitation. AMRUT covers roads, transport, water and sewerage, but waste management was transferred to the massive sanitation programme — the Swachh Bharat Mission (SBM).
- JNNURM also uncovered the lack of capacity of local governments with small and medium towns struggling to complete projects. JNNURM intended to promote self-governing cities and that's why it included governance reforms, much like AMRUT.
- A major achievement of the current urban programme, though, has been in decentralising the project sanction process — it was centralised under JNNURM. But this has hampered project monitoring, which, in turn, affected the dissemination of information.
- The Pradhan Mantri Awas Yojana (PMAY) was launched to build one crore houses for the urban poor. Affordable housing partnership, AHP of PMAY is similar to the erstwhile Basic Services to the Urban Poor (BSUP) scheme that focused primarily on building houses on the peripheries of cities. AHP will, therefore, raise similar issues of non-occupancy and ineligible beneficiaries.
- The Smart Cities Mission (SCM) was launched as a “bold, new” initiative to cater to the ambitions of the urban middle class, escalate the country's digital transformation and justify the current government's commitment to the eternal aspiration of modernity. But the mission largely covers traditional infrastructure projects which are already eligible under AMRUT, with only a few projects relying on new information and communication technologies.
- The formation of a special purpose vehicle for the implementation of the Smart Cities mission is at the cost of empowering local governments, which are seen as inefficient even in the delivery of basic services.
- The Swachh Bharat Mission was widely publicised as the government's flagship idea to improve the sanitation situation. Its focus primarily was on toilet construction.

The understanding that the sanitation cycle requires the proper functioning of several elements was missing from the programmes. Deep-rooted inequalities have hampered project implementation and outcome.

### **Way forward**

- The efficiency of local governance holds the key to resolving the urban issue.
- Decentralisation should be encouraged but needs effective monitoring.
- The Centre will have to undertake timely data reporting protocols to ensure the proper functioning of its schemes.
- Moreover, one approach cannot work for urban areas of different sizes. We also need to reconsider the simplistic rural-urban binary in formulating policy.
- A graded urban policy that addresses the needs of the smallest urban settlements will be more effective in catering to every section of society.

## For a Malnutrition-Free India

Category: GS 2 (Health)

Theme of the article

Effective monitoring and implementation of programmes are required for the country to achieve its goal by 2022.

**Why has this issue been raised?**

Despite programme commitments since 1975, such as creating Integrated Child Development Services and national coverage of the mid-day meal scheme, India continues to grapple with a high rate of undernutrition.

### Stunting

- Stunting has lifelong consequences on human capital, poverty and equity.
- It leads to less potential in education and fewer professional opportunities.
- According to the National Family Health Survey (NFHS)-4, India has unacceptably high levels of stunting.
- In 2015-16, 38.4% of children below five years were stunted and 35.8% were underweight.
- Stunting leads to slower economic growth. The World Bank says, "A 1% loss in adult height due to childhood stunting is associated with a 1.4% loss in economic productivity".
- Stunting also has lasting effects on future generations. Since 53.1% of women were anaemic in 2015-16, this will have lasting effects on their future pregnancies and children. The situation further worsens when infants are fed inadequate diets.
- Decadal decline in stunting from 48% in 2006 to 38.4% in 2016 is only one percentage point a year.
- In terms of geographical regions, Bihar (48%), Uttar Pradesh (46%) and Jharkhand (45%) have very high rates of stunting. While nutrition has improved across all States, inter-State variabilities remain extremely high.
- India has more stunted children in rural areas as compared to urban areas, possibly due to the low socio-economic status of households in those areas.
- Almost double the prevalence of stunting is found in children born to mothers with no schooling as compared to mothers with 12 or more years of schooling.

### **National Nutrition Strategy**

- The aim of the National Nutrition Strategy of 2017 is to achieve a malnutrition-free India by 2022.
- The plan is to reduce stunting prevalence in children (0-3 years) by about three percentage points per year by 2022 from NFHS-4 levels, and achieve a one-third reduction in anaemia in children, adolescents and women of reproductive age.

### **Way forward**

- Serious alignment among line ministries, convergence of nutrition programmes, and stringent monitoring of the progress made in achieving these goals are required.
- Stunting prevalence tends to increase with age and peaks at 18-23 months. Timely nutritional interventions of breastfeeding, age-appropriate complementary feeding, full immunisation can prove effective in improving outcomes in children.
- Vitamin A deficiency can increase infections like measles and diarrhoeal diseases. About 40% of children don't get full immunisation and Vitamin A supplementation. They must be provided these for disease prevention.
- The inter-generational cycle of malnutrition is to be tackled with effective interventions for both mother (pre- and post-pregnancy) and child, to address the high burden of stunting.
- The most significant decline in stunting has been noted in Chhattisgarh (a 15 percentage point drop in the last decade). Thus, the government can take lessons from Chhattisgarh.
- Stunting shows a steady decline with increase in household income.
- It is imperative to push for convergence of health and nutrition programmes right from pregnancy until the child reaches five years of age.

### **Conclusion**

India must adopt a multi-pronged approach in bringing about socio-behavioural change. What is really needed is effective monitoring and implementation of programmes to address malnutrition.

# An Ineffectual Angel

Category: GS 2 (Polity)

## Introduction

It is the citizen's right to vote through which the democratic legitimacy is periodically renewed and the foundations of the republic remain stable. But it is not simply the act of voting that is enough: rather, voting must take place as part of a free and fair election. And for that, there must exist a number of institutional factors and conditions, all of which, taken together, culminate in that final act of the voter casting her ballot.

### The Supreme Court's efforts towards free and fair elections

- The Supreme Court, in many judgments over the years, has set out the enabling conditions that guarantee that voting remains a meaningful activity.
- These include, for example,
  - the citizen's right not to be arbitrarily denied the vote (the court has, therefore, held that voting is a fundamental freedom guaranteed under Article 19(1)(a) of the Constitution);
  - the right to know (thus, requiring compulsory declaration of certain information by candidates); and
  - the right to a secret ballot (that has prompted the court to order the inclusion of a NOTA, or None of the Above option).

### Need of an independent judiciary

- Like with any other competitive process, the ground rules that constitute the framework of the competition must be enforced by an impartial umpire. It is here that the role of an independent judiciary is crucial.
- While the primary role of the courts is to protect the fundamental rights of individuals against the state, another — equally critical — task of courts is to ensure that the ground rules of electoral competition, which are necessary to ensure free and fair elections, are maintained.
- For obvious reasons, this is not a task that can be left to political actors, and can, in essence, only be performed by the judiciary. This, therefore, is an arena where courts have to be even more vigilant than usual, because what is at stake is the foundational legitimacy of democracy itself.

### Gap between judicial rhetoric and enforcement

- In the above context, the recent conduct of Indian courts reveals an unfortunate gap between judicial rhetoric and actual enforcement.

- First, the right to know: this much-vaunted principle, which has repeatedly been accorded pride of place by the Supreme Court, was flagrantly violated when the government introduced the electoral bond scheme early last year. The electoral bond scheme denies to voters the knowledge of who funds the people who ask for their vote.
- Second, the secret ballot. Political parties are now able to determine voting outcomes at the level of individual booths. This destroys the very concept of the secret ballot, and makes threats like the ones Ms. Maneka Gandhi recently delivered extremely capable of distorting the electoral process. However, when in 2018 a case was filed before the Supreme Court asking for the use of totaliser machines in elections — that would restore the secrecy of the ballot — the court dismissed it without even according it a hearing.
- Third, the freedom to vote itself. This election season has seen multiple complaints from voters who have found their names deleted from electoral rolls, without intimation or a chance to be heard. Last year, a case was filed before the High Court, asking that the EC be required to reveal the source code of the algorithm it was using, and open it up for auditing but the High Court has failed to decide the petition.
- And lastly, public faith in the electoral process: in mid-March, Opposition parties filed a petition before the Supreme Court that would have settled, once and for all, any qualms about the use of electronic voting machines (EVMs). The court is yet to even decide upon the petition.

### Conclusion

On multiple occasions, the Supreme Court has waxed eloquent about the glories of Indian democracy, the importance of free and fair elections, and the supreme sanctity of the vote. The rhetoric is beautiful, but without enforcement, the judiciary remains, in the words of Mathew Arnold, “an ineffectual angel beating in the void its luminous wings in vain.”