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EDITORIALS

Monthly Compilation

JULY

2019

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Index

Title	Category	Page No.
1. A thumbs down to unilateralism	GS 2 (International Relations)	2
2. New framework	GS 3 (Economy)	4
3. Among members	GS 2 (International bodies)	6
4. Jobless growth	GS 3 (Economy)	8
5. Opaque Aadhaar	GS 2 (Social sector)	10
6. Looming challenges	GS 2(International relations)	12
7. Ecological perils	GS 3 (Environment)	16
8. Karnataka conundrum	GS 2 (Polity)	18
9. At the UNSC	GS 2 (International Institutions)	20
10. Green shoots of economic growth	GS 3 (Economy)	23
11. OIC's curious record	GS 2(International bodies)	27
12. Inappropriate template	GS 3 (Economy)	29
13. Ties with Seoul	GS 2 (International relations)	32
14. Making thermal plants accountable	GS 3 : Environment	35
15. Presumption of non-citizenship	GS 2 (Polity)	38
16. A misleading presentation	GS 3 (Economy)	42
17. Sucking up surplus	GS 3 (Economy)	44
18. An invasive and inefficient tool	GS 3 (Security)	46
19. Ignoring the proportionality	GS 2 (Polity)	49
20. The tremor of amendments	GS 2 (Polity)	52
21. Zero budget natural farming	GS 3(Agriculture)	56
22. Fixed Fate, Free Will	GS 3 (Economy)	59
23. Education and Common Good	GS 2 (Social sector)	62
24. Labour in the Indian Economy	GS 3 (Economy)	64
25. Financing Disaster Management	GS 3 (Disaster Management)	67
26. Dignity of Public Institutions	GS 2 (Governance)	71
27. Simultaneous Elections	GS 2 (Polity)	73
28. Nudge To Fudge	GS 3 (Economy)	76
29. Parched Present, Parched Future	GS 1 (Geography)	78
30. No-Confidence Motion	GS 2 (Polity)	81
31. G20 and the world's future	GS 2 (International bodies)	83
32. Anti-defection law	GS 2 (Polity)	85

A thumbs down to unilateralism

Category: GS 2 (International Relations)

Why has this issue cropped up?

The U.S. is acting in defiance of agreed rules to target India's WTO-consistent policies.

Introduction

Economic relations between India and the United States are on a knife-edge after the U.S. took a series of unilateral actions against India's exports, that began in 2018, followed by India's recently announced retaliatory move of increasing tariffs on 28 products imported from its largest trade partner.

Some background

- In the past, U.S. agencies — in particular, the Office of the United States Trade Representative (USTR) and the United States International Trade Commission (USITC) — have “investigated” India's trade policies, the conclusions of which have been used by the administration to demand changes in policies that would benefit American businesses.
- The latest demands stem from two extensive USITC investigations which were conducted between 2013 and 2015 on India's trade, investment, and industrial policies.

Propriety and procedures

The investigations conducted by the U.S. agencies raise several issues of propriety, procedures and substance. These three dimensions need to be understood well for this is the only way in which the Government of India can prepare appropriate responses to the persistent questioning by the U.S. administration of its trade and investment policies.

- **PROPRIETY:**
 - The first is the issue of propriety. It is important to mention here that all of India's trade-related policies were done under the cover of the U.S.'s domestic laws.

- This is tantamount to unilateralism, the response to which should be an unequivocal “no” in this age of multilateralism, where differences on policy issues between sovereign countries must be resolved in the appropriate multilateral forums. The possibilities of a stronger power using unilateral means should be eliminated.
- It is in this spirit that the General Agreement on Tariffs and Trade (GATT) was established which was later replaced by WTO. The main purpose of the GATT/WTO is to provide a forum for the resolution of disputes by following multilaterally agreed rules. The only country disagreeing with this position is the U.S.
- **PROCEDURE**
 - The procedure of conducting the investigations was deeply flawed for it provided a platform for vested interests in the U.S. to make common cause against India’s policies.
 - What is more, in these investigations, U.S. government agencies have been not only acting as the judge and the jury but also actively engaged in getting the findings of the investigations implemented.
- **SUBSTANCE**
 - The substance of the investigations touched trade-related issues that are covered by the WTO agreements.
 - Since the establishment of the WTO, India’s policies have mostly been consistent with its commitments; where they have not been, other WTO members, including the U.S., have approached the dispute settlement body of the organisation to make India fall in line.
 - The fact that the U.S. is not approaching the WTO to challenge India’s trade and investment policies that American businesses find detrimental to their interests implies that the India’s largest trade partner is acting in defiance of agreed rules to target India’s WTO-consistent policies.
 - Take, for instance, India’s high tariffs which have left Mr. Trump greatly perturbed. These tariffs were agreed to in the Uruguay

Round negotiations in consultation with all members of the organisation. Moreover, in the period since, India has lowered tariffs on many agricultural and industrial products.

What is at the core

- The India-U.S. discord over trade stems from a deep-seated desire of U.S. businesses to have a bigger footprint in the Indian economy, and to achieve this goal, the administration is stepping beyond legitimate means.
- In fact, the basis of the discord lies in the way the U.S. has been targeting India's policies, disregarding the rule of law.

What lies ahead

- Early resolution of this discord seems difficult as the U.S. has decided to undermine the WTO's dispute settlement mechanism and walk down the path of unilateralism instead.
- Under these circumstances, the Government of India would have focus on two fronts: to remain engaged with its largest trade partner and to also engage actively with the global community to make the U.S. understand the imperatives of a rules-based trading system.

New framework

Category: GS 3 (Economy)

Theme of the article

The SEBI regulations for mutual funds will help restore investor confidence.

Why has this issue cropped up?

After introducing a new standard framework for credit rating agencies last month, the Securities and Exchange Board of India came up with more stringent regulations to govern the management of mutual funds. The mutual fund industry came under its scrutiny after some mutual funds in the last few months had to postpone redemption of their fixed maturity plans (FMPs).

New SEBI Regulations

- According to the new SEBI regulations, liquid mutual fund schemes will have to invest at least 20% of their funds in liquid assets like government securities.
- They will be barred from investing more than 20% of their total assets in any one sector; the current cap is 25%.
- When it comes to sectors like housing finance, the limit is down to 10%.
- While the mandated investment in government securities will ensure a modicum of liquidity, the reduction in sectoral concentration will discipline funds and force them to diversify their risks.
- Some mutual funds entered into standstill agreements with companies in whose debt instruments the funds had invested. This is not a welcome practice and goes against the interests of investors in the mutual fund. SEBI has done the right thing by banning funds from entering into such standstill agreements.
- Further, SEBI has required that assets of mutual funds be valued on a mark-to-market basis in order to better reflect the value of their investments.

Caution needed

- While SEBI's intent to deal with the risks within the financial system is commendable, there could be unintended consequences to the regulator's actions — which need watching.
- One of the new regulations introduced by SEBI is to increase the exit load on short-term investments in liquid mutual funds to discourage sudden demands for redemption. This could possibly hinder fund flow into the bond market, which in India is already quite undeveloped when compared to the rest of the world.

The concern

- While SEBI is doing a commendable job in disciplining the markets and intermediaries, the larger question is whether the regulator can really protect investors beyond a certain point.
- Market investments involve risk, and investors seeking high returns may in fact be willing to assume the increased risk that comes with such investment.

Conclusion

What SEBI is probably more concerned about is the ripple effect of defaults and roll-overs on the system. Investor confidence can be shaken by defaults and that will have consequences for the economy. Viewed from this perspective, the regulator's latest rules should be welcomed.

Among members

Category: GS 2 (International bodies)

Theme of the article

Glaring bilateral and global issues were highlighted at the G-20 summit.

Introduction

As a forum, the G-20 is often watched more closely for the meetings the event affords on its sidelines, than for substantive outcomes. The countries that make up the G-20 account for 85% of the world's nominal GDP.

Highlights of the summit

- Prime Minister Narendra Modi used the occasion of the G-20 summit at Osaka for as many as 20 such meetings, including nine bilaterals, eight pull-aside engagements, and of the Russia-India-China, Japan-U.S.-India and Brazil-Russia-India-China-South Africa groupings.
- U.S. and China have called a halt to raising tariffs until they resolve issues. It came as a relief to India, given the impact of those tensions on the national and global economies.

- Mr. Modi raised several Indian concerns at the G-20 deliberations, including the need for cooperation on dealing with serious economic offenders and fugitives, as well as climate change funding. This found its way into the final declaration.
- India sent a tough message by refusing to attend the digital economy summit pushed by Japanese Prime Minister Shinzo Abe, as his plan for “data free flow with trust”, included in the G-20 declaration, runs counter to the Reserve Bank of India’s proposed data localisation guidelines.
- The U.S. wrote in a counter to the paragraph praising the Paris accord, while trade protectionism was not mentioned in the document.
- On issues such as ocean pollution management, gender equality and concerted efforts to fight corruption, the G-20 found consensus more easily.

What lies ahead

- With Saudi Arabia hosting the next G-20 in 2020, followed by Italy in 2021, all eyes will soon turn to the agenda India plans to highlight when it holds the G-20 summit in 2022.
- Many global challenges, such as climate change and its impact, the balance between the needs for speed and national security with 5G networks being introduced, as well as technology-driven terrorism, will become even more critical for the grouping, and the government must articulate its line.

Way forward

- India should lead the exercise in making the G-20 more effective in dealing with some of the inequities in its system.
- The G-20 is an important platform to discuss pressing issues, and it must not be detracted from its original purpose of promoting sustainable growth and financial stability by grandstanding by one or two members.

Jobless growth becomes more systemic

Category: GS 3 (Economy)

Theme of the article

Earlier confined largely to the organised sector, it has now spread to other areas, as revealed by the latest survey results.

Why has this issue cropped up?

The findings of the latest employment survey, called the Periodic Labour Force Survey (2017-18), are a cause for concern as the scenario is still far from anything that would denote decent employment. The two biggest issues here are: the shrinking share of the labour force; and the rising unemployment.

The data of concern

- The labour force participation rate (% of people working or seeking work in the above-15 years age category) in the earlier survey of 2012 was 55.5%. This has shrunk to 49.7% in 2018.
- There is an absolute decline in the number of workers from 467.7 million in 2012 to 461.5 million in 2018.
- The figure for the overall unemployment rate at 6.1% is 2.77 times the same figure for 2012.
- The highest unemployment rate of a severe nature was among the urban women at 10.8%; followed by urban men at 7.1%; rural men at 5.8%; and rural women at 3.8%.
- Youth unemployment rate (unemployment among those in the 15-29 years age category) has reached a high 17.8%. Even here, the women stand more disadvantaged than the men, especially urban women, whose unemployment rate of 27.2% is more than double the 2012 figure of 13.1%.

Women labour

- Given the sharp decline in women's labour force participation rate, they have been losing out heavily due to the double whammy of exclusion from the labour force and an inability to access employment when included in the labour force.
- The decline in women's labour force participation from 31% to 24% means that India is among the countries with the lowest participation of women in the labour force.

Educated employment

- The issue of educated unemployment, given its link with not just growth but also with transformative development, has never been as acute as at present.
- What is significant is that the unemployment rates go up as levels of education go up. Among those with secondary school education, it is 5.7% but jumps to 10.3% when those with higher secondary-level education are considered. The highest rate is among the diploma and certificate holders (19.8%); followed by graduates (17.2%); and postgraduates (14.6%).
- Of course, educated persons are likely to have aspirations for specific jobs and hence likely to go through a longer waiting period than their less-educated counterparts. They are also likely to be less economically deprived. But the country's inability to absorb the educated into gainful employment is indeed an economic loss and a demoralising experience both for the unemployed and those enthusiastically enrolling themselves for higher education.
- Here again, the burden is the highest among urban women (19.8%) followed by rural women (17.3%), rural men (10.5%) and urban men (9.2%). Among the educated, women face a more unfavourable situation than men despite a low labour force participation rate.

Conclusion

The overall conclusion here is that the trend of 'jobless growth' that was till recently confined largely, if not only, to the organised sector has now spread to other sectors of the economy, making it more generalised. This calls for a thorough re-examination of the missing linkages between growth and employment.

Opaque Aadhaar

GS 2 (Social sector)

Why has this issue cropped up?

The Aadhaar amendment bill, which provides for voluntary use of Aadhaar for KYC, under the Telegraph and Prevention of Money Laundering Acts, has now been passed by both Houses of Parliament.

Amendment feature

It has reinstated many of the provisions of Section 57 of the original Aadhaar Act which was struck down by the Supreme Court in September 2018 as unconstitutional. The amendment comes with no major alteration in either design or use cases.

Concerns with amendment

- The steamrolling of the legislative processes, without heed to the Supreme Court judgment or civil society concerns, is a definite cause for disquiet.
- Section 57 was struck down not only because of the procedural issue of passing Aadhaar as a money bill, but also due to serious concerns relating to privacy and proportionality.
- The dissenting judgment of Justice DY Chandrachud found many other aspects of Aadhaar objectionable, including biometric authentication, and declared it to be unconstitutional in its entirety.

Problems with technical design of Aadhaar

- Mandatory deployment of biometric authentication for everyday transactions in sectors like welfare causes denial of service for some.
- The requirement of reliable online connectivity compounds the problem.
- A nation-wide digital identity limited only for de-duplication, authentication, KYC and limited fintech services is rather narrow. The Aadhaar design did not envisage using it for building online social, financial and asset registries, electronic health records etc.
- The design also did not examine safe protocols for facilitating analytics for targeting of welfare, education and healthcare, econometric analysis, epidemiological studies, tax compliance etc.
- Commercial use of Aadhaar linked data raises yet another set of very serious legal and technical questions.
- There is no clear analysis of the minimum information that needs to be exchanged during authentication and KYC for various applications.
- Also, using the same identity across multiple applications may allow a correlation of identities across domains and illegal profiling.
- Because biometrics are not secret information, Aadhaar is vulnerable to illegal harvesting of biometrics, identity thefts and other frauds.
- Lack of protection against insider threats, lack of clear policies on the use of virtual identities lack of any regulatory oversight and a data protection law raise some serious privacy concerns.
- The inadequate privacy safeguards can potentially give the government of the day unprecedented access to information and power over its citizens, threatening civil liberty and democracy.
- Also, Aadhaar does not record the purpose of authentication. Authentication without authorisation and accounting puts users at serious risk of fraud because authentication or KYC meant for one purpose may be used for another.
- Neither the Aadhaar holders nor the agencies responsible for service delivery have any control over either identity or authentication, causing understanding gaps and making grievance redressal difficult.

Way forward

- Transparency, regular design reviews, use case audits, and a reliable process of public consultation seem to be the way forward.
- A thoughtful design with provable privacy guarantees would be able to support large scale registries and analytics by the government.

Conclusion

Thus, AADHAR's technical design requires serious reconsideration, following amendments to the law.

Looming challenges to India's standing

Category: GS 2(International relations)

Theme of the article

In the coming five years, a host of geopolitical and economic issues need to be reconciled.

Recent international events of significance to India

- Prime Minister Narendra Modi was the cynosure of all eyes at the G-20 meeting in June, in Osaka.
- At the BRICs informal meeting, also in Osaka, he called for the strengthening of the World Trade Organisation and for a global conference on terrorism.
- He discussed counter-terrorism and climate change issues at separate meetings with China's President Xi Jinping and Russia's President Vladimir Putin.
- He participated in the Japan-India-U.S. trilateral grouping, arguing for a "rules based order" in the Indo-Pacific region.
- He met with U.S. President Donald Trump, to discuss the future of India-U.S. relations.

A vastly altered situation

- This may convey an impression that everything bodes well for India in the external realm.
- What is often overlooked is that while we were fortunate in the past to be able to take advantage of a rare combination of favourable conditions, this situation no longer exists.
- In the past, we did manage a shift from non-alignment to multi-alignment, could improve our relations with the United States without jeopardising our long-term relationship with Russia, and paper over our prickly relations with China without conceding too much ground; all the while maintaining our strategic independence. This is too much to hope for at the present time.
- The global situation that made all this possible has altered. Rivalries among nations have intensified. There is virtual elimination of the middle ground in global politics, and it has become far more adversarial than at any time previously.
- Even the definition of a liberal order seems to be undergoing changes. Several more countries today profess support for their kind of liberalism, including Russia and China. At the other end, western democracy appears far less liberal today.

Challenges for India

- In this backdrop, India needs to rework many of its policies in the coming five years.
- South Asia, in particular, and the region of our highest priority, needs close attention. The region is one of the most disturbed in the world and India has little or no say in any of the outcomes taking place.
- India-Pakistan relations are perhaps at their lowest point. Tarring Pakistan with the terror brush is hardly policy, and stable relations continue to be elusive.

- India has no role in Afghan affairs and is also excluded from current talks involving the Taliban, the Afghan government, Pakistan, the U.S. and even Russia and China.
- India might have recouped its position more recently in the Maldives, but its position in Nepal and Sri Lanka remains tenuous.
- In West Asia again, India is no longer a player to reckon with.
- Across much of Asia, China is the major challenge that India has to contend with. Smaller countries in the region are being inveigled to participate in China's programmes such as the Belt and Road Initiative (BRI).
- The challenge in the coming years for India is to check the slide, especially in Asia, and try and restore India to the position it held previously. India cannot afford to wait too long to rectify the situation.
- Deepening India-U.S. relations today again carry the danger of India becoming involved in a new kind of Cold War. This is another area that needs our special focus.
- India must ensure that it does not become a party to the conflicts and rivalries between the U.S. and a rising China, the heightened tensions between the U.S. and Russia, and also avoid becoming a pawn in the U.S.-Iran conflict.
- There is little doubt that current India-U.S. relations provide India better access to state-of-the-art defence items; the recent passage of the National Defence Authorisation Act in the U.S. makes India virtually a non-NATO ally. However, such close identification comes with a price. It could entail estrangement of relations with Russia, which has been a steadfast ally and a defence partner of India's for the better part of half-a-century.
- Closer relations with the U.S. also carries the risk of aggravating tensions between India and China, even as China and the U.S. engage in contesting every domain and are involved in intense rivalry in military matters as well as competition on technology issues. The U.S.-China-Russia conflict has another dimension which could affect India adversely.

- The strategic axis forged between Russia and China will impact not only the U.S. but also India's position in both Asia and Eurasia, with India being seen as increasingly aligned to the U.S. Hence, India needs to devise a policy that does not leave it isolated in the region.
- Again, notwithstanding the 'Wuhan spirit', India cannot but be concerned about China's true intentions, given the regional and global situation and its desire to dominate the Asian region. Within the next decade, China will become a truly formidable military power, second only to the U.S.
- The ongoing India-U.S. entente could well provoke a belligerent China to act with greater impunity than previously. As it is, China would be concerned at the rise of a 'nationalist' India, which is perhaps not unwilling in the prevailing circumstances of today to become embroiled in a conflict over 'freedom of navigation' in the South and East China seas.
- As India intensifies its search for state-of-the-art military equipment from different sources, it may be worthwhile for India to step back and reconsider some of its options. Military power is but one aspect of the conflicts that rage today. Today, disruptive technologies have tremendous danger potential and nations that possess these technologies have the ability to become the dominant powers in the 21st and 22nd Centuries.
- A major challenge for India will hence be how to overcome our current inadequacies in the realm of disruptive technologies rather than remaining confined to the purely military domain. The U.S., China, Russia, Israel and few other countries dominate these spheres as also cyberspace and cyber methodologies.
- New policy parameters will need to be drawn up by India, and our capabilities enhanced in areas such as artificial intelligence, biotechnology and cyber methodology, all of which constitute critical elements of the disruptive technology matrix.
- None of this would, however, be possible unless India pays greater heed to its economy. Notwithstanding India's ambition to become a \$5-trillion economy by 2024-25, the reality today is that the economy appears to be in a state of decline. Jobs, specially skilled jobs, are not available in

sufficient numbers and this should be a matter for concern. The ability to sustain a rate of growth between 8.5% and 9.5% is again highly doubtful.

Conclusion

The looming challenge for India in the coming five years, therefore, would be how to build a strong economic foundation, one that is capable of providing the kind of power structure needed for an emerging power, and also one possessing the best liberal credentials.

Ecological perils of discounting the future

Category: GS 3 (Environment)

Theme of the article

With growing environmental distress, policymakers cannot shy away from adopting best eco-management practices.

Introduction

The Chennai floods are a symbol of consistent human failings and poor urban design which are common to most urban centres in India if not urban centres across the world. Now, Chennai is in the midst of another crisis — one of water scarcity.

The water scarcity in Chennai

- In Chennai, more than 30 waterbodies of significance have disappeared in the past century.
- Concretisation or the increase in paved surfaces has affected the percolation of rainwater into the soil, thereby depleting groundwater levels to a point of no return.

Urbanisation without vision

- Chennai, however, is not alone in terms of suffering from the consequences of human folly. Urbanisation at the cost of reclaiming water bodies is a pan-India if not worldwide phenomenon. There are examples in cities such as Bengaluru, Hyderabad and even Mexico city.

- In Bengaluru, 15 lakes have lost their ecological character in less than five years. The lakes, which are now encroached areas, find use as a bus stand, a stadium and, quite ironically, as an office of the Pollution Control Board.
- In Mexico city, what was once a network of lakes built by the Aztecs in the 11th and 12th centuries, has given way to a downtown city centre. Parts of the city, especially downtown, sink a few metres every year causing immense damage to buildings.
- In Telangana, the byzantine network of tanks and lakes built by the Kakatiya dynasty has disappeared over the years.

Lessons to be learnt

- Telangana launched a massive rejuvenation movement in form of “Mission Kakatiya” which involves the restoration of irrigation tanks and lakes/minor irrigation sources built by the Kakatiya dynasty.
- The city of Hyderabad is now moving towards a sustainable hydraulic model. This model integrates six sources of water in a way that even the most underdeveloped areas of the city can have equitable access to water resources and the groundwater levels restored.
- Mexico city has created a new executive position of a “resilience officer” to save its sinking urban sprawls.
- Bengaluru has reclaimed Kundalahalli lake (once a landfill) through corporate social responsibility funds in a Public Private Partnership model.

The larger question

- The larger question is: Can we not take inspiration from the above examples? Why should other urban centres shy away from adopting, remodelling and implementing some of the best water management practices to avoid disaster?
- The answer perhaps lies in the tendency of policymakers to discount the future and of their obsession of focussing on the here and now.

Conclusion

What has happened in Chennai now or what happened in Kerala last year in the form of floods are not a case of setting alarm bells ringing, but one of explosions. If we do not wake up now, we have to be prepared to face the consequences of nature wreaking great havoc on humanity. We would not need nuclear bombs for our obliteration.

Karnataka conundrum

Category: GS 2 (Polity)

Theme of the article

Converting resignation into a disqualification matter adds new dimension to a political crisis.

Introduction

The Supreme Court's decision to ask the parties to the political crisis in Karnataka to maintain the status quo until it examines the questions of law involved, is pragmatic and expedient. The Speaker has been asked not to decide the issue of MLAs' resignation or disqualification.

MLAs Prevented from resigning

- An order has been passed when one of the questions to be decided is whether the court can give such a direction to the Speaker.
- It now transpires that legislators can be prevented from resigning by claiming that they have incurred disqualification.
- It was argued in court that "the rebel MLAs are trying to avoid disqualification by tendering resignations." This is astounding, as the penalty for defection is loss of legislative office. Quitting the current post before joining another party is a legal and moral obligation.

Is preventing from resignation justified?

- Defection is condemnable, especially if it is to bring down one regime and form another.

- But politicians cannot be tied down to parties against their will by not letting them leave even their legislative positions.
- They may have been wrong to rush to the court without getting an appointment with the Speaker, but their parties issued a whip to all MLAs to be present in the House and vote for the government.
- Converting resignation into a disqualification matter is an attempt to deny a member's right to quit his seat in the legislature before joining another party, even if the crossing-over is a politically expedient measure.

The logic behind resignation

The logic seems to be that a disqualified member cannot become a Minister without getting elected again, whereas one who resigns can be inducted into an alternative Cabinet without being a member.

Constitutional issue

- Accepting a resignation is a simple function of being satisfied if it is voluntary, while disqualification is decided on evidence and inquiry. The two should not be mixed up.
- The ongoing proceedings represent an increasingly common trend in litigation on constitutional issues: the propensity of the political class to twist and stretch the law in their favour and leave it to the court to set things right.

The speaker's powers

- The Speaker already enjoys extraordinary powers under the Constitution. Though the decision is subject to judicial review, many Speakers have evaded judicial scrutiny by merely not acting on disqualification matters.
- The question whether the Speaker's inaction can be challenged in court is pending before another Constitution Bench.

Conclusion

Telangana, Andhra Pradesh and Tamil Nadu have instances of Speakers not acting on disqualification questions for years. The current crisis in Karnataka has exposed a new dimension to such partisan action.

At the UNSC, a three-point agenda

Category: [GS 2 \(International Institutions\)](#)

Theme of the article

India should once again become a consensus-builder, instead of the outlier it has progressively become.

Introduction

India's representation in the UNSC has become rarer. It is to re-enter the Council after a gap of 10 years. The previous time, in 2011-12, followed a gap of 20 years. In total, India has been in the UNSC for 14 years, representing roughly a fifth of the time the United Nations (UN) has existed. India must leverage this latest opportunity to project itself as a responsible nation.

Changing state of world

- India finds itself in a troubled region between West and East Asia, a region bristling with insurgencies, terrorism, human and narcotics trafficking, and great power rivalries.
- The turbulence in West Asia is echoed in North and South Asia, a consequence of the nuclear and missile tests by the Democratic People's Republic of Korea and Afghanistan's slow but unmistakable unravelling from the support, sustenance and sanctuary provided in its contiguity to groups such as the Haqqani network, the Taliban, and al-Qaeda.
- Other problems in Asia include strategic mistrust or misperception, unresolved borders and territorial disputes, the absence of a pan-Asia security architecture, and competition over energy and strategic minerals.
- Alongside, the western world is consumed by primordial, almost tribal instincts, turning its back on the universal values it once espoused as western values. The benign and supportive international system that followed the Cold War has all but disappeared.

- At the beginning of this century, the words ‘national interest’ had acquired almost a pejorative connotation. They are now back in currency. Fear, populism, polarisation, and ultra-nationalism have become the basis of politics in many countries.

Role of UNSC

- The world is in a better place today than when the UN was first established.
- The record on maintaining international peace and security, one of the prime functions of the UNSC, has been positive, with or without the UN.
- The world has been distracted from its other shared goals, especially international social and economic cooperation.
- Although coordination between 193 sovereign member nations will be difficult, it is well worth trying. To this end, the permanent members (P-5) as also other UN members must consider it worth their while to reform the Council.

Challenge before India

One of the challenges of the international system today, and for India in the UNSC, is that this profound impending change is largely unrecognised by the great powers and other countries.

What should India aim to do?

- There is no need for India to fritter away diplomatic goodwill in seeking an elusive permanent seat in the UNSC — it will come India’s way more by invitation and less by self-canvassing.
- India will have to increase its financial contribution, as the apportionment of UN expenses for each of the P-5 countries is significantly larger than that for India. Even Germany and Japan today contribute many times more than India.
- Although India has been a leading provider of peacekeepers, its assessed contribution to UN peacekeeping operations is minuscule.
- At a time when there is a deficit of international leadership on global issues, especially on security, migrant movement, poverty, and climate

change, India has an opportunity to promote well-balanced, common solutions.

- First, as a member of the UNSC, India must help guide the Council away from the perils of invoking the principles of humanitarian interventionism or ‘Responsibility to Protect’. India should work towards a rules-based global order. Sustainable development and promoting peoples’ welfare should become its new drivers.
- Second, India should push to ensure that the UNSC Sanctions Committee targets all those individuals and entities warranting sanctions. Multilateral action by the UNSC has not been possible because of narrowly defined national interest.
- Third, having good relations with all the great powers, India must lead the way by pursuing inclusion, the rule of law, constitutionalism, and rational internationalism. India should once again become a consensus-builder, instead of the outlier it has progressively become. For example, India should take the lead in activating the UNSC’s Military Staff Committee, which was never set into motion following the UN’s inception.
- Finally, India cannot stride the global stage with confidence in the absence of stable relations with its neighbours. Besides whatever else is done within the UN and the UNSC, India must lift its game in South Asia and its larger neighbourhood.

Conclusion

India’s singular objective as a non-permanent member of the United Nations Security Council (UNSC) in 2021-22 should be to help build a stable and secure external environment. In doing so, India will promote its own people’s prosperity, regional and global security and growth, and a rule-based world order. It could emerge a partner of choice for developing and developed countries alike.

Green shoots of economic growth

Category: GS 3 (Economy)

Theme of the article

Without factoring in agriculture, the vision of a \$5-trillion economy will remain a distant dream.

Why has this issue cropped up?

India's dream of becoming a \$5-trillion economy by 2024 is now in the open with a 'blue sky' vision envisaged in the Economic Survey this year.

The concern

The document lays down a clear strategy to augment the growth of key sectors by shifting gears as the current economic conditions are smooth in terms of macroeconomic stability to expand growth. However, unless there are adequate investment reforms in primary sectors, steps taken to augment growth in other sectors would be futile.

Investment is the key

- Insufficient investment in the agriculture sector in most developing countries over the past 30 years has resulted in low productivity and stagnant production.
- In India, with a steadily decreasing share of 14.4% in Gross Value Added since 2015-16, the sector's contribution to a \$5-trillion economy would be around \$1 trillion.
- Investment is the key to unlocking the potential of a developing economy. However, the myopic policy regime in the past several decades has resulted in sluggish investment growth in the farm sector. Therefore, strengthening the sector with an enabling investment package (both public and private) is critical.

Suggestions on investment

- **First**, the wave of investment should touch segments such as agro-processing, and exports, agri-startups and agri-tourism, where the potential for job creation and capacity utilisation is far less. Integrating the existing tourism circuit with a relatively new area of agri-tourism (as a hub-and-spoke model), where glimpses of farm staff and farm operations are displayed to attract tourists, would help in boosting the investment cycle and generate in-situ employment.
- **Second**, investment needs to be driven to strengthen both public and private extension advisory systems and the quality of agri-education and research through collaboration and convergence. It would also serve as a stage to demonstrate resource conservation and sustainable use through organic, natural and green methods, and also zero budget natural farming.
- **Third**, given that India has the highest livestock population in the world, investment should be made to utilise this surplus by employing next-generation livestock technology with a strong emphasis not only on productivity enhancement but also on conservation of indigenous germplasm, disease surveillance, quality control, waste utilisation and value addition. This would lead to a sustained increase in farm income and savings with an export-oriented growth model.
- **Fourth**, investment in renewable energy generation (using small wind mill and solar pumps) on fallow farmland and in hilly terrain would help reduce the burden of debt-ridden electricity distribution companies and State governments, besides enabling energy security in rural areas.
- **Fifth**, a farm business organisation is another source of routing private investment to agriculture. Linking these organisations with commodity exchanges would provide agriculture commodities more space on international trading platforms and reduce the burden of markets in a glut season, with certain policy/procedural modifications.

Pivotal role for data

- Data is the key driver of modern agriculture which in turn can power artificial intelligence-led agriculture, e-markets, soil mapping and others.
- Currently, there are issues of enumeration, maintenance and accessibility to help maintain agri-data on various fronts.
- There also needs to be a centralised institutional mechanism to help maintain farm level-data available for real time (virtual) assessment, while also helping plug the loopholes in subsidy distribution, funding and unrealistic assumption in production estimation. This will help in effectively implementing and monitoring various schemes for a pragmatic food system.

Behavioural change

It is widely accepted that resource conservation comes with behavioural change, which needs dedicated investment in behavioural farm research sets. Perhaps this would help find a way to leverage nudge policies/choice architecture for resource conservation, fertilizer use, irrigation and electricity consumption.

Significance of agricultural sector

- Though economic transition has seen significant growth contribution from services and industry, agriculture remains the most trusted sector in helping alleviate poverty, hunger and malnutrition and ensuring better income distribution.
- An earlier experience of BRIC (Brazil, Russia, India and China) nations has shown that a 1% growth in agriculture is at least two to three times more effective in reducing poverty than similar growth in non-agricultural sectors.
- Agriculture and its allied sectors are believed to be one of the most fertile grounds to help achieve the ambitious Sustainable Developmental Goals (SDGs).

Public investment in agriculture

- Public investment in agriculture research and development in terms of percentage share in agri GVA stands at 0.37%, which is fairly low in comparison to between 3% and 5% in developed countries.
- Also, in real terms, current investment can create an enabling environment to route private investment in R&D.
- Therefore, public investment in agriculture should see a commensurate rise with a healthy mix of education, research and extension encouraging 'blue-sky thinking' in all segments, while pushing for a targeted pruning of public expenditures on subsidies, kind transfers, loan waivers and populist measures.

Suggestions on agricultural investment

- With the current pace of agriculture growth, India requires 'patient capital', as financial returns to investment are unlikely to materialise in the initial years.
- An inclusive business model facilitating strong investor-farmer relations should be created, with a legal and institutional framework for governance.
- Expanding institutions is essential to accommodate the developmental impacts of foreign agricultural investment.
- Above all, there is a need to converge fragmented investments (public, private and foreign) to address the structural weaknesses in the agriculture sector, enunciated in the Economic Survey 2016-17. Trickle-down effect

OIC's curious record on Xinjiang

Category: GS 2(International bodies)

Theme of the article

While OIC has made repeated references to Kashmir, it has been ambivalent about China's treatment of Uighurs.

Why has this issue cropped up?

In an epochal development, India became the 'Guest of Honour' at the 46th session of the Council of Foreign Ministers of the Organisation of Islamic Cooperation (OIC) held in Abu Dhabi in March.

Reference to Kashmir

- The final declaration of OIC eschewed the customary reference to Jammu and Kashmir.
- This can be considered unique since the previous Dhaka Declaration in May 2018 had contained this reference.
- Credit must go to the strong personal and state-to-state ties built by the government with important OIC states, especially the UAE.
- At the same time, one of the resolutions did refer to Kashmir and expressed concern at the situation of Muslims in India.

OIC and concern for Muslims

- The OIC, representing 57 member states and a population of about 1.8 billion people, is the world's second-largest intergovernmental organisation after the UN and is committed to protecting the interests of the Muslim world.
- It routinely expresses solidarity with Palestine, Iraq, Afghanistan, Syria and Bosnia, as well as with the peoples of the Turkish Cypriot state, Kosovo and Jammu and Kashmir.
- However, the organisation, while making repeated references to Jammu and Kashmir, has traditionally disregarded the fact that India is a democratic and secular country, where every citizen is protected by the Constitution and is free to practise one's religion.

- It has also conveniently disregarded the fact that India regularly holds State and general elections, including in Jammu and Kashmir.
- On the other hand, it has turned a Nelson's eye to the human rights violations committed by its own members, like the actions of the Pakistani state in Balochistan.
- However, the organisation's record on China's Xinjiang province, which is in the news on account of alleged violations of human rights and curbs on religious freedom of Uighurs and other Muslim ethnic groups, is far more curious.
- The main Abu Dhabi declaration, like the Dhaka Declaration, made no reference to China or its Muslim minorities.
- Further, it is intriguing that one resolution passed at Abu Dhabi chose to "commend the efforts of the People's Republic of China in providing care to its Muslim citizens".

OIC vs China vs India

- While the OIC remains critical of India, it is wary of treading on China's toes. Various OIC resolutions have, in the past, referred only superficially to the Xinjiang matter.
- Beijing has engaged the OIC and just before the Abu Dhabi meeting, it welcomed an OIC delegation to Xinjiang, a development which perhaps played a role in the OIC 'commending' China.
- The organisation remains mindful of how far it can go with its criticism of Beijing considering that China is a major power, a permanent member of the UN Security Council, a large market for hydrocarbons and a source of arms and investment.
- Moreover, China refrains from preaching to others about human rights or systems of governance.
- As China's continued import of oil from Iran suggests, countries under U.S. pressure and sanctions often turn to China for relief. In return, they do their best to guard China's interests at the OIC.

- However, OIC countries, under the influence of Pakistan, support resolutions against India despite having excellent bilateral ties with the country.

Conclusion

Recent developments — a call from Pakistan urging China to lift restrictions on Muslims in Xinjiang and raising concerns about the Uighur issue with the Chinese Ambassador — must have come as deep embarrassment to the OIC.

Inappropriate template for a legitimate target

Category: GS 3 (Economy)

Theme of the article

The Economic Survey, while rightly calling for a rise in private investment, incongruously invokes the East Asian model.

Introduction

The recently-released Economic Survey either glosses over or ignores many acute challenges faced by the Indian economy — like the severe agrarian crisis; the troubles of loss-making and debt-ridden public sector units; and the issues plaguing public sector banks.

Insights from psychology

- While the Survey is not incorrect in highlighting the importance of incorporating insights from psychology into economics, it is odd that this has been done so late.
- Many other countries like the U.K., Australia and Singapore have for long been applying such points to policy design and implementation areas and the issue has been discussed in India over the last few years as well.

Private investment

- One issue that the Survey rightly underlines is the need for India to revive private investment if it is to achieve the magical \$5-trillion economy status by 2024-25.
- However, what is odd here is that to stress this, the document invokes the age-old comparison between India and East Asian countries.
- It is rather strange that the Survey brings up something that has been taught in economic development classes over the last two decades.

East Asian model

- A question that arises is: Can the East Asian model help revive India's floundering investment rates?
- East Asian model was largely a story driven by the newly industrialised economies (NIEs) of Singapore, Hong Kong, South Korea and Taiwan, and Japan earlier.
- The prime goal in various NIEs from 1960s through to the 1990s (prior to the Asian Financial Crisis) was to raise gross savings rates.
- State-owned enterprises had to operate with budget constraints. This, coupled with the fiscal discipline practised by the economies, ensured that the public sector did not crowd out private savings and, in some cases, actually added to national savings.
- Another goal was to ensure that the private savings were actually intermediated into the formal financial system, failing which the cost of capital would remain high and the availability of capital for investment would be low. To achieve this, importance was given to the establishment of a safe and secure public sector banking system.
- The state-owned banks were tightly regulated as financial stability was the cornerstone of overall macroeconomic stability. Financial inclusion was encouraged, though the focus was on actual use of the deposit accounts rather than just their opening.
- While the manufacturing sector was viewed as a growth engine and open to export competition, the banking sector, in all economies

apart from Hong Kong, remained tightly regulated and closed to foreign banks.

- So, while these economies were generally successful in encouraging savings, the cost of capital was rather high, not unlike the problem in India today. To tackle this, the East Asian economies undertook financial repression — conventionally understood as a ceiling price keeping lending rates lower than market equilibrium.
- Further , the governments undertook sophisticated industrial policies to promote domestic investment, much of which was export-led (though not necessarily free-market based).
- Besides, incentives also had clear guidelines and sunset clauses and mechanisms were in place to phase out support. Thus, winners prospered while losers were allowed to fail.
- In addition, the bureaucracies of these East Asian economies had “embedded autonomy”. This allowed the state to be autonomous, yet embedded within the private sector and enabled the two to work together to develop policies or change course if the policies did not work.
- It is the lack of this embedded autonomy in the next-tier NIEs of Malaysia, Thailand and Indonesia that has been partly responsible for them being stuck in the ‘middle income trap’.

India's case vs East Asian model

- Much of the investment and export acceleration in East Asian countries was due to heterodox policies and reforms that were carefully calibrated, well-sequenced and implemented at a time when the external environment was far less hostile than it is today. These measures allowed the nations to benefit from their demographic dividends and transform themselves into developed economies in record time.
- In contrast, due to political and other compulsions, India's reforms since 1991 have been rather haphazard and of a ‘stop-and-go’ nature

with perverse consequences, all of which has made it much more challenging for the country to take full advantage of its demographic dividend.

- Successive governments have neither had the tool-sets and the policy space nor the embedded autonomy needed to drive the industrial transformation as in the East Asian countries.
- Though measures like reducing policy uncertainty; ensuring that the fiscal expenditures do not crowd out private savings and investment; enhancing the efficiency of financial intermediation; and dealing with land acquisition and environment clearances are all essential to reignite investment, we do not need to invoke the East Asian example to understand the importance of these.

Giving ties with Seoul a facelift



GS 2 (International relations)

Theme of the article

India-South Korea relations are yet to reach their full potential despite making significant strides.

Why has this issue cropped up?

Prime Minister Narendra Modi met South Korean President Moon Jae-in on the sidelines of the G20 summit last month in Osaka. Both agreed to find common ground between Seoul's 'New Southern Policy' and New Delhi's 'Act East Policy'.

Analysing India South Korea relations

- Today, India and South Korea have the shared values of open society, democracy and liberal international economic order and their mutual engagement is at a historically unprecedented level.
- Significant strides have been made in several areas of science and technology. The Indo-Korea Science and Technology Centre, established in Bengaluru in 2010 as a collaboration between the Indian Institute of Science and the Korea Institute of Science and Technology, is a shining example in this regard.
- The emerging balance of power in the region has also started influencing the trajectory of defence ties. Co-production of the K9 Thunder howitzer is a prime example of the ongoing defence collaboration.
- With technology transfer from South Korea, India's Larsen and Toubro plans to achieve over 50% localisation by manufacturing the key components of these weapon systems domestically as part of 'Make in India'.
- Further, both countries have regularised education exchanges.
- Additionally, there is regular security dialogue between India's National Security Adviser and the intelligence agencies of Korea.

The fallout of trade war

- The ongoing trade war between U.S. and China has also started playing into India-South Korea bilateral ties as South Korean companies are now finding it more difficult to sell their products in the U.S., whenever they are produced in their Chinese branches.
- Growing trade tensions have forced South Korean companies to contemplate moving their production facilities to locations outside China.
- India is emerging as a prime beneficiary here, not least because of the considerable size of the Indian domestic market, its cheap labour costs and a stable legal system.

India South Korea trade ties

- Since India opened up its economy in the early 1990s, India-South Korea trade ties have grown from few hundred million dollars to \$22 billion at the end of 2018.
- Today the major items that India exports to South Korea include mineral fuels, oil distillates (mainly naphtha), cereals and, iron and steel.
- South Korea's main exports to India include automobile parts and telecommunication equipment, among others.
- However, despite the robust ties, not everything is going as planned. The trade target of \$50 billion by 2030 is most likely to be missed due to lack of adequate efforts.
- The Comprehensive Economic Partnership Agreement, originally the core mechanism for economic ties, requires immediate upgrading.
- An early harvest agreed to last year, under which India agreed to reduce tariff on 11 commodities and South Korea on 17, failed to see completion.

Lacking in other areas of cooperation as well

- More than eight years into its existence, the Indian Chamber of Commerce in Korea (ICCK), is struggling to find its due space in promoting economic and business ties and spends most of its time organising social and cultural events. A new, empowered commerce body is the urgent need of the hour.
- The Indian Cultural Centre, established more than ten years ago, has failed to reach out to common South Koreans, who still fail to differentiate between India and Indonesia. While it teaches regional dance forms to children, the bigger picture of introducing India to the general South Korean population has been lost.
- Further, social and economic discrimination against Indians working and living in South Korea is still a regular occurrence.

Making thermal plants accountable



GS 3 : Environment

Introduction

The advancing monsoon has brought relief to many parts of India, but its progress has been slower than average and the country is still in the midst of a rainfall deficit, with millions facing an acute water shortage.

Water and power

- In India's pursuit of 100% electrification goal, the country's installed power capacity will need to be doubled.
- Even with the growth of renewable energy (RE), coal has been projected to be the backbone of the electricity sector till 2030 and beyond.
- Thermal power plants (TPPs) consume significant amounts of water during the electricity generation process.
- Most of India's TPPs are located in water-stressed areas, and water shortages have led to electricity-generation disruptions and significant revenue losses to the economy.

- In December 2015, the govt. issued a notification setting limits for water consumption by TPPs. However, the amended Environment Protection (EP) Rules codified in June 2018 ended up permitting TPPs to use more water than what was initially specified.

Need of strengthening of mechanisms

- There are certain mechanisms that need to be strengthened to make these regulations more effective.
- The Central Electricity Authority (CEA) recently released the format for TPPs to report on their annual water consumption.
- The power plants were asked to specify both metered and un-metered usage, report on the source (like river, canal or sea), and state the percentage of deviation from the water norms, along with the reasons and the corrective measures undertaken. These guidelines can be strengthened by including other relevant inputs.
 - First, TPPs should disclose the amount of water consumed by them in previous years, so that a baseline for water consumption per TPP can be established, and subsequent reductions in water consumption can be quantified.
 - Second, these reporting requirements — currently in the form of an Excel sheet on the CEA website — must be added to the EP Rules, to accord the disclosure process greater transparency and enforceability.
 - Third, TPPs should also be required to submit verifiable evidence (for example, water bills) to support and substantiate the disclosures. Without these, the self-reporting guidelines will remain weak.
 - Finally, the data supplied by TPPs should be placed in the public domain, so that the parameters disclosed can be studied in the context of region-specific water shortages, outages in the plants, and future research and analysis in this field.

Way forward

- Section 15 of the EP Act provides for a blanket penalty for contravention of any provisions of the Environment Protection Act or EP Rules: up to five years of imprisonment and/or up to ₹1 lakh fine along with additional daily fines for continuing offences. However, the Act does not stipulate specific penalties for specific offences. Perhaps this is an area for review by the government, so that we have a more nuanced framework for enforcement and penalties.
- Further, the relevant officials in charge of enforcement, across the Ministry and the CEA, should be identified, and their roles clearly defined. The implementation of these norms should include milestones and time-based targets, and periodic monitoring of the progress of TPPs in making improvements.
- In addition to reducing the stress caused by TPPs, shifting to a more aggressive RE pathway will help India achieve its global climate targets. However, this will need further work — particularly to regulate water consumption by specific RE technologies.
- The Ministry of New and Renewable Energy has taken a first step by issuing a notice to State governments on reducing water use for cleaning solar panels and to explore alternative mechanisms to ensure that solar panels remain efficient.

Conclusion

India will need to balance the needs of its growing economy with its heightening water stress. Stringent implementation of standards for judicious water use by TPPs, combined with the promotion of RE and energy efficiency, will offer pathways for achieving these goals.

The judicial presumption of non-citizenship



GS 2 (Polity)

Theme of the article

In further strengthening the Foreigners Tribunal, the judiciary has failed to fulfil its duty as the last protector of rights.

Introduction

A recent Supreme Court judgement in *Abdul Kuddus v Union of India* had significant consequences for the ongoing events in Assam surrounding the preparation of the National Register of Citizens.

What was the issue in Abdul Kuddus?

- It involved the status of an “opinion” rendered by a Foreigners Tribunal, as to the citizenship (or the lack thereof) of any individual.
- The issue arose because, in the State of Assam, there are two ongoing processes concerning the question of citizenship.
 - The first includes proceedings before the Foreigners Tribunals, which have been established under an executive order of the Central government.

- The second is the NRC, a process overseen and driven by the Supreme Court.
- While nominally independent, both processes nonetheless bleed into each other, and have thus caused significant chaos and confusion for individuals who have found themselves on the wrong side of one or both.
- The petitioners in Abdul Kuddus argued that an opinion rendered by the Foreigners Tribunal had no greater sanctity than an executive order.
- Under the existing set of rules, this meant that an adverse finding against an individual would not automatically result in their name being struck off the NRC.
- Furthermore, the Tribunal's opinion could be subsequently reviewed, if fresh materials came to light. This was particularly important because, as had been observed repeatedly, citizenship proceedings were riddled with administrative (and other kinds of) errors, which often came to light much later, and often by chance.
- And finally, the petitioners argued that if the opinion of the Foreigners Tribunal was used to justify keeping an individual out of the NRC, then that decision could be challenged and would have to be decided independently of the decision arrived at by the Tribunal.
- In short, the petitioners' case was that the two processes — that of the Foreigners Tribunal and of the NRC — should be kept entirely independent of each other, and without according primacy to one over the other.

Flawed tribunals

- The Supreme Court rejected the petitioners' arguments, and held that the "opinion" of the Foreigners Tribunal was to be treated as a "quasi-judicial order", and was therefore final and binding on all parties including upon the preparation of the NRC.

- There are, however, serious problems with this holding, which will severely impact the rights of millions of individuals.
- To start with, neither in their form nor in their functioning do Foreigners' Tribunals even remotely resemble what we normally understand as "courts".
 - First, Foreigners Tribunals were established by a simple executive order.
 - Second, qualifications to serve on the Tribunals have been progressively loosened and the vague requirement of "judicial experience" has now been expanded to include bureaucrats.
 - And perhaps, most importantly, Tribunals are given sweeping powers to refuse examination of witnesses if in their opinion it is for "vexatious" purposes, bound to accept evidence produced by the police, and, most glaringly, not required to provide reasons for their findings.
- Unsurprisingly, over the last few months, glaring flaws in the working of the Foreigners Tribunals have come to light.
- Questions in Parliament showed that as many as 64,000 people have been declared non-citizens in ex-parte proceedings, i.e., without being heard.
- Testimonies reveal these people are often not even served notices telling them that they have been summoned to appear.

Failure of Supreme Court

- When adjudicating upon a person's citizenship — a determination that can have the drastic and severe result of rendering a human being stateless — only the highest standards of adjudication can ever be morally or ethically justifiable.
- But in further strengthening an institution — the Foreigners Tribunal — that by design and by practice manifestly exhibits the exact opposite of this principle, the Supreme Court failed to fulfil

its duty as the last protector of human rights under the Constitution.

- The Court's observations in the Kuddus case, and indeed, the manner in which it has conducted the NRC process over the last few months, can be traced back to two judgments delivered in the mid-2000s, known as Sarbananda Sonowal I and II.
 - In those judgments, the Court declared immigration to be tantamount to "external aggression" upon the country; more specifically, it made the astonishing finding that constitutionally, the burden of proving citizenship would always lie upon the person who was accused of being a non-citizen.
 - A parliamentary legislation that sought to place the burden upon the state was struck down as being unconstitutional.
 - What the rhetoric and the holdings of the Sonowal judgments have created is a climate in which the dominant principle is the presumption of non-citizenship.

Conclusion

It is the fundamental dehumanisation and devaluation of individuals that has enabled the manner in which the Foreigners Tribunals operate, the many tragedies that come to light every week in the context of the NRC, and judgments such as Abdul Kuddus. It is clear that if Article 21 of the Constitution, the right to life, is to mean anything at all, this entire jurisprudence must be reconsidered, root and branch.

A misleading presentation of a labour programme



GS 3(Economy)

Theme of the article

The Economic Survey presents an unbalanced view of the technical interventions in MGNREGA.

Introduction

A chapter in the recent Economic Survey on the “transformational” impact of Aadhaar on the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) merits scrutiny. It presents a skewed and unbalanced view of the programme’s technical interventions instead of taking a comprehensive view of the implementation.

Reasons why Economic Survey’s presentation of the MGNREGA is misleading

- A lack of adequate financial allocation, pending liabilities and low wages have dogged the programme over the past eight years. Instead of sufficiently funding MGNREGA, there is disproportionate attention

by the government towards creating a complex architecture based on technical solutions.

- Second, the Economic Survey misrepresents the continuous technological interventions in the MGNREGA since its inception. Electronic funds transfer started as far back as in 2011 and became symbolic of the Direct Benefit Transfers (DBT). This served as the basis for the National Electronic Fund Management System (NeFMS), introduced, in 2016. The Survey uses the term “ALP” for Aadhaar-linked payments and conflates it with the DBT by repeatedly referring to the time before 2015 as “pre-DBT” to make its claims.
- Third, the Survey makes strong assertions that timely payment of wages have positively impacted worker participation. To support this, the Survey makes dubious causal claims on reduction in payment delays due to the introduction of Aadhaar. However, their understanding of payment delays is faulty. Wage payments to MGNREGA workers happen in two stages. The first is the time taken by the blocks to generate the electronic Funds Transfer Orders (FTO) and send it digitally to the Central government. The second is the time taken by the Central government to process these FTOs and transfer wages to workers’ accounts. While it is true that delays in the first stage have reduced, those in the second stage continue to be unacceptably high. The Survey only considers the delays in the first stage.
- Fourth, the Survey attributes an increase in demand for and supply of work in drought-affected areas to Aadhaar ignoring other crucial factors. For instance, it ignores the Supreme Court’s orders on drought (Swaraj Abhiyan vs. Union of India (2015)). Not accounting for the Court’s orders as a contributing factor in their “causal” analysis makes their findings unreliable.
- Fifth, while the Survey rightfully acknowledges the nature of positive targeting of the MGNREGA — with women, Dalits and Adivasis benefitting the most — it wrongfully attributes it wholly to the introduction of Aadhaar. The argument denies the unambiguous

impact of the universal access of the MGNREGA without having to meet any eligibility criteria.

- Sixth, the Survey's claims about the ALP identifying "ghost beneficiaries" is exaggerated as an RTI query showed that they accounted for only about 1.4% of total households in 2016-17. The Survey completely ignores numerous instances where technology has resulted in violation of workers' rights under the MGNREGA — some examples are not registering work demand, not paying unemployment allowance and compensation for payment delays among others.

Conclusion

Overlooking these fundamental issues, cherry-picking studies and using flawed analyses to justify technocracy is an example of ethical paralysis. While the Economic Survey harps about an ill-designed technological pipeline, the fact is that a landmark labour programme is being put on a ventilator.

Sucking up surplus



GS 3 (Economy)

Theme of the article

SEBI needs financial autonomy to remain effective as the chief markets regulator.

Why has this issue cropped up?

The Centre has decided to clip the wings of the Securities and Exchange Board of India. SEBI said the Centre's decision to suck out SEBI's surplus funds will affect its autonomy.

Finance Bill

- As part of the Finance Bill introduced in Parliament, the Centre had proposed amendments to the SEBI Act, 1992 that were seen as affecting SEBI's financial autonomy.
- The amendments required that after 25% of its surplus cash in any year is transferred to its reserve fund, SEBI will have to transfer the remaining 75% to the government.

Not the first time

- This is not the first time that the government at the Centre has gone after independent agencies.
- The Reserve Bank of India and the National Sample Survey Office have come under pressure in recent months, and the latest move on SEBI adds to this worrisome trend of independent agencies being subordinated by the government.

Not a rational decision

There seems to be very little rationale in the government's decision to confiscate funds from the chief markets regulator.

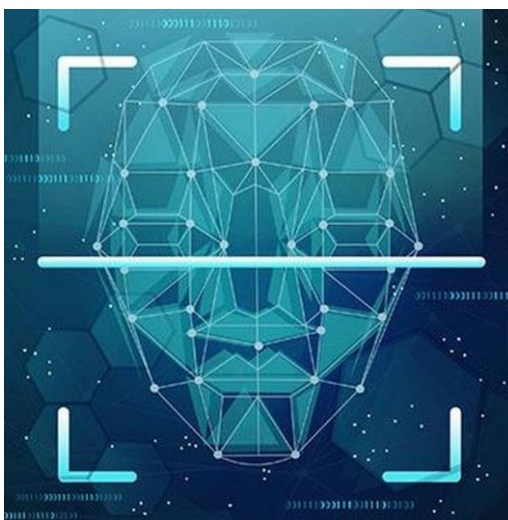
- For one, it is highly unlikely that the quantum of funds that the government is likely to receive from SEBI will make much of a difference to the government's overall fiscal situation. So the amendment to the SEBI Act seems to be clearly motivated by the desire to increase control over the regulator rather than by financial considerations.
- Further, the lack of financial autonomy can affect SEBI's plans to improve the quality of its operations by investing in new technologies and other requirements to upgrade market infrastructure. This can affect the health of India's financial markets in the long run.

- The Centre perhaps believes it can do a better job of regulating the economy by consolidating all existing powers under the Finance Ministry. But such centralisation of powers will be risky.

Conclusion

Regulatory agencies such as SEBI need to be given full powers over their assets and be made accountable to Parliament. Stripping them of their powers by subsuming them under the wings of the government will affect their credibility.

An invasive and inefficient tool



GS 3 (Security)

Theme of the article

Use of facial recognition technology in law enforcement can have disastrous consequences.

Why has this issue cropped up?

The Automated Facial Recognition System (AFRS) recently proposed by the Ministry of Home Affairs is geared towards modernising the police force, identifying criminals, and enhancing information sharing between police units across the country.

What will AFRS do?

The AFRS will use images from sources like CCTV cameras, newspapers, and raids to identify criminals against existing records in the Crime and Criminal Tracking Networks and System (CCTNS) database.

Privacy concern

- The Home Ministry has clarified that this will not violate privacy, as it will only track criminals and be accessed only by law enforcement.
- However, a closer look at facial recognition systems and India's legal framework reveals that a system like the AFRS will not only create a biometric map of our faces, but also track, classify, and possibly anticipate our every move.
- Technically speaking, it is impossible for the AFRS to be truly used only to identify, track and verify criminals, despite the best of intentions.
- Recording, classifying and querying every individual is a prerequisite for the system to work.

Assumed guilty

- The system will treat each person captured in images from CCTV cameras and other sources as a potential criminal, creating a map of her face, with measurements and biometrics, and match the features against the CCTNS database.
- This means that we are all treated as potential criminals when we walk past a CCTV camera — turning the assumption of “innocent until proven guilty” on its head.

Will AFRS bring efficiency?

- It is assumed that facial recognition will introduce efficiency and speed in enforcing law and order.
- However, the evidence suggests otherwise. In August 2018, a facial recognition system used by the Delhi police was reported to have an

accuracy rate of only 2%. This is a trend worldwide, with similar levels of accuracy reported in the U.K. and the U.S.

- Accuracy rates of facial recognition algorithms are particularly low in the case of minorities, women and children, as demonstrated in multiple studies across the world.
- Use of such technology in a criminal justice system where vulnerable groups are over-represented makes them susceptible to being subjected to false positives (being wrongly identified as a criminal).
- Image recognition is an extremely difficult task, and makes significant errors even in laboratory settings. Deploying these systems in consequential sectors like law enforcement is ineffective at best, and disastrous at worst.

Fears of mass surveillance

- Facial recognition makes data protection close to impossible as it is predicated on collecting publicly available information and analysing it to the point of intimacy.
- It can also potentially trigger a seamless system of mass surveillance, depending on how images are combined with other data points.

Absence of data protection law

- The AFRS is being contemplated at a time when India does not have a data protection law.
- In the absence of safeguards, law enforcement agencies will have a high degree of discretion. This can lead to a mission creep.
- The Personal Data Protection Bill 2018 is yet to come into force, and even if it does, the exceptions contemplated for state agencies are extremely wide.

Intentional scenario

- Police departments in London are under pressure to put a complete end to use of facial recognition systems following evidence of discrimination and inefficiency.

- San Francisco recently implemented a complete ban on police use of facial recognition. India would do well to learn from their mistakes.

Way forward

- The notion that sophisticated technology means greater efficiency needs to be critically analysed.
- A deliberative approach will benefit Indian law enforcement, as police departments around the world are currently learning that the technology is not as useful in practice as it seems in theory.

Ignoring the proportionality principle



GS 2 : Polity

Theme off the article

The High Court's verdict in the Shakti Mills rape case disregards several judicial standards & precedents.

Why has this issue cropped up?

The Bombay High Court last month handed down a judgment upholding the validity of Section 376E of the Indian Penal Code, which authorises the award of either a life sentence or the death penalty to perpetrators upon a second rape conviction. The Section had been challenged by three of the accused in the Shakti Mills rape case, who had been sentenced to death by a trial court in 2014.

Section 376E

- Section 376E is among a slew of recent laws that have expanded the scope of death penalty to beyond cases of homicide, and primarily to incidents of rape.
- Its constitutionality has been challenged on multiple grounds, primarily due to disproportionality of the punishment.

Proportionity principle

- The constitutional standard that courts must apply when testing laws on the touchstone of Articles 14 (right to equality) and 21 (right to life) of the Constitution is that of “proportionality”.
- In the context of criminal law and sentencing, proportionality asks whether a particular punishment strikes an adequate balance between the gravity of the crime, the interests of the victim and of society, and the purposes of criminal law.
- Further, the principle of proportionality calls for a striking down of laws that are excessively harsh or disproportionate.
- In 2015, the Supreme Court in the Vikram Singh case limited the application of the proportionality standard to situations where the punishment was “outrageously barbaric”.
- Subsequent judgments of larger benches — such as in the Modern Dental College case and the Aadhaar case — have made it clear that where the question of rights violations is concerned, the proportionality test has to be more detailed.

Social abhorrence and law

- In the Shakti Mills case, given the permanent and irrevocable nature of the death penalty, there arose a fundamental question.
- This pertained to whether the legislative objective, of increasing the punishment for a certain category of offences to demonstrate social abhorrence towards such offenders, and to create deterrence, could be adequately fulfilled by a sentence of life imprisonment.

- However, instead of addressing this issue, the Court relied entirely on the fact that the law had been passed with the intention of deterring rapes.
- While it is true, in general, that in questions of criminal sentencing, there is a broad presumption in favour of the state, simply stopping at that is not adequate for a court.
- Proportionality by its very nature precludes a complete deference to the state when it comes to adjudicating on the violations of fundamental rights.
- However, the Court did not at any point scrutinise the reasons that would have potentially justified the state's decision to go for death penalty in the case of a non-homicidal crime. Had it applied the proportionality standard in this way, the outcome may have been different.

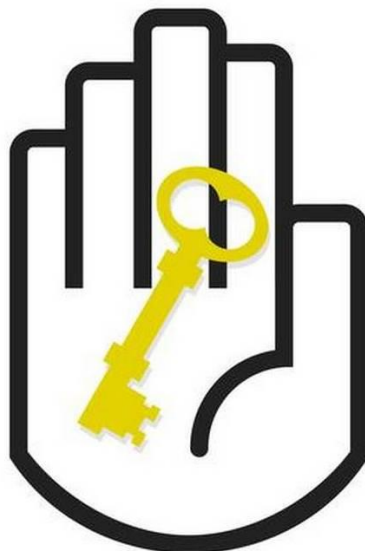
The deathly penalty

- As courts around the world, including the Indian Supreme Court, have recognised, death penalty is a form of punishment qualitatively different from any other.
- It is permanent and irrevocable, rules out any possibility of correcting an error if found later, and denies the possibility of reform and rehabilitation.
- It is for this reason that the Supreme Court has repeated many times that the death penalty must only be imposed in the “rarest of rare” cases, and this is also why the recent proliferation of statutes expanding the scope of the death penalty, often as knee-jerk responses to public outrage, is a cause for concern.

Conclusion

It is of utmost importance for courts to scrutinise such laws carefully, and on the touchstone of constitutional standards.

The tremor of unwelcome amendments



GS 2 (Polity)

Theme of the article

The Right to Information (Amendment) Bill is a twin attack on accountability and the idea of federalism.

Introduction

“Amendments” have haunted the Right to Information (RTI) community ever since the RTI Act came into effect almost 14 years ago.

The recent amendment

- The recently proposed amendments seek to amend Sections 13, 16, and 27 of the RTI Act which carefully links, and thereby equates, the status of the Central Information Commissioners (CICs) with the Election Commissioners and the State Information Commissioners with the Chief Secretary in the States, so that they can function in an independent and effective manner.
- The deliberate dismantling of this architecture empowers the Central government to unilaterally decide the tenure, salary, allowances and other terms of service of Information Commissioners, both at the Centre and the States.

Why is there unseemly haste and determination to amend the law?

- Some feel that it is because the RTI helped with the cross-verification of the affidavits of powerful electoral candidates with official documents and certain Information Commissioners having ruled in favour of disclosure.
- The information related to decision-making at the highest level has in most cases eventually been accessed because of the independence and high status of the Information Commission. That is what the government is trying to amend.

Agent of change

- RTI is a constant challenge to the misuse of power. In a country where the rule of law hangs by a slender thread and corruption and the arbitrary use of power is a daily norm, the RTI has resulted in a fundamental shift — empowering a citizen's access to power and decision-making.
- It has been a lifeline for many of the 40 to 60 lakh ordinary users, many of them for survival.
- It has also been a threat to arbitrariness, privilege, and corrupt governance.
- More than 80 RTI users have been murdered because their courage and determination using the RTI was a challenge to unaccountable power.
- The RTI has been used brilliantly and persistently to ask a million questions across the spectrum — from the village ration shop, the Reserve Bank of India, the Finance Ministry, on demonetisation, non-performing assets, the Rafale fighter aircraft deal, electoral bonds, unemployment figures, the appointment of the Central Vigilance Commissioner (CVC), Election Commissioners, and the (non)-appointment of the Information Commissioners themselves.

RTI and democracy

- The RTI movement has been able to access information and through it, a share of governance and democratic power.
- The Indian RTI law has been a breakthrough in creating mechanisms and platforms for the practice of continual public vigilance that are fundamental to democratic citizenship.
- The mostly unequal struggle to extract information from vested interests in government needed an institutional and legal mechanism which would not only be independent but also function with a transparency mandate and be empowered to override the traditional structures of secrecy and exclusive control.

Independence of Information Commission

- An independent Information Commission which is the highest authority on information along with the powers to penalise errant officials has been a cornerstone of India's celebrated RTI legislation.
- The task of the Information Commission is different but no less important than that of the Election Commission of India.
- Independent structures set up to regulate and monitor the government are vital to a democratic state committed to deliver justice and constitutional guarantees.
- The separation of powers is a concept which underscores this independence and is vital to our democratic checks and balances.
- When power is centralised and the freedom of expression threatened no matter what the context, democracy is definitely in peril.
- The Commission which is vested by law with status, independence and authority, will now function like a department of the Central government, and be subject to the same hierarchy and demand for obeisance.

- The decision of the government to usurp the powers to set the terms and conditions of service and salaries of an independent body must be understood as an obvious attempt to weaken the independence and authority granted by the law.

Assault on federalism

Apart from Section 13 which deals with the terms and conditions for the Central Information Commission, in amending Section 16, the Central government will also control through rules, the terms and conditions of appointment of Commissioners in the States. This is an assault on the idea of federalism.

Opaque moves

- All the provisions related to appointment were carefully examined by a parliamentary standing committee and the law was passed unanimously.
- The manner in which the amendments are being pushed through without any citizen consultation, bypassing examination by the standing committee demonstrates the desperation to pass the amendments without even proper parliamentary scrutiny.
- The mandatory pre-legislative consultative policy of the government has been ignored.

Conclusion

The amendments fundamentally weaken an important part of the RTI architecture. They violate the constitutional principles of federalism, undermine the independence of Information Commissions, and thereby significantly dilute the widely used framework for transparency in India. The RTI has unshackled millions of users who will continue to use this democratic right creatively and to dismantle exclusive power.

Zero budget natural farming (ZBNF)



GS 3(Agriculture)

Why has this issue cropped up?

Finance Minister Nirmala Sitharaman thrust zero budget farming into the spotlight in the first Budget speech of the 17th Lok Sabha earlier this month, calling for a “back to the basics” approach.

What is Zero budget natural farming (ZBNF)?

- Several States, including Andhra Pradesh and Himachal Pradesh, have been aggressively driving a shift to Zero budget natural farming (ZBNF)
- ZBNF is a method of chemical-free agriculture drawing from traditional Indian practices.
- It was originally promoted by Maharashtrian agriculturist and Padma Shri recipient Subhash Palekar, who developed it in the mid-1990s as an alternative to the Green Revolution’s methods driven by chemical fertilizers and pesticides and intensive irrigation.

- Instead of commercially produced chemical inputs, the ZBNF promotes the application of jeevamrutha — a mixture of fresh desi cow dung and aged desi cow urine, jaggery, pulse flour, water and soil — on farmland. Jeevamrutha adds nutrients to the soil, and acts as a catalytic agent to promote the activity of microorganisms and earthworms in the soil
- A similar mixture, called bijamrita, is used to treat seeds, while concoctions using neem leaves and pulp, tobacco and green chillis are prepared for insect and pest management.
- ZBNF is against vermicomposting, which is the mainstay of typical organic farming, as it introduces the the most common composting worm, the European red wiggler (*Eisenia fetida*) to Indian soils. It claims that these worms absorb toxic metals and poison groundwater and soil.

What are the benefits of ZBNF ?

- He argued that the rising cost of these external inputs was a leading cause of indebtedness and suicide among farmers, while the impact of chemicals on the environment and on long-term fertility was devastating.
- Without the need to spend money on these inputs — or take loans to buy them — the cost of production could be reduced and farming made into a “zero budget” exercise, breaking the debt cycle for many small farmers.
- The ZBNF method also promotes soil aeration, minimal watering, intercropping, bunds and topsoil mulching and discourages intensive irrigation and deep ploughing.

Why does ZBNF matter?

- According to National Sample Survey Office (NSSO) data, almost 70% of agricultural households spend more than they earn and more than half of all farmers are in debt.

- In States such as Andhra Pradesh and Telangana, levels of indebtedness are around 90%, where each household bears an average debt of ₹1 lakh.
- In order to achieve the Central government's promise to double farmers income by 2022, one aspect being considered is natural farming methods such as the ZBNF which reduce farmers' dependence on loans to purchase inputs they cannot afford.

Is ZBNF effective ?

- A limited 2017 study in Andhra Pradesh claimed a sharp decline in input costs and improvement in yields.
- However, reports also suggest that many farmers have reverted to conventional farming after seeing their ZBNF returns drop after a few years, in turn raising doubts about the method's efficacy in increasing farmers' incomes.
- ZBNF critics note that India needed the Green Revolution in order to become self-sufficient and ensure food security. They warn against a wholesale move away from that model without sufficient proof that yields will not be affected.
- Sikkim, which has seen some decline in yields following a conversion to organic farming, is used as a cautionary tale regarding the pitfalls of abandoning chemical fertilizers.

Promotion of ZBNF

- Despite the ZBNF buzz caused by the Budget speech, the Finance Minister did not actually announce any new funding to promote it.
- Last year, the Centre revised the norms for the Rashtriya Krishi Vikas Yojana- Remunerative Approaches for Agriculture and Allied sector Rejuvenation (RKVY-RAFTAAR), a flagship Green Revolution scheme with an allocation of ₹3,745 crore this year, and the Paramparagat Krishi Vikas Yojana, which has an allocation of ₹325 crore and is meant to promote organic farming and soil health.

- Under the revised guidelines, both Centrally-sponsored schemes now allow States to use their funds to promote the ZBNF, vedic farming, natural farming, cow farming and a host of other traditional methods.

What lies ahead?

- NITI Aayog has been among the foremost promoters of the ZBNF method.
- However, its experts have also warned that multi-location studies are needed to scientifically validate the long-term impact and viability of the model before it can be scaled up and promoted country-wide.
- The Indian Council of Agricultural Research is studying the ZBNF methods practised by basmati and wheat farmers in several states evaluating the impact on productivity, economics and soil health including soil organic carbon and soil fertility.
- If found to be successful, an enabling institutional mechanism could be set up to promote the technology.
- The Andhra Pradesh experience is also being monitored closely to judge the need for further public funding support .

Fixed Fate, Free Will

Category: GS 3 (Economy)

Theme of the article

Abeyance of the Essential Commodities Act is easier said than done.

Why has this issue cropped up?

The fifth governing council meeting of the NITI Aayog, held on 15 June 2019, had called upon the state governments to undertake structural transformations of the Indian agricultural sector through the reforms of the marketing regulations, such as the Essential Commodities Act (ECA), 1955 and the Model Agricultural Produce Market Committee Act (APMC Act). In

the context of the agrarian distress across the country, reforming these acts is expected to provide a breather, especially to the deteriorating farm incomes.

Reforming the ECA

- The idea for reforming the ECA, particularly at a time when surplus management has emerged as a pressing problem for the farm sector, deserves mention.
- With the ECA being a deterrent for market integration—a necessary condition for Pareto optimality of spatial competitive equilibrium—its relaxation would imply that excess demand (supply) and hence price signals from one market will be transmitted to other markets.
- In other words, farmers will get the right price for their produce, while increase in availability will give (price) relief to consumers.

The concern with reforms

- However, in the absence of further clarity from the NITI Aayog or the government on the trajectory of the reforms, scepticism pervades the commoner's mind.
- Will the commoner lose protection against irrational spikes in food prices if the government does not exercise its direct control over these?
- Recall that, even with the ECA, governments have not been able to control price volatility effectively. Historically, the retail prices of the “essential” food items had largely escalated with government declarations of stockholding limits. For instance, the tightening of the government-determined quotas and releases of sugar in 2003 saw a rise in sugar and pulse prices.
- Given such evidences, while (buffer) stocking and trade appear to be potentially better instruments for regulating prices, there is much cynicism about the feasibility of implementing any deregulation/abeyance of the ECA.

Can ECA reforms be successful?

- Amending the ECA is a contagious issue, especially for such crops that have a well-entrenched political practice of fixing an administered price.
- Once the government commits an assured price to the growers, an essential corollary is that it must ensure the offtake of whatever is produced.
- In the case of crops such as sugar cane, there is a political clout within the sugar milling industry that would resist any relaxation of control over the movement and marketing of the cane in order to hike the retail prices of sugar, delimit the mills' offtake on the grounds of low demand and hence refuse paying the administered prices to the growers.
- While a government would underwrite buffer stock at public cost (by levying a cess on the mills, which is effectively paid by consumers), it may not prevent such mala fides when its political fortunes are riding on the sugar industry. With such examples at hand, "cooperative federalism" for agricultural reforms seems more notional than practical.
- How can one forget the experience of implementing the Model APMC Act, which has been impeded by the tardy and varied state-level adoption of both the magnitude and content of the amendments? Likewise, whether and/or to what extent a state government would concur to the central government's recommendations for amending the ECA is a matter of its political expediency.

Govt. purpose of modifying the act

- The purpose of modifying the act, especially the restriction on stocking limits is expected to encourage the much-needed investments (more specifically corporate investments) in agricultural marketing.
- Such an explanation is based on the following tenets:

- First, that the private sector will act as an innovator/game changer for agricultural transformation and therefore needs to be integrated in the rural development strategy, and
- second, that the efficiency outcomes of the market, and particularly the role of the private sector in improving marketing efficiency are axiomatic.

Conclusion

Given this, the re-elected government's political will for "inclusive" agricultural reforms will stand the test of time only if it can create an "enabling environment" for making these reforms work in the coming days

Education and the Idea of Common Good

Category: GS 2 (Social sector)

Introduction

The idea of good and education have been symbiotically linked. This link between good and education has been established at the higher level of moral understanding.

Moral good and education

- Moral good has basically two dimensions: common good and individual good. The common good contains the universal thrusts for peace, harmony and respect for the human being.
- The common good involves human values that are above the specific values such as those of caste, gender, race and religion.
- These values are integral to the Constitution and find their mention even in the congeries of values in the draft National Education Policy (NEP) of 2019.
- It is true that these values need to be promoted through education. Education as a pedagogic process should lead to a normative spillover of such values.

- Socio-culturally mixed classrooms provide an excellent space for achieving a normative spillover of human values that are constitutive of the common good.

The problem

- However, the passage to dissemination of such values does not seem to be safe. This is on account of public schools and institutions of higher learning facing multiple problems.
- One of the more serious problems is that those who have a stake in the meaningful survival of these institutions are less concerned about restoring these institutions.
- This is evident in the case of parents who have modest or no resources, but are increasingly moving away from these systems to private schools and coaching centres.

Way forward

- We need to eliminate the social distance that continues to exist in the social relations that are, vertically and horizontally, deeply fragmented.
- Admitting children in elite schools or in private universities and colleges as the draft NEP 2019 suggests may result in knee-jerk responses to the structural problems. However, even the structural integration as proposed in the draft NEP 2019 would prove to be superficial if the elimination of deep tension is not attended to.
- The common good does not mean assimilation of children from underprivileged social backgrounds into the educational system, but the elimination of structural inequality.
- The expansion of infrastructure for accessibility as has been suggested in the draft is important, but what is much more important is the expansion of social vision that is crucial for the realisation of a better society as has been visualised in the draft NEP.
- It also makes a mention of ethics, which again is crucial for orienting those in the education system towards the realisation of these proclaimed values. However, this realisation may become difficult due to the

enduring tension between education driven by individual interest and the practical ethical commitment towards making values a part of the lived reality.

Conclusion

It will be of utmost concern to prioritise the problem of how to remove the gap between one's practical relations to oneself and the ethical relations with others, in the draft policy.

Labour in the Indian Economy

Category: GS 3 (Economy)

Segmentation of labour market

- In India, labour markets are deeply segmented along caste and gender lines.
- Members of the Scheduled Castes (SCs) or other oppressed groups are sometimes denied entry into certain occupations.
- There are frequent instances in which workers belonging to oppressed castes are discriminated against, being paid lower wages or made to work for long hours.
- Thus age-old social institutions continue to have a grip on the labour market despite the relatively fast growth of the Indian economy and modernisation of many of its segments.

Capital favoured over labour

- Globally, economic changes that have occurred during the recent decades, set in motion by globalisation and neo-liberal economic policies, have favoured capital over labour.
- This was in contrast to the period between the 1950s and 1970s during which the Keynesian policies of stimulating domestic demand through increased government expenditures had helped the “golden age of capitalism” to thrive. The working classes had made real gains during that phase.

- On the other hand, from the 1980s onwards, the neo-liberal policy prescription of cutting government expenditures to a minimum has hurt the interests of the working poor.
- Governments in developing countries, including India, have been unable to increase government expenditures to stimulate demand, even in the face of the 2008 global financial crisis.
- The inability of present-day capitalism to absorb labour without dispossessing workers of their rights is the reason for the continuing expansion of the informal sector in developing countries.

Understanding of Informal Work

- A striking feature of India's labour market is the domineering share of the informal sector as a source of employment.
- More than 82% of employment in the Indian economy is in the informal sector, that is, in enterprises that employed less than 10 workers.
- Emergence of strong linkages between the formal and informal sectors can benefit the economy as a whole, with informal sector enterprises growing as ancillaries to or in subcontracting relations with the formal sector.
- However, the relation between the formal and informal sectors has been rather weak in India, especially in the manufacturing sector.
- Within the factory sector or organised manufacturing sector in India, there has been a rising share of contract workers or other informal workers, especially from the 2000s onwards.
- Increasing employment of contract workers in place of regular workers reduce plant productivity and tend to depress the wages and bargaining strength of directly employed workers.

Female labour

- There has been low rate of female labour force participation in India (and some other South Asian countries).

- Policy interventions both at the supply and demand side to tackle this challenge are needed.
- The supply-side interventions include creating institutions for improving women's education and providing facilities such as childcare to ease the burden of domestic work.
- The society and the economy undervalue the work performed by women within their own households.
- If the official statistical agencies recognise cooking, childcare, and other activities performed by women within their own households as "work," then work participation rate of women in India will be significantly higher than that of men.
- Creating more employment opportunities in the economy will be crucial to boosting demand for women's work.

Investment in labour

- There is no doubt that the increase in the size of the working-age population offers a huge potential for India's future economic growth.
- However, "demographic dividend" requires investments in education and human development.
- A large population could form the basis for a large market and a sizeable production base. In addition, an educated population can help in the creation of new knowledge. Clearly, India's policymakers need to invest more in its people.

Conclusion

It is clear that in a country like India studies on labour will remain central to any attempt to understand the economy. Economists need take up research on questions of labour and employment growth in the Indian context.

Financing Disaster Management

Category: GS 3 (Disaster Management)

Introduction

Heavy rain fell over most of Kerala between July and August 2018. This and overflowing dams led to catastrophic floods which caused substantial loss of life, property, and infrastructure. The Government of Kerala (GoK) sought support from the centre. The Government of India (GoI) sanctioned interim support of ₹ 600 crore.

The Present Framework for Funding Disaster Management

- First, is disaster mitigation—which covers preparatory steps, taken to cushion the impact of a disaster much before its onset.
- Disaster relief includes steps taken -immediately before and after the disaster strikes. In the case of cyclone/floods, these steps would consist of the evacuation of affected people, search and rescue missions, setting up relief camps and restoring essential services.
- Disaster reconstruction includes rebuilding destroyed infrastructure like roads, high voltage (HV) power lines, public buildings to either the original or higher calamity proof standards. All three stages combine to form the disaster management cycle.

Funding of disaster management

- Both GoI and state governments fund disaster management.
- GoI supports disaster management in three ways. These include central government budget, Finance Commission disaster management grants to state governments, routed through the GoI budget, and support from foreign countries.
- State governments have two avenues for support. First is from the state government budget and second from private contributions channelised through agencies like Chief Minister's Relief Fund (CMRF) and non-governmental organisations (NGOs).

The Disaster Management Act, 2005

- The act establishes three authorities to manage disasters: National Disaster Management Authority (NDMA), a State Disaster Management Authority (SDMA), and the District Disaster Management Authority (DDMA).
- The NDMA is chaired by the Prime Minister. The SDMA has the chief minister of the state as chairperson and has similar powers as the NDMA but at the state level. The DDMA has similar powers as the SDMA but at the district level. It is chaired by the district collector.

Sections 46, 47, and 48

- Sections 46, 47, and 48 of the DMA are crucial to the present analysis.
- Section 46 constitutes the National Disaster Response Fund (NDRF). It is funded by grants from either the central government or any person or institution.
- Section 47 constitutes the National Disaster Mitigation Fund (NDMF) to support projects exclusively for the purpose of disaster mitigation. It is to be funded by grants from the central government.
- Section 48 mandates the creation of State Level Disaster Response and Mitigation Funds and District Level Disaster Response and Mitigation Funds

Three concerns

- First, the NDMA has no role in sanctioning funds from the NDRF for disaster response. This is undertaken by the NEC.
- Second, the procedure specified by the GoI for release of NDRF funds by the NEC is seen as subjective and cumbersome.
- Third, none of the three mitigation funds envisaged in the act, at the national level (NDMF), state level (SDMF) and district level (DDMF), have been notified and activated.

GOI expenditure on disaster management

- The present relief structure at the GOI level owes its origin to the recommendations of the Eleventh Finance Commission (11th FC) made in 2000.

- The GoI books its expenditure for disaster management under two heads. The first is—Relief on Account of Natural calamities and the second is—Grants in Aid to SDR
- There are other ways in which the GoI can assist states in recovering from a disaster.
 - These are, by relaxing norms of existing central schemes, to assist in both relief and reconstruction efforts. For example, increasing the number of employable days in Mahatma Gandhi National Rural Employment Guarantee Scheme or relaxing the norms for schemes like the Pradhan Mantri Gram Sadak Yojana and National Health Mission in disaster-affected areas.
 - Another way could be by directing its own departments like the Departments of Land Resources to assist the state in implementing land use management schemes.
 - Finally, seeking help from international agencies like the World Bank and the Asian Development Bank to fund reconstruction programmes in these states

Support from Foreign Countries

- In the wake of the Kerala floods, some countries offered financial support to assist in the relief effort in Kerala.
- The GoI reportedly declined these offers on the ground that they violated established policy not to accept foreign donations to manage natural disasters.
- This decision caused much heartburn in Kerala and elsewhere. There is a case for analysing whether such contributions should be allowed.

State Government Sources

- Budgetary sources: Unlike the GoI, state governments do not levy taxes/cesses to directly fund disaster relief. They do, however, make provisions in their annual budgets for providing relief for natural calamities.
- Non-budgetary sources: There are two prominent non-budgetary sources for disaster support. The first is financing support from the CMRF. The other is support usually in kind from NGOs and self-help group.

Funding from extra government sources

Two issues arise relating to funding from CMrfs.

- First, whether the CMRF funds should be maintained in the public account or outside the public account in banks.
- Second, whether releases should be made at the discretion of the chief minister or formal rules should be framed for sanction of funds under the CMR

Finance Commission recommendation

- The 14th FC recommended that private contributions to the NDRF be considered eligible for exemption from income tax.
- Schedule VII of the Companies Act already includes contributions to the PMRF as an eligible expenditure under the corporate social responsibility (CSR) policy. The 14th FC felt that this schedule should be interpreted to allow for corporate donations to the NDRF also as a permitted CSR activity.

These recommendations have yet to be implemented.

Way forward

- India lost around \$80 billion between 1998 and 2017 due to the impact of natural disasters. Since the poor are asymmetrically affected by disasters, it points out that reducing disaster risk is also key to the reduction of poverty.
- The present arrangements for financing disaster management in the country do not provide for disaster mitigation. They are neither comprehensive nor adequate. There is a dichotomy between the guidelines issued by the GoI on disaster management and the mandate of the dma.
- As states have a major role to play, a national consensus is required on how to fund all the three components of disaster management—mitigation, response and reconstruction.
- Other issues which need to be addressed include
 - the scope of relief,

- the creation and financing of disaster management funds, and
- the procedure for states to draw from these funds and how to deal with the problem of moral hazard.
- The option of empowering the NDMA to manage both the response and mitigation funds at the national level needs to be explored.
- A hazard vulnerability risk profile for states should be validated so that it can be used to determine states' eligibility for SDRF.
- The option for permitting foreign contributions for disaster management needs to be considered.
- Tax exemptions for contributions to the cmrfs may need to be linked to the objective, predictable and transparent criteria for its disbursal.
- It may not be desirable to complicate the GST structure by levying a cess on either SGST, CGST or IGST for funding disaster relief.
- The option of either increasing the yield of the present national calamity contingency duty or introducing a cess similar to the GST compensation cess needs to be explored.

Dignity of Public Institutions

Category: GS 2 (Governance)

Introduction

In the political sphere it is interesting to come across words like “insult.” It is interesting in the sense that it is used in relation to a public institution and the reference to individuals occupying these institutions is in the background.

Context of the article

This was evident in the public use of this kind of language by the Prime Minister who suggestively used this word in order to establish a relationship between the morally painful feeling of insult and the “innocent” Government of Jharkhand.

Point of inquiry

Can public institutions be insulted and, if yes, what are the grounds on which the claim to have insulted the public institution be taken to be morally valid?

Analysis of the inquiry

- Public institutions do not inherently possess an element of moral sensitivity that can produce the feeling of insult. This is because they are mere physical structures.
- Similarly, it will be absurd to say that institutional procedures suffer from human insult although they could be abused by human beings.
- Thus, these institutions due to their public nature acquire an abstract character as they do not belong to one single person. These two dimensions necessarily disallow any association of the feeling of insult to an institution.
- If this is the case where one cannot stick insult to a public institution then how does one understand claims such as “the government has been insulted”?
- The claim to insult has a purchase only on the condition that a public institution undergoes the process of personification at the cost of robbing the state of its democratic essence and republican character.
- Or, they are put in a concrete relationship with a single person or a group of persons holding institutional power.
- It is a person whose negative feeling of insult or affirmative sense of respect gets transposed onto the institution. It is in this sense that the language of insult gets stuck to these institutions.
- Institutions are an embodiment of these public persons who make moral claims.
- But making a claim that “institutions are being insulted” is only an inadequate or an incomplete claim. It becomes complete and valid when it is based on sound reasons.
- An insult is an unfair moral allegation that is attributed to a government that has a relatively better record in good governance.

- This unfair allegation seeks to show no respect for the good work that a government is doing.
- Insult in this sense is disrespect expressed towards the government that has the evidence of doing good work for the people.
- Thus, a claim to have been insulted is not an arbitrary claim. It has to be backed by sound reasons, drawing its force from the broader principle of justice.

Way forward

- A state exists through conditions such as penalising tax evaders or punishing those who were responsible for mob lynching.
- Prompt action on the part of the government agencies to prevent violence in cases of such lynching would enhance the public esteem of the institutions.
- Stepping back is an active process of self-assessment or self-examination that the ruling party is supposed to take up on a regular basis. This would provide an opportunity for the government to improve upon its performance and offer better governance.
- Naturally, this would eliminate the grounds that the opposition tends to use for subjecting the ruling government to criticism.

Conclusion

Stepping back and reflecting on one's performance helps eliminate the need to convert fair and legitimate criticism into a matter of insult.

Simultaneous Elections

Category: GS 2 (Polity)

Theme of the article

Are elections a mere instrument to elect the government or a meaningful democratic exercise?

Introduction

“One Nation, One Election” has been an issue of great priority for the present govt. While there appears to be an acceptance of the idea, certain opposition parties have opposed it on the ground that it may adversely affect constitutional democracy and federalism. Many suspect that such a move may lead to the consolidation of authoritarian tendencies of the ruling party. Hence, it requires due deliberation and careful consideration.

Is the idea of holding simultaneous new?

- The idea of holding simultaneous elections is not new, as it was mooted by the Election Commission in 1982 as well as the Law Commission in 1999.
- However, the recent impetus has come from a discussion paper by NITI Aayog members as well as a report by the Law Commission.
- Furthermore, this idea has been pushed forcefully by the Prime Minister in his speeches and monologues, thereby giving it political weightage.

Rationale behind simultaneous elections

- Primarily, the rationale for this idea rests on the arguments for efficiency and expenditure.
- The simultaneous conduct of elections is said to help reduce the overall expenditure on holding elections in a staggered and sequential manner, as has been the general precedent since 1969.
- Moreover, it would also remove the impediment in taking policy decisions due to the adherence to the model code of conduct at different points in time.
- Such arguments are essentially managerial/instrumental in nature and show scant regard for constitutional principles and democratic values.

Simultaneous elections and federalism

- The implementation of this idea would demand the curtailment of the ongoing tenure of several state legislatures, which would effectively mean undermining the democratic mandate.

- Even if this process is to be ensured without invoking Article 356 and were to be carried out consensually, it would stand to harm the federal principle.
- Although the non-simultaneity was an outcome of the overreach of the then central government in the first place, over time, with the changes in correlation of political forces, it has aided the strengthening of federalism.
- It is so because specificities of state-level issues and the regional forces addressing them prominently find better scope and space with the singular focus being on the elections in particular states.
- Simultaneity threatens to drown these specificities and further strengthen the unitary bias, particularly in the context of the concentration of immense resources and the control of the narrative with one party.
- Various assembly elections that happen to be held separately from general elections to the Lok Sabha can exercise democratic pulls and pressures on the union government.
- Besides, elections held at different times can possibly force the union government to correct its anti-people policies, and pay heed to the demands of the masses.
- Along with popular extra-parliamentary agitations and movements, elections in various states also provide a scope for the expression of this activity of the masses which is essential for the health of democracy.

Simultaneous elections and accountability

- The proposals put forward to sustain the simultaneity stand in brazen contravention to the principle of accountability of the executive to the people through the legislature. It is so because the sustenance of simultaneous elections demands a provision for fixed tenure.
- With the absence of such a provision, the pattern of simultaneity may be broken if a successful no-confidence motion against a government, at the union or state level were to necessitate mid-term elections.

- Such eventuality is sought to be addressed through proposals, such as a so-called constructive no-confidence motion (which can be moved only by proving the possibility of an alternative arrangement), President's rule, or immediate election for a curtailed period (that is a remainder of the term). None of these ideas find any place in the Constitution.
- Ideas such as the constructive vote of no-confidence dilute the accountability to legislature and raise the question as to whether, in a democracy, stability can be given precedence over accountability.
- Such dilution would also entail further entrenchment of the ongoing process of the Presidentialisation of the polity by stealth. This process also gets a boost as the simultaneous elections would unduly favour the big national parties—better endowed with resources and reach—and make the political contest increasingly bipartisan and centred on personalities of leaders.
- Such a conception looks at elections as a mere procedure or method to elect the government to govern the people-nation. It imagines that people are passive voters who have to vote every five years and then withdraw from public activity, entrusting it to the executive.

Conclusion

Elections are an exercise whereby the principle of popular sovereignty is put into practice. One can debate how far such popular activity is possible in money- and media-dominated elections, but the underlying logic of simultaneous elections seeks to foreclose such a possibility itself.

NUDGE TO FUDGE

Category: GS 3 (Economy)

Theme of the article

Without concrete measures for augmenting opportunities, “behavioural change” is a demagogy.

Why has this issue cropped up?

The Economic Survey 2018–19 is trying to apply a “humane” face to the public policies of a government. The government claims of nudging such positive changes through its flagship campaigns like the Swachh Bharat Mission (SBM) and/or the Beti Bachao, Beti Padhao (BBBP).

‘Nudge’ for behavioural change

- The very idea that the commoners are not some “rational” entities called “economic men,” but “human beings” of flesh, blood and folly, and that they need encouragement/interventions or “nudges” (not enforcements/mandates) for making choices for positive -socio-economic changes in the country, is nothing new.
- In fact, for over a decade now various governments around the world are trying to integrate such insights from behavioural studies into policymaking.
- The underlying objective is to increase citizens’ participation in various state-led programmes/schemes and policies by nudging positive behavioural changes among them.

Analysing ‘behavioural change’

- Changes, if any, are largely restricted to a superficial change of perception brought through inauguration events/cake-cutting ceremonies/certificate distribution events/competitions/bike rallies, rather than any measures for initiating real changes at the ground level.
- If that is the case, then what is the difference between a nudge that stimulates public behaviour towards socio-economic change and that which manipulates public behaviour for political expediency?
- For example, a girl student receiving a bicycle under the BBBP scheme will be disenfranchised from its benefits due to various sociocultural embargos that are conventionally imposed on the movement of females. Whereas the bicycle might benefit the male members in her family and in turn influence their political (party) choices.

- In a country like India where an individual's behavioural pattern is deeply entrenched in sociocultural norms, financial assistances/handouts/money transfers (as in the case of the Kanyashree Prakalpa scheme in West Bengal) are least likely to bring about any fundamental changes in behaviour.
- On the contrary, such incentives might further corrupt public conduct with beneficiaries demonstrating a prima facie change in perception for receiving the aids, while their intrinsic behaviour remains intact.

Human being vs economic man

In settings that are characterised by limited resources, scope and capability, it is difficult to discriminate a "human being" from a so-called "economic man." This is because in such circumstances the folly of optimising self-interest at the cost of collective welfare is potentially astute for self-sustenance.

Conclusion

Without any systematic assessment of such ground realities and/or any blueprint of initiatives for expanding the economic opportunities, entitlements and capabilities, coming from the ruling government, the claims of paradigmatic change in the policy framework with shift of focus from the "homo economicus" (or economic man) to "homo sapiens" (or human beings) emerges as mere demagoguery.

Parched Present, Parched Future?

Category: GS 1 (Geography)

Theme of the article

Faced with a worsening water crisis, the state needs to exercise prudence in water management.

Introduction

The rains have arrived, albeit late, in many parts of India to provide a much-needed respite from the heatwaves that killed hundreds and the accompanying water scarcity that had accentuated the vulnerability and crisis situation.

Water stress: explanation

- In cities like Chennai and Ranchi, water stress led to violent clashes, distress, and desperation, as the lakes and reservoirs dried up and people had to fight and fend for water for their everyday needs.
- However, water scarcity is the truth not only for these cities, but also for large parts of the country which have been reeling under a drought-like situation.
- The delay in monsoon or poor rainfall is not the only reason.
- The effect of drought has been felt more intensely also because it is becoming difficult to scrape for the smallest amounts of water after digging even deeper.
- India is a country that is guzzling its groundwater at a rate unmatched by any other. Groundwater here fails to be treated as a public good.
- Even eastern India, which is otherwise considered as “water-affluent,” is staring at a future with “groundwater drought.”
- Many of the parched villages have -become deserted in Marathwada in Maharashtra, Bundelkhand in -Uttar Pradesh and Madhya Pradesh, and even the mountain regions of Uttarakhand.
- Cities in India thrive on the water brought from far away locations at a high cost and with loss involved in transmission.
- Chennai alone has lost over 350 lakes. The expansion of -cities fails to take into account access to water, and to mandate provisions to harvest rainwater, and reuse, recycle and treat waste water.
- The quality of water that is discharged by the cities and the industries remains of no concern to them. Due to such an approach, close to 70% of the country’s water supply is contaminated, leading to an estimated two lakh deaths in a year.

- Most of the farming close to cities is being done using the untreated wastewater, which contains heavy metals and toxic chemicals, further compromising public health.

Water stress: inequalities

- Water stress also re-emphasises inequalities of gender, caste, and region.
- While women have been burdened with the responsibility of arranging for water, in situations of crisis, it also leads to practices such as men marrying for the second or third time for the sole purpose of getting “water wives” to fetch water through the day.
- Such villages are incidentally close to rivers and dams, but the supply being directed towards Mumbai, women plough on to get water covering long distances, even as they are the last in their households to get to use it.
- With its availability shrinking further and the market playing an important role in defining the costs and beneficiaries, the more privileged find ways to control the access to water.
- There is an inherent inequality in distribution and a failure to share -water judiciously. It is evident in megacities like Delhi and Mumbai where access depends on income and social status.
- In crisis situations, like in Chennai, while apartment buildings could afford to pay for three or four tankers per day, low income households could not.
- Among rural households, only 18% are said to have access to piped water.
- Small farmers are worse off and are forced to take their lives or migrate in drought conditions.
- The real estate boom has promoted the tanker lobby and increased water extraction, along with usurping of the floodplains and the green cover.

Way forward

- The interlinking of rivers, pushed for despite evidence of poor functioning of existing hydro projects, will only spell disaster and more conflicts.
- In view of the looming water crisis, and associated food and health insecurity, it is vital to exercise prudence to manage water efficiently.
- It will, however, mean a move towards water-prudent crops and lifestyles, augmented storage and regulation of the usage of water and policies that take into account the inequalities in access, and real time data of its consumption.
- Instead of mere engineering and technocratic fixes, somewhere an acceptance is also needed that waterbodies in their healthy and natural state have the ability to replenish themselves along with a capacity to contain the intensity of climate crises.

How Effective Has the No-Confidence Motion Been in Holding the Ruling Party Accountable?

Category: GS 2 (Polity)

Why has this issue cropped up?

The Congress–Janata Dal (Secular) coalition government in Karnataka has been in a lurch since 18 Members of Legislative Assembly (MLAs) resigned. Will the motion for confidence result in a change in government in Karnataka?

Introduction

Given the nature of coalition politics in India, votes of no-confidence have occurred every-now-and-then since independence. A vote of no-confidence signifies a political crisis. While these motions serve to complicate the political discourse and allows the opposition to register their dissent, does the motion help to address the crisis? This question can be answered by going through the history of no-confidence motions in India.

History of no-confidence motions in India

1) The Era of Congress Dominance

- Jawaharlal Nehru faced the first vote of no-confidence in India in 1963. The charges levelled were largely concerned with Nehru's foreign policy,. However, owing to the absolute majority that the Congress held in the Lok Sabha, the motion could not seriously challenge Nehru's position.
- A decade later, Indira Gandhi faced a no-confidence motion in 1973. Indira Gandhi and the Congress were not concerned by this given the overwhelming majority she enjoyed. That Indira Gandhi faced as many as 12 motions of no-confidence while in office between 1966 and 1977 shows that the Opposition was concerned about her growing authoritarian tendencies.

2) Post Emergency

- The Janata Party came to power in 1977 with Morarji Desai at the helm. Often accused of ad hoc politics, in 1979, Desai was subjected to a motion of no-confidence in Parliament. The charges that were built-up against him accused his government of falling into the same authoritarian patterns that had existed during the Emergency. Contrary to previous instances of votes of no-confidence however, members of Desai's own party seemed to have lost confidence in Desai.

3) Buying Confidence

- After a three-year interlude when Indira Gandhi returned to power in 1980, she faced three more motions of no-confidence. Although the Opposition mustered up a motion of no-confidence against Indira Gandhi, she may have been able to skirt the issue by buying up parts of a fragmented opposition, thereby dividing them effectively.

4) Coalition Politics

- A rather odd situation presented itself in 1993, when Prime Minister P V Narasimha Rao found himself facing a vote of no-confidence after the demolition of the Babri Masjid in December 1992. Though Rao managed to win the vote with a small margin, it showed how the constitutional provision can be manipulated by the Opposition in a bid for power.

- Eventually, when the BJP came to power in 1996 led by Atal Bihari Vajpayee, he had to resign in 13 days for losing the confidence of the Lok Sabha. Vajpayee had to face another vote of no-confidence in August 2003, for appointing George Fernandes as the defence minister. Vajpayee won with a large margin of 312 to 186 votes.

Can the G20 decide the world's future?

Category: GS 2 (International bodies)

Why has this issue cropped up?

The final communiqué of the recently concluded G20 summit in Osaka, Japan, was a departure from previous years' statements. Instead of asserting the grouping's supposed mission of "strong, sustainable, and balanced growth," the 2019 communiqué failed to condone protectionist trade policies which have been practised by the United States (US).

Analyzing the efficacy of G-20

- Since the G20's first official summit in 2008, which was held to form a global response to the financial crisis, this grouping of the world's 20 largest economies has since set itself the task to promote sustainable economic development, and reduce poverty.
- However, the grouping's approach to tackle these issues has been criticised. It does not represent most of the developing world, and thus lacks international legitimacy.
- Resolutions passed at these summits cannot be enforced on member countries, and the grouping has been rebuked for failing to adhere to its own climate change resolutions.
- Reaching consensus at these summits is difficult. Interests of individual nations block/hinder joint resolutions meant to focus on the health of the world economy.

Measures that can be implemented to achieve the G20's mission statement of sustainable growth.

1) How Can Employment be Generated?

- Current technological innovations will result in fewer people being employed. To create enough employment, “micro entrepreneurs,” need to be encouraged instead of following the formal corporate model.
- Greater global financial exclusion can be overcome only if banks give up their “pro-rich” attitude. Loans need to be provided to poorer sections of society without bias.
- New financial products suitable to small entrepreneur, based on daily recovery rather than monthly payments will have to be explored and introduced.

2) Can the G20 Be More Inclusive?

- If the G20 is serious about global inequality, then it needs to do more to channel savings from countries with surplus wealth to poorer nations.
- To do this, multilateral development banks need to channel funds for development finance.

3) How Does Climate Policy Feature at the G20?

- The final communiqué from the Hamburg summit in 2017 confirmed the US’ withdrawal from the Paris Agreement on climate change.
- A political consensus between G20 members needs to be achieved to ensure a sustainable future.
- The challenge is to shift the focus of global climate policy to the political consensus in the G-20 agreement.

Conclusion

The G20 needs to take a proactive role in including the needs of the developing world.

Does the anti-defection law serve any purpose?

Category: GS 2 (Polity)

Theme of the article

The anti-defection law is against the principles of representative democracy and needs to be reformed.

Why has this issue cropped up?

The Supreme Court has held that it is the Speaker's discretion to decide on the resignations of the 15 dissident MLAs belonging to the Congress-Janata Dal (Secular) coalition government of Karnataka as and when he considers appropriate.

Right course of action for the Speaker

- While the Speaker has the duty to verify the voluntary nature of the resignations, does this mean he can question the letters of resignation that were handed over to him in person even if they were in the prescribed format? Yes, certainly.
- Under Article 190(3) of the Constitution, the Speaker has to satisfy himself that the resignations are voluntary and genuine and can reject them if he feels they are not. The Speaker has absolute discretion in this matter.
- Only the Speaker has the discretion to decide whether the resignations were voluntary or genuine. No other constitutional authority can decide this.
- Thus, in the Karnataka case, the Supreme Court would have embroiled itself in a political crisis and did the right thing by allowing the Speaker the discretion to rule on the resignations.

Conventions and assumptions

- All the institutions including the legislature and the judiciary follow certain rules based on the Constitution. But beyond that, there are certain conventions and assumptions under which these institutions operate.

- For example, there are only a certain set of rules to be followed by the Speaker. Beyond that, there is an assumption that the Speaker is a neutral person and acts in good faith.
- Unfortunately, that assumption has been broken in our country. For example, in the last Parliament, there was a no-confidence motion tabled by a set of MPs. The Speaker refused to consider this saying there was too much disturbance in the Lok Sabha, but during the same period allowed the Finance Bill to be passed without discussion.
- There is therefore the problem of lack of ethics, and the judiciary cannot do much about this.

Speakers as neutral institutions

- Speakers generally belong to the ruling party, they have tended to act less as neutral institutions. In some instances, despite clear cases of defections, Speakers have refused to act.
- There is a basic assumption in the Tenth Schedule that the Speaker will decide things on merit and be impartial. Invariably, they come from ruling parties.
- There have been many issues on which Speakers have not acted — sitting on cases of defection, the way they have conducted proceedings, etc.
- The anti-defection law is handled by politicians. Also, there have been demands that it should be handled by the Election Commission; politicians have resisted it.

The specific case of Karnataka

- In the case of Karnataka, there are issues which are quite important.
- The Supreme Court has said that the Speaker will have the discretion to decide upon the resignations and after that, he has to convey it to the Supreme Court.

- However, the Speaker has the authority to decide upon the resignations and no outside authority should come into the picture. Merely because the matter was brought to the Supreme Court and the court has given an interim order doesn't mean that the Speaker's decision should be conveyed back to the court
- Can a Speaker prevent the member from resigning only to hold him guilty for defection? If the Speaker refuses to accept the resignations, they will continue to remain members of the ruling party and the party has the right to issue a whip. And if they don't attend the House, they will face the consequences.

Shouldn't the anti-defection law be implemented by an authority such as the Election Commission?

- The Election Commission being impartial is another assumption, probably a reasonable one.
- But looking for another institution to decide on this process is to look for a bureaucratic solution to what is essentially a political problem.

Recent form of defection

- Lately, we have seen people moving out of parties in large numbers and eluding disqualification by suggesting that they have merged with a new party.
- The law is clear: mergers are between two parties and two-thirds of the members will agree to the merger.
- Now the practice is the other way around — two-thirds of the members or more move out and then merge with the new party. The law is made to stand on its head by the legislators.

Problems with the anti-defection law

- The whole problem arises in the anti-defection law itself, which goes against the principles of representative democracy.

- What we have done with the anti-defection law is that we have made every MP or MLA a slave of the party leadership.
- Invariably, we have converted a parliamentary system to a de facto presidential system because the head of the executive who happens to be the Prime Minister also controls the majority party in the legislature. In essence, the executive and the legislature seem to have merged.
- We have chosen the parliamentary system, but the anti-defection law has hollowed out the deliberative aspect of representative democracy.
- The anti-defection law has reduced the legislator to a figurehead of the party leadership and is against the deliberative nature of parliamentary democracy.

Way forward

- Legislators who act in unscrupulous ways should be voted out in subsequent elections. That is how democracy is supposed to work.
- The anti-defection law needs to be looked into again by the lawmakers and reformed in light of the experience of its implementation since 1985.