

1. The coronation of Xi Jinping as China's de facto President for life & Putin's election in Russia brings a new form of authoritarian political order. Discuss the implications for India.

Ans:- China Xi Jinping coronated as China's President in 2013, holding the posts of General Secretary of CPC & Chairman of CMC, before. The 19th Constitutional Amendment withdrew the Presidential tenure of two-terms, giving Xi Jinping lifelong Presidential power & unchallenged political & military control.

Xi Jinping's dreams of rising China as a central power of Asia, developed many projects, such as —

- i) One Belt, One Road Initiative — It later became Belt-Road Initiative (BRI), connecting many Asian countries through Ancient Silk route, to develop trading.
- ii) Silk Route Fund
- iii) China is taking control over Gwadar Port of Pakistan & Hambantota Port of Sri Lanka.
- iv) Establishing Asian Infrastructure Investment Bank (AIIB)
- v) Assisted establishment of New Development Bank (NDB) under BRICS.

The Chinese initiative of holding power over various countries in Asia, has strangled / cornered India.

Pakistan: Pakistan has raised hand for BRI & takes loans from China to avoid borrowing from IMF.

Sri Lanka: To get economical support for their infrastructure development, they ~~are~~ joined hands with China.

Maldives ~~Maldives~~: In order to pressure India, they got under BRI.

Implications for India:

India & China are in a twisted mode, — In S.E. Asia, India is walking on a narrow string, to keep pace with the neighbourhood pressures.

India, has never attacked someone's territory to broaden its border. But, China has evidence from history to get indulge in wars.

→ The BRI Project:

① The Belt-Road Initiative, in which Pakistan let China to hold their maritime securities in Gwadar Port, which gets China an easy access to Indian Ocean, leading to Hambantota Port of Sri Lanka, connecting Malaysia, Bangladesh, Thailand in east.

② The BRI project is passing through the Gilgit Baltistan, the Pakistan occupied Kashmir (POK) region, disrupting the national sovereignty of India.

③ ~~as~~ ~~the~~ India is always opposing the ~~BRI~~ China-Pakistan ^{Economic} Corridor (CPEC), as it is worrying the security implications.

④ In name of pirates watching, China installed 2 submarines in Indian Ocean, but they were a conventional submarine & a nuclear propelled submarine, having no issue with pirate-operations.

⑤ Maldives has signed 'Free Trade Agreement' with China, after Pakistan.

Maybe, as a result of this, the Indian contract to Maldives Airport had been cancelled by former President Yameen. China was to 'Trade Trap' Maldives to make bases there — a potential external security threat to India.

But, with winning by Ibrahim Md. Solih in Poll body, India can hope for a new beginning.

→ Hold on NSG —

The Nuclear Suppliers Group — China in 2007, could not openly opposed the waiver to India, wherein in recent, China proudly proclaimed the block from NSG gr. of India (as India did not sign Nuclear Non-Proliferation Treaty) — indicating their rise of strength & also the threat for India.

→ **The QUAD** — It is consisting of US, India, Japan & Australia for maritime support, economic growth & development military exercise etc.

China commented on Quad: They hope the association will neither target nor facilitate the interest of third party.

→ **Doklam Issue** — Point of disengagement.

→ **Paris Summit** — In recent Paris summit on environment, China made agreement with us, with consulting India.

Russia:

History has witnessed the strong relationship b/w India & USSR, today's Russia.

After Vladimir Putin's election on Presidency, India is looking forward to a stronger bond.

Russia is getting economically & militarily strong —

→ **S-400 missile deal** —

India has recently purchased 5 S-400 missiles for \$5.43bn. though it could attract a sanction from US.

It has definitely strengthened the relationship.

→ **Russia's investment in India** —

1) Russia is looking forward to invest in India's infrastructure, roads, ports, defence mechanism.

2) Russia & India can jointly research in Arctic region also.

3) Russia is a natural-resource-rich country & India is resource hungry, which can develop a mutual benefit.

→ **Russia-India deals** —

1) Russia is interested in investing on science & technology but not so on energy deals.

2) It will ~~not~~ deal on submarine technology & helps in strategic defence.

→ **International Summit** —

Russia & India has always been supportive of each other's proposals, whether on environment (Paris Summit), International securities (Moscow agreement) or any other field.

Conclusion — In ~~the~~ Asia, if India is threatened by China, it is also able to protect itself by strategic defence deals with other powers.

2. Discuss the concerns raised about customer rights in the Insolvency & Bankruptcy Code.

Ans- Lok Sabha passes Insolvency & Bankruptcy Code (IBC) Bill, 2016, May to recognise homebuyers as financial creditors to real estate developers. IBC is the bankruptcy law of India which seeks to consolidate the existing framework by creating a single law for insolvency & bankruptcy.

IBC categorized creditors into 2 groups —

- 1) Financial creditors (banks & financial institutes)
- 2) Operational creditors (suppliers & vendors).

But, it did not mention the other creditors or customers' position, not fitting into either of these 2.

The other creditors could be — homebuyers, deposit holders & customers who had paid for purchase etc., which was noticed during the case of homebuyers for Jaypee Infratech, customers of Pincel & Nathella Jewellery.

So, an amendment was brought to the bill in 2017 —

Regulation 9A created a new residuary category for creditors other than financial creditors & operational creditors.

Regulation 9A enables the other creditors to file claims against a firm under insolvency by filing ~~20D~~ Form F with the Resolution Professional (RP).

But what about those customers who had paid advances to the company — will it be treated same as the debt owed by the company to banks & other vendors in the normal course of business & the order of priority in which repayment will be made in the insolvency process — asked by many firms. It is still to be determined.

where some founders say that the rights & reliefs available to the customer depend upon the nature of relationship with the corporate debtor (company under insolvency process).

In case of Jaypee Infratech, ~~Supreme~~ SC intervened & directed that the dues of customers would be paid off first. On which the Insolvency Law Committee says homebuyers with an agreement with the developers should be treated as financial ~~creditors~~ creditors.

But, acc. to some businessman, it is not possible to lay down one general way to treat creditors under the IBC considering ~~that~~ the complexities of business models & the dynamics of day to day transactions & can only be determined on a scheme-to-scheme basis.

The customers in general don't know whether they could join the list of affected ~~party~~ parties in the insolvency resolution process, as IBC had not defined consumers in any of the categories.

Conclusion -

The individual exposure of customers is undoubtedly small, but they form a strunk of money owed. So, their ~~int~~ protect their interest legally. Hopefully, SC will take steps to emerge solutions to clarify customers & associated concerns.

Unit-test 1, SAQs - Batch-6

3. Explain the constitutional & situational discretionary powers of the Governor. Also comment on the recommendation of Sarkaria & Punchhi Commission in the appointment of CM when no party holds a majority.

Ans. The discretionary powers of President & Governor are analogous, they both are the head of executive, differ only in President having diplomatic & military power too, whereas Governor is not bound to act on the advice of Council of Ministers.

1. Executive Power -

Governor has the power to appoint the Council of Ministers Advocate General, chairman & members of the State Public Service Commission, Chief Minister & other ministers are appointed by CM on advice of Governor.

He does not have the power to appoint Judge of State High Court, but President has to consult him before this appointment.

He can appoint $\frac{1}{12}$ of the State legislative Assembly, who have special knowledge & practical experience in literature, science & Arts etc.

2. Legislative Power -

Under Art. 168, Governor is a part of the legislature.

→ He has the power to -

- Summon
- Prorogue
- Dismiss
- Dissolve the State legislative Assembly

→ He can reserve a bill for Presidential assent.

→ Legislature can't demand a grant without his recommendation.

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→ He can ask for the Annual Financial Budget.

3. Judicial or Pardoning Power —

Subjects, in which State legislature has power to enact laws, Governor can grant —

- y pardon
- y reprieve
- y respite
- y remissions of punishment

or to

- y suspend

- y remit

- y commute the sentence of any person convicted of any offence against these laws.

Unlike, Art 72 conferred upon President to grant pardon to a person sentenced to death or punished by court-martial, Governor has no power with respect to these.

4. Emergency Powers —

Except J&K, in other States, Governor can't announce an emergency situation. [Art 352, 356 & 360]

Only if he feels the State Govt. is not performing accordingly with the provisions of the Constitution, he has power under Art. 356 to report to President for imposition of President's Rule.

Constitutional Discretion of Governor

1. Reservation of a bill for Presidential assent
2. Appoint CM when no party clearly holds majority
3. Recommendation for the imposition of President's rule in state
4. While exercising his funcⁿ as the administrator of an adjoining Union Territory —
 - a) Appoint CM when no party has clear majority or the CM suddenly dies without any proper successor.
 - b) Asks CM for informations regarding administrative & legislative matters of the state.
 - c) Can dismiss the Council of Ministers when they are unable to prove the confidence of State Legislative Assembly.

- d) Can dissolve the legislative Assembly if the Council of Ministers have lost its majority.
- e) ~~Can~~ Determine the payable amount by Govt. of Assam, Tripura, Meghalaya, Mizoram to an autonomous Tribal District Council, as royalty accruing from licenses for mineral exploration.

■ There were 2 commissions on appointment of CM, when no party holds a majority —————

1) Recommendations of Sarkaria Commission —

- an alliance of parties formed before election
- the largest single party which is able to gain the support of other members to command majority.
- a post-electoral coalition having required members.
- a post-electoral coalition in which partners will not join the Govt. but are willing to support the Govt. from outside.
- the CM heads a coalition Govt., he must seek the vote of confidence in the assembly within 30 days of taking over.

2) Recommendations of Punchhi Commission —

Upholding the view that a pre-poll alliance should be treated as one political party. In case of hung house —

- call the group with the largest pre-poll alliance commanding the largest no.
- the single largest party with support of others
- the post-electoral coalition with all parties joining the Govt.
- the post-electoral alliance with some parties joining the Govt. & remaining including Independents supporting from outside.

4. Shanghai Cooperation Organisation is an excellent opportunity for India to secure its economic & security interests in the region. Elaborate.

A. India became a full member of the Shanghai Cooperation Organisation (SCO) at Astana Summit on June 8-9, 2017. After that, External Affairs Minister Sushma Swaraj attended the 16th meeting of SCO in Sochi, Russia, 30th Nov - 1st Dec, 2017, hoping about development of Indian economic & security interests in Central Asian Regions (CAR), in her speech.

TRADE -

→ CAR supplies ~10% of oil & energy needs of world — India being an energy-hungry nation, its involvement in SCO provides an opportunity to meet its energy requirements through regional diplomacy.

It will help to motivate the stalled projects of India, like TAPI (Turkmenistan-Afghanistan-Pakistan-India) pipeline, IPI (Iran-Pakistan-India) pipeline, SASA (Central Asia-South Asia) 1000 electricity transmission projects.

→ India's trade relation with S. Asian countries was not so high, ~500 mn. dollar. The SCO can provide/initiate negotiation on the SCO FTA by 2020 to improve its relation with S. Asian countries.

→ India did not have direct access to CAR, it had to trade via China or Russia or Europe, making it an expensive affair. Chabahar port in Iran, provided some convenience, but in a limited way. SCO can provide an alternative route to CAR.

SECURITY -

→ SCO formed Regional Anti-Terrorism Structure (RATS), working on information sharing & joint counter-terrorism measures among member states. India, through RATS, can improve its counter-terrorism experience by working on intelligence sharing, law enforcements, developing best practices on technologies, mutual legal assistance, extradition arrangements & capacity building amongst other measures.

→ Through SCO, India can work on drug-trafficking, major concerns from Afghanistan.

→ China is the driver of SCO & it supports Pakistan, which already had many proxy wars & terrorist attacks on India. With their presence, India can get some pulling down stating on counter-terrorism measures, as China has always shielded Pakistan with its veto power.

→ It will be a diplomatic case to handle for India, if Pakistan ~~also~~ wants to resolve Kashmir-issue through SCO or if China question about the shelter given to Dalai Lama in Tibet-issue.

With role of China, if India gets submerged, the relation b/w India & Russia will push up the benefits. It's the time for India to maintain cordial relation with CAR to promote its interests.

India's involvement with SCO comes with many challenges & limited opportunities — It has to walk on thin thread of diplomacy — adopting careful approach to draw more benefits & remain neutral on issues which are not directly related to it.

directly related to it.

Unit-test-1 SABARINI - Batch-6

5. The PM has recently announced ISRO's ambitious manned space mission - Gaganyaan - as India's next space venture. Crittically examine the challenges that lie ahead for ISRO & discuss the feasibility of the mission.

Ans. PM Modi had announced about ISRO's 1st manned mission to space on 15th Aug, 2018 from the Red Fort. India will be the 4th country in world — setting its venture to Human Spaceflight Programme with Gaganyaan.

As it is solely Indian venture, it is to test & validate technology for future.

India has come up with many developments, still challenges are lying ahead.

Technological Challenges:

i) Pre-launch phase -

*) Astronaut selection - Fighter-plane pilots are to be selected & trained in Bengaluru & abroad to adapt to space harsh atmosphere.

→ Space-suit: The space-suit is to be specifically designed to protect from high temperature, pressure, radiation etc. & also with integral life-support system for sustenance of astronauts.

→ Aerospace medicines: helps in i) life support system, ii) envt. control system, iii) creating weight training module to cope up with physical & mental stress of crews during space-flight.

France (CNES) is collaborating to design medicines.

2) Launch Phase -

→ The heavy-weight-lifting rocket GSLV MkIII is prepared indigenously for cryogenic fuel — so not entirely reliable in comparison to PSLV.

In 2014 (GSLV) & 2017 (GSAT-19) had a successful testing.

→ Pad abort facility & crew member escape system — Separation of crew-module from launch vehicle testing was successful.

During launch, if launch vehicle fails, astronauts will be separated from crew module.

3) Orbital Phase -

→ Crew module — has to protect from outer envt high temp., pressure, radiation (has radiation sheath)

→ Service module — powers orbital module to reorient & realign in orbit.

4) Re-entry Phase -

→ Service module — has to be separated & removed properly.

→ Crew module — during re-entry in earth's atmosphere, generate a lot of heat due to friction $\sim 1000^\circ\text{C}$ — it is protected with tiles of carbon & silica composites to ensure 25°C inside.

5) Descent Phase -

Great challenge is to gradually decelerate the space-craft by deploying parachute & floating system, immediately after splash down.

Crew module will emit signal (beacon) so that Indian Navy & Coast-guards find it near preplanned splash site & bring the members safely.

It is always questioned, India being a socio-economically challenged country, how feasible is its investment in expensive aero-space research. Let's have a look in the cost-benefit analysis.

Costs -

- aerospace research is very expensive & has high probability of failure
- it is time-consuming

Benefits -

- Space exploration - Promote studies & research

- Technological development - To overcome hurdles
- Job opportunity - ISRO's mission create various posts to manage, manufacture or research in these missions
- Entrepreneurship & Art. Sectors - ISRO tie up with Pvt. Co. to manufacture many components. Also, promotes entrepreneurship for innovative solutions for challenges at cheaper rate. It will promote industrial growth.
- Nurtures Culture & Innovation
- ISRO provides ~~launch~~ cost-effective & reliable launch services to foreign institutes, colleges, universities helps in economic growth of India
- Monitoring resources & crops, other than defence communication - with the satellites - Ocean-SAT, Resource-SAT, Cargo-SAT, monitoring of crops & resources onshore & offshore is done to promote socio-economic development, unlike west, who caters only in military service.

Conclusion - The benefits outdo the cost, making it feasible for future.

6. Discuss the salient features of DNA Technology (Use & Application) Regulation Bill, 2018 that has been recently introduced in Parliament.

A. - The DNA Technology (Use & Application) Regulation Bill, 2018 was introduced in Lok Sabha by Minister of Science & Technology, Mr. Harsh Vardhan. The regulations in bill, are _____

1. **Use of DNA data:** DNA testing is allowed only in matters listed in the schedule _____

- offences under Indian Penal Code, 1860
- paternity suits
- identify abandoned children

2. **Permission for use of DNA data:**

While preparing a DNA profile, bodily substances of persons may be collected by the investigating authorities. Authorities are required to obtain consent for collection.

- If accused, carries punishment upto 7 yrs, consent is required.
- If accused, carries punishment for more than 7 yrs of imprisonment or death or life-time-imprisonment, consent is not required.
- Consent is required from a victim, relative of a missing person, or minor or disabled person.

If consent is not given, authorities can approach the Magistrate.

3. **DNA Data Bank:** The bill says to establish a National DNA Data Bank & Regional DNA Data Banks.

Every Data Bank is to maintain the following indices —

- a crime scene index
- a suspects' or individuals' index
- an offenders' index
- a missing persons' index
- an unknown diseased persons' index

4. **Protection of Information:** The information of DNA profile from Data Bank, laboratories or any person, should be confidential.

The bill provides access to information by one-time keyboard search — to compare the DNA sample with information in indices, without incorporating the ~~data~~ data of sample.

5) **Retention of DNA Data:** Entry, retention & removal of DNA data will be regulatory.

Bill provides for removal if —

- a) of a suspect if police report is filed on court gives order
- b) of an undertrial if court gives order
- c) on request of a person who is not a victim / suspect / relative of missing person / offender or undertrial from crime scene index

The Bill provides that information from crime scene, will be retained.

6) **DNA Regulatory Board** — to supervise DNA Data Banks & Laboratories.

- a) Chairperson will be the secretary of DBT
- b) vice-chairperson will be an eminent person with 25 yrs of experience in biology
- c) Other members — Director General of the National Investigating Agency & Central Bureau of Investigation or their nominees (at least Joint Director)

7) **Functions of the board** —

- a) advising Govt. on establishing DNA Data Banks & Laboratories
- b) granting accreditation to laboratories
- c) developing training modules & guidelines for men dealing with DNA testing.

8) **Accreditation for laboratories:**

Laboratories need accreditation from the Board, which can be revoked, due to —

- i) failure in ^{undertaking} DNA testing
- ii) fail to comply with conditions attached to accreditation

If revoked, appeal will lie before Central Govt. or other authority notified by Central Govt.

9) **Obligations of DNA Laboratories:** Functions of labs —

- a) follow standards for quality assurance in collection, sorting, testing & analysing DNA samples
- b) Deposit DNA information to Data Bank
- c) Return & destroy the sample to investigating officer.

7. The recent flood in Kerala is more a case of man-made disaster than a natural disaster. Discuss in the light of recommendations made by the Madhav Gadgil Committee on eco-sensitive zones in the Western Ghats.

A:- The recent flood in Kerala was a natural disaster, washing off the land — now the main question arises about funding & time to reconstruct the state.

Kerala, which constitutes 18% of Western Ghats biodiversity, became the victim of such a natural calamity because of too much human interference in nature.

Western Ghats is 1 of 8 hottest biodiversity sites in world, home of many endangered animals & plants & origin of Krishna, Godavari, Cauvery rivers — huge water tank supplier to 6 states, but, now they have been dried & polluted.

To conserve the Ghats, Ministry of Environment & Forests of India constituted the Gadgil Commission.

Madhav Gadgil Committee :

The ecology expert panel, put forward some recommendations —

1. The entire hilly region of Western Ghats were specified as Ecologically Sensitive Zone (ESZ).
2. The 142 talukas of Ghats, were classified into ESZ-1, 2 & 3.
3. ESZ 1 is of highly prioritized for conservation, disallowing any kind of human intervention & banning mining or hydel/power projects.

10) **Offences:** The Bill specifies penalties for

- a) disclosure of DNA information
- b) using DNA sample without authorisation

Penalty - imprisonment upto 1 yr.

Fine of upto 1,00,000/-

4. The Athirapally of Kerala & Gundia of Karnataka, fell in ESZ 1 & so asked not to get ecologically clearance.

~~The criticisms to Gadgil Committee~~

It was said

5. It asked for a bottom to top approach — giving more power to Gram Sabhas & local powers to conserve the biodiversity.
6. It asked to constitute Western Ghats Ecology Authority (WGEA) to punish the violators under Sec 3 of Env't. Protect Act, 1986.

Five criticisms to Gadgil Committee —

- Found to be very eco-friendly, but not practically implementable as it restricted the dams construction affecting the water-supply to states & agricultural activities in core-zones, facing revenue loss.
- The restriction on mining & power projects, let many states suffer from power-want & underdevelopment.
- Constituting WGEA was criticized, as offenders can be punished by existing laws.
- Mostly the mafias misled the farmers of saying the report is against them & their livelihood.

So, a new committee was created —
the Kasturirangan Committee —

Recommendations of Kasturirangan Committee —

- Forced to lower the extent of ESZ to 37%.
- let the agricultural activities go on.
- Construction of dam, hydro/thermal power & sand mining was completely banned in ESZ.
- The existing mines were to be ceased in 5 yrs or to end of lease — whichever is early.

8. Evaluate the need for lateral entry into civil services despite the fact that the generalist nature of Indian bureaucracy is designed to give scope for specialization.

*- Bypassing the UPSC, the Govt inviting 20 outstanding individuals from various departments for the post of Joint Secretary, eligibility criterion includes at least 15 yrs of experience in respective field.

Joint Secretaries play a crucial role in formulating & implementing policy.

These lateral entrants will be appointed for 3 yrs & based on their performance, it'll be extended to 5 yrs.

There is a need for specialization in policies to increase growth. There are some pros & cons of this initiative.

- exclusion of inhabitation & plantation from ESZ
- Red industries i.e. highly polluting industries were banned

Kasturirangan report was biased to development

- due to erroneous application of remote sensing & aerial survey, put many villages in ESZ.
- Farmers were evicted, but mining & quarry lobbies flourished & tourism developed — called for disaster in ecology.

Though, it was not in action for a long time. Another committee was established (Adman Committee)

Conclusion -

If the Gadgil Committee recommendations were implemented, maybe we didnot have to witness the disastrous flood in Kerala.

Gadgil committee was anti-industrial, but, with a mild loss of ~~some~~ industrial development, if we could nurture the forest-elements for livelihood & tried to raise bio-fuels for energy, the state of Kerala could have been saved.