

10 Apr 2019: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. Centre denies RTI plea on CIC appointments

Context:

The Centre has denied a Right to Information (RTI) request for details of the ongoing recruitment process for four vacancies in the Central Information Commission (CIC), despite a recent Supreme Court order mandating that such information be made public.

Appointment of CIC

• The CIC is the RTI Act's highest appellate body.



- Section 12(3) of the RTI Act 2005 provides as follows:
- CIC and members are appointed by the President of India on the recommendation of a committee consisting of—Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha; a Union Cabinet Minister to be nominated by the Prime Minister.

Eligibility criteria:

- Section 12(5) of the RTI Act 2005 provides that the Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- Section 12(6) of the RTI Act 2005 provides that Chief Information Commissioner or an Information Commissioner shall not bea Member of Parliament or Member of the Legislature of any State or Union Territory as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

Term of office for CIC

- Section 13 of the RTI Act 2005 provides that the Chief Information Commissioner shall hold office for a term of five yearsfrom the date on which he enters upon his office and shall not be eligible for reappointment.
- Section 13(5)(a) of the RTI Act 2005 provides that the salaries and allowances payable to and other terms and conditions of service of the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner.

Details:

- "The judgment of the Honourable Supreme Court of 2018 is under consideration of the department," said the Department of Personnel and Training (DoPT) in its reply to RTI activist Anjali Bhardwaj's request for information on the number, names and particulars of applicants, the process being followed to short-list them, and any search committee that has been constituted to fill these vacancies.
- In an interim order in December 2018, as well as in its final order in the case on February, 2019, the SC had directed the Centre and States to pro-actively disclose all information regarding the recruitment advertisement, the particulars of the applicants, the search and selection committees and the criteria for short-listing candidates on their websites.

Way forward:

- There needs to be transparency at every stage of appointment and public scrutiny to prevent arbitrary processes.
- Centre and states to maintain transparency in appointments of Chief Information Commissioner and Information Commissioners and upload the details of search committees and applicants on website.

Category: INTERNATIONAL RELATIONS

1. Sri Lanka opens China-financed railway line

Context:

Sri Lanka has opened a new railway line, built with China's assistance, connecting its coastal city of Matara



and Beliatta in Hambantota.

Details:

- This move will boost passenger traffic into the island nation's deep south.
- The 26.75-km long Matara-Beliatta railway extension is the first to be constructed in Sri Lanka since 1948, and it passes through the country's longest and second-longest railway bridges.
- The railway extension was financed by the Export-Import Bank of China and the contract was awarded to the China National Machinery Import and Export Corporation.
- Chinese Foreign Ministry spokesman termed it as a major Belt and Road Initiative (BRI) project in Sri Lanka.

Concerns:

- China is Sri Lanka's biggest lender. Sri Lanks's envoy to China in February said Colombo will get a \$1 billion loan from China and might sign a free trade agreement with Beijing.
- Sri Lanka is returning to normalcy after being hit by a deep political crisis last year that plunged the credit rating of the already-indebted country.
- Sri Lanka has been the major recipient of Chinese loans and investments in recent years, totalling over \$8 billion. The heavy borrowing has raised concerns over Sri Lanka's ability to repay, after Colombo handed over the Hambantota port to Beijing for a 99-year lease in 2017 as a debt swap.
- The Chinese have made deep inroads into the strategically located nation in the Indian Ocean.
- The acquisition of the port by China as a debt swap drew criticism from the US which termed the BRI projects as a debt trap specially for smaller countries.
- Beijing's growing presence in Sri Lanka worries India which held considerable clout in the country.
- India has been looking on nervously, concerned that China is encroaching on its sphere of influence and eroding its commercial and cultural links with the island, some of whose Tamil minority are descendants of colonial-era indentured workers from the southern Indian state of Tamil Nadu.

Way forward:

- Sri Lanka's geography gives it an advantage disproportionate to its size. Sri Lanka is the pivotal point for a global grand strategy.
- As Sri Lanka looks for assistance to reboot its economy, a largely two-way tussle for influence in the country and, in turn, the region is on.
- India and China are Sri Lanka's biggest import markets, count among the top three in terms of tourist inflows and provide significant share of the country's foreign investment.
- Sri Lanka needs to develop its economy using both Indian and Chinese help. But China and India have not always been open to sharing influence, with both trying to leverage their "special relationship" with the island.
- The challenge is to find a balance between these two large countries and not take to one bloc.

C. GS3 Related

Category: ECONOMY

1. IMF forecasts dip in global growth in 2019

Context:

IMF Chief Economist Gita Gopinath revealed details about the global growth at the release of the World



Economic Outlook 2019 April report, at the start of the World Bank IMF Spring Meetings.

Details:

• The International Monetary Fund (IMF) has projected that global growth will be 3.3% in 2019, down from 3.6% in 2018 and 4% in 2017.

What is the reason for slowdown of global economic growth?

This lower projection is due to lower global expansion in the second half of 2018 caused by

- S.-China trade tensions
- Macroeconomic stress in Turkey and Argentina
- Tighter credit policies in China and financial tightening
- A normalisation of monetary policy in advanced economies.

Global projections:

- The IMF expects growth to pick up in the second half of the year driven by an accommodative policy stance in advanced economies, the prospects of easing of trade tensions between the U.S. and China and ramped up fiscal and monetary stimulus by China to counter the trade war's effects.
- Global growth is therefore expected to return to 3.6%, but this is subject to a rebound in Argentina and Turkey and certain emerging market risks not manifesting.
- Brexit uncertainties and China's growth not being as high as expected (down from 6.6% in 2018 to 6.3% and 6.1% in 2019 and 2020 respectively) are risks that will impact these projections.
- Beyond 2020, global growth is expected to level out at 3.6% over the medium term, driven by a moderation in expansion in advanced countries (caused by weak productivity growth and slow labour force growth) and the stabilisation of emerging market expansion at 2020 levels.
- Advanced economies are expected to slow down to 1.6% growth by 2022 and remain at that rate thereafter.
- For emerging markets and developing countries, growth is expected to steady at 4.8% over the medium term and given that these groups are growing faster than advanced economies, their contribution to global growth is expected to increase from 76% to 85% over the next five years.
- However, there are "important differences" within emerging markets and developing economies.
 - o For instance, China is expected to slow down to 5.5% by 2024 as it moves towards increasing private consumption and services and regulatory tightening.
 - o India's growth is expected to stabilise at 7.75% over the medium term, driven by structural reforms and the easing of infrastructure bottlenecks.

India:

- India's growth is projected to pick up (from 7.1% in 2018) to 7.3% in 2019 and 7.5% in 2020, "supported by the continued recovery of investment and robust consumption amid a more expansionary stance of monetary policy and some expected impetus from fiscal policy," the report said.
- Nevertheless, growth forecasts have been revised downward compared with October 2018 World Economic Outlook by 0.1 percentage point for 2019 and 0.2 percentage point for 2020, respectively.

Further course of action for India as suggested by the IMF:

- In terms of policy priorities, the IMF has called for a "continued implementation of structural and financial sector reforms" in order to lower public debt and aid growth.
- A continued fiscal consolidation is needed to bring down public debt, strengthening goods and



- services tax compliance and lowering subsidies.
- The report also notes "important steps" taken to speed up the resolution of Non Performing Assets (NPAs) and a simplified bankruptcy framework measures that can be reinforced by stronger governance of public sector banks.
- Laws need to be formulated around land reform to change, to expedite infrastructure development as
 well as changes to hiring and firing laws in order create jobs and absorb the country's large
 demographic dividend.

Way forward:

- The IMF WEO 2019 also says, "a social dialogue across all stakeholders to address inequality and political discontent will benefit economies".
- Additionally, it calls for multilateral cooperation to address trade conflicts, climate challenges, cybersecurity issues and to enhance the effectiveness of the international tax system.

2. India's gold reserves increase marginally in February: WGC

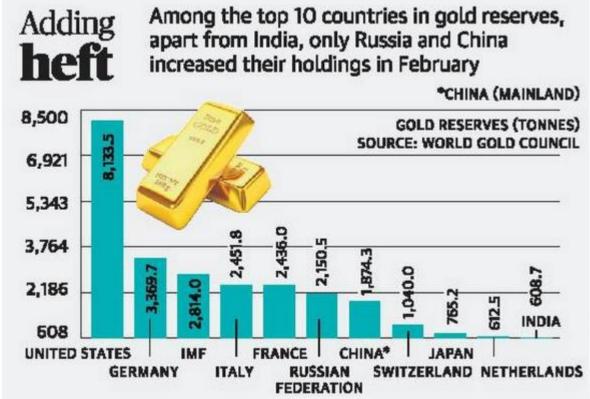
Context:

- India has marginally increased its gold holding in February.
- However, it maintains the tenth position among countries in terms of yellow metal reserves, as per latest data from the World Gold Council (WGC).
- Globally, gold reserves with central banks increased by a net 51 tonnes, highest since Oct. 2018

Details:

- Apart from India, only two other countries among the top 10 in terms of gold reserves increased their holdings in the month of February.
- India added 1.7 tonnes in February while most other countries, barring Russia and China, saw their reserves unchanged in the recent past.
- Incidentally, India's overall ranking is pegged at 11 as the International Monetary Fund (IMF) occupies the third position after the U.S. and Germany.





Rankings of India's neighbouring countries:

- Pakistan is ranked 45
- Sri Lanka 63rd position
- Bangladesh 66th
- Nepal 82nd

World Gold Council (WGC)

- The World Gold Council is the market development organisation for the gold industry.
- It works across all parts of the industry, from gold mining to investment, and their aim is to stimulate and sustain demand for gold.
- They frequently publish research that demonstrates gold's strength as a preserver of wealth both for investors and countries.
- They also provide analysis of the industry, offering insights into the drivers of gold demand.
- They have also launched various products such as SPDR GLD and gold accumulation plans in India and China.
 - o SPDR Gold Shares (also known as SPDR Gold Trust) is part of the SPDR family of exchange-traded funds (ETFs) managed and marketed by State Street Global Advisors.
 - o For a few years, the fund was the second-largest exchange-traded fund in the world, and it was briefly the largest.
 - As of the close of 2014, it dropped out of the top ten.
- It helps to support its members to mine in a responsible way and developed the Conflict Free Gold Standard.
- It is headquartered in London, the United Kingdom.

D. GS4 Related

E. Editorials

Category: POLITY AND GOVERNANCE

1. Technology and the unhurried mind

Note to the Students:

- In this article, Mr. Krishna Kumar, who is a former director of the NCERT, shares his thoughts on how EVM's (Electronic Voting Machines) have changed the voting experience.
- Apart from writing answers for GS-2 (Polity) where questions on EVM's and Voter-Verifiable Paper Audit Trail (VVPAT) can be featured, these points will also help students while writing essays.

Editorial Analysis:

- The saga of the EVM has started looking a bit tedious to many people.
- The Election Commission of India (ECI) itself seems frustrated with the continued suspicion of political parties in the integrity of the EVM system.
- The system that the EVM has replaced was vulnerable in many ways, such as by booth capturing. There were days when incidents of booth capturing were common.
- In the era of EVMs, booth capturing has lost its value, not just its possibility.
- Another constraint of the pre-EVM era was the high proportion of invalid votes. Many people found it difficult to put the stamp in the allocated space. The EVM has deleted the risk of invalidity.
- The linking of EVMs with a Voter-Verifiable Paper Audit Trail (VVPAT) is a fine mechanical response to the suspicion that EVMs can be manipulated.
- This doubt-removal machine offers a seven-second long image of the symbol and name chosen by the voter. One can say that a country of millions of smartphone users can be confident that its voters will look at the VVPAT screen during the given time-slot to satisfy themselves that their choice has been correctly recorded.
- Democracy is a modern faith. Its disruption must not be entertained, even as a passing thought. This is perhaps yet another demand that modernity is making on our old nation. Never mind that nations more advanced than us on the industrial path have not agreed to use EVMs for their elections. If we emulated their caution, there are many other encounters with modern science and technology we would have avoided. They have so far worked out for us, helping us to move forward. The EVM is one more step.

The new ethos

- One reads numerous articles and news items covering the debate over EVMs. Many articles discuss the rejection of EVMs in other democracies.
- They are technologically more advanced than India, then why did they reject EVMs? That train of thought would lead to doubt over one's commitment to the nation and its progress. It is no longer a case of choice of machine or material for nation-building. The new nationalist ethos has no room for debate over anything, let alone the path of progress for the nation. One must pass an ideological fitness test before seeking the right to be given attention.
- In the context of technology, the digital kind has swept other choices aside. The philosopher of technology, the late Ursula Franklin, defined technology as 'the way we do things here'.
- In our case, we have settled our mind over a narrower definition that accepts only digital machines as acceptable technology. The qualities they possess are accredited as the highest. Entertaining any doubt about their integrity is a waste of time. That, indeed, it is, considering that the decision has



been taken, in every case.

Concluding Remarks:

- Now the ECI has said that if the proportion of EVMs whose vote count will be verified with the help of a VVPAT is increased substantially, the declaration of results will be delayed by up to six days. This should be quite acceptable.
- An election season that covers the whole of early summer can surely be allowed to take an extra week. The benefit of such an extension clearly outweighs the strain on public patience it might cause. The collective mind is in any case deeply stressed by the ethos that political life has created.
- To characterise it as the bustle of a healthy, relaxed democracy would stretch our caution against cynicism too far.

2. Closure on cynicism

Note to Students:

- The issue concerning Electronic Voting Machines (EVM's) and VVPAT's are in the news considering the fact that the general elections are around the corner.
- Here we present a gist of points covered in three articles covered in the Hindu newspaper, namely, "Proving a point on audit trail" which was published on the 4th of April, 2019, "Will VVPAT silence those sceptical of EVMs?" that was published in the Hindu on the 31st of March, 2019 and "Closure on cynicism" which was published in the Hindu on the 10th of April, 2019.

Larger Background:

What's in the news?

- The Election Commission indicated to the Supreme Court on 29th March, 2019, that if the 50% Voter Verified Paper Audit Trail (VVPAT) slip verification is carried out, it will delay counting by six days.
- As a matter of fact, by ordering an increase of the existing Voter-Verifiable Paper Audit Trail (VVPAT) verification rate from one to five random Electronic Voting Machines (EVMs) per Assembly constituency or segment, the Supreme Court has sought to reassure those sceptical about the integrity of counting by means of EVMs.
- Twenty-one Opposition parties had moved the Supreme Court against the EC's guideline that VVPAT counting would take place only in one polling station in each Assembly segment in the coming Lok Sabha election.

What is the VVPAT and how does it function?

- The Voter Verifiable Paper Audit Trail device is an add-on connected to the Electronic Voting Machine.
- It allows voters to verify if their vote has indeed gone to the intended candidate by leaving a paper trail of the vote cast.
- After the voter casts his or her mandate by pressing a button related on the ballot machine (next to the symbol of the chosen party), the VVPAT connected to it prints a slip containing the poll symbol and the name of the candidate.
- The slip is visible to the voter from a glass case in the VVPAT for a total of seven seconds and the voter can verify if the mandate that s/he has cast has been registered correctly.
- After this time, it is cut and dropped into the drop box in the VVPAT and a beep is heard, indicating the vote has been recorded.
- Prior to voting, the VVPAT unit is calibrated to ensure that the button pressed on the ballot unit of



- the EVM is reflected correctly on the printed slips by the VVPAT.
- The presence of the slips that correspond to voter choice on the EVM helps retain a paper trail for the votes and makes it possible for the returning officer to corroborate machine readings of the vote.
- The VVPAT machines can be accessed only by polling officers.
- The units are sealed and can be opened during counting by the returning officer if there's a contingency.
- The VVPAT has been a universal presence in all EVMs in the Assembly elections from mid-2017. Only a few VVPAT machines are tallied to account for the accuracy of the EVM.
- The EC has stated that VVPAT recounts have recorded 100% accuracy wherever it has been deployed in Assembly elections.

Why is the VVPAT necessary?

- The EC began to introduce EVMs on an experimental basis in 1998, and it was deployed across all State elections after 2001.
- EVMs have made a significant impact on Indian elections.
- Prior to the deployment of EVMs, elections were held with ballot papers.
- In some States, the election process was vitiated by rigging, stuffing of ballot boxes and intimidation of voters.
- Besides this, ballot paper-based voting resulted in the casting of a high number of invalid votes voters wrongly registering their choices instead of placing seals, and so on.
- The EVMs allowed for elimination of invalid votes as the voting process was made easier registering the vote by pressing a button.
- It also allowed for a quicker and easier tallying of votes.
- Cumulatively, the tallying and elimination of invalid votes reduced the scope for human error.
- Secondly, the EVMs made it difficult to commit malpractices as they allowed for only five votes to be registered every minute, discouraging mass rigging of the scale that was seen in earlier days when ballot papers were used.
- That said, there have been questions raised about the security of the EVMs and whether they can be manipulated and tampered with.
- The EC has addressed the possibility of tampering by gradually introducing newer security and monitoring features, upgrading EVMs with technological features that allow for dynamic coding and time-stamping of operations on ballot units and later, features such as tamper-detection and selfdiagnostics.
- Furthermore, there are administrative steps that prevent EVMs from being stolen and tampered with.
- The introduction of the VVPAT adds another layer of accountability to the electoral process. The recount rules out any EVM tampering, despite the safeguards, through an "insider fraud" by EC officials or EVM manufacturers.

What problems have been encountered?

- In the initial phase of VVPAT implementation in the Lok Sabha by-elections in States such as Uttar Pradesh, Bihar and Maharashtra and the Assembly election in Karnataka, there was a high rate of failure of VVPAT machines due to manufacturing glitches.
- In the Lok Sabha by-elections in 2017, the rate of VVPAT replacement, owing to glitches, was more than 15%, higher than the acceptable rates of failure (1-2%).
- In Karnataka, the failure and replacement rate was 4.3%.
- Coincidentally, the failure rate of the EVM unit (excluding the VVPAT) was very low.
- These glitches also caused severe disruptions to polling.
- To account for failure rates, the EC has tried to provide back-up machines to allow for swift replacement.
- The EC admitted later that the machines had high failure rates owing to hardware issues that occurred during the transport of EVMs and their exposure to extreme weather conditions.



- It sought to correct these problems by repairing components related to the printing spool of the VVPAT machines.
- The deployment of many corrected machines in the Assembly elections held recently in Madhya Pradesh, Rajasthan and Chhattisgarh resulted in much reduced replacement rates (close to 2.5% in Madhya Pradesh and 1.9% in Chhattisgarh).
- This suggests that the EC is relatively better prepared to handle VVPAT-related glitches in the upcoming Lok Sabha election, where the VVPATs will be deployed in nearly 10.5 lakh polling stations nationwide.

Is the current rate of VVPAT recounts enough?

- Political parties, primarily of the Opposition, have demanded a greater VVPAT recount than the one booth per Assembly/Lok Sabha constituency rule that is now in place.
- The EC responded to a plea by the Opposition parties in the Supreme Court that there was a need for 50% VVPAT recount, saying such an exercise would delay the counting by six days.
- Statistically speaking, it does not require a 50% sample to adequately match VVPAT tallies with those of EVMs.
- The Indian Statistical Institute, Kolkata, has presented a report on possible and appropriate VVPAT counts to the EC, in which it said a sample verification of 479 EVMs and VVPATs of a total 10.35 lakh machines would bring the level of confidence in the process to 99.9936%.
- The logic behind counting only one booth per constituency in each State stems from the understanding that there are nearly 10.35 lakh polling stations and 4,125 Assembly constituencies in the country.
- By counting the slips in at least one VVPAT in each Assembly constituency, the EC argues, a relatively high sample size of the EVMs (0.5%) is verified.
- Critics have argued that this sample size is not enough to statistically select a potentially tampered EVM within a high confidence level and adjusting for a small margin of error (less than 2%) as the unit of selection must be EVMs in each State rather than the entire country as a whole.
- One suggestion, by the former bureaucrat Ashok Vardhan Shetty, is for adjusting the VVPAT counting process to factor in the size of the State, population of the constituency and turnout to account for a higher confidence level and a low margin of error.
- This would entail the certain tallying of more than one VVPAT per constituency, in fact close to 30 per constituency in smaller States and less than five per constituency for larger States.
- The Supreme Court has said the EC must increase the VVPAT count to more than the current number.

Stringent trials

- Since the last general election (2014), there have been allegations about the BJP hacking EVMs.
- The EC has repeatedly challenged conspiracy theorists to demonstrate that EVMs can be hacked but no party has accepted it.
- This debate should have ended in October 2010 when the EC called an all-party meeting which unanimously recommended the adoption of VVPATs, which was promptly accepted.
- The two factories manufacturing EVMs were asked to develop VVPATs, and an independent committee of professors from five Indian Institutes of Technology was requested to monitor the process.
- There were a series of trials, followed by two full-day election simulations in five cities across India (with different climatic conditions) in 2011-12. Only after the VVPATs passed all the rigorous tests (climatic endurance and technology) were they deployed, initially in 20,000 polling booths. As manufacturing progressed, all constituencies were equipped with VVPATs.
- In 2013, the Supreme Court lauded the EC's initiatives, directing the government to release adequate funds for procurement for all booths for the 2019 elections.
- Since 2017, all elections have been held with VVPAT-attached EVMs. A total of 1,500 machines



have been counted as per the present norm of counting slips generated by one VVPAT in each Assembly constituency. Not a single mismatch has been detected.

Issue concerning VVPAT audits:

- The only pending issue is of VVPAT audits.
- As many as 23 Opposition parties have moved the Supreme Court demanding that half the total slips be tallied. A group of retired bureaucrats and diplomats has also written to the EC regarding the sample size to ensure 99.9% public satisfaction.
- The EC has submitted to the court that the three-member expert panel comprising members from the Indian Statistical Institute, the Chennai Mathematical Institute and the Central Statistics Office has endorsed the current practice of counting one VVPAT per Assembly constituency, and that the sample size proposed by political parties would only serve to delay results by six days. The judgment is expected soon.
- As a matter of fact, S.Y. Quraishi, former Chief Election Commissioner of India, has also proposed an alternative. The top two runners-up in the constituency can choose any two VVPATs to be counted as they have the highest stake in the results. This would serve to do away with a large sample, as only four machines per Assembly would have to be counted to ensure public faith in the system. This is on the analogy of the highly popular and successful Umpire Decision Review System in cricket.

Nizamabad parliamentary constituency in Telangana: A Perspective

- Experts opine that as the campaign for the 2019 general election builds up, so too will the debate on electronic voting machines (EVMs) and Voter Verifiable Paper Audit Trails (VVPATs).
- For example, as a result of a new development in the Nizamabad parliamentary constituency in Telangana, the Election Commission (EC) would have been forced to conduct elections using ballot papers there are 185 candidates in the fray.
- This exceeds the capacity of an EVM, which can cater to 64 candidates (63 candidates and the None of the Above, or NOTA, option).
- The EC is now considering using special machines which can accommodate up to 384 candidates. These will use 24 ballot units connected in series. For this it will have to buy at an enormous cost 26,820 ballot units, 2,240 control units and 2,600 VVPATs.
- Experts question the likelihood of acquiring so many machines with technical changes in the short time available.

Editorial Analysis:

(This is a reflection of the points covered in the article "Closure of Cynicism", published by the Hindu on the 10th of April, 2019).

- By ordering an increase of the existing Voter-Verifiable Paper Audit Trail (VVPAT) verification rate from one to five random Electronic Voting Machines (EVMs) per Assembly constituency or segment, the Supreme Court has sought to reassure those sceptical about the integrity of counting by means of EVMs.
- By limiting the verification to five machines instead of the 125-odd machines per constituency that the Opposition's demand for a 50% VVPAT count would have amounted to, the apex court has enabled the Election Commission of India to declare the results on the counting day itself.
- The higher figure, which will increase the overall number of EVMs to be counted to close to 20,000 machines, should reasonably address the very remote possibility of 'insider fraud'. It will also verify a higher sample of EVMs in the smaller States and bring the sample within reasonable confidence levels to discount chances of EVM-tampering.
- In any case, the VVPAT slip verification is more of a reassurance to voters that the EVM is indeed



- foolproof, over and above the technical and administrative safeguards that are already in place to prevent any tampering. This should effectively blunt criticism that has, unnecessarily, brought the electoral process into doubt.
- The fact that some of the Opposition parties moved away from their untenable demand for a return to paper ballots in their petition to a plea for a higher VVPAT count has also helped yield this reasoned proposition from the Supreme Court.
- For the ECI, the key technical issue with EVMs and VVPATs is not really in regard to tampering but to machine glitches. While the parliamentary by-elections in Uttar Pradesh and Bihar and the Assembly election in Karnataka last year had registered significant machine replacement rates (20% and 4%, respectively), these were brought down to less than 2% in later elections held in the winter months.
- The ECI made technical fixes to the VVPAT to make them more resilient during use across the country, and it should be well-prepared to handle any glitches during the seven-phase Lok Sabha election. The availability of replacement machines and the ability to deploy them quickly in case of a failure of VVPATs are essential to avoid disruptions.

Concluding Remarks:

- In the past couple of years, the doubts raised about EVMs by parties and the new constraints encountered in the electoral process due to hastened VVPAT implementation have bogged down the ECI and narrowed the discourse regarding electoral reforms.
- Now that the Supreme Court has brought a closure of sorts to the issue, it is time for the ECI to focus on the hassle-free conduct of polls to the Lok Sabha and to four State Assemblies, and later consider other important issues increasing voter enrolment, effective regulation of campaign financing and implementation of the model code of conduct.

3. Is there a problem with the 10% quota?

Note to Students:

This analysis takes into account two editorials, namely, "The flawed unit of academic quotas" (Reservation in Universities) which was published in the Hindu on the 11th of March, 2019 as well as "Is there a problem with the 10% quota" which was published in the Hindu on the 10th of April, 2019.

Larger Background:

Brief Historical Background:

- In the history of reservations in India, the Parliament of India has sometimes had to resort to even constitutional amendments to overturn some court rulings that have the effect of protecting the interests of 'general candidates'.
- The 77th constitutional amendment of 1995, which was recently extended to Kashmir, restored reservation in promotions as a nine-judge bench of the Supreme Court in Indra Sawhney (1992) while upholding Other Backward Classes reservation based on Mandal Commission recommendations had prohibited Scheduled Caste/Scheduled Tribe (SC/ST) reservation in promotions.

Brief Background on the Constitution (One Hundred and Twenty Fourth Amendment) Bill, 2019

- The Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019 was introduced in Lok Sabha by the Minister of Social Justice and Empowerment, Mr. Thaawar Chand Gehlot on January 8, 2019.
- The Bill seeks to provide for the advancement of "economically weaker sections" of citizens.



- Article 15 of the Constitution prohibits discrimination against any citizen on the grounds of race, religion, caste, sex, or place of birth. However, the government may make special provisions for the advancement of socially and educationally backward classes, or for Scheduled Castes and Scheduled Tribes.
- The Bill seeks to amend Article 15 to additionally permit the government to provide for the advancement of "economically weaker sections".
- Further, up to 10% of seats may be reserved for such sections for admission in educational institutions. Such reservation will not apply to minority educational institutions.
- Article 16 of the Constitution prohibits discrimination in employment in any government office. However, the government can allow reservation for any "backward class of citizens", if they are not adequately represented in the services under the state.
- The Bill seeks to amend Article 16 to permit the government to reserve up to 10% of all posts for the "economically weaker sections" of citizens.
- The reservation of up to 10% for "economically weaker sections" in educational institutions and public employment will be in addition to the existing reservation.

A Deeper Perspective:

- For the first time, private higher education institutions, both aided and unaided, will have to reserve 10% seats for the economically weaker sections.
- The Constitution (124 Amendment) Bill, 2019, provides for reservation for economically weaker section of the society in higher educational institutions, whether aided or unaided by the state other than the minority educational institutions referred to in Article 30 of the Constitution.
- The bill, will for the first time bring in reservation even in private-unaided colleges and universities, which constitute around 70% of institutions in the country.
- India is home to around 50,000 institutions catering to more than 35 million students in higher education. *Possible Opposition:*
- Private education players feel it will have negative ramifications and argued that the proposed law will face legal hurdles.
- Experts have opined that the bill, in its present form, will face resistance from private education providers as they do not reserve seats for Scheduled Caste (SC), Schedule Tribe (ST) or Other Backward Classes (OBC) students.
- Some private education players have remarked that the move will have four key ramifications on the sector—quality, recruiters' apathy, legal problems, and cost involved with it.
- Some experts have pointed out that the bill may also open up avenues for caste-based reservations in private educational institutions.
- If the government mandates, then private players will have to abide by it, however, some experts have opined that this may set the precedent for reservations of all kinds in the private sector.
- A private university promoter has remarked that the biggest challenge will come from recruiters.
- Currently, private universities don't have government support like IITs (Indian Institutes of Technology) or central universities.
- A concern that has also been expressed by the private university promoter, is that if recruiters stay away from the university because of quality dilution, then their survival will be at stake.

Perspective on Promotions

- The 81st constitutional amendment was made to overturn the Supreme Court's decision against the 'carrying forward' rule, which **permitted the filling of unfilled reserved seats in subsequent years.**
- Similarly, the 85th constitutional amendment was passed in 2001 to restore consequential seniority to promotee SC/ST employees as a 'catch-up' rule introduced by the court in Ajit Singh (1999) was causing hardship to SC/ST employees.
- In the month of March, 2019, the Narendra Modi government promulgated an ordinance to undo the



- Allahabad High Court's judgment in Vivekanand Tiwari (2017) which had relied on a number of other High Courts and a few apex court judgments such as Suresh Chandra Verma (1990), Dina Nath Shukla (1997) and K. Govindappa (2009) that had made 'department' rather than 'university' as the unit of reservation in universities.
- In Vivekanand Tiwari, an advertisement of the Banaras Hindu University (BHU) for teaching positions was challenged. The BHU, like other Central universities, was following the University Grants Commission policy of treating 'university' as the unit for the purposes of reservation.
- However, due to judicial discipline, Justice Vikram Nath, who authored the judgment, did not have much of choice. But then Justice Nath himself did not seem to be a votary of reservations. In the beginning, he has said, "It is not a mandate but liberty given to the state. It is an enabling provision." Thus, according to him, the government may not provide for reservation.

The importance of 'shall':

- Technically speaking, he is right. But then we cannot ignore that Article 335 categorically says that "claims" of SC/STs to posts in Centre and the States 'shall' be taken into consideration.
- As opposed to 'may' or 'will', the use of the word 'shall', in law, means mandatory. While the judgment ended at page 29, Justice Nath devoted several additional pages to make out a case for the re-examination of the reservation policy by the government though there were no pleadings on this issue. He asked it to examine whether reservation at all is needed in university teaching posts.
- Our courts have used the differences between 'cadre', 'service' and 'post' to arrive at the conclusion that 'department' should be unit of reservation.
- So though lecturers, readers and professors in a university have the same scale and allowances in their respective cadres, they cannot be clubbed together. Since there is no scope for interchangeability of posts in different disciplines, each single post in a particular discipline is be counted as a separate post.
- On the face of it this seems to be perfectly logical. But the reality of the working of our universities is different. Every university spends lot of time in deciding reservation and tries to balance the completive interests and needs of various departments.
- Even with the 'university' as the unit, in over 40 Central universities we have huge underrepresentation of SCs and STs especially at the level of professor and associate professor. If 'department' was allowed to be taken as a unit, these numbers would have been far less.
- In its review petition, the government did share with the Supreme Court the BHU's example of the adverse effect of using 'department' as the unit.
- For example, there were 1,930 faculty posts on May 12, 2017. If the BHU were to implement reservation based on using 'university' as the unit of reservation, 289 posts would have had to be reserved for SCs, 143 for STs and 310 for OBCs. Under the new formula of using 'department' as the unit, the number of reserved positions would go down to 119 for SCs, 29 for STs and 220 for OBCs.

Beginning of an end: Perspectives from a Recent Study:

- Some experts have opined that the implementation of the department-wise reservation policy would have had a disastrous effect on other universities as well.
- A study of 20 Central universities by the Central government has shown that reserved posts will come down from 2,662 to 1,241 in a year.
- The number of posts of professor would have reduced from 134 to just 4 for SCs; from 59 to zero for STs, and from 11 to zero for OBCs.
- But number of unreserved or general posts would have drastically increased, from 732 to 932. At the level of associate professor, for SCs it will have reduced from 264 to 48, for STs from 131 to 6, and for OBCS from 29 to 14.
- But here again the number of general posts would have increased from 732 to 932. In the case of assistant professor, the number of reserved posts would have reduced from 650 to 275 in STs, from



- 323 to 72 for SCs, and from 1,167 to 876 for OBCs. But the number of unreserved or general posts would have gone up from 2,316 to 3,233.
- Thus department-wise reservation was a sophisticated beginning of an end of reservation.
- Some experts take the view that if SC/ST candidates do not become professors, they cannot become vice-chancellors as only a professor with 10-year experience is eligible for this. In 2018, out of some 496 vice-chancellors of Central and State universities, there were just six SC, six ST and 48 OBC vice-chancellors.
- The government deserves appreciation for the ordinance, though the timing of it on the eve of the elections is questionable.
- What we need to do more is to improve diversity on our campuses with more SCs, STs, OBCs, Muslims, persons with disabilities and sexual minorities being recruited as faculty as our campuses do not reflect social diversity despite the university being a unit for reservation.
- Let the score on the diversity index be a major criterion in giving grants to universities.

Editorial Analysis:

- In January 2019, the Rajya Sabha passed the Constitution Amendment Bill guaranteeing 10% quota in education and employment to economically weaker sections in the general category.
- Families that earn an annual income of less than ₹8 lakh and do not possess agricultural land of five acres or above are eligible for the quota. This includes 95% of Indian households.
- Having said this, there are certain questions that emerge: Isn't it strange that in a country which claims to have lifted millions out of poverty, so many households fall in this category?
- What is more is that these households require reservation, nothing else, to enable them to be socioeconomically better off.
- The Bill has served an unintended purpose, though: Reservation is no more the preserve of the so-called merit-less.
- Some experts believe that that proposed quota has transformed cynics of the reservation policy into champions of it.

Examining two aspects:

- A team of experts (Sunny Jose and Bheemeshwar Reddy who teach at the Birla Institute of Technology and Science, Pilani, Hyderabad campus) examined the empirical foundation of two aspects which are central to the policy but are absent from discussions on it.
- The first is the rationale underlying the policy that economically weaker sections from the general category remain "excluded from attending the higher education institutions" in India "due to their financial incapacity". Is that really the case?
- The second is the fact that the Bill also brings private educational institutions under its ambit. What is the representation of reserved category students in private educational institutions?
- The team of experts (Sunny Jose and Bheemeshwar Reddy who teach at the Birla Institute of Technology and Science, Pilani, Hyderabad campus) decided to answer these two questions by analysing data from the National Institute Ranking Framework (NIRF). The Ministry of Human Resource Development introduced a ranking of higher education institutions in India in 2016. A total of 445 institutions were ranked under the NIRF in 2018.
- The NIRF data provide the composition of 'economically backward class' (EBC) students and 'socially challenged category' (Scheduled Castes/Scheduled Tribes/Other Backward Classes) students. The data reveal that of the 16.09 lakh students enrolled in the 445 top institutions in 2016-17, about 28% (4.55 lakh) belonged to the EBC. The share of EBC students was about 30% in private educational institutions. If we consider institutions as the basis of analysis, the facts are self-explanatory.
- About 66% of the 445 NIRF-ranked higher education institutions had more than 10% of students from the EBC. Interestingly, 68% of private educational institutions also had more than 10% of EBC students. EBC students had already secured about three times the proposed quota of 10% without any



- reservation in top higher education institutions.
- This is despite the fact that the income criteria used by most of these institutions vary from ₹2 lakh to ₹5.5 lakh annually, which is far less than the proposed eligibility criterion for the reservation quota, which is ₹8 lakh.

Under-representation of SCs/STs/OBCs: A Perspective

- The share of 'socially challenged category' (SCs/ STs/ OBCs) students in these 445 institutions was 38%, only 10 percentage points more than the share of EBC students.
- Surprisingly, the share of SC/ST/OBC students stood at only 44% in public institutions, which are mandated to implement 49.5% reservation.
- In private educational institutions ranked by the NIRF, their share was as low as 30%, which was similar to the share of EBC students.
- Here too, only 19% of private higher educational institutions ranked by the NIRF had more than 49.5% of SC/ST/OBC students.
- Thus, SC/ST/OBC students remained greatly under-represented, especially in premier private educational institutions. This is despite the fact that the SC/ST/OBC population constitutes about 70% of the total population of India (NSSO, 2011-12).
- The analysis conducted by the team of experts was confined only to the top 445 higher education institutions. However, if the share of EBC students was as high as 28% in these premier institutes, their share would have likely been larger in other higher education institutions which were not ranked by the NIRF. This could be due to a number of reasons, including lower fees.
- The EBC students have already secured more than 10% share in these institutions without any reservation. Hence, the proposed policy seems to be empirically unfounded.
- By contrast, what emerges from the NIRF data is the under-representation of the 'socially challenged category' in premier education institutions.
- It appears that the government is going to extend reservation for SC/ST/OBC students to private higher education institutions. Experts believe that this would certainly bring the much-needed diversity in premier private higher education institutions in India.

4. The right to criticise

What's in the news?

• In its judgment dated April 8, 2019 the Manipur High Court ordered the release of journalist Kishorechandra Wangkhem, who was charged with sedition under the National Security Act for criticising the Chief Minister.

Editorial Analysis:

- Though the petition was allowed only on the technical ground that certain material mentioned in the detention order was not supplied to the petitioner, it could have also succeeded on the ground that in a democracy people have a right to criticise the government.
- Article 19(1)(a) of the Constitution was upheld by the Supreme Court in Romesh Thapar v. The State of Madras (1950).
- Whereas in a monarchy the king is supreme and the people are his subjects, in a democracy this relationship is reversed: the people are supreme, and state authorities are servants of the people.
- In **Kedar Nath Singh v. State of Bihar** (1962), the Supreme Court held that mere criticism of the government is not sedition unless it is an incitement to violence or breach of public order.

An American Perspective:



- The U.S. Supreme Court, in **Brandenburg v. Ohio** (1969), laid down the 'imminent lawless action' test, which says that free speech is protected by the First Amendment to the U.S. Constitution unless it incites imminent (not remote) lawless action.
- This judgment was followed by the Indian Supreme Court in **Arup Bhuyan v. State of Assam** (2011) and in **Sri Indra Das v. State of Assam** (2011), and hence it is the law of the land in India too.
- Surely Mr. Kishorechandra's statements would not have provoked an immediate violent uprising against the government and hence they were protected by Article 19(1)(a) of the Constitution.

Concluding Remarks:

- Unfortunately, what has been often witnessed in India is that political functionaries get incensed and cannot tolerate criticism.
- There are instances when sedition charges or preventive detention laws are slapped against their critics, as the Maharashtra government did in the case of the cartoonist Aseem Trivedi, or the West Bengal government did in the case of Professor Ambikesh Mahapatra of Jadavpur University, or the Tamil Nadu government in the case of the folk singer Kovan.
- To speak for the poor or marginalised sections of society has become particularly dangerous, as was seen in the cases of those accused of inciting violence in Bhima Koregaon.
- In conclusion, it is important to note that by enacting the Fundamental Rights of the people in Part III of the Constitution, and by making the courts the guardians of the rights of the people, a solemn duty has been cast on the judiciary to uphold democratic principles.
- The Manipur High Court, therefore, deserves to be commended in this connection (though one wishes its judgment had come earlier and saved the petitioner four months of jail time). It is hoped that other courts in India, too, will follow its example.

Category: INTERNATIONAL RELATIONS

1. Brexit and the fragility of the U.K.

Note to Students:

This article focusses largely on the history of the U.K. with a special focus on Ireland and Scotland, factoring in the impasse over Brexit. The article in its entirety is not needed for the UPSC examination; however, some of the factual points covered from a historical context can be helpful while writing essays and mains level answers.

Editorial Analysis:

- The continuing impasse over Brexit has brought an entire continent to a standstill.
- It has also strained the very unity of the United Kingdom.
- Nothing illustrated this more clearly than the pro-Brexit demonstrations on March 29, 2019 the original departure date.
- Protesters, waving the English flag of St. George, denounced the delay as 'a betrayal of England'. Note this was not considered a betrayal of the U.K.: in this fight, England has gone its own way. In any case, Scotland and Northern Ireland voted to remain in the European Union (EU).
- The narrowness of the Leave win (52% to 48%) has of course divided communities over positions on Europe.
- But it has also highlighted divisions between the constituent nations of the United Kingdom of Great Britain and Northern Ireland, to use the formal name of the British state.



A quick look at U.K.'s polity:

- The U.K. is not one nation but four: Wales was brought under English rule in the 13th century; Ireland was incorporated by a combination of military force and political persuasion in 1801; Scotland, though never militarily defeated, was persuaded to join the Union in 1707.
- Until they joined the U.K., Scotland and Ireland were governed by their own parliaments.
- These were dissolved and power transferred to Westminster.
- This transfer of power to London did not go unchallenged locally, and the embers of resistance were never quite stamped out.
- The Republic of Ireland eventually gained independence for most of the island, barring the Protestant majority north, in 1922.
- Scottish nationalism remained subsumed under the promise of Empire: Scotland had gained power and wealth from the colonial enterprise, which tempered the loss of sovereignty to Westminster.

View from Scotland:

- Indeed, part of the reason that Scotland joined the Union in 1707 was because it was broke: the kingdom had suffered heavy financial losses from a disastrous expedition to secure a trading base in the late 17th century.
- The failure of the Darien Scheme, as it was known, was caused in no small part by resistance from Scotland's southern neighbours who were protecting the trading rights of the East India Company. Once within the Union, the colonial enterprise and then Empire offered not just wealth but all the trappings of great power. The end of the Empire signalled Britain's departure from the global stage. The Suez crisis of 1956 confirmed its diminished status. And Brexit, Britain's retreat from its own continent, has completed the project.
- Little England has withdrawn into itself to protect mythical ideas of Englishness against the supposed onslaught of waves of foreign immigration and EU rule.
- The Scots are only too aware of this. Scottish nationalism has been simmering for years now, only partly placated by the devolution of some domestic powers to a Scottish Parliament under the Scotland Act of 1998.
- A referendum on Scottish independence in 2014 ended up being a closer call than had been anticipated (55% vs 45%), though it was clear even then that part of the reason for remaining was that the U.K. offered membership of the EU (which was not automatically on offer for an independent Scotland).
- Now, with Brexit looming, Scottish demands for independence resurface regularly.

A fragile peace:

- The Northern Ireland question is even more intractable.
- Brexit threatens the fragile peace imposed by the **Good Friday Agreement of 1998**, which formally ended the Troubles, or decades of bitter sectarian violence.
- Between 1968 and 1998, the mainly Protestant Unionists were pitted against the mostly Catholic Republicans, who wished for Northern Ireland to join the Republic of Ireland.
- Paramilitary forces grouped on both sides, and the British Army and the Royal Ulster Constabulary (the police) were also pulled in. Indeed, the Troubles became the longest major campaign of the British Army. **The Good Friday Agreement has allowed the region to move forward.**
- It is, however, a fragile peace, comprising complex intertwined agreements between first, most of Northern Ireland's political parties; and second, the British and Irish governments to manage the relationships between Britain and Ireland, and between Northern Ireland and the rest of Britain. Underpinning all of this is the dismantling of the border infrastructure watch-towers, fences, checkposts that had divided the island of Ireland.
- This was only possible because both countries belonged to the EU.



- Experts point out that if Britain leaves the customs union and single market of the EU, which guarantees the freedom of movement of people and goods between member states, then some sort of infrastructure will have to come up at the border between the EU and Britain in Ireland.
- It is indeed astonishing that the tenuous peace in Northern Ireland did not concentrate minds during the 2016 referendum, or indeed afterwards, when Theresa May's government decided to opt for the hardest form of exit by declaring that Britain's future relationship with the EU could not include either a customs union or staying within the single market.
- Tellingly, Northern Ireland found only passing mention in her letter of March 29, 2017 to the President of the European Council invoking the Article 50 process and starting the countdown towards leaving. It was disposed of in a sentence expressing a wish 'to avoid a return to a hard border between [the] two countries'.
- And yet, peace in Northern Ireland is still in its infancy. The EU will not imperil this process by allowing a border to come up between Northern Ireland and Ireland. Hence the provision for a backstop in the transition deal that Ms. May negotiated with the EU, which would keep the U.K. in a customs union and Northern Ireland in the customs union and parts of the single market should the two entities fail to arrive at a permanent free trade agreement that continues to negate the need for border infrastructure within the island.
- The different status for Northern Ireland would effectively raise a border between the island of Ireland and the rest of Great Britain, something that is unacceptable to the Unionists and Ms. May.
- The hard core of Brexiteers, however, are willing to gamble with the unity of Britain willing indeed, to risk losing Scotland and Northern Ireland in their quest to be 'rid' of Europe once and for all.

F. Tidbits

1. India becomes YouTube's largest and fastest growing market

- With substantial growth in India's internet coverage and data growth, the country has become YouTube's largest and fastest growing market.
- Over 265 million Indians watch the video-sharing website every month.
- CEO of YouTube said, "India is now both our biggest audience and one of our fastest-growing audiences in the world. YouTube today has become the first stop for users to consume content, whether they are looking for entertainment or information. It is this incredible variety of content combined with the growing reach that makes YouTube a perfect platform for brands to drive personalised engagement."

G. Prelims Facts

1. Impetigo

- Impetigo is a highly contagious skin infection that can spread through physical contact, such as through infected skin.
- It is very common among children and can lead to plaques, blisters or red patches on the skin.
- It is also caused by Staphylococcus aureus.
- A less common form of the disorder, called bullous impetigo, may feature larger blisters that occur on the trunk of infants and young children.
- A more serious form of impetigo, called ecthyma, penetrates deeper into the skin causing painful fluid- or pus-filled sores that turn into deep ulcers.
- Adults and people with diabetes or a weakened immune system are more likely to develop ecthyma.
- Impetigo infections are more common in summer.



• The bacteria that cause impetigo often enter the skin through a small skin injury, insect bite or rash.

2. Eczematous dermatitis

- Eczematous dermatitis is a common condition that can interfere with social function, sleep and employment.
- Its persistence and accompanying pruritus may be stressful and frustrating for patients.
- Atopic dermatitis (eczema) is a condition that makes the skin red and itchy.
- It's common in children but can occur at any age.
- Atopic dermatitis is long lasting (chronic) and tends to flare periodically. It may be accompanied by asthma or hay fever.
- No cure has been found for atopic dermatitis. But treatments and self-care measures can relieve itching and prevent new outbreaks.

H. Practice Questions for UPSC Prelims Exam

Q1) National Institutional Ranking Framework (NIRF) was launched by

- a) The Ministry of Finance
- b) The Ministry of Human Resource Development
- c) The Ministry of Commerce and Industry
- d) The Ministry of Corporate Affairs

Answer: d

Explanation:

Ministry of Human Resource Development (MHRD) launched the National Institutional Ranking Framework (NIRF) in 2015. NIRF has laid down a methodology for ranking institutions across India. The rankings, published annually since 2016, are based on multiple parameters, including teaching, learning and resources; research and professional practice; graduation outcomes; outreach and inclusivity; and the perception of the public, academics and employers. In addition to excellence in teaching, learning and the research culture, the framework also includes parameters such as inclusiveness and diversity.

Q2) Consider the following statements about "Udyam Abhilasha":

- 1. It is a national level entrepreneurship awareness campaign.
- 2. The campaign was launched by Small Industries Development Bank of India (SIDBI).

Which of the following statement/s is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Answer: c

Explanation:

The Udyam Abhilasha campaign is launched by SIDBI to promote entrepreneurship in the 115 aspirational



districts identified by NITI Aayog.

Q3) Consider the following statements:

- 1. India is the largest producer of Fish and Fresh water Fish in the World.
- 2. The concept of rapid increase in the production of fish and marine product through package programme is called as blue revolution.

Which of the following statement/s is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer: b

Explanation:

India is the second largest producer of fish and fresh water fish in the world. Fish production in India is estimated at 11.4 million tonnes, out of which 68% is registered from inland fisheries sector and the remaining 32% from marine sector. Constituting about 6.3% of the global fish production, the sector contributes to 1.1% of the GDP and 5.15% of the agricultural GDP. The rapid increase in the production of fish and marine product through package programme is called as blue revolution. It was launched in India during the seventh Five-year plan (1985-1990).

Q4) Consider the following statements:

- 1. Global Counterterrorism Forum (GCTF) is an international apolitical, multilateral counter-terrorism (CT) platform.
- 2. India is a founding member of GCTF.

Which of the following statement/s is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer: c

Explanation:

The United States and Morocco have launched GCTF Terrorist Travel Initiative under auspices of Global Counterterrorism Forum (GCTF). The initiative brings together stakeholders to share expertise on developing and implementing effective counterterrorism watch listing and screening tools. It was launched on sidelines of United Nations General Assembly (UNGA) session in New York. India is a founding member.

I. UPSC Mains Practice Questions

1. What are the key issues and constraints faced by CIC in implementation of the RTI act effectively?



Suggest measures. (15 marks)

2. The period of Warren Hastings is known as the period of trial and error. Elucidate. (10 Marks)