

08 June 2019: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. Centre silent on appointment of Justice A.A. Kureshi

Context:

The government has appointed Justice Ravi Shanker Jha as the Acting Chief Justice of the Madhya Pradesh High Court even as there is no word from the Centre on a May 10 Supreme Court Collegium recommendation to appoint Justice A.A. Kureshi as the Chief Justice of the High Court.

Background:

- It is not the first time Justice Kureshi's appointment has been embroiled in controversy.
- In November last year, the transfer of Justice Kureshi to the Bombay High Court had created a stir in Gujarat High Court with members of the bar observing a strike protesting against his transfer.
- The Gujarat High Court Advocate Association (GHAA) had passed a resolution that said the association "believes that such a transfer is unjustified and certainly has no connection with better administration of justice" and that it "impinges upon independence of judiciary".
- Three other recommendations were made on May 10, on appointment of Chief Justices in different high courts in the country.
 1. Justice D N Patel, was recommended to be elevated as Chief Justice of Delhi High Court and his appointment was cleared by the Centre.
 2. Justice V Ramasubramanian was recommended to be elevated as the Chief Justice Himachal Pradesh High Court. The government is yet to clear his elevation.
 3. Justice R S Chauhan was recommended by the Collegium to be elevated as Chief Justice of the Telangana High Court. The Centre is yet to clear Justice Chauhan's elevation.

Details:

- On May 10, the Collegium led by Chief Justice of India Ranjan Gogoi recommended Justice Kureshi to the office of the Chief Justice of Madhya Pradesh, saying he was the senior most judge from the Gujarat High Court, presently functioning on transfer in the Bombay High Court.
- The Collegium had told the government in its resolution that Justice Kureshi, in its considered view, was suitable in all respects for being appointed as Chief Justice of the Madhya Pradesh High Court after the retirement of the incumbent Justice S.K. Seth.
- In a brief notification, the Department of Justice, Ministry of Law and Justice, invoked Article 223 (appointment of Acting Chief Justice) to appoint Justice Jha.
- The Centre reasons that Justice Jha is the senior most judge of the Madhya Pradesh High Court.

The controversy had raised questions about the way Justice Kureshi was dealt with by the government, and whether this had anything to do with adverse orders passed by him against the ruling dispensation.

How is the chief justice of High Court appointed?

- Every Judge of a High Court shall be appointed by the President after consultation with the Chief Justice of India, the Governor of the State.
- In the case of appointment of a Judge other than the chief Justice, the chief Justice of the High court is also consulted.
- For purposes of elevation as Chief Justices the seniority of Judges will be considered on the basis of their seniority in their own High Courts.
- They will be considered for appointment as Chief Justices in other High Courts when their turn would normally have come for being considered for such appointment in their own High Courts.
- Initiation of the proposal for the appointment of Chief Justice of a High Court would be by the Chief Justice of India.
- The Chief Justice of India would send his recommendation for the appointment of a Judge of the High Court as Chief Justice of that High Court or of another High Court, in consultation with the two senior most Judges of the Supreme Court. He would also ascertain the views of the senior most colleague in the Supreme Court who is conversant with the affairs of the High Court in which the recommendee has been functioning.
- After receipt of the recommendation of the Chief Justice of India, the Union Minister of Law, Justice and Company Affairs would obtain the views of the concerned State Government. After receipt of the views of the State Government, the Union Minister of Law, Justice and Company Affairs, will submit proposals to the Prime Minister, who will then advise the President as to the selection.
- As soon as the appointment is approved by the President, the Department of Justice will announce

the appointment.

Article 223 – Appointment of Acting Chief Justice:

- Appointment of Acting Chief Justices is to be made by the President under Article 223 of the Constitution.
- When it is proposed to appoint the senior most Judge on duty, as Acting Chief Justice, the Union Minister of Law, Justice and Company Affairs in the Central Government would appoint the senior most Judge and the Secretary to the Government of India in the Department of Justice will inform the Chief Minister and announce the appointment and issue the necessary notification in the Gazette of India.
- But, when it is proposed to appoint an Acting Chief Justice, other than the senior most puisne Judge the procedure for appointment of a regular Chief Justice as prescribed above will have to be followed.

2. Home Ministry warns NGOs

Context:

The Home Ministry has warned NGOs, who have changed their office-bearers and key functionaries without informing the Ministry, with penal action, if they fail to do so within a month.

Background:

- Ever since the Narendra Modi-led government came to power in 2014, the central government has started scrutiny of the activities of NGOs leading to cancellation of their FCRA registration, which allows them to get foreign funding.
- There were a total of 23,176 FCRA registered NGOs in 2016-17, which has now come down to around 12,000.

Details:

- All NGOs and associations registered under the Foreign Contribution Regulation Act (FCRA), 2010, which makes them eligible to receive foreign funds and donations, have to submit online application for addition, deletion and change of details about office-bearers and key functionaries within one month.
- As per norms, all associations, granted a certificate of registration under Section 11 and 12 of the FCRA, 2010 have reported details of their office-bearers and key functionaries while applying for registration.

Foreign Contribution Regulation Act (FCRA):

- The FCRA was enacted in 1976 in order to maintain strict control over voluntary organisations and political associations that received foreign fundings.
- In the year 1984, an amendment was made to the act requiring all the Non Governmental Organisations to register themselves with the Home Ministry.
- In 2010, the act was repealed and a new act with strict provisions was enacted. It is a consolidating act passed by the Government of India.
- It seeks to regulate the foreign contributions or donations and hospitality (air travel, hotel accommodation etc) to Indian organizations and individuals and to stop such contributions which might damage the national interest.
- It is an act passed for regulating and prohibiting the acceptance and utilization of foreign contribution or foreign hospitality by companies, associations or individuals for such activities that

could prove to be detrimental to the national interest and for matters connected therewith or incidental thereto.

- Since the Act is internal security legislation, despite being a law related to financial legislation, it falls into the purview of Home Ministry and not the Reserve Bank of India (RBI).

3. NPP first from NE to get national party status

Context:

The Election Commission of India has declared the National People's Party led by Meghalaya Chief Minister Conrad K. Sangma as a national party. This made the NPP, formed in 2013, the first from the north-eastern region to earn the tag.

Details:

- NPP has also been given the status of a state party in Arunachal Pradesh, where it has won five seats in recently-held election.
- In its order, the ECI said that the NPP was given the national party status for fulfilling conditions such as polling more than 6% of the total votes in the last general election and being recognised as a State party in at least four States.
- The NPP is recognised as a State party in Arunachal Pradesh, Manipur, Meghalaya and Nagaland.

Recognition of a political party as a National party/ State party:

- Section 6C deals with conditions for continued recognition as a national or state party under The Election Symbols (Reservation and Allotment) Order, 1968.
- For a party to be declared a national party it
 - ought to have 6% of valid votes in the assembly or Lok Sabha in a minimum of 4 states and four MPs from any state or
 - 2% of Lok Sabha seats (11 MPs) from 3 or more states or
 - should be a state party in 4 states
- In the case of state party status, the party
 - must have 6% of the total valid votes polled and two seats in the assembly or
 - 6% of the votes in Lok Sabha from the state and 1 MP from the same state or
 - 3% of the total seats in the assembly or at least three seats whichever is more or
 - 1 MP from every 25 seats in the Lok Sabha or 8% of the total votes in the assembly.

Note:

- In August 2016, the ECI had brought changes in Paragraph 6C of the Election Symbols (Reservation and Allotment) Order, 1968 to review the status of political parties every 10 years, instead of earlier norm of 5 years
- If parties lose the national party status, they can no longer stake claim to their symbol and are not eligible for free airtime on public broadcasters during elections or to an office space in the national capital.

Category: INTERNATIONAL RELATIONS

1. Pakistan sends congratulatory letters

Context:

- Days after the formation of the National Democratic Alliance government, Pakistan Prime Minister Imran Khan has written to Prime Minister Narendra Modi to congratulate him on his victory, while Foreign Minister Shah Mehmood Qureshi have written a letter to his Indian counterpart Minister for External Affairs S. Jaishankar, congratulating him on his appointment as well, sources in Delhi and Islamabad confirmed.
- The letters follow a phone call from Mr. Khan to Mr. Modi, as well as an exchange of tweets between the two leaders after the election results.

Details:

- The letters conveyed official greetings as well as a hope that India-Pakistan bilateral ties will improve in the future.
- According to Pakistani diplomatic sources, the letters sought peace and stability in South Asia with the peaceful resolution of all outstanding issues, including the Jammu and Kashmir dispute, as well as collective endeavours for regional peace and prosperity, a possible reference to a SAARC summit, which Pakistan is keen to organise, but India has refused to attend.
- Despite the bitterness on the ground the leaders of both the countries have kept up a steady set of exchanges over the period. Mr. Modi wrote a letter to Mr. Khan ahead of the Pakistan National Day, saying it was time for the people of the sub-continent to work together for a democratic, peaceful, progressive and prosperous region, in an atmosphere free of terror and violence.
- Khan welcomed the letter, calling for dialogue between the two countries.
- After the BJP's win, Mr. Khan telephoned Mr. Modi to congratulate him. The conversation included the need to improve bilateral ties, India's "neighbourhood first policy" and a desire to "fight poverty jointly".

Category: HEALTH

1. 1 mn new cases of STIs detected daily globally

Context:

Every day, more than 1 million new cases of curable sexually transmitted infections (STIs) are detected in people aged 15-49 years, according to latest data released by the World Health Organisation (WHO).

Details:

- This amounts to more than 376 million new cases annually of four infections chlamydia, gonorrhoea, trichomoniasis and syphilis.
- Executive director of Universal Health Coverage, WHO, elaborated that there is a concerning lack of progress in stopping the spread of sexually transmitted infections worldwide. And that it is a wake-up call for a concerted effort to ensure everyone, everywhere, could access the services they need to prevent and treat the debilitating diseases.
- These STIs have a profound impact on the health of adults and children worldwide.
- If untreated, they can lead to serious and chronic health effects that include neurological and cardiovascular disease, infertility, ectopic pregnancy, stillbirths, and increased risk of HIV.
- They are also associated with significant levels of stigma and domestic violence.
- Syphilis alone caused an estimated 2,00,000 stillbirths and newborn deaths in 2016, making it one of the leading causes of infant mortality globally, WHO said.

Way forward:

Timely and affordable testing and treatment are crucial for reducing the burden of STIs globally, alongside

efforts to encourage people who are sexually active to get screened for STIs.

C. GS3 Related

Category: ECONOMY

1. RBI revises stressed asset resolution norms

Context:

After the Supreme Court struck down the controversial February 12, 2018 circular of Reserve Bank of India (RBI) on stressed asset resolution, RBI has released revised set of norms which are substantially less stringent from the previous one.

Background:

- The February 12, 2018 circular of Reserve Bank of India (RBI) had forced banks to recognise defaults by large borrowers with dues of over Rs.2,000 crore within a day after an instalment fell due; and if not resolved within six months after that, they had no choice but to refer these accounts for resolution under the Insolvency and Bankruptcy Code.
- The Supreme Court of India, later quashed the circular issued by the RBI on the resolution of bad loans.

■ Lenders to undertake prima facie review of borrower account within 30 days of default

■ All lenders to enter into inter-creditor pact for implementing resolution plan

■ Resolution plan to be implemented within 180 days from end of review period

■ Disincentive for banks if they delay implementing viable resolution plan

■ Lenders may choose to initiate legal proceedings for insolvency or recovery

Details:

- In particular, neither there is a mandate to start resolution which results in higher provisioning if

there is a single day default nor a mandate for initiating insolvency proceeding if resolution plan is not implemented for large accounts within a time frame.

- However, the RBI has sought to nudge banks towards the insolvency courts by introducing a disincentive in the form of additional provisions for delayed resolution.
- At the same time, the central bank said it would issue directions to banks for initiation of insolvency proceedings against borrowers for specific defaults ‘so that the momentum towards effective resolution remains uncompromised.’
- The new circular asked lenders to undertake a prima facie review of the borrower account within 30 days from a default, which is termed as “review period.”
- During this review period, lenders may decide on the resolution strategy, including the nature of the resolution plan (RP), the approach for implementation of the RP etc.
- The lenders may also choose to initiate legal proceedings for insolvency or recovery.
- If the RP is to be implemented, lenders have been asked to enter into an inter-creditor agreement (ICA), within the review period, to provide for ground rules for finalisation and implementation of the RP.
- The RP will have to be implemented within 180 days from the end of review period.
- There is a disincentive for banks if they delay implementing a viable resolution plan. In case the plan is not implemented within 180 days from the end of review period, banks have to make additional provision of 20% and another 15% if the plan is not implemented within 365 days from the start of the review period.
- The additional provisions would be reversed if resolution is pursued under Insolvency and Bankruptcy Code (IBC).
- Half of the additional provisions could be reversed on filing of insolvency application and the remaining additional provisions may be reversed once case is admitted for insolvency proceedings.
- Debt recast tools like corporate debt restructuring scheme and strategic debt restructuring scheme are withdrawn.
- Apart from banks, these new norms are also applicable for non-banking financial companies, small finance banks and other financial institutions.

Category: SECURITY

1. Al-Qaeda anoints new chief for India wing

Context:

Global terror outfit Al-Qaeda has announced a new chief for its India wing, the Ansar Ghazwat-ul-Hind (AGH), two weeks after its top ‘commander’ Zakir Musa was killed in an encounter in Pulwama’s Tral.

Al-Qaeda:

- Al-Qaeda is a militant Sunni Islamist multi-national organization founded in 1988 by Osama bin Laden, Abdullah Azzam, and several other Arab volunteers during the Soviet–Afghan War
- Al-Qaeda operates as a network of Islamic extremists and Salafist jihadists.
- The organization has been designated as a terrorist group by the United Nations Security Council, the North Atlantic Treaty Organization (NATO), the European Union, the United States, the United Kingdom, Russia, India, and various other countries.
- Al-Qaeda has mounted attacks on non-military and military targets in various countries, including the 1998 United States embassy bombings, the September 11 attacks, and the 2002 Bali bombings.

D. GS4 Related

E. Editorials

Category: GOVERNANCE

1. The spirit of 1989, from Tiananmen to Prague

The editorial throws light upon few non-violent movements for democracy which changed the world

Details:

- It is a fact that the non-violent movements in Central and Eastern Europe in 1989 ended the confrontation between East and West and strengthened the possibility of a new international order based on the extension of democracy around the globe.
- As a result of the victory of non-violent campaigns in Poland (with the Solidarity movement) and in Czechoslovakia (with the Velvet Revolution), the technique of non-violent transformation of authoritarian and semi-totalitarian regimes into liberal democracies turned into a global cross-cultural phenomenon.
- In other words, the self-empowerment strategies of non-violent civic actors of 1989 had a great impact on those around the globe who believed in a genuine process of democratisation.
- The past 30 years have witnessed an unprecedented flowering of non-violent experiences. In many areas of the world, such as Latin America, North Africa and West Asia, where armed struggle was once seen as the only path to freedom, non-violent campaigns are now considered institutionalised methods of struggle for democratic invention and democratic governance.

Good governance:

- One of the important tasks that was set by the non-violent movements of 1989 was the provision of “good governance”.
- For these movements and their leaders the real test of democracy was not only in the peaceful process of transition, but also in the non-violent consolidation of democratic institutions.
- For the advocates of non-violence in 1989, democracy was not just an institutional arrangement for organising the political society but a new attitude and approach towards the problem of power.
- For example, from the point of view of a 1989 leader such as Václav **Havel** (Czech statesman) the concept of power should go hand in hand with responsibility. As he pointed out, “Politics is an area of human endeavour that places greater stress on moral sensitivity, on the ability to reflect critically on oneself, on genuine responsibility, on taste and tact, on the capacity to empathise with others, on a sense of moderation, on humility.”
- In a Gandhian manner, the spirit of 1989 affirmed that the challenges and difficulties of democratic governance needed to be confronted through self-rule, self-control and the soul force.
- For all the non-violent actors of 1989, the twin practices of self-discipline and empathetic service seemed necessary in order to control an unjust and inappropriate power.
- This is actually what was suggested by the student-led democracy movement in China.
- As another leader of the 1989 movements, Adam Michnik, declares, “The real struggle for us is for the citizen to cease to be the property of the state.”
- Truly, civic actors and freedom animators such as Adam Michnik and Václav Havel believed that democracy can be practised only when we can look at it clearly and critically.
- As the spirit of 1989 dawned in Beijing, the Polish people, and the Czechs, Slovaks, Romanians, Hungarians, Lithuanians, Estonians, Ukrainians and Russians came to understand that the empowerment of civil society and the collective ability to rule democratically were the essential constituents of non-violent transition to democracy.

- Ironically, on the same day (June 4, 1989) that the Polish Communists were defeated for the first time in elections in a Communist state, the Chinese pro-democracy movement was crushed by the tanks in Tiananmen Square. Paradoxically, both Communist China and post-Communist Poland turned to market economy and a wild rush for wealth. But the lesson of 1989 remained intact and more relevant than ever.

The relevance of the spirit of non-violence in present day world:

- The spirit of 1989 was non-violence in the making.
- It took shape once again in the spirit of young Egyptians and Tunisians who shook Arab history though the tactics of non-violent resistance.
- And today, we can find the same spirit of 1989, what we can call a Gandhian moment of history, in Algeria, Sudan, Iran, Indonesia, the U.S. and many other countries around the globe.
- It shows that the dream of 1989 which accompanied the Chinese students of Tiananmen, the workers of Poland and the civic actors of Prague is not over.
- It shows that where non-violence is practised, democracy is honoured.
- Moreover, the spirit of 1989, which took shape in the year of all freedoms, is a reminder that democracy is a system based on trust in human action and the fact that the impossible could become possible.

Category: INTERNATIONAL RELATIONS

1. Itinerary symbolism

The editorial talks about the recent developments that act as a testimony to the reaffirmation of India's Neighbourhood First policy.

What's in News?

- In a reaffirmation of New Delhi's 'Neighbourhood First' policy, Prime Minister Narendra Modi's first visit abroad is to the Maldives and Sri Lanka.
- Jaishankar wraps up his first visit abroad as Foreign Minister to Bhutan.
- Leaders of several neighbouring countries were invited to Mr. Modi's swearing-in ceremony.

Background:

- This is the first state visit by Mr. Modi to Male, which he had visited briefly for the swearing-in of President Ibu Solih in November 2018.
- The atmospherics today are in contrast to the comparatively trickier relationship with the previous governments in Male and Colombo during Mr. Modi's first tenure.
- In 2015, Mr. Modi had cancelled a visit to Male at the last minute following concerns over then-President Abdulla Yameen's crackdown on Opposition parties.
- Similar misgivings had cropped up regarding former Sri Lankan President Mahinda Rajapaksa's regime.
- China's inroads into the region had formed a common thread straining ties with both countries.
- India protested when the Yameen government signed a free trade agreement with Beijing, and granted China land for development.
- It made its displeasure clear over the many infrastructure projects Mr. Rajapaksa granted to Chinese companies under heavy Chinese loans.
- Deeper concerns arose from the Chinese naval presence in both Male and Colombo.

Current Scenario:

- Now, the situation has turned. Governments in both countries have changed.
- Besides a charm offensive, India has chosen to mute its opposition to their continued cooperation with China on the Belt and Road Initiative.
- It also comes from a realisation in Delhi that at a time when factors such as the U.S.-China trade tussles and tensions in West Asia pose uncertainties, strong neighbourhood ties can provide much comfort.

India - Maldives:

A series of agreements are expected during PM's visits:

1. The implementation of an \$800 million Line of Credit to the Maldives.
 2. Other projects include a cricket stadium, water purification and sewerage systems, as well as a Coastal Surveillance Radar System and a Composite Training Centre for the Maldives National Defence Force.
- This follows the Indian practice of fulfilling the needs of neighbouring countries that they themselves identify, much as it has done in Afghanistan.
 - The Prime Minister's visit to the Maldives aims to send a three-pronged message:
 1. To continue high-level contacts between close neighbours
 2. Assist as development partners
 3. Strengthen people-to-people ties.

India - Sri Lanka:

- For Sri Lanka, Mr. Modi's message is one of solidarity in the aftermath of the Easter Sunday terror attacks and the communal violence that followed
- A commitment to continue bilateral cooperation on joint development projects agreed to in 2017.
- Indian Prime Minister will be the first international leader to visit Colombo since the attacks, and his visit sends a powerful message as Sri Lanka tries to recover from the trauma.

F. Tidbits

1. FCI plans to increase its storage space

- The Food Corporation of India (FCI) has commissioned a new roadmap to speed up silo construction to meet its target of 100 lakh tonnes of storage space by 2022.
- With record harvests and high procurement over the last few years, the FCI is sitting on a reserve stock of foodgrains that is almost double the required level, straining capacity and forcing the use of cover and plinth storage which is not entirely weather-proof.
- The previous government had constructed 6.75 lakh tonnes of storage capacity while work is on going for 22 lakh tonnes.
- The FCI was also in talks with its unions to streamline its labour force and bring all 40,000 workers under a uniform direct payment system.

2. Space station will be open to tourists from next year

- U.S. space agency NASA said that it would open up the International Space Station to business ventures including space tourism — with stays priced at \$35,000 a night — as it seeks to financially

disengage from the orbiting research lab.

- There will be up to two short private astronaut missions per year.
- The missions will be for stays of up to 30 days.
- These travellers would be ferried to the orbiter exclusively by the two companies currently developing transport vehicles for NASA: SpaceX, with its Crew Dragon capsule, and Boeing, which is building one called Starliner.
- These companies would choose the clients and bill for the trip to the ISS, which will be the most expensive part of the adventure: around \$58 million for a round trip ticket.
- That is the average rate the companies will bill NASA for taking the space adventurers up to the ISS.
- The tourists will have to pay NASA for their stay in space, for food, water and use of the life support system on the orbiter.
- The space station does not belong to NASA. It was built along with Russia starting in 1998, and other countries participate in the mission and send up astronauts.
- But the U.S. has paid for and controls most of the modules that make up the orbiter.

G. Prelims Facts

Nothing here for today!!!

H. Practice Questions for UPSC Prelims Exam

Q1) Who among the following is/are debarred from receiving Foreign Contribution under the Foreign Contribution Regulation Act (FCRA), 2010.

1. Candidate contesting an election
2. Political parties
3. Judges

Choose the correct option:

- a. 1 only
- b. 1 and 2 only
- c. 2 and 3 only
- d. 1, 2 and 3

Answer: d

Explanation:

Who are debarred from receiving Foreign Contribution under the Foreign Contribution Regulation Act (FCRA), 2010?

- Candidate contesting an election
- Cartoonist, editor, publishers of registered newspaper
- Judge
- Government servants or employee of any corporation
- Member of any legislature
- Political parties

Q2) Lakhari Valley Wildlife Sanctuary is located in

- a. Madhya Pradesh
- b. Odisha
- c. West Bengal
- d. Jammu and Kashmir

Answer: b

Explanation:

The Lakhari Valley Wildlife Sanctuary is located in Ganjam District, Odisha.

Q3) Consider the following statements with respect to Hague Abduction Convention

- 1. The Convention applies only to children under the age of 18.
- 2. India is a signatory to it.

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

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

Answer: d

Explanation:

The Hague Convention on the Civil Aspects of International Child Abduction or Hague Abduction Convention is a multilateral treaty between Australia and several other countries, developed by the Hague Conference on Private International Law (HCCH). It provides an expeditious method to return a child internationally abducted by a parent from one member country to another. As per the convention, if a child is removed from his or her place of habitual residence, then they must be returned. The Convention applies only to children under the age of 16. Such child must be a habitual resident of the contracting states. India is not signatory to it (as country has to have domestic law in place before it can become signatory).

I. UPSC Mains Practice Questions

- 1. Digitisation has brought in enormous data and will impact the economies of the world. Thus, data protection becomes crucial. Discuss. (15 Marks, 250 Words)
- 2. Caste system is assuming new identities and associational forms thereby making it difficult for it to be eradicated from the Indian society. Comment. (10 Marks, 150 words)

