

27 Jan 2020: Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. Fund crunch hits MGNREGA scheme

Context:

Lack of funds for the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) scheme.

Background:

- 2019's budget allocation was ₹60,000 crore for the [MGNREGA scheme](#).
- The allocated amount for MGNREGA for the present fiscal was lesser than the amount spent under MGNREGA in the previous fiscal.

Details:

- More than 96% of the allocated money for MGNREGA has already been spent or is needed to pay pending dues, with less than ₹2,500 crores left to sustain the scheme for the next two months.
- **January, February, and March are months with little agricultural activity when rural workers desperately need employment.**

Concerns:

- The Centre is on the verge of **running out of funds for the crucial MGNREGA scheme**.
- With the Centre yet to release pending dues to the states, fifteen States are already facing **negative net balances** as per the scheme's financial statements. Worryingly, these states will enter next year with pending liabilities.
- States are **unable to pay the workers on time**. For example, in Rajasthan, workers' wages have not been paid since October-end 2019. This is contrary to the spirit of the Act and **violates the principle of rights-based implementation of the MGNREGA scheme**.
- There is a **high demand for work this fiscal year**, as the rural economy is in distress and informal employment has also collapsed. The lack of funds is a cause of concern.

Significance:

- Given the **backdrop of economic slowdown**, many economists have recommended that **putting money into the hands of rural consumers via MGNREGA is key to kickstarting the economy**.

Category: INTERNATIONAL RELATIONS

1. UN says 'blatant' violations of Libya arms embargo continue

Context:

Review of the outcomes of the recent UN summit on Libya.

Background:

- Libya sits on Africa's Mediterranean coast and is **divided between rival governments, each supported by different armed militias and foreign backers**.
- **The UN-recognized government in the capital Tripoli** is backed by Turkey, Qatar, and Italy. Rival forces loyal to **military commander Khalifa Haftar** receive support from the United Arab Emirates, Egypt, France and Russia.
- There were **United Nations-led talks in Berlin**, wherein leaders present at the summit made **a fresh push for peace in Libya**.

Details:

- **Libya has the ninth-largest known oil reserves in the world and the biggest oil reserves in Africa.**

- The United Nations has expressed concern regarding the **continued blatant violations of the arms embargo on war-torn Libya**. A few countries were supplying advanced weapons, armoured vehicles and foreign fighters into Libya.
- The UN warned that continuing to supply arms into the conflict threatens the **fragile truce reached in Tripoli**.

For more information on this topic: [CNA dated 20th Jan 2020](#)

2. Palestinians threaten to quit Oslo Accords

Context:

Likely announcement of the **West Asia plan by the U.S. President**.

Background:

- **The Oslo Accords are a set of agreements between the Government of Israel and the Palestine Liberation Organization (PLO).**
- The first Oslo Accord was signed in Washington, D.C., in 1993 and the second Oslo Accord was signed in Taba, Egypt, in 1995.
- **The Israeli-Palestinian Interim Agreement was signed in Washington in 1995**, subsequent to the Oslo Accords. The Oslo Accords marked the **start of the Oslo process, a peace process aimed at achieving a peace treaty between Israel and Palestine**.
- The Oslo Accords created a **Palestinian Authority tasked with limited self-governance of parts of the West Bank and Gaza Strip**. The agreement set out the scope of Palestinian **autonomy** in the West Bank and Gaza. It even acknowledged the **PLO as Israel's partner in permanent-status negotiations** and other questions.
 - The most important questions are related to the borders of Israel and Palestine, **Israeli settlements**, the **status of Jerusalem**, Israel's military presence in and control over remaining territories after **Israel's recognition of Palestinian autonomy**, and the Palestinian right of return. The Oslo Accords, however, **did not create a Palestinian state**.
- The Oslo Accords are **based on the 1978 Camp David Accords**.

Details:

- Palestinian officials have threatened to withdraw from key provisions of the Oslo Accords, in the backdrop of the likely announcement of the West Asia peace plan by the U.S. President.
- The Palestine Liberation Organisation has claimed that it reserved the right to withdraw from **the interim agreement**.
- The Palestinians fear that the plan effectively **buries the two-state solution that has been the cornerstone of global West Asia diplomacy**.
- It has expressed concern that the U.S. President's initiative may **turn Israel's temporary occupation of Palestinian territory into a permanent occupation**.

C. GS 3 Related

Category: INTERNAL SECURITY

1. India showcases A-SAT missile prowess

Context:

71st Republic Day parade.

Background:

In 2019, the [DRDO](#) shot down a live satellite in a **Low Earth Orbit (LEO) of 300 km** using a **modified interceptor of the Ballistic Missile Defence (BMD) system** in 'hit to kill' mode with 10-cm accuracy.

Details:

- India showcased its **anti-satellite (A-SAT) missile capability of the weapon, Mission Shakti**, during the parade.
 - It has been developed by the Defence Research and Development Organization (DRDO).
 - The A-SAT technology enables India to destroy an enemy satellite by directly colliding with it with pinpoint accuracy.
 - A-SAT weapons play a critical role in providing the **necessary strategic deterrence**.
- **The Air Defence Tactical Control Radar (ADTCR)** was also showcased as part of the Republic Day parade.
 - The ADTCR is used for **volumetric surveillance**, detection, tracking and friend/foe identification of aerial targets of different types. It also **transmits data** of prioritized targets to multiple command posts and weapon systems.
- The Indian Air Force's (IAF) newest inductions, **Chinook heavy-lift helicopters and Apache attack helicopters**, made their debut during the Republic Day flypast.

Apache helicopters:

- - India has contracted Apache helicopters from Boeing.
 - The addition of the Apache Attack Helicopter is a significant step towards the modernization of the Indian Air Force helicopter fleet. It will enhance the capability of IAF in providing **integrated combat aviation cover to the army strike corps**.
 - Apache Attack Helicopter has better maneuverability and is lighter than the Mi-35 attack helicopter it is replacing.

Chinook helicopters:

- - **Chinook is a heavy lift, tandem-rotor helicopter**. The helicopter is expected to greatly enhance India's capabilities across a range of military & **HADR missions**.
 - The Chinook will allow the IAF to **transport cargo to high-altitude locations**, can contribute to operations like inter-valley transport of troops, airlifting artillery guns and heavy underslung loads for the Border Roads Organisation, and for humanitarian assistance and disaster relief to far-flung crisis-hit areas.
 - The Chinook is a vital addition to the **construction of strategic roads and infrastructure projects on the border**. The Border Roads Organisation has been eager for the Chinook to complete road-building projects in the North East that have been stuck for years for want of a heavy lift chopper that can carry material and equipment through narrow valleys.

- **The Supreme Commander of the armed forces, the President of India** reviewed the parade.
- Before the commencement of the parade, Prime Minister paid homage to fallen soldiers by laying a wreath at the flame of the immortal warrior at **the National War Memorial (NWM)**.
 - The NWM was inaugurated in February 2019. It was built in memory of about 22,500 Indian soldiers who laid down their lives in the post-independence period.

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: INTERNATIONAL RELATIONS

1. Black and Grey: On terror funding and Pakistan

Context

- The Paris-based Financial Action Task Force (FATF) **Asia Pacific Joint Group** met in Beijing.
- China had hosted this meeting where it has said that Pakistan has made "visible progress" to strengthen its counter-terrorism financing system, which should be encouraged by the world community.
- **FATF has now given Pakistan some encouraging news that it has progressed** in its efforts to avoid blacklisting.

Background

- FATF had determined that Pakistan was to be placed on the grey list in 2018, and presented it a 27-point list of actions.
- These included freezing the funds of UN Security Council entities such as 26/11 mastermind Hafiz Saeed and the LeT, the Jaish-e-Mohammed (JeM) and other Taliban-affiliated groups.
- The actions involved a sustained effort to **bring legal action against these groups, and also called for changes to Pakistani law in line with global standards** for measures against money laundering and financing terrorism.

Geopolitics at play

- Officials have suggested that **Pakistan's role in ensuring Taliban talks** may have weighed with the U.S. and its allies in the grouping.
 - Pakistan had an important role in brokering a ceasefire deal with the Taliban in Afghanistan.
 - It would allow Washington an exit from its longest-running war that started in 2001.
 - Pakistan is seen as wielding influence over the Taliban which is seen as valuable to the US.
 - It is believed that Pakistan may have also had a role to play in reducing tensions between Iran and the US.

- With **China in the president's chair, and the backing of Turkey and Malaysia**, Pakistan could escape being blacklisted.
- India's recent troubles on the international stage, including the **UNSC where China has been allowed to raise the Kashmir issue twice**, may also be a reason why India's objections at the Beijing discussions were not considered as carefully as in the past.

If Pakistan could convince a few Western nations with their report of taking action against terrorists, the country will be out of FATF 'Grey List', **which will be a cause of worry for India.**

A blow to India's diplomatic efforts?

- First, the grey listing is not new. Pakistan was placed on it in 2012, and was removed in 2015 after it passed a **National Action Plan to deal with terrorism** following the 2014 Peshawar School massacre. It was also placed under severe restrictions in the years 2008-2012, after the Mumbai attack.
- Second, this last grey list period has already **seen some Indian demands met**, including the charge sheeting of Hafiz Saeed for terror financing, and the addition of JeM chief Masood Azhar to the UNSC 1267 list.
- Finally, although the FATF is a technical organization, there is no doubt that geopolitics and bilateral deals play a part in deciding outcomes.

Implications

- If Pakistan comes out of the FATF 'Grey List', it will be easy for the country to get financial aid from the IMF, World Bank, ADB and the European Union, helping improve its precarious financial situation.
- If not removed off the list by April 2020, Pakistan may move to a blacklist of countries that face severe economic sanctions, such as Iran.

Conclusion

- FATF's upcoming plenary meeting is to be held in February 2020 in Paris.
- Pakistan is likely to make a case for its exclusion from the grey list. To achieve that, it needs 12 votes out of a total of 39 in Paris; it needs only three to avoid falling into the FATF blacklist.

2. Hypersonic Glide Vehicles (HGVs)

- A hypersonic delivery system is essentially a **ballistic or cruise missile** that can fly for long distances and at speeds higher than 5 Mach at lower altitudes.
- This allows it to evade interception from current Ballistic Missile Defence (BMD).
- It can also execute a high degree of manoeuvres.

Context

- In December 2019, Russia announced that its new Hypersonic Glide Vehicle (HGV), Avangard, launched atop an intercontinental ballistic missile, had been made operational.
- With this induction, it appears that Russia has beaten the U.S. and China in deploying the HGV.
 - But China and the U.S. are also close on the heels: the U.S. has moved from the research to the development stage, and **China demonstrated the DF-17**, a medium-range missile with the HGV, at a military parade.

Avangard

- The Avangard is a strategic **Inter-Continental Ballistic Missile (ICBM)** system that has a range of over 6,000 km, weighs approximately 2,000 kg, and can carry a nuclear or conventional payload equipped with a hypersonic glide vehicle.
- It's designed to sit atop an ICBM and, once launched, it uses aerodynamic forces to sail on top of the atmosphere.

Significance of Hypersonic Technologies

This technology is considered to be a game-changer as far as military strategy is concerned.

- Any country having this technology has an added advantage, as it creates **uncertainty for its adversaries**.
- The weapons' manoeuvrability allows **them to travel on unpredictable trajectories, making it difficult to track and destroy them** before they successfully penetrate advanced air and ballistic missile defences.

How would the induction of hypersonics complicate security concerns?

1. First, these missiles are being **added to the military capabilities of countries** that possess nuclear weapons which could escalate tensions between countries.
 - - For the adversaries, the concern is, **an attack on nuclear assets would degrade retaliation capabilities**.
 - The incoming **warhead and destination ambiguities** could create misperception and miscalculation in moments of crisis.
2. Second, the induction of hypersonics **would lead to an offence-defence spiral**.
 - - According to reports, the U.S. has begun finding ways of either strengthening its BMD or looking for countermeasures to defeat hypersonics, besides having an arsenal of its own of the same kind.
 - The **stage appears set for an arms race instability** given that the three major players in this game have the financial wherewithal and technological capability to play along.
 - This looks particularly imminent in the **absence of any strategic dialogue or arms control**.
3. A third implication would be to take **offence-defence developments into outer space**.
 - - Counter-measures to hypersonics have been envisaged through the placement of **sensors and interceptors in outer space**.
 - While none of this is going to be easy or quick, the **weaponisation of outer space would**, nevertheless, be a distinct possibility once hypersonic inductions become the norm.

Conclusion

- Thus, the induction of this technology would likely prove to be a **transitory advantage** eventually leading nations into a strategic trap.
- India needs to make a cool-headed assessment of its own deterrence requirements and choose its pathways wisely.

1. The four phases of constitutional interpretation

Introduction

- The Constitution of India came into force 70 years ago, on January 26, 1950. The enactment of the Constitution was an ambitious political experiment — with universal adult franchise, federalism in a region consisting of over 550 princely States, and social revolution in a deeply unequal society. However, it was equally a unique achievement in terms of constitutional design.
- Republic Day, therefore, provides us an opportunity to take a step back from political contestations about the Constitution and consider how the **text has been interpreted by the courts over the last seven decades**.

Phase One-Textualist Approach

- In its early years, the [Supreme Court](#) focused on the plain meaning of the words used in the Constitution.
- **K. Gopalan v. State of Madras (1950)** was one of the early decisions in which the Court was called upon to interpret the [fundamental rights](#) under Part III.
 - The leader of the Communist Party of India claimed that preventive detention legislation under which he was detained was inconsistent with Articles 19 (the [right to freedom](#)), 21 (the right to life) and 22 (the protection against arbitrary arrest and detention).
 - The Supreme Court decided that each of those articles covered entirely different subject matters, and were to **be read as separate codes rather than being read together**.
- Amongst the most controversial questions in Indian constitutional law has **been whether there are any limitations on Parliament's power to amend the Constitution, especially fundamental rights**. In its early years, the Court read the Constitution literally, **concluding that there were no such limitations**.

Phase Two- The Structure

In the second phase, the Supreme Court began exploring other methods of interpretation.

- Appeals to the **text of the Constitution were gradually overtaken by appeals to the Constitution's overall structure** and coherence.
- In the leading case of **Kesavananda Bharati v. State of Kerala (1973)**, the Court concluded that Parliament's power to amend the Constitution **did not extend to altering its "basic structure" — an open-ended catalogue** of features that lies within the exclusive control of the Court. Read more on the [Basic Structure Doctrine and related cases](#).
 - When Parliament attempted to overturn this decision by amending the Constitution yet again, the Court, relying on structuralist justifications, decisively rejected that attempt.
- In this phase, the Court also categorically rejected the Gopalan approach in favour of a structuralist one in **Maneka Gandhi v. Union of India (1978)**. Through this decision, the Court conceived of the fundamental rights as a **cohesive bill of rights rather than a miscellaneous grouping of constitutional guarantees**.
 - The [right to life](#) was incrementally interpreted to **include a wide range of rights such as clean air, speedy trial, and free legal aid**.
 - This paved the way for the Supreme Court to play an unprecedented role in the governance of the nation.

- Impact
 - What was common between the first two phases of the interpretive story was that significant decisions involving the **interpretation of the Constitution were entrusted to Constitution Benches** (comprising five or more judges of court) and were carefully (even if incorrectly) reasoned.
 - There was **limited scope for precedential confusion**, since matters which had been decided by Constitution Benches and which demanded reconsideration were referred to larger Constitution Benches.

Phase Three- Eclecticism

In the third phase, the Supreme Court's interpretive philosophy **turned far more result-oriented** than it had ever been. The Court often **surrendered its responsibility of engaging in a thorough rights reasoning** of the issues before it. Two factors underpinned this institutional failure.

- First, the changing structure of the Court, which at its **inception** began with eight judges, grew to a sanctioned strength of 31; it is currently 34.
 - It began to sit in panels of two or three judges, **effectively transforming it into a "polyvocal" group** of about a dozen sub-Supreme Courts.
- Second, the Court began deciding cases based on a certain **conception of its own role** — whether as a sentinel of democracy or protector of the market economy.
 - This unique decision-making process **sidelined reason-giving in preference to arriving at outcomes that match the Court's perception**.

The failure to give reasons contributed not only to **methodological incoherence but also to serious doctrinal incoherence and inconsistency** across the law.

- This can be best described as **panchayati eclecticism**, with **different Benches adopting inconsistent interpretive approaches** based on their conception of the Court's role, and arriving at conclusions that were often in tension with one another.
 - The imagery that panchayati eclecticism is meant to invoke is that of a group of wise men and women (applying the analogy, sub-Supreme Courts), taking decisions based on notions of fairness that are **detached from precedent, doctrine and established interpretive methods**.

Phase Four- Purpose

In the fourth phase, the Court has acknowledged as critical to its interpretive exercise, the purpose for which the Constitution has been enacted. Many Constitutions attempt the task of **entrenching a political compromise** between the incumbents and challengers of the day. India's Constitution, at its very inception, was different.

- In enacting the Constitution, the **founders of our Republic expressed a sense of unease with the status quo** and raised expectations of root-and-branch social revolution and transformation.
 - The Court is now beginning to interpret the Constitution in accordance with its revolutionary and transformative potential.
- With about a dozen significant Constitution Bench decisions from the Supreme Court since 2018, there has been a renaissance in decision-making by Constitution Benches. This includes the Court's decisions **striking down Section 377 and the criminal offence of adultery, and including the office of the Chief Justice of India within the scope of the Right to Information Act**.

Conclusion

However, facets of **phase 3 continue to linger on in the courts**.

- Cases that involve substantial questions of interpretation of the Constitution — such as the cases concerning the **National Register of Citizens and the [electoral bonds scheme](#)** — are still being adjudicated upon by benches of two or three judges.
- There remains a latent risk, therefore, that the gains made in the early days of phase four could be lost, and we could slide back to panchayati adjudication once again.

Category:SECURITY

1. Dubious decision: On NIA takeover of Bhima Koregaon case

Context

- The [National Investigation Agency](#) (NIA) took over the Bhima Koregaon case in which several activists were booked for making provocative speeches at the Elgaar Parishad event organised at Shaniwar Wada in Pune in 2017, which then allegedly **escalated tensions leading to riots in Pune and Mumbai**.
- The activists were arrested and booked under the **Unlawful Activities Prevention Act ([UAPA](#))**.
- The transfer of the case to the NIA is now being looked at as a “misuse” of the powers conferred upon the agency.

Procedures for NIA to investigate a case

- According to the rules, for the NIA to take over a case from a state, **formal communication is usually sent to the MHA by the state** requesting for a transfer of the case to the agency, following which a notification is issued and the investigation is formally transferred.
- The state police then formally hands over all the files related to the case to the agency.
- But in this case, **Section 6(5) of the NIA Act** was invoked that permits the central government to direct the agency (NIA), **suo motu, to investigate any offence if it feels that a crime is a scheduled offence fit to be probed by the NIA**.

Background

- The Pune police have filed a charge sheet against activists on the charge of being **part of a Maoist plot against the government**, basing their claim on purported material seized from computers during raids.
- It was believed that a sinister plot was devised to overthrow the government, allegedly at the behest of the Communist Party of India (Maoist).
- Despite its inter-State ramifications, the **State government opposed a petition in the Supreme Court for a court-monitored independent probe**.
- At that time, the **Centre expressed no inclination to hand over the probe to the NIA**, even though sections of the Unlawful Activities (Prevention) Act (UAPA) were invoked.

The Union government cannot now turn around and claim that it is a fit case for an NIA probe.

Issue Area

- It is an unwarranted interference in the police powers of the State as policing and law and order are state subjects.
 - The Pune police report to the state government, the NIA is answerable only to the Union Home Ministry.

- It threatens to undermine the spirit of federalism.
- The Elgar Parishad case has **gone through the investigation process and reached the courts** — bail pleas in the case have been heard by the Supreme Court.
 - For the Union Home Ministry to intervene at this juncture and change the investigating **agency is tantamount to undermining this process.**
 - Even if the state government orders a review of the case, it will have to **pass the test of the courts.**
- The credibility of the **NIA as an independent investigative agency itself is being questioned.**
 - An impression has formed that the agency, set up in 2008 following the Mumbai attacks to probe acts of terrorism, is just another arm of the Centre, another “caged parrot” meant to **serve its political masters.**

Conclusion

- Whatever the merits of the claims and counter-claims, the **probe has been completed and the case is waiting to be heard by the court.**
- Any attempt to unilaterally change the course **now will be seen as motivated and driven by bad faith** and will hurt the Centre and the investigative agency.

F. Tidbits

1. The economic slowdown may impact poverty alleviation, says Banerjee

- Nobel laureate and economist Abhijit Banerjee has stated that the economy is facing a **demand deficit as people are not spending.**
- The slowdown in the urban sector is bound to have **negative consequences for the entire economy**, given the fact that the **urban and rural sectors are dependent on each other** for the creation of jobs and availability of low-skilled workers.
- It might take a long time to get out of the difficult situation, as there was not enough money to improve the economy. **The banking sector and the financial sector, in general, are stressed** and the government is not in a position to intervene and bail it out through recapitalization.
- The slowdown in the economy might **adversely impact poverty alleviation**, given that the funds allocated to poverty eradication schemes will take a cut.
- There is an urgent need to lay emphasis on **a multi-pronged approach for poverty alleviation, given the multidimensional nature of poverty.** Poverty can take the form of people being education-poor, health-poor or asset-poor. There is a need for appropriate actions to deal with specific types of poverty.

2. Insurgency in northeast down, says PM

- Prime Minister has claimed that insurgency in the northeastern region has come down significantly.
 - Recently, 644 militants of eight groups surrendered in Assam in 2019.
 - More than 80 insurgents returned to the mainstream in Tripura.
 - **Tripura was the first state in the region to lift the Armed Forces (Special Powers) Act.**

G. Prelims Facts

Nothing here for today!!!

H. UPSC Prelims Practice Questions

Q1. Which of the following statements is/are correct?

1. The Dhanush is a self-propelled artillery gun with the Indian Army.
2. The Dhanush howitzer has been designed and developed by DRDO.

Options:

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

Answer: d

Explanation:

- The Dhanush is a 155 mm towed howitzer designed and developed by Ordnance Factory Board (OFB), an industrial organization, working under the Department of Defence Production of the Ministry of Defence, Government of India.
- K9-Vajra is a self-propelled artillery gun with the army.

Q2. Which of the following statements is/are correct?

1. Rani ki Vav is situated in the state of Rajasthan.
2. It is listed as one of UNESCO's World Heritage sites.
3. Rani Ki Vav was constructed during the rule of the Chalukya dynasty.

Options:

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

Answer: b

Explanation:

- Rani ki Vav is a stepwell situated in the town of Patan in the Gujarat state of India. Its construction is attributed to Udayamati, queen of the 11th-century Chaulukya dynasty.
- It has been listed as one of UNESCO's World Heritage Sites since 2014.
- It is the finest and one of the largest examples of its kind and is designed as an inverted temple highlighting the sanctity of water.

Q3. Which of the following is wrongly matched?

- a. Taal Volcano: Philippines
- b. Mount Merapi: Indonesia
- c. Kilauea: Malaysia
- d. Mount Erbus: Antarctica

Answer: c

Explanation:

Kilauea: Hawaii

Q4. Which of the following statements is/are wrong?

- 1. Central Adoption Resource Authority (CARA) is a statutory body of the Ministry of Social Justice and Empowerment.
- 2. CARA monitors and regulates both in-country and inter-country adoptions.

Options:

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

Answer: a

Explanation:

- Central Adoption Resource Authority (CARA) is a statutory body of the Ministry of Women & Child Development.
- It functions as the nodal body for adoption of Indian children and is mandated to monitor and regulate in-country and inter-country adoptions.
- CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the Hague Convention on Inter-country Adoption, 1993, ratified by the Government of India in 2003.

I. UPSC Mains Practice Questions

- 1. The philosophy and teachings of Basaveswara, a seminal figure of the Bhakti movement, not only held relevance during the 12th century but are also relevant even today. Analyze. (10 marks, 150 words)
- 2. The development of the anti-satellite (A-SAT) missile capability holds immense significance for India. Comment. Also discuss the associated concerns with the Mission Shakti. (10 marks, 150 words)