

08 Dec 2021: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. Vaccine coverage of people with disabilities is low, figures show

Topics: Important aspects of governance, transparency and accountability, e-governance applications, models, successes, limitations, and potential

Prelims: Rights of Persons with Disabilities (RPWD) Act

Mains: Challenges of Persons with Disabilities in Accessing Vaccines

Context:

Very few people with disabilities have received both doses of the COVID-19 vaccine.

Disability in India:

- **Rights of Persons with Disabilities (RPWD) Act, 2016**
 - The Act repeals the 1995 Act on Persons with Disabilities (Equal Opportunity, Protection of Rights, and Full Participation).
 - It complies with India's commitments under the United Nations Convention on the Rights of Persons with Disabilities ([UNCRPD](#)).
 - The Act covers specified disabilities such as Blindness, Low-vision, Leprosy Cured persons, Hearing Impairment (deaf and hard of hearing), Locomotor Disability, Dwarfism, Sickle Cell Disease, Multiple Disabilities including deaf-blindness, Acid Attack victims, Parkinson's disease, etc.
 - **Read more on the [Rights of Persons with Disabilities Act](#) in the linked article.**
- **Constitutional Provisions on Disability in India:**
 - **Fundamental Rights:** Part-III of the Constitution provides for a set of six Fundamental Rights to all the citizens.
 - **Article 41** of the Constitution of India declares that the State shall make effective provision for securing the right to work, to education and to public assistance in cases of disablement and in other cases of underserved want.
 - **Article 46** lays down an obligation on the State to promote with special care the educational and economic interests of the weaker sections of the people, and protect them from social injustice and all forms of exploitation.

Challenges of Persons with Disabilities in Accessing Vaccines:

1. **Lack of Access and Availability:** There are issues with vaccination supply availability and uptake, prioritizing, and concentrated efforts for accessibility, inclusion, and outreach for individuals with disabilities.
2. **Vaccine inequity:** Vaccine inequity ignores a variety of social aspects as well as **living situations**, such as the need for in-person care or living in a communal environment.
3. **Worse Consequences:** Higher comorbidity rates have resulted in disproportionately worse consequences for persons with disabilities, such as physical, intellectual, and sensory impairments.

4. **Lack of Systematic Data:** There is a lack of systematic collection of disability-disaggregated data. As a result, disability campaigners and supporters have had minimal success in their appeals for disabled persons to be prioritized.
5. **Structural Challenges:** Registration for immunization is a major challenge for disadvantaged PwDs. They don't all have cell phones or the capacity to travel to a registration centre.
6. **Lack of Awareness:** Furthermore, some families are hesitant to take handicapped people, particularly girls and women with impairments, to healthcare clinics for vaccinations.

Recommendations:

1. Differently-abled people should be vaccinated with special provisions and processes.
2. Civil society participation in the targeted immunization campaign.
3. Assuring that PwDs have access to immunisation centres.
4. Overcome vaccine hesitation among the community, it is more vital to raise public awareness and provide accurate information about immunisation.
5. Specialised health care service professionals are needed to treat mentally retarded people who are currently experiencing challenges with their treatment.
6. Linking vaccination with Government entitlement programmes, such as MGNREGS.
7. Making an available database of all individuals with disabilities with the local government.
8. All PwDs should be given an Antyodaya card and their rations and pensions should be released immediately.
9. Immediate livelihood assistance to PwD households to provide a dignified and hopeful existence.

Conclusion:

Persons with Disabilities are overlooked in all aspects of society, and vaccination is no exception. However, where the COVID-19 pandemic and natural calamities have shattered the economy's backbone, their inclusion must be intentionally prioritized in order for them to live a life of dignity.

2. 'Judicial inaction favors those in power'

Topics: Structure, Organization and functioning of the Executive and the Judiciary.

Prelims: Judiciary's Inaction, Militant Majoritarianism

Mains: Concerns Associated with Inaction of Judiciary.

Context:

Congress leader Shashi Tharoor recently criticized the Judiciary's “inaction”. He also said the judiciary had failed to stem the tide of “militant majoritarianism”.

What does the Judiciary's Inaction mean?

- In India, the problem of [judicial activism](#) has been confounded and exacerbated by the Executive's and sometimes even the Legislature's inactivity, leaving the people with little choice but to turn to the courts.
- There is nothing wrong with courts intervening to protect citizens from the Executive's excesses or inactivity, or to enforce citizens' rights.
- The line between judicial activism and excess is narrow. When judicial activism touches on policy areas that the Executive perceives to be solely its domain, a problem occurs.
- In many circumstances, rather than granting mandamus to the Executive, the Supreme Court and numerous high courts have taken on Executive tasks by establishing their own systems to regularly review cases.

Militant Majoritarianism

- India's incapacity to respond to radical majoritarianism is becoming a catastrophe. There is no effective opposition in politics, and there is no effective opposition in society.
- Academics and the media are frequently the focal points of such pushback in liberal democracies across the world.
- In India, whereas the media intellectual is admired but not taken seriously, academics have never had an impact.

Concerns with Judiciary's Inaction:

- Inaction on the part of the Judiciary nearly always benefits those in power.
- The Supreme Court's continuous passivity has not only allowed the government's violations against people to go unpunished, but it has also caused some opponents to question if the court can be deemed an accomplice to the violation of constitutional rights.
- However, many of these issues are the result of inadequate governance.
- The independence of the Supreme Court (SC) has been questioned in recent years, with the primary issue being the government's significant influence on judicial appointments and transfers.

Conclusion:

The [Indian judiciary](#) has been characterized as an overly ambitious organization that really seeks to address people's issues. The courts will have to make a calculated retreat as the government improves.

It's past time for judges to accept that there isn't a legal remedy to every issue. But before complaining about [judicial overreach](#), the Executive must first offer excellent governance.

Category: INTERNATIONAL RELATIONS

1. Biden holds talks with Putin, warns against Ukraine invasion

Topics: Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.

Prelims: Geographical Location of Ukraine; Russia-Ukraine Conflict

Mains: Russia-Ukraine Conflict and Global Concerns

Context:

The US President warned of painful sanctions and increased military support for Eastern Europe if Russia invades Ukraine.

Russia-Ukraine Conflict:

- Ukraine and Russia have shared cultural, linguistic, and family ties for hundreds of years.
- Ukraine was the Soviet Union's second-most powerful republic after Russia, and it played a critical geopolitical, economic, and cultural role.
- Ukraine has borders with both the EU and Russia, but being a former Soviet republic, it has strong social and cultural links with Russia, with Russian being widely spoken.
- Russia has long opposed Ukraine's progress toward European institutions, and one of its main demands is that it never joins NATO or has [NATO](#) facilities on its territory.
- Russia, according to Ukraine, has dispatched tanks, artillery, and snipers to the front lines in rebel-held territory.
- The alleged 90,000-plus Russian military within striking distance of the Ukrainian border is causing the most alarm.
- Russia, according to Western intelligence services and Ukraine, might represent a serious danger in early 2022.



Important Stakeholders:

US and EU

- The US remains committed to Ukraine's territorial integrity and sovereignty being restored.
- It rejects Russia's claims to Crimea and urges Russia and Ukraine to use the Minsk accords to address the Donbas conflict.
- In the event of military action on the Ukraine border, US and EU officials have suggested they may slap tough penalties on Russia if diplomatic attempts to avert the invasion fail.
- Any military action by the United States or the European Union against Russia would spark a global catastrophe.

NATO

- NATO countries conduct cooperative military exercises with Ukraine on a yearly basis, such as Sea Breeze and Rapid Trident.
- Ukraine's ambition is to join NATO as a full member in the future, despite the fact that it is now a non-member.
- Ukraine was one of just six enhanced opportunity partners, a unique designation reserved for NATO's closest allies, such as Australia, in 2020.
- Russia is seeking assurances from the US that Ukraine would not be admitted to NATO as it puts a big number of troops closer to the border.
- The US, on the other hand, has made it clear that it is not willing to provide such assurances.



Russia annexed Crimea and Sevastopol in 2014
Source: Ukraine National Security & Defence Council

Image source: BBC

Conclusion:

Many see the situation in Ukraine as part of a resurgent geopolitical competition between the West and Russia. In order to obtain sanctions relief and other concessions from the West, Russia is keeping tensions near the Ukraine border high. To prevent military action, frantic diplomatic efforts involving US, European, Ukrainian, and Russian officials are underway.

C. GS 3 Related

Nothing here for today!!!

D. GS 4 Related

Nothing here for today!!!

Category: POLITY AND CONSTITUTION**1. Mediation Bill: Not getting the Act together**

Topic: Judiciary, Dispute Redressal Mechanisms.

Prelims: Article 14, Article 21, Article 39-A.

Mains: Alternative Dispute Resolution Mechanisms.

Context

The Draft Mediation Bill 2021, slated for presentation to Parliament, bears no resemblance to the original in some crucial places.

What are Alternative Dispute Resolution Mechanisms?

- Alternative Dispute Resolution (ADR) is a technique to resolve disputes and disagreements between parties by arriving at an amenable settlement through negotiations and discussions. It is an attempt to establish an alternative mechanism other than the traditional methods of dispute resolution.
- The ADR mechanism offers to facilitate the resolution of matters of business issues and others where it has not been possible to initiate any process of negotiation or arrive at a mutually agreeable solution.
- In India, ADR is established on the basis of Article 14 (Equality before law) and [Article 21](#) (Right to life and personal liberty) under the Constitution of India.
- The Directive Principles of State Policy (DPSP) of equal justice and free legal aid as engraved in Article 39-A of the Indian Constitution can also be achieved by the ADR.

What is Mediation?

- It is a kind of alternative dispute resolution mechanism.
- A mediator is involved in assisting the parties in dispute to reach an agreement.
- The parties in dispute themselves set the conditions of the settlement to be reached.
- The third party does not impose any decisions on the parties but merely acts as a facilitator involved in improving the dialogue between the parties.

The Draft Mediation Bill 2021:

- It recognises mediation as a profession, which is a huge improvement over the part-time honorarium basis it has in the court-annexed mediation schemes.
- The Bill acknowledges the importance of institutes to train mediators, and service providers to provide structured mediation under their rules.
- It provides for pre-litigation mediation.
- The Bill does away with the confusion emanating from using both expressions 'Mediation' and 'Conciliation' in different statutes by opting for the former in accordance with international practice, and defining it widely to include the latter.
- It also recognises online dispute resolution.
- It provides for enforcement of commercial settlements reached in international mediation viz between parties from different countries as per the Singapore Convention on Mediation to which India was a notable signatory.
- The Convention assures disputants that their mediation settlements will be enforced without much difficulty across the world, unlike the fresh headaches that the litigative decree or arbitration award presents at the time of enforcement.
- It is expected that this Bill would make India a hub for international mediation in the commercial disputes field, and indeed institutions are being opened for this purpose.

Problems with the draft bill:

- Despite dispute resolution being the judiciary's domain, there is **no role for CJI in the appointment process**.
- **It distinguishes between Indian and International settlements:** It unwisely treats international mediation when conducted in India as a domestic mediation.
- **This distinction is disastrous for foreign parties:** Now, that is excellent for cases between Indian parties, but disastrous when one party is foreign. The reason is that the Singapore Convention does not apply to settlements that already have the status of a judgment or decree. Ergo, if you conduct your cross-border mediation in India, you lose out on the tremendous benefits of worldwide enforceability. In sum, go to Singapore or Sri Lanka or anywhere else other than India to conduct your mediation.
- **None of the members will be active practitioners.** Certainly, this Bill will be unique where a profession is being regulated without a single professional on the regulator.
- **Negative list for mediation:** There is an unnecessary long list of disputes which should not be mediated, which is not understandable. For example:
 - Patents and copyright cases settle on commercial terms leaving untouched the validity of the grant, so why deny this possibility and consign the parties to litigative longevity.
 - In the case of telecom, why can't manufacturers and service providers and consumers be allowed to talk and resolve issues?

- In cases involving minors or persons of unsound mind, the law provides for the court to pass orders to protect them.

Conclusion:

- Eventually, this draft bill, needs a wider level of discussion and consideration amongst all stakeholders that will enable a faster resolution of disputes resulting in the restoration of faith of the litigants in the judicial and lawmaking arms of the government.

Category: INTERNAL SECURITY

1. A monumental mistake fomented by impunity

Topic: *Challenges to internal security, Role of external state and non-state actors in creating challenges to internal security,*

Prelims: *States under AFSPA, Act.*

Mains: *AFSPA and controversies surrounding it*

Context: The death of 13 civilians by Armed Forces in Nagaland has brought back the debate on AFSPA and controversies surrounding it.

Issue:

- 14 civilians in Mon district of Nagaland, home of the Konyak Nagas, have lost their lives in firing by para commandos of the Indian Army based in Jorhat.
- In the wake of public outrage against the killings, the Nagaland govt has urged the Centre to repeal [AFSPA](#) from Nagaland.

What is AFSPA (Armed Forces (Special Powers) Act (AFSPA))?

- It gives powers to the army, state and central police forces to shoot to kill, search houses and destroy any property that is “likely” to be used by insurgents in areas declared as “disturbed” by the home ministry.
- AFSPA is invoked when a case of militancy or insurgency takes place and the territorial integrity of India is at risk.
- Security forces can “arrest a person without a warrant”, who has committed or is even “about to commit a cognizable offence” even based on “reasonable suspicion”.

- It also provides security forces with legal immunity for their actions in disturbed areas.

Where is AFSPA in effect now?

- Currently, AFSPA is in effect in Jammu and Kashmir, Nagaland, Assam, Manipur (excluding seven assembly constituencies of Imphal) and parts of Arunachal Pradesh.
- The Union Ministry of Home Affairs has recently declared the entire Nagaland as a "disturbed area" for six more months till December 31 this year, under the AFSPA.

Controversies surrounding AFSPA

- AFSPA has often been criticised as a “draconian Act” for the unbridled power it gives to the armed forces and the impunity that security personnel enjoy for their actions taken under the law.
- Under AFSPA, the “armed forces” may shoot to kill or destroy a building on mere suspicion. While the armed forces and the government justify its need in order to combat militancy and insurgency, critics have pointed out cases of possible human rights violations linked to the act.
- Once AFSPA is implemented, “no prosecution shall be instituted except with the previous sanction of the central government, in respect of anything done or purported to be done” under this Act.
- The Jeevan Reddy Committee formed in 2004 had recommended a complete repeal of the law.

How has AFSPA been received by the people?

- In Manipur, AFSPA had been withdrawn from the Imphal Municipal area after public agitation and civil society campaigns following the atrocious rapes and fake encounter killings.

Conclusion:

- The tragic development may have a lasting impact on the ongoing Naga peace process that is now presumed to be in its final stage. It also has the ability to rekindle the narrative of India versus the Naga people. Insurgent organisations might utilise the tragedy to recruit and even enhance their positions.
- Therefore, peace in the region now depends greatly on the Indian state’s ability to say sorry from the heart and not just bargain for just another quid pro quo truce in the present tragedy. The saying sorry could also be accompanied by a gesture such as declaring AFSPA, which has come to be seen as a symbol of oppression across the region, abrogated.

Read more on this issue in [CNA dated Dec 7, 2021](#).

Category: HEALTH

1. Health account numbers that require closer scrutiny

Topic: *Issues relating to development and management of Social Sector/Services relating to Health, Education, Human Resources.*

Prelims: *National Health Accounts (NHA) report for 2017-18*

Mains: *Highlights and issues of National Health Accounts (NHA) report for 2017-18*

Context: National Health Accounts (NHA) report for 2017-18 released shows an increase in public spending on health and a decline in out-of-pocket expenditure.

National Health Accounts (NHA)

- It is prepared by the National Health Systems Resource Centre, designated as National Health Accounts Technical Secretariat (NHATS) in 2014 by the Union Health Ministry.
- The NHA estimates are prepared by using an accounting framework based on the internationally accepted System of Health Accounts 2011, provided by the World Health Organization (WHO).

Highlights of the report:

- NHA report for 2017-18 clearly shows an increase in the share of government health expenditure in the total GDP of the country. It has increased from 1.15% in 2013-14 to 1.35% in 2017-18.
- Government Health Expenditure as a percentage of overall health expenditure has also increased over time. In 2017-18, the share of government expenditure was 40.8%, which is much higher than 28.6% in 2013-14.
- Between 2013-14 to 2017-18, in per capita terms, the government health expenditure has increased from Rs 1042 to Rs 1753.
- Out-of-pocket expenditure as a percentage of total health expenditure has come down to 48.8% in 2017-18 from 64.2% in 2013-14 due to the rise in Government Health Expenditure.

Issues with National Health Accounts (NHA) report for 2017-18

Increased public spending on health care may not benefit the general population:

- Much of this increase has actually happened on account of a tripling of expenditure of the Defence Medical Services (DMS). Though the increased spending for the health of defence personnel is a good thing, such **spending does not benefit the general population.**

The problem in accounting capital expenditure:

- Counting the capital expenditure by NHA for a specific year leads to severe overcounting as the capital expenditure incurred is used for the lifetime of the capital created and the use does not get limited to that particular year in which expenditure is incurred. If we take out the capital expenditure, current health expenditure comes down to only 0.97% of GDP. This is only a marginal increase.

The decline in out-of-pocket expenditure could be due to a decline in utilisation of care:

- NSSO 2017-18 data suggest that utilisation of hospitalisation care has declined compared to 2014 NSSO estimates for almost all States and for various sections of society. The decline in out-of-pocket expenditure is essentially due to a decline in utilisation of care rather than greater financial protection or increased public spending.
- NSSO survey happened just after six months of demonetisation and almost at the same time when the Goods and Services Tax was introduced. As purchasing power declined, after demonetisation, healthcare would have become more unaffordable, forcing people to forgo care.

Conclusion

- It can be argued that much of the increased public spending is not going to benefit the common people as it is mostly a one-time investment for defence personnel.
- The reduction of out-of-pocket expenditure could be a sign of distress and a result of methodological limitations, rather than a sign of increased financial protection.
- Nevertheless, the NHA report for 2017-18, will help us prepare for health-system enhancement in the post-Covid years.

F. Prelims Facts

Nothing here for today!!!

G. Tidbits

1. Silent Victims of Violence

- [National Family Health Survey](#) NFHS-5 reveals the increase in spousal violence in the country.
- National Family Health Survey (NFHS-5) (2019-2021)
 - As per the NFHS-5, 29.8 % of married women face spousal violence in the country.

- There is a 23.8 % rise in the share of women experiencing spousal violence in Karnataka in NFHS-5 compared to NFHS-4.
- Karnataka and Bihar were two states where the maximum number of women said they face spousal violence.

2. China's export growth slows, imports quicken on demand

- As an indication of greater domestic demand, China's exports increased while imports also surged.
- Foreign demand has increased China's exports at a time when other worldwide rivals are being restricted by anti-coronavirus measures.
- Stronger imports indicate that consumer and other demand is recovering following a downturn caused by the government's drive on real estate debt.

H. UPSC Prelims Practice Questions

Q.1 Which of the following statements is/are correct?

1. The Model Code of Conduct is a set of guidelines issued by the Election Commission to regulate political parties and candidates during elections.
2. It is operational from one month prior to elections to the date of result announcement.
3. These guidelines are legally enforceable.

Options:

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

Answer: a

Explanation:

- The Model Code of Conduct is a collection of rules developed with the agreement of political parties that have agreed to adhere to the ideas reflected in the code, as well as to respect and observe it in its text and spirit. **Hence Statement 1 is correct.**

- The Model Code of Conduct applies to political parties and candidates during elections and is in effect from the moment the elections are declared by the Commission until the elections are completed. **Hence Statement 2 is incorrect.**
- These guidelines are not legally enforceable. **Hence Statement 3 is incorrect.**

Q.2 Which of the following statements is/are incorrect?

1. The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that works to support and strengthen democratic institutions and processes around the world, to develop sustainable, effective and legitimate democracies.
2. It is based out of Stockholm and is an official United Nations Observer.
3. India is seeking membership in this organization.

Options:

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

Answer: c

Explanation:

- International IDEA (International Institute for Democracy and Electoral Assistance) is an international organization whose mission is to promote and enhance democracy across the world. **Hence Statement 1 is correct.**
- International IDEA works worldwide and is based in Stockholm, Sweden. It also has The Office of the Permanent Observer for International IDEA to the United Nations in New York and The Office of International IDEA to the European Union in Brussels. **Hence Statement 2 is correct.**
- India Joined International IDEA in 1995. Thus, India is not seeking membership in this organization. **Hence Statement 3 is incorrect.**

Q.3 What are the key objectives of the new restructured scheme of Rashtriya Gram Swaraj Abhiyan (RGSA)?

1. Developing and strengthening the capacities of Panchayati Raj Institutions (PRIs) for rural local governance to become more responsive towards local development needs.
2. Preparing the participatory plans for PRIs that leverage technology and ensure efficient and optimum utilization of available resources.

3. Realizing sustainable solutions to local problems at the panchayat level to achieve the Sustainable Development Goals (SDGs).

Options:

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

Answer: d

Explanation:

- Rashtriya Gram Swaraj Abhiyan (RGSA) was launched for developing and strengthening the capacities of Panchayati Raj Institutions (PRIs) for rural local governance to become more responsive towards local development needs. **Hence Statement 1 is correct.**
- It also looks into preparing the participatory plans that leverage technology, efficient and optimum utilization of available resources. **Hence Statement 2 is correct.**
- The key principles of SDGs are addressed by RGSA along with realizing sustainable solutions to local problems at the panchayat level. **Hence Statement 3 is correct.**

Q.4 What is the significance of NASA's LCRD mission?

- a. It aims to deflect an asteroid by intentionally crashing a spacecraft into it.
- b. It is NASA's first-ever laser communications system that will help the agency test optical communication in space.
- c. It is aimed at understanding the concentration of greenhouse gasses in the earth's atmosphere.
- d. It is designed to robotically expand the existing International Space Station.

Answer: b

Explanation:

NASA launched its new Laser Communications Relay Demonstration (LCRD). LCRD is NASA's first-ever laser communications system which will demonstrate all of the advantages of using laser systems. **Hence Option B is correct.**

Q.5 Consider the following:

- 1. Calcutta Unitarian Committee

2. Tabernacle of New Dispensation
3. Indian Reform Association

Keshab Chandra Sen is associated with the establishment of which of the above?

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

Answer: b

Explanation:

Calcutta Unitarian Committee:

- The Calcutta Unitarian Committee was founded in 1823 by **Rammohun Roy, Dwarkanath Tagore, and William Adam.**
- The Calcutta Unitarian Committee aimed to gather together influential Brahmins as well as European citizens of Calcutta who were Unitarian Christians, to promote religious monotheism. **Hence Statement 1 is incorrect.**

Tabernacle of New Dispensation:

- In 1868, Keshub Chandra Sen laid the foundation stone of his new church, the Tabernacle of New Dispensation.
- He introduced into the church the Pilgrimage to saints, the Homa ceremony, the Baptismal ceremony, the Lord's supper, etc.

Indian Reform Association:

- On October 29, 1870, the Indian Reform Association was founded, with Keshub Chunder Sen as its first president. It represented the secular side of the Brahmo Samaj and had many non-Brahmo Samaj members.

Hence statements 2 and 3 are correct.

I. UPSC Mains Practice Questions

1. Why has India's performance in the field of Solid Waste Management been less than satisfactory in the past decades? Explore all the possible reasons. (250 words; 15 marks) [GS II (Health)]

2. In the absence of a robust mediation framework, it would be difficult for India to explore its potential of being an attractive investment destination. Do you agree? Suggest measures to improve the situation. (250 words; 15 marks) [GS III (Economic Development)]

