

POLITY AND CONSTITUTION

Context: The case of Article 370 represents constitutional philosophy.

Federalism and constitutional democracy are likewise impacted by such a judicial interpretation in a situation that defies philosophy.

Introduction

- The Indian Supreme Court unanimously supported the government's actions on Monday, over four years after Article 370 was abolished.
- The issue of statehood has dominated most of the conversation surrounding the ruling, but it's crucial to keep in mind that Jammu and Kashmir's (J&K) unique status was ultimately what mattered most.
- The Court interprets the Indian Constitution historically, textually, and structurally to reach its judgments. All three of these methods are heavily influenced by constitutional philosophy.

Constitutional sovereignty and federalism

- The Union Constitution is viewed as the exclusive arbiter of both internal and exterior sovereignty by the monism expressed in the ruling. This may be the case, however Article 370 established a detailed structure for the delegation of authority and competences between the Union and the State governments.
- By emphasizing the specific definition of sovereignty as "requiring no subordination to another body," the Court ultimately declines to acknowledge the shared sovereignty model outlined in Article 370.
- Ultimately, sovereignty as it exists in federal constitutions is not a black-or-white idea that can be simply classified as "is" or "isn't." Instead, it exists in a range of degrees and takes on multiple dimensions.

The presidential power's contingency

- The Court also demonstrates its monism in its interpretation of Article 370, specifically in Clause 3. Since this "is premised on the understanding that the constitutional body had unbridled power to alter the constitutional integration of the State with the Union," the Court rejects the contention that Article 370 had attained permanence after the Constituent Assembly was dissolved.
- No institution or body has unchecked authority in a constitutional democracy. Furthermore, rather than focusing just on the status or relationship of the bodies that hold the power, Clause 3 of Article 370 principally addresses the relationship between two authorities. It is evident from the proviso to Clause 3 that the president's authority to repeal Article 370 was dependent upon the recommendation of the Constituent Assembly.
- This restriction does not end with the dissolution of the Constituent Assembly because it is inherent to the presidential powers granted by Clause 3 to be dependent upon the Assembly.
- The relationship of powers in this case does not imply that the President becomes "subordinate" to the Constituent Assembly, but rather that Article 370 has divided federal power along several axes.
- It is a "unbridled power" that contradicts the principles of federalism and constitutional democracy to maintain that the President has the unrestricted authority to revoke Article 370 and order the complete application of the Indian Constitution to the State, rendering the State's Constitution null and void.

State's perspectives on its future

- Because Parliament is in a better position to speak for the state than any individual State when it comes to reorganization, the judgment's monism imagines popular sovereignty as a monolith.
- "Views are to be taken from the entire nation via the Parliament, as the issue leading to the reorganization affects the nation as a whole," according to Justice Sanjay Kaul.
- The Constitution has numerous instances when a body is granted the authority to make recommendations. Because agency is at the core of this issue, just because a power may not be legally binding does not mean that it cannot be exercised or seized by another entity.

Conclusion

- The obvious conclusion is that the people's popular sovereignty inside a State with respect to the State yields to the people's popular sovereignty of the entire country with respect to the Union and the States.
- This is especially concerning in the case of J&K, where there has historically been a significantly higher threshold for state reorganization than in other States.

ECONOMY

Context: Financial situation impacted by Covid 19

Introduction:

Both the federal government's and the states' financial positions were negatively impacted by the COVID-19 pandemic.

The COVID-19 pandemic's effects on state finances

- The states' total budget deficit increased to 4.1 percent of GDP in 2020–21, and they also saw an increase in their debt-to-GDP ratio as pressure to spend increased and their incomes were strained.

- Since then, though, their fiscal situation has significantly improved, according to a Reserve Bank of India research on state budgets.
- In addition, states have worked with the Centre's assistance to keep up a strong pace of capital spending in order to provide the economy's investment activities the much-needed boost.

RBI analysis of state spending plans

- The study shows that in 2022–2023 the states' combined fiscal deficit decreased from 4.1 percent of GDP in 2020–21 to 2.8 percent.
- In actuality, the deficit in 2022–2023 was less than the revised forecasts and what the states had projected in their budgets.
- States have estimated 3.1 percent deficits for 2023–2024.
- However, this is less than the 3.5 percent annual cap, suggesting that governments are not making full use of their existing fiscal space.
- States had anticipated a healthy increase in revenue receipts for the current fiscal year. Nevertheless, information available for the first half of the year indicates that their income growth has lagged slightly behind their planned level.
- The report does point out that capital investment is still expanding quickly even as state revenue expenditures have slowed (committed expenditures, such as interest payments and pensions, have remained fixed at the same level as last year).
- Their capital expenditure has increased by an astounding 52.6% thanks to the Center's investment support.
- The central government has allocated Rs 1.3 lakh crore for a 50-year interest-free loan to states for investments in the Union budget.

Financial difficulties facing governments.

- First, there will be financial consequences from some people's decision to return to the previous pension plan.
- This will affect how much more room they have to set up for capital expenditures.
- States' financial situations have improved generally, although not all of them have achieved such robust gains.
- As a matter of fact, certain nations still have notably larger debt and deficit levels.

How can states strengthen their financial position?

Increasing Revenue:

- **Tax reforms:** To increase efficiency and compliance, implement broader tax bases and simplify tax structures.
- **Rationalization of subsidies:** Examine and modify current programs to make sure they are efficient and well-targeted, with as little waste and leakage as possible.
- **User fees:** Where possible, apply user fees for public services while making sure that the cost is shared fairly.
- **Better tax administration:** To increase tax collection and reduce evasion, invest in human and technological resources.
- **Public-private partnerships:** Examine public-private partnerships as a means of securing funding and recruiting private investment for projects such as infrastructure development.
- **Disinvestment:** To create income, think about carefully selling off non-core assets.

Management of Expenditure:

- **Government program rationalization:** Assess and combine current programs to guarantee their cost-effectiveness and prevent duplication.
- **Zero-based budgeting:** Put this strategy into practice by evaluating all expenses once a year and providing justification for them in light of present demands.
- **E-governance:** Reduce administrative costs by using technology to increase government spending's efficiency and transparency.
- **Evaluation of public sector businesses:** Evaluate the effectiveness of public sector businesses and, if necessary, take into account restructuring or privatization.
- **Payroll reforms:** rationalize government pensions and salaries while taking sustainability into account.

Additional Strategies:

- **Financial restraint:** Uphold stringent budgetary restraint, defining boundaries for expenditure, and emphasize financial responsibility.
- **Intergovernmental transfers:** Cooperate with the national government to guarantee a fair allocation of funds and resources.
- **Invest in state official:** Invest in state officials' capacity building in areas such as project implementation, public policy, and financial management.
- **Accountability and transparency:** Put policies in place to increase accountability and openness in public spending, encouraging public participation and confidence.

Innovative Methods:

- **Crowdfunding:** Look into cutting-edge funding options for certain development projects, such as crowdfunding.
- **Social impact bonds:** Take into account employing social impact bonds to draw in private capital while addressing societal issues.
- **Green bonds:** Issue green bonds to draw in investors looking to make sustainable investments and to fund projects that are beneficial to the environment.

Conclusion

We may state that states' fiscal positions have gotten better. They must take precautions against rash plans, though.

PRELIM FACTS**1. AKTOCYTE**

Context: IDRS Labs and the Department of Atomic Energy (DAE) created the nutraceutical AKTOCYTE. The tablets are meant for patients undergoing radiation therapy, particularly those with pelvic cancer who have cystitis (blood in the urine) brought on by radiation.

About:

- The AKTOCYTE tablets have demonstrated impressive outcomes, especially for patients with pelvic cancer who develop cystitis (blood in the urine) as a result of radiation therapy.
- Urinary bladder surgery was not necessary in patients treated with AKTOCYTE pills because of their remarkable recovery.
- The tablets are a major breakthrough in cancer treatment, intended to be used as an adjuvant to cancer radiation therapy, regenerative nutraceutical, immunomodulator, and antioxidant
- The Food Safety and Standards Authority of India (FSSAI), which is a division of the Indian government's Ministry of Health and Family Welfare, has granted AKTOCYTE clearance.
- With this regulatory certification, AKTOCYTE tablets are emphasized as safe and compliant, giving patients and healthcare providers confidence about their effectiveness and quality.
- Amazing Recoveries in Patients with Pelvic Cancer: Patients with pelvic cancer who are receiving radiation therapy have shown remarkable recoveries and no longer require surgery when using AKTOCYTE tablets.
- **Adaptable Uses:** The tablets are not merely a dietary supplement. AKTOCYTE's versatility in cancer care is demonstrated by its positioning as an adjuvant to cancer radiation, a regenerative nutraceutical, an immunomodulator, and an antioxidant.
- **Regulatory Approval:** The FSSAI's approval highlights the company's dedication to safety and quality standards, giving patients and medical professionals trust in the dependability of AKTOCYTE tablets.
- **Market Availability:** AKTOCYTE tablets are expected to be released in January 2024 and are positioned to revolutionize cancer treatment regimens.
- This innovation has been made possible in large part by industry and DAE institutions working together. This discovery represents a turning point in the integration of cutting-edge scientific research with useful cancer treatment strategies.

2. The Pangalokha Wildlife Sanctuary

Context: In Sikkim's Pangalokha Wildlife Sanctuary, a Royal Bengal Tiger was sighted.

Regarding:

- Sikkim, Bengal, and Bhutan come together in the Pangalokha Wildlife Sanctuary.
- It is Sikkim's largest wildlife refuge.
- This wildlife sanctuary is connected to the forests of Bhutan's Samtse district and Neora Valley National Park in West Bengal.
- Many different animals can be found in the sanctuary, such as Himalayan black bears, Himalayan musk deer, red pandas, snow leopards, and gorals.
- The Pangolokha Range divides Sikkim from Bhutan, its eastern neighbor, to the east, while Neora Valley National Park in West Bengal is connected to the east by means of forest patches.
- Nearby are a few high-altitude lakes nearby, such as Lake Tsongmo, which serves as a hotspot for migrating birds' biodiversity.
- The main rivers that emerge from the surrounding lakes in this sanctuary are the Rangpo and Jaldhaka rivers.
- This wildlife sanctuary is home to a wide range of species because it is situated where the Palearctic and Indomalayan lands meet.
- Many different animals can be found in the sanctuary, such as Himalayan black bears, Himalayan musk deer, red pandas, snow leopards, and gorals.

3. Anarcho-capitalism

Context: Since self-described anarcho-capitalist Javier Milei won Argentina's presidential election, the phrase anarcho-capitalist has gained prominence.

Further information:

- A political and economic philosophy called anarcho-capitalism, or ancap, calls for the total dismantling of the state and the creation of a society centered on private property rights, free markets, and voluntary exchange. It is anarchist and classical liberal in spirit, supporting individual liberty and little government involvement in social and economic matters.

These are a few essential components of anarcho-capitalism:

- **Abolition of the State:** Anarcho-capitalists think that governments are superfluous and naturally repressive. They contend that private organizations are better equipped to deliver all essential services—such as infrastructure, defense, and law enforcement—in a more effective and efficient manner.
- **Private Property Rights:** Anarcho-capitalists place a strong emphasis on people's unalienable right to possess and manage their own property. Intellectual property, personal rights, and tangible property are all included in this.
- **Free Markets:** Anarcho-capitalists think that the best method to distribute resources and generate prosperity is through free markets. They are against any form of economic interference by the government, including taxes, rules, and subsidies.
- **Voluntary Exchange:** According to anarcho-capitalists, all interactions between people need to be consent-based and voluntary. They feel that people should have the freedom to choose how they engage with each other and are against violence and coercion.
- **The Non-Aggression Principle:** The non-aggression principle is frequently cited by anarcho-capitalists as the fundamental moral and ethical precept. According to this theory, it is wrong to initiate force or violence against others, except in self-defense.

4.ENACT Partnership

Context: Recently, six new countries and a United Nations agency joined the ENACT Partnership.

Concerning the ENACT Partnership:

- Germany, Egypt, and the International Union for Conservation of Nature jointly developed Enhancing Nature-based Solutions for an Accelerated Climate Transformation (ENACT).
- It was introduced during the 2022 Conference of Parties (COP27), which was held in Sharm el-Sheikh, Egypt.
- Other members include the United States, Belgium, Pakistan, Spain, the Netherlands, the European Union, France, Japan, Malawi, Norway, Republic of Korea, and Slovenia.
- Through the use of nature-based solutions, this large-scale worldwide endeavor aims to coordinate efforts to address climate change, degradation of land and ecosystems, and loss of biodiversity.
- Enhance at least 1 billion vulnerable people's protection from and resilience to the effects of climate change.
- Safeguard up to 2.4 billion hectares of thriving, sustainable ecosystems while dramatically stepping up global mitigation initiatives by preserving and rehabilitating ecosystems rich in carbon.
- Secretariat: The secretariat of the International Union for Conservation of Nature (IUCN) is located there.

5.5G RAN Technology

- 5G RAN is the latest architecture in wireless communication and uses 5G radio frequencies to provide wireless connectivity to devices.
- A radio access network (RAN) is a major component of a wireless telecommunications system that connects individual devices to other parts of a network through a radio link.
- RAN links user equipment, such as a cellphone, computer or any remotely controlled machine, over a fiber or wireless backhaul connection.
- It relies on a fully coordinated, multi-layer network with low-band, mid-band and high-band to provide wireless connectivity to devices and deliver the best network performance.
- In India, a group of scholars from multiple institutions is developing it locally. IIT Madras, IIT Kanpur, and the Society for Applied Microwave Electronics Engineering and Research (SAMEER) are among the institutions collaborating in the development
- SAMEER is a Ministry of Electronics and Information Technology (MeiTY)-affiliated independent research and development organization.
- Tejas Network, a Tata subsidiary, has now been granted a license to use the technology, and it will be crucial in utilizing it for future developments and business uses.

ANSWER WRITING

Q. Election Commission of India has come under criticism in recent times. Discuss. Also suggest reforms that are needed to make the Election Commission of India more robust and to uphold its independence.

The Election Commission of India is an independent constitutional body that oversees the management of both Union and State electoral procedures in India. According to Article 324 of the Constitution, the election commission will be in charge

of overseeing, directing, and controlling elections for the parliament, state legislatures, the office of president of India, and the office of vice president of India.

Criticism against Election commission:

- The Election Commission performs a quasi-judicial role in mediating disputes between political parties, including the ruling government and opposing parties, in addition to overseeing free and fair elections.
- Under these conditions, the Executive cannot be the only party involved in appointing members of the Election Commission, as this would allow the ruling party to select someone whose allegiance to it is guaranteed, leaving the selection process open to manipulation.
- As mentioned above, Article 324(2) specifies that the President shall appoint CECs and ECs with the assistance and advice of the Council of Ministers until a legislation specifying the qualifications for selection, terms of service, and tenure is enacted by Parliament.
- However, no legislation has been passed for this reason as of yet.
- The Election Commission is a branch of the Executive because it was founded on principles that are violated by the Executive's whims and fancies when it comes to selecting Commission members.
- A impartial collegium should be established to fill any vacancies in the Election Commission, according to recommendations made by multiple expert committees and commissions since 1975.
- The Chief Election Commissioner enjoys constitutional protection against removal through impeachment, a right not shared by the Election Commissioners.
- When it comes to the ruling party candidates' violations of the Model Code of Conduct (MCC), like using the Indian Army at political rallies, ECI faced harsh criticism during the 2019 Loksabha elections for its tardiness in taking action.
- In West Bengal elections, EC came under fire for 8 phase elections that also contributed to blow out of the pandemic.
- Article 324 gives the Election Commission total authority, but it is nevertheless bound by legislation passed by Parliament and cannot act outside of them.
- Even in the most serious of cases, it lacks the jurisdiction to de-register political parties, even though it is designated as such by Section 29A of the Representation of the People Act, 1951.
- The power of money must be restrained.
- The opposition compared EC's apathetic response to electoral infractions in recent state elections to that of a caged bird.

Recommendations for ECI Reforms:

- For the appointment to the Election Commission, the Dinesh Goswami Committee suggested thorough engagement with impartial authorities such as the Leader of the Opposition and the Chief Justice of India.
- The Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India formed a group that advised the President to choose members of the Election Commission. This recommendation came from the Justice Tarkunde group.
- The Prime Minister, the Speaker of the Lok Sabha, the Leader of the Opposition in the Lok Sabha, the Law Minister, and the Deputy Chairman of the Rajya Sabha should form a collegium and submit recommendations to the President for the appointment of the Chief Election Commissioner and Election Commissioners. This was suggested by the second ARC report.
- The Law Commission's 255th Report on Electoral Reforms suggested that the Election Commission of India's office be strengthened and that the CEC and Election Commissioners be appointed through a collaborative manner.
- CEC and Ecs will follow a similar election and removal process.
- Charges for ECI expenses must be made to the Consolidated Fund of India.
- A collegium should appoint the Chief Election Commissioner, but the Election Commissioners must also be subject to this requirement. A broad basis should comprise the collegium.
- The Election Commission needs to be equally shielded from arbitrary removal by a constitutional amendment that would guarantee a removal process that presently only applies to the Chief Election Commissioner.
- This protection has been reinforced by a wide selection process conducted by the nation's foremost constitutional luminaries.

Conclusion:

Enough protections must be in place to guarantee that morally upright and competent individuals hold the relevant posts. The topic of ECI's independence needs to be discussed and debated in the Parliament in order for the necessary legislation to be passed.

MCOs

1. Consider the following statements about ENACT Partnership
 1. It was launched at the Conference of Parties (COP27), by India and Egypt.
 2. International Union for Conservation of Nature (IUCN) hosts its secretariat.
 3. It aims to enhance the protection from and resilience to climate impacts of at least 1 billion vulnerable people.
 How many of the statements given above are correct?
 - a) Only one
 - b) Only two**
 - c) All three
 - d) None of the above
2. Consider the following statements about European Free Trade Association (EFTA)
 1. It is an intergovernmental organization established in 1960 by the Stockholm Convention.
 2. The members of European Free Trade Association are European Union, USA, Japan and India.
 Choose the incorrect statements:
 - a) 1 only
 - b) 2 only**
 - c) Both 1 and 2
 - d) Neither 1 nor 2
3. Consider the following statements about Ranthambore National Park
 1. The Chambal River in the south and the Banas River in the north bound the park.
 2. The Sambhar Salt Lake, India's largest inland salt lake is located in Ranthambore National Park.
 3. Dhak (Butea monoperma) a species of tree capable of withstanding long periods of drought is commonly found here.
 How many of the statements given above are incorrect?
 - a) Only one**
 - b) Only two
 - c) All three
 - d) None of the above
4. Consider the following statements about 5G RAN Technology
 1. 5G RAN is the latest architecture in wireless communication and uses 5G radio frequencies to provide wireless connectivity to devices.
 2. It was developed indigenously by a multi-institutional team of researchers that includes IIT Madras and IIT Kanpur.
 Choose the correct statements:
 - a) 1 only
 - b) 2 only
 - c) Both 1 and 2**
 - d) Neither 1 nor 2
5. Almora Fault, recently in seen is located in which of the following country?
 - a) Indonesia
 - b) Nepal**
 - c) Bangladesh
 - d) Japan
6. Regarding the Unlawful Activities (Prevention) ACT, consider the following statements:
 1. Under UAPA, both Indian and foreign nationals can be charged.
 2. The Act empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases of terrorism.
 Which of the statements given above is/are correct?
 - a) 1 only
 - b) 2 only
 - c) Both 1 and 2**
 - d) Neither 1 nor 2
7. Regarding the Directorate of Enforcement (ED), consider the following statements:
 1. It is a multi-disciplinary organization mandated with investigation of economic crimes and violations of foreign exchange laws.
 2. It has been given the responsibility to enforce the provisions of the Prevention of Money Laundering Act, by conducting investigation to trace the assets derived from proceeds of crime.
 Which of the statements given above is/are correct?
 - a) 1 only
 - b) 2 only
 - c) Both 1 and 2**
 - d) Neither 1 nor 2
8. Consider the following statements
 1. It is located at the tri-junction of Sikkim, Bengal and Bhutan.
 2. It is linked to the forests of Neora Valley National Park of West Bengal as well as forests of Samtse, Bhutan and Haa district Bhutan.
 3. Rangpo River and Jaldhaka River are the major rivers originating from the nearby lakes, which occur in this sanctuary.
 4. The sanctuary is home to a diverse range of species, including red pandas, snow leopards, Himalayan musk deer, Himalayan goral, and Himalayan black bears.
 The above-mentioned statements refer to which one of the wildlife sanctuaries?
 - a) Barsey Rhododendron Sanctuary
 - b) Maenam Wildlife Sanctuary
 - c) Pangolakha Wildlife Sanctuary**
 - d) Kyongnosla Alpine Sanctuary
9. Which one of the following best describes the term 'Anarcho-Capitalism'?
 - a) A political and economic theory that advocates for the complete abolition of the state and the establishment of a society based on private property rights, free markets, and voluntary exchange.**
 - b) A form of capitalism, where anarchist ideology will be the state's ideology
 - c) A form of government where state will be governed by private players and there will be no government.
 - d) A stateless government where self-help groups will be formed to govern the people.
10. Recently, 'Aktocyte' was in the news. It is
 - a) A medicine for cancer patient**
 - b) A phase in cell division
 - c) A new antibody found in human
 - d) A pesticide banned in India