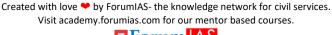# Mains Marathon

Compilation

24th to 29th April, 2023

1. Explain the concept of the "basic structure" doctrine established in the Kesavananda Bharati case. Discuss its implications on the Indian Parliament's power to amend the Constitution and the protection of fundamental rights.

2. Examine the role of the National Education Policy (NEP) 2020 in shaping the rationalisation of textbooks and the curriculum in Indian schools. How does the policy aim to improve the quality and flexibility of school education?

3. Examine the question of justiciability of the Governor's assent to Bills in the Indian context. What insights can be drawn from relevant Supreme Court judgments?

4. Assess the increasing interest in and development of central bank digital currencies (CBDCs) as an alternative to the US dollar in global trade. What challenges do CBDCs present for the US dollar's dominance?

5. A clear understanding of technology is as important an issue as those of privacy, inclusivity, fairness, and ethics. To be a globally relevant player, India needs to embrace the concept of this new world of the brain economy. Discuss.

6. India's engagement with the SCO was premised on Russian primacy in the region and Moscow's support of India's regional interests. That may be changing. Elaborate.

7. Discuss the issue of regulating emerging technologies, citing the example of UK's Red Flag Act.

8. Critically analyze the key provisions of the Civil Liability for Nuclear Damage Act, 2010 in addressing the concerns related to compensation and liability in the event of a nuclear accident in India.

9. What are the reasons behind the accelerated sea-level rise? Highlight the multidimensional consequences of rising sea levels.

10. Highlight the present challenges faced by Indian Railway considering the National Rail Plan 2030.

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Q.1) Explain the concept of the "basic structure" doctrine established in the Kesavananda Bharati case. Discuss its implications on the Indian Parliament's power to amend the Constitution and the protection of fundamental rights.

The Chief Justice of India, D. Y. Chandrachud compared the 'basic structure' of the Constitution to the North Star, which guides the path for everyone. The basic structure doctrine emerged in Kesavananda Bharati Case 1973 and was adopted by countries such as Pakistan, Bangladesh, and Malaysia to guide them too.

Basic Structure Doctrine refers to the legal doctrine which means that:

1) A sovereign state and constitution have a peculiar nature, and that cannot be amended by the legislature.
2) This doctrine limits the power of the legislature to make drastic amendments, which may affect the core values enshrined in the constitution.

This doctrine has proven to be essential in protecting constitutional values and the fundamental rights of citizens.

1) In the Minerva Mills case, the 42nd amendment which declared the unlimited power of legislature to amend and barred courts from questioning such amendments, was struck down, claiming that Judicial review is a basic structure and cannot be taken away.
2) Basic Structure Doctrine has proven to be that bedrock of democracy, which has prevented the legislature from becoming totalitarian.
3) By restraining the degradation of Fundamental Rights, it has ensured that essential fundamental rights are available to citizens at all times. E.g.- Freedom Of Speech for media in MediaOne case.
4) In the NJAC case, the supreme court ruled that the opinion of the Chief Justice of India in judicial appointments was prime and formed a part of the Basic Structure. Thus, judicial independence has been upheld because of the doctrine.
5) Various aspects of Basic Structure such as republican and democratic form of government, secular and federal character of constitution, welfare state and unity and integrity of the nation have helped consolidate the character of Indian democracy in the world.

However, some experts have criticized it, terming it as "tyranny of the unelected" since it gives the judiciary power to impose over a democratically elected government. The comments of the Vice President against the doctrine have opened the box of worms leading to debate over the importance of the doctrine, 50 years after it was pronounced.

Q.2) Examine the role of the National Education Policy (NEP) 2020 in shaping the rationalisation of textbooks and the curriculum in Indian schools. How does the policy aim to improve the quality and flexibility of school education?

National Education Policy (NEP) 2020 has provided curricular guidelines in the form of National Curriculum Framework (NCF), which guides the updation and rationalisation of the textbooks and curriculum in the Indian schools.

Until now, the NCF of 2005 was being followed. Under the NEP 2020, new NCF is being developed. The Guidelines provided under NCF to rationalise the textbooks and curriculum includes:

1) Remove the overlapping of content amongst different subjects in the same class.
2) Reduce similar content in the lower or higher class in the same subject.
3) Ease the difficulty levels.
4) Content that is easily accessible to children and does not require much intervention from the teachers — it can be learned through self-learning or peer learning be done away with.

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5) Rationalise the content that is not relevant in the present context.

The NCF aims to improve the quality and flexibility of school education by the following ways:

1) Most of the redesigning of the curriculum is to keep 'Indian Roots' as focus in the minds of the students.

2) Once the new books and curriculum are released, the syllabus will also be aligned to PARAKH, the new assessment platform that the government is in the process of launching to ensure better study outcomes.

3) Ten volumes of instructions on various areas such as Arts, Language, Maths, Sciences, Sports, Vocational Education and School Culture will be released, so that the quality of education can be holistically improved across India.

4) The present practice of 11th and 12th in one of three streams (namely science, arts and commerce) will be changed to a secondary stage 9th to 12th, which will enable students to choose discipline (e.g., History, Physics, Language), from at least three curricular areas. Thus, the flexibility at terminal stage of school will allow different students to pursue different combination of subjects.

5) Vocational Education, which will be aligned to National Skills Qualifications Framework (NSQF) will add to the flexibility in school education.

6) It will also aim to introduce Sports/Yoga/ games etc. to ensure holistic development of the students in school.

7) Gender Equality and compassion are essential things that have been added to the curriculum.

However, the wide range of choices available to students on paper, might not translate to reality, as the low-cost-private-institutions that are schools might not be able to offer all the choices to the students. As a result, the planning and flexibility of NEP and NCF might remain a dead letter, unless efforts are taken to shore up the capacity of the schools on the ground.

Q.3) Examine the question of justiciability of the Governor's assent to Bills in the Indian context. What insights can be drawn from relevant Supreme Court judgments?

Recently the Tamil Nadu Government passed a resolution urging the President of India to fix a timeline for assent to be given to Bills passed by the assembly. In past, several bills have been pending due to the inactivity by the governor's office, for example the NEET bill.

Governor's assent to bills is governed by Article 200, which gives governor the power to either grant assent to a bill, reject it or reserve it for the president's consideration in certain cases. However, the present trend to delay action on controversial bills indefinitely by governor, has led to a crisis.

The questions that arise related to Governor's office are:

1) The governor is an appointee of centre. Can she delay the bill indefinitely passed by representatives of the people of state, without providing any explanation?

2) Can the Supreme Court be asked to pronounce judgement on the action of the Governor?

The past Supreme Court Judgements can help in deciding the course of action:

1) The Supreme Court in the **Nabam Rebia judgment (2016)** ruled that the exercise of the **Governor's discretion under Article 163 is limited,** and his choice of action should not be arbitrary or fanciful.

2) In another judgement, **Shamsher Singh vs State of Punjab (1974)**, the Supreme Court said that President and Governor shall "exercise their formal constitutional powers only upon and in accordance with the advice of their Ministers, except in a few well-known exceptional situations".

3) In a recent case, Telangana Government was seeking directions to Governor Tamilisai Soundararajan to clear ten bills passed by the legislative assembly. SC mandated that Governors should not delay over Bills sent to them for assent after they had been

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passed by Legislative Assemblies. Bills should be returned "as soon as possible" and governors should not sit over them. The expression "as soon as possible" in this article has significant constitutional intent and that constitutional authorities should keep this in mind.

Constitutional experts such as PDT Achary, former Lok Sabha secretary general, highlight that governors do not have the right to keep bills pending. If the governors exercise a pocket veto, it certainly goes against the federal structure.

Q.4) Assess the increasing interest in and development of central bank digital currencies (CBDCs) as an alternative to the US dollar in global trade. What challenges do CBDCs present for the US dollar's dominance?

Central Bank Digital Currency (CBDC) are digital form of paper currency that are legal tenders issued and backed by the central banks. They are unlike the cryptocurrency; however, they are based on the blockchain technology.

The increasing interest of the central banks with CBDC is reflected in the efforts put by about 110 countries to explore CBDC at one level or another. China (e-CNY) and Bahamas (Sand Dollar) have already started transacting with CBDC.

The primacy of the U.S. dollar grants the U.S. government and economy special privileges, including

- Ability to print money with relative freedom
- Issue debt at low interest rates reducing the cost of capital both for the government and U.S. firms
- Maintain long-term and persistent trade surpluses with other economies
- Monitor global transactions—and therefore apply economic sanctions to countries and individuals without much effort or harm to self

However, unless the U.S. policymakers take decisive steps to adapt to an increasingly digital financial system, the United States risks losing the economic and geopolitical advantages afforded to it by the dollar's dominance of the global financial system. Moreover, the weaponisation of Dollar has reduced the interest that countries have in using dollar as the means of trade.

Challenges presented to US Dollar dominance by CBDC are:

1) CBDC can be used as an effective medium for international payments in bilateral trade, replacing the advantage that dollar enjoys.
2) CBDC can remove the need for transaction fee which is required to be paid with every transaction done in dollar and forms a hefty sum over time.
3) CBDC can promote financial inclusion and make more people involved in international trade, because of ease of currency exchange.
4) The effectiveness of economic sanctions through weaponization of Dollar, which USA used to influence the political and economic governance of other countries, will reduce.

However, the challenges have not uprooted the dollar system yet. There are challenges to the mass adoption of digital currencies. To play an effective role as stores of value and medium of exchanges, currencies need to have the trust of their holders and users. Volatility, cyber theft, and the usage of private digital currencies for illegal activities currently limit trust and adoption. However, simplicity of use, especially like the interoperable BharatQR will speed up the adoption of the digital currency.

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Q.5) A clear understanding of technology is as important an issue as those of privacy, inclusivity, fairness, and ethics. To be a globally relevant player, India needs to embrace the concept of this new world of the brain economy. Discuss.

Brain Economy refers to the economy that is primarily dependent on skill instead of body and manual labour to operate. With the oncoming onslaught of technology, brain economy will become the future. To stay globally relevant, become a world leader, grow the size of economy and attract more investment, India needs to take brain economy more seriously.

Technology is our friend, and with the unprecedented pace of changes in technology (Generative Artificial intelligence and resulting changes in job market) is threatening the job market. However, to fight the job shift due to technology, one needs to understand the technology.

1) Technology will not replace humans but will change the profile of the jobs needed. The Invention of airplanes created additional jobs of pilots and air hostessess.
2) To survive the changes in technology led job market, we need to be more understanding of important issues like privacy, inclusivity, fairness and ethics. These are the components that are not currently on offer by Artificial intelligence.
3) As a human, controlling the AI that will perform menial and repetitive tasks, humans need to understand and commit to qualities such as agency, commitment, empathy and perseverance. These will become the valuable traits in brain economy.

Steps needed by India to embrace the brain economy:

1) As a hub for software products, which might be replaced by code generating ChatGPT-3 etc., India needs to upskill the youth to data analysis and data scientists.
2) Training an AI model is cost expensive and requires expertise. This can be the next expertise that can be mastered by the software sector of India, by leveraging the present capabilities.
3) The use of AI is likely to generate even more amount of data. Big data engineering along with data storage with privacy, inclusiveness, fairness and ethics is needed in future.

Therefore, India needs to embrace the brain economy and embrace the changes with open arms, skill the youth appropriately, and bring policy level changes to ease the adoption of technology. Combined with the demographic dividend, these steps will catapult India to the status of global leader in economy.

Q.6) India's engagement with the SCO was premised on Russian primacy in the region and Moscow's support of India's regional interests. That may be changing. Elaborate.

Shanghai Cooperation Organisation (SCO) is a group consisting of 8 Asian countries, formed in 2001 to work on regional security, terrorism and reduction of border troops. It has helped the Central Asian countries resolve some of its boundary disputes. Iran and Belarus are on the path of becoming full members of SCO soon.

India's full membership into SCO was premised on the prime position of Russia, a key ally of India, in SCO. India trusted Russia to be able to help advance India's 'Connect Central Asia Policy'. In past, India has used the platform sidelines to discuss differences with other member nations. For example:

1) Indian PM Modi held a bilateral meeting with former Pakistani Prime Minister in 2015 on SCO meeting sidelines.
2) Foreign Minister S. Jaishanker negotiated a 5-point agreement with his Chinese counterpart on the side-lines of the 2020 Moscow conference.

However, the geopolitics of SCO has undergone changes, due to rise of China in regional geopolitics and in SCO. This has diminished the position of Russia within SCO. Consequently, SCO is also losing its shine. For example:

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1) The tensions between countries in SCO are deepening. There are serious conflicts between India and China, Kyrgyzstan and Tajikistan.

2) SCO talks about regional security, but it took a direct deal between USA and Taliban to reshape the Afghan crisis. This reflects the inability to directly influence the regional security.

However, with the rising global size and stature of China, and deepening ties of Russia with China, the advantage that SCO held for India is diminishing. Russia needs China's backing in the Ukraine war. Moreover, the boundary problems between Russia and China have been resolved. The closeness between Beijing and Moscow has made India unsure.

Therefore, India needs to be able to protect its own interests amidst the rapidly changing regional power. India should be able to manage its foreign policy by balancing SCO with QUAD membership, to hedge the risks and diversify the foreign policy.

The opportunity of chairing SCO in 2023, gives India the power to shape the regional dynamics. If India uses this opportunity to improve ties with Pakistan, it will dent the Russia-China-Pakistan axis, thus improving its position in SCO and Central Asia again.

Q.7) Discuss the issue of regulating emerging technologies, citing the example of UK's Red Flag Act.

Red Flag Act of UK was a historic act, passed in 1865 by the British Parliament that required all the self-propelled vehicles on public roads to be preceded by a man on foot waving a flag to warn pedestrians and horse-drawn vehicles of their approach. It was a law that hindered the widespread adoption of the new technology.
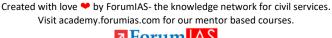
The Red Flag Act is seen as a symbol of resistance to progress by many supporters of the new technology. The Act limited the speed of the automobile, making the invention impractical and expensive. Automobiles were designed to be faster than horse drawn carriage, and carry more weight. However, the act defeated the purpose of the invention.

Similarly, India has also enacted some acts that regulate the emerging technology:

1) Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 which was introduced by the government to regulate the Social Media can have the effect of stifling new innovations in privacy and communication.

2) Indian Patent Laws also are very restrictive, and create barriers to innovation in certain sectors. There are very few patents, long waiting times and very difficult renewal for patents. This can discourage companies from investing in research and development in India.

However, regulating emerging technologies that can disrupt any sector is very challenging. Few challenges associated with regulating emerging technologies are:

1) Unpredictability: The unpredictable nature of business models that rely on emerging technologies, which makes it difficult to regulate them. For example, ChatGPT relies on data, while Twitter relies on subscription fee.

2) Pace of Development: The rapid pace of technological change can make it difficult for regulators to keep up with the latest developments. The companies that operate in such emerging technologies may influence the market negatively by exploiting the loopholes.

3) Policy Support: Regulators need to create an enabling environment for the effective roll-out of emerging technologies, which involves developing governance institutions, policies, and laws that can keep pace with technological change. India launched Emerging Technologies Initiative for this.

4) Ethical Concerns: Some emerging technologies raise ethical concerns about how they are developed and used. For example, artificial intelligence raises questions about bias and discrimination, while gene editing raises concerns about genetic engineering and

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eugenics. Regulating such ethical questions requires a wide consensus building and agile governance to prevent side effects.

Regulations related to emerging technology should strive to maintain a balance between public safety and predictability, while allowing innovation. Job losses and change of the established norms (for example due to internet banking) should not stop the government from accepting the innovations.

Integrating such emerging technologies into governance helps speedup adoption. For example- Big Data in CoWin Platform for vaccination, Blockchain in Land Records Modernisation, etc. Thus, India should also accept the emerging technologies such as – autonomous vehicles, precision medicine and gene editing.

Q.8) Critically analyze the key provisions of the Civil Liability for Nuclear Damage Act, 2010 in addressing the concerns related to compensation and liability in the event of a nuclear accident in India.

Civil Liability for Nuclear Damage Act, 2010 was enacted to fix the accountability to ensure that India has a comprehensive legal framework to deal with the consequences of nuclear incidents, and to provide compensation to victims in a fair and efficient manner.

The Key Provisions of the Civil Liability for Nuclear Damage Act, 2010 are:

1) Liability of the operator: The Act specifies that the operator of a nuclear installation will be liable for any nuclear damage that may occur due to a nuclear incident, and the liability will be channelled exclusively to the operator.

2) Compensation for nuclear damage: The Act provides for compensation to be paid to victims of a nuclear incident, which includes damage to property, loss of life or personal injury.

3) Limitation of liability: The Act specifies a maximum amount of liability that can be claimed by victims of a nuclear incident. The liability of the operator is limited to Rs. 1,500 crores for each nuclear incident.

4) Right to recourse: The Act also provides the operator of a nuclear installation the right to recourse against a supplier of nuclear material, equipment or services in case of a nuclear incident caused by a defect in the supplier's material, equipment or services.

The Advantage of this Act is that:

1) Compensation for the Victims: Unlike the Bhopal Gas Tragedy, where the victims had to wait very long for compensation, this act establishes mechanism to compensate quickly and adequately.

2) Nuclear Safety: The act has strong emphasis on the standard of nuclear safety. This ensures that the installations are operated safely and risk of a nuclear incident is minimised.

3) International Cooperation: The act has provisions for international cooperation, so that the global best practices, safety standards and expertise can be shared with India.

However, the provisions of the act have been criticised for these controversial clauses:

1) India's civil nuclear liability law is unique in that it includes a clause on supplier liability, which foreign and domestic suppliers are wary of due to potentially unlimited liability under the Act. The Act has spooked nuclear suppliers due to these two clauses, 46 and 17(b).

2) The liability cap on the operator may be inadequate to compensate victims in the event of a major nuclear disaster.

3) The Act has shoddy clauses, of which some are related to the definition of nuclear damage, the liability of the operator, and the right of recourse.

Germany has been phasing out the nuclear reactors, to make their country safer and avoid high-risk radioactive waste. India can also ensure its energy independence by focussing on

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renewables instead of Nuclear power, the risks of which are unmanageable in case of an accident.

Q.9) What are the reasons behind the accelerated sea-level rise? Highlight the multidimensional consequences of rising sea levels.

Recently, the report released by World Meterological Organisation (WMO) has found that the rate of sea level rise has doubled in 2013-22 compared to 1993-2002 at presently 4.62mm/year. This accelerated sea level rise presents potentially disastrous consequences for the weather, agriculture, the extant groundwater crisis, and social disparities.

The reasons behind the accelerated sea-level rise are following:

1) Ocean Warming: increase in temperature of the Earth's oceans due to the absorption of heat from greenhouse gases in the atmosphere, primarily from fossil fuel consumption.
2) Loss of glaciers and ice sheets: The melting of these bodies due to global warming. Iceberg A-81 broke off from the Brunt Ice Shelf recently.
3) Changes in land water storage: Human Activities such as pumping of ancient groundwater from deep aquifers, drive more water into the ocean and cause additional sea-level rise.

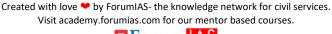The long term consequences of rising sea levels could be:

1) Social: Rising sea levels can force people who live in low-lying coastal areas to relocate, which can result in social, economic, cultural disruptions and widened social gaps.
2) Environmental: It will cause changes in the land cover in area beside the sea due to coastal flooding. Rising sea will swallow more land due to erosion, which will lead to land scarcity for the communities living in the coastal area.
3) Climate Change: Rising sea levels can lead to more frequent and intense storms, hurricanes, and other extreme weather events, which can cause additional damage and exacerbate the impacts of sea level rise. West Bengal and Odisha are already highly vulnerable to such cyclones.
4) National Security: Sea level rise can also pose national security risks, such as increased vulnerability of military bases and coastal infrastructure to flooding and erosion.
5) Ecological: The coastal ecosystem and habitat such as mangroves, salt marshes and coral reefs will be impacted. These natural ecosystem provide important ecosystem services, such as coastal protection, habitat for marine life, and carbon storage.
6) Agricultural: As sea levels rise, saltwater can intrude into freshwater sources, such as rivers and aquifers, and contaminate drinking water supplies and agricultural lands. This will aggravate the present water crisis in urban coastal cities like Chennai.

In short-term, adaptation measures like building sea walls, elevating homes and relocating critical infrastructure away will help reduce the impact. However, in long term the western countries must come together to reduce emissions which will help slow down the pace of sea level rise. The international community has an important role to play in this effort, and cooperation and collaboration will be crucial in achieving meaningful progress.

Q.10) Highlight the present challenges faced by Indian Railway considering the National Rail Plan 2030.

The National Rail Plan 2030 is a long-term plan created by Indian Railways to create a "future ready" railway system in India by 2030. The plan aims to increase the modal share of railways in freight to 45% by formulating strategies based on operational capacities and commercial policy initiatives.

The key objectives of the National Rail Plan 2030 are:

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1) Reduce transit time of freight substantially by increasing the average speed of freight trains to 50 kmph.
2) Create capacity ahead of demand, which in turn would cater to growth in demand right up to 2050.
3) Reduce the overall cost of rail transportation by nearly 30% and pass on the benefits to the customers.
4) Improve last-mile connectivity by introducing feeder services, providing better connectivity to airports, and developing multi-modal transportation hubs.
5) Provide better passenger amenities like modern coaches, improved catering services, Wi-Fi facilities, and better station infrastructure.
6) Promote sustainable transportation by reducing the carbon footprint of Indian Railways, promoting the use of renewable energy, and adopting green technologies.

However, these goals are not east to achieve. Challenges faced by the Indian Railways are:

1) Funding is one of the biggest challenges in implementation of the Plan.
2) Punctuality has been the single most important operational index and the headache for the passenger trains.
3) Land Acquisition for the expansion of the railway tracks are most often accompanied by protests from the affected communities.
4) Operational challenges such as congestion on the network, aging infrastructure, and outdated technology reduces the efficiency of the operations.
5) Safety challenges such as accidents due to human error, unmanned level crossings, and inadequate safety infrastructure.

Railway is an important public good, which is being modernised to reflect the 'New India'. However, the absence of a separate budget seems to have pushed the performance of railways to the background. A separate annual report that contains internal performance metrics should bring railway and its needs back to the foreground again so that the challenges faced by Railway can be resolved.

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