

POLITY AND GOVERNANCE**Appraisal of the Functions of the Rajya Sabha**

CONTEXT: Given the prevailing political scenario in the country, a careful appraisal of the functions of the Rajya Sabha in strengthening the fundamentals of our parliamentary democracy becomes even more necessary.

Genesis of the Rajya Sabha

- The genesis of the Rajya Sabha can be traced to the Montague-Chelmsford report of 1918 and, consequently, the Government of India Act, 1919, which provided for a second federal chamber or the “Council of States”.
 - The ‘Council of States’ which is also known as Rajya Sabha, a nomenclature that was announced by the chair in the House on the 23rd August, 1954 has its own distinctive features.
- Debates linked to it
 - The relevance of the Rajya Sabha was debated in the Constituent Assembly on July 28, 1947.
 - During this debate, a few members did indeed oppose the creation of the “Upper House”.
 - They argued that such a House, over and above the Lok Sabha, would unnecessarily delay law-making.
 - However, many others argued that the “second chamber” would instead introduce an element of sobriety and enhance the quality of debate and discussion.

Composition/Strength

- Article 80 of the Constitution lays down the maximum strength of Rajya Sabha as 250, out of which 12 members are nominated by the President and 238 are representatives of the States and of the two Union Territories.
 - The present strength of Rajya Sabha, however, is 245, out of which 233 are representatives of the States and Union territories of Delhi and Puducherry and 12 are nominated by the President.
 - The members nominated by the President are persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service.
- The element of dignity and prestige was added to the Council of State House by making the Vice-President of India ex-officio Chairman of the Rajya Sabha who presides over its sittings.
 - Biennial/Bye-election Rajya Sabha is a permanent House and is not subject to dissolution.
 - However, one-third Members of Rajya Sabha retire after every second year. A member who is elected for a full term serves for a period of six years.

Role and importance of the Rajya Sabha

- Rajya Sabha being a federal chamber enjoys certain special powers under the Constitution.
- **Special Powers**
 - The Rajya Sabha exercises the ability to create new All-India Services under Article 312 by passing a resolution subject to support and voting by two-thirds of members.
 - The Rajya Sabha exercises power to make laws on any subject included in the State List toward “national importance” under Article 249.
 - It can approve proclamations under Article 352 or 356 or 360 if the Lok Sabha stands dissolved.
 - Approving proclamations in the event of national emergency, failure of constitutional machinery in a State, or in the case of financial emergency.
- **Quality of deliberation**
 - The role and importance of the Rajya Sabha lie not only in the consideration of representation but also in the quality of deliberation.
 - The deliberative and reflective function of the Rajya Sabha is the most valuable, as it meticulously analyses the merits and demerits of a Bill so discussed.
 - Constitution makers have bestowed upon the Rajya Sabha the task of guarding the Constitution against any hasty amendments by Lok Sabha.
 - Rajya Sabha has made an immense contribution in correcting the directions of constitutional amendments, government legislations and articulated its views on matters of national importance

- **Accountability**
 - Given the federal nature of the Indian polity, the Rajya Sabha ensures healthy bicameralism by providing some kind of accountability to the law-making process undertaken in the Lok Sabha.
- **Expert Opinion:** Rajya Sabha has also an added benefit of nominated members in the house, wherein the President nominates twelve members of Rajya Sabha from eminent walks of life and having special knowledge or practical experience in art, literature, science and social service under Article 80 of the Constitution of India.
 - This adds quality to the debate in the house and provides a lustre to the Upper House.
- **Permanent house**
 - The most crucial role of the Rajya Sabha is the continuity it provides to the Indian parliamentary democracy – it is often referred to as the permanent house of Parliament.
 - While the Lok Sabha gets dissolved every five years, the Rajya Sabha is not subject to dissolution.

Arguments Against Rajya Sabha

- **Limited Powers**
 - It has been argued that the Rajya Sabha exercises limited powers in legislative procedures, especially in the case of Money Bills.
 - The Lok Sabha has the power to introduce Money Bills and also exercises the final say over these bills.
 - A no-confidence motion too cannot be introduced in the Rajya Sabha.
 - In addition, it exercises a limited role in the functioning of the Public Accounts Committee and has no part in the Estimates Committee.
- **Impediment to decision-making:** Rajya Sabha, despite being a nominated house, acts as a check on the directly elected government.
 - This has been criticised by experts and eminent men alike. They point out that Rajya Sabha has no business holding the government accountable when Lok Sabha is fully equipped to do so.
 - In delaying the bills and questioning the government, it oversteps its authority as it is questioning the will of the people indirectly by questioning their representatives.
- **Cost to the exchequer:** Many experts have pointed to the superfluous nature of the house as it has lesser power in most aspects as compared to the Lok Sabha.
 - For e.g., it is subordinate to the Lok Sabha in financial matters as well as dismissing the government, in case it loses confidence in the house.
 - Also, the deliberative role it plays is redundant as the same is done in the lower house.
 - Therefore, it has been considered as a waste of resources by many experts.

Conclusion and Way Forward

- Through its rich quality of ideas and debate, the discussions in the Rajya Sabha mould the thinking of students, political enthusiasts, and the general masses.
 - In the last couple of years, while there is much sloganeering around “cooperative federalism”, there have been veiled encroachments as well as attacks on the rights of states.
 - For this reason, more than anything else, we need the Rajya Sabha to safeguard the rights of states.
- It has been long argued that matters related to finance, fiscal federalism, and economic reforms must also be brought under the purview of the Rajya Sabha.
 - This will further help articulate states’ concerns and strengthen the premise of cooperative and competitive federalism, endorsed by the present dispensation.
- The Rajya Sabha must not be used by political parties to accommodate candidates who fail to win mass elections.
 - Instead, parties should select their candidates with the specific role of the Upper House in mind.
- It is desired in terms of increasing the productivity of the house and ensuring that the members attend the house to contribute to the deliberations, rather than hijack the functioning of the house with repeated disruptions.

PRELIMS
1. Crimes against Scheduled Castes and Scheduled Tribes

CONTEXT: According to the latest figures, cases of crime against Scheduled Castes and Scheduled Tribes have risen progressively in the years between 2018 and 2020.

More about the news

- Cases registered for crime against SCs rose from 42,793 in 2018 to over 50,000 in 2020, and of crime against STs from 6,528 to 8,272 in the same period.
 - The figures are sourced from the **National Crime Records Bureau**.
- The figures also detailed how many cases had resulted in charge sheets being filed, and how many were pending investigation at the end of each of these years.

Scheduled Castes and Tribes (Prevention of Atrocities) Act

- **Induction:**
 - In 1989, the Government of India enacted the Scheduled Castes and Tribes (Prevention of Atrocities) Act in order to prevent atrocities against SC/STs.
 - The purpose of the Act was to prevent atrocities and help in the social inclusion of Dalits into society.
- **Aim:**
 - This legislation aims at preventing the commission of offences by persons other than Scheduled Castes and Scheduled Tribes against Scheduled Castes and Scheduled Tribes.
- **Offender:**
 - Any person who is not a member of a scheduled caste or a scheduled tribe and commits an offence listed in the Act against a member of a scheduled caste or a scheduled tribe is an offender.
- **Cognizable offence:**
 - All offences listed in the Act are cognizable.
 - The police can arrest the offender without a warrant and start an investigation into the case without taking any orders from the court.
- **Punishments:**
 - The Act prescribes both minimum as well as maximum punishment.
 - The minimum in most cases is six months imprisonment while the maximum is five years sentence and with a fine.
 - In some cases, the minimum is enhanced to one year while the maximum goes up to life imprisonment or even death sentence.

2. Digital Banks

CONTEXT: Recently the Government think tank NITI Aayog released its report titled 'A proposal for Digital Banks in India: Licensing and Regulatory Regime'.

About the report

- **About:**
 - The report 'focuses on avoiding any regulatory or policy arbitrage and offers a level playing field to incumbents as well as competitors
 - It offers a template and roadmap for licensing and regulatory regime for India.
- **The report study and the methodology:**
 - Given the need for leveraging technology effectively to cater to the needs of banking in India, this report studies the prevailing gaps, the niches that remain underserved, and the global regulatory best practices in licensing digital banks.
 - The methodology for the licensing and regulatory template offered by the report is based on an equally weighted 'digital bank regulatory index'. This comprises four factors:
 - Entry barriers
 - Competition
 - Business restrictions; and
 - Technological neutrality.
 - The elements of these four factors are then mapped against the five benchmark jurisdictions of Singapore, Hong Kong, United Kingdom, Malaysia, Australia and South Korea.

Significant report citations on financial inclusion

- **The rise in financial inclusion:**

- The report adds that India's recent rise in furthering financial inclusion was catalysed by the Pradhan Mantri Jan Dhan Yojana and India Stack.
- **JAM trinity and UPI:**
 - With the launch of the Jan Dan-Aadhar-Mobile (JAM) trinity and Aadhaar, Unified Payments Interface (UPI), financial inclusion has become a reality for Indians.
 - UPI-enabled digital transactions remained above Rs 10 lakh crore in June for the second month in a row, data from NPCI showed recently.
- **Direct Benefit Transfer:**
 - 'whole-of-India approach' towards financial inclusion has also resulted in Direct Benefit Transfer through apps such as PM-KISAN and extending microcredit facilities to street vendors through PM-SVANIDHI.
- **AA framework:**
 - The report also pointed out that India has also taken steps towards operationalizing its own version of 'open banking' through the Account Aggregator (AA) regulatory framework enacted by the Reserve Bank of India.
 - Once commercially deployed, the AA framework is envisaged to catalyse credit deepening among groups that have been hitherto under-served.

3. Abortion Law in India

CONTEXT: Recently, A 25-year-old pregnant woman moved the Supreme Court seeking an abortion after the **Delhi High Court declined her plea.**

More about the news

- The woman has also challenged Rule 3B of the Medical Termination of Pregnancy Rules, 2003, which allows only some categories of women to seek termination of pregnancy between 20 and 24 weeks.
 - The case has raised very important questions about the framework of reproductive rights, and recognising female autonomy and agency in India.

Supreme Court's Ruling

- The Supreme Court allowed an unmarried woman whose relationship status changed during the pregnancy to terminate her 24-week foetus, underlining that a distinction in law between a married and an unmarried woman should have no bearing on the right to terminate a pregnancy.
- A woman's right to reproductive choice is an inseparable part of her personal liberty under Article 21 of the Constitution.
 - She has a sacrosanct right to bodily integrity.
 - There is no doubt that a woman's right to make reproductive choices is also a dimension of 'personal liberty'

Origin of abortion law in India

- **Shantilal Shah Committee :** In the 1960s, in the wake of a high number of induced abortions taking place, the Union government ordered the constitution of the Shantilal Shah Committee to deliberate on the legalisation of abortion in the country.
- **Medical Termination of Pregnancy (MTP) Act**
 - In order to reduce maternal mortality owing to unsafe abortions, the Medical Termination of Pregnancy (MTP) Act was brought into force in 1971.
 - This law is an exception to the Indian Penal Code (IPC) provisions of 312 and 313 and sets out the rules of how and when a medical abortion can be carried out.
- Under Section 312 of the IPC, a person who "voluntarily causes a woman with child to miscarry" is liable for punishment, attracting a jail term of up to three years or fine or both, unless it was done in good faith where the purpose was to save the life of the pregnant woman.
 - This section effectively makes unconditional abortion illegal in India.
- Section 313 of the IPC states that a person who causes the miscarriage without the consent of the pregnant woman, whether or not she is in the advanced stages of her pregnancy, shall be punished with life imprisonment or a jail term that could extend to 10 years, as well as a fine.

MTP evolution from 1971 to 2021

- The latest amendment to the MTP Act was made in 2021.
 - Before that new rules were introduced in 2003 to allow the use of then newly discovered abortion medicine misoprostol, to medically terminate a pregnancy up to seven weeks into it.

- **Features**
 - Under the Medical Termination of Pregnancy (Amendment) Act, 2021, abortion is permitted after medical opinion under stipulated circumstances.
 - The 2021 Act increased the upper limit of the gestation period to which a woman can seek a medical abortion to 24 weeks from 20 weeks permitted in the 1971 Act.
 - This renewed upper limit can only be exercised in specific cases.
- MTP could now be accessed on the opinion of a single registered medical practitioner up to 20 weeks of the gestational age.
 - From 20 weeks up to 24 weeks, the opinion of two registered medical practitioners is required.
 - In the previous version of the Act, the opinion of one registered doctor was required to access a medical abortion up to 12 weeks of pregnancy, while two doctors were required to endorse the abortion up to 20 weeks.
 - Besides, if the pregnancy has to be terminated beyond the 24-week gestational age, it can only be done on the grounds of foetal abnormalities if a four-member Medical Board, as set up in each State under the Act, gives permission to do so
 - The law, notwithstanding any of the above conditions, also provides that where it is immediately necessary to save the life of the pregnant woman, abortion can be carried out at any time by a single registered medical practitioner.
- Under the 2021 Act, Unmarried women can also access abortion under the above-mentioned conditions, because it does not mention the requirement of spousal consent.
 - If the woman is a minor, however, the consent of a guardian is required.

Judicial interventions in cases of abortions

- Despite the fact that existing laws do not permit unconditional abortion in the country, in the landmark 2017 Right to Privacy judgement in the Justice K.S. Puttaswamy v. Union of India and others, the Supreme Court had held that the decision by a pregnant person on whether to continue a pregnancy or not is part of such a person's right to privacy as well and, therefore, the right to life and personal liberty under Article 21 of the Constitution.
- In February 2022, the Calcutta High Court allowed a 37-year-old woman, who was 34 weeks into her pregnancy, to get a medical abortion as the foetus was diagnosed with an incurable spinal condition.
 - The Court permitted this after the State Medical Board rejected the woman's application to get MTP.
 - This judgment allowed abortion for the furthest gestational age in the country so far.

4. Opium Production and Processing in India

- **CONTEXT:** Recently, India has opened up the highly regulated sector of producing and processing opium to private players.

About

- Bajaj Healthcare has become the first company to win tenders for producing concentrated poppy straw that is used to derive alkaloids that are the active pharmaceutical ingredient in pain medication and cough syrups.
- Bajaj Healthcare has been awarded two government tenders for the manufacture of:
 - a. Concentrated poppy straw (CPS) alkaloids and
 - b. Active pharmaceutical ingredients (APIs) from unlanded poppy capsules.
- CPS is a mechanised system under which the entire harvest is cut by machine and transferred to factories for alkaloid extraction.
- This is a landmark change in India's approach to opium processing, which has hitherto been handled solely by the Government's Opium and Alkaloid Factory (GoAF).

Opium

- Scientific Name: *Papaver somniferum*
- It is a medicinal herb that produces a variety of alkaloids such as morphine, codeine, etc. and is best known as a pain reliever in modern medicine.
- It is used for a range of treatments, from post-operative pain management and palliative care for terminal cancer patients to treating accident-related trauma and chronic pain syndromes.
- Under the United Nations Single Convention on Narcotic Drugs (1961), India is among the 12 countries in the world allowed to grow opium poppy for medicinal use.

- However, India is the only nation allowed to extract gum opium, in which skilled workers manually extract the latex that contains 70% of the morphine synthesised by the plant by lancing its flower-bearing pod.
- Countries such as Australia, France, China and Turkey, which grow legal opium, use a CPS method.
- The extraction process is carried out at facilities controlled by the Department of Revenue under the Ministry of Finance.
- Uttar Pradesh, Rajasthan and Madhya Pradesh are the three traditionally opium growing States, where poppy crop cultivation is allowed based on licences issued annually by the Central Bureau of Narcotics.

Opium production in India

- Origin: India has been growing poppies at least since the 15th century.
- Monopoly: The British East India Company assumed monopoly on the cultivation of poppy when the Mughal Empire was on the decline, and the entire trade was brought under government control by 1873.
- Post independence: After India gained independence, the cultivation and trade of opium passed on to the Indian government, with the activity being controlled by The Opium Act, 1857, The Opium Act, 1878, and The Dangerous Drugs Act, 1930.
- Present: The cultivation and processing of poppy and opium is controlled by the provisions of The Narcotic Drugs and Psychotropic Substances (NDPS) Act and Rules.

● **India-Africa Conclave**

CONTEXT: The India-Africa CII-EXIM Bank Conclave recently took place in New Delhi.

More about the News

- Forty high-level ministers from 17 countries, including Cameroon, Burkina Faso, Eswatini, Republic of the Congo, Nigeria and Sierra Leone, participated in the two-day summit.
 - This is the 17th edition of the conclave.
- Four major focus areas for the India-Africa partnership were identified in the conclave:
 - Solar power,
 - Military exchanges in the context of the security of the Indian Ocean,
 - Physical and digital infrastructure,
 - Health care, pharma and vaccines, and start-up ecosystem.
- India Exim Bank's study titled "Building a Resilient Africa: Enhanced Role of India" was also released during the conclave.
 - According to the study, there is a huge trade complementarity between India and Africa.
 - India's total trade with Africa stood at \$82.5 billion in 2021, recording the highest level witnessed by both regions.

Significance

- **Previous editions of EXIM Bank:**
 - In the last sixteen editions, the Conclave has played a pivotal role in encouraging Indian companies to establish and grow their footprints in Africa.
- **Trade:**
 - India is Africa's fourth-largest national trading partner, according to Exim Bank and the African Export-Import Bank (Afrimex Bank).
 - Merchandise trade grew by 34 percent from USD 67 billion in 2019-20 to USD 89 billion in 2021-22.
- **Investment:**
 - India is among the top 5 investors in Africa.
 - The Ministry of External Affairs said that 38 African nations have benefited from India's Duty-Free Tariff Preference (DFTP) scheme which provides duty-free access to 98.2 percent of India's total tariff lines.
- **Lines of Credit (LoCs):**
 - Lines of Credit (LoCs) worth \$12.26 billion have so far been extended to African countries, making them the second-largest recipient of India's concessional loans.

ANSWER WRITING

Q. Religion is a personal matter which should have no place in politics. Elaborate. (150 words)

Introduction

Sociologist Emile Durkheim defined religion as a unified system of beliefs and practices relative to sacred things, while Max Weber defines politics as the activity of striving to share power or striving to influence the distribution of power, either among states or among groups within a state.

Body

The resurgence of religion, as well as politics, has become key to world affairs. Initially few sociologists like Max Weber believed that modernity would eventually lead to a general decline of religious faith and the role of religion in the public/political sphere. However, the word 'twin tolerations' has been used often to define the relationship between religion and politics. Modern states brought the concept of secularism to avoid the influence of religion in politics. Arguments in favor of the separation of politics and religion are as follows:

- The idea of religion concerns the private sphere what pertains to individual faith and believe, in contrast politics in the public sphere pertains to a wider community e.g. nation at large.
- The intrusion of religion into politics can monopolize some specific ideology which in turn will cause a rift in the society. E.g. the foundation of partition was laid on the name of religion itself.
- Religious ideologies when perpetuates deeper into the political sphere may turn into mass hysteria leading to the indoctrination of the people. For e.g. Anti Semitism of Nazi in Germany prior to the second world war for Jews
- In politics it promotes vote bank politics on the name of religion and diminishes the ideals of secularism.
- Intermixing of religion with politics may promote favoritism for a particular community.

Conclusion

Religion in politics needs to be value-oriented not power-oriented as we can learn from the legacy of Ashoka policy of Dharma and Akbar's Din-e-Ilahi. Further, in India secularism was defined in a comprehensive manner which meant the separation of religion from politics and the state, the treatment of religion as a private matter for the individual, state neutrality towards or equal respect for all religions, absence of discrimination between followers of different religions, and active opposition to communalism.

MCQs

- 1) Consider the following statements about Scheduled Castes and Tribes (Prevention of Atrocities) Act:
 1. In 1989, the Government of India enacted the Scheduled Castes and Tribes (Prevention of Atrocities) Act in order to prevent atrocities against SC/STs.
 2. Any person who is not a member of a scheduled caste or a scheduled tribe and commits an offence listed in the Act against a member of a scheduled caste or a scheduled tribe is an offender under this act.
 3. The purpose of the Act was to prevent atrocities and help in the social inclusion of Dalits into society.

Which of the above statement(s) is/are correct?

a. 1 and 2 only b. 2 and 3 only c. 1 and 3 only **d. 1, 2 and 3**
- 2) Consider the following statements regarding National Crime Record Bureau (NCRB):
 1. It was set up in 1986 to function as a repository of information on crime and criminals.
 2. It was established on the recommendations of the Tandon Committee.

Which of the above statement(s) is/are correct?

a. 1 only b. 2 only **c. Both 1 and 2** d. Neither 1 nor 2
- 3) Consider the following statements regarding Digital Banking:
 1. A digital bank would be a bank defined in the Banking Regulation Act, 1949, and shall have its own balance sheet **and** legal existence.
 2. It is banking done through the digital platform, doing away with all the paperwork like cheques, pay-in slips and Demand Drafts.
 3. It reduces reliance on paper forms, as all transactions are done electronically.

Which of the above statement(s) is/are correct?

a. 1 and 2 only b. 2 and 3 only c. 1 and 3 only **d. 1, 2 and 3**
- 4) Consider the following statements about Opium:
 1. It is a medicinal herb that produces a variety of alkaloids such as morphine, codeine, etc. and is best known as a pain reliever in modern medicine.

2. Under the United Nations Single Convention on Narcotic Drugs (1961), India is among the 12 countries in the world allowed to grow opium poppy for medicinal use.
3. The cultivation and processing of poppy and opium is controlled by the provisions of The Narcotic Drugs and Psychotropic Substances (NDPS) Act and Rules.
4. Which of the above statement(s) is/are correct?
a. 1 and 2 only b. 1 and 3 only c. 3 only **d. All are correct.**
- 5) Consider the following statements about Remittance:
1. It refers to money that is sent or transferred to another party, usually overseas.
2. It can be paid only via cheque.
Which of the above statement(s) is/are correct?
a. 1 only b. 2 only c. Both 1 and 2 d. Neither 1 nor 2
- 6) Consider the following statements:
1. Koodiyattam is an ancient Sanskrit theatrical art form and is performed only in temple theatres.
2. It is regarded as the Masterpieces of Oral and Intangible Heritage of Humanity by UNESCO.
3. A typical Koodiyattam performance involves elaborate and lengthy acting sequences using hand gestures.
Which of the above statement(s) is/are correct?
a. 1 and 2 only b. 1 and 3 only
c. 2 and 3 only **d. 1, 2 and 3**
- 7) Consider the following statements regarding Anti-Maritime Policy Bill, 2019:
1. India currently does not have legislation on matters of piracy on the high seas.
2. The Anti-Maritime Piracy Bill aims to bring the UN Convention on the Law of the Sea into domestic law.
3. The bill will be applicable to the Exclusive Economic Zone (EEZ) between 12 and 200 nautical miles of India's coastline.
Which of the above statement(s) is/are correct?
a. 1 and 2 only b. 1 and 3 only
c. 2 and 3 only d. 1, 2 and 3
- 8) Consider the following statements regarding the Indian Antarctic Bill, 2022:
1. The Bill aims at having India's own national measures for protecting the Antarctic environment.
2. The Bill proposes to set up Indian Antarctic Authority (IAA) under the Ministry of Earth Sciences as the apex decision-making authority.
3. The bill confers Jurisdiction on the courts of India to deal with any dispute or crimes committed in parts of Antarctica.
Which of the above statement(s) is/are correct?
a. 1 and 2 only b. 1 and 3 only
c. 2 and 3 only **d. 1, 2 and 3**
- 9) Consider the following statements:
1. When polls are held independently for Lok Sabha and State Legislatures the expenditure on the conduct of elections is borne by the Centre and State governments respectively.
2. When polls are held simultaneously, the expenditure is entirely borne by the Centre.
Which of the above statement(s) is/are correct?
a. 1 only b. 2 only
c. Both 1 and 2 d. Neither 1 nor 2
- 10) Consider the following statements regarding the India Innovation Index, 2022:
1. India's Gross Domestic Expenditure on R&D (GDERD) as a percentage of GDP is below one percent.
2. Karnataka is the top performer in the country followed by Tamil Nadu and Maharashtra.
3. Odisha, Telangana, and Gujarat are the bottom-performing states in the human capital indices of the Index.
Which of the above statement(s) is/are correct?
a. 1 only b. 2 only
c. 3 only d. 1, 2 and 3