

UPSC Syllabus Topic GS Paper 2 Indian Polity – Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Key Provisions of the Broadcasting Services Bill, 2023

1. **Unified Regulation Framework:** The bill aims to replace the Cable Television Networks Act of 1995, establishing a unified framework encompassing broadcasting, OTT, digital media, and more.
2. **Technological Adaptation:** Addresses changes in broadcasting, such as DTH and OTT platforms, reflecting advancements in technology.
3. **Streamlined Business Procedures:** Seeks to simplify business procedures and enhance the effective enforcement of Programme and Advertisement Codes.
4. **Incorporation of Emerging Technologies:** Includes contemporary definitions and provisions to accommodate new broadcasting technologies.
5. **Enhanced Self-Regulation:** Proposes the establishment of 'Content Evaluation Committees' and a 'Broadcast Advisory Council' to facilitate better self-regulation in broadcasting.
6. **Accessibility Focus:** Emphasizes accessibility for persons with disabilities through the implementation of comprehensive guidelines.
7. **Penalties and Fines:** Introduces statutory penalties for breaches, taking into consideration the financial capacity of the entities involved.

Current Landscape of Broadcasting Regulation in India:

The current regulatory landscape in India comprises a diverse set of regulations governing traditional broadcasting and emerging digital platforms. Various acts and codes regulate content, advertising, and business practices in the broadcasting sector.

Concerns with the Broadcasting Services Bill, 2023:

1. **Threat of Censorship:** The bill could potentially grant the government excessive power over media content, allowing officials to prohibit broadcasts they deem inappropriate, raising concerns about censorship and content restrictions.
2. **Unaddressed Conflict of Interest:** The bill does not adequately address ongoing issues related to media regulation, such as the influence of politicians and cable operators, posing potential challenges to impartial oversight.

Recommendations:

1. **Clarify Ambiguous Terms:** The bill should provide clear definitions for its terms to prevent subjective interpretations and ensure fair and consistent enforcement.
2. **Balance Government Control:** Strive for a balanced approach between government oversight and media freedom to prevent overreach and undue censorship.
3. **Strengthen Self-Regulation:** Enhance self-regulation mechanisms to reduce excessive government intervention in content regulation, promoting a more independent and responsible media environment.

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Variability in Indian Attitudes towards Alcohol

Cultural Views:

- **Diverse Perceptions:** Attitudes towards alcohol vary across Indian cultures. While upper castes may view it negatively, associating it with "tamasic" food, many tribal societies embrace it openly.

Gender Dynamics:

- **Impact on Women:** Male alcohol consumption often negatively affects women, leading to women-led social protests against alcohol.

Alcohol and Religion:

- **Religious Stances:** Different religions in India exhibit varied attitudes towards alcohol. Islam forbids it, Christianity tends to be more permissive, and Hinduism does not explicitly prohibit it.

Medical View:

- **Health Implications:** Medically, alcohol is recognized as harmful in India, contributing to an increased risk of heart diseases and impacting liver health.

Approaches to Alcohol Policy Across States:

Revenue-Driven Policies:

- a. **Haryana and Delhi:** Policies driven by the revenue potential of alcohol sales, with widespread availability, especially in urban areas.

Socio-cultural Factors:

- b. **Gujarat:** Maintains prohibition as a Gandhian legacy.
- c. **Mizoram:** Enforces prohibition laws due to its Christian-majority population.

Government Control for Safety:

- d. **Tamil Nadu:** Controls alcohol sales through its State Marketing Corporation to ensure safer consumption, learning from hooch tragedies.

Issues with Alcohol Policies in India:

Revenue vs. Health Priorities:

- **Kerala's Example:** Conflict between health and revenue priorities led Kerala to step back from partial prohibition.

Inconsistent State Policies:

- **Haryana vs. Gujarat and Mizoram:** Lack of uniformity in policies, with varying approaches to alcohol sales.

Weak Enforcement:

- **Advertising Violations:** Despite existing rules, lax enforcement allows alcohol firms to flout advertising bans, impacting major events.

Exclusion from GST:

- **Revenue Preference:** States reluctant to include alcohol under GST, indicating a preference for individual control over alcohol policies for revenue reasons.

Recommendations:

1. **National Health-Focused Policy:**

- Develop a national alcohol policy prioritizing health over revenue, aligning with the WHO's stance that "no alcohol is good."

2. **Tackle Societal Hypocrisy:**

- Confront societal hypocrisy regarding alcohol consumption, addressing disparities in private and public attitudes and considering diverse views across castes and religions.

3. **Legislative Action on Advertising:**

- Strengthen legislative measures to enforce advertising bans and control surrogate advertising by alcohol firms.

4. **Balanced Approach to Revenue and Health:**

- Find a middle ground between revenue generation and health impact mitigation in alcohol policies, considering economic aspects without compromising public health.

5. **Open Discussion:**

- Encourage open, non-judgmental discussions about alcohol use in society, breaking down traditionalism vs. modernism dichotomies and addressing religious perspectives.

UPSC Syllabus Topic - GS Paper 2 Governance – Issues relating to development and management of Social Sector/Services relating to Education.

Present State of School Education in India: Highlights

Challenges:

1. **Poor Learning Outcomes:**

- The education system grapples with issues like inadequate learning outcomes, hindering the overall quality of education.

2. **Teacher Shortages:**

- A shortage of qualified teachers poses a significant challenge, impacting the delivery of quality education.

3. **Governance Difficulties:**

- The system faces governance challenges, including the operation of numerous small, inefficient schools.

4. **School Efficiency:**

- Running many small schools, particularly in Jharkhand, has been identified as a substantial challenge.

Government Initiatives:

1. **Right to Education Act and Sarva Shiksha Abhiyan:**

- Government initiatives like the Right to Education Act and Sarva Shiksha Abhiyan have improved educational access.

2. **Mid-day Meal Scheme:**

- The mid-day meal scheme supports student welfare, ensuring better nutrition for students.

3. **SATH-E Project:**

- Implemented in Jharkhand, Madhya Pradesh, and Odisha, the SATH-E project focuses on merging schools for efficiency and improved quality.

4. **Cost Savings:**

- Jharkhand's school mergers, under the SATH-E project, resulted in significant cost savings, exemplified by savings of 2400 crore rupees.

SATH-E Project:

Overview:

- **Launch Year:** 2017
- **Aim:** Transform school education in India
- **Selected States:** Jharkhand, Odisha, and Madhya Pradesh

Key Strategies:

1. **School Mergers:**

- Merging schools for efficiency and resource consolidation.

2. **Remedial Programs:**

- Implementation of programs to address academic challenges.

3. **Teacher Training:**

- Initiatives to enhance the quality of teaching through training.

4. **Monitoring Recruitment:**

- Ensuring a systematic and efficient recruitment process.

5. **Institutional Reorganization:**

- Reorganizing institutions at district and state levels for better administration.

6. **Management Information Systems (MIS):**

- Utilizing MIS for goal-setting, planning, resource allocation, and performance evaluation.

Monitoring:

- **National Level:** Monitored by the National Steering Group (NSG) and Central Project Monitoring Unit (CPMU).
- **State Level:** Monitored by State Project Monitoring Units (SPMU).

Benefits of School Mergers:

1. Resource Consolidation:

- Merging schools leads to significant cost savings and more efficient resource utilization.

2. Improved Academic Environment:

- Larger schools offer better facilities and a more diverse peer group, enhancing the overall learning experience.

3. Enhanced Teacher Availability:

- Rationalizing teacher deployment ensures better teacher-student ratios.

4. Effective Governance and Monitoring:

- Fewer but larger schools facilitate more effective governance and monitoring, as demonstrated by the SATH-E project.

Concerns with School Mergers:

1. Access to Education:

- Merging schools may increase travel distances, potentially leading to higher dropout rates, especially in tribal and hilly areas.

2. RTE Act Compliance:

- Activists argue that school mergers may violate the Right to Education Act, which guarantees education in neighborhood schools.

3. Cultural and Geographical Challenges:

- The one-size-fits-all approach of school mergers may not suit diverse communities across states.

Considerations for School Mergers:

1. Ensure Accessibility:

- Provide transportation and infrastructure to ensure students can attend larger, merged schools without difficulty.

2. Focus on Teacher Rationalization:

- Improve teacher availability and quality in merged schools to enhance learning outcomes.

3. Maintain Close Proximity Schools:

- Particularly for primary education, preventing increased dropout rates due to distant schooling locations.

4. Improve Monitoring and Governance:

- Enhanced governance leads to better school performance and reduced dropout rates, as seen in the outcomes of school mergers.

UPSC Syllabus Topic GS Paper 2 Indian Polity – Issues and challenges pertaining to the federal structure.

Emerging Challenges in Center-State Relations

1. Lack of Autonomy in Public Expenditure:

- **Issue:** State governments heavily depend on the Centre for revenue receipts, limiting their autonomy in decision-making regarding public expenditure.

2. Homogenisation of Social Sector Policies:

- **Issue:** Diverse socio-economic conditions, cultural differences, and varying development levels across states lead to the homogenization of social sector policies, ignoring unique state needs and priorities.

3. Functioning of Regulatory Institutions:

- **Issue:** Regulatory institutions often operate under central government purview, impacting power dynamics between the center and states.

4. Powers of Central Agencies:

- **Issue:** Central agencies' extensive powers may be perceived as encroaching on state autonomy, necessitating a delicate balance between centralized authority and state autonomy.

Impact of Center-State Federal Frictions on the Economy:

1. Crowding Out of States in Investments:

- **Consequence:** The expansion of the Centre's activities, exemplified by initiatives like PM Gati Shakti, can limit the flexibility of states in formulating their plans, leading to underinvestment and hampering regional economies.

2. Unhealthy Fiscal Competition:

- **Consequence:** Unhealthy fiscal competition emerges as states compete with each other and with the Centre, especially in welfare provisioning, impacting state revenues and hindering fiscal competition among different regions.

3. Inefficiencies Associated with 'Parallel Policies':

- **Consequence:** Federal friction may result in duplications of policies between the Centre and states, such as pension schemes, leading to inefficiencies and long-term fiscal consequences.

Recommendations:

1. Preserving Interdependence:

- Recognize the inevitability of interdependence between the Centre and states in a large, diverse, developing society and work towards preserving it.

2. Empowering States in Decision-Making:

- Enhance the autonomy of states in public expenditure decisions, allowing them more

control over their fiscal policies.

3. Tailoring Policies to State Needs:

- Acknowledge and address the diverse socio-economic conditions and cultural differences by tailoring social sector policies to the unique needs and priorities of individual states.

4. Transparent Functioning of Regulatory Institutions:

- Ensure transparent and accountable functioning of regulatory institutions, balancing their independence with the overarching need for effective governance.

5. Balancing Centralization and State Autonomy:

- Strive for a delicate balance between centralized planning and national interests while respecting the autonomy of states to maintain a harmonious center-state relationship.

6. Encouraging Healthy Fiscal Competition:

- Promote healthy fiscal competition among states and regions, ensuring that states compete on the basis of efficiency and innovation rather than engaging in unhealthy fiscal rivalries.

7. Avoiding Policy Redundancy:

- Foster communication and coordination to avoid redundancy in policies, minimizing inefficiencies and ensuring effective utilization of resources at both the central and state levels.

UPSC Syllabus Topic GS Paper 2 Governance – Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of vulnerable sections.

Critical Flaws in the Same-Sex Marriage Verdict – A Serious Legal Oversight

Special Marriage Act, 1954:

The Special Marriage Act, 1954, is an Indian parliamentary act designed to validate and register inter-religious and inter-caste marriages in the country. It facilitates civil marriages where the state sanctions the union, not the religious authorities. The act enables individuals to marry without relinquishing their religious identity or undergoing conversion, eliminating the need for religious formalities.

Court Observations on SMA in Same-Sex Marriage Verdict:

In the same-sex marriage verdict following the Navtej Johar Case (2018):

1. Decriminalization of Homosexuality:

- The court, while decriminalizing homosexuality, acknowledged that 'sex' under Article 15 includes 'sexual orientation.'

2. Exclusion of SMA:

- The majority judgment justified excluding the Special Marriage Act from its observations, asserting that the SMA's purpose was not to discriminate against same-sex individuals.

3. Absence of Law and Discrimination:

- The court stated that the absence of a law to regulate same-sex marriages does not constitute discrimination.

4. Minority Judgment:

- The minority judgment did not address SMA issues, citing the court's institutional limitations.

Issues with the Verdict:

1. Against the Right to Equality:

- The refusal to recognize marriages of homosexual couples under the SMA violates the constitutional right to equality.

2. Refusal to Consider Absence of Law as Discrimination:

- The judgment's assertion that the absence of a law for same-sex marriages is not discriminatory overlooks the discriminatory impact of refusing recognition based on sexual orientation.

3. Misinterpretation of Separation of Powers:

- The court's reliance on institutional capacity as a reason not to review the SMA misunderstands the constitutional court's role in examining the constitutionality of legislation.

4. Avoidance of Complicated Issues:

- Refusing to review the SMA due to its complexity contradicts established constitutional adjudication practices, allowing legislative avoidance of constitutional scrutiny.

5. Lack of Creative Interpretation:

- The court's failure to creatively interpret the SMA to include marriages of queer individuals missed an opportunity to locate the right of marriage within the existing legal framework.

6. Abdication of Responsibility:

- Delegating decisions on the entitlements of queer persons to a committee chaired by the Cabinet Secretary represents an abdication of the court's responsibility to address rights violations brought before it.

The issues identified by the author highlight concerns regarding discrimination, interpretation of laws, and the court's role in safeguarding constitutional rights.

UPSC Syllabus Topic : GS Paper 2 Governance – Government policies and interventions.

Advocating for the Abolition of the Death Penalty – Choosing Life Over Death

Provisions for the Death Penalty in India:

Capital punishment is a legal penalty for certain crimes under the Indian Penal Code. It may be imposed under various sections, including Section 302 (Murder), Section 305 (Abetment of suicide of a minor or insane person), or Section 121 (Treason for waging war against the Government of India).

In the landmark case of *Bachan Singh v. State of Punjab* (1980), the Supreme Court of India upheld the constitutionality of the death penalty but introduced the 'rarest of rare' doctrine. This doctrine mandates that judges impose the death penalty only in the 'rarest of rare' cases.

Arguments for Abolishing the Death Penalty:

1. Ineffectiveness as a Deterrent:

- There is inconclusive evidence that the death penalty deters crime more effectively than long prison sentences.

2. Lack of Scope for Reform:

- Life imprisonment provides a more rigorous punishment and allows for the possibility of reform, which is eliminated with the death penalty.

3. Disproportionate Impact on the Underprivileged:

- A significant majority of death row prisoners come from underprivileged backgrounds, with a disproportionate number from lower castes or religious minorities.

4. Global Trend Towards Abolition:

- Globally, 98 countries have abolished the death penalty for all crimes, reflecting a growing consensus in favor of its abolition.

Recommendations:

1. Devising a Remission Policy:

- Implementing the removal of capital punishment and introducing a universal remission policy would be crucial. Remission reduces the sentence duration without altering its nature.

2. Life Imprisonment as the Default Alternative:

- 'Life imprisonment,' referring to a term for the remainder of one's natural life, should be the default alternative to death sentences. This ensures a severe punishment while allowing for potential rehabilitation.

The suggested measures aim to address concerns related to the death penalty's effectiveness, potential for reform, and its impact on marginalized communities, aligning with evolving global perspectives on this issue.