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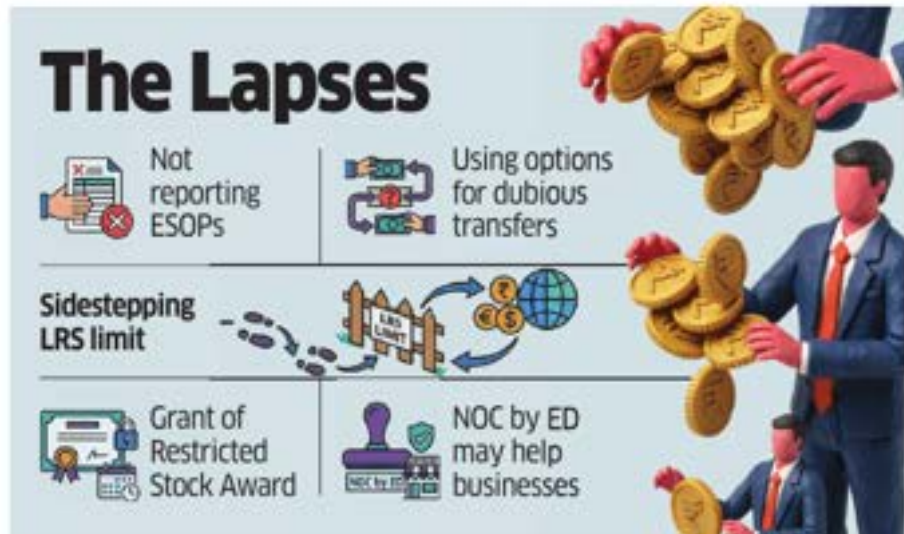
ED Probes ESOP Route for Laundering

Sugata Ghosh

Mumbai: The Enforcement Directorate seems to have caught wind of another way to launder money and dodge foreign remittance controls that may have hitherto escaped its radar. The central agency makes a cryptic mention in its annual report released Thursday that issuance of employee stock options (ESOPs) by foreign companies to India-based employees has come under its lens.

According to market sources, giving out fake ESOPs has been an avenue to either whitewash undisclosed funds stashed overseas or jump the hurdle in the liberalised remittance scheme (LRS). LRS allows a resident individual to transfer a maximum \$250,000 a year abroad to buy stocks and properties, or meet travel expenses.

Besides ESOP misuse, non-reporting of options, sometimes unwittingly, in Income tax (I-T) returns can invite the glare of ED which administers laws to curb money laundering



and violation of foreign exchange regulations.

"Issue of ESOPs that are not genuine by an overseas related entity and later selling the unlisted stock after a gap of two years can be a way to legitimise undeclared money parked overseas at minimal tax cost. Also, since fund remittance for option exercise is

not part of LRS, sham options can be misused to transfer any amount," said Pankaj Bhuta, founder of the CA firm P.R. Bhuta & Co.

The cost entails a 30% I-T on the difference between the exercise price

and stock fair value (deliberately kept low), and a 10% capital gains tax when sold at a much higher price in the unlisted market abroad.

"While real ESOP frameworks remain a legitimate and accepted form to incentivise employees, regulators are probably examining whether such instruments are being used to facilitate questionable cross-border fund flows or indirectly circumvent LRS limit. What may internally be viewed as a standard employee benefit arrangement can, from a regulatory standpoint, involve significant FEMA compliance, reporting and remittance considerations, all of which require careful evaluation," said Moin Ladha, partner at the law firm Khaitan & Co. Also, it is common for foreign startups to grant Restricted Stock Award (RSA) to Indian advisors based on what is allowed in their home jurisdiction, even though such issuances are not permitted under FEMA, said Bhuta.

RSAs, unlike options, are grants of

shares for free or at nominal cost.

Since there is no remittance from India, and it doesn't involve tax withholding by foreign companies, these transactions are not captured under FEMA and I-T reporting, he said. However, holding such foreign shares is a FEMA contravention even if disclosed in I-T return.

According to Siddharth Banwat, partner, S Banwat & Associates LLP, the report highlights issuance of No Objection Certificates (NOC) by ED which can play a gatekeeping role in the FEMA compounding framework.

"By screening contraventions to separate bona fide commercial lapses from cases involving serious financial wrongdoing, ED can be an enabler to ensure that the RBI's compounding mechanism remains a credible resolution channel. It would preserve regulatory integrity and give businesses a timely path to legal closure — particularly, for offences committed due to lack of awareness," said Banwat.

- **Key Terms and Explanations**

- Understanding the technical nuances is essential for grasping how these financial loops function:
- **Employee Stock Option Plans (ESOPs):** A benefit scheme where companies give employees the right to buy shares at a pre-determined price after a certain period.
 - *Example:* An Indian engineer at a US tech giant is given the option to buy shares at \$10 each, even if the market price is \$50.
- **Restricted Stock Award (RSA):** Unlike options, these are outright grants of shares given for free or a nominal cost, often used for advisors or early employees.
- **Liberalised Remittance Scheme (LRS):** An RBI policy allowing resident Indians to freely remit up to \$250,000 per financial year for any permissible current or capital account transaction.
- **Enforcement Directorate (ED):** A multi-disciplinary organization mandated with investigation of offences of money laundering and violations of foreign exchange laws.
- **FEMA (Foreign Exchange Management Act, 1999):** The primary legislation regulating cross-border trades and payments, replacing the more stringent FERA.
- **Compounding of Offences:** A voluntary process where an individual or entity admits to a contravention of FEMA and pays a penalty to avoid litigation.

Main Arguments and Substantive Parts

- The core thesis revolves around the **misuse of ESOPs as a "Trojan Horse"** for money laundering and bypassing capital controls.
- **The Laundering Mechanism:** Individuals with "black money" (undisclosed funds) already parked overseas use fake ESOPs from foreign shell companies to "legitimize" that wealth. By "selling" these unlisted stocks back to the entity after two years, the money returns to the system as clean, taxable capital gains.
- **Circumventing LRS:** While LRS has a strict \$250,000 cap, remittances made for "exercising" legitimate employee options are often processed outside this limit. Fraudsters exploit this window to transfer massive sums abroad under the guise of buying company stock.
- **Non-Reporting Risks:** Many employees fail to report foreign assets in their I-T returns. Even if the intent isn't criminal, the ED views this as a FEMA violation, potentially leading to asset seizure.
- **The RSA Paradox:** Foreign startups often issue RSAs to Indian consultants. While legal in the US/UK, holding these shares without specific RBI permission is a contravention of Indian law, creating a compliance trap for the unwary.

- **Historical Evolution of the Issue**

- The tension between capital control and economic liberalization has evolved through three distinct phases:
- **The FERA Era (1973–1999):** Under the Foreign Exchange Regulation Act, every cent leaving the country was strictly monitored. "Hawala" was the primary laundering route.
- **The FEMA Shift (1999–2004):** Post-liberalization, the government shifted from "regulation" to "management." FEMA was enacted to facilitate external trade. In 2004, the LRS was introduced with a modest limit of \$25,000 to allow Indians to invest abroad.
- **The Globalized Startup Era (2015–Present):** With the rise of "flip-structures" (Indian startups incorporating in Delaware or Singapore) and the "gig economy" of global consultants, ESOPs became a standard compensation tool. This created a complex web of cross-border equity holdings that outpaced the slow-moving reporting frameworks of the RBI and Tax departments.

- **Way Forward**

- **Harmonization of Laws:** Align FEMA rules with global startup practices to allow RSAs for Indian residents, reducing "accidental" non-compliance.
- **Digital Integration:** Link the RBI's LRS tracking system directly with I-T department's Annual Information Statement (AIS) to flag discrepancies automatically.
- **Clarified Valuation Norms:** The CBDT should issue clear guidelines on valuing unlisted foreign shares to prevent the "low exercise price" loophole.
- **Amnesty for Minor Lapses:** A "One-Time Disclosure" scheme for employees who unwittingly failed to report ESOPs could clear the backlog of cases and focus resources on real criminals.

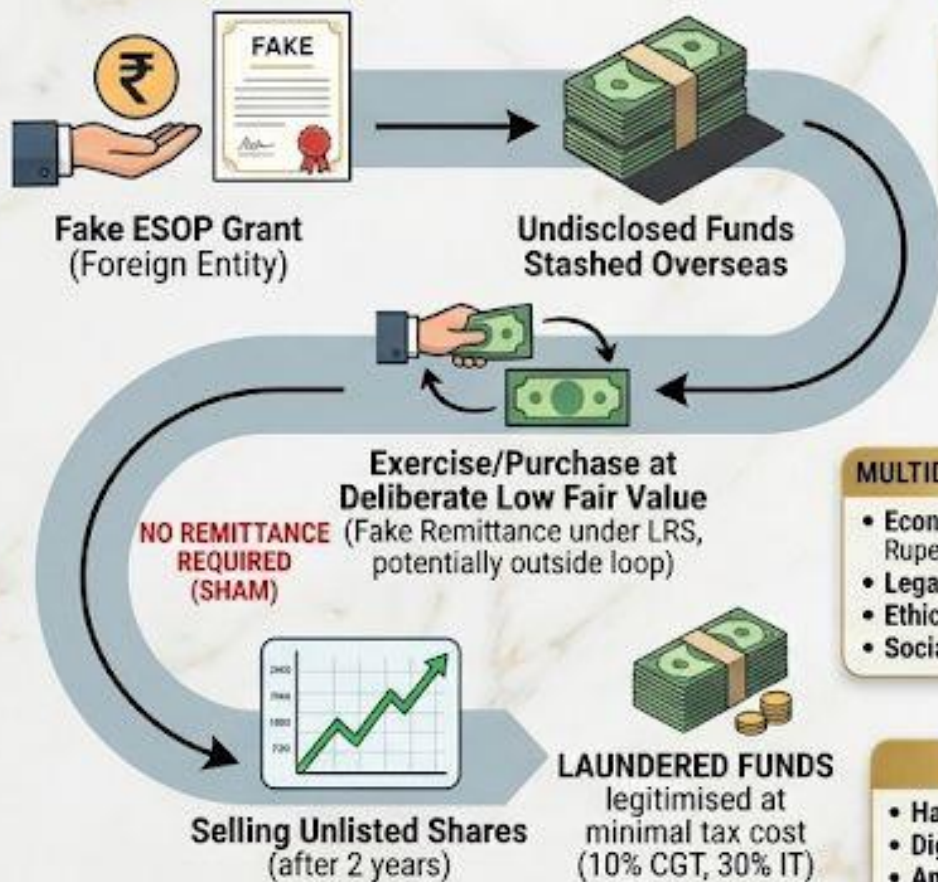
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Previous Years' UPSC Questions

- **Mains 2021 (GS3):** "Discuss how emerging technologies and globalization contribute to money laundering. Elaborate on measures to tackle the problem."
- **Mains 2018 (GS3):** "India's proximity to two of the world's biggest illicit opium-growing states has enhanced her internal security concerns. Explain the linkages between drug trafficking and other overseas activities like money laundering."
- **Prelims 2022:** A question on the "Liberalised Remittance Scheme" and what is permitted under it.
- **Prelims 2021:** Question on the "Enforcement Directorate" and its jurisdictional powers.

UNDERSTANDING CROSS-BORDER FINANCIAL RISKS & OPPORTUNITIES

ESOPs & THE MONEY LAUNDERING TRAIL



MULTIDIMENSIONAL ANALYSIS

- Economic: Impacts BoP, Rupee
- Legal: FEMA/IT Friction
- Ethical: Avoidance vs. Evasion
- Social: Wealth Gap



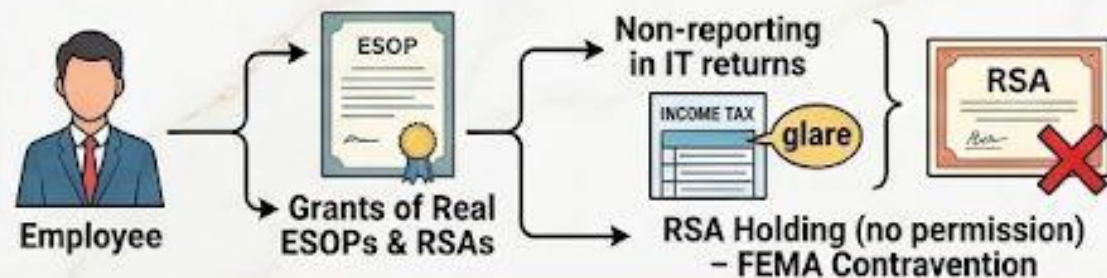
MULTIDIMENSIONAL ANALYSIS

- Economic: Impacts BoP, Rupee stability
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WAY FORWARD

- Harmonization of Laws
- Digital Integration
- Amnesty for Minor Lapses

GENUINE ESOPs & RSA: RISKS OF NON-COMPLIANCE



Holding foreign shares is a FEMA contravention even if disclosed

THE ED'S GATEKEEPER ROLE: THE NOC FRAMEWORK

Compounding of Contraventions



Entertaining petitions on religious practices can have far-reaching consequences, says SC

The Hindu Bureau
NEW DELHI

The Supreme Court on Thursday said a deluge of petitions complaining about religious practices and religion would follow if the courts start interfering in matters of faith.

“If everybody starts questioning religious practices or matters of religion before a constitutional court, then what will happen to this civilisation where religion is so intimately connected with the Indian society. There will be hundreds of petitions questioning this right, that right, opening of temple, closure of the temple,” Jus-

tice B.V. Nagarathna observed during a nine-judge Bench hearing of the Sabarimala review case.

Justice Nagarathna said India’s uniqueness lay in the fact that it was a “civilisation” in which the intimate relationship between people and religion has been a constant, despite pluralities and diversities.

‘Can’t break ties’

The judge asked whether the courts were the right forum to question, examine and intervene in this relationship. “We nine judges, what we lay down is for a civilisation, that is India. India must progress. Despite all its develop-



Justice Nagarathna asked whether courts were the right forum to intervene in the relationship between people and religion.

ment, economy, everything, there is a constant in us, we cannot break that constant. That is what is troubling us,” Justice Nagarathna said.

Justice M.M. Sundresh, on the Bench headed by

Chief Justice of India Surya Kant, said entertaining petitions challenging religious practices and beliefs for violation of fundamental rights may open the flood gates with far-reaching consequences.

“Every religion will break, every constitutional court will have to be closed,” the judge remarked.

‘Governed by law’

Senior advocate Raju Ramachandran, for petitioners challenging the practice of excommunication in the Dawoodi Bohra community, pointed out that India was indeed a civilisation, but a civilisation governed by a Constitution.

“Therefore, nothing that goes against the grain of our Constitution can be countenanced in a civilised society governed by the Constitution,” Mr. Ramachandran said.

- **Key Terms and Explanations**

- **Constitutional Morality:** This refers to adherence to the core principles of the Constitution—justice, liberty, equality, and fraternity—rather than just the literal text. It implies that the values of the Constitution take precedence over traditional social or religious norms.
- **Essential Religious Practices (ERP) Doctrine:** A legal test developed by the Supreme Court to determine which religious practices are integral to a religion and thus protected under Article 25. If a practice is deemed "essential," it receives higher protection; if not, the state can regulate it.
- **Article 25 & 26:** Article 25 grants individuals the freedom of conscience and the right to profess, practice, and propagate religion. Article 26 grants religious denominations the right to manage their own affairs in matters of religion.
- **Excommunication:** The action of officially excluding someone from participation in the sacraments and services of a Christian Church or, in the Indian context, a specific community (like the Dawoodi Bohras). This often leads to social boycott.
- **Judicial Overreach vs. Judicial Review:** *Judicial Review* is the power of courts to check the validity of laws/actions. *Overreach* is a critical term used when the judiciary is perceived to be interfering in the functional domain of the executive, legislature, or private faith beyond its mandate.

- **Main Arguments and Substantive Parts**

- The debate centers on whether the Supreme Court should act as a reformer of religious customs or a protector of pluralistic traditions.
- **The "Floodgates" Argument:** The Bench expressed concern that if the court begins adjudicating every religious grievance, it would lead to a deluge of litigation. This could potentially overwhelm the judicial system and destabilize the social fabric where religion is a primary identity.
- **Civilizational Continuity:** Justice Nagarathna highlighted that India is not just a nation-state but an ancient "civilisation." In this view, the intimate bond between people and faith is a "constant" that cannot be easily severed by legal decrees without risking the collapse of social cohesion.
- **The Supremacy of the Constitution:** The counterargument, presented by senior advocates, posits that while India is a civilization, it is a *constitutionally governed* one. Therefore, no practice—no matter how ancient—can be allowed if it violates fundamental rights like dignity and equality.
- **The Survival of Institutions:** Some judges remarked that if every internal religious practice is subjected to strict constitutional scrutiny, "every religion will break," leading to a crisis where religious institutions can no longer function independently.

- **Historical Evolution of the Issue**

- The relationship between the Indian State and Religion has evolved through distinct phases:

- **Pre-Independence:** The British generally followed a policy of non-interference in personal laws (e.g., the Shariat Act, 1937) unless a practice was exceptionally "repugnant" (like Sati).

- **1954 (The Shirur Mutt Case):** The Supreme Court introduced the **Essential Religious Practices Doctrine**. This gave the Court the power to decide what is "essential" to a religion, moving away from what the community itself claimed.

- **1986 (Shah Bano Case):** A landmark moment where the Court prioritized individual maintenance rights over personal law, leading to significant political backlash and legislative reversal.

- **2018 (Sabalimala Verdict):** The Court allowed women of all ages to enter the temple, prioritizing "Constitutional Morality" over "Religious Custom." This triggered the current review by a larger 9-judge bench.

- **Present Day:** The court is now grappling with the fallout of the Sabarimala and Dawoodi Bohra cases, questioning if it has gone too far in playing the role of a "social reformer."

- **Way Forward**

- **Strict Definition of "Essentiality":** The 9-judge bench needs to provide a clearer, more objective test for ERP to reduce judicial subjectivity.

- **Internal Reform:** Encouraging religious communities to modernize from within, rather than having reforms imposed by the court, ensures better social acceptance.

- **Doctrine of Proportionality:** The court should only intervene if the religious practice causes "substantial harm" to an individual's core rights, rather than minor procedural variations in rituals.

- **Dialogue:** Use of Alternative Dispute Resolution (ADR) or community consultations before delivering sweeping constitutional verdicts on faith.

- **Previous Years' Questions (PYQs)**

- **Mains (GS 2, 2019):** "What are the challenges to our cultural practices in the name of Secularism?"

- **Mains (GS 2, 2017):** "Examine the scope of Individual Freedom of Religion under Article 25 in the light of the Essential Religious Practices Doctrine."

- **Mains (GS 1, 2018):** "How is the Indian concept of secularism different from the Western model of secularism?"

- **Prelims (2020):** Question on the definition of 'Constitutional Morality'.



COMPREHENSIVE ANALYSIS: FAITH VS. CONSTITUTION

THE CORE TENSION

Judicial Overreach?



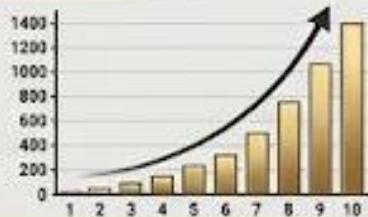
Civilizational Break?



Social Cohesion vs. Reform?

Gender Equality vs. Community Elder
Community Elder vs. Communication Elder

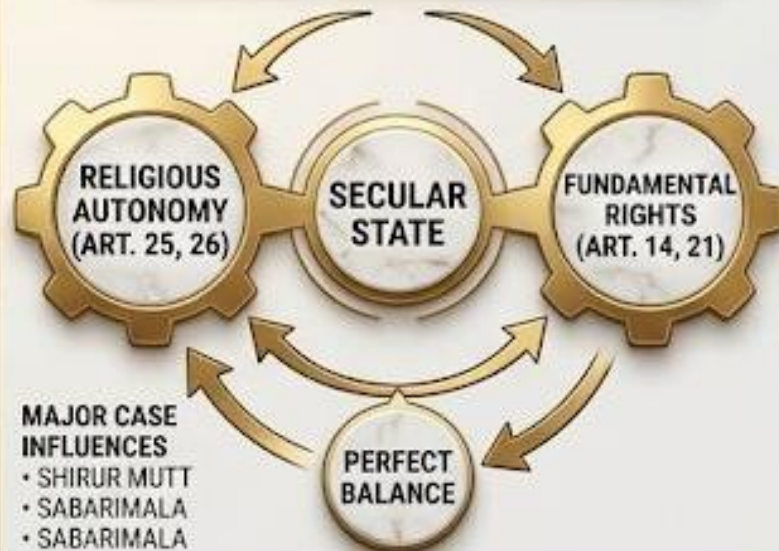
**Logistics:
FLOODGATES
OF LITIGATION**



**MAJOR CASE
INFLUENCES
SABARIMALA**

MAJOR CASE
INFLUENCES
• SHIRUR MUTT
• SABARIMALA
• BAITS

THE BALANCING ACT



MAJOR CASE
INFLUENCES
• SHIRUR MUTT
• SABARIMALA
• SABARIMALA

KEY DOCTRINES & PATH FORWARD

Essential Religious Practices:
What is integral to faith?

Constitutional Morality:
Values over Traditions



Way Forward:

• Doctrine of Proportionality



• Principled Non-Interference



• Internal Reform

↳ Inside Community → Progress

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Was a 'proper debate' held in Parliament on CEC and ECs appointment law, asks SC

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Thursday asked if there had been a "proper debate" in Parliament about the "ethos" of its 2023 judgment that took the appointment of members of the Election Commission out of the exclusive hands of the political executive, namely, "the party which not unnaturally has an interest in perpetuating itself in power".

In a 2023 judgment in *Anoop Baranwal versus Union of India*, a Constitution Bench of the court had replaced the mechanism of the President appointing the Chief Election Commissioner (CEC) and Election Commissioners (ECs) on the sole advice of the Prime Minister with a more participatory appointment process involving a three-member selection committee of the Prime Minister,



the Opposition Leader in the Lok Sabha, and the Chief Justice of India. The court had said the committee would be in place till Parliament brought in a law to replace it.

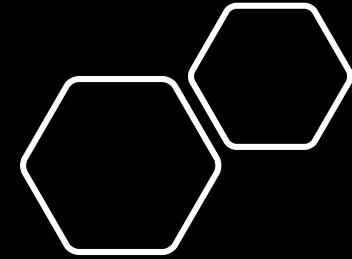
The Union government had brought in a law which reverted to the dominant role of the executive in the appointments of the CEC and ECs. Under the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act of 2023, the CJI was replaced in the

selection committee by a Union Cabinet Minister nominated by the Prime Minister.

"But was there a proper debate in Parliament about the *Anoop Baranwal* judgment? Is the ethos voiced in the judgment reflected in the Parliamentary debates... That is not clear," said Justice Dipankar Datta, heading a Bench comprising himself and Justice Satish Chandra Sharma.

Senior advocate Shadan Farasat, appearing for an intervenor, said the passing of the law had been preceded by an *en masse* suspension of Opposition MPs. "There was no proper debate in the Parliament," he said.

"A majority of the Opposition was suspended. [AIMIM MP Asaduddin] Owaisi was the sole objector," advocate Prashant Bhushan, appearing for Association for Democratic Reforms, submitted.

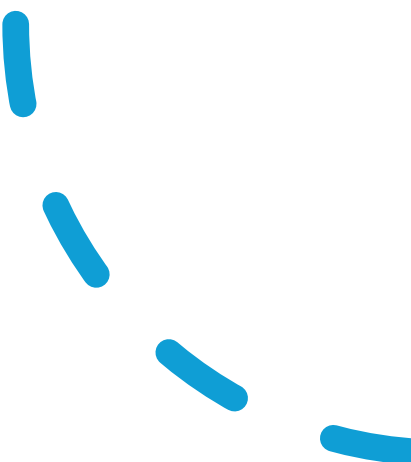




- **Key Terms and Explanations**

- **Article 324:** The constitutional provision that vests the power of superintendence, direction, and control of elections in the Election Commission. Crucially, Clause (2) states appointments shall be made by the President, "subject to the provisions of any law made in that behalf by Parliament."
- **Executive Primacy:** A situation where the government of the day holds the final or dominant word in appointments. For example, if the Prime Minister and their Cabinet choose the CEC, it reflects executive primacy.
- **Anoop Baranwal Case (2023):** A landmark Supreme Court judgment that filled a "legislative vacuum." Since Parliament hadn't made a law under Article 324(2) for 70 years, the Court created a temporary selection committee (PM, Leader of Opposition, and CJI).
- **Ethos of the Judgment:** The "spirit" or underlying value of a court ruling. Here, it refers to the necessity of an independent, non-partisan process to ensure "fair play" in the electoral process.
- **CEC and Other ECs Act, 2023:** The new law passed by Parliament which replaced the Chief Justice of India (CJI) in the selection committee with a Union Cabinet Minister, effectively giving the executive a 2:1 majority in appointments.

- **Main Arguments and Substantive Parts**

- The core of the current debate revolves around whether the **Independence of the Election Commission** can be maintained when the selection panel is dominated by the ruling party.
 - **Judicial Concern:** The Supreme Court is questioning whether Parliament genuinely debated the "ethos" of the *Anoop Baranwal* ruling. The Court's concern is that the new law bypasses the goal of neutrality by removing the judicial member (CJI) and replacing them with a political appointee.
 - **The "Self-Perpetuation" Argument:** The Court highlights a conflict of interest: a political party has a natural interest in staying in power. If that party alone chooses the "referee" (the Election Commission), the fairness of the game is compromised.
 - **The Government's Stance:** The Union argues that Article 324(2) explicitly gives Parliament the power to make laws regarding appointments. By passing the 2023 Act, the legislature has exercised its sovereign right, ending the "temporary" arrangement suggested by the Court.
 - **Procedural Legitimacy:** Critics (as noted by Shadan Farasat and Prashant Bhushan) argue that the law lacks moral weight because it was passed while a significant portion of the Opposition was suspended, preventing a "proper debate."
- 

- **Historical Evolution of the Issue**

- **1950–1989:** The Election Commission was a single-member body. Appointments were made by the President on the advice of the Prime Minister/Cabinet (Executive discretion).
- **1989 & 1993:** The Commission became a multi-member body (1 CEC and 2 ECs). However, the appointment process remained purely executive-driven.
- **Dinesh Goswami Committee (1990):** Recommended that the appointment of the CEC should be in consultation with the CJI and the Leader of the Opposition.
- **Justice J.S. Verma Committee & Law Commission (255th Report):** Repeatedly called for a collegium-style system to ensure the EC's independence from political influence.
- **March 2023 (The Shift):** The SC in *Anoop Baranwal v. Union of India* ruled that the executive's exclusive power over appointments was detrimental to the "purity of elections."
- **December 2023 (The Reversal):** Parliament enacted the new law, excluding the CJI, which brings the issue back to the Court for scrutiny.

- **Way Forward**

- **Broad-Based Collegium:** Re-evaluating the inclusion of the CJI or a nominee from the judiciary to provide a "neutral tie-breaker."
- **Secretariat Independence:** Giving the ECI an independent secretariat and a dedicated budget (charged on the Consolidated Fund of India), similar to the SC or CAG.
- **Removal Parity:** Ensuring that ECs have the same protection from removal as the CEC (who can only be removed via impeachment).
- **Transparency:** Making the Search Committee's shortlisting criteria public to ensure that appointments are based on merit and track record rather than political proximity.

-

Previous Years' UPSC Questions

- **GS 2 (2023):** "Discuss the role of the Election Commission of India in the light of the evolution of Model Code of Conduct."
- **GS 2 (2017):** "In the light of recent controversy regarding the use of Electronic Voting Machines (EVM), what are the challenges before the Election Commission of India to ensure the trustworthiness of elections in India?"
- **GS 2 (2012):** "Discuss the demand for a collegium system for the appointment of the CEC and ECs."

SECTION 1: CONTEXT & JUDICIAL ETHOS

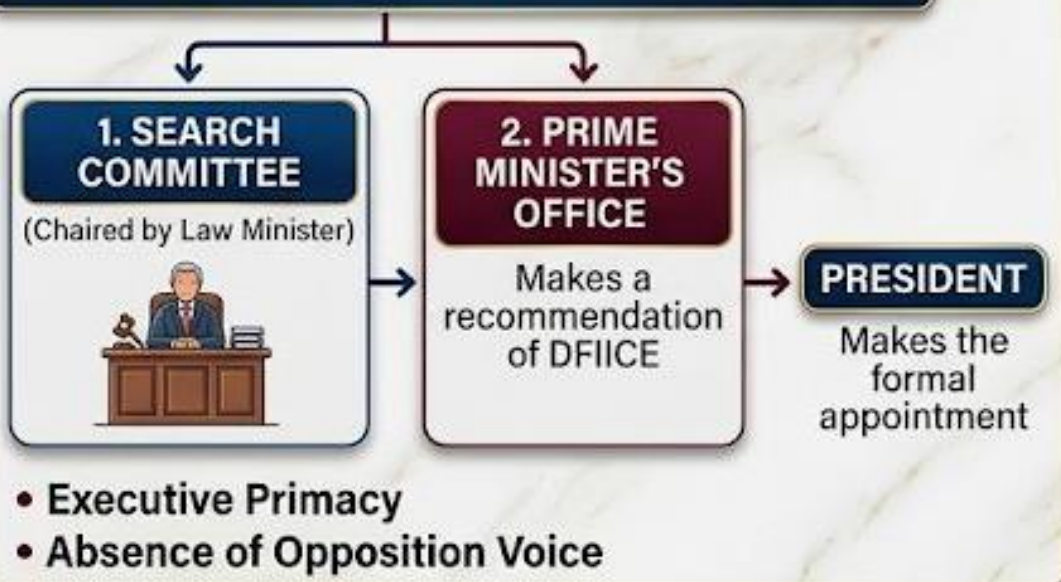


- **Legislative Vacuum**
 - Contralero/ Bias judgment
 - Government office judgment
 - Judicial cecrequection judgment
- **Fair Play**
 - Law-iran oppositivity concepts
 - Rocosaning to excelential judgment

“ Supreme Court asks:
Proper Debate on Ethos? ”

“ Direct Opposititr of Parblesment ”

SECTION 2: PRE-2023 APPOINTMENT PROCESS



SECTION 3: POST-2023 APPOINTMENT ACT (The Shift)



SECTION 4: KEY IMPLICATIONS & CHALLENGES



INSTITUTIONAL AUTONOMY

- Perception of Bias



CHALLENGES

- Lack of Opposition Voice
- Political Polarization



SEPARATION OF POWERS

- Judiciary vs. Legislature



PUBLIC TRUST

- Trust in Election Outcomes

Governor must ensure formation of a stable government in a State

The Governor should prevent complete breakdown of constitutional machinery leading to President's Rule in a State; it will be a failure of constitutional machinery if no party or group is able to command a majority to form a popular government

NEWS ANALYSIS

Krishnadas Rajagopal
NEW DELHI

The insistence that Tamilaga Vetri Kazhagam (TVK) president C. Joseph Vijay must prove majority support in the Legislative Assembly is based on a time-tested legal principle that a Governor's first priority is the formation of a stable government to prevent the State from slipping into a situation of complete breakdown of constitutional machinery, leading to President's Rule.

Supreme Court precedents have said a Governor cannot refuse to allow the formation of a government once the majority is established. The only exception could be where the Governor is of the view that a stable government may not be formed by the claimants. On the other hand, the court has noted that a Governor is not expected to wait indefinitely, and in the process, encourage defections or adoption of other objectionable activities.

The apex court and the Sarkaria Commission have highlighted the importance of giving Governors



TVK chief Vijay meets Tamil Nadu Governor Rajendra Arlekar in Chennai on Wednesday to stake claim to form a government. ANI

reasonable time to "explore alternatives with political parties, groups and Independent MLAs" to form a stable government. The phrase "reasonable time" is not defined in the Constitution.

The "alternatives" before the Governor in a hung Assembly will be to invite a pre-poll alliance of parties with the largest number of seats to form the government first. The single largest party will be the second option if it could show majority support. A post-poll alliance or coalition is the last option before the Governor.

A nine-judge Bench in the 1994 S.R. Bommai judg-

ment, while endorsing this hierarchy of preference, liberally added that the Governor could either go for the single largest party or "group". It did not matter whether the "group" was formed before or after the election. It would be a case of failure of constitutional machinery if these alternatives fail, and no party or group is able to command a majority to form a popular government.

"Suppose after general elections, no political party or coalition of parties or groups is able to secure absolute majority in the Legislative Assembly and despite the Governor's exploring the alternatives,

the situation has arisen in which no political party is able to form stable government, it would be a case of completely demonstrable inability of any political party to form a stable government commanding the confidence of the majority members of the legislature. It would be a case of failure of constitutional machinery," the court observed in the Bommai judgment.

Partisan politics

However, the Supreme Court, in its seven-judge Bench judgment in *Rameshwar Prasad versus Union of India*, has also cautioned against Governors misusing their office for partisan politics.

"Whether it is a case of an existing government losing majority support or of installation of a new government after fresh elections, the act of the Governor in recommending dissolution of Assembly should be only with the sole object of preservation of the Constitution and not promotion of political interests of one or the other party," the court said.

The Rameshwar Prasad case flagged the criticism recorded in the Sarkaria Commission that Governors have, more often than

not, used their powers to recommend President's Rule under Article 356 to "promote the political interests of the party in power at the Centre".

"It is seen that one day a person is in active politics in as much as he holds the office of the Chief Minister or Minister or a party post and almost on the following day or, in any case, soon thereafter, the same person is appointed as the Governor in another State with hardly any cooling period. Ordinarily, it is difficult to expect detachment from party politics from such a person while performing the constitutional functions as Governor," the court had highlighted the need for a "cooling-off period".

Supreme Court judgments have acknowledged that coalition governments have become the norm rather than a rarity.

"Coalition governments are in place in several States and in fact at the Centre. There is nothing wrong in post-poll adjustments, and when ideological similarity weighs with any political party to support another political party though there was no pre-poll alliance... There is nothing wrong in it," the court has observed.

- **Key Terms and Explanations**

- **Hung Assembly:** A situation where no single political party or pre-poll alliance secures an absolute majority (50% + 1) of seats in the Legislative Assembly.
 - *Example:* If a house has 234 seats, a party needs 118 to lead. If the highest any party gets is 100, the Assembly is "hung."
- **Article 356 (President's Rule):** A provision allowing the President to take over the administration of a state if the constitutional machinery breaks down. It is often triggered by a Governor's report.
- **Floor Test:** A constitutional mechanism where a Chief Minister proves majority support on the floor of the Legislative Assembly rather than in the Governor's private chambers.
- **Constitutional Machinery:** The system of governance as prescribed by the Constitution. A "failure" occurs when a stable government cannot be formed or maintained according to law.
- **Cooling-off Period:** A proposed duration between a person leaving active politics (e.g., as a Minister) and being appointed to a constitutional post like Governor, intended to ensure neutrality.
- **Sarkaria Commission:** A central commission set up in 1983 to examine Center-State relations; it provided seminal recommendations on the appointment and powers of Governors.

- **Main Arguments and Substantive Parts**

- The core thesis posits that a Governor's primary duty is to facilitate a stable government while remaining a "detached" constitutional figure.
- **Priority of Stability:** The Governor's first task is to prevent a vacuum in governance. The article argues that the Governor must explore all viable "alternatives" before recommending President's Rule.
- **The Hierarchy of Invitation:** Based on precedents, the Governor should follow a specific order:
 - Pre-poll alliance.
 - Single largest party claiming majority.
 - Post-poll coalition.
- **Judicial Restraint on Discretion:** While the Governor has discretion, the *S.R. Bommai* and *Rameshwar Prasad* cases argue this is not absolute. Discretion must be used to preserve the Constitution, not to further the interests of the ruling party at the Center.
- **The Problem of Partisanship:** The lack of a "cooling-off period" for politicians-turned-governors creates a conflict of interest, often leading to the premature dissolution of Assemblies or biased invitations to form government.

- **Historical Evolution of the Issue**

- **Pre-Independence:** The Government of India Act, 1935, established the Governor as an agent of the British Crown with vast discretionary powers.
- **Post-1950 (Early Republic):** For the first two decades, a single party dominated the Center and States, making the Governor's role largely ceremonial.
- **1967-1980s (Era of Instability):** The rise of regional parties led to frequent hung Assemblies and the perceived "misuse" of Article 356 to dismiss state governments.
- **1988 (Sarkaria Commission):** Formulated the first comprehensive guidelines to limit the Governor's political interference.
- **1994 (S.R. Bommai Judgment):** A landmark shift where the Supreme Court ruled that the "floor of the House" is the only place to test a majority, making Article 356 subject to judicial review.
- **2006 (Rameshwar Prasad Case):** Further tightened the screws by ruling that a Governor cannot prevent a government's formation simply because they suspect "unethical" horse-trading; the House must decide.

- **Way Forward**

- **Implement Sarkaria/Punchhi Recommendations:** Ensure the Governor is an "eminent person" from outside the state who has not been active in politics recently.
- **Codifying the Hierarchy:** Amend the Constitution or the "Rules of Business" to explicitly state the order of invitation (Pre-poll > Single Largest > Post-poll) to remove ambiguity.
- **Time-bound Floor Tests:** The Supreme Court should mandate that a floor test occur within 48–72 hours of a claim to minimize horse-trading.
- **Judicial Oversight:** Maintain the "Bommai" standard of judicial review over the Governor's report recommending President's Rule.

- **Previous Years' Questions (PYQs)**

- **Mains (2019):** "The exercise of 'discretionary powers' by the Governor makes him/her a controversial figure. Discuss with suitable examples."
- **Mains (2015):** "Discuss the essential conditions for exercise of the power of the Governor to promulgate Ordinances. Has this power been misused?" (Theme: Governor's power).
- **Prelims (2018):** Questions regarding the Governor's power to reserve bills and the nature of their appointment.



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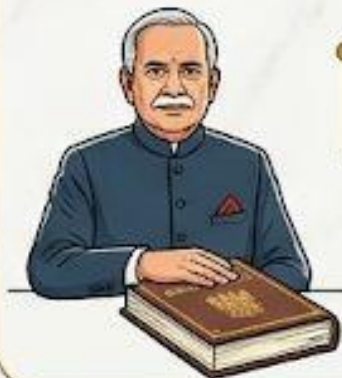
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- Prevent Constitutional Breakdown
- Explore All Options to Form a Popular Government



SUPREME COURT GUIDELINES & PRECEDENTS



S.R. BOMMAI (1994)



Legislative
Assembly
Floor Test

- Floor is the Only Site to Prove Majority
- Article 356 as Last Resort

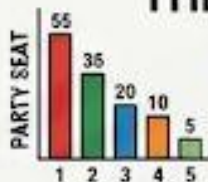
RAMESHWAR PRASAD (2006)



Guard Against
Partisan
Politics

- Preserve Constitution, Not Party Interests
- Cooling-off Period Need

THE HUNG ASSEMBLY DILEMMA



- No Single Majority Party
- Sarkaria/Bommai Hierarchy of Preference



POWER



1. PRE-POLL
ALLIANCE



2. SINGLE LARGEST
PARTY
(with majority proof)



3. POST-POLL
COALITION
(or Group)

Failure is Constitutional
Machinery Breakdown

CHALLENGES & THE WAY FORWARD



- Challenges:**
 - Partisanship
 - Time Ambiguity
 - Defections



- Way Forward:**
 - Implement Sarkaria Reforms
 - Codify Invitation Process
 - Immediate Floor Tests



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Scope of legal fiction in party mergers

Henry Maine called legal fiction an agency by which law adapts to changing societies. In the Indian context, a 1955 ruling delineating the scope of legal fiction, reaffirmed by the Supreme Court in March, sets limits that the law on defections has yet to absorb.

LETTER AND SPIRIT

Y. Venkatesan

The law has a long standing habit of pretending: that an adopted child is the natural child of the adoptive parents, that a registered company is a person capable of suing and being sued. Sir Henry Maine, in *Ancient Law* (1861), called the legal fiction one of three great agencies, alongside equity and legislation, by which law adapts to changing societies.

The device has not been universally welcomed; historically, jurists worried that fictions allowed judges to make law in disguise. Lon Fuller, in his Stanford monograph *Legal Fictions* (1967), laid down the modern test: a fiction is honest only when its falsity is openly acknowledged; once it is “taken seriously”, once people begin to treat the pretence as fact, it loses its utility and becomes dangerous. A fiction is a tool, fashioned for a defined end, and works only within that end.

On legal fiction in India

In Indian constitutional law, the leading authority on this discipline is *Bengal Immunity Co. Ltd. vs State of Bihar* (1955), decided by a seven-judge Constitution Bench. The case concerned a Calcutta-based company that manufactured vaccines and sera and sold them to buyers in Bihar; Bihar sought to tax those sales by relying on a deeming clause then attached to Article 286(1) of the Constitution, which treated a sale as having taken place in the State where the goods were delivered for consumption. The Court rejected Bihar’s argument, holding that the deeming clause served only to fix the location of a sale for one purpose and could not be stretched to override the separate constitutional bar on State taxation of inter-State trade. Acting Chief Justice S.R. Das laid down the formulation that has since governed: a legal fiction is created for a definite



In April, the Rajya Sabha Chairman accepted the merger of seven AAP MPs with BJP. SUDAN KUMAR SHANKAR

purpose, must be limited to that purpose, and must not be extended beyond its legitimate field.

A complementary discipline came from Lord Asquith of the House of Lords in *East End Dwellings Co. Ltd. vs Finsbury Borough Council* (1952): one must imagine the necessary consequences of the fiction, but must not let imagination “boggle” beyond them. The Indian Supreme Court adopted that formulation in *J.K. Gatto Spinning and Weaving Mills Ltd. vs Union of India* (1987), confining a deeming fiction in the Central Excise Rules to its stated purpose.

That this discipline remains current was reaffirmed on March 10, 2026, in *Registrar Case Cooperative Societies vs Girdleyp Singh Narval* by the Supreme Court. The case concerned two sugarcane growers’ cooperative societies, Bajpur and Gadarpur, whose villages had fallen partly in Uttar Pradesh and partly in Uttarakhand after the new State was carved out of Uttar Pradesh in 2000. Years later, a member of the Bajpur society argued that his society had automatically become a “Multi-State”

cooperative society on the date of bifurcation by virtue of a deeming clause in Section 103 of the Multi-State Cooperative Societies Act, 2002. Justices P.S. Narasimha and Alok Aradhe rejected the argument. The deeming fiction in Section 103 had a defined purpose: to govern societies whose stated objects extended to more than one State. It could not be extended to undo a completed reorganisation of societies whose objects were confined to a single State. The case was about cooperative societies; the principle it applied governs every deeming clause in every statute.

The merger of political parties

Among the deeming clauses of political consequence is paragraph 4(2) of the Tenth Schedule of the Constitution (on disqualification for defection). Paragraph 4 protects legislators when their original political party merges with another and two-thirds of the legislature party agree to it.

The merger of the original party is the substantive condition; the legislative threshold is the verifying court.

Paragraph 4(2) provides that a merger “shall be deemed to have taken place if, and only if” the two-thirds is met. Read against the *Bengal Immunity* case, these words tell the adjudicator how to verify a merger that has happened in the original political party, not that the legislators’ assent is itself the merger.

That distinction was settled, on a parallel clause, by a 2007 Constitution Bench in *Rajendra Singh Rana vs Swami Prasad Maurya*. The argument that a legislature-party threshold could itself satisfy the substantive event in the original party would, the Court said, render one limb of the clause redundant. The court rejected it, holding further that the Speaker has no independent power under the Tenth Schedule to recognise either a split or a merger. The Punjab and Haryana High Court applied this in *Speaker, Haryana Vidhan Sabha vs Kuldip Bhatnagar* (2011): legislators alone cannot effect a merger; the original political party itself must take the substantive decision.

Recent practice, however, has allowed distortions. The Bombay High Court (Goa Bench) has twice upheld merger orders based solely on a two-thirds resolution of legislators, in 2022 and January 2025; the latter is under challenge before the Supreme Court. In April, the Rajya Sabha Chairman accepted, by administrative decision, the merger of seven Aam Aadmi Party MPs with the BJP on the same reading. A disqualification petition by the AAP has been filed. *Bengal Immunity* and *Rana*, read together, would have arrived at the opposite conclusion.

The reason is doctrinal. A deeming clause read as constitutive ceases to be a fiction. It becomes a substantive grant of power: the power of a faction of legislators to declare a merger that the parent political party has not authorised. That is the danger Fuller named and acting Chief Justice Das addressed when he confined legal fictions to their definite purpose. (Y. Venkatesan is a journalist and legal researcher.)

THE GIST

Among the deeming clauses of political consequence is paragraph 4(2) of the Tenth Schedule of the Constitution. It protects legislators when their original political party merges with another and two-thirds of the legislature party agree to it.

The Bombay High Court (Goa Bench) has twice upheld merger orders based solely on a two-thirds resolution of legislators. In April, the Rajya Sabha Chairman accepted the merger of seven Aam Aadmi Party MPs with the BJP on the same reading.

- **Key Terms and Explanations**

- **Legal Fiction:** A technique where the law deliberately treats something as true even though it is known to be false or non-existent in reality. It is a tool used to bridge the gap between static legal rules and changing social realities.

- *Example:* Treating a **Corporation** as a "person." In reality, a company cannot breathe or walk, but the law "pretends" it is a person so it can own property and enter contracts.

- **Deeming Clause:** A statutory provision that creates a legal fiction by stating that something "shall be deemed to be" something else. It forces the interpreter to assume a specific state of affairs for the purpose of that law.

- **Tenth Schedule:** Introduced by the **52nd Amendment (1985)**, it contains provisions for the disqualification of legislators on grounds of defection. It aims to prevent political instability caused by "Aaya Ram Gaya Ram" culture.

- **Legislature Party vs. Original Political Party:** The "Original Party" is the political entity registered with the Election Commission (e.g., AAP, BJP). The "Legislature Party" consists of the elected members of that party within a specific house (MPs or MLAs).

- **Doctrine of Limited Purpose:** A principle stating that a legal fiction created for one specific objective cannot be extended to achieve a different, unrelated result.

-

Main Arguments and Substantive Parts

- The core thesis of the discourse is that **legal fictions are tools with boundaries**, and when these boundaries are overstepped, the fiction becomes a dangerous instrument of judicial or administrative overreach.

- **The Utility of Fictions:** Following Sir Henry Maine's view, fictions are one of the three agencies (alongside equity and legislation) that help the law evolve. They allow the law to adapt without the immediate need for complex legislative overhauls.

- **The "Honesty" of Fictions:** According to Lon Fuller, a fiction is "honest" only if we acknowledge it is a lie used for convenience. If we start believing the fiction is the literal truth, it loses its utility and becomes a "dogma" that can lead to injustice.

- **The Purpose-Specific Nature:** In *Bengal Immunity (1955)*, the Supreme Court established that a fiction (like deeming a sale to happen in a specific state) is valid **only for the purpose** defined in that statute and cannot be used to bypass other constitutional limitations.

- **Application to Defection:** The article argues that Paragraph 4(2) of the Tenth Schedule uses a deeming fiction to *verify* a merger that has already occurred in the "Original Party." It is **not** a power granted to legislators to *create* a merger independent of the parent party.

- **Historical Evolution of the Issue**
- **1861 (Sir Henry Maine):** Conceptualized legal fictions as a way for "Ancient Law" to modernize.
- **1952 (East End Dwellings Co.):** Lord Asquith cautioned that while we must follow a fiction to its logical conclusion, we must not let our imagination "boggle" by applying it where it doesn't belong.
- **1955 (Bengal Immunity Case):** The Indian Supreme Court set the gold standard for interpreting fictions—limiting them to their "legitimate field."
- **1985 (Tenth Schedule):** The Anti-Defection law is enacted. It originally allowed for "splits" (1/3rd) and "mergers" (2/3rds).
- **2003 (91st Amendment):** The "split" provision was deleted because it was being misused, leaving only the "merger" exception.
- **2007 (Rajendra Singh Rana Case):** The Constitution Bench clarified that a split or merger must happen in the *Original Political Party* first; the legislature party cannot act in a vacuum.
- **2022–2026 (Recent Distortions):** High Courts and Presiding Officers (Goa, Rajya Sabha) have begun accepting mergers based *only* on the 2/3rds rule of legislators, potentially ignoring the status of the parent party.

- **Way Forward**
- **Reaffirmation of Precedent:** The Supreme Court must clarify that the *Bengal Immunity* and *Rajendra Singh Rana* principles are absolute: a legislature party cannot merge unless the original party merges.
- **Standardizing "Merger":** The Election Commission and the Law Commission should define "Merger of Original Party" through clear, objective criteria (e.g., a resolution by the party's National Executive).
- **Fixed Timelines:** Presiding Officers should be bound by a 3-month timeline to decide on disqualification petitions to prevent fictions from becoming "facts on the ground" due to delay.
- **Judicial Review:** The "administrative" decisions of Speakers regarding mergers should be subject to strict judicial scrutiny to prevent "law-making in disguise."

- **Previous Years' UPSC Questions**
- **Mains 2022 (GS-II):** "The role of the individual MP (Member of Parliament) has diminished over the years and as a result, the healthy constructive debates on policy issues are not usually witnessed. How far can this be attributed to the anti-defection law?"
- **Mains 2014 (GS-II):** "The periodic selection of the government is a characteristic of a democracy. However, the Tenth Schedule of the Constitution has been criticised for its inability to prevent political defections. Discuss."
- **Prelims (Various Years):** Questions on the 52nd Amendment, the role of the Speaker in disqualification, and the 91st Amendment.

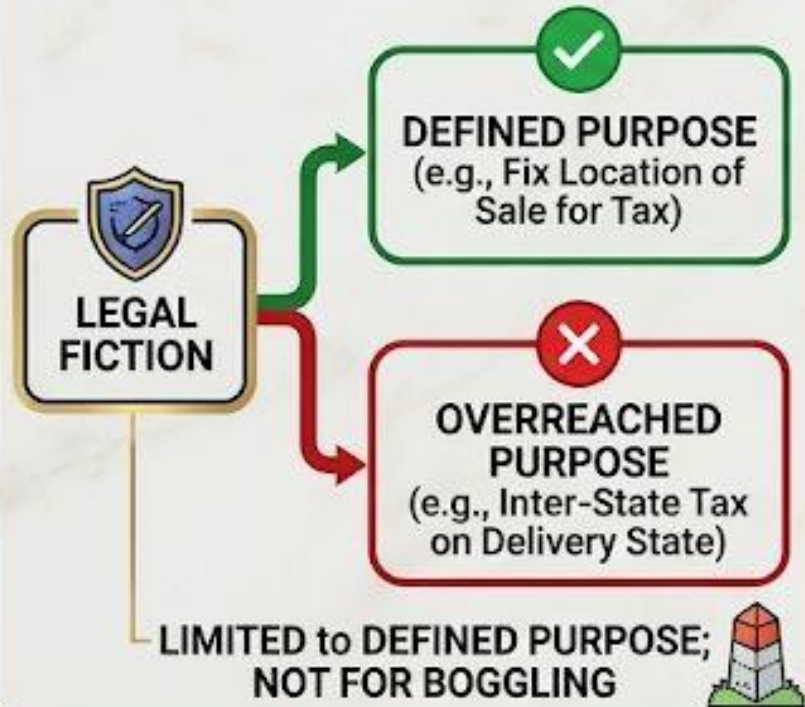


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PRINCIPLE OF THE DEEMING CLAUSE (Bengal Immunity Case)



CONSTITUTIONAL DISCIPLINE ON LEGAL FICTIONS



1. A fiction is for a definite purpose.
2. Must be limited to that purpose.
3. Must not be extended beyond its legitimate field.
4. Consequences are imagined, but must not "boggle" beyond them (Lord Asquith).
5. Fictions can be dangerous when "taken seriously" as fact (Lon Fuller).
6. Fictions are a tool (Henry Maine), not a grant of power.



CASE STUDY: TENTH SCHEDULE MERGERS

CORRECT READING (Bengal Immunity & Rajendra Rana) ✓



Verifying count (2/3rds)



Protected Merger

DISTORTED READING (Goa/Aam Aadmi) ✗



Legislator assent (2/3rds only)



Creates Merger (Constitutive Power)



Potential Unprincipled Defection

DANGER: Constitutive Reading = Unauthorised Power

How does Kerala plan to tackle oil spill hazards?

What prompted the drafting of the Oil Spill Contingency Plan? How will it help protect Kerala's coastline?

G. Krishnakumar

The story so far:

Kerala had witnessed two shipwrecks off its coast involving two separate vessels - MSC Elsa 3 and MV Wan Hai 503 - on May 25, 2025 and June 9, 2025 respectively. The incidents had raised a serious threat to the State's marine ecosystem and coastal environment. The container ship MSC Elsa 3 went down with 640 containers, including 13 with hazardous cargo and 12 with calcium carbide. A large quantity of pellets, also called nurdles, had washed ashore on the southern coast following the incident. It prompted the authorities to step up efforts to formulate an Oil Spill Contingency Plan (OSCP). The Kerala State Pollution Control Board (KSPCB), which was entrusted by the government to initiate the required measures, had

awarded the work to a Bangalore-based firm. The agency submitted a report dated April 20, 2026 before the National Green Tribunal stating that the draft OSCP is ready.

Kerala has a coastal line of 590 km, and the entire coast is prone to oil spill disasters as one of the international oil transportation routes is adjacent to the State's coastal line. As per the terms of reference for preparing the OSCP, oil tankers and other ships visiting ports in the State pose a risk to the coastline areas, when they are involved in accidents. The proposal to prepare an OSCP was initiated in 2016 as part of a governmental review of the preparedness of major accident hazard units to handle chemical accidents. However, it got delayed due to various technical and financial hurdles. The scope of work included marine oil spills that occur within 12 nautical miles (24 km) of Kerala's coastline and riverine

systems extending 40 km inland or till tidal effect is evident, whichever is greater.

What are the highlights of the OSCP?

It includes mapping the Environmental Sensitive Index of oil spills along the coast of Kerala and preparing response-focussed contingency plans. The framework will elaborate on the oil spill contingency planning guidelines, wildlife response plans, ship board pollution emergency plans and tactical oil spill booming/site response plans. It will also include guidelines for crisis management and marine emergency response plans. The OSCP will highlight mitigation measures to be initiated in the wake of an emergency, the responsibilities of various departments, oil spill risks and protection priorities, shoreline response operations, and administrative action for clean-up. It will

identify areas involving operation of fishing boats and ships, and map environmentally vulnerable areas along the State's coast.

The OSCP will recommend a detailed response plan with chain of command, duties and responsibilities. It will have the contact details, list of all available resources to be pressed into service in an emergency, and the database of available machinery or equipment for clean-up operations. The Plan will highlight the steps to be taken before initiating the shoreline clean-up, including assessment of shoreline oil characteristics, on-site conditions, methods to be adopted and the scope of work required in each area as per the priorities. The KSPCB has stated that the OSCP will be prepared in accordance with the guidelines of the National Oil Disaster Contingency Plan (NOS-DCP) of 2015, 2018 and 2024.

What steps precede the final OSCP?

As per the KSPCB, the draft OSCP includes various aspects related to hydrodynamic, oil spill modelling, marine sensitivity index mapping and net environmental benefit analysis. It will be vetted by a committee of experts. The draft Plan will be submitted to the Indian Coast Guard – the central coordinating agency for combating oil pollution in the coastal and marine environment. The final OSCP will be published after receiving the required clearances.

THE GIST

▼
Kerala had witnessed two shipwrecks off its coast last year, raising serious threats to the State's marine ecosystem and coastal environment. It prompted the authorities to step up efforts to formulate an Oil Spill Contingency Plan.

▼
The framework will elaborate on the oil spill contingency planning guidelines, wildlife response plans, ship board pollution emergency plans and tactical oil spill booming/site response plans.

- **Key Terms and Explanations**

- **Oil Spill Contingency Plan (OSCP):** A strategic roadmap designed to provide a coordinated response to oil spills. It outlines who does what, when, and with what equipment. Think of it as a "fire drill" manual for the ocean.
- **Environmental Sensitive Index (ESI):** A mapping system used to identify coastal areas most vulnerable to oil spills (e.g., mangroves, coral reefs, or tourist beaches). It helps responders prioritize which areas to protect first.
- **Nurdles (Plastic Pellets):** Tiny raw plastic beads used in manufacturing. When spilled (as with MSC Elsa 3), they act as "toxic sponges," absorbing persistent organic pollutants and entering the food chain via fish.
- **National Oil Spill Disaster Contingency Plan (NOS-DCP):** The apex national framework in India, managed by the Indian Coast Guard, which sets the standards for all state and port-level contingency plans.
- **12 Nautical Miles:** The "Territorial Sea" limit under UNCLOS. Within this zone, the coastal state (India/Kerala) has full sovereignty.
- **Net Environmental Benefit Analysis (NEBA):** A process used to weigh the advantages and disadvantages of different cleanup methods (e.g., using chemical dispersants vs. manual cleaning) to ensure the remedy doesn't cause more harm than the spill itself.

- **Main Arguments and Substantive Parts**

- The core thesis centers on the **vulnerability of the Kerala coastline** and the urgent need for a structured, legally backed response mechanism.
- **The Catalyst for Action:** The twin disasters of **MSC Elsa 3** and **MV Wan Hai 503** served as "policy windows," highlighting that Kerala was ill-equipped to handle complex chemical and oil-based maritime disasters.
- **Geographic Vulnerability:** Kerala sits adjacent to major international shipping lanes (The 8 Degree Channel and the route to the Persian Gulf). This high traffic makes a "major spill" a matter of "when," not "if."
- **Comprehensive Scope:** The OSCP isn't just about the sea; it extends 40 km inland into riverine systems. This recognizes that Kerala's backwaters (Kuttanad, Vembanad) are tidally connected and would be devastated by inland oil migration.
- **Institutional Framework:** The KSPCB acts as the architect, the Bangalore-based firm as the technical expert, and the Indian Coast Guard as the final vetting authority, ensuring a federal-state synergy.

- **Historical Evolution of the Issue**

- **Pre-Independence/Early Post-Independence:** Minimal focus on marine pollution; maritime activity was governed by the Merchant Shipping Act, 1958, focusing largely on ship safety rather than ecology.

- **1974-1986 (The Legislative Era):** The Water Act (1974) and Environment Protection Act (1986) provided the first legal teeth to state pollution boards, though marine-specific planning remained vague.

- **1996 (NOS-DCP Inception):** The first National Oil Spill Disaster Contingency Plan was promulgated, making the Indian Coast Guard the Central Coordinating Authority.

- **2016 (The Kerala Initiative):** A governmental review of "Major Accident Hazard" units sparked the idea for a state-specific OSCP, though it languished for a decade due to funding and technical gaps.

- **2024-2026 (The Acceleration):** Successive shipwrecks and NGT (National Green Tribunal) pressure forced the finalization of the draft OSCP, aligning it with the updated national standards of 2024.

- **Way Forward**

- **Regular Mock Drills:** The OSCP shouldn't be a "shelf document." Frequent drills involving the fishing community as "first responders" are vital.

- **Community-Led Monitoring:** Train coastal residents to identify and report early signs of oil slicks or nurdle washes.

- **Dedicated Green Fund:** Create a state-level maritime disaster fund financed by a small "green cess" on ships docking at Kerala ports.

- **Regional Cooperation:** Collaborate with neighboring states (Tamil Nadu, Karnataka) for a "Southern Peninsula Oil Spill Grid," as oil does not respect state boundaries.

-

- **Previous Years' Questions (PYQs)**

- **UPSC Mains (GS3, 2017):** "On December 2004, tsunami brought havoc... discuss the factors which caused that and its impact on life and economy. In the light of guidelines of NDMA, describe the mechanisms for preparedness." (Similar theme of preparedness).

- **UPSC Mains (GS3, 2022):** "Discuss in detail the photochemical smog... also explain its effects and the steps to control it." (Related to pollution mechanisms).

- **UPSC Prelims:** Questions on UNCLOS, MARPOL, and the role of the Indian Coast Guard frequently appear.



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RISE ABOVE THE REST

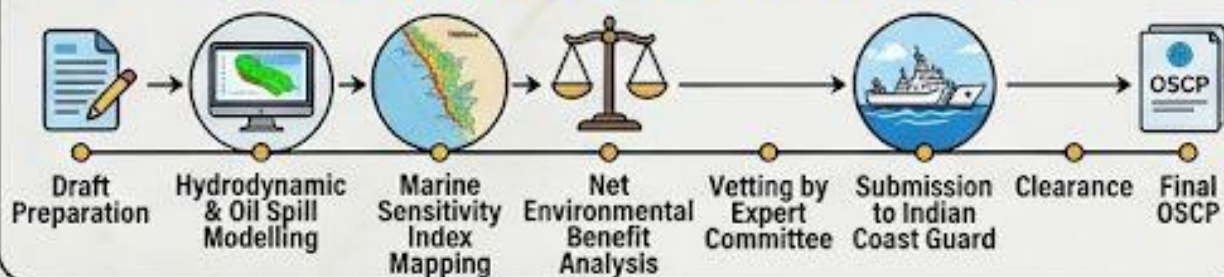
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COMPREHENSIVE ANALYSIS: KERALA OIL SPILL CONTINGENCY PLAN (OSCP)

THE PLAN FRAMEWORK (OSCP HIGHLIGHTS)



STEP-BY-STEP PREPARATION OF OSCP



THE CATALYST & THREAT



- January, 2024**
 - Hazardous cargo
 - 640 containers : 3ordidected
 - Calcium Carbide
- Hazardous cargo : renutration and nontainers: its novel of coastal communities**



- Hazardous cargo, 640 containers, Calcium Carbide**
- Threat to the ecosystem and standard of living of coastal communities**

LINKAGES TO UPSC CSE SYLLABUS

- GS Paper I: Geography**
 - Marine Ecosystems
 - Coastal Physiography
- GS Paper II: Governance**
 - Role of Regulatory Bodies (PCB, NGT)
 - Inter-agency Coordination
- GS Paper III: Environment & Disaster Management**
 - Oil Spill Control
 - Environmental Impact Assessment
 - Coastal Management
 - Blue Economy
- GS Paper IV: Ethics:**
 - Public Trust Doctrine
 - Intergenerational Equity
- Case Study:**
 - Application to past disasters and local community
- Ethics & Integrity:**
 - (Additional space for detailed pointers)

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IN THE LIMELIGHT

How Attenborough's imagery hid a history of colonial harm

David Attenborough's legacy of bringing nature's beauty to millions is unparalleled. However, his choice of aesthetics over politics sustained colonial myths and obscured the violent realities of modern conservation

By Andrew Whitworth

The British natural historian David Attenborough turns 90 today. It is likely no one has done more to make the non-human world seem lighter and lovelier to most audiences. Attenborough's career as a broadcaster, starting with the *Quercus* in 1954, spans across decades and nine documentary series. His influence on how general audiences of people worldwide perceive nature and conservation is unparalleled.

Yet that is also what has made his work and his efforts to communicate it so troublesome.

Moving animals out

The *Quercus* made Attenborough famous, especially his gentle nature, but it also showed colonialism like never before in action. The BBC filmed in exotic locations around the world, where wild animals would be captured and transported to the London zoo. While Attenborough has since said the show's attitude would not be acceptable today, he also expressed doubt of acknowledging the poor welfare infrastructure of British colonial imperium it benefited from.

The BBC and London Zoo were producing the *Quercus* for the metropolitan British public, using images of countries as theaters of spectacle. What the show represented also mirrored in the BBC's history as its attitude more faded into the broadcaster's Natural History Unit and subsequent production.

Attenborough's own environmental legacy has exacerbated his lines. Among others, the English journalist George Monbiot has criticized Attenborough for saying almost nothing about the ecological catastrophe

haunting animal taxa for decades. At various points in his career, Attenborough was filmed for showcasing the beauty of the natural world – but which he often framed in a way to make it more palatable, unobscured by the difficult realities of ecological decline and the human hand in it, for reasons including the BBC's longstanding aversion to controversy and his personal temperament. Attenborough shows aesthetic over the politics of harm. He told the *Guardian* in 2007 that he made "natural history programs not just because I love a magnificent prairie but preaching about conservation" but because he loved "feeding a animal and seeing what they do". For the thing with being the voice of the planet, to not speak, is that what you do not talk about can become what does not need being talked about, and eventually what is not said.

Of people and tigers

The BBC's Natural History Unit for a long time presented the natural world as a space apart from the one humans lived in and shaped. This idea is closely related to human conservation – a conservation paradigm that, in India and elsewhere, has been ill-suited to Indigenous practices and communities that depend on forests for their survival.

Among other "natural" human conservation holds that natural parks and wilderness areas be free of human presence. However, researchers, scholars, activists, and members of forest dependent communities have



David Attenborough stands next to a large bouquet of flowers at a ceremony in London, in 2010.

repeatedly argued that this requirement is a myth. These communities have played an important role throughout history by protecting these forests. Yet governments and local departments have been fond of human conservation because it confirms the ability to cooperate with the instruments of bureaucratic authority and neoliberal control, with great if needed.

The idea also has a parallel in some western models of conservation, which believe the wilderness must be "defended" against, even directly, by the people who live there – and in the case of places like San Quercus, these people were often African and Asian. It does not break the possibility, indeed reality, that national parks in Europe often have working farms and villages, partly because Attenborough's documentaries present a romanticized ideology of work, even if they did not intend to, into making the myth of the pristine nature. As the anthropologist Tim Ingold has said, Attenborough has been guilty of presenting the Anthropocene as a world apart from the violence against Indigenous peoples.

In one show, *Seven Worlds, One Planet*, Attenborough said India's tiger reserves is harder than ever to enter forests. This is a myth that makes the statement doubly obvious. Indigenous India did not measure tens of thousands of tigers and push them to the brink of extinction, but the British did. Today, India's tiger populations have fragmented habitats, poaching, churning pots, disease, conflicts with humans, and the

loss from 1990, the world's tiger population is estimated to be as much as 100 times smaller than in the 1950s. While it should yield conservation patterns and the future of industrialized societies far higher than population growth on the level of wilderness-to-forest change. Yet Attenborough has not clarified this.

Such ideologies often stem from the notion that the populations of Commonwealth countries are growing too fast, which, these people bring away from the colonies. But in India, where Attenborough said "humans have enriched the world", he highlighted a debatable idea and suggested it to millions of people without the proper context, and it did even more harm as it created an information landscape guided by the intention of far right ecological nationalism.

To be sure, Attenborough is not an ecologist – only that he has advised the manner of the great effects of what he saw and what he saw at any time. He has never produced any political views, even through environmentalism is largely political. He told the *Guardian* in the same interview that he would not be getting himself into the BBC, but when your work is the most trusted on the subject of the natural world, and when you decline to make colonialism as a neutral cause of biodiversity loss, you implicitly encourage it. When you insist on speaking to an unreflexive humanity rather than one aware that a factor in the change has done much more to harm the earth than an investment banker as the U.S. – your false equivalence only serves to harm.

Public backlash against human conservation is gaining an increasingly visible momentum and is bound to spread, especially in Africa and South Asia, where the lines between conservation and land grabbing are becoming clearer.

Shopping at wonder

To be fair, these criticisms are not exclusive to Attenborough; they have become the pathologies of conservation practices that have only just begun to interrogate themselves in great depth. Even in 2020, 50 countries value together to commit to the "30x30" initiative, to commit 30% of land and the oceans by 2030. It drew enthusiastic support from Attenborough but without criticism from Indigenous rights organizations for paying the way for a new wave of displacement in the name of conservation.

Protected areas around the world, rather than in the United States alone, are what they are making threats to millions of human livelihoods as well, in particular that of Indigenous peoples. Misleading these people leads to biodiversity loss, in that people, yet some more than others, conservation circles will stand this a radical position and instead push Attenborough's colonial aesthetic.

None of this diminishes Attenborough's other achievements. It is impossible to overstate the importance of his bringing the world into the living room and of people who otherwise have never imagined a wilderness extending through an Indigenous or the increasing desire of birds against a single day. Even the film he directed in the latter part of his career about what the world had lost to his own lifetime seemed sincere and meaningful.

Some wildlife biologists and conservationists have never imagined a wilderness extending through an Indigenous or the increasing desire of birds against a single day. Even the film he directed in the latter part of his career about what the world had lost to his own lifetime seemed sincere and meaningful.

Some wildlife biologists and conservationists have never imagined a wilderness extending through an Indigenous or the increasing desire of birds against a single day. Even the film he directed in the latter part of his career about what the world had lost to his own lifetime seemed sincere and meaningful.



- **Key Terms and Explanations**

- **Fortress Conservation:** A model based on the belief that biodiversity is best protected by isolating ecosystems from human disturbance. It often leads to the creation of "people-free" national parks.

- *Example:* Evicting tribal communities from Tiger Reserves to create "pristine" habitats.

- **Anthropocene:** The current geological age, viewed as the period during which human activity has been the dominant influence on climate and the environment.

- **Neo-Malthusianism:** The advocacy of population control programs to ensure resources for current and future populations. It assumes that overpopulation is the primary driver of environmental collapse.

- **Extractivism:** The process of extracting natural resources (or cultural knowledge/wildlife) from the Global South to be utilized or "consumed" by the Global North.

- **Ecofascism:** A theoretical political model in which totalitarian governments require individuals to sacrifice their interests to the "organic whole of nature." In modern discourse, it refers to blaming marginalized populations for environmental decay.

- **30 x 30 Initiative:** A global effort to designate 30% of the Earth's land and ocean area as protected status by the year 2030.

-

Main Arguments and Substantive Parts

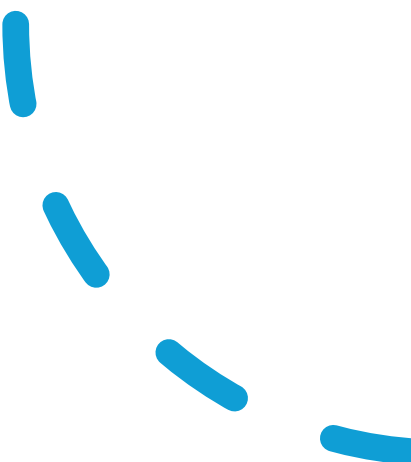
- The core thesis posits that while David Attenborough revolutionized nature appreciation, his work unintentionally perpetuated a **sanitized, colonial, and exclusionary** view of conservation.

- **The Myth of the Pristine:** The article argues that by filming nature as "untouched," documentaries ignore the centuries of indigenous stewardship, making human presence seem like a recent "invasion" rather than a symbiotic relationship.

- **Colonial Roots and Silence:** Early works like *Zoo Quest* were rooted in a colonial mindset of capturing "exotic" animals for Western entertainment. The critique highlights a refusal to name British Imperialism as a driver of species extinction (e.g., the massacre of Indian tigers during the Raj).

- **Population vs. Consumption:** A major point of contention is the emphasis on "human overpopulation" (often in the Global South) while ignoring the disproportionate carbon footprint of the wealthy 1% in the Global North.

- **Aesthetics over Politics:** By choosing to show "animals doing things" rather than the "politics of harm," the narrative avoids the uncomfortable reality of corporate destruction and systemic inequality.



- **Historical Evolution of the Issue**

- **Pre-Independence/Colonial Era:** Nature was viewed as a resource for extraction (timber) or a theatre for sport (shikar/hunting). The British Raj decimated tiger populations while labeling forest-dwelling tribes as "criminal."
- **1950s–1970s (The Spectacle Era):** Early nature documentaries focused on the "adventure" of capturing wildlife. The London Zoo and BBC became the cultural conduits for this "metropolitan spectacle."
- **1970s–1990s (The Fortress Era):** Global conservation leaned heavily into the "Yellowstone Model," creating strictly guarded parks. In India, the Wildlife Protection Act (1972) cemented this top-down, bureaucratic approach.
- **2000s–Present (The Rights-Based Pivot):** Increasing recognition of the Forest Rights Act (2006) in India and global indigenous movements. The debate has shifted from "Tigers vs. People" to "Co-existence and Climate Justice."

- **Way Forward**

- **Rights-Based Conservation:** Integrating the Forest Rights Act with biodiversity goals to make local communities "partners" rather than "poachers."
- **Contextual Filmmaking:** Media houses must include the historical and human context of the ecosystems they film.
- **Consumption Focus:** Global policy must pivot from "population control" to "consumption control" in industrialized nations.
- **Community-Led Monitoring:** Using technology (drones, apps) in the hands of tribal youths to monitor forests, blending modern science with traditional wisdom.

- **Previous Years' Questions (PYQs)**

- **UPSC 2023 (GS 3):** "Dam expansion and its impact on indigenous communities and biodiversity."
- **UPSC 2020 (GS 3):** "How does biodiversity vary in India? How is the Biological Diversity Act, 2002 helpful in conservation of flora and fauna?"
- **UPSC 2018 (GS 1):** "How do you justify the view that the level of excellence of the Gupta era is not matched by later ages?" (Context: Historical perspective on Indian resource management).
- **UPSC 2021 (Essay):** "The process of self-discovery has now been technologically outsourced." (Relevant to how we "see" nature through lenses).



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IAS ACADEMY

CONSERVATION: THE TWO LENSES OF ATTENBOROUGH AND CLIMATE JUSTICE

DECOLONIZING THE NARRATIVE

extractivism

Zoo Quest extractivism
Antique camera looking



Silence on British Raj History
Antique chart chart with Tiger statistics, lion last and tiger statistics



THE MYTH OF THE PRISTINE: CONSERVATION AT THE CROSSROADS

The Fortress
Conservation Model



Pristine Nature, Displaced People

Inclusive & Rights-Based
Conservation



Coexistence, Indigenous Knowledge

Community
Forest
Resources (CFR)
under FRA

Tribal Conservation:
Incomptomous two wildlife
since 2002

VS.

Park resiores-over south
Global enlations to park ranger
(entowert by the 8%)

DECOLONIZING
NARRATIVE

30 x 30
initiative initiative



Indigenous rights
Initial conterivat directions
to ingiolenus/iwltwmt
corohation

POPULATION VS. CONSUMPTION



Lower Footprint
(Global South)
at 4% of Global 1%

Disproportionate
Consumption
(of Disproportionate
Consumption (Rich 1%))

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Skyroot becomes India's first spacetechn unicorn, 4th in 2026

Swati Bharadwaj &
Asmita Dey | TNN

Hyderabad/ Mumbai: Skyroot Aerospace, which is gearing up to launch India's first private orbital rocket Vikram-1 into space, has become India's first spacetechn unicorn, with its latest funding round of around \$60 million (Rs 568 crore) for a valuation of \$1.1 billion.

With its second pre-series C funding round, Skyroot also becomes Hyderabad's second true blue unicorn after HR tech startup Darwinbox, which achieved this status in early 2022.

The round was led by existing investors Sherpalo Ventures and GIC with participa-

tion from new investors like Blackrock managed funds, Playbook Partners and Shanghvi family office and existing ones like Greenko group founders and Arkam Ventures, among others.

With this latest round, Sherpalo founder Ram Shriram, who is one of the early

AFTER JUSPAY, NEYSA, KREDITBEE

investors in Skyroot and is also on the board of Alphabet Inc, will be joining the Skyroot board. With this, the total funding raised by Skyroot has hit \$160 million (Rs 1,515 crore). The latest funding round will help Skyroot achieve its target of one rocket per month from its new Infinity campus in Hyderabad.

The fresh capital will be used to ramp up its manufacturing capacities, invest in machinery and testing facilities to help more launches, co-founder & CEO Pawan Kumar Chandana told TOI in an interview.

"We have received interest from customers across the

globe especially from the US, Europe and South East Asia," Chandana said.

As part of its orbital launch ambitions, Skyroot is planning two to three rocket test launches before commercial operations begin next year, Chandana said.

"We are excited about the upcoming Vikram-1 launch,

India's first private orbital rocket, marking a significant milestone both for India and the global space sector. This investment signals confidence from some of the world's reputed investors," Chandana added.

The company is also looking to develop Vikram-2 — a one-tonne class vehicle with an advanced cryogenic upper stage. The company became India's first private company to send a rocket to space when it successfully launched sub-orbital rocket — Vikram-S — in Nov 2022.


Skyroot is in a pre-revenue stage now but will start making money later this year as commercial launches start kicking in, said Chandana.

- **Key Terms and Explanations**

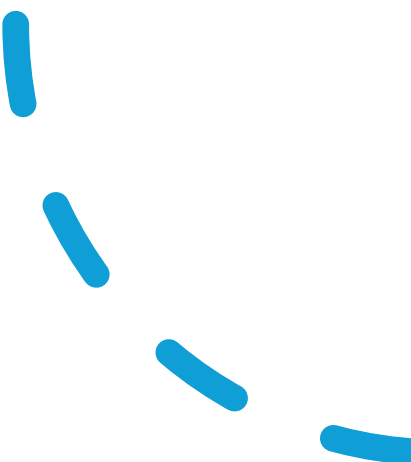
- **Unicorn:** In the venture capital industry, a "unicorn" is a privately held startup company with a value of over \$1 billion.
 - *Example:* Just as a rare mythical creature, these companies represent high-growth potential in niche markets.
- **Sub-orbital vs. Orbital Launch:** A **sub-orbital** flight reaches the edge of space but falls back to Earth without completing an orbit. An **orbital** launch requires enough horizontal velocity to stay in flight around the planet.
- **Cryogenic Upper Stage:** A rocket stage that uses fuels (like liquid hydrogen and oxygen) stored at extremely low temperatures. It provides higher efficiency and thrust compared to solid or earth-removable liquid fuels.
- **Pre-Series C Funding:** An advanced stage of investment where a company has already proven its model and is looking to scale operations, manufacture at bulk, or expand into new markets.
- **Spacetech:** A category of technology involving the manufacturing, launch, and operation of spacecraft and satellites, as well as the analysis of data derived from space.

Main Arguments and Substantive Parts

- The core thesis of the current development is that **India's space economy is undergoing "democratization,"** moving away from the exclusive domain of ISRO.
- **Financial Validation:** The \$1.1 billion valuation signals that global and domestic investors see India as a cost-effective launch hub for the global small-satellite market.
- **Strategic Shift:** The move from sub-orbital (Vikram-S) to orbital (Vikram-1) capabilities demonstrates a maturing technical prowess within the private sector.
- **Infrastructure & Scaling:** The establishment of the "Infinity" campus indicates a shift from "one-off" experimental launches to "assembly-line" manufacturing (targeting one rocket per month).
- **Global Competitiveness:** The interest from US and European customers suggests that Indian private firms are positioned to compete with global players like SpaceX and Rocket Lab by offering competitive pricing.

- 
- **Historical Evolution of the Issue**
 - The journey of Indian space exploration has evolved through distinct phases:
 - **Phase I (1960s-1970s): The Formative Years.** Led by Dr. Vikram Sarabhai, the focus was on "social benefits" (telecom and weather) rather than military or commercial competition.
 - **Phase II (1980s-2010s): State-Led Maturity.** ISRO developed the PSLV and GSLV, making India a self-reliant space power. However, the private sector acted only as sub-contractors for components.
 - **Phase III (2020 - Present): The Liberalization Era.** The government introduced the **Space Sector Reforms** in 2020, establishing **IN-SPACe** (Indian National Space Promotion and Authorization Centre) to act as a single-window clearance for private players and opening ISRO facilities to them.
 - **Milestone (2022):** Skyroot's Vikram-S became the first private rocket to reach space, validating the new policy framework.

 - **Way Forward**
 - **Single-Window Clearance:** Strengthening the role of IN-SPACe to ensure that startups don't get bogged down in inter-ministerial red tape.
 - **Incentivizing R&D:** Providing tax breaks for "Deep Tech" investments to encourage domestic venture capital to move beyond fintech and e-commerce.
 - **Skill Development:** Collaborating with IITs and NITs to create specialized "Aerospace Engineering" tracks tailored for the private industry.
 - **Insurance Framework:** Establishing a state-backed insurance pool for private launches to reduce the financial risk of initial failures.

 - **Previous Years' UPSC Questions**
 - **2023 (GS-3):** "Introduce the concept of Space Junk. Analyze the threats it poses to the global space ecosystem."
 - **2016 (GS-3):** "Discuss India's achievements in the field of Space Science and Technology. How has the application of this technology helped India in its socio-economic development?"
 - **2018 (Prelims):** Questions regarding the Cartosat and IRNSS satellite systems.
- 



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AXIA COMPETITIVE EXAM CENTRE

1. KEY TERMS



UNICORN
(\$1.1B+ Valuation)



CRYO ENGINE
(cold blue ice and red fire)



ORBITAL LAUNCH
(Vikram-1 soaring into an orbit path)

2. KEY ARGUMENTS & MULTI-DIMENSIONAL ANALYSIS



SOCIAL

- A student's future path and graduation to mentors



POLITICAL

Democratization of Space



LEGAL

- Space Policy 2023 government opens space for private space policy 2023

ETHICAL



- Balance motives by balance space

ECONOMIC



- Economic growth and currency

INTERNATIONAL



- International of connecting to other nations

3. TIMELINE/ HISTORICAL EVOLUTION



6. WAYS FORWARD AND NCERT LINKAGES

- Specific points and in India's private space sector
- Shift from er specific in content of the book
- Chapter indicat class by NCERT/class



4. NEW FEATURES & UNIQUE IDEAS



3D-printed engine diagram

Vikram-2 cryogenic stage



Innovation Shift from State Monopoly to Co-innovation

VIKRAM-1 PATH TO SUCCESS

7. CHALLENGES AND PREVIOUS YEARS Q&A

Challenges

- Capital
- Risk
- ISTAR, ISTAR

Previous Years Qs

- 2023 What is a short question & short question?
- 2016 What more they says it constant Utilers?
- 2016 What are short question to come from this question?

8. BEST LINKAGE WITH SYLLABUS, PHILOSOPHY, AND EPISTEMOLOGY

LINKED to GS-3: INDIGENIZATION OF TECHNOLOGY

- Narration to GS-3: Indigenization of Technology that sources power of planting, interest cooperating and preserving roots and setting in the economic affairs and development of technology.

9. SUSTAINABILITY OF THE IDEA



Earth-safe icons



Satellite constellation



Eco-indicators

B'desh seeks China support for Teesta restoration project

Ahsan Tasnim

Dhaka: The Tarique Rahman-led Bangladesh govt has sought China's "involvement and support" for the Teesta restoration project, a move that risks clouding New Delhi-Dhaka relations, as the latter pushes India to work towards implementing the 2011 Teesta water-sharing treaty blocked by outgoing West Bengal CM Mamata Banerjee.

Dhaka has been demanding a greater share of Teesta's waters under the agreement — which is pending for many reasons, including lack of coordination between Centre and Bengal. Many in Bangladesh hope that with BJP, which is at the Centre, soon to form govt in Bengal, there is an opportunity to revisit the treaty.

Chinese foreign minister Wang Yi, following a meeting with Bangladeshi counterpart Khalilur Rahman here on Wednesday, said China supported Bangladesh's new govt in maintaining unity and stability, revitalising economic development and improving people's well-being.

The two sides discussed issues related to the Teesta River Comprehensive Management and Restoration Project — a major initiative by Dhaka to dredge, em-

Chinese foreign minister Wang Yi only said Beijing was willing to continue providing Dhaka with assistance to the best of its ability

bank, and manage the river that flows through Sikkim and Bengal in India before entering Bangladesh — majorly for flood control and irrigation, govt officials said.

Without being specific, Wang only said China was willing to continue providing Bangladesh with support and assistance to the best of its ability.

China was ready to promote alignment of the high-quality Belt and Road cooperation with Bangladesh's national development strategies, deepen cooperation in traditional areas like economy, trade, investment, infrastructure, water conservancy and people-to-people exchanges, he said. Wang said China was also looking at expanding cooperation in emerging industries, such as green development and digital economy.

Khalilur said China had always been a trustworthy and indispensable friend and partner to Bangladesh.



- **Key Terms and Explanations**

- **Teesta River:** A 414 km long river that rises in the Pauhunri glacier, flows through Sikkim and West Bengal in India, and enters Bangladesh before merging with the Brahmaputra (Jamuna).
- **Riparian Rights:** The legal and traditional rights of a country or state through which a river flows to use that water. As the "lower riparian," Bangladesh is vulnerable to water management decisions made by India (the upper riparian).
- **The 2011 Treaty:** A proposed water-sharing agreement that sought to allocate roughly 42.5% of the water to India and 37.5% to Bangladesh during the lean season. It remains unsigned due to domestic political opposition in India.
- **Teesta River Comprehensive Management and Restoration Project (TRCMRP):** A massive engineering project in Bangladesh aimed at dredging the riverbed, building embankments, and creating reservoirs to manage floods and irrigation.
- **Belt and Road Initiative (BRI):** China's global infrastructure development strategy. Bangladesh's invitation for Chinese involvement in the Teesta project aligns with this framework.
- **Federalism (Article 253 vs. State List):** In India, "Water" is a state subject, but the Union has the power to make laws for implementing international treaties. The Teesta issue is a classic example of federal friction.

- **Main Arguments and Substantive Parts**

- The core thesis of the current situation is that **delays in bilateral cooperation between India and Bangladesh create a strategic vacuum that China is eager to fill.**
 - **The Stalemate:** The article highlights that the 2011 treaty is paralyzed by West Bengal's concerns over water scarcity in its northern districts.
 - **The Chinese Pivot:** Facing agricultural distress and seasonal flooding, the new Bangladeshi administration is moving toward a "China-backed" technical solution (dredging/embankments) rather than waiting indefinitely for a "water-sharing" solution from India.
 - **Strategic Signaling:** China's support for "unity and stability" and "high-quality BRI cooperation" indicates a desire to deepen its influence in a territory India considers its traditional sphere of influence.
 - **The "Double Engine" Hope:** A unique perspective is the hope in Dhaka that if the same political party governs both the Centre (New Delhi) and the State (West Bengal), the federal deadlock might finally break.
- 

- **Historical Evolution of the Issue**

- **1950s–1980s:** Early discussions on water sharing began post-Partition. In 1983, an ad-hoc arrangement was reached, allocating 39% to India and 36% to Bangladesh.
- **The 1996 Ganga Water Treaty:** The success of the Ganges treaty raised hopes for a similar permanent deal on the Teesta.
- **2011 Turning Point:** During then-PM Manmohan Singh's visit to Dhaka, a treaty was ready but was scuttled at the last minute by West Bengal CM Mamata Banerjee, citing the needs of North Bengal farmers.
- **2015–2023:** Despite "Neighborhood First" policies, New Delhi has been unable to secure state-level consensus. Meanwhile, Bangladesh drafted the TRCMRP and began seeking external funding.
- **2024–Present:** A change in the Bangladeshi leadership has accelerated the search for alternative partners (China), shifting the issue from a bilateral water dispute to a trilateral security concern.

- **Way Forward**

- **Basin-wide Management:** Move away from "water-sharing" (splitting the volume) to "basin-wide management" (jointly managing the health of the entire river).
- **Inter-State Council:** Use constitutional bodies like the Inter-State Council to bring West Bengal on board, perhaps by offering the state compensation or alternative water/power resources.
- **India's Counter-offer:** India should offer a technically superior, environmentally sustainable, and transparently funded alternative to the Chinese restoration project.
- **Data Sharing:** Institutionalizing real-time hydrological data sharing to build trust before a formal treaty is signed.

- **All Previous Years' UPSC Questions**

- **Mains 2017 (GS II):** "The concept of cooperative federalism has been increasingly emphasized in recent years. Highlight the drawbacks in the existing structure and the extent to which cooperative federalism would answer the shortcomings."
- **Mains 2013 (GS II):** "With respect to the South China Sea, maritime territorial disputes and rising tensions affirm the need for safeguarding maritime security... (Link: Compare China's maritime assertiveness with its terrestrial 'river' assertiveness)."
- **Mains 2020 (GS II):** "India's relations with Bangladesh are a role model for 'Neighborhood First' policy. Discuss."
- **Prelims (Various):** Questions on Teesta's origin (Pauhunri/Zemu), its tributaries (Rangeet), and its confluence (Brahmaputra).



MASTERING THE TEESTA HYDRO-POLITICS: A Comprehensive UPSC CSE Analysis

Teesta River Basin & Geopolitics

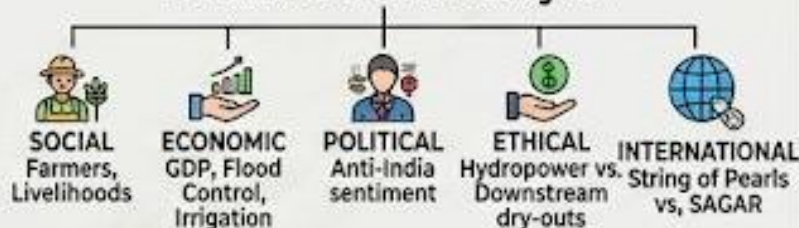


- **RIPARIAN RIGHTS**
Waterment of riparian Rasin's ground rights as contran-ment & geopolitics & Solation, (West Bengal) Rights; Riparian Rights.
- **FEDERAL CHALLENGES**
Indicanmenga project: Buchali ptaterwarm in at entancement winches-t aniting modet of BD devisiion of laydraftian rights

THE STRATEGIC VACUUM & MULTIDIMENSIONAL IMPACT



Multidimensional Analysis



- Key arguments of reinnarnism: sinozeed
- Key arguments of multidimensional economic
- Strategic opportunity fromore for China

UPSC RELEVANCE, KEY TERMS & WAY FORWARD

- **Syllabus Linkages** (GS Paper II: IR, Federalism; GS Paper III: Environment, Disaster Mgmt, Security)
 - Examples: Givs. Tazsuntbus, Syhtia, Dwarta, Commiticlnert, Comflitment, King anti
 - Examples: Hrrmonommon Project and Anolement
- **HARMON DOCTRINE** - Decines naratogy harmon doctrine to contain consider mand, or tncmre and manuofanorentor doctrine.
- **TRCMRP** - Modern renction containables sustainable dredging & semoimter basin-modern dredge.

WAY FORWARD



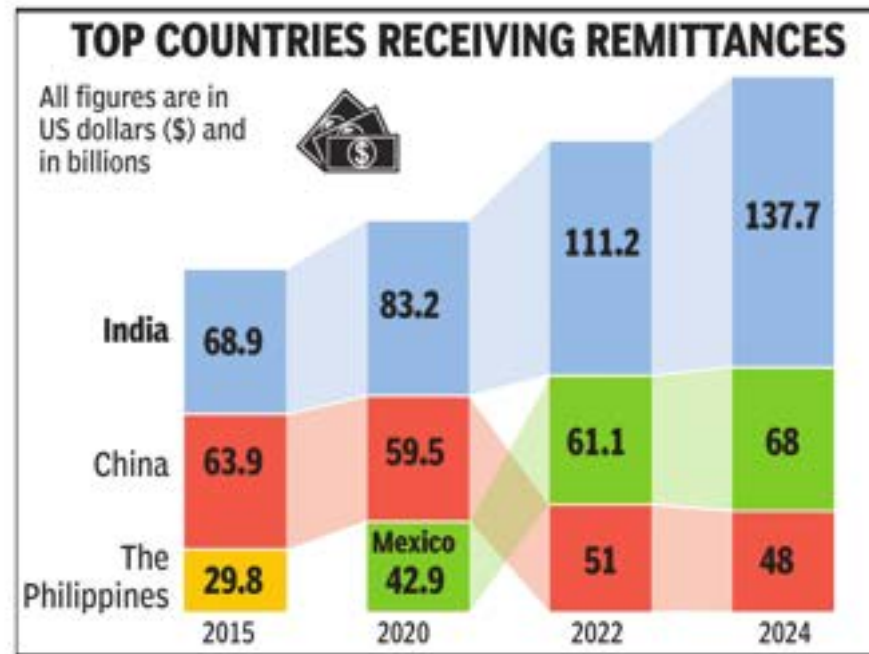
- **INTER-STATE COUNCIL CONSULTATION**
- **INDIA'S COUNTER-OFFER: SUSTAINABLE DREDGING & BASIN-WIDE MGMT**
- **Highlights from NCERT**
Hydrower: IPD, CCERCa, IR'mn & sustainability

India tops global remittances with \$138bn inflow

TIMES NEWS NETWORK

India's diaspora is the largest at around 19 million, with significant numbers of international immigrants living in UAE, US and Saudi Arabia. With this backing, India continued as the top country receiving remittances, but 2024 was spectacular with inflows of \$138 billion.

The country also emerges as one of the biggest source countries for student and skilled migration, according to World Migration Report 2026 released by International Organisation for Migration.



According to the report, India was the only country to cross the \$100-billion remittance mark, underlining the enormous economic footprint of the Indian diaspora spread across the world.

The report noted that remittance inflows into India had risen sharply over a decade from around \$53 billion in 2010 to over \$137 billion in 2024, driven by strong earnings by Indian workers and professionals in the US, the UAE, UK, Canada and Australia. Mexico, with inward remittances of \$68 billion, was the second-largest recipient in 2024, Chi-

na's inward remittances in 2022 were \$48 billion.

India's dominance in remittance flows comes amid a broader transformation in migration patterns. While Gulf nations continue to employ millions in construction, services and domestic work, the report highlighted the rapid rise in high-skilled migration from India, particularly in technology, healthcare, engineering and research sectors.

The report does not reflect the top source countries of inward remittances to India, but understandably it would be from top diaspora countries.

- **Key Terms and Explanations**

- **Remittances:** These are non-commercial transfers of money by foreign workers to their home countries. For India, this represents a massive source of foreign exchange and a "social safety net" for millions of families.
- **Diaspora:** Derived from the Greek word for "scattering," it refers to a population that shares a common heritage but lives outside its traditional homeland. India's diaspora is globally dispersed and highly influential.
- **High-Skilled Migration:** The movement of "knowledge workers"—doctors, engineers, and IT professionals—who possess advanced degrees. This contrasts with "low-skilled" labor migration prevalent in the 20th century.
- **Brain Drain vs. Brain Gain:** "Brain Drain" is the loss of human capital from a developing country. However, the current trend suggests a "Brain Gain" or "Brain Circulation," where the diaspora contributes back through capital (remittances) and knowledge transfer.
- **IOM (International Organization for Migration):** A UN-related organization that tracks global migration trends, ensuring orderly and humane management of migration.

- **Main Arguments and Substantive Parts**

- The core thesis of this development is that **India has decoupled itself from other remittance-receiving nations**, reaching a historic \$138 billion threshold that solidifies its position as a global labor powerhouse.
- **The \$100 Billion Milestone:** India is the first and only nation to cross this mark. This isn't just a number; it indicates that the Indian diaspora's earning power is significantly higher than that of peers like Mexico or China.
- **Diversification of Destinations:** While the "Gulf corridor" remains vital for volume, the "Western corridor" (US, UK, Australia) provides the value. High-skilled professionals in these regions command higher wages, leading to larger individual transfers.
- **Student-Led Migration:** A new trend is the rise of students as the precursors to permanent migration. Indian students are increasingly moving to OECD countries, eventually transitioning into the local workforce and contributing to long-term remittance stability.
- **Resilience:** Despite global economic headwinds and geopolitical shifts, Indian remittance flows have shown remarkable secular growth, rising from \$53 billion in 2010 to \$138 billion in 2024.

- **Historical Evolution of the Issue**

- The journey of the Indian diaspora can be categorized into four distinct waves:

- **Pre-Independence (Girmitiya System):** The 19th-century indentured labor system where Indians were sent to British colonies like Fiji, Mauritius, and the Caribbean for plantation work.

- **Post-Independence (1950s-60s):** Migration of professionals to the UK and USA following the post-war boom and the US Immigration Act of 1965.

- **The Gulf Boom (1970s-80s):** The oil crisis led to massive infrastructure development in the Middle East, attracting millions of semi-skilled and unskilled Indian workers to the GCC countries.

- **The Tech Wave (1990s-Present):** The Y2K bug and the IT revolution spurred a massive exodus of software engineers to Silicon Valley. By 2024, this has expanded into healthcare and research, creating the "Super-Diaspora" we see today.

- **Way Forward**

- **Skill India International:** Align domestic vocational training with global standards (e.g., ISO) to ensure Indian workers command higher wages.

- **Remittance-Linked Investment:** Create special "Diaspora Bonds" or infrastructure funds where remittances can be channeled into long-term nation-building projects rather than just consumption.

- **Global Social Security:** Vigorously pursue bilateral agreements to ensure that the provident fund and pension contributions of Indians abroad can be transferred back to India.

- **Consular Strengthening:** Modernize the "MADAD" portal and increase the number of Indian missions in high-migration corridors to protect worker interests.

- **Previous Years' Questions (PYQs)**

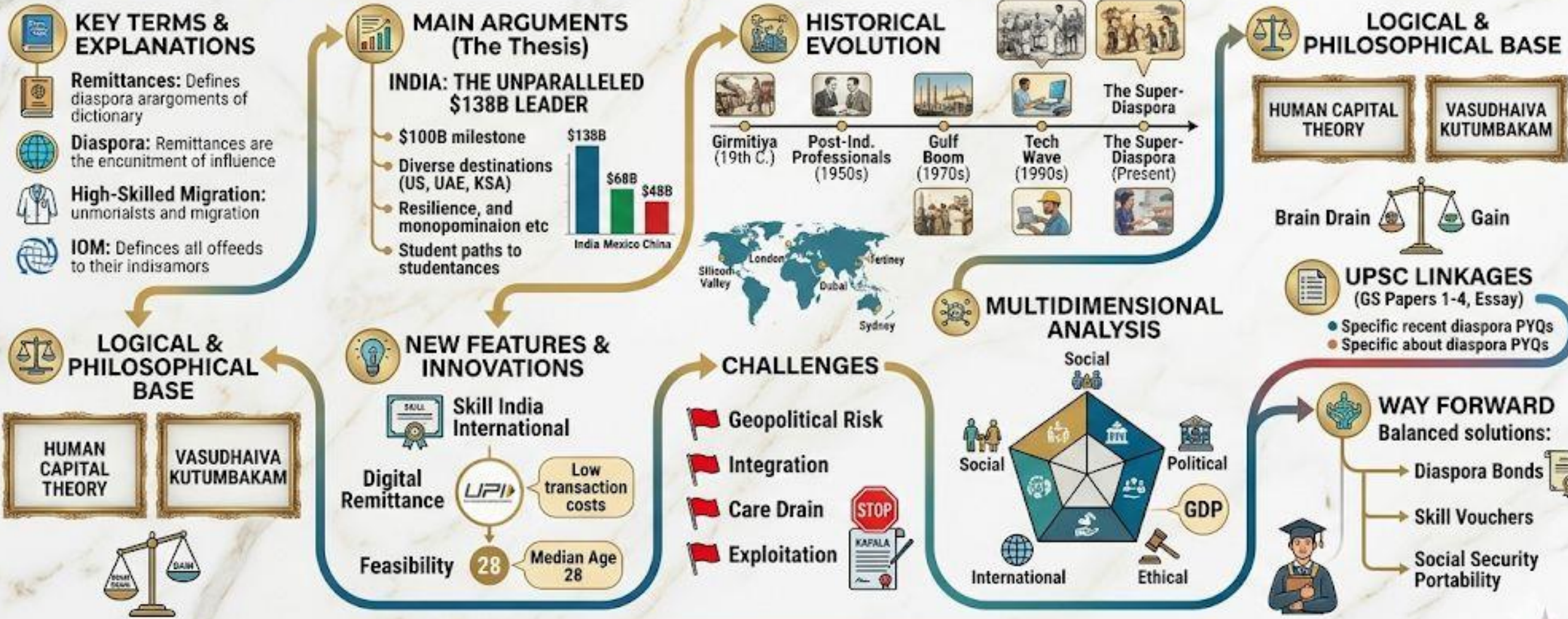
- **UPSC 2023 (GS 2):** "The Indian diaspora has a decisive role to play in the politics and economy of America and European countries. Comment."

- **UPSC 2019 (GS 2):** "'Indian diaspora has a role to play in South-East Asian countries' economy and society.' Examine."

- **UPSC 2017 (GS 2):** "Indian Diaspora has scaled new heights in the last two decades. What are its drivers?"



INDIA'S DIASPORA & THE GLOBAL ECONOMIC SURGE: A COMPREHENSIVE UPSC ANALYSIS



KEY TERMS & EXPLANATIONS

- Remittances:** Defines diaspora arrangements of dictionary
- Diaspora:** Remittances are the encumbrance of influence
- High-Skilled Migration:** unmeritorists and migration
- IOM:** Defines all offeeds to their indisamors

MAIN ARGUMENTS (The Thesis)

INDIA: THE UNPARALLELED \$138B LEADER

- \$100B milestone
- Diverse destinations (US, UAE, KSA)
- Resilience, and monopominaion etc
- Student paths to studentances

India	Mexico	China
\$138B	\$68B	\$48B

HISTORICAL EVOLUTION

Girmitiya (19th C.) → Post-Ind. Professionals (1950s) → Gulf Boom (1970s) → Tech Wave (1990s) → The Super-Diaspora (Present)

Locations: Silicon Valley, London, Dubai, Sydney, Jersey

LOGICAL & PHILOSOPHICAL BASE

HUMAN CAPITAL THEORY | VASUDHAIVA KUTUMBAKAM

Brain Drain vs Gain

LOGICAL & PHILOSOPHICAL BASE

HUMAN CAPITAL THEORY | VASUDHAIVA KUTUMBAKAM

NEW FEATURES & INNOVATIONS

Skill India International

Digital Remittance via UPI (Low transaction costs)

Feasibility: Median Age 28

CHALLENGES

- Geopolitical Risk
- Integration
- Care Drain
- Exploitation

MULTIDIMENSIONAL ANALYSIS

Social, Political, Ethical, International, GDP

UPSC LINKAGES (GS Papers 1-4, Essay)

- Specific recent diaspora PYQs
- Specific about diaspora PYQs

WAY FORWARD

Balanced solutions:

- Diaspora Bonds
- Skill Vouchers
- Social Security Portability

In potential collapse of a key ocean current, consequences for world and India



EXPERT EXPLAINS ZERIN OSHO

INDIA PROGRAM DIRECTOR AT INSTITUTE FOR GOVERNANCE & SUSTAINABLE DEVELOPMENT

SCIENTISTS ARE increasingly alarmed about the stability of a vast system of ocean currents in the Atlantic, after new research suggested it could weaken far more severely than previously thought.

The Atlantic Meridional Overturning Circulation (AMOC), which regulates climate across much of the globe, may slow by up to 59% by 2100, with potentially devastating consequences for weather systems as far away as the Indian subcontinent. The findings have particular significance for India, where hundreds of millions of people depend on the summer monsoon for their

agricultural livelihoods and water supplies.

Global conveyor belts

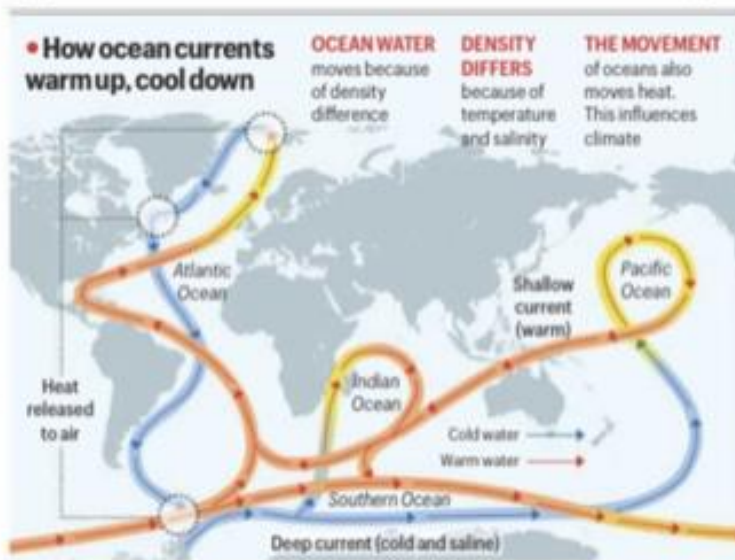
Think of the Earth's oceans as having a massive, invisible conveyor belt. In the Atlantic Ocean, this system is scientifically known as the AMOC.

Warm, salty surface water from the tropics flows north towards Greenland. As it reaches the freezing Arctic, the water cools, becomes denser, and sinks several kilometres into the deep ocean. It then drifts back south as a cold deep-water current before eventually rising to the surface to warm up and restart the loop.

This slow machinery moves vast amounts of heat across the globe. To put its pace in perspective, a single cubic metre of water takes about 1,000 years to complete the journey. It is the reason Europe has a mild climate, and it heavily influences rainfall in Africa, the Americas, and Asia.

Tipping point

The conveyor belt relies on a delicate balance of ocean temperature and salt levels. However, human-induced climate change is melting Arctic ice at an alarming



rate, dumping massive amounts of fresh-water into the North Atlantic. Because fresh water is lighter and less salty, it does

not sink easily. This is acting like a brake on the entire AMOC system.

While past studies estimated a 15% slow-

down over the last 50 years, new research using real-time measurements projects a much sharper decline, potentially weakening the currents by up to 59% by 2100.

This matters because the AMOC is a "climate tipping point". Just like a chair tilted past its balancing point, once the AMOC crosses a certain threshold, it could irreversibly collapse into a new, sluggish state. Scientists debate the exact timeline, though some warn it could happen as early as this century. If it does, the consequences would be catastrophic, triggering extreme sea-level rise in North America and severe weather disruptions globally.

El Niño connection

Though the AMOC is in the Atlantic, its breakdown would trigger chaos in the Pacific. El Niño is a periodic warming of the Pacific Ocean that disrupts global weather. Because global ocean currents and wind patterns are deeply interconnected, a sluggish AMOC traps heat in the southern hemisphere and leaves the North Pacific cooler.

This throws off the delicate temperature balance that drives El Niño. Studies suggest a weaker AMOC will make El Niño

events more unpredictable and extreme. For context, recent powerful El Niños (like those in 2015-16 and 2023-24) caused massive worldwide disruptions, triggering droughts in the Americas and suppressing rainfall over South Asia.

Effect on India

For India, an AMOC collapse is more than a distant oceanic event, as it is a direct threat to food security. The Indian summer monsoon, which is the backbone of the country's agriculture and economy, relies on specific global heat distributions. When the Atlantic conveyor slows down, less heat travels north. This shift pulls the planet's tropical rain belt southward, away from the Indian subcontinent.

Research indicates this would severely weaken the wind systems that carry moisture from the Arabian Sea into India. The result would be shorter wet seasons, longer dry spells, and an overall drying trend. Furthermore, an unpredictable El Niño, worsened by the AMOC's decline, would only compound these climate risks, trapping Indian farmers between extreme droughts and erratic, destructive floods.

• Key Terms and Explanations

- **Atlantic Meridional Overturning Circulation (AMOC):** Often called the "Global Conveyor Belt," it is a large system of ocean currents. It carries warm, salty surface water from the tropics north toward the North Atlantic and sends cold, deep water back south.
- **Thermohaline Circulation:** This is the "engine" of the AMOC. **Thermo** refers to temperature and **haline** to salinity. The movement is driven by differences in water density; cold, salty water is denser and sinks, while warm water stays on the surface.
- **Climate Tipping Point:** A critical threshold where a small change can push a system into a completely different state that is often irreversible. Think of a chair being tilted; at a certain angle, it falls over completely.
- **The "Brake" Mechanism:** When Arctic ice melts, it dumps massive amounts of **freshwater** into the North Atlantic. Since freshwater is less dense than saltwater, it refuses to sink, effectively "braking" the downward flow of the conveyor belt.

• Main Arguments and Substantive Parts

- The core thesis is that the AMOC is weakening significantly due to human-induced climate change, with a projected decline of up to **59% by 2100**.
- **The Disruption of Heat Distribution:** The AMOC is the primary reason Europe enjoys a mild climate despite its high latitude. Its slowdown means less heat is transported north, leading to extreme cooling in the Northern Hemisphere and excessive heat buildup in the Southern Hemisphere.
- **Impact on Global Rain Belts:** The article argues that as the North cools, the **Inter-Tropical Convergence Zone (ITCZ)**—the planet's tropical rain belt—will shift southward. This has direct, catastrophic consequences for the Indian Monsoon.
- **Interconnectedness (The El Niño Link):** Ocean systems do not act in isolation. A sluggish AMOC traps heat in the Southern Hemisphere, which alters temperature balances in the Pacific. This is expected to trigger more frequent, unpredictable, and "destructive" El Niño events.
- **The Indian Context:** For India, this isn't a distant oceanic event. It is a direct threat to food security, as it weakens the wind systems that carry moisture from the Arabian Sea.



- **Historical Evolution of the Issue**

- The understanding of ocean currents has evolved from simple maritime navigation to complex climate modeling:

- **Pre-20th Century:** Ocean currents like the Gulf Stream were studied primarily for trade routes and naval speed.

- **1950s - 1980s:** Scientists began to understand the "Thermohaline" nature of these currents. The concept of the "Global Conveyor Belt" was popularized by Wallace Broecker in the 1980s, who first warned that this system could "switch off."

- **Post-2000s:** Real-time measurements through the **RAPID** array (a network of sensors across the Atlantic) began providing hard data. Observations showed a 15% slowdown over the last 50 years.

- **Present Day (2024-2026):** Recent research suggests the decline is accelerating much faster than earlier IPCC models predicted, moving from a "low probability" concern to a "high risk" immediate threat.

- **Way Forward**

- **Decarbonization:** Aggressive reduction of greenhouse gases to slow Arctic melting—the primary "brake" on the AMOC.

- **Climate-Resilient Agriculture:** India must shift toward drought-resistant crops (millets) and micro-irrigation to decouple the economy from the volatility of the monsoon.

- **Global Monitoring:** Strengthening the international network of ocean sensors to provide early warning systems.

- **Green Diplomacy:** India should lead the "Global South" in demanding stricter adherence to emission targets from the North, framing the AMOC as a global security threat.

- **Previous Years' Questions (PYQs)**

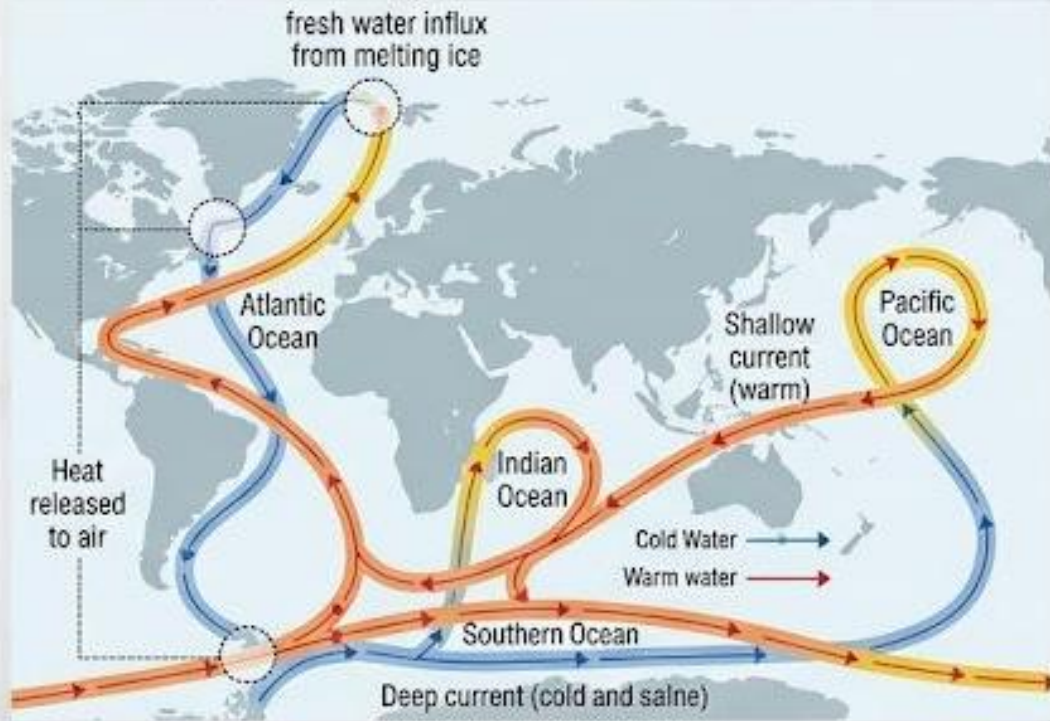
- **UPSC Mains (2021, GS1):** "Explain the factors responsible for the origin of ocean currents. How do they influence regional climates, fishing, and navigation?"

- **UPSC Mains (2017, GS1):** "How do ocean currents and water masses differ in their impacts on marine life and coastal environment? Give suitable examples."

- **UPSC Prelims (2011):** "What could be the main reason/reasons for the formation of African and Eurasian desert belt? (Role of cold ocean currents)."



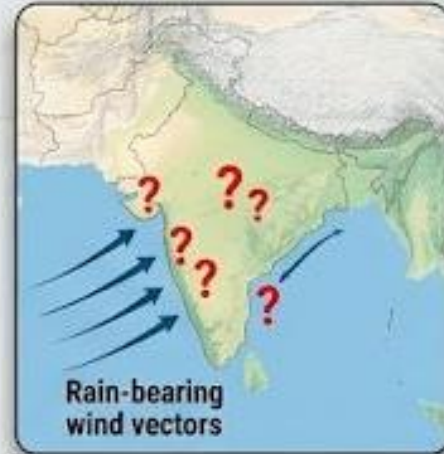
PANEL 1: THE MECHANISM - GLOBAL CONVEYOR BELT



Normal AMOC: Sinking North Atlantic Water
↓
Global Circulation
↓
Heat Transfer
↓
Stable Monsoon

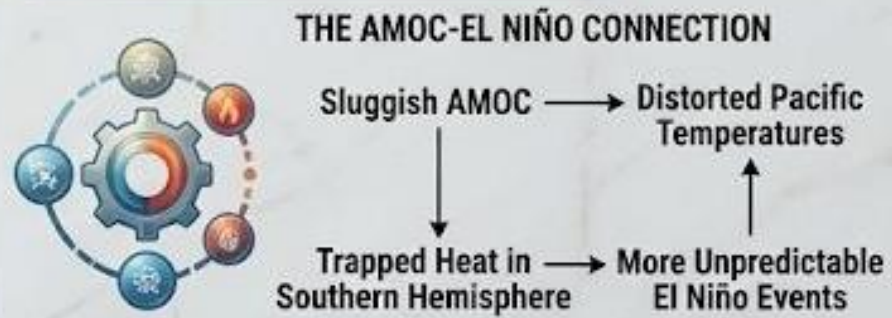
Weakened AMOC: Freshwater Influx Reduced Sinking
↓
Stagnation ❄️
↓
Unstable Monsoon ☁️🌧️

PANEL 2: CONSEQUENCES FOR INDIA



- Weakened Wind Systems → **Suppressed Rainfall**
- **Increased Droughts** in Central/Western India
- Erratic/Destructive Flood Events
- India's Food Security at Risk
- Monsoon is Agriculture Backbone

PANEL 3: INTERCONNECTIONS



Zerine Osho

AXIA EXPERT ANALYSIS

"The Atlantic Meridional Overturning Circulation (AMOC) is at a critical threshold, and merits spending ocean levels of anomalies and had declines that to keep its mildrains and unsarè-deroective Monsoon."

WAY FORWARD & UPSC STRATEGY



1. Sustainable Agriculture (Drought-Resistant Crops, Water Harvesting)



2. Integrated Global Climate Monitoring & Early Warning (AI and Satellite)



3. Enhanced Diplomatic Pressure on Emitters



4. Comprehensive Knowledge Management (NCERT to Current Affairs Integration)

Why medical negligence claim won't end with death of doctor

Amal Doshih
New Delhi, May 7

THE SUPREME Court has ruled that a medical negligence case will not automatically come to an end with the death of the accused doctor. Legal heirs can be brought on record, and proceedings may continue against them, but only for claims linked to financial loss against the deceased doctor's estate.

A bench of Justices J.K. Maheshwari and Abir Chaudhary on May 4 said that personal claims such as pain, suffering or loss of reputation would abate upon death, while claims involving financial loss could survive.

"Upon the death of the alleged medically negligent doctor, his/her legal heirs can be impleaded and brought on record," the bench said. "The extent of liability will be determined based on the pleadings and evidence presented." The ruling came in a case involving an eye surgery in 1990.

What the law says

The Supreme Court examined the issue through the common law maxim *actio personalis moritur cum persona* — a personal right of action dies with the person. Traditionally, this meant that claims relating to personal injury abated upon death. But the court said Indian law has modified and restricted this principle through statutes.

The Legal Representative's Right Act, 1981 permitted suits to be brought by or against the legal representatives of a deceased person, but confined them to monetary losses to the estate, particularly when the act was committed within one year before death.

The Fatal Accidents Act, 1950, created a right to sue for death caused by tortious acts which can be dealt by civil rather than criminal courts. These, however, were eventually consolidated into Section 306 of the Indian Succession Act 1925, which is the operative provision in this case.

Section 306 states that "rights to prosecute or defend any action or special proceeding existing in favour of or against a person at the time of his decease, survive to and against his executors or administrators" except in cases involving defamation, assault, or "other personal injuries not causing death."

The bench also examined Order XXII of the Code of Civil Procedure, which governs the substitution of parties after death during the pendency of a proceeding. Rule 4 addresses the situation where a sole defendant dies, and the right to sue survives. In that case, legal representatives must be brought on record through an application within a prescribed time, failing which the suit abates.

Section 187 of the Consumer Protection Act, which makes these provisions applicable to consumer disputes, states that "in the event of death of a complainant who is a consumer or of the opposite party against whom the complaint has been filed, the provisions of Order XXII of the First Schedule... shall apply."

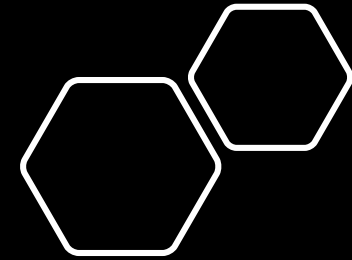
The court read these provisions together and held that the continuation of proceedings after death depends on whether the right to sue survives in substantive law. Purely personal claims abate upon death, but claims relating to financial loss can continue against legal representatives to the extent of the estate inherited by them.

What experts say

Prof D.V. Jaga Rao, Founder of Legaleseel Attorneys, told *The Indian Express* that the ruling attempts to draw a line between holding a doctor personally responsible and allowing compensation claims to continue against the estate left behind. "The son or daughter cannot themselves be treated as medically negligent. But the court has said pecuniary claims can continue against the inherited estate of the deceased doctor," he said.

At the same time, Prof Rao said the ruling could raise practical difficulties in enforcement. "If the legal heirs have not inherited any estate, then what happens? And where there is more than one legal heir, how will liability be shared out?" he said. "From a consumer perspective, the judgment appears justified, but making legal heirs liable pecuniary liability may also seem unfair."

Former Registrar of Delhi Medical Council Dr Girish Tyagi told *The Indian Express* that loss of prolonged legal liability could affect how doctors handle critical patients.



- **Key Terms and Explanations**

- **Medical Negligence:** A breach of duty by a healthcare professional that results in harm to the patient. To prove this, three elements are essential: **Duty** (to care), **Dereliction** (breach of duty), and **Direct Cause** (damage resulting from that breach).
- **Actio Personalis Moritur Cum Persona:** A Latin legal maxim meaning "a personal right of action dies with the person." Traditionally, if you sue someone for a personal injury, and they die, the case ends.
- **Legal Heirs/Representatives:** Individuals entitled to the property of a deceased person under the laws of inheritance.
- **Estate of the Deceased:** The total net worth of a person at the time of death, including all assets, property, and money, minus any liabilities.
- **Pecuniary Liability:** Financial responsibility or a debt that must be paid in money.
- **Abatement:** The ending or termination of a legal proceeding. For example, claims for "mental agony" now **abate** upon the doctor's death, meaning they cannot be pursued against the family.

- **Main Arguments and Substantive Parts**

- The core of the discussion revolves around balancing the rights of an aggrieved patient with the protection of a deceased doctor's family.
- **Survival of Financial Claims:** The primary thesis is that while "personal" grievances (like injury to reputation or pain) die with the doctor, financial losses caused by negligence survive. The doctor's estate remains liable for these monetary damages.
- **Substitution of Parties:** Under the Code of Civil Procedure (CPC), legal heirs can be "impleaded" (brought into the case). They don't become "negligent" themselves; they simply represent the pool of assets being sued.
- **The Line of Liability:** A clear distinction is drawn between **personal liability** and **pecuniary liability**. The heirs are only liable to the extent of the property they inherited. If they inherited nothing, they owe nothing.
- **The Counter-Argument (Defensive Medicine):** Critics argue that if legal battles can outlive the doctor, it might lead to "defensive medicine," where doctors avoid high-risk, life-saving procedures for fear of leaving a legacy of litigation for their children.

- **Historical Evolution of the Issue**
- The journey from a rigid colonial maxim to a nuanced consumer-centric interpretation shows the evolution of Indian jurisprudence.
- **Pre-Independence (Common Law Era):** India strictly followed the British maxim *Actio Personalis Moritur Cum Persona*. If the defendant died, the victim was left without any remedy, regardless of the loss suffered.
- **The Legal Representatives Suits Act, 1855:** This was the first major shift, allowing suits for "wrongful acts" to continue against heirs, but it was limited to cases where the wrong occurred within a year before death.
- **Indian Succession Act, 1925 (Section 306):** This expanded the scope. It stated that all rights to prosecute or defend survive the death of a person, except in specific personal cases like defamation or assault.
- **Consumer Protection Act (1986/2019):** This brought medical services under the "service" category, allowing patients to seek compensation. Recent interpretations have harmonized this with the CPC to allow the substitution of heirs.
- **The Modern Shift:** The judiciary has increasingly moved toward a "Victim Compensation" model, ensuring that a professional's death does not result in the unjust enrichment of their heirs at the expense of a victim's financial ruin.

• **Way Forward**

- **Mandatory Indemnity Insurance:** The government should mandate comprehensive insurance for all doctors that specifically covers their estate after death.
- **Fast-Track Medical Tribunals:** To prevent "generational litigation," medical negligence cases should be decided within a fixed timeframe (e.g., 2 years).
- **Clear Guidelines on "Estate":** The Ministry of Law should provide clear guidelines on what constitutes an "inherited estate" to prevent the harassment of heirs.
- **Alternative Dispute Resolution (ADR):** Encouraging mediation between victims and the deceased's family can lead to quicker, more compassionate settlements than a cold courtroom battle.

• **Previous Years' UPSC Questions**

- **GS 2 (2022):** "The jurisdiction of the Central Consumer Protection Authority (CCPA) is wide-ranging. Discuss." (Similar theme of consumer rights).
- **GS 4 (2018):** "Conflict of interest in the public sector... explain with examples." (Can be applied to the doctor's conflict between patient care and financial protection).
- **Essay (2020):** "Justice must be done, but it must also be seen to be done." (Relevant to the patient's perspective in this case).



LEGACY & LIABILITY: THE DOCTOR'S DEATH AND MEDICAL NEGLIGENCE CLAIMS



INTRODUCTION: THE RULING



Key Supreme Court ruling, the Supreme Court ruling former medical negligences affect all onmaals separately on the Medical Negligence.



KEY CONCEPTS DEFINED



Medical Negligence: Medical negligence and normal negligence



Legal Heirs: Definitions in the net working of the gref legal heirs



Pecuniary Liability: Pecuniary rights in pecuniary rirability of indemnity insananmceit colms



Abatement of Personal Claims: Abarrontal agony claims is cancelled in mental agony

LIABILITY FRAMEWORK



SURVIVES DEATH

- Financial loss claims
- Estate liability
- Replacement of parties



ABATES ON DEATH

- Personal claims:
 - Pain, reputation
 - Mental agony



A LEGAL EVOLUTION



Separation of Claims



MULTI-DIMENSIONAL ANALYSIS



UPSC CSE SYLLABUS LINKAGES

Issue	Syllabus Topic
GS 2	Judiciary, health governance
GS 3	Psycham Liability
GS 4	Professional Ethics
Essay	Princip of Compusun
Ethics	Personal Insurance & Tribunals

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