

# DRISHTI IAS TEST SERIES FOR PRELIMS 2014

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## NGOs of the mind

The NGO as an expression of voluntarism is a Janus-faced entity and it is this double-edged nature that puts it in a perpetual state of suspicion. The recent Intelligence Bureau report on NGOs against development has to be reread as a part of a new text of suspicion

Jairam Ramesh, the former Union Minister of Environment, once playfully, in fact factiously, commented that the word 'Intelligence Bureau' (IB) is an oxymoron. He was warning us that often, instead of collecting information, the IB projects the current fears of the state. It plays out the current politics of anxiety about security and development. What intrigues one is that such suspicion now acquires numeracy. The IB estimates non-governmental organisation (NGO) resistance as negatively impacting GDP by two to three per cent. Seen as a mirror inversion of a Human Development Report, the report becomes surreal. One wonders what the IB will estimate as the price of a dead myth or an extinct waterfall. One is not asking for the source of the estimate or its methodology but the idea itself conveys a false sense of objectivity about the acts of intelligence gathering.

One must also recognise that the NGO as an expression of voluntarism is a Janus-faced entity. At one level, it acts as an extension counter of the state, engaging in acts of humanitarian and social work. At another level, it is a

political and cognitive entity challenging development paradigms and arguing issues of governance and democracy. This double-edged nature of the NGO puts it in a perpetual state of suspicion. Yet, we have to recognise that civic epistemologies and civil society creativity are crucial for democracy.

Text of suspicion

The recent IB report has to be reread as a part of a new text of suspicion. It combines issues of environment and defence, internal and external security, and security and sustainability to create a new monster, a threat called "NGOs against development." The report focusses more on the initiation and delay of projects rather than the suffering caused by these projects through acts of displacement. Development is a benign act of the sovereign state. The NGO and social movements are seen as over-obsessed with acts of suffering. In that sense, it is an upstream rather than a downstream critique of the NGO. The delay becomes the act of sedition and it is these delays that contribute negatively to GDP.

The NGO is then read as a surrogate ploy for the alien or outsider. Behind each NGO is a foreign national or a grant-giving agency. The foreign hand, once legendary in the era of the Cold War, now returns not as CIA but as grant-giving agency. The language of human rights becomes a veneer for a new opposition to the state and serves as a cover for such disruptive activity. In fact, anti-development becomes the label for a network of conspiracies between the local NGO and foreign agencies to keep India in a state of underdevelopment. Before one responds to the details of the report, one must confess that NGOs are not angelic groups. Many have become institutions which have turned seriatim protest into a career. One creates a trajectory from Bhopal to Narmada to GM foods oblivious of one's last battles. Many of these groups have advocated transparency and responsibility but failed to apply it to themselves. If the report is a demand for self-reflexivity, one can sympathise with it, but when it clubs NGOs into one bundle and treats them as seditious, it

threatens civil society as a space of freedom, dissent and creativity. Once one realises that development has created more refugees than the wars we have fought, one senses that development is more problematic than the IB report can imagine it to be.

#### 'Anti-development' label

The report creates anti-development as problematic and especially turns Greenpeace into a monster. One must admit that it is easy to caricature Greenpeace. The organisation's style is theatrical, which often upsets the stuffed-shirt state, used to a sense of dignity. But Greenpeace raises critical issues, confronts the silences of development with a melodramatic, even overstated, eloquence, which is effective and attention-grabbing. It is seen as people-centric rather than government-centric and this focus is regarded as unpardonable. Because it amplifies marginal voices, it is seen as disruptive and yet as a critic said, "If Greenpeace did not exist it would have been invented. It is an early warning system on development and peace issues." But the real sore point is not the Greenpeace style but the set of issues Greenpeace and other NGOs have raised.

The fourfold resistance of NGOs focusses on nuclear energy, coal-fired plants, genetically modified organisms (GMO) and anti-extractive activities in the northeast. All four are seen as attempts to protect livelihoods, local freedom and obtain fairness. The IB argues that because of this, India has become vulnerable in international forums, unable to voice its usual pieties of peace and development.

The report observes that international agencies earlier used "caste discrimination, human rights and big dams as items to discredit India." These same forums have graduated to new embarrassments around growth retarding campaigns such as the anti-bauxite, anti-coal, anti-nuclear, anti-GM issues. It is their style and focus that make them so devastating. The IB reads each NGO as a pressure group which creates a specific scenario. It sets an agenda, creates debates in the media, lobbies diplomats and governments generally seeking to create

a network of embarrassments. The keywords used are camouflage words, their democratic content hiding a malign intent, a strategy of disruption and delay, restricting development in key sectors. Each NGO is backed by foreign funds, each infiltrates a local group, commandeers a local issue to embarrass and delay the development projects of the regime. These arguments seem reasonable, the scenario believable till one examines the array of people cited. It is the roll call of the best and brightest in the country. They include S.P. Udayakumar, Suman Sahai, Kavita Kuruganti, Admiral Ramdas, Paranjay GuhaThakurta, Aruna Rodrigues, Surendra Gadekar. Because they criticise the development project in its specificities, they do not become anti-national. In fact this report should become an early warning system for civil society to gear itself for battles. Whether it is the Congress or the Bharatiya Janata Party (BJP), it is clear that development without jitters is a priority. Dissent becomes an activity frowned upon. In fact, one must recognise there is an NGO in all of us. One must also recognise that the well-being of the nation requires that the demand of the nation not be confused with the imperatives of the nation-state. Nations can allow for diversity, while nation-states seek uniformity and official diktats.

Ethics of intervention, memory

The activists listed link the ethics of invention and the ethics of memory. Tradition and change are linked not through sentimentality but through ideas of livelihood and empowerment. It is not only a rights discourse, it is a battle for survival arguing that the development discourse cannot be indifferent to voice, livelihoods and its roots in community. Riding roughshod over democracy is not a criteria of development. Delay is not the only criteria of evaluation. Time as plurality, history, myth, an ethic of memory, as a guarantee against obsolescence and triage are also relevant criteria. Delay speaks the language of growth without an articulate idea of responsibility and it is on this point that the IB report errs in its witch-hunt against "anti-

development". The politics of delay needs an aetiology, a discourse on causes. Delay is an intermediate stage in the development process. Delay comes because the government fails to talk to people about the location of a project, its implication for livelihoods and life in a locality. When people discover that the black box of national interest has trumped local empowerment they have to resort to politics desperately. What is often dismissed as sedition is mainly a crisis of empowerment, a failure of dialogue. A development that begins with diktats is bound to be delayed. The presence of a foreign hand often becomes a pretext for ignoring local voice and local issues.

The IB report emphasises that these NGOs are a threat to the national, economic security of India. But their understanding of security is restricted. It has no sense of seed security, or forest cover, no sense of trusteeship of the future. What is seen as sedition is often an attempt to combine an ecological sense of sustainability with a classical idea of security. In fact the IB's sense of security allows for paranoia but not pluralism. A critical response has to deconstruct the categories of its official discourse, the 19th century suspicions that it stirs, and still show that civil society is adding a life-giving content to these categories. Suffering and sensitivity to suffering have to be a part of such measures and these the NGOs manage to do. The other issue the NGOs attempt to raise is the debate around choice of technologies and this the nation-state and its experts resent. A refusal to debate options for the future threatens the future and such stubbornness bordering on illiteracy cannot be conflated with security.

#### NGO transparency

To create the climate for such a debate, the NGOs have to spring clean their bureaucracies, show that foreign grants do not colour local issues. Second, they have to account for grants and any sub-grants they might make. The trajectory must be transparent to prevent suspicions clouding a crucial debate. Third, they have to demonstrate to the rest of the

society that beyond protest, they are seeking to create new epistemologies of knowledge which adds to the quality of livelihood and thus reveal that obsolescence and displacement are not inevitable for the margins. One has to see this report as an anticipation of things to come, a symptom of a society that has become sceptical of some NGO battles. Dissent in these circumstances is going to demand both a heroic inventiveness and a quiet patience.

In reading such a document one has to be careful of labelling it a Modi ploy. It is as much a Manmohan Singh complaint. He was fed up with NGOs opposing nuclear energy. The politics of regimes might be different but their paranoias are the same – security being threatened by local groups. Both would love a discourse which subsumes sustainability under security. Moreover, suspicion and paranoia need a scapegoat. The funder abroad as invisible hand, the Greenpeace as the more visible hand become easy candidates. One cannot deny that foreign groups might help stir the political pot. Their behaviour often warrants suspicion. The challenge before these NGOs is to create a public space where three things are clear. First, they have to create systems of audit which are both rule bound, time bound and transparent. Foreign funds are not cornucopia to be showered on all and sundry like confetti. Second, one has to communicate the vitality and the life-giving nature of the issues. It cannot be left to the experts and the bureaucrats of the state. Third, one needs an ethic of responsibility which includes professionalism as ascetic lifestyle, a precision of articulation which carries greater conviction. The battle of competing rhetoric will not do. It is a challenge to create a public space around the silences of the state and include the margins of the nation. One needs a space which allows for dissent and debate, which is both cathartic and constructive and which incorporates the future as a constituency. It is not defensiveness that we need but a confidence to experiment, to debate, to create alternatives, The state could be afraid of the foreign hand but what states often found even more alien is the process of empowerment, the

attempt to create a different democracy.

The IB report is right in emphasising the critical nature of the four issues. But what is equally critical is the synergy of democracy that NGOs need to create around these issues. Each struggle has to be a fable for the future. To do less would make the report more real and true over time. Civil society has to make sure that this IB report does not become a self-fulfilling prophecy

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**Finance Commission All You  
need To Know**

Article 280 of the Constitution of India provides for a Finance Commission as a quasi judicial body. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.

## COMPOSITION

The Finance Commission consists of a chairman and four other members to be appointed by the president. They hold office for such period as specified by the president in his order. They are eligible for reappointment.

The Constitution authorises the Parliament to determine the qualifications of members of the commission and the manner in which they should be selected. Accordingly, the Parliament has specified the qualifications of the chairman and members of the commission<sup>1</sup>. The chairman should be a person having experience in public affairs and the four other members should be selected from amongst the following:

1. A judge of high court or one qualified to be appointed as one.
2. A person who has specialised knowledge of finance and accounts of the government.
3. A person who has wide experience in financial matters and in administration.
4. A person who has special knowledge of economics.

## FUNCTIONS

The Finance Commission is required to make recommendations to the president of India on the following matters:

1. The distribution of the net proceeds of taxes to be shared between the Centre and the states, and the allocation between the states of the respective shares of such proceeds.
2. The principles that should govern the grants-in-aid to the states by the Centre (i.e., out of the consolidated fund of India).
3. The measures needed to augment the consolidated fund of a state to supplement the resources of the panchayats and the municipalities in the state on the basis of the recommendations made by the state finance commission<sup>2</sup>.
4. Any other matter referred to it by the president in the interests of sound finance.

Till 1960, the commission also suggested the grants given to the States of Assam, Bihar, Orissa and West Bengal in lieu of assignment of any share of the net proceeds in each year of export duty on jute and jute products. These grants were to be given for a temporary period of ten years from the commencement of the Constitution.

The commission submits its report to the president. He lays it before both the Houses



of Parliament along with an explanatory memorandum as to the action taken on its recommendations.

### Advisory Role

It must be clarified here that the recommendations made by the Finance Commission are only of advisory nature and hence, not binding on the government. It is up to the Union government to implement its recommendations on granting money to the states.

To put it in other words, 'It is nowhere laid down in the Constitution that the recommendations of the commission shall be binding upon the Government of India or that it would give rise to a legal right in favour of the beneficiary states to receive the money recommended to be offered to them by the Commission'.<sup>3</sup>

As rightly observed by Dr. P.V. Rajamannar, the Chairman of the Fourth Finance Commission, "Since the Finance Commission is a constitutional body expected to be quasi-judicial, its recommendations should not be turned down by the Government of India unless there are very compelling reasons".

### IMPACT OF PLANNING COMMISSION

The Constitution of India envisages the Finance Commission as the balancing wheel of fiscal federalism in India. However, its role in the Centre-state fiscal relations has been undermined by the emergence of the Planning Commission, a non-constitutional and a non-statutory body. Dr P V Rajamannar, the Chairman of the Fourth Finance commission, highlighted the overlapping of functions and responsibilities between the Finance Commission and the Planning Commission in federal fiscal transfers in the following way<sup>4</sup>:

The reference in Article 275 to grants-in-aid to the revenues of states is not confined to revenue expenditure only. There is no

legal warrant for excluding from the scope of the Finance Commission all capital grants, even the capital requirements of a state may be properly met by grants-in-aid under Article 275, made on the recommendations of the Finance Commission.

The legal position, therefore, is that there is nothing in the Constitution to prevent the finance commission from taking into consideration both capital and revenue requirements of the states in formulating a scheme of devolution and in recommending grants under Article 275 of the Constitution. But the setting up of Planning Commission inevitably has led to a duplication and overlapping of functions, to avoid which a practice has grown which has resulted in the curtailment of the functions of the finance commission.

As the entire plan, with regard to both policy and programme, comes within the purview of the Planning Commission and as the assistance to be given by the Centre for plan projects either by way of grants or loans is practically dependent on the recommendations of the Planning Commission, it is obvious that a body like the Finance Commission cannot operate in the same field. The main functions of the Finance Commission now consist in determining the revenue gap of each state and providing for filling up the gap by a scheme of devolution, partly by a distribution of taxes and duties and partly by grants-in-aid.

### COMMISSIONS APPOINTED

Till now, thirteen finance commissions have been constituted. The name of the commission, the years in which they were constituted and submitted their reports, and the name of the chairman are given in Table 37.1.

Table 37.1

## Finance Commissions Appointed so far

Finance Commission	Chairman	Appointed in	Submitted Report in	Period of implementation of Report
First	K.C. Neogy	1951	1952	1952-57
Second	K. Santhanam	1956	1957	1957-62
Third	A.K. Chanda	1960	1961	1962-66
Fourth	Dr. P.V. Rajamannar	1964	1965	1966-69
Fifth	Mahavir Tyagi	1968	1969	1969-74
Sixth	Brahmananda Reddy	1972	1973	1974-79
Seventh	J.M. Shelat	1977	1978	1979-84
Eighth	Y.B. Chavan	1982	1984	1984-89
Ninth	N.K.P. Salve	1987	1989	1989-95
Tenth	K.C. Pant	1992	1994	1995-2000
Eleventh	A.M. Khusro	1998	2000	2000-2005
Twelfth	Dr. C. Rangarajan	2002	2004	2005-2010
Thirteenth	Dr. Vijay Kelkar	2007	2009 (expected)	2010-2015

*Notes and References*

1. Vide the Finance Commission Act, 1951.
2. This function was added by the 73rd and 74th Constitutional Amendment Acts of 1992, which have granted constitutional status and protection on the panchayats and the municipalities respectively.
3. D D Basu, *Introduction to the Constitution of India*, Wadhwa 19th Edition, 2001, p. 331.
4. Report of the Fourth Finance Commission, New Delhi, Government of India, 1965, p. 88-90.

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# Understanding mortgage

## **REVERSE**

A reverse mortgage is a special type of loan against a home that allows the borrower to convert a portion of the equity in the property into cash. The equity built up over many years of home loan payments can be paid directly to the borrower. However, unlike a traditional home equity loan no repayment is required until the borrower ceases to use the home as principal residence. With a traditional second mortgage, or a home equity line of credit, one must show sufficient income versus debt ratio to qualify for such a loan, and needs to make monthly payments towards the mortgage. Reverse mortgage differs in that it pays the borrower, and is available regardless of current income or assets. The amount that can be borrowed depends on the borrower's age, the current interest rate, other loan fees, and the appraised value of the property. One does not have to make payments, because the loan is not due for paying off as long as the house is one's principal residence. Like all homeowners, the borrower is still required to pay applicable real estate taxes and other conventional payments like utilities.

### **The myths**

One of the myths about a reverse mortgage is that one loses one's home at the end of the mortgage term. This is not always the case. The owner can retain the home if one pays back the funds received from the reverse mortgage lender. Payouts on a reverse mortgage can be made to the borrower in a single lump sum on approval of the reverse mortgage, in monthly payouts or in the form of a line of credit that the borrower you can draw from whenever he or she decides to. There are benefits to both approaches depending on one's immediate cash requirements and tax situation.

### **Lack of popularity**

There are three reasons why reverse mortgage has not proved to be popular in India. First, Indians look at owned property as a primary asset, ideally to be handed down generations and not sold except in extreme financial crisis. Secondly, Indian culture has the care and support of senior citizens hard wired into it – elderly people who own property in this country do not, as a rule, lack the financial wherewithal to support themselves in their golden years. Thirdly, the product itself is not as well understood as traditional home loans are. In any case, it seems that unless the classic reverse mortgage is tweaked in a manner to make it more palatable to Indian sensibilities and values, it is not likely to become a big hit.

Reverse mortgage in the Indian context makes sense for elderly persons owning residential property who, for whatever reason, have no other dependable financial recourse.

Also, in case of severe rifts within the family an elderly person could choose to sell rather than bequeath the property. Finally, reverse mortgage can be used as a temporary fallback option.

In other words, reverse mortgage can be availed of for a certain amount, which can be repaid so that the property returns to the owner.

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1857-1860 年，英國政府開始在印度推行教育改革，設立了印度大學（University of India），這所大學的成立是為了提高印度的教育水平，並為印度培養人才。此外，英國政府還設立了印度公共服務委員會（Indian Public Service Commission），這所委員會是為了提高印度公務員的素質，並為印度培養人才。

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1815-1816 1818 1835

1864

1864

There are various methods of communication that can be used to convey information. Some of the most common methods include verbal communication, written communication, and non-verbal communication. Each method has its own strengths and weaknesses, and the choice of method depends on the context and the audience.

## Verbal Communication

Verbal communication is the most direct and immediate way to convey information. It involves the use of spoken words to communicate. This can be done in person or through various technologies such as telephone, video conferencing, and voice recording. Verbal communication is often used for quick decision-making, problem-solving, and building rapport with others. However, it can also be prone to misunderstandings and misinterpretations, especially when the listener is not fully attentive or when the speaker is not clear. Written communication, on the other hand, provides a permanent record of the message and allows for careful review and editing. It is often used for formal reports, contracts, and correspondence. Non-verbal communication, which includes body language, facial expressions, and tone of voice, is an important part of all communication. It can enhance or detract from the verbal message and is often used to convey emotions and attitudes. In general, verbal communication is the most common and effective way to communicate, but it should be used in conjunction with written and non-verbal communication to ensure that the message is conveyed accurately and effectively.

Written communication is a form of communication that involves the use of written words to convey information. This can be done through various methods such as letters, emails, reports, and books. Written communication is often used for formal communication and for creating a permanent record of the message. It allows for careful review and editing, and it provides a clear and concise way to convey complex information. However, written communication can also be slow and expensive, and it may be difficult to understand if the recipient is not familiar with the language or the context. Non-verbal communication is a form of communication that does not involve the use of words. It includes body language, facial expressions, and tone of voice. Non-verbal communication is often used to convey emotions and attitudes, and it can enhance or detract from the verbal message.

Body language is a form of non-verbal communication that involves the use of physical actions to convey information. This can include gestures, posture, and facial expressions. Body language is often used to convey emotions and attitudes, and it can enhance or detract from the verbal message. For example, a person who is smiling and has an open posture is likely to be perceived as friendly and approachable, while a person who is frowning and has a closed posture is likely to be perceived as hostile and unapproachable.

Facial expressions are a form of non-verbal communication that involves the use of the face to convey information. This can include smiling, frowning, and squinting. Facial expressions are often used to convey emotions and attitudes, and they can be very powerful in conveying meaning. For example, a person who is smiling is likely to be perceived as happy and positive, while a person who is frowning is likely to be perceived as sad and negative. Tone of voice is a form of non-verbal communication that involves the use of the voice to convey information. This can include the pitch, volume, and pace of the voice. Tone of voice is often used to convey emotions and attitudes, and it can be very powerful in conveying meaning. For example, a person who is speaking in a high-pitched, loud voice is likely to be perceived as excited and energetic, while a person who is speaking in a low-pitched, soft voice is likely to be perceived as calm and relaxed.



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## Ireland world's 'best' country, India stands low at 81

*While Iceland and Canada are the nations scoring high on climate and planet specifics, the United Kingdom led the league of nations in technology*

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A group of researchers who assessed countries of the world on 35 separate internationally accepted indicators have adjudged Ireland as the world's best country.

Their analysis, which was published as [The Good Country Index](#), evaluated 125 countries and was prepared by the researchers after using reliable datasets from the United Nations, the World Bank and other recognised international institutions. The countries were judged on parameters like science and technology, international peace and security, education, pollutant emissions, and health and well being.

While, in the overall ranking, India has been ranked 81st; strife-torn countries like Libya and Iraq were ranked among the lowest.

Researchers said Kenya was an "inspiring example" which showed that making a meaningful contribution to society is "by no means the exclusive province of

rich 'first-world' nations". The African nation managed an overall rank of 26 and was ranked 16th in the parameter of prosperity and equality.

### **(Not) on a greener path**

Leading in parameters like bio-capacity reserve and curbed CO2 emissions, Iceland and Canada are the nations scoring high on climate and planet specifics. India, however, has been ranked 107th on this parameter, Pakistan followed at 108; China performed relatively better and was placed at the 99th spot. United States, which has till now been accused of not taking any strong measures to fight climate change, was ranked 39.

For India, this has come almost a month after a report rated Delhi, the capital city of India, [as the city with worst air quality in the world](#). African nations, Kenya, Ghana and Nigeria were ranked above India.

### **Health and prosperity**

While India was placed at rank 37 on health and well being parameters, prosperity and equality played the spoiler. At rank 117, the country has been performing poorly when it comes to development assistance for the needy. Spain has emerged as world's healthiest country, the US was ranked seven and Pakistan 43. Kenya was found to be doing well on this parameter as well and was ranked 28.

### **Exporting arms a concern**

There are some surprising elements as well. Countries like strife-torn Egypt and Nigeria are among the best performers in the peace and security category. The website goes on to explain that the countries that score well in this category are evaluated on the basis of export of arms; direct involvement in international violent conflicts and cyber security.

The United States of America, on the other hand, was ranked as low as 114 in international peace and security. Exporting of arms and Internet security are the parameters that negatively contributed to this rating. The United Kingdom, which pipped all other countries to emerge as best country in science and technology, has been ranked 94 in international peace. The reasons that could be attributed to this lower ranking are same as those for the US.

### **Leaders in technology**

The United Kingdom led the league of nations in technology. Journal exports, Nobel prizes, patents and increasing number of international students can be attributed to European country's success in technology. Perceived as one of the IT leaders in the world, India was ranked 56th in science and technology. China was two spots ahead at 54.

### **Methodology**

To create the list, researchers considered the size of a country's economy, and then assessed its global contributions to science and technology, culture, international peace and security, world order, the planet and climate, prosperity and equality, and the health and well-being of humanity.



They have used 35 reliable datasets which track the way that most countries on earth behave: there are five of these in each of seven categories, covering the big subjects like education, science, war and peace, trade, culture, health, censorship, the environment and freedom. Most of these datasets are produced by the United Nations and other international agencies, and a few by NGOs and other organisations.

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## Agenda for nuclear diplomacy

The focus should now shift to resolving the ambiguities of the 2010 Nuclear Liability Law. Without this exercise, India can only import nuclear fuel for the existing power plants; it will not be able to undertake the much-needed expansion of the nuclear power sector. It is not only the foreign suppliers who would like clarity on this issue; Indian vendors are equally concerned about its ambiguities

On June 22, the Narendra Modi government announced that the International Atomic Energy Agency (IAEA) Additional Protocol had been ratified. It is a welcome step marking the new government's foray into nuclear diplomacy. However, by itself, it will not pave the way to the successful conclusion of negotiations with Westinghouse or GE or, for that matter, even AREVA. For that, more initiatives need to be taken, particularly if progress on the nuclear issue is to be registered during the Prime Minister's visit to Washington. India signed the IAEA Additional Protocol on March 15, 2009, over five years ago. It was one of the boxes to be ticked for implementing the 2008 India-U.S. Civil Nuclear Cooperation Agreement. But it was not a difficult obligation to fulfil because the Additional Protocol is customised for nuclear weapon states and this aspect had been successfully worked out by the Indian negotiators. It was left pending ratification because there were other, more difficult and more critical issues that needed to be tackled first, for which the

political will could not be mustered in the last years of the United Progressive Alliance (UPA)-II government.

#### Addressing proliferation

To understand the Additional Protocol, it is useful to look at its genesis. With the end of the Cold War, the prospects of a nuclear exchange between the two superpowers receded and the proliferation of nuclear weapons became the new threat that needed to be addressed at a global level. In 1993, the IAEA began to consider how it could play a role in this and began a deliberative two-year exercise, described as 93+2.

The IAEA was already implementing full-scope-safeguards in countries that were party to the Nuclear Non-Proliferation Treaty (NPT) as non-nuclear weapon states. This meant that all nuclear activity in these countries was monitored to ensure that it was intended only for peaceful purposes. For the five nuclear weapon states recognised by the NPT (the United States, Russia, the United Kingdom, France and China), full-scope-safeguards were not applicable as these countries had a nuclear weapon fuel cycle that could not be subjected to international accounting and inspection by the IAEA. These five countries, therefore, worked out an understanding with the IAEA and accordingly, "voluntarily" placed some of their civilian facilities under a much looser IAEA safeguards agreement, more as a political gesture to demonstrate their good faith and provide credibility to the IAEA, which would otherwise be accused of only policing the nuclear have-nots.

The 93+2 exercise led, in 1997, to the Model Additional Protocol. The logic behind it was different – while full-scope-safeguards provided assurance that all nuclear materials were fully accounted for in exclusively peaceful activities, the Additional Protocol was intended to reassure that there was no clandestine nuclear activity being undertaken. Its purpose was to strengthen and expand the existing safeguards regime applicable to the non-nuclear weapon states. Remote monitoring and analysis, environmental sampling to detect traces of radioactivity, and inspections without notice, were introduced. In addition, the scope of declaratory activities

relating to the nuclear fuel cycle was expanded, thresholds to trigger inspections were lowered, and imports (and exports) of dual-use items came under scrutiny. The prime catalysts for this were nuclear developments in Iran, North Korea and Libya, most of them easily traceable to Dr. A.Q. Khan's freewheeling nuclear Wal-Mart. Once again, the five nuclear weapon states excluded themselves from the Model Additional Protocol citing national security considerations, but volunteered to conclude an Additional Protocol based on what could be shared with the IAEA.

#### Recognising Indian ambition

During the 1990s, with the tightening of export control regimes and the expansion of control lists to cover dual-use items and technologies, India's access to these sectors was severely restricted. Therefore, after the 1998 nuclear tests and the declaration that India now possessed a nuclear arsenal, it was important for the Vajpayee government to demonstrate India's impeccable non-proliferation record and as a responsible nuclear-weapon-state, seek its place in legitimate civilian nuclear commercial and technology exchanges. In the dialogues undertaken with major powers after 1998, France and later on, the U.S., were receptive to this ambition.

Prime Minister Manmohan Singh took forward the nuclear diplomacy of the Vajpayee government. Looking beyond the Next Steps in Strategic Partnership (NSSP), which was being implemented in phases in 2004, the breakthrough came in July 2005 during Dr. Singh's visit to Washington, when it was announced that "the U.S. would work to achieve full civil nuclear energy cooperation with India", "seek agreement from Congress to adjust U.S. laws and policies," and further, "work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India." In turn, India agreed to "take on the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States." These

responsibilities included “signing an Additional Protocol with IAEA for civilian facilities.”

Not being party to the NPT, India was not subject to full-scope-safeguards. However, nuclear reactors set up with international cooperation (e.g. Tarapur 1&2, Rajasthan 1&2, and more recently, Kudankulam 1&2) were subject to the IAEA’s facility-specific safeguards. As per the 2005 undertaking, it was tacitly understood that as a nuclear weapon state, India would keep some of its facilities out of safeguards for national security reasons and there would, therefore, be significant differences between the Model Additional Protocol (as adopted by states under full-scope-safeguards) and the customised Additional Protocol that would apply in the case of India. In fact, the Indian Additional Protocol does not contain most of the Model Additional Protocol’s provisions and basically requires that India provide information to the IAEA regarding its nuclear-related exports. So much so, that even though India only signed the Additional Protocol on March 15, 2009, President Bush had certified to the U.S. Congress in September 2008 that India and the IAEA were making substantial progress in negotiating the Additional Protocol, thus clearing the way for the India-U.S. Agreement to be signed on October 10, 2008.

#### Quantifying liability

Ratifying the Additional Protocol was the low-hanging fruit but significantly, the decision indicates that nuclear diplomacy will remain a priority for the Modi government. The focus should therefore now shift to resolving the ambiguities of the 2010 Nuclear Liability Law. Without this exercise, India can only import nuclear fuel for the existing power plants; it will not be able to undertake the much-needed expansion of the nuclear power sector. It is not only the foreign suppliers who would like clarity on this issue; Indian vendors are equally concerned about its ambiguities.

We know how national and international nuclear liability laws have evolved and why liability was channelled exclusively to the operator. In the 1950s, only the U.S. had a nuclear

industry and the U.S. private sector needed this protection in order to establish itself at a global level. Today, the situation is different and there is a growing feeling that this exclusive channelling is no longer helpful. The Indian law of 2010, which brings in the concept of supplier liability, may not be consistent with existing practice, but it is certainly much more in consonance with the spirit of the times. The idea of some measure of supplier liability is an idea that can no longer be bypassed. However, what the Modi government needs to ensure is that supplier liability does not become “infinite” or “open-ended.” What is necessary is a genuine effort to address the concerns of the suppliers’ community so that their liability can be quantified in a manner that does not raise costs to prohibitive levels.

The NSG waiver has enabled India to import nuclear fuel from multiple sources and improve capacity utilisation in nuclear power plants, but the ambiguities of the Nuclear Liability Law created a roadblock that UPA-II could not overcome. Dialogue with the U.S. lost momentum as did the quest for India’s membership of the Nuclear Suppliers Group. Mr. Modi is well placed, both at home and abroad, to impart a new momentum to the diplomatic process, thereby ensuring India’s long-term energy security interests, giving a push to India-U.S. relations, and getting India to its rightful place at the nuclear high table

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