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How are judges elected to the International Court of Justice?

The ICJ has passed many landmark judgements, but the execution of its verdicts have often been hindered by the skewed balance of power in the United Nations wherein enforcement is subject to veto by permanent members of the Security Council.

The International Court of Justice (ICJ), the highest judicial body having trans-national jurisdiction, is in the process of filling a clutch of vacancies, with the terms of five serving judges coming to an end. Dalveer Bhandari, an incumbent who represented India at the ICJ has been re-elected. The import of India's efforts at securing a place at the high table of global jurisprudence should be seen in the backdrop of the Kulbhushan Jadhav case, which is currently pending before the court.

Here is a brief history of the ICJ outlining how it functions, and also the procedure followed in electing judges .

What is the ICJ?

The International Court of Justice (ICJ) started work in 1946,

after half a century of international conflict in the form of two World Wars.

The ICJ has its seat at The Hague, the [Netherlands](#), and has the jurisdiction to settle disputes between countries and examine cases pertaining to violation of human rights according to the tenets of international law. It is the judicial arm of the United Nations.

However, this was not the first effort at instituting a multilateral forum to settle trans-national disputes. The ICJ was established in 1945 by the UN Charter following its precursor, the Permanent Court of International Justice, falling into desuetude owing to the inability to enforce its mandate, especially during the intervening war years.

Subsequently, the ICJ has passed many landmark judgements, but the execution of its verdicts have often been hindered by the skewed balance of power in the [United Nations](#). The UN Security Council is authorised by Chapter XIV of the United Nations Charter to enforce Court rulings, but enforcement is subject to veto by permanent members of the Security Council.

Despite inadequacies in overturning the hurdles erected by members with veto power, the ICJ remains the apex court in settling disputes between nations.

How are judges elected?

The ICJ has a total strength of 15 judges who are elected to nine-year terms of office. They are elected by members of the United Nations General Assembly and the Security Council, where polling takes place simultaneously but independent of each other. In order to be elected, a candidate must have an absolute majority in both bodies, which often leads to much lobbying, and a number of rounds of voting.

In order to ensure a sense of continuity, especially in pending cases, elections are conducted triennially for a third of the 15-member Court. Judges are eligible to stand for re-

election. Elections are held in New York during the autumn session of the United Nations General Assembly, and the elected judges enter office on February 6 of the subsequent year. After the Court is in session, a President and Vice-President are elected by secret ballot to hold office for three years. If a judge were to die in office, resign, or be incapacitated to perform the duties expected of her, a special election is held as soon as possible to fill the vacancy for the unexpired duration of her tenure.

The Court also adheres to a rigid ethno-cultural matrix to ensure that it is representative of the 'main forms of civilization and the principal legal systems of the world.' This internal arithmetic is maintained at every election to the ICJ. Of the 15 judges, it is mandated that three should be from Africa, two from Latin America and the Caribbean, three from Asia, five from Western Europe and other states, and two from Eastern Europe.

How do member countries nominate judges?

All states party to the Statute of the Court are eligible to propose candidates. The selection process is meant to be apolitical, and is made not by the government of the state concerned, but by the members of the Permanent Court of Arbitration designated by that state to represent its interests in the Court. Each group can propose a maximum of four candidates, not more than two of whom may be citizens of the said country. The other two nominees may be from any country, even those that are not party to the Statute.

On what basis are judges elected?

It is held that all nominees should have a 'high moral character,' and credentials commensurate with those expected from the highest judicial officials of those countries. The Charter also makes it mandatory for judges to have recognised competence in [international law](#).

Every judge receives an annual base salary of \$172,978, with

the President receiving a supplementary allowance of \$15,000. In order to keep the ICJ insulated from political influence, it is enshrined in the Charter that no judge can be dismissed, unless in the unanimous opinion of all peers, he is deemed to no longer fulfil the required conditions. However, this has never happened in the 72-year history of the ICJ.

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IAS Preparation Guide for Hindi Medium students – by Shailendra Singh Indoliya, IPS (AIR 38, CSE 2016)

Don't just dream of success; create a plan and act upon it!

Shailendra Singh Indoliya is not just a name. He is the person whose journey to IPS has motivated thousands of Civil services aspirants and will surely continue to do so. Shailendra Singh Indoliya, IPS with an All India Rank 38, achieved his dream job with his preferred language or medium and with a clear goal in his mind to become an IPS officer.

Shailendra hails from a rural background and his life was no less than a roller coaster ride. After completing his schooling from a Hindi medium school and college from IIT (BHU), a lot of eyebrows raised when Shailendra opted for UPSC with Hindi Language. But he didn't back down on any terms and attempted Civil Services exam 3 times until he successfully cracked it in his 4th attempt.

Every time he failed, he learnt something new and arose with wiser learning. Not that a doubt never crossed his mind, it did, but that doubt only motivated him to try harder and stay stick to his goal with the same medium of language.

Shailendra, after cracking his 4th attempt with AIR 337 got selected for IRS custom & central excise, but he chose to go for another attempt as he still wanted to become an IPS officer.

When asked what made him keep attempting for Civil services, he calmly replied, 'These attempts were a lesson for me to understand that UPSC through these exams, not only tests our knowledge, but also our patience, our firm resolution, our dedication towards our goal, our perseverance and other personality traits. I knew that it is not going to be a easy terrain, and I was mentally prepared for it and kept fighting for my goal, Said Shailendra Singh Indoliya. With the

successful 4th attempt, my confidence increased in leaps and bounds. Hence after IRS, I gave another attempt and achieved my dream with AIR 38'.

On this, AK Mishra said, 'It is crucial to keep your ultimate goal in mind to fight through the challenges'

LET'S HAVE A LOOK AT THE DETAILED ONE ON ONE CONVERSATION BETWEEN SUCCESS GURU AK MISHRA AND THE IPS OFFICER, SHAILENDRA SINGH INDOLIYA

Is Hindi actually a problem for candidates aspiring for UPSC Civil services?

Shailendra Singh Indoliya: It wasn't ever a question for me. I myself come from a rural background and did my B. Tech from IIT (BHU). Everyone used to ask me why didn't I chose English medium, But I always had a specific answer to this question 'I can express myself better in Hindi', and I strongly suggest all the Civil Services aspirants to choose the medium in which they can express their views better and have better command on, rather than just following the trend or get trapped in unnecessary myths.

Why is this Inferiority Myth prevailing for Hindi medium students?

Shailendra Singh Indoliya: It is basically a myth. The only problem Hindi medium students come across is Study material. This is not even a problem anymore, thanks to Information and technology services. There is almost anything and everything available on the internet today; study material, syllabus, toppers tips, relevant videos, current affairs updates and a lot more.

I would agree that the personality test better called Interview phase is a fear amongst Hindi medium students as the feeling of not being able to communicate effectively often crosses one's mind. But with my personal experience I can say that confidence is the key. Let your language become your strength to express yourself. I didn't face any problem while communicating my views and while answering all the questions in Hindi. So, it's all in your mind, and therefore, confidence is the key.

UPSC is open for all regional languages of India. Dream big

and strive for it. Everything else will fall in place, itself' – said by AK Mishra

What was your first step for UPSC preparation?

Shailendra Singh Indoliya: I started preparing for UPSC when I was in the final year of graduation. [NCERT books](#) helped me form a strong knowledge base. I kept my preparation in and around UPSC syllabus and [previous year question papers](#) further helped me get a fair idea on examination pattern and the questions. All these sources strengthened my basic preparation for UPSC civil services examination, and then I framed my preparation strategy with the guidance from toppers Interviews and of-course with the help of AK Mishra Sir.

I did my preparation along with my job for the financial stability. I would say I gave my first attempt with full preparation and never considered my re-attempts for a trial basis as I was always very clear in mind about IPS. With successive attempts, syllabus more or less remained almost the same. Studying same thing again and again is pressurizing at times but in my case, 1st & 2nd attempt were very effective. In 2nd attempt, I had reached interview level but couldn't get selected in the final merit list. I chose to try again, until I had achieved what I had aimed for.

I would also like to mention here, that I re-attempted because UPSC gives us chances and we should make best out of it. If I have not been selected this time, I would have surely take my job as IRS seriously and give my best to the service. I strongly believe that getting something big in life is result of one's dedication and hard work but it is also because God has been extremely kind to us. Respecting God's benevolence, we must all take our jobs seriously and give our best in each sphere of our work life.

What was your Sure-shot approach for exam – did you target both the Prelims and mains together or planned a separate schedule for both?

Shailendra Singh Indoliya: First of all, I read the syllabus thoroughly to get an understanding on what UPSC actually demands from a candidate. Then NCERT helped me a lot, in forming a knowledge base for both Prelims and Mains exam. The preparation for Prelims and Mains should be integrated, and the focus on prelims should be shifted only 2 months prior to

Preliminary exam. Although everyone has their own set of plans and strategy, but I would recommend students to study 6 days in a week, and keep Sunday only for revision. Do not try to cover the entire topic in 1 day or a week, rather study only as much as you can remember and revise. There is a basic difference between being a scholar or intelligent. UPSC requires intelligent people who acquire apt knowledge and reproduce it in their service.

How do you think a candidate can skilfully prepare for prelims?

Shailendra Singh Indoliya: Apart from basic books, students must opt for a Test Series. It will help candidates assess their strengths and weaknesses. What holds back a candidate in prelims is the negative marking. Less practice leads to more wrong answers. So for prelims, one must try solving as many test series as they can to eliminate the scope of error. Same goes for mains. More the practice of answer writing, more are the chances to get score good in mains.

Click [Here](#) to get more details about Chanakya's Prelims Test series

Can you suggest a generic approach for Mains preparation, especially regarding GS?

Shailendra Singh Indoliya: Study less but revise more. Generally candidates in order to cover more of the syllabus don't focus on revision part. I prepared from a limited number of books and some basic study material. Because I knew that if the studied portion is not revised, I would keep forgetting everything. This way I was able to complete the syllabus with apt revision time for each subject.

You gave your exam with Geography optional. How would you suggest choosing optional for students starting to prepare for UPSC Civil Services? And what should be their approach if they take Geography as optional?

Shailendra Singh Indoliya: UPSC Civil Services Exam is not an easy nut to crack and students should not take any risk. While choosing an optional subject, students must be clear in my mind why they are choosing this subject as optional; what is the interest level? Is there any educational background with the subject? How much study material is available in the market? There should be definite answers to these questions in students' mind while choosing an optional subject. Studying

something you genuinely enjoy or like to know more about will help you prepare even better, ensuring a good score in the Mains.

For Geography there are some basic books that must be studied without fail, like NCERT's, Savinder Singh's book, Majid Hussain's Indian Geography book. Maps, diagrams and flowcharts are also basic requirements for geography to support the answer better. Use these well as more you use the diagrammatic representation in your answers, more you will increase the chances of scoring well.

Students often get stuck between GS and optional as they are not able to do justice with time management for both. Please give your inputs.

It totally depends on one's attitude. Both GS and optional require balanced time management. Study material and related content is almost fixed for both. Focus should be on completing the syllabus for GS & Optional both. Individuals can plan their timing according to the need and understanding. Just remember to revise what you have studied.

What do you think Interviewer looks for in a deserving candidate?

Interviewer tests candidate's persona on the standards set for the administrative positions. They look for administrative traits and if they can handle their duties effectively. Candidates must pay attention on detailed application form. I filled mine with utter sincerity and honesty. My interview was focused on hobbies that I filled in the form and I was able to respond well because my answers were honest and based on realistic experiences.

Why IPS and not IAS?

I believe that Police department is one service, which if done effectively, can ensure that the general public can enjoy their rights and freedom. For instance, if we talk about recent molestation cases, if law and order were in place at all levels and people had enough trust on Police; females' fraternity of our society would have never left their house in state of constant fear. No matter how many educational policies you make, if the citizen of our country, either male or female has not sense of security or safety due to lack of effective law and order, it wouldn't make any sense. Motto of peace, Service and justice can only be fulfilled by an

effective police administration.

Shailendra has his own plans to work for Society and in favor of one and all. His aim is to eliminate this gap between police and common citizen, and strongly believes that a common person should never feel hesitated while approaching police for any kind of help, as it is the sole purpose of a police officer.

A learner will always excel in life and his experiences will always benefit the young ones. Shailendra is an epitome of inspiration and UPSC aspirants will surely learn a lot from his never say die attitude.

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[Have demonetisation and the GST aggravated income inequality?](#)

With the Gujarat State elections barely a few weeks away, the debate on the Indian economy has become increasingly polarised. While the official view of demonetisation unleashed

in November 2016 elevates it to a moral and ethical imperative, the chaos caused by the goods and services tax ([GST\) launched on July 1, 2017](#), is dismissed as a short-run transitional hiccup. Both policies, it is asserted, are guaranteed to yield long-term benefits, unmindful of large-scale hardships, loss of livelihoods, closure of small and medium enterprises and slowdown of agriculture. Critics of course reject these claims lock, stock and barrel. Lack of robust evidence is as much a problem for the official proponents of these policies as it is for the critics. Hence the debate continues unabated with frequent hostile overtones.

Tracking income inequality

Beneath the debate are deep questions of inequality and its association with poverty. Thomas Piketty produced a monumental treatise, *Capital in the Twenty-First Century*, demonstrating that rising income inequality is a by-product of growth in the developed world. More recently, [Lucas Chancel and Piketty \(2017\), in 'Indian income inequality, 1922-2014: From British Raj to Billionaire Raj?'](#), offer a rich and unique description of evolution of income inequality in terms of income shares and incomes in the bottom 50%, the middle 40% and top 10% (as well as top 1%, 0.1%, and 0.001%), combining household survey data, tax returns and other specialised surveys.

Some of the principal findings are: one, the share of national income accruing to the top 1% income earners is now at its highest level since the launch of the Indian Income Tax Act in 1922. The top 1% of earners captured less than 21% of total income in the late 1930s, before dropping to 6% in the early 1980s and rising to 22% today. Two, over the 1951-1980 period, the bottom 50% captured 28% of total growth and incomes of this group grew faster than the average, while the top 0.1% incomes decreased. Three, over the 1980-2014 period, the situation was reversed; the top 0.1% of earners captured a higher share of total growth than the bottom 50% (12% v. 11%), while the top 1% received a higher share of total growth than

the middle 40% (29% v. 23%).

True to its modest objective, it offers a rich and insightful description of how income distribution, especially in the upper tail, and inequality have evolved.

Sharp reduction in the top marginal tax rate, and transition to a more pro-business environment had a positive impact on top incomes, in line with rent-seeking behaviour.

India's wealth gain

According to Credit Suisse Global Wealth Report 2017, the number of millionaires in India is expected to reach 3,72,000 while the total household income is likely to grow by 7.5% annually to touch \$7.1 trillion by 2022. Since 2000, wealth in India has grown at 9.2% per annum, faster than the global average of 6% even after taking into account population growth of 2.2% annually. However, not everyone has shared the rapid growth of wealth.

Our research, based on the India Human Development Survey 2005-12, focusses on a detailed disaggregation of income inequality, along the lines of Chancel and Piketty, recognising that incomes in the upper tail are under-reported; and examines the links between poverty and income inequality, especially in the upper tail, state affluence, and prices of cereals.

Our analysis points to a rise in income inequality. A high Gini coefficient of per capita income distribution, a widely used measure of income inequality, in 2005 became higher in 2012. The share of the bottom 50% fell while those of the top 5% and top 1% rose. The gap between the share of the top 1% and the bottom 50% narrowed considerably.

More glaring is the disparity in ratios of per capita income of the top 1% and bottom 50%. The ratio shot up from 27 in 2005 to 39 in 2012. Far more glaring is the disparity in the

highest incomes in these percentiles. The ratio of highest income in the top 1% to that of the bottom 50% nearly doubled, from a high of 175 to 346.

All poverty indices including the head-count ratio fell but slightly.

Poverty and inequality

Higher incomes reduced poverty substantially. Inequality measured in terms of share of income of the top 10% increased poverty sharply but only in the more affluent States. Somewhat surprisingly, higher cereal prices did not have a significant positive effect on poverty. Similar results are obtained if the share of the top 10% is replaced with the Gini coefficient as a measure of inequality.

It is plausible that poverty reduction slowed in 2016-17 because of deceleration of income growth; and huge shocks of demonetisation and the GST to the informal sector have aggravated income inequality. Indeed, depending on the magnitudes of these shocks, poverty could have risen during this period.

In sum, regardless of the longer-term outlook and presumed but dubious benefits of the policy shocks, the immiseration of large segments of the Indian population was avoidable.

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Source: xaam.in

[Ethics Case Study] Rules, Prudence and Public Value

You are a Public Information Officer (PIO) in a government department. You are aware that the RTI Act 2005 envisages transparency and accountability in administration. The act has functioned as a check on the supposedly arbitrarily administrative behavior and actions. However, as a PIO you have observed that there are citizens who filed RTI applications not for themselves but on behalf of such stakeholders who purportedly want to have access to information to further their own interests. At the same time, there are these RTI activists who routinely file RTI applications and attempt to extort money from the decision makers. This type of RTI activism has affected the functioning of the administration adversely and also possibly jeopardizes the genuineness of the applications which are essentially aimed at getting justice.

Q – What measures would you suggest to separate genuine and non-genuine applications? Give merits and demerits of your suggestions.

Answer: Subject Matter: A case of misusing of RTI. Values: Integrity, Probity in Governance, Transparency, Objectivity, etc. Stakeholders: Applicants of RTI, Government Officers, Society in general. Laws/Facts: Right to Information Act, Official Secrets Act, etc.

RTI promotes friendly relationship with the government officials and common man. It also makes them accountable, citizen-friendly and sensitive in terms of best ethical work culture by the administration.

The term 'misuse' was never defined either by Courts/Information commissions, it also doesn't inquire about the purpose of the information which is shared with people, which way it is used and what is the purpose of using this information?

Many are exploiting this loophole for eliciting information through applications with dubious motives, either of their own or of their hidden clients. The aim is to harass the honest, delay governmental work and bring in unnecessary suspicion into every decision that the government takes. This could discourage bureaucrats from taking decisions since each decision is fraught with the risk of being interpreted in a different way. It is being misused, but those who do so make up less than 5% of total applicants.

Tackling Misuse

- Increase RTI fees to rupees 50 with copying- merits-increases costs of misuse demerits-increases costs for the weak & poor does not misuse by rich
- ID proof should be compulsory with RTI applications merits-promotes responsible use demerits- may create safety issues for activists, identity theft issues may complicate the situation
- Issue RTI stamps CIC's repeated recommendations for introducing exclusive RTI stamps in several denominations on lines of erstwhile Radio & TV license-fees stamps should be implemented.
- Merits-brings systematic in process demerits-reduces access may increase the time needed
- RTI training-workshops necessary for staff handling RTI applications improves awareness, involves civil society in tackling misuse & self-regulation.
- Putting Important (SC) verdicts on important websites will make public-authorities utilize these to tackle frivolous and mischievous RTI applications. Increases information & right interpretation & info on how to deal with case
- Bring some technological changes in RTI status monitoring system which speed the process of RTI procedure. Organizing, clubbing similar requests.

Preventing misuse of RTI Act is of utmost national importance

so that the transparency Act may become a tool to strengthen administrative structure by really inducing accountability and transparency in the system, rather than weakening it by being a burden on public resources through handing of mischievous, frivolous, fake and vexatious petitions. It should not be used to spill the beans, settle scores and sling mud.

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