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## **Editorial 1: A global order as technology's much needed pole star**

### **Introduction**

- Ever since the Dot-com bubble burst in 2000, the rapid scale and pace of development of technology have, radically and disruptively transformed our societies and daily lives. While there is no denying that this has made life easier, it has also thrown up complex challenges that call for a revisit of some fundamental notions in polity and governance.

### **Challenges to notion of nation-state**

- **First**, as a nation-state is a territorially-bounded sovereign polity. However, this fundamental notion of a nation-state of a geographical unit in which citizens live is undergoing a massive change because of technology.
- While geographical boundaries are still essential to be safeguarded against physical aggression/invasion, there are now several externalities occurring across the borders of nation-states, i.e. **cyber-attacks**, which have a ripple effect on the physical boundaries to challenge their socio-economic and political existence.
- The advent of **Web3**, massive peer-to-peer networks and blockchains has allowed actors, both state and non-state, to influence areas such as trade, commerce, health and education even while remaining outside of financial and judicial scope.
- **Second**, geography-based rules are no longer easily enforceable simply because of the **declining significance of conventional geographical borders** in the era of high technology.
- Now, any form of “virtual activity” is not confined to the realms of the borders of a country; data travel on the chain of the world wide web and spread across the world at speed hitherto unimaginable.
- More importantly, when such activities fall foul of the laws of a particular geographically-determined nation-state, it is extremely difficult in the

absence of a **globally-accepted norm**, to enforce the law in that particular geography and book the recalcitrant actors under the laws of the nation-state.

- It is difficult to collect incontrovertible evidence without cooperation from other geographies.
- Further, it is also difficult to establish applicability of any country-specific legislation due to the universal nature of technology, leading to problems in enforceability.
- **Third**, the emergence of newer technologies has exposed the incapacity and inability of the government of the nation-state to administer and regulate these technologies.
- No longer is the nation-state the only conduit through which multinational corporations, non-governmental organisations and supranational organisations, both legitimate and illegitimate, state and non-state actors, need to operate.
- These entities have transcended physical boundaries to collaborate with the rest of the world, independent of traditional administrative and regulatory institutions.

### **Governing complexities and technology**

- Data has become the most important raw material of our times, and only a handful of companies now hold unparalleled economic power and influence over it.
- These are the meta-platforms: their huge size allows them to constantly increase the amount of information they analyse and refine the algorithms they use to influence, if not control, us and our activities.
- In such a scenario, a **principle-based global order for technology** would help in streamlining the enforceability challenges in the adoption and diffusion of technology and providing guidance to emerging economies on how to deal with the evolving definitions of their sovereignty.
- Further, as we have seen in case of the COVID-19 pandemic, the way forward in managing future global pandemics is probably by the adoption of digital health. Therefore, India needs a data transfer and data privacy law.

- But these laws, in isolation, will only be able to do so much unless a global principle-based regulation architecture trusted by all countries facilitates it.

### **Way forward**

- With India, as the current chair of the G-20, this is the perfect opportunity to take leadership in this as it has done earlier in green initiatives such as the International Solar Alliance or the Coalition for Disaster Resilient Infrastructure.

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## Editorial 2: The Indian polity, a democratic diagnosis

### Introduction

- Our parliamentary system, crafted with some care, was sought to achieve law-making; accountability of the executive; approval of taxation proposals and control of national finances, and discussion of matters of public interest and concern.

### Indian Constitution

- India, it said, '**shall be a Union of States**' and the provisions of Part XI of the Constitution would govern the relations between the Union and the States.
- B.R. Ambedkar had emphasised that the eventual objective of social democracy is a trinity of liberty, equality and fraternity, best achieved through the effective functioning of the legislature, the executive and the judiciary.
- These foundational principles were spelt out in the Preamble of the Constitution and were reinforced by the Supreme Court of India in the Basic Structure doctrine.

### A decline

- The challenge was in effective functioning of the principal ingredients, beginning with the first. Available data make evident a progressive **decline in its functioning year-wise, session-wise and decade-wise**.
- It is clear that Parliament has lost its effectiveness as an instrument of scrutiny, accountability and oversight. Instead, devices of disruption crafted in opposition and innocently disowned in government, are sought to be legitimised.
- Above all, the leadership of the day endorses it by a studied silence or lack of attendance, or both and with a noticeable tardiness towards the functioning of the **standing committees**. The end result is a declining process of scrutiny, debate and dissent.
- Periodic elections apart, informed opinion is concerned about its derailment and the resultant consequences. The **emergence of social media**, a rival claimant to representative in civil society, has emerged as both complementary and antithetical to question or supplement the representativeness of Parliament.

- Parliament has become increasingly representative in descriptive terms, it also simultaneously become unresponsive in terms of **legislation and governance** and has tended to avoid accountability by closing ranks’.
- One consequence of this trend are attempts by the government to change the character of the **civil service** and its functioning, leading to the civil servants being ‘torn between conflicting loyalties’, thereby weakening their ability to be impartial.

### **Indian Democracy: Flaws and Challenges in present times**

- **Pluralism in the society** and the associated challenge of binding diverse doctrines, beliefs, languages and ways of life into a single Indian character is not easy and aggravated by unequal access to resources, opportunities and freedoms.
- **Increasing inequality and economic divide** among the poorest and the richest sections of society.
- The deplorable state of **public accountability** and oversight and public corruption is its manifestation. This is worsened by weakening the frame of law and caste, and community-based politics.
- The diluted credentials of the welfare state due to thriving **corporates, monetisation of public assets, and thriving partisans’ interests** which have evaded almost all the institutions.
- **Increased polarization in the society** and manifestation of India’s past on various lines by various political and non-political stakeholders.

### **Way Forward:**

- **Independent Secretariat of Election Commission of India:** In April 2018 ECI has requested for a constitutional amendment for greater autonomy and rule-making powers. The Secretariat would be able to discharge its functions in the most efficient manner.
- **Permanent Expulsion of the Candidates** if found Guilty of Corrupt Practices under the Representative of Peoples Act, 1951.
- Strict Surveillance on the Sources of Fund for Election Campaigns and limited bar on Corporate Funding.

- The Government **should hear criticism rather than reject it** out rightly. Suggestions on eroding democratic values need a thoughtful, and respectful response.
- The press and Judiciary are considered the pillars of India's democracy, required to be independent of any executive interference.
- The citizens need to be vigilant and dutiful towards their rights and duties equally.
- More emphasis on substantive democracy than a procedural one.

## Conclusion

- Thus, the need of the hour is that the citizens of the country take immediate and aware steps in ensuring and protecting the constitutional character of Indian polity and to fix the accountability of various stakeholders. Only then will we realize the dream of our founding fathers and the choice they made and that would be the true AMRIT KAAL of our polity.

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