

MAINS MATRIX

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1.A Judicial Nudge Following Stuck Legislative Business

Context

- **Issue:** Governor's powers under **Article 200** of the Constitution regarding assent to State legislature Bills.
- **Supreme Court intervention:** Recently fixed a **3-month timeline** for Governors (and President under Article 201) to make a final decision on Bills.

Governor's Options under Article 200

1. **Assent** to the Bill.
2. **Withhold assent** (absolute veto).
3. **Return the Bill** (if not a money Bill) for reconsideration.
4. **Reserve the Bill** for the President's consideration.

Judicial Precedents

- **Shamsher Singh v. State of Punjab (1974):**
 - Governor must act on the **aid and advice of Council of Ministers**, not in personal discretion (except in rare cases).
- **Nabam Rebia (2016):**
 - Governor cannot act independently, must follow the Constitution and aid & advice principle.
- **State of Tamil Nadu v. State of Tamil Nadu and Anr. (2025):**
 - Court disapproved the idea of Governors exercising absolute discretion in withholding assent.

Issue of Governor's Discretion

- Originates from **Section 75, Government of India Act, 1935** → virtually reproduced in Article 200.
 - Constitution framers intended Governor to **act on Council of Ministers' advice**.
 - **Problem:** Governors sometimes sit on Bills for years, neither assenting nor rejecting → leads to legislative deadlock.
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Supreme Court's Role

- By fixing a **time limit of 3 months**, Court has:
 - Smoothed the legislative process.
 - Prevented Governors from stalling legislation indefinitely.
 - Court reaffirmed that Governor is **not an independent authority** but bound by ministerial advice.
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Implications

- **Federalism:**
 - Misuse of Governor's office by Centre undermines elected State governments.
 - **Legislative Process:**
 - Delays frustrate State legislatures and violate constitutional spirit.
 - **Judicial Innovation:**
 - Court created a time limit though Constitution is silent → filling constitutional vacuum.
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Comparative Perspective

- **UK:** Monarch has **no discretion**; must act on government's advice.
 - **India:** Governor is a constitutional head, not an elected one, hence more prone to political misuse.
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Key Quotes / Ideas

- Court: Governor is required to act **only on aid and advice** of Council of Ministers.
 - Delaying action on Bills is **"subversive of the legislative process."**
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Way Forward

- Institutional clarity:
 - Need to codify timelines in Constitution for Governor's assent.
- Political morality:
 - Union should refrain from misusing Governors to stall State legislation.
- Judicial monitoring:
 - Courts may have to continue intervening if Governors persist with delays.

HOW TO USE-

GS Paper II (Governance, Constitution, Polity, Social Justice)

This issue sits at the intersection of **Indian Federalism**, **Constitutional Functionaries**, and **Separation of Powers**, making it a quintessential GS Paper II topic.

1. Indian Constitution—Historical Underpinnings, Evolution, and Features:

- **How to use** -Don't just state the origin; **analyze its implications**.
 - The Governor's powers are a direct transplant from the **Government of India Act, 1935**, where the Governor was an agent of the British Crown, vested with overriding discretionary powers to safeguard colonial interests.
 - **Continuity and Change:** While the framers of the Indian Constitution adopted the framework, they intended a radical shift in the role—from an imperial agent to a **constitutional head** acting on the aid and advice of the council of ministers. The persistent tension arises from this unresolved duality: colonial-era provisions in a democratic structure.
 - This historical baggage explains why the office is prone to misuse and becomes a **friction point** in Centre-State relations.

2. Structure, Organization and Functioning of the Executive:

- **How to use (Improved):** Move beyond listing options to analyzing the **constitutional philosophy**.
 - **Role of the Governor (Article 200):** Frame the four options not as equal choices but within the overarching constraint of the **aid and advice doctrine**. Withholding assent or sitting on a bill is not a personal prerogative; it is a power to be exercised only in exceptional circumstances, as per ministerial advice.
 - **Doctrine of Aid and Advice:** Use the cases more powerfully.

- **Shamsher Singh v. State of Punjab (1974):** Established that the President/Governor is a formal, constitutional head who exercises powers only on the advice of the council of ministers, with few exceptions.
- **Nabam Rebia (2016):** Reinforced that discretionary power is the exception, not the norm, and must be exercised within the constitutional framework.
- **The Core Conflict:** The issue is not just about power but about **political neutrality**. The Governor is an appointed head of state, while the Chief Minister is an elected head of government. The misuse of the former to undermine the latter strikes at the heart of **representative democracy** and **popular mandate**.

3. Separation of Powers between various organs, Dispute Redressal Mechanisms and Institutions:

- **How to use** -Reframe the judicial intervention as a "**structural dialogue**" between organs of the state.
 - **Judicial Activism vs. Judicial Overreach:**
 - **For (Activism):** The Supreme Court, as the guardian of the Constitution (**Article 142**), stepped in to cure a "**constitutional vacuum**" or "legislative gap." By setting a **3-month timeline**, it performed a **corrective function** to prevent the executive (Governor) from frustrating the will of the legislature, thereby upholding the **basic structure** (democracy and federalism).
 - **Against (Overreach - to be critiqued):** A strict constructionist view might argue that the Constitution deliberately entrusted this power to the Governor without a timeline, and the judiciary is legislating from the bench, violating the separation of powers.
 - **The Middle Path (Innovation):** The Court's move is best understood as "**judicial innovation**"—a pragmatic, principle-based interpretation to make a constitutional scheme workable. It is a nudge to one organ to perform its duty so that another organ can function effectively..

4. Comparison of the Indian Constitutional Scheme with that of other countries:

- **How to use** -Use the comparison to highlight India's **unique challenge**.
 - **UK Analogy:** The Indian Governor is constitutionally analogous to the British Monarch. In the UK, the convention of **royal assent** is so strong

that the Monarch's refusal is politically unthinkable and has not been used since 1708. It is a purely formal, ceremonial act.

- **Indian Reality:** In India, the convention of automatic assent has not taken root due to the **competitive nature of its federal polity** and the practice of appointing active politicians as Governors. This has led to the **politicization of a constitutional office**.
- **Conclusion from Comparison:** The Indian system has the form of the British model but lacks the conventions that make it work smoothly. This necessitates judicial or legislative correction.

2. Letter and Spirit

The Supreme Court did well to stay and uphold different Waqf Act provisions

Context

- **Judgment Date:** September 15, 2025.
- **Case:** Challenge to **Waqf (Amendment) Act, 2025**, which amended the **Waqf Act, 1995**.
- **Issue:** Regulation of Muslim religious endowments (waqf properties) across India.

Government's Stand

- Amendments were necessary to:
 - Check alleged **misuse and corruption** under the earlier Waqf Act.
 - Ensure **transparency** in management of large land holdings.

Critics' Stand

- Viewed as **arbitrary interference** in affairs of the Muslim community.
- Allegation of undermining **religious autonomy**.
- Opposition parties (including Congress) also opposed provisions.

Supreme Court's Ruling

- **Balanced approach:**
 - Did **not strike down the entire Act** on constitutional grounds.
 - **Stayed some provisions**, upheld others as valid.

Key Points Upheld / Clarified

1. **Muslim-only membership requirement** in Waqf Boards retained.
 - CEOs of Waqf Boards should preferably be Muslims.
2. **Non-Muslim representation capped:**
 - Central Waqf Council → max 4 members.
 - State Waqf Boards → max 7 members (down from earlier 12).
3. **District Collectors' powers** to adjudicate property disputes upheld.
4. **Cut-off date:** Waqf properties registered as on **April 8, 2025**, remain protected.
5. **Restrictions on Waqf claims over protected monuments and tribal lands** upheld as constitutional.

Court's Reasoning

- Recognized **validity of state regulation** while protecting **religious endowment autonomy**.
- Warned against misuse of "autonomy" claims for **political or communal ends**.
- Reaffirmed **principle of constitutional balance** between community rights and public interest.

Wider Implications

- **Autonomy vs. Regulation:**
 - Autonomy cannot become a **cover for corruption or misuse** of public resources.
- **Role of the State:**

- State has a duty to protect rights **and** prevent misuse of religious provisions.
 - **Partisan Politics:**
 - Extreme polarization delegitimizes democracy.
 - Need for **political consensus** and **parliamentary debate** on sensitive religious issues.
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How to use

GS Paper II (Governance, Constitution, Polity, Social Justice)

This case is a classic GS Paper II topic, involving Fundamental Rights, Secularism, and the role of the state.

1. Indian Constitution—Fundamental Rights:

- **How to use:** The case is a direct application of **Articles 25, 26, and 31**.
 - **Article 25 (Freedom of Religion):** Critics argued the amendment violated the right of Muslims to manage their own religious affairs. The Court had to balance this individual freedom with the state's power to regulate.
 - **Article 26 (Right to Manage Religious Affairs):** This is the core article. It gives religious denominations the right to establish and maintain institutions for religious and charitable purposes and to manage their own affairs in matters of religion. The key question was: Does state regulation of Waqf properties to prevent corruption amount to an infringement of this right?
 - **Court's Balancing Act:** The judgment illustrates that the right under Article 26 is not absolute. It is subject to public order, morality, and health. The Court essentially ruled that "**transparency and preventing corruption**" fall within the realm of legitimate state interest, thus upholding most regulatory provisions.

2. Secularism:

- **How to use:** This case is a perfect example of the **Indian model of positive secularism** (principled distance) vs. the Western model of absolute separation of church and state.
 - The Indian state does not just distance itself from religion; it can **intervene to reform religious practices** for social welfare and to

uphold constitutional values. (Example: The Hindu Code Bills, banning triple talaq).

- Here, the state argued it was intervening not to suppress the religion but to **protect the religious endowment (waqf) from mismanagement**, thereby ensuring its benefits truly serve the community. The Court's approval of this intervention reinforces this unique Indian secular ideal.

3. Governance & Transparency:

- **How to use:** The government's stand was based on the principles of **good governance**.
 - The amendments aimed to bring **accountability, transparency, and efficiency** in the management of vast waqf properties (one of the largest landholders in India).
 - You can use this to discuss how regulatory bodies often need oversight to prevent corruption and that autonomy cannot mean a lack of accountability.

GS Paper I (Indian Society) GS Paper I: Salient features of Indian Society, Diversity of India.

- **How to use:** This case highlights the **management of diversity** in India.
 - It shows the challenge of governing a diverse society where specific communities have personal laws and autonomous institutions.
 - It can be used to discuss the **role of law as an instrument of social change and reform** within minority communities, a theme consistent since independence.

“YOUR SUCCESS, OUR COMMITMENT”

3.The Hard Truth About Out-of-Pocket Health Expenditure

Context

- In India, **out-of-pocket expenditure (OOPE)** by households is the main source of financing healthcare.
- In the absence of a robust system, families either:
 - Dip into savings/sell assets/borrow to meet costs, or
 - Forgo care and risk further illness.

- This creates a **vicious cycle of poverty and ill-health**.

Key Institutions & Data Sources

1. National Health Accounts (NHA)

- Tracks household expenditure and government support on health.
- Expressed as % of GDP and total health expenditure.
- 2017-18 round (NHA 2018) showed a steep decline in OOPE share.

2. National Sample Surveys (NSS)

- Household-based surveys on health expenditures.
- Used for comparison and validation.

3. Other Data Sources

- National Health Surveys (NHS).
- Private databases (e.g., CMIE).
- Longitudinal Aging Survey of India.
- Consumer Pyramids Household Survey.

Findings from NHA

- **OOPE as % of total health expenditure:**
 - Declined sharply in 2017-18 (Chart 1).
 - Continued decline into 2021-22 (39.4%).
 - **OOPE in absolute terms (indexed):**
 - NHA shows steep decline in 2017-18, then slow recovery.
 - CMIE shows consistent increase → NHA trend appears unrealistic (Chart 3).
 - **Household health consumption (Chart 4):**
 - NHA shows decline in health spending.
 - NIA shows steady increase.
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NSS Findings

- OOPE as % of household consumption:
 - Increased from 5.05% (1999-2000) → 6.9% (2011-12).
 - Declined slightly to 5.5% (2017-18) (Chart 2).
 - Rise in institutional deliveries and hospitalization costs.
 - COVID-19 further raised OOPE in many districts.
 - OOPE share of total health expenditure (declined to 39.4% in 2021-22).
 - OOPE share of household consumption (rose till 2011-12, slight dip in 2017-18).
 - OOPE trends – NHA shows decline, CMIE shows increase.
 - Household health spending – NHA vs. NIA (NIA shows steady rise, NHA decline).
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Problems with NHA Estimates

- **Sharp declines** in OOPE (esp. 2017-18 & COVID period) do not match NSS or CMIE data.
 - Ignores fluctuations in private health expenditure.
 - May understate financial stress households face.
 - Appears **unrealistic** and possibly politically influenced.
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Why Accurate Estimates Matter

- Out-of-pocket burden determines:
 - **Health financing policies.**
 - **Public expenditure targets.**
 - **Protection measures for vulnerable groups.**
 - Incorrect data risks underplaying financial hardship faced by households.
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Way Forward

- Use **multiple data sources** (NSS, CMIE, CPHS, insurance records).

- Develop **robust methods** to cross-verify.
- Produce **more realistic macro-health policy numbers** for national accounts.

How to use in UPSC Mains

GS Paper II (Governance, Constitution, Polity, Social Justice)

This is the most direct fit, falling under "Issues relating to development and management of Social Sector/Services relating to Health."

1. Government Policies and Interventions for Development in Health:

- **How to use:** This entire note is about evaluating the effectiveness of government health policies.
 - **The Core Problem:** Use the data to highlight the failure of the system to provide **financial risk protection**, which is a key goal of the National Health Policy (NHP) 2017. The NHP 2017 aimed to reduce OOPE as a share of total health expenditure to below 30%.
 - **Schemes as Solutions:** Discuss how schemes like **Ayushman Bharat (PM-JAY)** aim to reduce OOPE by providing health insurance. However, the data suggests that despite these schemes, OOPE remains a crushing burden for many, indicating gaps in coverage, accessibility, or awareness.
 - **The Data Integrity Challenge:** The conflicting data between NHA and NSS/CMIE is a **governance issue**. It raises questions about the accuracy of data used for policy formulation. A policy based on flawed data is likely to be flawed itself.

2. Important Aspects of Governance:

- **How to use:** The discrepancy between different data sources (NHA vs. NSS/CMIE) is a classic case of **Transparency and Accountability** in governance.
 - **Transparency:** For citizens to hold the government accountable, they need accurate data on their financial distress. If official estimates understate OOPE, it masks the true extent of the problem.
 - **Evidence-Based Policy Making:** Sound policies require sound data. The note suggests that NHA estimates might be "politically influenced" or methodologically flawed, leading to a risk of **misguided policy decisions** and misallocation of resources.
 - *." Discuss in the context of India's health policy framework.*
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GS Paper III (Indian Economy)

This issue is central to discussions on human capital, public finance, and inclusive growth.

1. Indian Economy and issues relating to Planning, Mobilization of Resources, Growth, Development and Employment:

- **How to use:** High OOPE has direct macroeconomic consequences.
 - **Human Capital Formation:** Poor health leads to low productivity. High healthcare costs prevent families from investing in education and skill development, creating a vicious cycle that hampers long-term economic growth.
 - **Poverty and Inequality:** Catastrophic health expenditures are a leading cause of families falling **below the poverty line**. This exacerbates economic inequality, as the poor are the most vulnerable.

2. Issues Related to Poverty and Hunger:

- **How to use:** This is a direct link. High OOPE is a key **cause of impoverishment** and a barrier to escaping poverty.
 - Use the note's point: families "dip into savings/sell assets/borrow to meet costs," which is a textbook definition of how health shocks cause debt cycles and poverty.

3. Economics of Public Finance:

- **How to use:** The data on OOPE speaks volumes about India's **public financing of health**.
 - The reason OOPE is so high is that **public expenditure on health** has historically been very low (around 1.6-2.5% of GDP, compared to a global average of ~6%). This forces households to bear the brunt of the cost.
 - The declining share of OOPE in NHA data, if true, could be attributed to increased public spending. However, the conflicting data from other sources questions this narrative.

4. Welfare at the Mercy of the Machine

Context

- Inspired by Kurt Vonnegut's novel *Player Piano* (1952), which imagines a society where automation displaces human labour.
 - India's welfare delivery is increasingly being shaped by **digital governance tools** → especially **Facial Recognition Software (FRS)** in Anganwadis.
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Anganwadi & ICDS Role

- Anganwadis established in **1975** under **Integrated Child Development Services (ICDS)**.
 - Functions:
 - Provide **Take Home Rations (THR)** for children under 6 years, pregnant and lactating women (as per **National Food Security Act, 2013**).
 - Each Anganwadi has at least **one worker (AWW)** and **one helper**, recruited locally.
 - India has ~14.02 lakh Anganwadis.
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Introduction of Poshan Tracker (2021)

- Digital platform to monitor nutrition initiatives.
 - Anganwadi workers (AWWs) must install the app, upload data on child nutrition.
 - Latest addition: **Facial Recognition Software (FRS)** for verifying beneficiaries.
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Concerns with FRS in Welfare Delivery

1. Technical Barriers

- Requires **regular updates** → many AWWs lack capacity.
- Women must complete **e-KYC** (Aadhaar + OTP verification) before using FRS.
- Errors in biometric verification → repeated attempts, delays.
- **Network connectivity issues** worsen delays.

2. Access & Inclusion Issues

- Children/women must be photographed to access entitlements.
- Child's face verification → often impractical.
- Women with worn features, ageing faces, or minor mismatches face exclusion.

3. Burden on AWWs

- AWWs know beneficiaries personally but still forced to use tech-based authentication.
- Lack capacity to process huge volumes of digital data.
- Stressful, time-consuming, and alienating.

4. Rights & Dignity Concerns

- Treats poor women and children as **suspects** rather than citizens.
- Introduces unnecessary humiliation and hurdles for the most vulnerable.
- Risks **dehumanisation** and erosion of dignity.

Existing Problems in Take Home Rations (THR)

- Irregular supply of rations.
- Outdated budget for THR (unchanged since 2018).
- Corruption in contracts & supply chains.
- Large commercial entities dominate, despite SC orders (2004) favouring decentralisation via **self-help groups & Mahila Mandals**.
- Fake pregnancy/child claims exist but are not the main issue.

Critical Perspective

- **International parallel:** FRS banned in San Francisco (USA), hub of digital innovation, due to privacy and misuse concerns.
- Welfare must focus on **authenticating the citizen, not just the machine-verified person**.
- Using FRS in welfare risks turning vulnerable children and mothers into **test subjects in an “engineer’s paradise.”**

Way Forward

- **Rations should not depend on Face Recognition Software.**
- Use **community monitoring** of Anganwadi programmes instead.
- Prioritise **dignity, autonomy, and trust** over excessive technological control.
- Balance efficiency with **human-centred governance**.

How to use in mains

GS Paper II (Governance, Constitution, Polity, Social Justice)

This is the core area where this topic fits, specifically under "Welfare Schemes" and "Governance."

1. Government Policies and Interventions for Development in various sectors (Health, Education, Hunger):

- **How to use:** The entire context is about the **Integrated Child Development Services (ICDS)** scheme, a flagship welfare program. You can use this case to critically analyze the implementation of such schemes.
 - **Shift in Policy Approach:** Discuss the move from a community-based, trust-heavy model (AWW knowing beneficiaries) to a **techno-centric, surveillance-based model** (FRS) for service delivery.
 - **Evaluation of Poshan Tracker:** Analyze its intended benefits (transparency, reducing leakage) vs. its unintended consequences (exclusion, techno-burden, dignity loss). This shows a deep understanding of the gap between policy intent and ground reality.
- **Potential Question:** "While technology can be a great enabler, its application in welfare delivery must be human-centric." Critically examine this statement in the context of the use of Facial Recognition Technology in Anganwadi services.

2. Important Aspects of Governance, Transparency and Accountability:

- **How to use:** This case is a perfect example to discuss **Good Governance** and its principles.
 - **Negative Example:** The use of FRS, as described, violates several principles of good governance:
 - **Participative:** It excludes the community and the AWW from the authentication process they know best.
 - **Consensus Oriented:** It was imposed without building consensus among the primary stakeholders (women, AWWs).
 - **Effective and Efficient:** It is proving to be inefficient due to technical glitches, network issues, and delays, ultimately defeating the purpose of timely service delivery.
 - **Accountable:** The system holds the beneficiary accountable for tech failures, not the provider for ensuring service.
 - **Transparency vs. Privacy:** The tool is used in the name of transparency (preventing "fake claims"), but it raises serious questions about the privacy and dignity of citizens.
 - **Potential Question:** "The introduction of advanced technology in governance does not automatically lead to good governance." Discuss with a relevant example.
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Secondary Relevance: GS Paper III (Technology, Internal Security, Disaster Management)

1. Science and Technology- developments and their applications and effects in everyday life:

- **How to use:** Discuss the **ethical implications of emerging technologies** like Facial Recognition Software (FRS).
 - **Digital Divide:** The note highlights how the "Technical Barriers" and "Access & Inclusion Issues" exacerbate the digital divide. The most vulnerable, who are often digitally illiterate and lack resources, are the most excluded by such technologies.
 - **Bias and Errors:** Mention how FRS can have higher error rates for women, children, and people with "worn features," leading to wrongful exclusion. This is a well-documented problem with AI systems.
- **Potential Question:** "What are the main ethical concerns associated with the use of Artificial Intelligence (AI) in public service delivery? Suggest a framework for the responsible use of AI in governance."

2. Challenges of Internal Security:

- **How to use:** While not directly about security, the use of FRS creates a **database of biometric information of India's most vulnerable population (children and women)**. This raises concerns about:
 - **Data Privacy and Security:** Who has access to this data? How is it stored and protected? This links to the need for a robust data protection law (Digital Personal Data Protection Act, 2023).
 - **Function Creep:** The data collected for welfare purposes could be repurposed for surveillance or other uses without consent.

MENTORA IAS

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