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NEXT IAS

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(To be filled by candidate)

Name of Candidate : AVINASH CHOUDHARY

Roll No. : PTTP220283

Registration Number : PTTP220283 Date of Examination : 8-8-23

Exam Centre : Old Rajinder Nagar ☐ Bhopal ☐ Online ☑

Test - 2 **Code : TC072**

MTS IGP Batch 2023

GENERAL INSTRUCTIONS

This Question-cum Answer (QCA) Booklet contains 56 pages. Immediately on receipt of the booklet, please check that this QCA booklet does not have any misprint or torn or missing pages or items, etc. If so, get it replaced by a fresh QCA booklet.

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SUBJECT/PAPER
GENERAL STUDIES

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Evaluator Code :

Q.No	Pg No.	Maximum Marks	Marks	Total
1	1			
2	3			
3	5			
4	7			
5	9			
6	11			
7	13			
8	15			
9	17			
10	19			
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15	33			
16	36			
17	39			
18	42			
19	45			
20	48			
Grand Total				

Signature

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MACRO COMMENTS

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6. Handover your QCA Booklet personally to the invigilator before leaving the examination hall.

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Q.1 जन प्रतिनिधित्व अधिनियम, 1951 की धारा 8 में उल्लिखित निर्योग्यता प्रावधानों में उपस्थित अस्पष्टता का समाधान करने की आवश्यकता है। चर्चा कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

There is a need to resolve the ambiguity in the disqualification provisions under section 8 of the Representation of People Act 1951. Discuss. (Answer in 150 words) 10 marks.

RPA, 1951 provides for administrative machinary for elections, other provisions including the qualification and disqualification of members to parliament/Assembly.

Need to resolve the ambiguities in disqualification provisions

(1) To reduce criminalisation of politics
→ 43% of MPs of 17th LS have criminal charges against them (ADR Report)

(2) Reduce money and muscle power in elections
→ Paid news is still not an offence.

(3) Certain offences have not been clearly defined in the Act like hate speech

(4) Disqualification period is not fixed.

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→ Election Commission can reduce the disqualification period of convicted person from 6 years.

(5) Procedure for disqualification after getting convicted is not properly codified

(6) No legal backing to MCC
→ ambiguity over election offences under MCC.

Way forward

→ Add necessary offences like paid news under disqualification provisions
→ legal backing to MCC as recommended by NCRWC + 2nd ARC
→ Clearly define terms like hate speech, corrupt practices under the Act.

SC judgements in Lily Thomas case (2013) and Abhiram Singh case (2017) have given clarity over Section 8, RPA. There is a need to further reduce ambiguities by the legislature to reduce criminalization of politics

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Q.2 संविधान मात्र एक कंकाल है जबकि संविधानवाद लोकतंत्र की आत्मा है। विवेचना कीजिए।

(150 शब्दों में उत्तर दीजिए) 10 अंक

Constitution is a mere skeleton whereas constitutionalism is the soul of democracy. Discuss.

(Answer in 150 words) 10 marks.

Constitution is the supreme law of the land. It was adopted in India on 26th Nov, 1949. Whereas, Constitutionalism refers to the principle that the government derives its authority from the Constitution and its powers are limited by the Constitution.

Constitution a mere skeleton
- → Provides for the structure of the govt → State → Central – Part V, VI
- → It provides for the administrative mechanism and machinery to enforce it.
- → Outlines the roles of different level of govt.
- → Largest Constitution of world and considered Lawyer's paradise due to complicated language

Constitutionalism is the soul of democracy

① Limits the powers of the government → Prevents totalitarianism

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(2) Established rule of law → sine qua non for democracy

(3) Makes government answerable and accountable to the people → democracy

(4) Prevents the dictatorial trends
→ Spirit of Constitutionalism saw India through dark periods like Emergency.

(5) Doctrine of Basic Structure

Constitution provides for Judiciary to keep check on Leg, Exc.

However, Constitutionalism flows through Constitution

→ DPSP's to guide the law making

Limited power of govt is a basic feature of Constitution

↓ Fundamental Rights to citizens

Clearly demarcates the spheres of power

Constitutionalism is indispensable for a democracy and is its soul. Constitution provides for structure and mechanisms of govt. But the ethos and value enshrined in the Constitution is intrinsically related to constitutionalism.

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Q.3 'चुनावी बॉण्ड एक दोधारी तलवार है, जो दानकर्ताओं को अनामिता प्रदान करता है जबकि राजनीतिक वित्तपोषण में पारदर्शिता के बारे में चिंताएँ बढ़ाता है।' चुनावी बॉण्ड ने किस सीमा तक चुनावी वित्तपोषण में अपारदर्शिता को वैध बना दिया है? (150 शब्दों में उत्तर दीजिए) 10 अंक

"Electoral bonds are a double-edged sword, providing anonymity to donors while raising concerns about transparency in political funding." To what extent have electoral bonds further legitimized opacity in electoral funding? (Answer in 150 words) 10 marks.

As per data from SBI, political parties have collected more than 10000 cr rupees from electoral bonds since 2018.

Advantages of electoral bonds

(i) Prevents quid pro quo in policy formulation
→ by providing annonymity to donors

(ii) Reduces use of black money in election
→ Reduced cash donations

(iii) Standardisation of electoral funding

(iv) Aims to reduce money power in politics. (v) Donations only credited to party account

Concern: Extent to which electoral bonds have legitimised opacity

(i) Can only be deposited with SBI

(ii) large share of electoral bonds going to the party in power

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(iii) Political parties are not required to disclose the source of funding

(iv) Disproportionate power with government → being a PSB, govt can view details of donors

(v) Anonymous donations can compromise the principle of free and fair election

(vi) 100% income tax exemption on contribution received by parties

(vii) Virtually removes the cap of 7.5% on company donations

Way forward:
- Enhance transparency
  - eg: endorsement system in USA: candidates required to disclose corporate funding
- Place upper limit on donation (ex: 7.5% of profits)
- Bring political parties under RTI
- Allow ECI to derecognize political parties in case of non-compliance.

Electoral funding has a major role in criminalisation of politics and should be holistically reformed.

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Q.4 समान नागरिक संहिता पर बहस के केंद्र में लैंगिक समानता का प्रश्न है। इस आलोक में यूसीसी को संविधान में निहित लैंगिक समानता के साथ सामंजस्य स्थापित करने में क्या चुनौतियाँ हैं? (150 शब्दों में उत्तर दीजिए) 10 अंक

The question of gender equality is central to the debate on Uniform Civil Code. In this light what are the challenges in reconciling UCC with gender equality as enshrined in the constitution?

(Answer in 150 words) 10 marks.

Uniform Civil Code (UCC) is a uniform set of laws regarding marriage, inheritance, adoption, etc applicable to all the communities uniformly.

India currently has a system of Personal laws instead of UCC.

Challenges in reconciling UCC with gender equality

1. Diverse customs and traditions of different communities in India → some of which can be gender biased. Eg: Polygamy.
2. Legal age of Marriage: different for men and women.
3. Inheritence Rights → Women own only around 14% of land.
4. Difficulty in building consensus over UCC to ensure gender justice

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(5) Efforts towards gender justice through UCC may be seen as majority imposing their customs
→ Eg: Triple Talaq Judgement.

(6) Adoption rights → Biased against single man in many personal laws

(7) Newer forms challenging the traditional institution of marriage
→ Live-in, Single women, etc.
UCC needs to be reconciled with them.

(8) Practices derogatory to women's dignity prevelant.

Way forward:
- Build consensus over UCC
- Ensure gender justice through legislative mechanisms
  ex: Hindu women Right to Inheritance.
- Identify discriminatory practices to women in all personal laws and rectify through UCC.

Although a Law Commission report has termed UCC as neither desirable nor necessary now. However, more than uniformity UCC is necessary to ensure gender justice in India

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Q.5 'राज्यपाल का कार्यालय न तो आलंकारिक है और न ही अप्रासंगिक है, यह गहन सारयुक्त संवैधानिक भूमिका निभाता है' राज्यपाल, किसी राज्य के शासन में किस सीमा तक सक्रिय रूप से योगदान देता है और देश में संघवाद के सिद्धांतों को सुदृढ़ करता है? (150 शब्दों में उत्तर दीजिए) 10 अंक

'The Governor's office is neither decorative nor inconsequential, it assumes a constitutional role of profound essence' To what extent does the Governor, actively contribute to the governance of a state and reinforce the principles of federalism in the country? (Answer in 150 words) 10 marks.

Article 153 of the Indian Constitution provides for the post of Governor to be appointed in a state by the President.

Governor contributing to governance and federalism

1. Representative of the centre in the state and of state in the centre.
2. Reserves important Bills for the consideration of the President
3. Sends report to the President for imposition of President's rule (Art 356)
   → upon constitutional breakdown of Machinery
4. In case of a hung assembly, can invite political parties to form govt on his/her discretion.
5. Governor provides for Scheduled Areas in a state (under Schedule V)

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However, there exists some concerns regarding the role of Governo

(1) Encroaching on powers of Council of Minister
→ Eg: Rajasthan governor summoning Assembly

(2) Postponing government work
→ Eg: TN governor not giving assent to Bills

(3) Working as an agent of centre.
→ Partisan role during government formation, Eg: Goa, Maharashtra, etc.

(4) Misuse of discretionary powers
→ Since they are not clearly outlined

(5) Interference in democratically elected government.
→ Eg: West Bengal, Delhi

Way forward
→ Following judicial pronouncements of Rameshwar Prasad Case, Nabam Rabia case regarding governor powers
→ Increase independence: by fixing tenure
↳ As recom. by NCRWC, CM to be consulted while appointed governor.

There is a need to address the issues so that governor's post can rightfully be the vehicle of federalism in India.

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Q.6 हाल ही में एक राज्य में सामाजिक जवाबदेही कानून बनाने को लेकर माँग उठ रही है. इस तरह का कानून किस प्रकार सुशासन की ओर ले जा सकता है और निर्णय लेने में नागरिकों की भागीदारी को कैसे बढ़ावा दे सकता है। टिप्पणी कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

Recently demand has been rising in a state regarding the enactment of Social Accountability Law. How such a law can lead to good governance and boost citizens' participation in decision-making. Comment. (Answer in 150 words) 10 marks.

A social accountability law seeks to promote citizen's participation to ensure accountability of any scheme, program or department.

Need of a social accountability law

(i) Very few schemes allow citizen participation in accountability
eg: Social audit under MGNREGA

(ii) Lack of oversight mechanism for ground level implementation of schemes

(iii) Corruption in service delivery

SAL can lead to good governance and citizen participation in decision-making

(i) Will improve feedback mechanism
→ good governance is a two way

Candidates must not write on this margin

process consisting of service delivery and feedback

(ii) Will lead to greater transparency
→ Can complement RTI

(iii) Will lead to capacity building of citizen

(iv) Corruption can be checked

(v) Successful examples
→ Mid day Meal
→ Social audits have empowered citizens

Social Accountability law has potential to empower citizen and improve governance of the country. It should be implemented along with a holistic approach for capacity building of citizens to achieve the objectives of 'Sabka Saath, Sabka Vikas'

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Q.7 भारत में बाल कुपोषण से प्रभावी ढंग से निपटने के लिए 'पोषण–विशिष्ट' और 'पोषण–संवेदनशील' कार्यक्रमों को अभिसरित करने की आवश्यकता है। परीक्षण कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

There is a need for convergence of 'nutrition-specific' and 'nutrition-sensitive' interventions to effectively tackle child undernutrition in India. Examine. (Answer in 150 words) 10 marks.

Undernutrition refers to insufficient intake of nutrients for daily energy needs and maintaing good health

Nutrition-sensitive interventions address underlying causes of undernutrition related to community and institutional systems.

Nutrition-specific interventions addresses immediate causes of malnutrition at individual level

Need for interventions

(i) Global Hunger Index 2022
- → India at 107th out of 121 countries
- → ¼th of the world's undernourished are in India

(ii) Institutional health structure in India does not address nutrition related concerns.

(iii) NFHS-5 shows worsening levels of prevalence of wasting, stunting and underweight among children

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Convergence of 'nutrition-specific and 'nutrition-sensitive' interventions.

(i) Strengthen ASHA workers to make citizens aware of nutritional requirements
eg Training ASHA workers about mental health in MP has led to marked improvement in mental health of rural women

(ii) Strengthen PHCs

(iii) Adding nutritional items in Mid day Meal. eg Fruits, eggs.

(iv) Education and awareness of women
eg NFHS-5 : nutrition levels of children with educated mother are better.

(v) Strengthen institutional schemes like POSHAN Abhiyaan, PM Matru Vandana Yojana, National Nutrition Mission

(vi) Promote Millets and food fortification
eg 2023 as International year of Millets.

Tackling the issue of undernutrition is vital to achieve the objectives of SDG2 of zero hunger by 2030

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Q.8 ग्रामीण गरीबी उन्मूलन की धुरी मनरेगा, राजकोषीय उदासीनता का शिकार हो गया है।" हालिया घटनाक्रम के आलोक में कथन का आलोचनात्मक विश्लेषण कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

"MGNREGA, the lynchpin of rural poverty alleviation, has become the victim of fiscal apathy." Critically analyze the statement in light of recent developments. (Answer in 150 words) 10 marks.

MGNREGA guarentees 100 days of employment to a family member in a year and has helped in alleviating rural poverty.

However, it has been facing several issues in the recent time.

MGNREGA has become victim of fiscal apathy

(i) Decreased budget allocation

→ In Budget 23-24, 60000 Cr were allocated to it, which is way lower than previous year expenditure

→ It is the lowest allocation in last 4 years.

(ii) Centre-State tensions

→ Non transfer of MGNREGA funds to state by centre

eg West Bengal.

Candidates must not write on this margin

(iii) Delay in payment of wages

(iv) Reduced allocation + transfer leads to delay in project completion

(v) To accomodate lower budget, identification of projects may not be prudent.

Not a victim of fiscal apathy

(i) Complementing rural poverty alleviation through other schemes

Eg PM-Awas Yojana (Gramin)

↳ It also provides employment.

(ii) Funds are made available as and when required

→ total expenditure has been higher than Budget estimates in last few years.

(iii) Technological interventions for timely wage Payment

Eg Aadhaar seeding

Way forward
- Timely transfer of funds to state
- Higher budget allocation to prevent delays
- Timely wage payments.

MGNREGA is instrumental in alleviating rural poverty and should be strengthened.

Candidates must not write on this margin

Q.9 "भारत को इसका लाभ उठाना चाहिए, यदि प्रबंधन नहीं किया गया तो वैश्विक विभाजन हो जाएगा।" वर्तमान भू–राजनीतिक मंथन वैश्विक स्तर पर भारत के उत्थान का मार्ग कैसे प्रशस्त कर सकता है?

(150 शब्दों में उत्तर दीजिए) 10 अंक

"India must leverage, if not manage, the global divides". How can the current geopolitical churn pave the way for India's rise to the global high table? (Answer in 150 words) 10 marks.

World is currently undergoing a geopolitical churn with a shift from unilateralism to multilaterism where multiple centres of power are emerging

Trends in geopolitical churn
- → Rise of China and India
- → Tensions within Russia and NATO
- → G20 gaining prominence over G7
- → Economic rise of global south eg: ASEAN
- → Weakening of multilateral forums eg: WTO dispute settlement

Leveraging geopolitical churn for India's rise to global high table

(i) Utilizing G20 presidency
- → Emerge as 'Voice of global South'
- → Economic cooperation amidst fragile supply chains (Russia Ukraine war, Covid)
- → Diplomacy (Bringing US, Russia on a table)

Candidates must not write on this margin

(ii) Cooperation with global South and other countries to reform the multilateral institutions
eg G4 grouping for UNSC permanent seat.

(iii) Maintaining strategic autonomy
→ Balancing ties with West and China

(iv) Increasing influence in regions where there is space
eg West Asia, Central Asia, South America, Africa, etc.

(v) Support for free, open and rule-based Indo-pacific
→ which is taking a centre stage in geopolitical discourse
→ through forums like BIMSTEC, IORA, Quad, etc

(vi) Promoting soft power

(vii) Strengthening hard power → Economically and militarily

With the current trends, India has scope and potential to become a superpower by 2040.

Candidates must not write on this margin

Q.10 "बर्लिन यूरोपीय संघ में भारत के लिए प्रवेश द्वार हो सकता है।" यूरोपीय संघ के साथ भारत के संबंधों में जर्मनी के महत्त्व के बारे में विस्तारपूर्वक वर्णन कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

"Berlin can be India's gateway to the European Union." Elaborate with respect to Germany's significance in India's relationship with the EU. (Answer in 150 words) 10 marks.

India - Germany relationship are marked by a common political system of democracy, people-to-people contacts and cooperation over other areas.

Germany's significance in India's relationship with EU

(i) Germany is the largest economy in EU and provides a big market for Indian exports to EU.

(ii) Both countries cooperate to reform the multilateral forums

eg G4 grouping (India, Germany, Japan, Brazil)

(iii) Germany is India's largest trading partner in Europe
→ with over 25 B $ bilateral trade
→ thus cooperation can help expedite India-EU FTA negotiations

Candidates must not write on this margin

(iv) large number of Indian diaspora reside in Germany

(v) Cooperation over emerging technologies
eg - Advanced Manufacturing, ICT, etc.

(vi) Environmental Cooperation
→ Germany can help alleviate EU's climate concerns wrt Indian exports.

(vii) High FDI inflows from Germany to India relative to other EU countries

(viii) Convergence on the Indo-Pacific strategy

Thus Berlin has the potential to act as a gateway for greater cooperation and engagement with EU for India.

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Q.11 दल–बदल विरोधी कानून ने भारत में राजनीतिक दलों और वैयक्तिक विधायकों/सांसदों के बीच संबंधों को कैसे प्रभावित किया है? हाल की घटनाओं के आलोक में भारत में लोकतंत्र की प्रकार्यात्मकता पर इस कानून के अनपेक्षित परिणामों की भी चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

How has the Anti-Defection Law impacted the relationship between political parties and individual legislators in India? In light of the recent incidents also discuss the unintended consequences it has on the functioning of democracy in India. (Answer in 250 words) 15 marks.

Anti-defection law was inserted into the Constitution in form of 10th schedule through 52nd CAA, 1985 to curb the "Aaya Ram, Gaya Ram" politics of defections.

Impact on relationship between political parties and legislators

- loyal to the political parties
- Reduced the trend of defections

positive Impact

- Motive of joining political party has changed from money to ideological.
- Stable government due to good + long relationship between party and legislator ⇒ good governance

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Negative Impact

→ Trend of splits and mergers has emerged to bypass 10th schedule
eg → Maharashtra

→ Independent voice of legislators has been curbed through whips.

→ low quality debates in the Parliament.

→ No scope for constructive criticism of one's own party due to APL.

→ Re-emergence of the trend of defections in recent times

Unintended consequences on democratic functioning

(1) Speaker's role has become increasingly partisan. eg → No decision on Manipur defection for years

(2) Independent thought of the legislators has been curbed
→ they have to tow party line everytime
eg → Parliamentary committees, Parliamentary debates.

Candidates must not write on this margin

(3) Role of individual legislature has reduced in democratic functioning

(4) Lacunaes in the law are exploited
→ No bar on holding public office
eg Goa, Karnataka, 2018, etc.

(5) Ambiguities in the law has led to uncertainties → Unstable governments
eg Maharashtra.

Way forward

→ It should be applied for critical motions only like NCM, Money Bill, etc as recommended by NCRWC.

→ Decision on defection can be given to Election Commission (2nd ARC)

→ Place restrictions like ban on holding public office, ban on joining political party after defection.

Anti defection law has been instrumental in India's polity but it needs to be further strengthened for unhindered democratic functioning of India.

Candidates must not write on this margin

Q.12 आलोचकों का दावा है कि असीमित न्यायिक अधिकार मूल ढाँचा सिद्धांत की संरचनात्मक अस्पष्टता पर निर्भर है। क्या मूल ढाँचा सिद्धांत की लोचदार प्रकृति ने न्यायपालिका को कार्यपालिका से अधिक शक्तिशाली बना दिया है?

(250 शब्दों में उत्तर दीजिए) 15 अंक

Critics assert that limitless judicial authority rests on the structural ambiguity of the basic structure doctrine. Has the elastic nature of the basic structure doctrine made the judiciary more powerful than the executive?

(Answer in 250 words) 15 marks.

Basic Structure doctrine was given by the Supreme Court in the Kesavananda Bharti Judgement, 1973.

It states that there are some essential basic features of the Constitution which cannot be amended by the Parliament.

such as → Rule of law
→ Federalism
→ Secularism, etc.

Structural ambiguity of basic structure doctrin

→ It is nowhere mentioned in the Constitution

→ Judiciary came up with the doctrine on its own

→ The features are not codified / outlined

→ Such doctrine doesn't exist anywhere else in the world.

Candidates must not write on this margin

Made judiciary more powerful than executive

(1) The essential features are determined by the judiciary itself → Powerful judiciary

eg: In Minerva Mills, 1980, SC said balance between FRs, DPSP part of basic structure

(2) Judiciary has effectively amended the Constitution by itself → although not backed by will of the people

(3) Has used the doctrine to make itself more powerful → Power of appointing judges to itself → No parallel in the world

eg: Struck down 99th CAA (NJAC) in 4th Judges case, 2015 citing independence of Judiciary as part of Basic Structure

(4) Increased its jurisdiction citing judicial review as part of basic structure

eg: Kihoto Hollohan Judgement

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(5) Amassed powers of interpretation of the Constitution

eg from Procedure Established by law to due process of law in Menaka Gandhi case

Not powerful than executive

→ Has used the doctrine for realizing rights to citizens

eg Expanding scope of Article 21 which is part of basic structure
- MC Mehta Judgement, Puttaswamy Judgement

→ Executive has the authority to implement Constitution

→ Parliament still has significant amending powers (Art 368)

→ Strengthened federalism : part of basic structure

As noted by the Supreme Court itself, Judiciary should restrain itself from encroaching on executive territory. Although Basic Structure doctrine has been indispensable in ensuring free democracy in India, it needs to be codified, fixed by judiciary for clarity on it.

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Q.13 मौलिक अधिकार राज्य द्वारा प्रदत्त उपहार नहीं हैं बल्कि एक व्यक्ति उन पर राज्य से स्वतंत्र रूप से अधिकार रखता है। इस संदर्भ में विभिन्न मौलिक अधिकारों पर युक्तियुक्त निर्बंधन की वांछनीयता पर चर्चा कीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

Fundamental rights are not gifts bestowed upon by the state rather an individual possesses them independently of the state. In this context discuss the desirability of reasonable restrictions on various fundamental rights.

(Answer in 250 words) 15 marks.

Part III of the Indian Constitution provides Fundamental Rights to citizens under 6 broad rights

- Right to Equality - Art (14-18)
- Right to freedom - Art (19-22)
- Right against exploitation - Art (23-24)
- Religious Rights - Art (25-28)
- Socio-Cultural Rights - Art (29-30)
- Right to Constitutional Remedies - Art 32

Not gifts bestowed upon by the State

(i) Synonymous with basic human rights
(eg) Right against trafficking and bonded labour (Art 23)

(ii) They do not require additional sanction of law for their applicability

(iii) They place limitations on the power of the state
(eg) Article 21, Right to Liberty

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(iv) They are justiciable and citizens can directly approach SC/HC for their violation. (eg) Art 32

However, these fundamental Rights are not sacrosanct in nature and hence reasonable restrictions are applied on them for balanced functioning of the State.

Desirability of reasonable restrictions on Fundamental Rights

(i) In the interest of National Security
   (eg) Art 19(2) restriction on speech and expression

(ii) For friendly relations with countries

(iii) To balance with other fundamental rights
   (eg) Health and morality as reasonable restriction on freedom of religion (Art 26)

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(iv) To maintain public order
(eg) restriction on Art 19, Art 25, 26

(v) Restrictions are required during extraordinary circumstances
(eg) During Emergency, FRs except Art 20, 21 suspended

(vi) To balance rights of different communities
(eg) Freedom of movement under Art 19 can be restricted in interest of STs

(vii) To prevent violent overthrow of goverment. (eg) Sedition is an offence

However resorting to these reasonble restrictions frequently undermines the democratic character of the nation. SC guidelines in Kedar Nath Singh judgement, Anuradha Bhasin judgement, etc should be followed and restrictions should be judiciously applied to balance with invoilable rights of citizen.

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Q.14 'एस.आर. बोम्मई बनाम भारत संघ मामले ने संघ द्वारा किसी राज्य के प्रशासन पर नियंत्रण ग्रहण करने के संघ के अधिकार की न्यायिक व्याख्या में एक आदर्श बदलाव का संकेत दिया।' इस संदर्भ में संघीय ढाँचे को मजबूत करने पर निर्णय के महत्त्व और प्रभाव पर चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

'S.R. Bommai v. Union of India signified a paradigm shift in the judicial interpretation of the union's authority to assume control of a state's administration.' In this context discuss the significance and impact of the judgement on cementing the federal structure. (Answer in 250 words) 15 marks.

SR Bommai judgement termed 'federalism' as the basic structure of the Constitution.

Significance of the judgement on cementing federal structure

(i) On Article 356 (President's Rule)

→ SC held that Art 356 is an extraordinary measure and should be used on exceptional circumstances only

→ SC laid down guidelines for sparing use of Art 356

Not Grounds for Art 356:
- → Corruption is not a ground for applying Art 356
- → Party at centre not coming to power in states not a ground
- → Art 356 should not be applied before all efforts at govt formation are exhausted.

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↳ Administrative breakdown

Grounds for Art 356
- → Constitutional breakdown
- → Threat to Secularism in State, since Secularism is a basic feature of the Indian Constitution
- → If State is not following directions of the Centre (Art 365)
- → If govt cannot be formed at all.

(ii) Guidelines to explore avenues of govt formation in State
(eg) Pre-Poll alliance > Post Poll alliance

(iii) Use of Art 356 is subject to judicial review

(iv) State legislature to not be dismissed before President's Rule is passed in Parliament

(v) SC can restore State legislature upon judicial review

Impact of judgement in cementing federal structure

(i) Use of Article 356 has reduced significantly, which was very high in 1970s, 1980s.

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(ii) Supremacy to the electoral will of the citizens.

(iii) Era of coalitions → led to cooperation between parties → Better Centre State relations

(iv) Clear guidelines available with governor for govt formation
→ Has reduced governmental vaccum

(v) New era of cooperative federalism has emerged.

However in the recent times, we are seeing increased interference of Governor in the State govt functioning (eg: Tamil Nadu, West Bengal, Kerala, Rajasthan, Delhi) along with use of Art 356 (eg Maharashtra)

In this scenario, guidelines given in SR Bommai judgement should be followed and should be supplemented with SC judements in Nebam Rebia case, Rameshwar Prasad Case. The recommendations of Sarkaria and Punchhi Commission for better Centre State relations can be a guiding light in fostering fruitful and cooperative federalism.

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Q.15 प्रभावी विकेंद्रीकरण की कुँजी यह है कि राजनीतिक विकेंद्रीकरण को वित्त और प्रकार्यात्मक विकेंद्रीकरण का अनुगमन करना चाहिए। भारत में स्थानीय शासन के समक्ष आने वाली बाधाओं के संदर्भ में चर्चा कीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

The key to effective decentralization is, 'political decentralization should follow finance and functional decentralization'. Discuss in the context of impediments faced by local governance in India.

(Answer in 250 words) 15 marks.

73rd and 74th Constitutional Amendment Act, 1992 inserted part IX, IXA in the Constitution to ensure political decentralization by providing for local government.

However, financial and functional decentralization has not been effectively done for local governments in India.

Impediments faced by local governance in India

Financial

(i) Local governments have minimal or very few (ex: property tax) taxation powers
→ less than 1% expenditure recovered from these

(ii) Recommendation of the State Finance

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Commission are not adopted wrt grants and fund devolution

(iii) Funds received are generally attached with schemes which reduces scope for Gram Sabha determined spending.

Eg Projects under MGNREGA are decided by district administration

(iv) Presence of corruption and mismanagement of funds received in local government.

(v) No capacity building of local government functionaries to utilize funds effectively.

Functional

(i) Powers under Schedule XI, XII have not been devolved
→ only 3 States have done that

(ii) Excessive engagement of district administration in local government functions

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(iii) Concepts like 'Sarpanch Pati' hinders functional role of women in Panchayats.

(iv) Lack of sufficient and trained manpower with local government

(v) Slow pace of technological upgradation of Panchayats

(vi) Ineffective District Planning Committees

Way forward

→ Implement Sumit Bose Committee recommendation (full time secretary, regular meetings, monitor performance, technology upgradation)

→ Devolve 3Fs (Funds, Functions and Functionaries)

→ Strengthen DPCs.

Goverment has taken several initiatives like Gram Swaraj Yojana, Panchayat Portal, SWAMITVA, Municipal bonds, etc. There is a further need to strengthen local government for effective democratic decentralisation in India.

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Q.16 सामूहिक विशेषज्ञता और नेटवर्क (संजाल) का लाभ उठाने के लिए बहु–हितधारक साझेदारी महत्त्वपूर्ण है। भारत में सतत विकास लक्ष्यों (एसडीजी) की प्राप्ति में तेजी लाने के लिए प्रभावी साझेदारी और स्थानीयकृत कार्यान्वयन प्रयासों को कैसे बढ़ावा दिया जा सकता है? (250 शब्दों में उत्तर दीजिए) 15 अंक

Multi-stakeholder partnerships are the key to leveraging collective expertise and networks. How can effective partnership and localized implementation efforts be fostered to accelerate the achievement of Sustainable Development Goals (SDGs) in India? (Answer in 250 words) 15 marks.

SDGs are a set of 17 goals and 169 sub goals put forth by the UN to be achieved by 2030 to ensure inclusive growth and environmental sustainability without compromising the needs of the future generation.

Multi stakeholder partnerships → Involving different stakeholders to achieve the goals → like State, Civil society Organisations, citizens, International collaboration, market, media, etc.

Effective partnerships to accelerate achievement of SDGs

(1) To achieve gender equality (SDG 5)

→ roping in org^n like SEWA for employment opportunities to women

→ Kudumbishree

→ Promoting SHGs (eg Mission Shakti of Odisha)

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(ii) To achieve zero hunger (SDG 2)
→ working with 'int^' groups like FAO, WFP for food security
→ Khaloo Aid foundation work during covid

(iii) Better implementation of welfare policies (health (SDG 3) + Education (SDG 4))
→ NGOs like PRATHAM can be roped in for data collection
→ VHAI (Voluntary Health Association of India)

(iv) Capacity building of citizens
→ NSDM, MGNREGA, NRLM, etc to achieve SDG 1 (No poverty) and SDG 8 (Decent Work)

(v) Using media for better awareness of citizens about schemes and efforts
→ (eg) SBM (SDG 6, sanitation), Beti Bachao Beti Padhao

(vi) Ensuring sustainable environment and disaster resilience (SDG 11-15)
(eg) → UNFCCC, ISA, CDRI for Int^ collaboration
→ NGO like Goonj for DM

Candidates must not write on this margin

→ For resilient cities and communities
(eg) → Aspirational districts Programme.
→ Utilizing traditional knowledge of tribals during Disasters (like Tsunami)

localised implementation to achieve SDGs

→ Remote areas, since limited resources with government, stakeholders like NGOs can help

→ Strengthening ASHA workers for better health outcomes in rural areas

→ For better livelihood opportunities, reducing inequalities and women empowerment
(eg) - SEWA-Airbnb collaboration in rural Gujarat has financially empowered rural women.
- locally available resources can be utilized for livelihood generation (supporting handicraft SHGs)

So due to limited nature of the goverment and the ever increasing necessity to achive SDGs, it is imperative to involve different stakeholders and locally focused implementation to promptly achieve the goals.

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Q.17 पी.ओ.एस.एच. अधिनियम के कार्यान्वयन से यौन उत्पीड़न के बारे में जागरूकता बढ़ाने में सीमित सफलता ही क्यों मिली है, और किन कारकों ने असंगठित क्षेत्र में कार्यरत महिलाओं तक इसकी प्रभावी पहुँच में बाधा उत्पन्न की है? इस अंतर को पाटने और असंगठित क्षेत्र में महिलाओं के लिए कार्यस्थल पर उत्पीड़न के विरूद्ध व्यापक सुरक्षा सुनिश्चित करने के लिए रणनीतियाँ प्रस्तावित कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

How has the implementation of the POSH Act resulted in limited success in raising awareness about sexual harassment, and what factors have hindered its effective outreach to women employed in the unorganized sector? Propose strategies to bridge this gap and ensure comprehensive protection for women in the unorganized sector against workplace harassment. (Answer in 250 words) 15 marks.

Prevention of Sexual Harassment (at Workplace) Act was enacted based on the guidelines given by the Supreme Court in Vishakha judgement, 1997.

Implementation of POSH Act resulted in limited success.

(1) It has not stopped sexual harassment to women at workplace
→ as highlighted by the #Metoo movement

(2) Limited awareness among women and people in general
– especially in unorganised sector

(3) Has not resulted in increasing women LFPR
→ According PLFS, women LFPR declined

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from 42% (2005) to 32% (2021-22)

Factors hindering effective outreach to women (esp unorganised sector)

(i) Lack of awareness

(ii) Non-implementation of rules under POSH Act

(eg) → Internal Complaints Committee are not formed

(iii) Lesser women in leadership role

→ discourages women from opening up about harassment faced

(eg) → As per a Deloitte research, women constitute only 17% of corporate board members in India

(iv) High vulnerability, poverty → fear of losing job if reported

Strategies to ensure protection against workplace harassment

(i) Utilizing media and civil society to increase awareness about the Act.

- Using ICT for mass awareness campaigns.

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(ii) All women ICC can be formed
(iii) District administration should be held accountable for not forming ICC for unorganised sector (<10 workers)
(iv) Compulsory seminars must be organised for workers regarding workplace harassment and POSH Act provisions
(v) Strict enforcement and punishment for violators under the Act should be ensured — to act as a deterrent

Globalisation has led to increased opportunity for women, however it has also led to security concerns for women at workplace. In this scenario POSH Act was necessary and commendable. However it has not been very effective. Effective strategy and a holistic approach towards implementation is necessary for safety and empowerment of women.

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Q.18 'नव–उदारवादी सुधारों और वैश्वीकरण ने कल्याणकारी राज्य की संस्थाओं को गहराई से बदल दिया है और एक नई प्रकार की सिविल सेवाओं के लिए आधार तैयार किया है।' इस संदर्भ में सेवा वितरण के समक्ष आने वाली चुनौतियों का परीक्षण कीजिए और पर्याप्त सुधारों हेतु सुझाव दीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

'Neo-liberal reforms and globalization have deeply transformed the institutions of the welfare state and set the ground for a new type of civil services.' In this context examine the challenges faced in service delivery and suggest adequate reforms. (Answer in 250 words) 15 marks.

Globalisation is the increased inter-connectedness and interdependence of countries facilitated by advancements in technology, trade and transport systems.

This phenomenon has given rise to neo-liberal reforms and has changed the nature of welfare institutions

Transformed nature of welfare state
- Decreased role of govt in market with increased role of private
- From excessive regulation to facilitative approach
  - MRTP to CCI
- Supported by civil society org
- Changed nature of civil services – main role has become service delivery

Challenges faced in service delivery

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(i) High levels of corruption
- India at 80th rank in Corruption Perception Index 2020
- Leads to illicit channels of service delivery and burden on citizens

(ii) Ineffective 2-way communication / feedback mechanisms
- Improper Grievance Redressal mechanism
- Improper awareness and capacity building of citizens to raise grievances
- Prompt information disclosure is rare

(iii) Low quality of service delivery
- due to low competition, and
- payment of services is not directly made

(iv) Ineffective understanding of the people's demands
(eg) - displacement of tribals.

(v) Red-tapism and excessive paperwork
- difficult to access services by citizens

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(vi) low expenditure on areas like health and expenditure → High Out of Pocket expenditure by citizens

Reform required →
- Promoting e-governance (eg - Umang - PP)
- Capacity building and awareness of citizen (eg - RTI, NSDM)
- Prompt information disclosure by govt (eg - Jan Soochna Portal of Rajasthan)
- Improving feedback and GRM (eg - CPGRAMS)
- Build a culture of service orientation in civil servants (eg - Karamyogi)
- Utilize PPP
- Ensure accountability (eg - Social audits)
- Enact Right to Service Delivery Bill, 2011
- Effective implementation of existing mechanism like Citizen Charters, RTI

Sevottam model should be the guiding light for civil servants and welfare institutions for public service delivery.

Candidates must not write on this margin

Q.19 चीन भारत को अपने ''एशियाई प्रतिद्वंद्वी'' के रूप में देखता है जिसमें एशिया में उसके वर्चस्ववादी लक्ष्यों का मुकाबला करने की जन्मजात क्षमता है। भारत–चीन संबंधों में इन कठिनाइयों के बावजूद, अभिसरण के भी कई क्षेत्र हैं। चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

China views India as its "Asian Rival" with an innate ability to counter its hegemonistic goals in Asia. Despite these difficulties in India-China relations, there are also many areas of convergence. Discuss. (Answer in 250 words) 15 marks.

China and India are the world's fastest growing emerging economies. Relationship of the two countries is marked by conflict and cooperation.

Difficulties in India-China relations

(i) **Border disputes**
- → mainly in Aksai Chin and China's illegitimate claim over Arunachal Pradesh
- → frequent skirmishes between the border forces of 2 countries
  - eg Doklam, Galwan Valley

(ii) **Trade Imbalance**
- → trade deficit of around 100 B $ of India with China

(iii) **One Belt, One Road of China**
- → threat to India's sovereignty
- → China's debt trap diplomacy

(iv) China's String of Pearls

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(v) Problems started with India giving refuge to Dalai Lama.

(vi) Divergence on Indo-pacific and China's 9 dash line.

(vii) Privacy concerns because of big tech Chinese companies
eg India banning Chinese apps

(viii) Divergence on multilateral forums like terrorists designation of Makki
eg

(ix) Over issues like UNSC Permanent Seat, NSG waiver

Areas of Convergence

(i) Cooperation on multilateral forums
eg SCO, ASEAN+6, BRICS

(ii) Cooperation in form Multilateral development banks, institutions
eg New Development Bank (NDB), CRA, AIIB

(iii) Ceasefire agreements on border
→ Since 1993, Indo-China border has been a weapon free zone

(iv) Cooperation against terrorism
eg RATS mechanism of SCO

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(v) De-dollarisation → Due to the current trend of weaponisation of dollar by USA in Russia-Ukraine war.
→ BRICS countries are planning to float a BRICS currency.

(vi) Huge trade between the two countries
→ over 120 B $ annually.

(vii) MoUs in 2 Indo-China Summits
eg Mamallapuram Summit

Recent instances like expulsion of reporters of each other's countries show deteriorating trend in relationship.
However, the upcoming G20 meeting provides an opportunity to both the countries to improve relations so that the dream of 'Asian century' can become a reality.

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Q.20 हालिया दिनों में हिंद–प्रशांत क्षेत्र अलग–अलग हितों और प्राथमिकताओं वाले क्षेत्र के रूप में उभरा है। चर्चा कीजिए। क्या आपको लगता है कि वैश्विक सुरक्षा पहल (GSI) इस क्षेत्र में क्वाड (QUAD) का स्थान ले लेगी

(250 शब्दों में उत्तर दीजिए) 15 अंक

Indo -Pacific region in recent times has emerged as a zone of diverging interests and priorities. Discuss. Do you think the Global Security Initiative will supersede QUAD in the region?

(Answer in 250 words) 15 marks.

China has recently proposed the idea of Global Security Initiative. It looks to counter US's Indo-Pacific strategy and QUAD

Indo-Pacific as a zone of diverging interests and priorities

(i) China not abiding by UNCLOS
→ creating artificial islands in South China Sea

(ii) China's 9 dash line is a zone of contention in South China Sea.

(iii) China sees groupings like QUAD and AUKUS in Indo-pacific as a threat to itself.

(iv) India sees Indo-Pacific as a free, open and a rule-based zone based on ASEAN centrality

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(v) Rising disputes in the region
eg over Kuril islands between Japan and Russia

(vi) Huge trade takes place across the region, so countries trying to secure their interests
eg China's Malacca dilemma

(vii) Concerns of countries with respect to → Securing sea lanes of communication
→ Freedom of navigation
in the region.

Global Security Initiative

→ proposed by China to counter what it views as 'Asian NATO' (US and QUAD grouping + AUKUS)

→ It opposes the unilateral sanctions applied by countries

→ It proposes a security model for the region based on openness and respect.

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GSI will not supersede QUAD

(i) Chinese double standards
→ vouching for respect + openness while not following international law

(ii) QUAD is not a security alliance
→ thus equating it with NATO is superficial

(iii) QUAD grouping is based on a support for free, open and rule-based Indo Pacific.

Indo-Pacific is a very important region from the perspective of global security and economy and countries should cooperate rather than compete with each other to ensure a free, open and rule-based Indo Pacific

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Space for Rough Work