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①

Section 8 under Representation of People Act 1951 provides disqualification provisions for electoral offense and corrupt practises (Section 123A)

Other disqualifications under constitution
- → Art 102 - office of profit
- → Undischarged solvent
- → Unsound mind
- → Losing citizenship of India
- → Evil practises partake

Section 8, RPA

① Delay in filing electoral expenses

② Interest in company which govt has 25% Stake.

③ Govt. Servants terminated on charge of corruption

④ Corrupt practices - section 8A
- defined U/S 123(4) of RPA
- Sati practice, untouchability
- Misuse of govt. machinery.

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Ambiguity

(1) Very limited scope of offenses

(2) Corrupt practices not defined according to needs of time

(eg) Money power, misuse of social media not included.

(3) Post-facto analysis of offenses → delayed

disqualification provision → Election petition → High court / Supreme court → long time in disposal.

Result –

(1) criminalisation of politics

(2) Use of money and muscle power

(3) Polarisation of voters.

Need to resolve → way forward.

(1) More 'teeth' to Election commission to enforce MCC.

(2) Vineet Sinha committee recommendations.

(3) Electoral reform manual 2016 → changes in RPA.

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(1)

JL Nehru in Constituent Assembly historically espoused, "Constitution is not one monolithic piece, but an organic document". Enough flexibility given in provisions for socio-economic growth.

Constitution as mere skeleton, with Constitutionalism as soul-

Constitutionalism: refers to morals and principles given by Constitution applied in decision making.

① Fundamental rights expansion of scope

1.1. Right to life → Right to health
→ Right to environment
(eg) MC Mehta case.

1.2. Freedom of speech Art-19
↳ Anuradha Basin case - Internet freedom.

question number in this space) कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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(2) Amendments to change major parts

2.1. The States reorganisation Act Schedule & VII removed

2.2. 73rd, 74th amendment ⇒ & Schedule 11, 12 added.

(3) Various judicial judgements to enforce changes.

Constitution not a mere skeleton

(1) Source of all constitutional morality

(eg) explicit provision for judicial review.

(2) Detailed guidelines for working of govt.

(eg) Part V and VI

(3) Constitutional division of power ⇒ thriving federalism

"Constitution is as strong as the determination of citizens to enforce & its provisions" → spirit of constitution runs high for a strong political system.

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Q

Electoral bonds were introduced in Budget 2017-18 to cleanse the political funding system.

Electoral bonds

Pros → Anonymity

① Anonymous donation → prevents harassment by opposition

↓

donation in cash reduced

② Money trail established → black money use decreased.

③ ↑ in ITR compliance of political parties.

Cons → Reduced transparency.

① large value bonds sold most - 97% of money raised through 1cr bonds - ADR report.

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(2) Dominance of ruling party → bonds deposited in State Bank Branch.

(eg) 70% bonds to ruling party in 2019

(3) Cap on 7.5% of profit lowered → Corporate funding.

Opacity in electoral funding

(1) Parties not complying with RTI Act → No information available about source of donation

(2) ↑ in politician-criminal-corporate nexus

Way Forward

(1) State funding to be explored - Dinesh Goswami Committee

(2) The maximum amount through bonds to be reduced to 10 lakhs.

(3) Intra-party democracy and transparency to be promoted.

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Article 44 provides for Uniform Civil code — Uniform personal and civil laws for all religions.

Gender equality and UCC

1. Personal laws biased and prejudiced against one gender.
   - (eg) Polygamy allowed.
2. Through various judicial interventions for equality, demand for UCC raised
   - (eg) Shah Bano case — SC asked centre to consider.
3. Essential and non-essential religious practices gender bias
   - (eg) Temple entry case
4. Equal property rights and inheritance for women.

(Please do not write anything except the question number in this space) कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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Challenges in reconciling UCC with gender equality

1. Freedom of religion and practise.
   Art 25-28 : protection of & traditions.
2. Founding fathers found UCC not feasible at the time ⇒ Indian form of secularism
3. Balancing majority - minority narrative
   ↳ minorities not to be forced.
4. With gender based practices, other traditions be diluted too → loosing essence
5. Fear of violence and backlash.
6. Protection to tribals, indigenous will be affected : Schedule V and VI.

The debate around UCC with Law commission lead is the step in right direction. But public consultation with & all communities should guide further discourse.

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(3)

Governor is appointed by President under his hand and seal U/A 155, 156.

Constitutional role of profound essence

1. Envisioned as a federal link b/w Centre and State → harmony
2. To prevent interregnum in working of state
3. Balance b/w interests of state and National growth.
   - (Eg) delaying Bill affecting inter-state trade.

Contribution to governance and principles of federalism-

1. Constitutional head of State as President is of the Nation.

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(2) Special role with respect to tribal regions → schedule 5 and 6

(3) Maintains continuity in governance with change in govt → in case of hung assembly.

(4) Nominates members to legislative council.

But, Governor: conflicts with State govt.

(1) Art 200 - reserving bill for President's approval and veto.

(2) Art 356 - failure of constitutional machinery at discretion of governor.

(3) Different party at centre and state → governor allegedly biased.

As SC noted, "Political and personal conflicts should not impact the constitutional function" - office of Governor be evolved through Sarkaria, Punchhi commission recom.

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(6)

Social accountability refers to mechanisms to engage citizens, evaluate and monitor service delivery and fixing responsibility for inaction.

Need for social Accountability law

(1) Governance deficit at each level.
   (eg) inclusion, exclusion, leakage error
(2) Corruption and red tapism.
(3) Last mile delivery still paltry
   (eg) Hunger deaths in Kalahandi, Odisha.
(4) Quality of life still poor for millions.
   (eg) drinking water not piped.
(5) Social Accountability law could provide a strong legal and institutional

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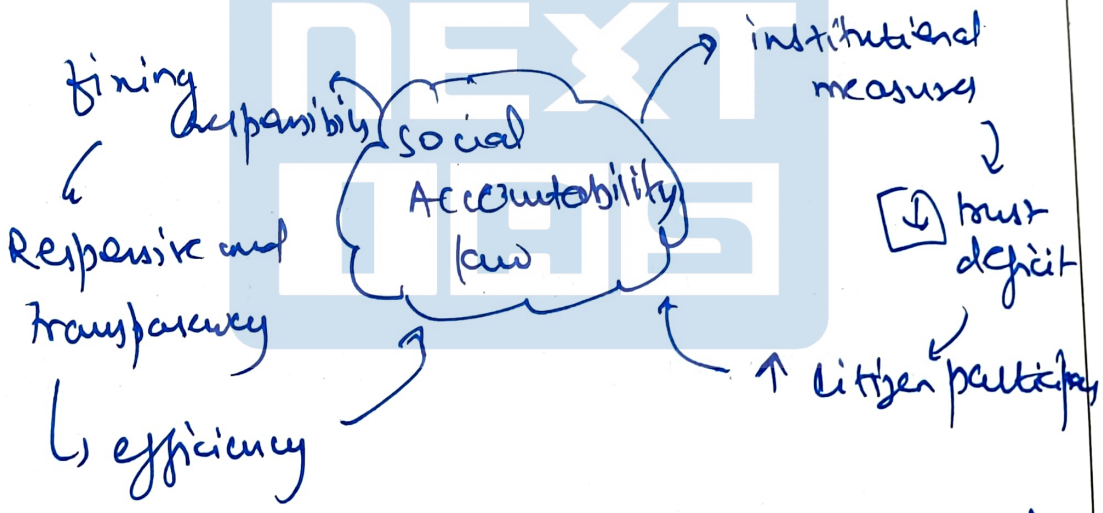
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Framework -

(1) Social accountability mechanisms → social audit (eg) Meghalaya law
→ social public hearing for deciding schemes

"Responsibility matrix"

(2) Legal backing to mechanisms already existing → citizen charter
→ Sewottam model.



But, a law without attitudinal and behavioural change as from all stakeholders → govt, market, citizens, civil society would be dead wood. So, engagement with all for drafting law would be the first step

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(7)

According to NFHS-5 data, child malnutrition is still rampant.

Child	Stunting 35%	Wasting 22%	anaemic 57%
			Obese 4%

Recent Interventions

Nutrition specific

① Integrated Child Dev. Scheme ICDs - mid day meals for nutrients.

② Special diets for undernourished kids.

Nutrition sensitive

① ↑ in nutrition of cereals - FSSAI guidelines for fortification

② Nutrients & Vitamin tablets

There is a need for convergence of all interventions to tackle this mammoth issue -

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Q

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① Silos → multi stakeholder approach.

eg POSHAN 2.0 Abhiyaan →

Poshan week celebration

② WASH strategies for absorption of nutrients.

③ Intervention at pregnancy level

- nutritious food
- iron tablets
- Breast feeding awareness

eg mission vatsalya

④ Revamping Public distribution system to inculcate healthy food choices →

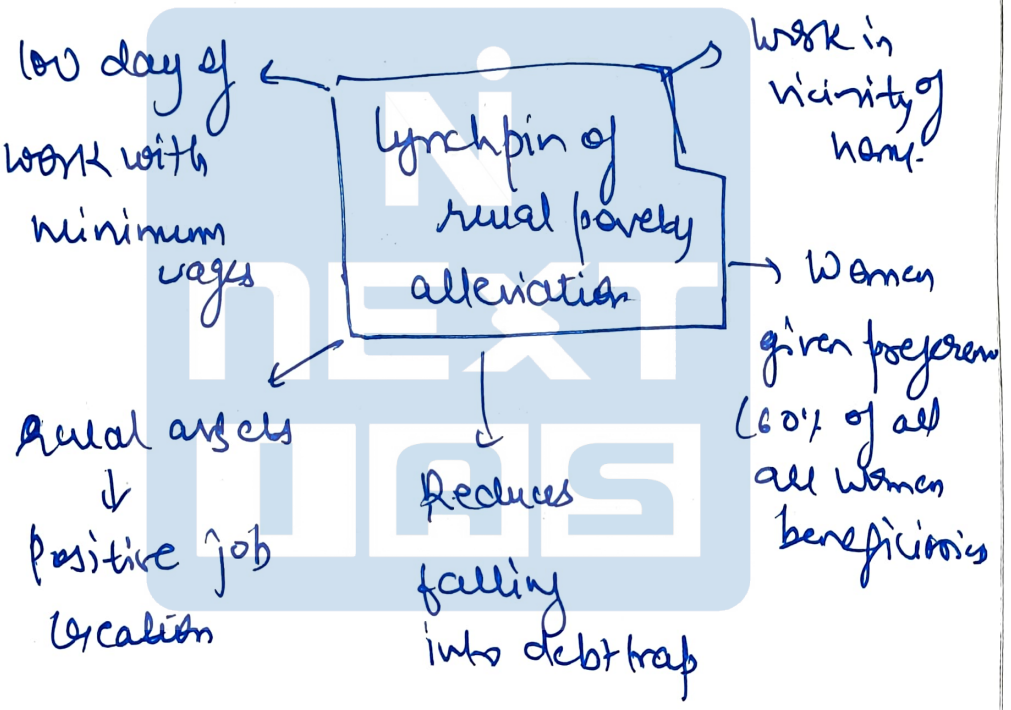
- millets consumption
- Protein rich food.

A healthy and happy future depends upon the tackling of child malnutrition. Multifaceted approach is the need of the hour.

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(6)

MGNREGA provides guaranteed 100 days unskilled employment to rural population above 18 year of age since 2005.



Victim of fiscal Apathy -

Yes

(1) By Reduction in budgetary allocation year after year.

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① Delay in payment to states → delay in wages
(eg) West Bengal complained of ₹ four crore dues.

③ Forced e-governance changes → ~~redo~~ exclusionary for poor.

No:

① welfare → Rights based approach with empowerment of poor.
(eg) DAY-NRLM → self employment

② Fiscal ~~re~~distribution for holistic growth.
(eg) Education, skilling, health.

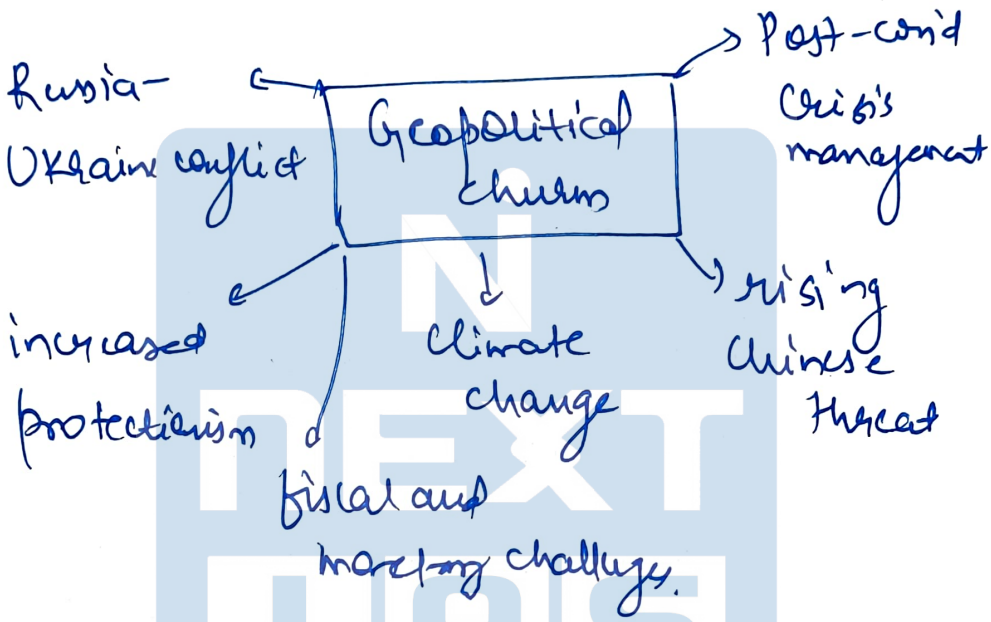
③ Employees → employment generators
(eg) Stand up India, Skill India, etc.

MGNREGA proved its mettle during Covid crisis. It should be continued ~~even~~ till the demand for work decreases substantially with reduction in poverty.

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Q9

"The world is going through a "Geopolitical Storm" - UN secretary General.



Opportunities for India

1. India a voice of the Global South
2. ~~5th~~ 5th largest economy with trade relations worldwide.
3. Soft diplomacy → respected by All
   (eg) Yoga day at UNSC headquarters.

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(4) Groupings → Presidency of G20 and SCO a golden opportunity.

(5) India has proved to be strong mediator over years for resolving conflicts.

(6) Lead role in climate discourse

(eg) ISA, Panchamrit etc.

Steps to be taken for leveraging

(1) Strong and stable domestic economy
(eg) Investment in Semiconductor

(2) Gujral doctrine - non-reciprocal efforts in Neighbourhood, Asia.

(3) Perpetuating Indian values and goals
(eg) Vasudev Kutumbakam.

(4) Indian diaspora to be treated as "Rastra doots"

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10

Post Brexit, Germany's significance as "Gateway to Europe" has risen multifold

Reasons
- High economic value of economy
- Engineering prowess
- Technological development
- Strong political system.

Germany and India

1. Historically strong relationship
2. Trade and investments from Germany
3. German companies established in India and vice-versa.
4. Dealings over common issues - climate change etc.

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EU and India -

(1) Potential for ~~FTA~~ trade -

FTA funding → Germany could help

(2) Strict technical and non-technical barriers for trade → Carbon tax, etc.

(3) ~~Lack of~~ Phyto sanitary measures imposed on imports.

German - India relationship could blossom into larger EU - India partnership.

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(11)

Antidefection law was brought about to
- reduce floor crossing
- horse trading and money powers.
- increase political stability

Schedule X was added by 52nd amendment

Impact on relationship b/w Parties and legislators

1. Voting on party lines as ordered by party whip.
2. Changing party after getting elected → disqualification
3. Split in parties for political gain part of defection.

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Positive impact

① Citizens elect party for their manifesto and values.

② Political stability continued.

③ stronger relation b/w individual & party

Negative impact

① "Voice of legislator" suppressed

② Role of individuals increased over party leader role

③ Individual legislator have representative → politics over policy opinions

Unintended consequences over democracy

① The ethos of dissent, discussion and deliberation suppressed

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② Towing party lines → no free discussion.

③ Horse trading continuing in spite of law ⇒

④ Biased role of Speaker in deciding disqualification

⑤ No time-bound decisions → govt. toppled down (eg) Maharashtra.
Ls SC - in Keisam Meghchandra case - in 3 months of decision of speaker.

Way forward

① ⇒ as SC in Kihoto hollohan case ⇒ time bound impartial decision of speaker

② Disqualification to be decided as ~~other~~ election petition ⇒ President / Governor on recommendation of Election commission.

④ Electoral reforms to reduce use of money power.

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(12)

Basic structure doctrine is a judicial innovation - (Keshavananda Bharati case 1973)

Genesis and meaning

1951 → 1967 → 1973

1951 — Shankari Prasad case — const^n amendability full

1967 — Golak Nath — FR - immutable — can't be amended

1973 — Keshavananda Bharati — FRs can be amended - BUT - the essence and pillars of const^n not to be changed

{ "Basic structure" cannot be amended } ←

Structural ambiguity

① Not defined → addition to basic structure with judgements

(eg) Minerva Mills case, SR Bommai case.

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② At the discretion of judiciary.

③ Use of basic structure to maintain judicial dominance in appointments
↳ NJAC (99th CA) – struck down.

But, the structure of constitution and constitutional morality has worked as a safety gear maintaining separation of power.

Basic structure made judicial

More powerful	Not more powerful
① Judicial review over all actions	① Appointment of judges in hands of executive & ultimately
② Due process of law over process established by law.	

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(3) 'Judges appointing judges' - Judicial Opacity and dominance.

(2) The amending power is still vast.

(9) Right to property removed as FR.

(3) Constitutional scheme still sacrosanct

(eg) Art 263, Art 212, 122

Art 50 - Separation of powers

So, basic structure doctrine has led to socio-economic justice for citizens on one hand and judicial independence on other.

But judicial restraint must be exercised as Palkhivala said

"Role of judiciary is of an alarm clock, not a time keeper"

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(13)

Fundamental rights from the heart and soul of the Constⁿ : Article 17-35 under part III.

Fundamental rights (FRs) not a gift, but possessed independently of state

① Constitutional remedy itself a FR.
   (eg) Article 32

② Original jurisdiction of supreme court → highest safety.

③ "FRs transcendental in nature" — Golak Nath case
   Is sein supreme over other provisions.

④ Cannot be taken away by state.
   (eg) Article 13 - laws in contravention

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to part III ~~the~~ unconstitutional.

(5) Promotes socio-economic democracy

But the rights of one citizen cannot be enforced at the cost of another. So reasonable restrictions were placed.

Desirability of restrictions

(1) Substantive equality → Positive affirmative action required → 21% popn poor
→ caste-based discrimination
→ women and children need to be legally protected.

~~Restric~~

(2) Freedoms and liberties

Speech and expression — without restn → hate speech, sedition, defamation.

(3) Promotion of DPSPs for socio-economic development

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→ Rights of tribals and indigenous communities.

(4) Secularism and harmony →

Art 25-28 : Religious freedoms with public morality.

But, too-many restrictions lead to

① Unfounded suppression of rights

② Misuse of restrictions for executive dominance

③ Vague and vast restriction clauses.

(eg) National security, integrity, etc.

Way forward

→ Balance b/w FRs and DPSPs.

(eg) Art 31C(b)(c) and Art 14.

→ Awareness about rights and duties

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(iv)

SR Bommai case established the federal division of power by stating "States are not mere appendages of centre. They have an independent constitutional existence"

Paradigm shift in interpretation of union control over state

① Use of Article 356 is proclaiming 'failure of constitutional machinery' by centre restricted

② In case of hung parliament, floor tests to be conducted by Governor before ~~Pres~~ recommending President's Rule.

③ Union control as a matter of last resort when nothing else works.

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Constitution → Centre → State



Constitution → Centre ↔ State

Changed relationship paradigm

Significance and impact on cementing federal structure

1. Power ~~dis~~ and responsibility division among centre and state according to constitution.

2. When different political parties in power at centre and state → harmony in relations

3. & Restricted use of Art 356 and 365 → setting up of Sarkaria and

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Punchhi commissions.

(4) The economic and social relationship evolved → Planning comm → NITI Aayog
→ decentralisation
→ State-based schemes given priority.

Way Forward:

(1) Recommendations of NCRWC, Sarkaria commission to be followed in spirit.

(2) Conflict over office of Governor be reduced

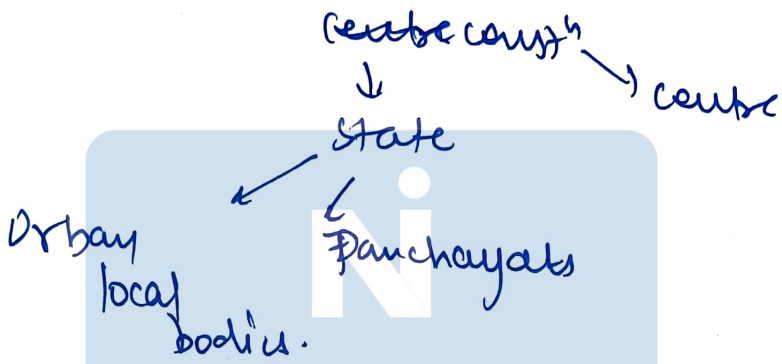
(3) Fiscal ~~in~~ empowerment of states.

(4) "cooperative federalism" over competitive federalism.

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17

Decentralisation was given constitutional mandate with 73rd and 74th constitutional amendment.



Decentralisation

Financial

- Art 243I, 243Y
  State finance commission
- Taxation subjects under Schedule 11.

Functional

- Schedule 11 and 12 – Subjects for jurisdiction
- Manpower assigned, resources.

Political

- Art 243A – Gram Sabha
- District Planning Committee
- Planning at each level.

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But, decentralisation is lacking in political sense -

(1) No real power in hands of local bodies.

(2) Only implementing State and central policies.

(3) Bureaucratisation of local bodies

(eg) Haryana - Rural Develop. Agency to bypass local bodies

(4) ~~No~~ ~~as~~ Politicisation of parts → big parties fielding candidates.

Other impediments faced by local bodies

(1) Funds → dependent on grants
(NITI Aayog - only 5% local bodies revenue self generated)
→ Resource crunch.

(2) Functions → ~~No~~ decision making powers reduced.

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③ Functionalities → No independent personnel and staff

→ "Sarpanch Pati syndrome"

④ Systemic deficiencies → Corruption at local level

→ Lack of awareness

→ perpetuation of caste discrimination

→ PESA rules not notified by some Schedule V states.

→ Gram Sabhas bypassed over decisions.

Way Forward

① 2nd ARC recommendations for empowering local bodies

② Augmenting capacity for revenue generation

③ Flexible funds → Kerala 1/3rd flexible funds

④ SHGs – Gram Sabha – civil society network to be leveraged.

(16)

17 Sustainable Development Goals were developed in 2015 to propel sustainable development where "no one is left behind"

Need for multi stakeholder partnership

(1) Humongous tasks carved out [zero poverty, Hunger, Health, etc.

(2) Judicious use of resources need of the hour

(3) Institutional strengthening & and legal framework for eliminating social evils.

(17)

Effective partnership	local efforts
(1) Food and nutritional security → development	→ agricultural reforms at

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g High yield variety, biotechnology etc.	national level.
② Global efforts for global diseases (a) WHO Vaccine - GAVI	→ Generic medicines produced and exported by India → Vaccine to 153 countries
(3) Global commons → UNEP, UNFCC, etc.	→ Nationally determined contributions → CBDR-RC, common responsibility
(4) Rule based world order → Oceans, ice caps,	→ sustainable fishing → ocean pollution

Ways to foster partnerships

(1) International organisations and platforms to be leveraged.

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(2) free flow of funds, technology and skills

(eg) ISA → solar panel technology

(3) Investment in new technology

(4) Engagement of citizens, people, market, ~~attach~~ professionals, students, indigenous communities, etc.

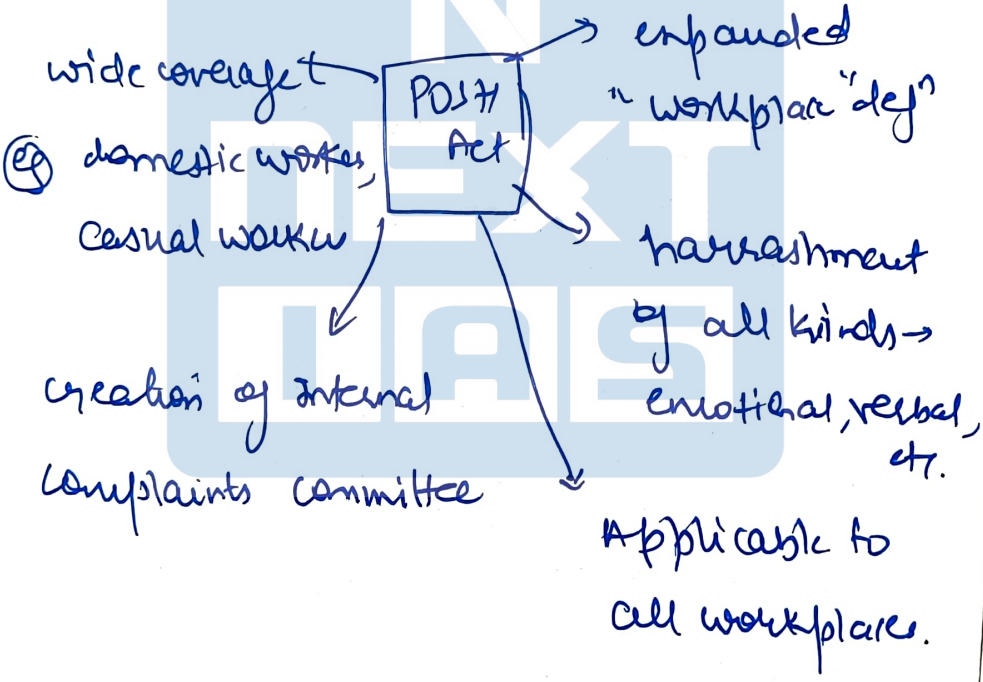
(5) Mechanisms to establish relationships beyond political considerations.

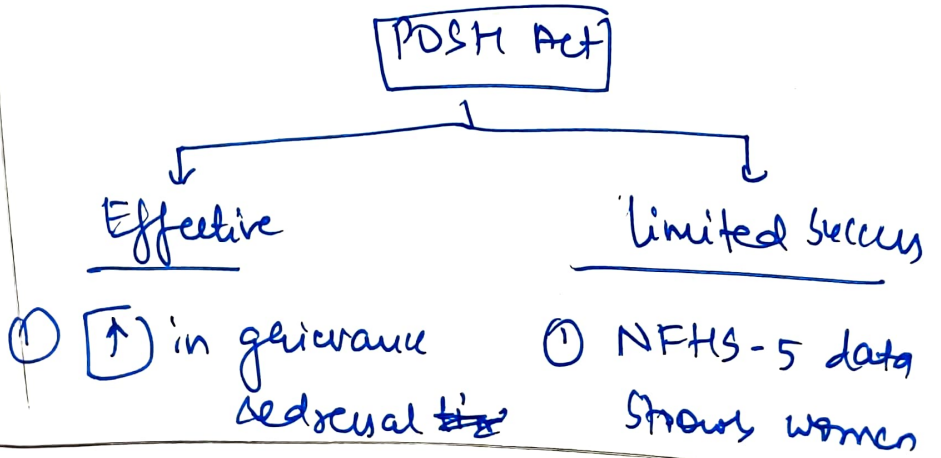
The scheme of "localisation of SDGs" launched by Ministry of Rural Develop. is the step in right direction, and can be emulated internationally.

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(13)

In Vishaka Guidelines (1997 case), Supreme court established the foundation of POSH Act. It materialised with Prevention of Sexual Harassment at work place Act 2013.





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② benefits all women who choose to work

③ Applicable to everyone

④ Impetus to #MeToo movement.

still face harassment

① ~~Force~~ created a bias against hiring female employee.

⑤ No relief in terms of compensation, justice

factors hindering approach

① Socio-cultural factors.

↳ Speaking about harassment a taboo.

↳ women don't speak out for fear of stigmatization

② Economic

↳ fear of job loss

↳ unorganised sector hire and fire policy

③ Institutional

↳ ICC either not formed or defunct

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④ Others

4.1 Women working without security net and insurance → dependent on job.

4.2

Strategy for unorganised sector

① Compliance for formation of ICCs at each unit.

② Roping in NGOs, civil society for awareness generation.

③ Creating legal deterrence with strict dealing of cases

④ Use of technology → e-shram portal for monitoring number of female employees.

⑤ Safe space for women for speaking out.

⑥ Behavioural and attitudinal change for Gender sensitisation.

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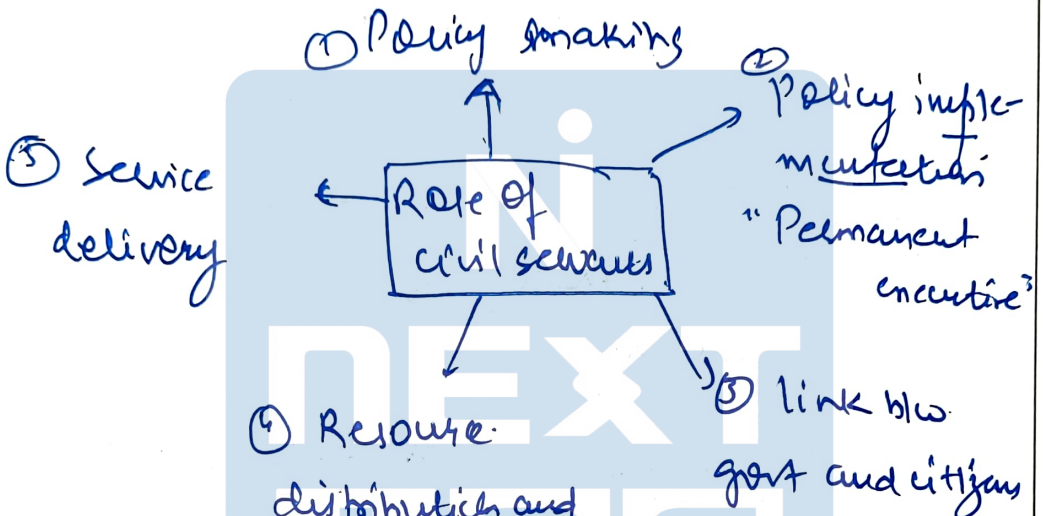
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(18)

Civil servants have been called the "steel frame of India" for their important role in governance.



Change in Role with neo liberal reforms and globalisation

(1) (1) role of market forces
(2) Increased burden of responsibilities
(3) Need for specialised domain knowledge
(4) Reduction in information asymmetry

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(5) Use of technology for service delivery

(6) Presence as well facilitator of service delivery

Challenges faced in service delivery

(1) Political → political pressure
- interference
- Partisanship

(2) Socio-cultural → wide diversity
- inertia to social change
- case based discrimination
- (eg) unhygienic sanitation practices

(3) Economic → restricted finite resources
- entrenched poverty
- poor job creation with jobless growth.

(4) Systemic → Red tapism
- Opaque functioning

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(5) Others → Illiteracy (81% literate)
→ Digital divide
(only 68% urban
32% rural } phones
NFHS-5.

Reforms ⇒ Multipronged

(1) Institutional.
↳ Reforming civil service → Yugandhar committee: in service training
360° appraisal
Surinder Nath: domain comm. expertise

(2) Good governance → citizen charter
↳ Seva Uttam model.
RTI awareness

(3) Use of e-governance → Single window clearance
→ JAM trinity

(4) 2nd ARC → civil service Board for transfers
→ strengthening local bodies
Values and ethics of civil service.

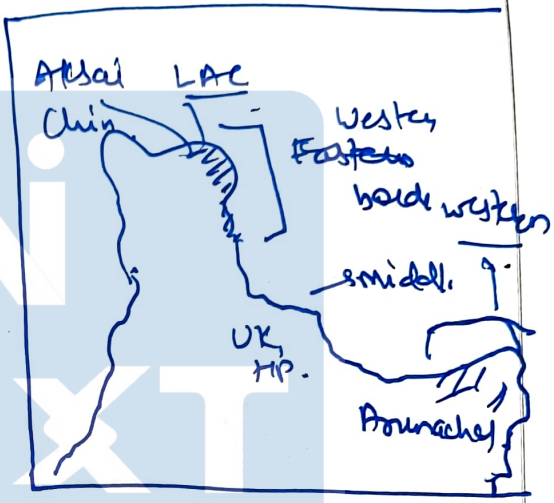
Hence, only a multipronged strategy could work.

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Post independence, India and China has had a bitter-sweet relationship

& China - a ~~threat~~ nuisance.



① China perceives India a rival →

Keeps creating border issues

↳ "Salami" slicing policy"

↳ Arunachal claimed as its territory.

↳ Incursions in disputed LAC

↳ Border infrastructure development.

② Out-manoeuvering at international organisations

↳ UNSC - blocking proposals on terrorism

↳ WTO → trade politics.

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(3) Investment in India's neighbourhood
- ↳ Sri Lanka - Hambantota port
- ↳ Nepal → impacted Nepal-India ties.
- ↳ Maldives before 2018 election.

(2) ~~Eco.~~

Areas of convergence

(1) Demand for reforms in multilateral organisations.

(2) Due credit to Asian dominance at international level. - voice of Global south.

(3) Climate change narrative - the principle of common but differentiated Responsibility
- ↳ Rich nations to take ~~set~~ up burden of economics,

(4) Investing in development of third world countries.

(5) Technology ~~the~~ development for solution to ~~the~~ world problems.
- (1) solar panels, windmills, etc.

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Point of tussle:

1. Huge trade deficit - $100 billion
2. Supply chain dependence on china
3. Hegemonistic actions on border.
4. 'String of Pearls' approach of China for encircling India.
5.

Way forward

1. Developing indigenous capabilities
   a) Semiconductor, military, etc.
2. Grouping → China +1
   → Critical mineral partnership
3. Use of soft diplomacy

As ex-PM Vajpayee said, "We can change our friends but not neighbours" - so a dedicated policy towards China would lead to balanced regional growth.

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20

"Indo-pacific' region is a geopolitical connotation for denoting—

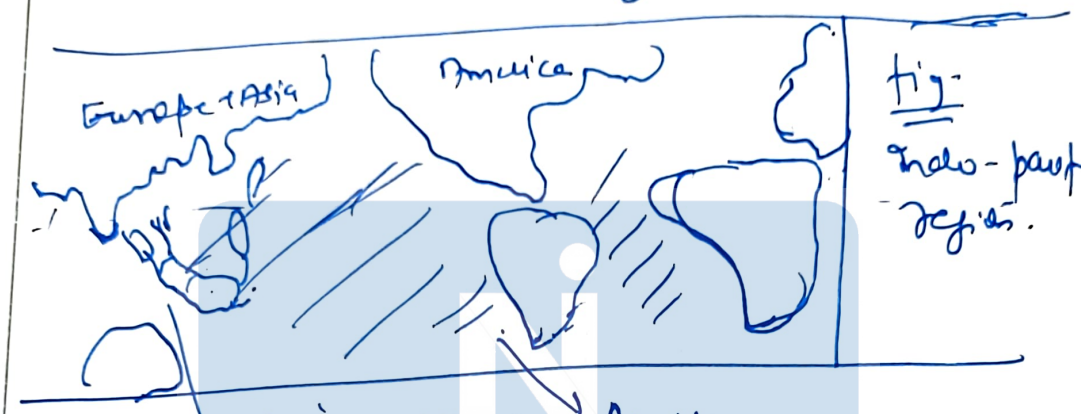


fig: Indo-pacific region.

Indo-pacific region as zone of divergig interests and politics

(1) Sea lanes of communications as priority for control by china.

(2) D. Q sea-dominance excited as a symbol of power → south china sea.

(3) Mineral importance → polymetallic nodules coveted by countries → conflict.

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④ USA viewing Indo-pacific as a zone of dominance → Island chains for protection from China.

⑤ Investment and growth potential of littoral states
- Trans-pacific partnerships
- Africa as rising ~~str~~ & interest.

⑥ Military hegemony over Straits and islands.

Indo-pacific has also emerged as a zone of convergence

① Interest of free, ~~fair~~ open and inclusive trade and shipping.
- ⑨ 95% trade done through Indo-pacific

② Non-aggression and territorial integrity
- ⑨ UNCLOS failing in South China Sea.

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Global security initiative and QUAD

Will supercede

Reasons

1. Make inclusive dialogue
2. Involvement of island nations.
3. New and emerging technology to play a role

Won't supercede

Reasons

1. 2+2 dialogue not representative
2. QUAD has a strong institutional framework.

The Indo-pacific needs to follow the principles of international governance - rule based, inclusive order