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(To be filled by candidate)

Name of Candidate : PRIYANKA PRIYADARSHINI

Roll No. : .....

Registration Number : ..... Date of Examination : 20/7/22

Exam Centre : Old Rajinder Nagar ☐ Bhopal ☐ Online ☑

Test - 2 **Code : TC072**

MTS IGP Batch 2023

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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			
11	21			
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15	33			
16	36			
17	39			
18	42			
19	45			
20	48			
Grand Total				

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MACRO COMMENTS

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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.

While Articles 102 and 191 provides for disqualification of MPs and MLAs, they have to be read with the provisions of the Representation of People's Act, 1951 for clarity.

Ambiguity under Section 8 of RPA, 1951 :-

① Section 8 creates artificial distinctions in offences :-

↳ Section 8(1) provides list of offences for which imprisonment beyond 6 months would lead to disqualification.

eg Bribery (171E), Undue influence (171F), enmity between different classes (Sec. 153B) under the IPC.

eg Protection of Civil Rights Act, UAPA, Prevention of insults to National Honours Act etc.

↳ Section 8(2) provides for offences like profiteering, hoarding etc for which punishments for more than 1 year could

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invite disqualification.

↳ Section 8(3), then makes conviction of an imprisonment for greater than 2 years as enough ground for disqualification

(2) There exists no rational nexus with the object sought to be achieved with this classification :- UNREASONABLE → Violative of Article 14 (Anwar Ali Sarkar case)

(3) important statutes like POCSO Act, POSH Act are missing from Sec. 8(1).

(4) Section 8(4) which gives disqualified MPs a cooling period of 3 months to file an appeal and put such disqualification in abeyance → unconstitutional via Lily Thomas case.

(5) The RPA Amendment Act created artificial distinction between "disqualification of voting" (being an elector) and disqualification from contesting elections → latter unaffected by former.

Thus, there is a need to remove the ambiguities, provide legislative certainty to curb criminalisation of politics (43% in 17th LS - ADR) in the spirit of free and fair elections (Raj Narain case).

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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.

Constitutionalism is the concept of "limited government", which has to be infused into the Constitution and merely having a constitution doesn't ensure it. (R C Poudyal case) ...

Constitution is a mere skeleton :→ Constitutionalism

SOUL :-

① Constitutionalism embodies the ideals, principles, on which the constitution is based.

eg Egalitarian democracy (Indira Sawhney case)

② It ensures all the organs work within their respective spheres.

↳ prevents abs olutism (Kesav Bharati case)

↳ Limited expression to Art. 50 (Separation of powers → not enforceable per se)

③ stands for the preambular visions

↳ eg Liberty, Equality, Justice (French Revolution ideals)

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④ Helps establish Rule of law
↳ Indira Gandhi v. Raj Narain : "free & fair election"

⑤ stands for parliamentary democracy, participative & representative one.
↳ deliberation → free views → directed public opinion

⑥ supports and serves as an guiding light for Basic structure evaluation
↳ no definitive principles established under. Kesavananda Bharati v. State of Kerala
↳ "secularism" and "socialism" part of constitution via constitutionalism prior to 42nd CAA.

⑦ gives scope for "constitutional conventions" :-
↳ eg order of selection of prime ministers in case of absence of clear majority
eg handles scope of discretionary powers of President (Samsher Singh case)

Thus, the constitutionalism, lays preceding life and blood to constitution converts the "medieval & hierarchial society into "egalitarian democracy".

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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.

Electoral bonds have been a policy mechanism to regularise electoral funding, by enabling the donors to make donations to political parties.

Legitimised opacity ?

① Anonymity of donors → donation only at SBI, ^ Delhi

② existence of differential of information
↳ violation of principles of equality.
↳ (eg) Only ruling party can know about the details of the donors. → citizens unaware (against ADR case principles)

③ Amendments to Companies Act → promoting shell company creation for donation.
(eg) the time limit of 3 years before a donation can be made — removed.

④ Amendments to RPA →

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↳ foreign donations made under FCRA to political parties → exempt from the application of FCRA.

~~(2) (1) donations~~

However →

(1) It has increased transparency to the extent that KYC norms have been provided for funding through electoral bonds...

(2) There are income tax benefits available

(3) cash contributions cannot be made over 10K; only digital & cheque transactions allowed.

(4) information of donors stored, however not publicised due to public interest & national security.

Ques, State funding of elections should be looked into (Indrajit Gupta Committee); auditing of electoral finance; independence & more teeth to ECI (Tarkunde Committee) can be suitable mechanisms.

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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.

The Uniform Civil Code has been laid down as a Constitutional aspiration under Article 44 of the Constitution. In the recent times, states like Uttarakhand are pushing for their own UCC along the lines of Goa.

Challenges in reconciling UCC with gender Equality

① ~~differ~~ differing gender differential across different religions.

↳ eg Islam :- attire (Hijab); rights on divorce → maintenance only during iddat period;

→ non application of section 125 CrPC (Muslim Women rights on Divorce Act)

↳ eg Christianity → lack of equal property rights of women; especially on marrying outside the religion (Mary Rose case)

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↳ Eg Hinduism → temple entry norms are discriminatory → Sharaf Shignapur, Sabarimala (referred to Constitution Bench)

↳ Thus, difficult to attain sparity & uniformity across all these parameters.

(2) Freedom of religion (u/Art. 25) and freedom of religious denominations (u/Art. 26) have fundamental rights to them.

↳ Further, secularism is part of Basic structure (SR Bommai case); thus, nor religion can be made to give up "greater autonomy" than the other → inter-religious issues.

(3) Secular matters of religion like inheritance, property rights etc. can't be divested completely from religion. (4) issues around "age of consent".

However, just as Muslim women's rights on Divorce Act (banning talaq i biddat), Shayara Bano case, Hindu marriage Act (unifying mitakshara, Dayabhaga differences), Hindu Succession Acts equal rights to women to be karta; progressive changes can be brought about towards UCC

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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.

Governor is the lynchpin of the federal set up as hailed by Dr BR Ambedkar. While the executive power of state is vested in him (A. 153), his tenure is subject to the pleasure of the president (A. 156).

Active contribution to governance :-

(1) He has ~~certain~~ the power to appoint Tribal welfare ministers

(2) He can recommend the institution of emergency / President's rule u/Art. 356.

(3) He can call for information on legislations from the Chief minister & can cause the COM to consider any proposals of legislation he deems appropriate.

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④ He can reserve the bills for consideration of President ; if :-
- it endangers the position of HC ; and
- other matters as per his discretion.

⑤ He can make regulations ~~and de~~ for scheduled areas of Assam.

⑥ He has **Constitutional discretion** :-
(i) to protect customs of Nagaland (A·371A)
(ii) hill areas of Manipur administration
(iii) tribal areas of Assam.
(iv) development boards of Marathawada, Telangana, Saurashtra etc.
(v) for social backwardness of Sikkim etc.

⑦ He has **situational discretion** :
(i) when CM dies or when no party has absolute majority :- to elect a CM.
(ii) when LA loses majority → dissolve it.
(iii) when council loses confidence → dismiss it

However, discretion of governor is limited & his satisfaction is generally to be exercised as per advice of COM (Samsher Singh case).

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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.

"Social Accountability law" refers to the institutionalisation of process of social audit, regulatory impact assessment in addition to the mandated environment impact assessment to ensure 360° scrutiny of the IMPACT of government policies, schemes, development programs.

Good Governance & Citizen participation

(1) will bridge the trust deficit between citizens and administrative machinery.

(2) will enhance transparency and accountability

(3) will generate feedback mechanism loop

(4) will lead to greater demand convergence of citizenry.

(5) will impact results in terms of outcome orientation

(6) will ensure further democratization of process

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(7) further citizen participation

↓

(8) proactive citizenry → lesser corruption

(9) improved administrative machinery.

(10) institution of better grievance redressal mechanisms (eg) Ombudsman.

(11) "Legislative" backing effect :-

(i) formalisation of the powers.
(eg) Meghalaya social audit law.

(ii) timely conduct of proceedings
(eg) ceases to be a "policy advice" alone.

(iii) efficiency & effectiveness of program ↑.
(eg) Kerala → MGNREGA.

(iv) "aping" effect : emulation by other states & agency.
(eg) Spillover of Meghalaya → Rajasthan

Thus, social accountability law will bring great socio-economic-political dividends & lead to "SMART (Simple-Moral-Accountable-Responsible-Transparent) governance".

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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

As per NFHS-5, child stunting rate is 35%, child under-nourishment rate is 31% and child wasting rate is 19%. While all these parameters have shown an improvement when compared to NFHS-4, there is a "need" for greater intervention.

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

① Nutrition specific intervention like iron-folic acid supplements ;
↳ Golden Rice : vitamin A enriched rice
↳ Poshan Abhiyaan & Poshan Maah
↳ "MAA canteens" of Odisha
→ should be encouraged.

② However, it is important to "converge" them with "nutrition sensitive" interventions.
↳ recalibration of PDS → diversification of PDS basket from rice, wheat

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to ~~prioritise~~ pulses etc.

↳ addressing "protein hunger" :- promotion of legumes, eggs etc.

↳ tackling under-5 child undernutrition and IMR via "breastmilk promotion"

(eg) Tamil Nadu → Breastmilk Bank initiative

↳ laying attention to food safety and WASH interventions

(eg) diction of MS Swaminathan's Nutrition Panchsheel.

(eg) schemes like ODF++, Swach Bharat Abhiyaan converged with Poshan Abhiyaan

(3) Promotion of Maternal health & maternal nutrition by making changes in Janani Suraksha Scheme, Matritva Surakshe scheme by inclusion of "nutrition component"

↳ making fiscal incentives conditional upon "nutrition" days provided.

(4) mid day meals extended upto cl. 8 → to include nutrition sensitive meals.

Thus, need to move from food security to nutrition security in approach (as Swaminath)

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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.

The Budget 2023 saw reduced capital expenditure allocation for MGNREGA. This has given rise to concerns of fiscal apathy on the part of government, with respect to it.

Reasons for the concerns

① reduced capital expenditure in a year when the social sector spending has increased.
↳ eg Health → 2.5% of GDP.

② CAG flags the non-spending of assigned capital/budget for MGNREGA by states.
eg UP, MP.

③ reduced no. of man-days of work to the people in general daily

~~④ double opacity of fund~~

④ lacks of conduct of social audit and impact assessment of the scheme in states.

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(5) Lack of quality check of the projects developed under MGNREGA.

However

(1) Then state is focussing on improving rural manufacturing
↳ make in India, PLI scheme.

(2) additional emphasis on rural poverty alleviation via Aspirational Districts & Aspirational Blocks Program (2023)

(3) utilisation of e-governance even in MGNREGA
↳ MNREGAsoft :- for electronic muster roll
↳ GIS mapping to check quality of projects.

(4) doubling of man-days during covid crisis via Garib kalyaan yojana.

(5) Additional benefits via skill development schemes (PMKVY), scheme for artisans (Budget 2023), manual scavengers (NAMASTE scheme) etc.

Thus, even if MGNREGA's budget has been slashed → wrong to insinuate post fiscal apathy made out.

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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.

India's presidency of G20 (SCO) 'n' its self assumed leadership of the Global South and the emphasis of "reformed multilateralism" has shown now India is ready to rise to the GLOBAL HIGH TABLE.

India must leverage the Global Divides :-

(1) The trade war between US & China can be utilised to enter into effective FTAs and PTAs.

eg ECTA (Australia), CECA (UAE)

↳ leveraging the "China + 1" policy of countries to become a global leader in trade

↓ sizable

earn a table at WTO

(2) The Middle East / West Asia exploits of China can be nurtured into by India as well.

↳ India can turn into a "conflict shooter" in bringing peace in the region, just like Arab – Israeli deal brokered by China,

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(2) ↳ utilisation of civilisational ties (Indus valley) and diaspora → soft power

(3) Voice for the global south :- via the G20 presidency ; consolidating a united stand for reformation of multilateral order, changes in UNSC functioning, favourable deals at WTO for developing nations ; pressing a united stand against terrorism (SCO presidency)

(4) Russia - US tiff can be leveraged to maintain a balanced equation with both.

↳ Indo-US critical & emerging technologies deal

↳ Indo-Russia Brahmos, S400, Far East collaboration

↳ absence of CAATSA sanctions despite S400 & "reliable equation with Russia" → India as a formidable power

(5) Establishing connect with Pacific nations via Free & Open Indian Ocean Policy ; Indo-Japan collaboration

↳ leveraging the colonialist temperament of China (Spratley islands)

Thus, the global divides can be maneuvered by India to push it into becoming "Vishwaguru" as it envisages to.

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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

Indo-German relations have been multi-dimensional historically, with German collaboration contributing towards establishment of the 1st steel plant of the country (Rourkela Steel Plant). Ever since, it has been our gateway into the EU.

Significance with respect to EU

① Greater economic collaboration

↳ with established trade relations with Germany via the Make in India Mittlestand (MIIM), the same can be extended to other EU countries.

↳ can help in negotiating a FTA with EU.

(i) Stuck due to Sanitary, Phytosanitary issues

(ii) IPR requirements.

② Greater Environmental collaboration

↳ Promoting partnership via the International Solar Alliance, common stand on "coal phase down" at the Glasgow

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summit → can be leveraged to push for upgrade EU - India collaboration on innovative climate solutions.

(eg) Urban mobility, water management, renewable energy solutions technology is advanced in EU.

↳ promotion of LIFE movement of India.

(3) greater multilateral cooperation.

↳ strengthen the G20 presidency regime via Germany's collaboration.

↳ stand on "reformed multilateralism" can be strengthened as both India-Germany are G-4 members calling for reforms of UNSC.

(4) Defence collaboration, space and nuclear collaboration can increase.

↳ pre-existing relations can be built upon (Rafale deal:- France; Artemis Accords)

(5) greater push for "democratic ideals" via Indo-German Parliamentary exchange collaborations → can be made central to Indo-EU relations.

With increasing polarisation of US-Russia, Russia-China; a strong partnership with EU of India can bring stability to global order and "Berlin" can be a gateway for the same.

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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.

The Anti-defection law, brought by the 52nd Amendment Act which added the 10th Schedule, further amended by the 91st Amendment Act, seems to prevent and curb the "aaya raam gaya raam" concept.

Impact on relationship between political parties and individual legislators

① Has led to lack of inner party democracy (condemned by SC in INC v/s Institute of social sciences)

② Led to lack debates, discussions, deliberation within the party leading to over-politicisation of issues

③ The party workers do not have scope to answer "call of conscience".

④ Regional interests may not be taken into considerations and MPs/MLAs have to act against the electoral mandate.

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(5) Relationship → transactional in nature to "stay in power"

(6) lesser bargaining power with the party members.

(7) greater "electoral berth or ministerial berth peddling" → leading to dilution of value of post.

Unintended Consequences ..

(1) affects deliberative democracy → spillover effect

(2) discourages spirited, meritorious candidates from joining → promotion of "yes man" culture

(3) stifling of debate / discussion as going against

(4) "representative democracy" affected → as party members not working as "representatives of party interests", rather than "constituency".

(5) delays of adjudication of defection by speaker.
→ speaker being a party person, chances of discriminatory treatment → affecting egalitarian democratic principles.

Recommendations of ~~Kapur~~ Sud ARC, NCRWC should be followed in scope to differ from mandate of whip with explanation should be provided; defections should be decided by President.

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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.

Kesavananda Bharati v. State of Kerala gave the basic structure doctrine which provided that certain inalienable & fundamental features of the Constitution will not be amendable by the Parliament. However, no list was provided and the same was subject to discretion of the judiciary.

Structural ambiguity

① No guidance provided to lay down a definitive ambit

② principle of "transformative constitutionalism" makes the scope even wider.

③ doctrine of "progressive realisation of rights" under Navtej Singh Johar case makes application broader with time.

Has it made more powerful than executive?

① Judiciary has the power to provide

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for expansion of fundamental rights - A.21

↳ (eg) Right to reproductive choices (Suchitra Srivastava case)

(2) Has the power to check electoral democracy's functioning.

(eg) ADR case → regulating criminalisation of politics as "free & fair elections" part of basic structure → (Indira Gandhi v. Raj Narain).

(eg) (i) regulation of electoral freebies on the same ground (Subramanyam Balaji case)

(3) Can preserve its own autonomy → making it impermissible for Executive to encroach it.

(eg) Separation of powers → part of basic structure (4R judges case → strike down of 99th CAA)

(4) Enforcement of environmental norms → even when traditionally within the domain of

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executive.

④ Godavarman case :- providing ES2 of Ind.

However,

① The role played by judiciary is to supplement the executive, not supplant it (Ambica Mills case)

② judicial restraint should be exercised.

③ extrapolation of fundamental rights is to be done keeping in mind the capacity of the state.

④ The Executive can bring about Validation Acts via the legislature to remedy a struck down law

⑤ ~~Court~~ "Basic structure" seeks to preserve the unity, integrity, Liberty, Equality, justice for the citizens and there is ~~to be~~ an adequate safeguard.

Thus, doctrine of basic structure is in line with 'sentinel qui vive' role of judiciary, yet, restraint is to be exercised.

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Q.13 मौलिक अधिकार राज्य द्वारा प्रदत्त उपहार नहीं है 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

Fundamental rights provided under Part III of Constitution ensure that an individual has a meaningful existence and not just an animate existence (PN Bhagwati).

↳ They are corollary to natural rights. vested by individual due to his very existence (John Locke)

↳ They exist to perpetuate justice: social, economic, political (Russian Revolution ideals:- Preamble).

↳ The state is to facilitate their enforcement by virtue of being a welfare state (A. 37)

↳ Contrary to AV Dicey's notion, the constitution doesn't bestow these rights, they possess them as it is.

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Desirability of reasonable restrictions :-

(1) Rights can't be absolute in nature → will lead to anarchy ; thus, important to have reasonable restrictions

(1.1) eg A·19 → freedom of speech and expression → qualified by reasonable restrictions u/(19(2)) for :-

a) sovereignty and integrity and of State

b) preservation of law and order

c) protecting integrity of courts :- contempt of court

(2) for providing balance between various constitutional & fundamental rights

eg Art. 25 made subject to public health, morality & "other provisions". → Enables the coexistence of gender-equality with freedom of religion (Shayara Bano case)

(3) helps to account for safety and public welfare

eg 19(6) restricts freedom of trade/business on ground of public interest ; special qualification may be provided.

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(4) interests of SC, ST can be accounted for.

(a) special provisions for SEBCs u/A·15(4) A·16(4).

(c) right to movement restricted under A·19(5) to protect the rights of STs.

(8) However,

it is to be ensured that the reasonable restrictions do not become excessive in nature :-

① Freedom of speech (u/A·19(1)(a)) is to be safeguarded from unnecessary curbs

↳ Kedarnath case for sedition provision interpretation should be followed

↳ Key for a vibrant democracy (Shreya Singhal case)

② "Constitutional morality" is to be looked into while balancing the fundamental rights against each other

↳ entry of women into temples

While RRs rights can be enjoyed unrestricted in a democracy & yet balance between restrictions & freedoms is to be maintained.

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14 एस.आर. बोम्मई बनाम भारत संघ मामले में 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 महत्व 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 v. UOI provided that federalism is a part of the basic structure of the Constitution. Further, guidelines on proper and improper grounds of emergency were provided and even secularism was held to be part of the basic structure.

Earlier while interpretation :-

① Emphasis on the quasi-federal set up - State of WB v. UOI

② acceptance of the unitary bias (K.C. Wheare)

③ Centre's efforts towards appropriating control

↳ 39th CAA took away judicial review from emergency imposition.

SR Bommai → paradigm shift :-

① It held down that federalism is a part of the basic structure despite the "unitary bias".

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⑤ The guidelines were provided for imposition of President's Rule (A·356) :-

(i) Proper grounds :-

a) violation of Constitution (A·355)

b) non-compliance with govt's directions. (A·365)

c) subversion of democracy.

d) internal breakdown (4 physical)

e) no party / majority party not staking to form the government.

(ii) Improper grounds :-

a) intra-party issues

b) maladministration

c) corruption

d) difference in ideology of ruling party and state party.

(iii) It provided that the elected govt. at state cannot be unseated UNLESS their confidence

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has been tested on the floor of the house.

(iv) The federal structure is sacrosanct and the govt cannot overturn it as per whims.

(v) The imposition of President's rule is subject to judicial review. (Minerva mills)

Consequences

① President's rule has not been imposed until direly necessary ④ Kashmir ✓; manipur ✗

② federal set up further consolidated by establishment of GST leading to scope of "co-operative federalism" & greater freedom of States via GST council (Mohit Minerals case)

③ Nitiayog has led to cooperative and competitive federalism (EBC Index)

Thus, India is staying true to its federal set up; moving forward as "Union of States" (A-1).

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Q.15 प्रभावी विकेंद्रीकरण की कुंजी 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

Democratic decentralization was brought about via the 73rd and 74th Constn. Amendment Acts, which led to establishment of Panchayati Raj and Municipalities. However, the effectiveness of this is questioned.

Impediments :-

① Constitutional :-

↳ A-243G and A-243L provide that State governments "may" delegate functions, powers & responsibilities to LSGs.

② Functionaries / Personnel management :-

(2-1) The local bodies do not have autonomy towards personnel management.

(2-2) dependence on states for functionary

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(2.3) Bureaucratic control over functions.

(3) Lack of infrastructure

(3.1) lack of secretariat.

↳ only AP, TN, WB local panchayats have their own secretariats.

(3.2) lack of technological facilities and IT.

(3.3) Only 29% of the gram panchayats have own offices and are digitally connected to the cloud.

(4) politicisation :-

(4.1) presence of MP, MLA representation hampers functionality → warned / cautioned against by SC.

(5) Elections :-

(5.1) non-uniform nature of superintendence over electoral processes across states.

(a) few states have superintendence of CEC. Other have State control.

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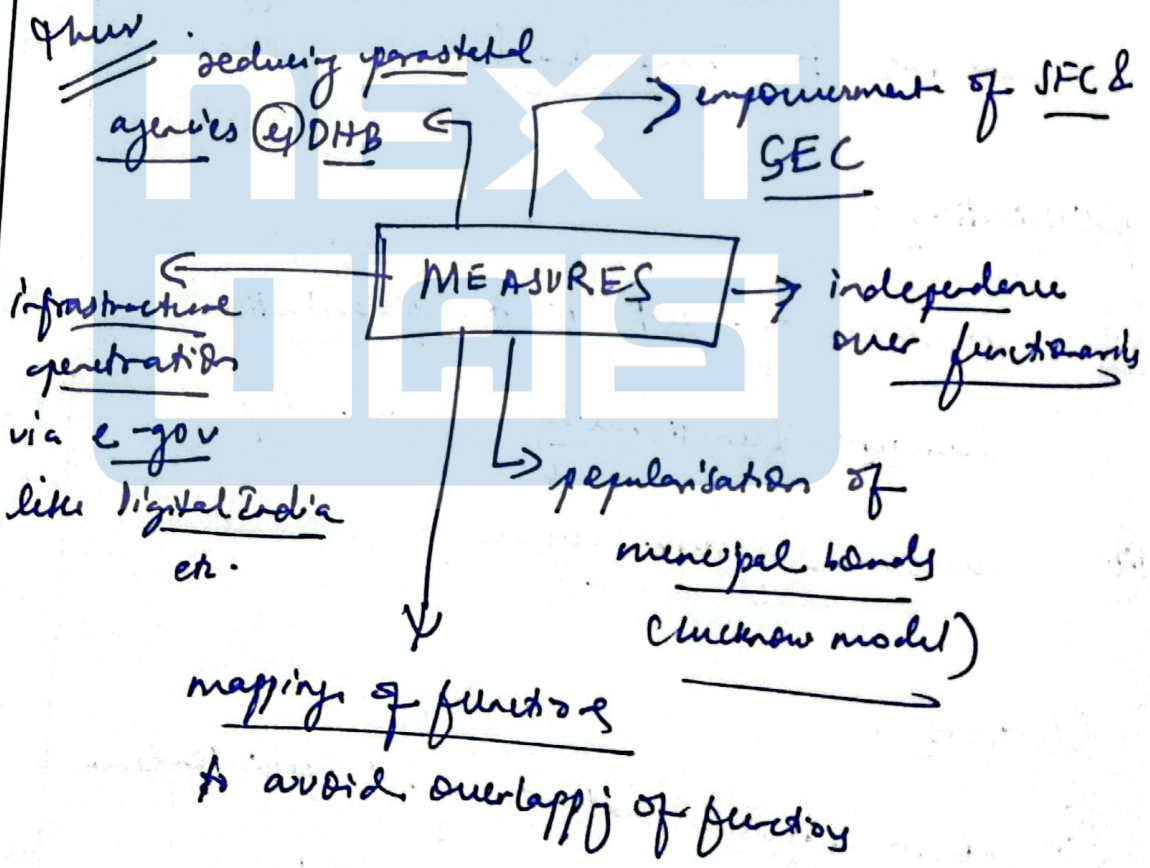
⑥ Funds :-

⑥.① lack of devolution of funds ;

⑥.② lack of depth of financial powers

eg few no. of taxes appropriated by municipalities like property, profession, entertainment etc

⑥.③ 60% funds taken by Central govt ; only 40% granted to states → which account for 60% of expenditure → hence ~~tax~~ dismal effect



* PRIs form the basis of grassroot governance and as envisioned by Gandhi can help in eradicating poverty.

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2.16 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.

Multi-Stakeholder partnerships stand for inclusion of NGOs, SHGs, civil society organisations along with local bodies into improving the service delivery and providing for effective decentralised governance

How can they help in achieving SDGs →

① They can enable addressing of poverty (SDG 1) :-

↳ eg Seevika SHGs, Bihar :- creating livelihood opportunities

↳ eg Sahyog NGO → acting towards poverty alleviation

② can help in addressing hunger (SDG 2) :-

↳ eg Kudumbashree SHGs (Kerala)

eg Akshaya Patra foundation → role in mid-day meals.

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(3) Can help in improving Health (SDG 3)

↳ Kanchwa panchayats → 100% institutional deliveries, increased role & activities of Anganwadi workers.

↳ MAA scheme of Odisha :- implemented via SHGs through MAA canteens. (Nutrition interventions)

↳ Covid 19 specific mobilisation of NGOs to arrange oxygen, and provide platelets.

(4) Education (SDG-4)

↳ Child Rights & You :- child education parameters monitoring.

↳ Rural changemakers :- fostering innovations to address rural children absent attending school (eg) Shaktibandy

(5) Environment & water :-

↳ Kumshwar panchayat → has Water ATMs to enable water efficiency.

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(6) Reducing Inequality (SDG 10) :-

↳ NALSA and Nanz foundation :- working towards transgenders

↳ Helpage India :- Elderly

(7) Peace and justice (SDG 16) :-

↳ providing free legal aid → NGOs

↳ Gram Panchayats for speedy justice.

(8) Gender Inequality (SDG 5)

↳ Maharani Sths, Patrakaar Didis (Eco Survey 2021) evidence of women empowerment; 33% reservations in PRIs.

Thus, effective partnership of NGOs, SHGs, gram panchayats coupled with support from government can lead to fulfillment of SDG 2030 :- "Saakar Bharat".

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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 विरुद्ध 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.

The Vishaka v. State of Rajasthan Case that eventually led to the guidelines against Sexual harassment and the POSH Act, has not been entirely successful.

Limited success in raising awareness

(1) prevalence of sexual harassment at places other than workplaces - (eg) schools, homes etc.

(2) absence of adequate reporting of cases

(3) lack of action against the aggressor → compounding of offences in most cases

(4) movements such as #metoo bringing many such hushed up cases into light

Factors that have hindered its outreach

(1) socialisation

↳ girls/women made to feel shame

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of reporting the crimes.

② Structure of complaint redressal →

↳ ~~Women~~ intra-Organisational committee formed; presence of hierarchical set-up.

③ promotions and other conditional benefits → getting affected on raising of complaints.

④ lack of deterrence → due to lack punishment caused by absence of fairness / non partisan nature of the ICC proceedings

⑤ absence of proof → affecting the case and credibility; becomes difficult for women to continue to work in such set ups.

Unorganised sector

① absence of an ICC mechanism for women in Unorganised sector.

② Labour codes do not deal with it.

③ presence of gender pay gap → higher in unorganised sector (34% - WEF) → affecting bargaining power.

④ lack of social mobility → prevalence of

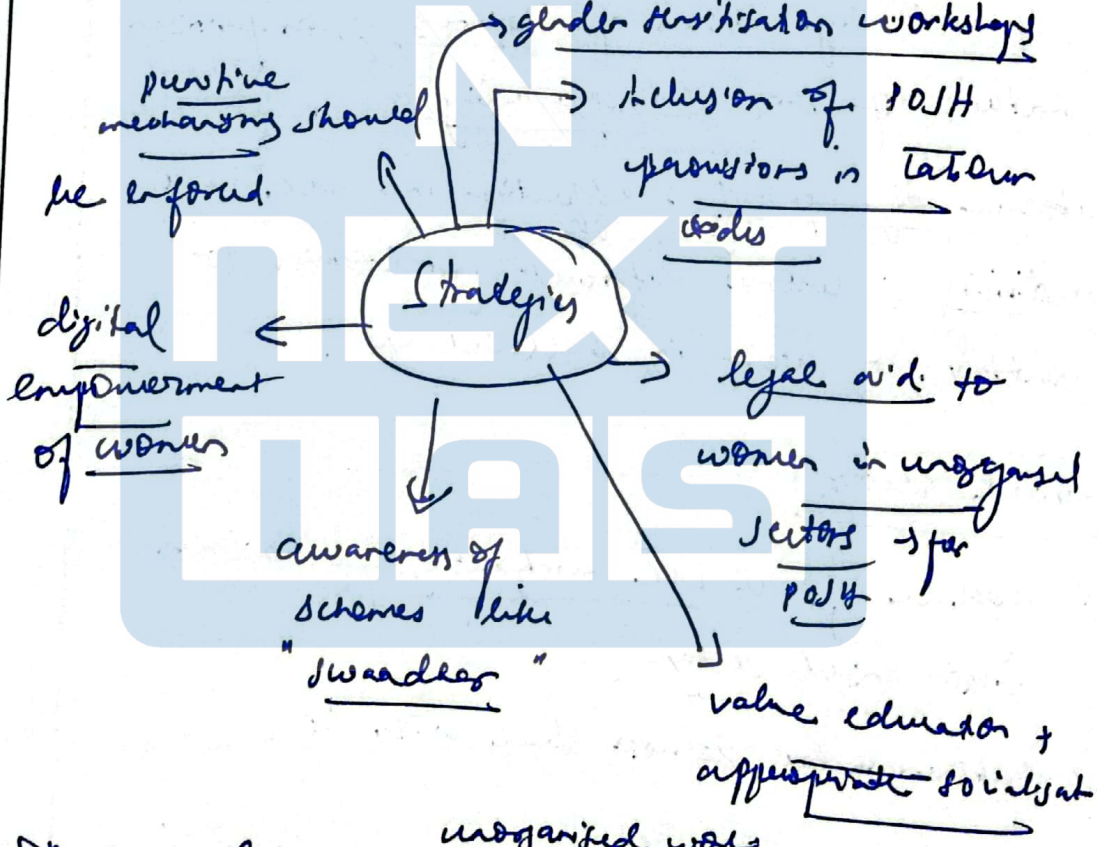
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Sector etc. movements in urban dominated places and crowd

↳ lack of digital literacy affecting the same (Male: 42%; Women: 21%)

① Social norms not permitting them → social exclusion, marginalisation → further poverty.



Thus, by making women empowered in line with greater autonomy progressive (Sucheta Srivastava) can, India can become great as envisioned by Swami Vivekanand.

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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.

Welfare State role of the State has been constitutionally provided u/ Art. 37. However, the nature of the State has transformed over time :-

Provider → Enabler → Facilitator

→ This has transformed the nature of civil services as well.

Transformation of institutions of welfare State

① promotion of ease of doing business → less interference of the government

② promotion of bureaucratic non-interference

③ abhorrence of red tapism and corruption (known as "greed inflation" by Kaushik Basu)

④ liability for efficiency and effectiveness → in order to attract FDI

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(5) moving towards decentralized mode of functioning.

(e.g) Aspirational districts and Aspirational Blocks

(6) moving away from hierarchical set ups into democratic modes of governance.

(e.g) social audit (Meghalaya)

(e.g) GST council (A. 279 AA)

(7) value of public opinion and grievance redressal → "MORE GOVERNANCE LESS GOVERNMENT" MODEL

Challenges faced in service delivery

(1) policy making & policy design -

lack of stakeholder involvement at this stage

(e.g) Transgenders Act → lacks sexual harassment or rape provisions

(2) poor policy & implementation

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(2c) ↳ delays in delivery caused due to infrastructure bottlenecks; institutional drawbacks

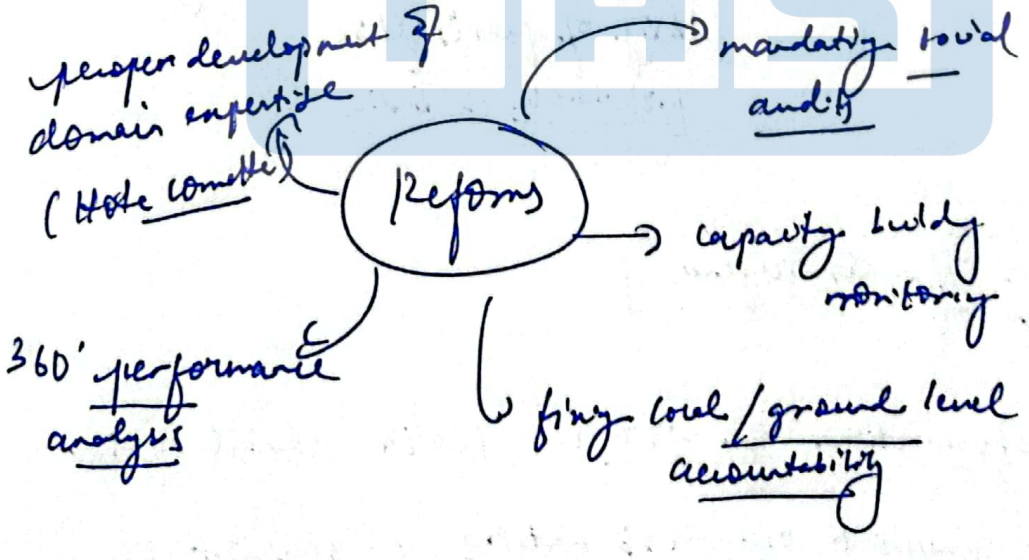
(3) complacency and sense of security :- affecting innovation & growth.

(4) hierarchical set up → diffusion of responsibility & accountability

(5) Lack of grievance redressal mechanisms at the local level.

(6) absence of mechanisms to capture policy feedback → infrequent conducting of social audits

(7) too much regulatory focus → lack of adaptability



with the IGOT Karmayogi, positive changes will soon be seen in the skilled framework of the country.

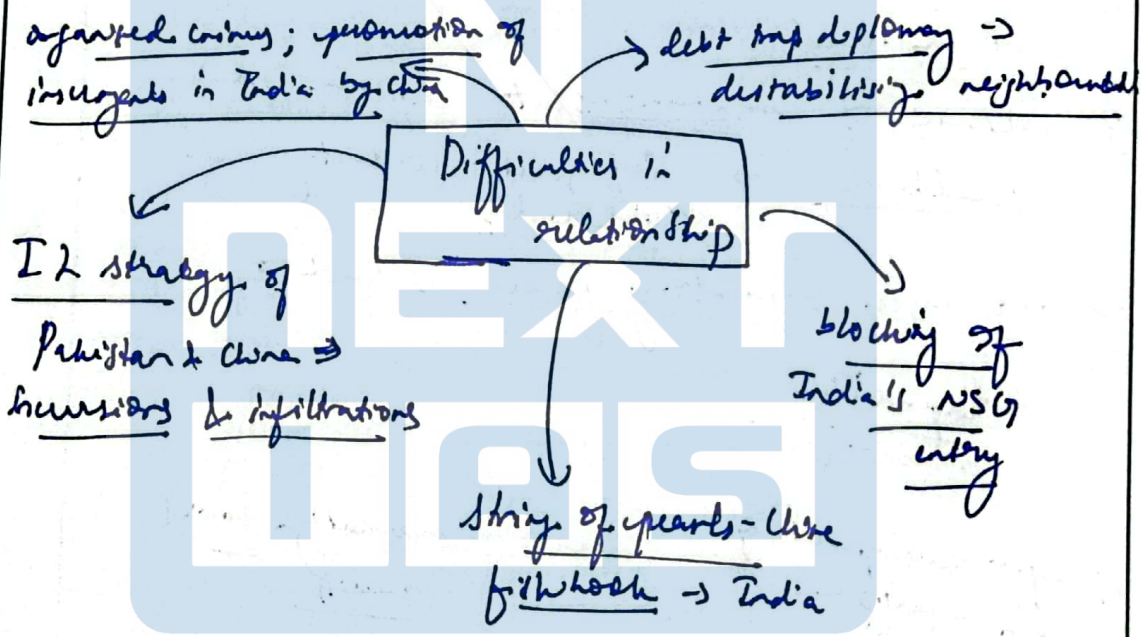
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Q.19 चीन भारत को अपने "एशियाई प्रतिद्वंद्वी" के रूप में देखता है जिसमें एशिया में उसके वर्चस्ववादी लक्ष्यों का मुकाबला करने की जन्मजात क्षमता है। भारत–चीन संबंधों में इन कठिनाइयों के बावजूद, अभिसरण के भी कई क्षेत्र हैं। चर्चा कीजिए। (250 शब्दों में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

India-China have had a thaw in friendly relations post the Doklam stand off and Galwan valley clash. However, the relations aren't as antagonistic as they seem to be.



Area of Convergence

① Reformation of WTO :- both stand together for support of 133 nations ; support of making the appellate board of WTO functional

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② Issues like environment :- Energy Monitor '21

↳ Renewable energy focus (China: 1st; India - 2nd

③ reformed multilateralism via alternative financing mechanisms like NDB ; in light of hegemonic control of WB, IMF.

④ stand against terrorism → China finally didnot block the inclusion of Makki in the UN sanctions list ; SCO - RATS.

⑧ Wuhan & Mamallapuram summits → which highlighted the strength of civilisational ties ; II Chennai connect.

⑥ IPR issues → stand together in issues around emergency of patents and compulsory licensing

⑦ "coal phase down" agenda → Glasgow summit ; China supported India.

⑧ Growing interests and alliances with West Asia & Middle East :-

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(9) India : 12 U2

China : brokerage of Saudi Arabia Iran deal

(7) growing interest in Pacific Island nations

(9) India : FIPIC.

(10) However,

(1) need to share confidence building measures across borders

(2) Need for territorial peace and restraint in terms of cartographic aggressions.

(3) need for have better people to people connect

(4) Soft power influence can be utilised.

∴ Indo-China conflict cannot escalate to greater levels due to :- lack of religious fundamentalism or ideological conflict.

Relationship based on 4 Cs → collaborate

cooperation containment conflict

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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.

The Indo pacific region has grown to become a area zone of interest due to the presence of :- marine resources (fish), strategic islands (Reunion ; Spratley) ; presence of PMN, ocean exploration interest of nations etc

Zones of diverging interests

(1) Economic interests :-

(1.1) nations are exploiting the oceanic resources.

(1.2) ocean exploration programs

(eg) Samudrayaan India

(1.3) appropriation of ocean via International Sea Bed Authority

(2) Sovereign interests

(2.1) China appropriating islands such as Spratley (Philippines), Senkaku (Japan), Nanhua (Taiwan)

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(a) Chinese 9-dash line.

~~(2) Geopolitical~~ in

↳ such claims are contested by Vietnam, Philippines, Japan, Taiwan & Indonesia

(3) Geo-political

↳ USA's active involvement in Indo-pacific region.

(a) IPEF → 4 pillar framework → infrastructure, supply chain etc

↳ Japan's interest

(a) FOIP :- free & open indian ocean policy (2023)

(4) defence

↳ presence of defence outposts

(a) Andaman & Nicobar - Navy command (India)

(b) Hambantota - China (Sri Lanka)

(1) disaster management

↳ indian ocean information fusion centre (India).

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Will QSI supersede Quad ?

① Quad involves powerful economies of Japan, USA, India and Australia ; QSI will not have that economic strength

② Geographical contiguity of 3 out of 4 Quad nations with Indian Ocean
↳ absent for QSI .

③ Issues of democratic principles & free & open indian ocean policy → more sustainable and long lasting .

④ nature of foreign policy of China via the debt trap diplomacy , salami slicing policy, sovereign assertion is unlikely to attract strong partnership in Indian Ocean region .

However , with increasing partnerships like 5 eyes , AUKUS (military) , QUAD , IPEF → the importance of QUAD as an alliance is getting diluted .. India should focus on gaining leadership in multilateral forums to be a voice of global south .

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