

NEXT IAS

NEXT IAS (Head Office) : 27-B, Pusa Road, Metro Pillar no. 118, Near Karol Bagh Metro, New Delhi-110060

Bhopal Centre: Plot No. 46, ZONE-2, M.P. Nagar, Bhopal-462011

Ph: 8081300200, 8827664612 | E-mail: mts@nextias.com | Web: www.nextias.com

(To be filled by candidate)

Name of Candidate : Ria Aggarwal

Roll No. : PTIP220074

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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.

Candidates must read the instructions on this page and the following pages carefully before attempting the paper.

Candidates should attempt the questions strictly in accordance with the instructions specified in the question paper and in the space prescribed under each question in the booklet. Any answer written outside the space allotted may not be given credit.

Question paper will be provided separately and can be taken by the candidates after conclusion of the exam.

SUBJECT/PAPER
GENERAL STUDIES

(Paper-2)

Invigilator's Sign. :



(For filling by Examiners only)

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			
12	24			
13	27			
14	30			
15	33			
16	36			
17	39			
18	42			
19	45			
20	48			
Grand Total				

Signature

MACRO COMMENTS



Q.1

जन प्रतिनिधित्व अधिनियम, 1951 की धारा 8 में उल्लिखित निषेधात्मक प्रावधानों में उल्लेख (150 शब्दों में उत्तर दीजिए) 10 अंक
 करने की आवश्यकता है। चर्चा कीजिए।
 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 was enacted by Parliament to provide for free and fair elections as envisaged under Art 324 of the Constitution.

[RPA, 1951] — Actual conduct of elections
 Qualification and disqualification of candidates
 Resolving election disputes

Ambiguity in Sec 8 of the Constitution

Sec 8 talks about election offences which may lead to disqualification of candidates upon conviction.

→ Sec 8(1) → If a candidate is convicted of an offence for more than 2 years, he will be immediately disqualified without giving any relief during period of appeal
 (sc in Lily Thomas case)

Need to remove Ambiguities

no immediate disqualification under other sections of RPA, 1951 like sec 9, 9A, 10, 10A, 8 → long drawn litigation

Power to disqualify a person under sec 8(A) lies with ^{residents in case} of both Parliament and legislature → ^{state} ~~ambassadors~~ office of President

no clarity on duration of disqualification

Unlike other sections like 8, 9, 9A where disqualification is specified → (sec 8(A) merely says disqualification should not exceed 6 years)

Poor Restraint - Rule of hate speeches in political campaigns despite SC in Abhinav Singh vs CD Comm'n declaring appealing to ascriptive identities a corrupt practice

Poor rate of disqualification - due to long drawn process under sec 8(A) leading to ~~the~~ accused influential witnesses & whistleblowers

As per ADR data, 93% of current Lok Sabha MPs are have criminal cases. There is an urgent need to remove ambiguities of sec 8 to prevent criminalisation of politics & prohibition of criminals

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 rule book according to which a country is governed. While constitutionalism refers to the principle of limited powers due to the reasonable restrictions placed on Exercise of power.

SC in a judgement said - mere presence of constitution is not enough, it is the constitutionalism which determines whether ~~the~~ principles are adhered to or not in letter & spirit.

Constitutionalism as soul of Democracy

- 1) Fundamental Rights (Part III Art 12-35)
put limits on powers of government. They are rights of citizens against the government.
eg Freedom of speech & Expression (Art 19(1)(a)) → constructive criticism of government.
- 2) Judicial review under Art 13, 32, 226
→ review Government's laws, ordinances

and subordinate legislation for their conformity to ideals of constitutionalism

eg- Judiciary struck down

3) Basic structure

Art 66(A) of IIR Act
in Shreya Singh case

doctrine propounded

in Kohwamand Bharti case, 1973

puts limits on amending power of Parliament

v/A 368.

eg

SC struck down 39th CAA
which attacked judicial
oversight over election
disputes

4) Federal polity under Art 246 (7th schedule)
divides legislative powers into 3 lists
thus limiting powers of Parliament.

Constitution alone is not enough

1) Constitution Art 356 provides for emergency
in states on report of Governor
but SC in S.R. Bommai case laid principles
to curtail misuse

2) Constitution under Art 19(2) provides
for reasonable restrictions but SC
decides whether these are reasonable
or not eg in Kedarnath case →
limited and narrow interpretation of
sedition law.

Thus Constitutionalism is necessary to
preserve supremacy of Constitution and
ensure "Rule of Law & not of men"

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 वेध 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.

Recent report of SBI says 10000 crore has been received by political parties through electoral bonds since 2018.

Electoral bonds → Anonymity to donors

- electoral bonds enacted by amending Finance Act, 2017 are bearer bonds hence anonymous
- protects donors from post poll harassment by losing party
- also they are tax deductible
- gives freedom of voters to donate for to their party of choice
- corporates will not be harassed by political parties

Concerns about transparency in political funding

~64% of funds received by political parties have not their source disclosed

distorts level playing field as ruling party is more likely to get funds through electoral bonds

SBI has data of all donors who donated through electoral bonds (brought through e-method only - bank Account, demand draft) → can be misused to target particular donors

reduces oversight of Election Commission to over political parties

Further legitimised opacity in funding

already opaque process due to

cash donations allowed upto Rs 2000
donations upto Rs 20000 need not be reported

cap of 7.5% removed over corporate funding

corporates no need to show electoral funding in loss & A/c Profit statements

- Though electoral bond were brought to increase transparency & reduce use of cash & black money in political funding but its functioning is rather doubtful. It needs to be relooked into achieve free & Fair elections mandated under Art 324 and basic structure of constitution (see in *Kinoy Nozochon vs Zachari*).

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.

UCC has been mentioned under Article 44 of the Constitution (Part IV-DPSP) → state's directed to strive for a UCC

Gender equality is central to the debate

non uniformity in laws leads to subjugation of females as they are the most vulnerable group.

non uniformity decrease ability of law and judiciary to provide justice to female.

eg Genital mutilation in Muslim Boma community

delay in recognising the conflict with constitutional values

eg Triple Talaq unconstitutional in Shayra Bano Case - as it is inconsistent with Art 14 and Art 21

Laws in Religions are mainly formed by males keeping the comfort of males in mind.

(eg) inheritance rights not provided to female in certain religion

Challenges in Reconciling UCC with Gender Equality

what to choose and what not to choose while making UCC

(eg) - practice of mahr (Bride price - security in name of Bride) prevalent in muslim community better than dowry.

infringing Rt to freedom of Religion under Art 25 (practice, profess, propagate religion)

(eg) - some women may themselves want to continue with practice of wearing hijab

perceived threat by minority Religion leading to backlash

UCC embodies the concept of state intervening strategically to undo dysfunctional aspects of Religion in case of unequal inheritance rights, conflictual interpretation of religious scriptures, gender inequality, while consultation lead to build consensus on it

Q.5

राज्यपाल का कार्यालय न तो आलंकारिक है और न ही अप्रासंगिक है, यह महान 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.

The Governor's office under Art 153 is important for maintain constitutional functioning of state. He is appointed by President as serve as an imp link between the centre and the state.

Contribution to Governance of the State

He is the de jure head of the state and all executive action are taken in his name.

He ~~ensures~~ ^{appoints} Council of Ministers and ensures they hold majority in the house.

He is the Vice Chancellor of state universities and hence see their appropriate functioning.

Regularly summons the house and nominates member to state legislative Assembly in field of art, science, social service, literature.

Reinforce principle of federalism

sends Report under Art 356 (state emergency) if Government in state not carried acc-
-ording to provisions of constitution

Reserve bills of legislature for consideration of president (Art 201) if they endanger position of HC, relates to acquisition of land etc

~~It~~ ensures proper functioning of Sch 5 and Sch 6 Areas by sending timely report to President.

Shortcomings in Role of Governor

looked at as agent of Centre and not as head of state

Misuse of Art 356 - discretion to send report to President

no security of Tenure (Punchhi Commission recommended fixed Tenure of 5 yrs)

SC in SR Bommai case said Art 356 be used sparingly.

Sarkaria Commission Recommendation (consulting chief minister before appointing Governor) and appointing an apolitical person as Governor should be followed in letter & spirit.

Q.6

हाल ही में एक राज्य में सामाजिक जवाबदेही कानून बनाने को लेकर मींग 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 बढ़ाया 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 aims at bottom up approach of enforcing Accountability through mechanisms like social Audit

lead to good governance

optimum utilisation of resources.

eg MKSS ensuring proper enforcement of MNREGA

feedback mechanism → changes made in schemes for better outcomes

grievance redressal mechanism strengthened.

Time bound Action - eg social audit in Thannipalli village in Odisha led to provision of assured 100 man days of work which were earlier denied

upholds social contract where govt is responsible for answering citizen's doubts

Boost citizen's participation

based on principle of Jan Bhagidari and Jan Sunwai

[eg] MKSS - Jan Sunwai for holding govt officials Accountable

Reduces power asymmetry between people and government

Gram sabhas could be properly utilised by taking up the role of social vigilance departments

sense of ownership and community solidarity leads to better implementation.

Steps needed to be taken

- enforcement of penal action on flaws highlighted
- Autonomy to social audit units
- training to gram sabhas
- inclusive mechanisms (sharhanda → adivasi, female, farmers)

Social Accountability transforms citizens from mere recipients of government benefits to active participants in governance process

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.

Acc- to NFHS-II around 19.1% of population is undernourished despite the fact that we are one of the largest food grain producers (315mmt), pulse producers, fruit and vegetable producers.

GHI with child undernutrition as one of indicators puts India in serious category at Rank 107.

nutrition-specific interventions

micro nutrients absorption could be increased by focussing on WASH

diversification of mid day meal basket by including eggs (proteins)

millet are super crop for ensuring whole round development declared as Shree Anna

Carbohydrates already ensured through wheat-rice system

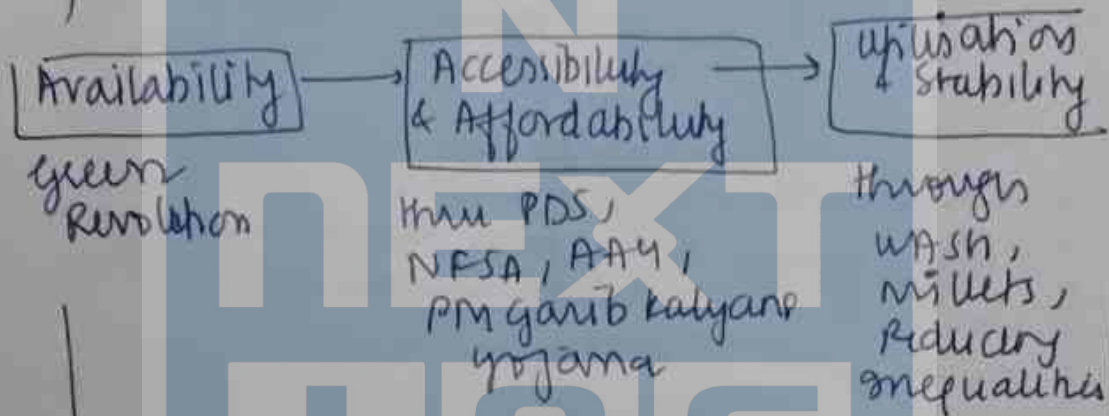
Pulses could be included in PDS basket

nutrition sensitive approach

Reducing inequalities across gender, ethnicity

eg girl child more vulnerable to anaemia due to menstruation

move from availability aspect (Green Revolution) → to utilisation aspect (by reducing hidden hunger)



work out solution of nutri puzzle (where household income are rising but not leading to decrease in undernutrition).

child undernutrition could be tackled through multipronged approach as Food security is part of Rt to Life (Art 21) (POCC vs UOI)

Q.8

ग्रामीण गरीबी उन्मूलन की पूरी मनरेगा, राजकोषीय उदासीनता का शिकार हो गया है।" हालिया घटनाक्रम के आलोक में कथन का आलोचनात्मक विश्लेषण कीजिए।

"MGNREGA, the lynchpin of rural poverty alleviation, has become the victim of fiscal apathy." Critically analyze the statement in light of recent developments.

(150 शब्दों में उत्तर दीजिए) 10 अंक

(Answer in 150 words) 10 marks

MNREGA Act enacted in 2005, ensures 100 days of assured unskilled work to rural households. It enforces Art 39 (DPSP) of adequate means of livelihood to the citizens.

lynchpin of rural poverty alleviations

creates durable assets

Ex) micro irrigation structures leads to reduce irrigation cost & ↑ in farm income

assured income

Ex) unemp allowance after 15 days if employment not given

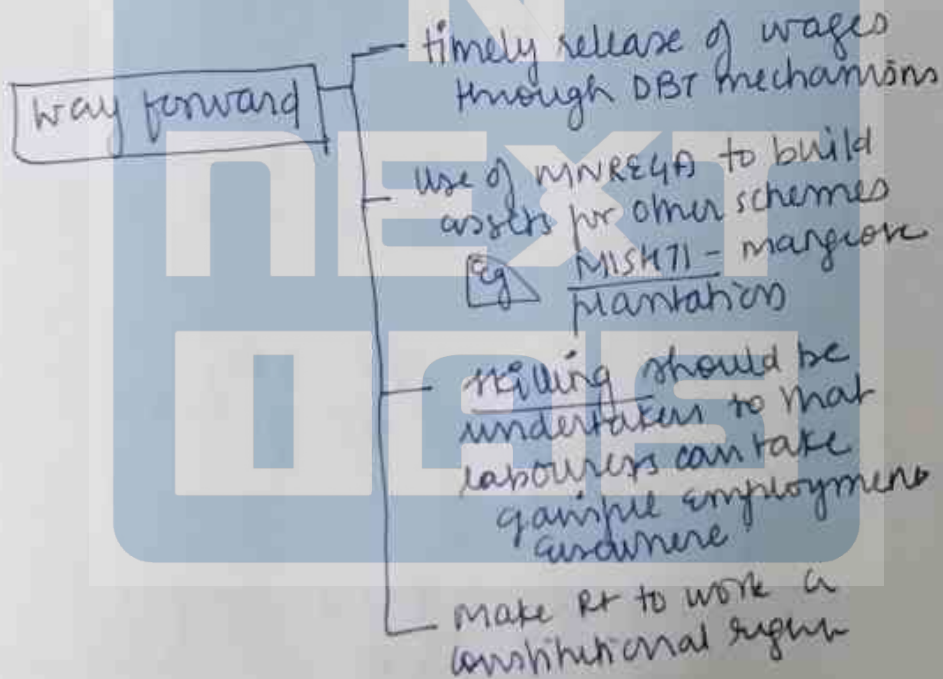
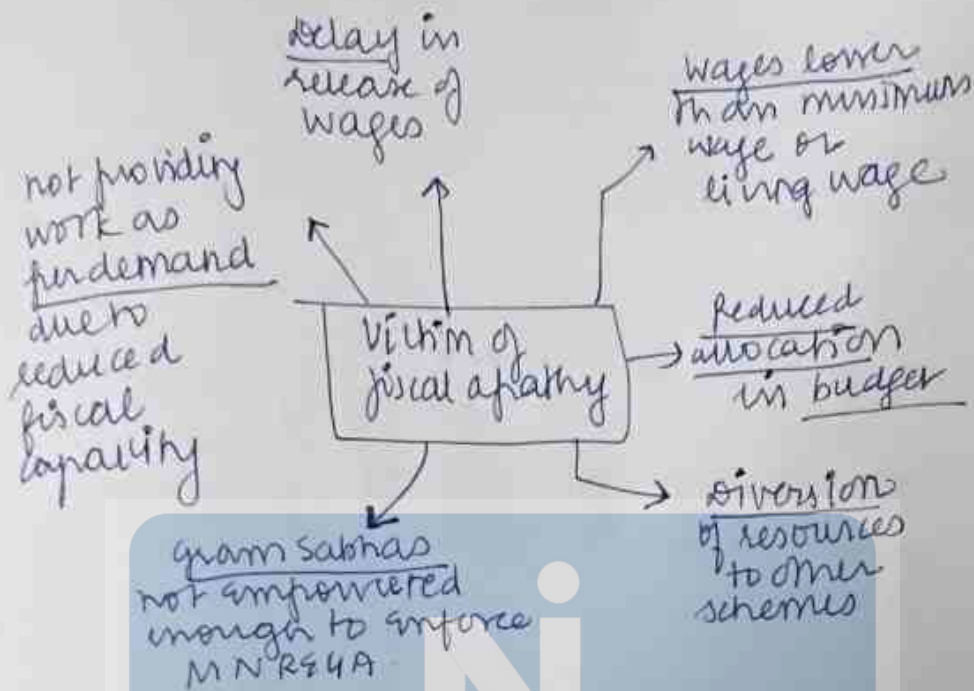
Reservation for women

Ex) Reduces time poverty, and fosters savings

Reduces Rural-Urban gap & inequality

Reduces migration to Urban areas & make sure villages are not abandoned.

mainstay of rural economy during covid.



- MNREGA should be strengthened through civil society oversight, timely release of wages as 69% of India's population still lives in rural areas.

Q.9

"भारत को इसका लाभ उठाना चाहिए, यदि प्रबंधन नहीं किया गया तो वैश्विक विभाजन हो जाएगा।" वर्तमान नू-राजनीतिक मंडल 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.

As our foreign minister S. Jaishankar said 'foreign policy is about forging convergences and managing divergences' India must take stake of present global divides to see its rise to global high table

India must leverage, if not manage global divides

- India seen as via of global south - bridge between global north and global south
- South western power with both being a developing country but the 3rd largest economy
- Only bright spot (IMF) in present geopolitical & Geo Economic crisis
- practicing non alignment in present nationlism and deAmericanisation debate.

Rise to Global High tables

Amplify voice of global south in area of climate change (loss & damage fund (COP 27), disaster management)

Enforce technology multilateralism for transfer of technology to tackle rising inequality

trusted by both west & south powers and plus largest population (11.42 Billion) → vouch for permanent seat in UNSC

Push for reforms in Multilateral Institutions

(eg) WTO - permanent solution to peace clause in Agreement of Agriculture (AoA)

Climate Finance According to Common But differentiated Responsibilities

India must utilize its G-20 Presidency to leverage present geopolitical churn (Russia-Ukraine war, new cold war (US vs China), Afghanistan (Taliban Risk) and emerge as global power.

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।

"Berlin can be India's gateway to the European Union." Elaborate with respect to Germany's significance in India's relationship with the EU.

(150 शब्दों में उत्तर दीजिए) 10 अंक
(Answer in 150 words) 10 marks.

India and Germany has certain complementarities which could be used to forever convergences and hasten India-EU relations

Germany's significance in India EU Relations

Germany is an important manufacturing and technological power in EU.

Indian MSMEs and German MSMEs (Mittelstand) can collaborate to increase India's MSME exports to EU etc.

India is for technology multilateralism and technology transfer from Germany can lead to India's increased footprint in EU in terms of digital | Public infrastructure, like Adhaar | UPI, ONDC etc.

Germany and western European nations are facing demographic deficit due to ageing populations. India can contribute to skilled workforce on account of its 68% working age population.

Germany recently faced Economic crisis due to stalled transfer of gas resources from Russia, leading to weaponisation of energy. India can deploy its knowledge in solar, wind & biomass energy through One Sun One World, One Grid, International Solar Alliance (ISA) for greater energy security of India & EU.

Growing Chinese footprint in Eastern EU nations in terms of BRI projects lead and Russian hegemonist claims leads to emergence of India as a better reliable partner because of its democratic credentials.

India must leverage its relations with Germany to strengthen its relations with EU.

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 प्रकार्यत्मकता पर इस कानून के अनपेक्षित परिणामों की भी चर्चा कीजिए।

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.

(250 शब्दों में उत्तर दीजिए) 15 अंक

(Answer in 250 words) 15 marks.

Anti defection law enacted by 52nd CAA 1985 and put under 10th schedule to provide for political stability is again under light due to situation in Maharashtra

Impact on Relationship between political parties and individual legislators

- Ensures loyalty of members to political parties by adhering to party whip
- ensures unity in house for the political party on critical issues.
eg no confidence motions
- stability of government as giving up membership voluntarily leads to loss of membership
- Allows for Democratic Realignment by merger of 2/3 strength.

Unintended consequences

reduced legislators to mere head courts
no freedom to genuine dissent

Reduces Accountability of individual
legislator to their constituency
as he/she acts as per party whip

merger (2/3 strength) allowed rather
than reason based defections

Expulsion does not lead to
loss of membership → only
voluntarily giving up membership
do.

has not resulted in decline of
defections — rather mass defections
have become the norm.

Partisan role of speaker further
affected proper functioning of As
Eg Manipal speaker (case pending
for 3 yrs)

SC directions in Leisham Meghchandra
case to decide ADL case in reasonable
time period and following
model of internal party democracy
to allow for greater space for
constructive dissent to individual
legislators is need of hour.

Way forward

SC said
Nabam Rabia case - speaker facing
a removal notice will not decide
on disqualification matter.

ECI suggested matters under
10th schedule be decided by
Parliament with advice of
Election Commission.

Role of speaker should be
impartial - British model of
one a speaker, always a
speaker model

Many democratic nations
like UK, US, Australia allows
crossing of floor without losing
membership

British Goswami Committee
recommended issue of whip only
on critical issues.

Nabam committee's recommendations
of comprehensively defining the
phrase 'voluntarily giving up membership
of party' should be put into
practice.

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?

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?

(250 शब्दों में उत्तर दीजिए) 15 अंक

(Answer in 250 words) 15 marks.

Basic structure doctrine propounded in Keshwananda Bharati case, 1973 puts limits on amending power of Parliament under Art 368. Parl can amend any part of constitution (upheld 24th Art) but not the basic structure.

limitless judicial authority due to structural ambiguity

not defined what constitutes Basic structure. Eg. ever expanding scope of Rt to life including Rt to food (PUCL vs UOI), Rt to fair & speedy trial

Judicial activism

Eg. declaring NJAC unconstitutional (99m CAP, 2015)

undermines legitimacy of elected government and hinderance in policy making

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Candidates must
write on this page

states challenges authority of centre
 (eg) ^{J&K} state reorganisation Act, 2019
 challenged for being against
self determination, federalism etc

Upendra Baxi says the ambiguity
 in Basic structure is equal to
 ambiguity in smile of monalisa

against separation of powers
 (eg) judiciary → law making. → eg -
 no liquor shop in 500 m area of National Highway

Need of Basic Structure

to preserve supremacy of constitution

(eg) Rt to Freedom of speech & Expression
 protected (19(1)(a)) by revoking
 Sec 66(A) of IT Act

to preserve federal structure

(eg) SR Bommai case - Art 356 to be used
 sparingly

to preserve judicial independence
and judicial review

(eg) judicial review part of Basic
structure (Chandra Kumar case)

prevent authoritarian tendency
 of ~~the~~ Executive

(eg) President power
 under 123 Article
 could be challenged

Relevance of Basic structure has been time and again questioned but its importance can be ascertained from its frequent use.

→ It is used ^{to apply} when brakes when amending power of ~~for~~ Parliament tends to override the constitution.

→ even neighbouring countries like Bangladesh adopted Basic structure doctrine by going by same logic in 1989 (Amwar Hossain case)

But certain safeguards like Judicial restraint + respecting separation of power needs to be enforced for smooth functioning of Parliament.

NEXT IAS

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 बर्खा 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 enshrined in Part III (Art 12-35) of Indian Constitution are regarded as Magna Carta drawing inspiration from Bill of Rights (Constitution of USA).

not gifts bestowed by state

- enshrined in constitution itself from the very beginning
- Rts of the citizen against the state
- protect liberties of citizens against arbitrary laws of legislature and tyranny of executive
- enforces principle of constitutionalism (limited government)
- leads to power symmetry between citizen and government
- enforceable in court of law (Art 13, 32, 226)

needed for personal development of individual and Rt to live with dignity (Art 21)

ensures full participation of the individual in the social processes (eg Art 19(1)(a) - freedom of speech & expression).

Need of Reasonable Restrictions

sc in Ak Gopalans have said FRs are not absolute but qualified.

Importance of Reasonable Restrictions

ensures full enjoyment of rights

(eg) Restriction on Freedom of speech (19(2)) & expression for public order, decency, morality ensures every body can enjoy etc.

independent working of institutions

(eg) contempt of Judiciary punishable (Art 19(2))

protect vulnerable sections - (eg) restrict of movement in tribal areas

NEXT IAS

Pg 29

ensures harmony between liberties of individual and collective welfare

eg AIDS patient movement restricted

to ensure rights are not misused
eg Freedom of Religion under Art 25 does not include Freedom of forceful conversions

to ensure proper functioning of intelligence & law & order agencies

eg Art 34 restricts rights of Armed forces.

to provide for sovereignty, integrity, security of state & protection of foreign relations.

Way forward

Judiciary should play an active role to see whether reasonable restrictions are truly reasonable.

not misusing these provisions
Kedarnath case - ~~present~~
sedition law and use narrowly interpreted

Shortcomings of Reasonable Restrictions

Acts as Rights of states against citizens
eg Preventive detention law (Art 22(3))

As Granville Austin said FR and DPSP form soul of Indian Constitution hence FR's something that he protected while maintaining reasonable restrictions

एस और बोमई बनाम भारत
प्रधिकार की व्यापक व्याख्या
पर निर्णय के महत्व और प्रभाव
S.R. Bommai v. Union of India
authority to assume control
impact of the judgement on

S.R. Bommai
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of Centre
Emergency

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Art 356

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Q.14

एस.आर. बोम्मई बनाम भारत संघ मामले ने संघ द्वारा किसी राज्य की प्रशासन पर नियंत्रण ग्रहण करने के संघ की अधिकार की न्यायिक व्याख्या में एक आदर्श बदलाव का संकेत दिया। इस सन्दर्भ में संघीय ढाँचे को मजबूत करने पर निर्णय के महत्व और प्रभाव पर चर्चा कीजिए।

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.

(250 शब्दों में उत्तर दीजिए) 15 अंक
(Answer in 250 words) 15 marks.

S.R. Bommai Judgement led to increased Federal Symmetry & restricts power of centre while using Art 356 (State Emergency).

Significant shift in judicial interpretation

Judiciary interpreted the constitutional Art 356 to correct Federal Asymmetry.

Conditions laid down for imposing Art 356

- ~~only~~ when there is a hung assembly and no alternative is available for government formation.
- when state government violates principle of secularism
- when there is physical breakdown state government abstaining from its responsibility under constitution
- when - internal subversion - deliberate undermining of constitution by
- majority in house to be tested on floor of house

- no dismissal of state government until Art 356 approved by both houses of parliament
- dismissal only if state government does not abide by Centre's direction (Art 355) (after an initial prior warning)

wrong reasons for Art 356

- change in party at centre and state government ruling party losing centre lok sabha elections
- on Account of mal administration or corruption
- imposing Art 356 without giving any prior warning by centre (except in emergency situation)
- not exhausting all alternatives for government formation.

Significance of judgement

- Has reduced the discretionary power of government to Governor to send a report under Art 356 to President
- Has provide stability to democratically elected state governments from excesses of centre.

ensured Federal balance as
made Federal Polity as basic
structure of constitution

ensured Art 356 is used only
sparingly (Sarkaria Commission)
and in genuine cases for reasons
for which it was included in
constitution.

Impact of Judgement

- greater trust between ^{state} governments
and Governor and harmony between
two
- prevent wasteful expenditure on
conducting elections again
- upholds will of people & sacchity
of vote
- prevents frequent disruption in
governance of state.

certain safeguards like report of Governor
be verified with Council of Ministers,
based on relevant facts & evidence
as suggested by Sarkaria Commission
to uphold cooperative federalism
to ensure Team India (Centre & states)
work together to achieve Amrit Kaal.

Q.15

प्रभावी विकेंद्रीकरण की कुंजी यह है कि राजनीतिक विकेंद्रीकरण को वित्त और प्रशासनिक विकेंद्रीकरण का अनुसरण करना चाहिए। भारत में स्थानीय शासन के समझ आने वाली बाधाओं के संदर्भ में बर्खा 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 & 74th amendment Act, 1993 and 1994 has provided for grass root democracy by devolving power to 3rd tier of government.

However effective decentralisation is still not realised.

Importance of Political decentralisation

Gram Sabhas are mandatory consisting of all adults above 18 years of age ensuring decentralised decision making.

Reservation of seats for women (243 D & 243 T) ensures inclusivity in decision making process.

Follows principle of subsidiarity by ensuring the local intelligence & resource base is effectively utilized.

leads to better formulation & implementation of policies.

eg social audit in gram sabha

Ensures empowerment of citizens
eg consultation process under PRA

But alone political decentralisation would not work until accompanied by finance & function decentralisation

Financial decentralisation

- Panchayati Raj institutions generate just 5% of their own revenue and dependent on devolved funds to meet 95% of needs
- Bureaucratic hurdles in getting finance, delays in release of funds.
- Lack of power to impose taxes and lack of ability & resources to map & collect taxes from resources available (eg - property tax)
- Urban local bodies marred by paucity of funds affecting their functioning (eg - inability to collect & dispose solid waste, urban flooding)
- less than 1% of ULB's funds are self generated.

15th FC devolved 43 lakh crore to IRIs (3 lakh crore) ⊕ ULBs (1-3 lakhs) constituting of tied as well as ~~for~~ untied funds, step in right direction. Also timely constitution of state finance commission is necessary

Function decentralisation

Part IX (18 functions), Part IX-A (29 functions) to be devolved to PRIs and ULBs but this devolution of functions is discretionary and depend on will of state governments.

While some states like Kerala have actively devolved these functions (in 50% of Expenditure done by PRIs in Kerala), Others like North eastern states have seen concentration of power.

Gram Panchayat Development Plan (GPDP) formed by Gram Sabha's are not adequately implemented.

Creation of parallel bodies leading to overlapping of functions (eg) Rural development agency in Karnataka.

~~It~~ There is a need to empower local self governments with 3Fs (Fund, Function, Functionaries) through increased devolution of funds (following recommendations of Finance Commission & Mechanism like Municipal Bonds) and functions (principle of subsidiarity) to ensure effective implementation of political decentralisation -

Q.16

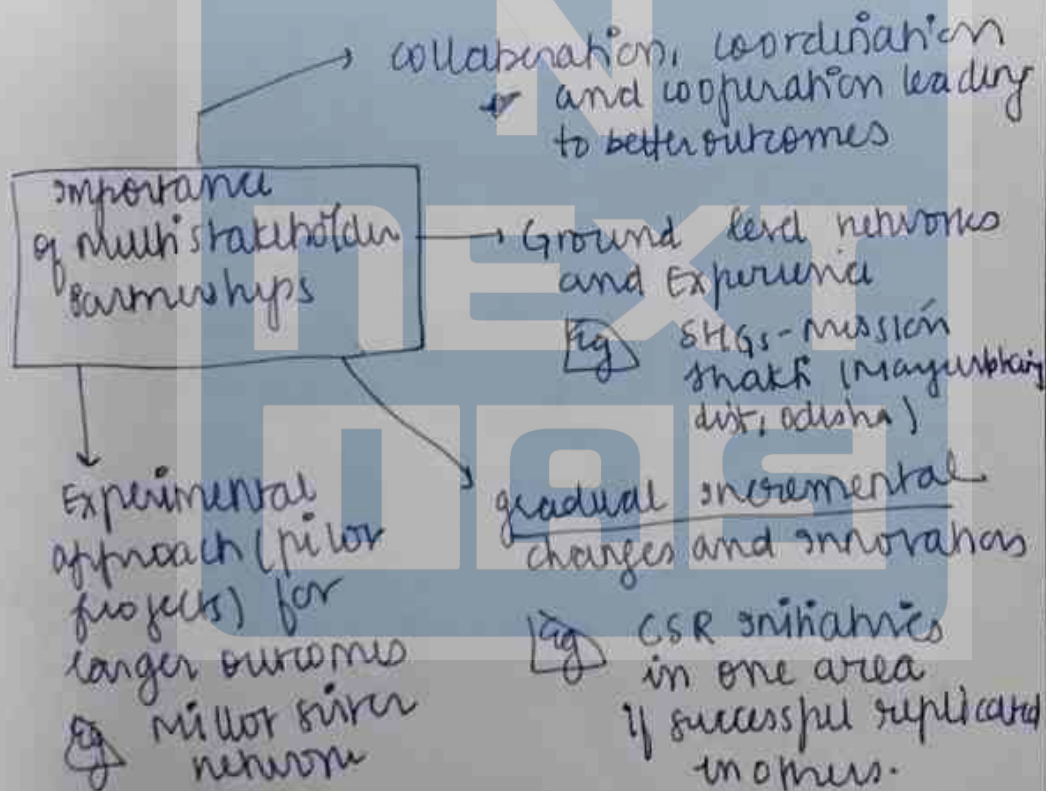
सामूहिक विशेषज्ञता और नेटवर्क (संजाल) का लाभ उठाने के लिए बहु-हितधारक साझेदारी महत्वपूर्ण है। भारत में सतत विकास लक्ष्यों (एसडीजी) की प्राप्ति में तेजी लाने के लिए प्रभावी साझेदारी और स्थानीयकृत कार्यान्वयन प्रयासों को कैसे बढ़ावा दिया जा सकता है?

(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.

Recently local level community organisations in Gujarat were engaged for SDG implementation. The overarching goals of 17 SDGs require participation of all stakeholders



Effective participation → SDG achievement

→ women → care takers of society.
Empowerment of women → ↑ in health indicators (SDG-3), education (SDG-4)

NEXT IAS

labourers - effective participation in management of industries (BSP 11143)
leads to decent work and Economic opportunities (SDG-8)

Urban planning, → inclusive of all - women, elderly, disabled leads to sustainable cities & communities (SDG-11)

The participation of youth, migrants, service voters in voting, elections leads to better representation & strengthening of institutions (SDG-16)

Paradiplomacy - Eg Ahmedabad-Kochi sister city agreement leads to better international coop. (SDG-17)

Localised implementation → SDG achievement

custom made solutions Eg Ahar Pyne (Traditional water harvesting) in Bihar (SDG-6)

Competitive sub federalism -

Eg Suba ranking in Aspirational District Programme for 49 KPLs.

sharing of best practices - Eg organic farming in sikkim →

SDG-10 Reducing inequalities by giving assured income to farmers

→ Airson feedback and ownership of programmes Fig airson consultations under EIA → SDG-13, 14 Sustainable land & Ocean Ecosystem

→ Better utilisation of funds - as centralised & tied nature of funds leads to underutilisation of funds

Fig Nishchaya fund → SDG-5 Gender Equality

Steps to be taken → Evolution of resources, Delegation of power to appropriate federal level following principle of subsidiarity (15th FC recommendations)

→ Capacity building of people
Fig gram pradhans through Rashtriya gram swaraj Abhiyan

→ encourage participation of vulnerable groups like elderly, disabled, SCs, STs

There is a need of Team India (Centre & States & LGs) to achieve the vision of Viksit Bharat and achievement of SDGs.

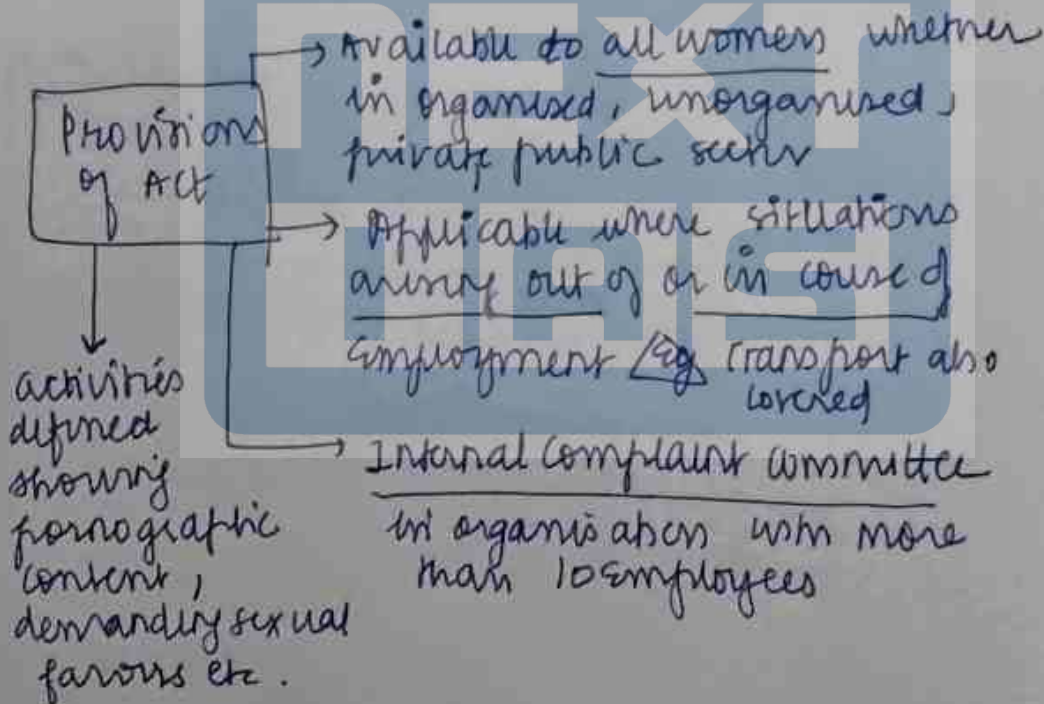
Q.17

पीओएसएच 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.

²⁰¹³
POSH Act_n was enacted to give legislative backing to Vishakha guidelines given by Supreme Court in 1997 (Vishakha vs State of Rajasthan case)

But its benefits have not reached to all the beneficiaries



Recently SC took cognisance of a survey which reported only 16 out of 30 National Sports Federation have constituted Internal Complaints Committee (ICC)

Limited success in raising awareness

- ICC not constituted despite the legislation in many organisations
- dismissive attitude of organisations towards such complaints
- Act does not provide remedy for harassment done by same sex
- Exclusionary → as it is not gender neutral, excludes male & LGBTQIA.
- women refrain from complaining due to fear of job loss, social stigma, family reputation

not effective outreach towards unorganised sector

- no record maintenance of no. of employees and their gender composition.
- district committees to be formed for complaints from organisation with less than 10 employees or against head itself non functional
- vulnerable groups like Dalit women dual harassment of caste & gender and are unaware of their rights

no provision in act to ensure continuance of employment after complaint is redressed. → leads to unorganised sector women refraining from complaints

no objective definition of 'action to be taken' it is to be according to source rules of organisation which is ambiguous at best as non existence at work in unorganised sector

mandatory constitution & functionality of District ICG for unorganised sectors

Strategies to ensure success of Act

→ 3rd party audit, Review by CSOs, NHRC, SHRC, NCH of these District ICG

Regular training & seminar, webinars to increase awareness about act

→ District ICG - to be headed by a women of impeccable trust, credibility & sensitivity

• maintenance of employee register

Swami Vivekananda - Bird cannot fly with one wing. Society cannot progress when half of its population is yearning for security. McKinsey Institute -

equality in LFPR of men & women would ↑ India's GDP growth rate by 1.4% - So its important to achieve goal of Zero Tolerance towards mis conduct at workplace.

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 वर्णन कीजिए और पर्याप्त सुधारों हेतु सुझाव दीजिए।

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. (250 शब्दों में उत्तर दीजिए) 15 अंक

(Answer in 250 words) 15 marks.

Liberalisation, Privatisation and globalisation, neo liberal economy and gradual retreat ~~from~~ of state from developmental and welfare activities led to new type of civil service (civil society organisations like NGO, SHG, cooperatives) filling the vacuum.

Reason for rise of new civil service

→ Persistent socio economic inequalities like disparity in resource distributions

(eg) regional disparity, rural urban divide

→ Rise of middle class and aspirations of social mobility

→ Demand for better service delivery in tune with global standards

legitimacy deficit faced by government

(eg) ~~Anti~~ Citizen charter, Social Audit

(eg) corruption, scams, policy paralysis

Challenges faced in service delivery

→ missing of last mile connectivity

(eg) benefits not reaching intended beneficiaries
Rejection of claims in FRA, 2006

Inclusion and Exclusion errors

Fig on schemes like PDS, NFSA

Lack of awareness of ground reality

Fig Swachh Bharat Abhiyan
facing hinderances due to people belief
of not constructing toilets

Lack of empowerment of vulnerable sections Fig women. Economic survey highlighted DBT cash misused by males on unproductive activities like drinking, gambling

Top nature of funds, centralised planning, lack of community participation in formulation of policies

Fig community development programme (1952) failed due to lack of decentralisation

Lack of ownership of projects by people leading to sub optimal outcomes.

Input based rather than output & outcome based approach.

Adequate reforms in service delivery

using new civil service to supplement & service delivery

(Fig) Akshaya Patra Foundation
in midday meal

Experimental alternate models of
service delivery

(Fig) Doctors for you during & covid →
teleconsultation

ground intelligence gathering
through Asha workers - helped in
eradication polio. and reducing
vaccine hesitancy during covid

Capitalising on community networks
and prior experience of SHGs

(Fig) Kudumbashree (Kerala) →
role in Kerala floods appreciated by
World Bank

Using Best practices

(Fig) Meira Paibis of Manipur being
voice against human rights
violation & empowerment
of vulnerable.

Raghuram Rajan in his "3rd Pillar"
highlights importance of strong
citizenry and civil communities
along with state & market in success
of democracy.

Q.19

चीन भारत को अपने "एशियाई प्रतिद्वंद्वी" के रूप में देखता है जिसमें एशिया में उसके वर्धस्ववादी लक्ष्यों का मुकाबला करने की जन्मजात क्षमता है। भारत-चीन संबंधों में इन कठिनाइयों के बावजूद, अभिसरण के भी कई क्षेत्र हैं। चर्चा कीजिए।

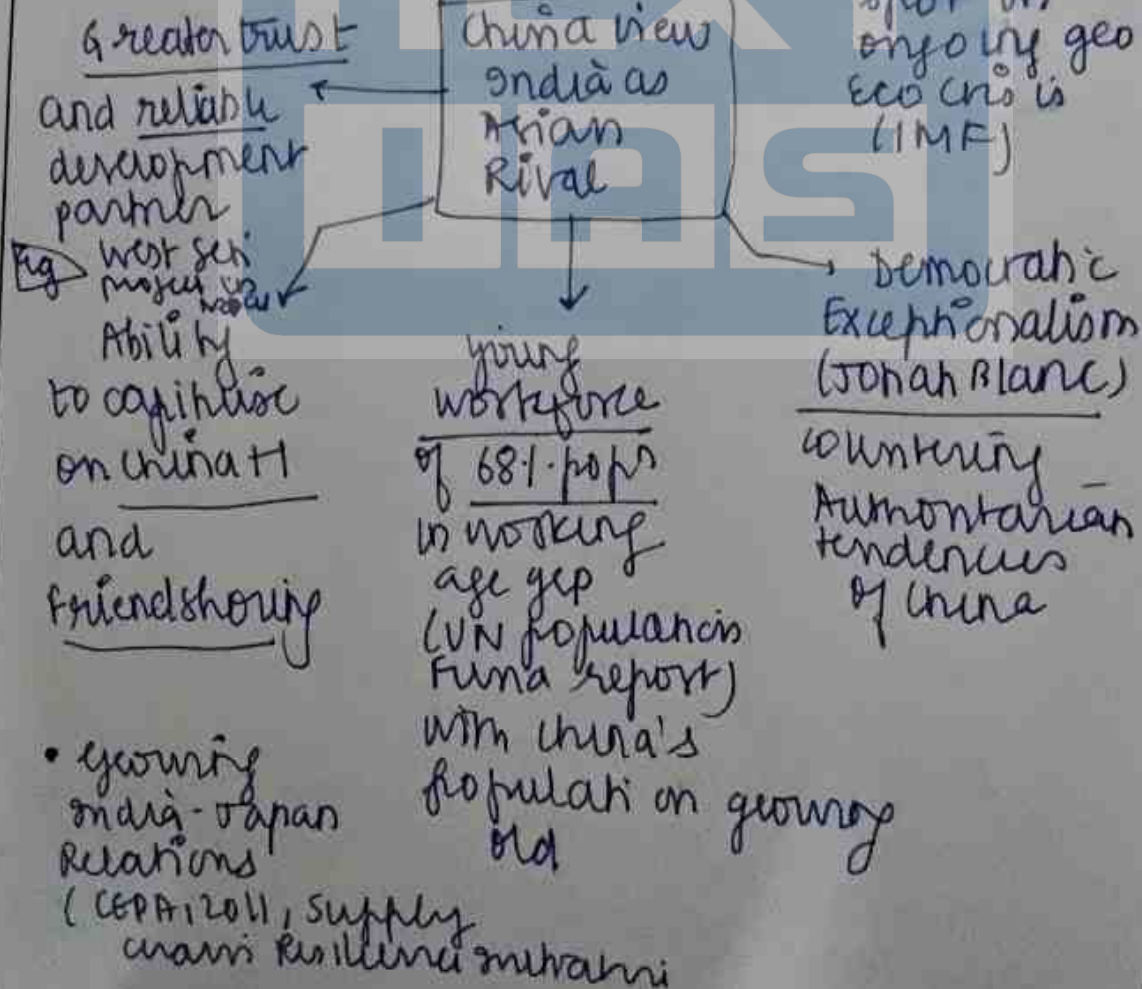
(250 शब्दों में उत्तर दीजिए) 15 अंक

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.

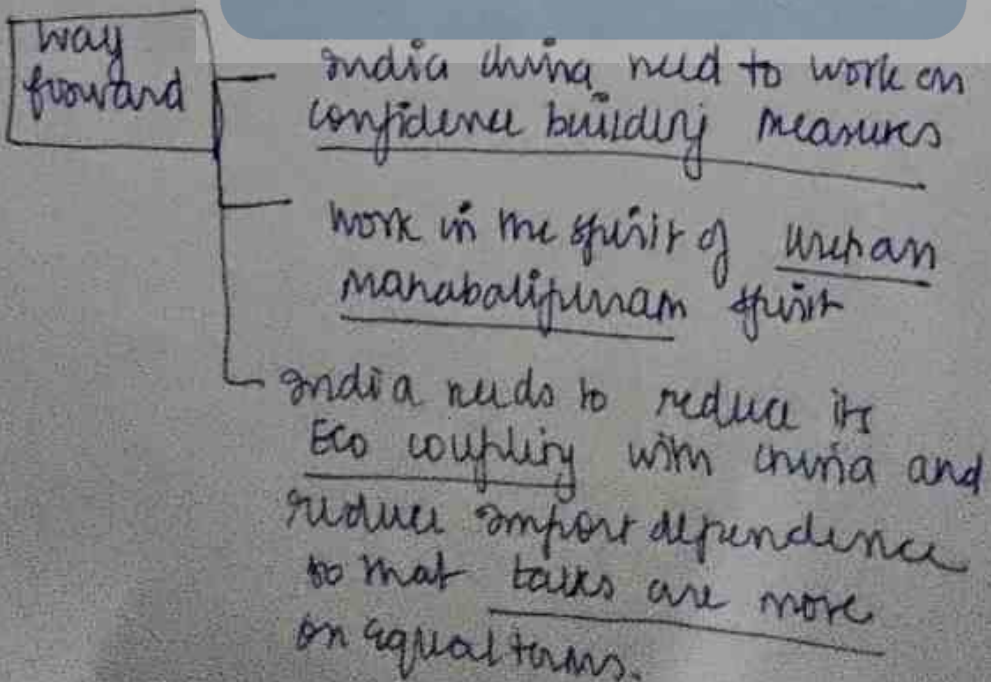
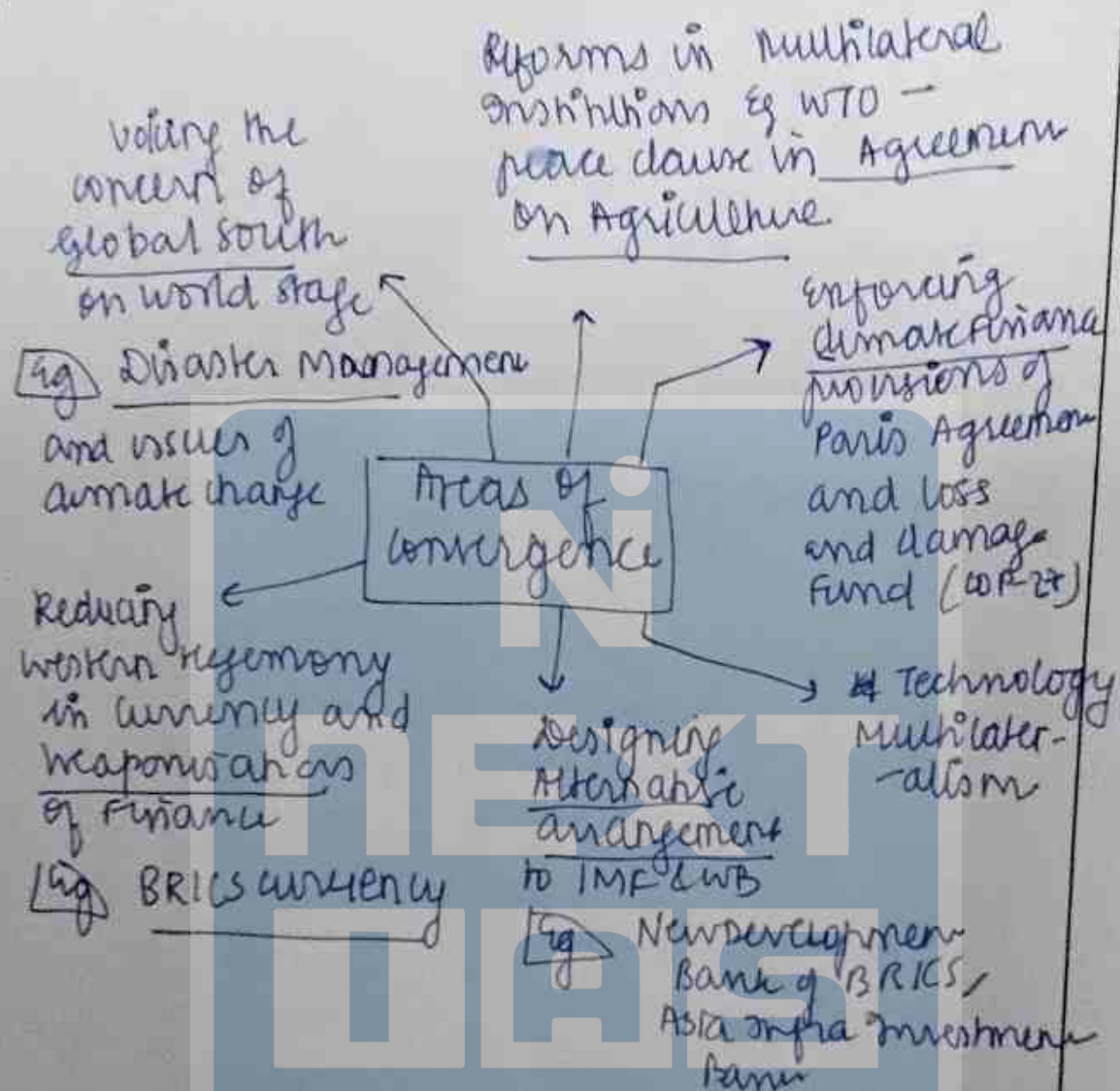
~~Shashi Tharoor in~~
India-China Relations are marked by competition, conflict, convergence, collaboration. All these dimensions come to fore time and again.

India's gujarat doctrine is seen as counter to China's debt trap diplomacy



Difficulties in India-China Relations

- Border dispute - along Aksai chin (w. sector), Doklam & Eastern sector
- china's nomenclature and cartographic aggression (Xiaojiang villages (dual use villages on border of Himachal Pradesh Border))
- Trust deficit due 1962 war, asylum to Dalai Lama, formation of EVAD
- china blocking India's effort to get terrorist listed in UNSC resolution
- china's policies in south china sea of Anti Access Area Denial, & Dash line counter to India's policy of Free & Open Indo Pacific (FOIP) and rule based world order.
- china's hegemonic tendencies, debt trap diplomacy in India's neighbourhood - [Eg] Hambantota Port (Sri Lanka), Gwadar Port (Pakistan), CPEC (going through Pak - challenging India's sovereignty)
- Cyber attacks & espionage attack on infrastructure [Eg] alleged attack of Maharashtra State electricity grid (2020) & Kudankulam Nuclear power plant



Q.20

हालिया दिनों में हिंद-प्रशांत क्षेत्र अलग-अलग शक्तों और प्राथमिकताओं वाले क्षेत्र के रूप में उभरा है। यहाँ 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.

Indo Pacific region is the dynamic coupling of 2 oceans (Indian & Pacific ocean) Extending from Eastern shores of Africa to western shores of USA.

It's an emerging theatre of geo political & geo economic interests.



Indo Pacific

Zone of diverging interest and priorities

India's policy of net security frontier challenged by China's Munroe doctrine

India's policy of free & open Indo

pacific Vs china's nine dash line
in south china sea and Anti
Access Area Denial (A2AD)

Quad initiative (for rule based
order in indo pacific Vs
militarisation of indo pacific
through Diego Garcia base of USA,
China Solomon Agreement on security
cooperation)

The erstwhile pacifist powers like Japan
changing their stance to become
more realist in face of dangers
from Russia, China, North Korea
[eg] - new security policy of Japan

important sea lanes of communication
like Malacca and China's
choke points (Malacca strait)

new groups like AUKUS (transferring
nuclear submarine to Australia)
& India-FIPIC growing relations
changes dynamics of indo pacific

Will global security initiative
supersede QUAD

Global security initiative by china is
to counter QUAD (which china calls as
Asian Nato).

Aim of global security initiative is to
develop sino centric regional order
fulfil china's dream of becoming
Asian superpower

Counter India's growing prestige
in the region

Prevent external players like USA
to strengthen their hold in the region
in line with its Munroe doctrine

It will not be able to supersede

because of different objectives of both
organisation

different membership criteria
QUAD (diamond democracies) while
global security dialogue has China
and other countries

Nevertheless we need to keep close eye
in the region given our huge stakes
of emerging as a maritime power
and net security provider.