

NEXT IAS

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(To be filled by candidate)

Name of Candidate : Eshani Anand (.....)

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MAIN TEST SERIES 2023 (FULL LENGTH TEST-2)

GENERAL INSTRUCTIONS

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

SUBJECT/PAPER
GENERAL STUDIES

Invigilator's Sign. :

(For filling by Examiners only)

Evaluator Code :

Q.No	PgNo.	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



IMPORTANT INSTRUCTIONS

CANDIDATES SHOULD READ THE UNDERMENTIONED INSTRUCTIONS CAREFULLY. VIOLATION OF ANY OF THE INSTRUCTIONS MAY LEAD TO PENALTY.

DONT'S

1. Do not write your name or registration no. anywhere inside this Question-cum-Answer Booklet.
2. Do not write anything other than the actual answers to the questions anywhere inside your QCA Booklet.
3. Do not tear off any leaves from your QCA Booklet, if you find any page missing do not fail to notify the supervisor/invigilator.
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1. Read the Instructions on the cover page and strictly follow them.
2. Write your registration number and other particulars, in the space provided on the cover of QCA Booklet.
3. Write legibly and neatly. Do not write in bad/illegible handwritings.
4. For rough notes or calculation, the last two blank pages of this booklet should be used. The rough notes should be crossed through afterwards.
5. If you wish to cancel any work, draw your pen through it or write "Cancelled" across it, otherwise it may be evaluated.
6. Handover your QCA Booklet personally to the invigilator before leaving the examination hall.

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.

Section 8 of the Representation of People Act 1951 accounts over ~~2~~ sections 8(1), 8(2), 8(3), 8A that give various provisions for disqualification.

There are certain ambiguities in disqualification proceedings:-

① 8(3) Section says if imprisoned or convicted for more than 2 years, 6 years disqualification post that is to be met.

↓
read with Section 11, that Election Commission can reduce period.

Some ambiguities → Partisan or Discretionary rule may be played

→ (or) procedure, if legislator/candidate goes for appeal (is ambiguous)

② 8A Section says 'Disqualification in cases of corrupt practices under Article 123 of act.

Some ambiguity → President gets the petition for remedy in this case (8A)

however, election petition is to be given to High court if disqualified - fed under 8(1) 8(2) 8(3).

③ 8A(123) also in S. Subramaniam Balaji case → court said freebies are not corrupt; so no disqualification can happen
ambiguous as it also said they strike at 'root of free fair election'

④ 2016 Report by Election Commission for Reforms in disqualification:-

4.1) It said ⇒ disqualification due to 'false' affidavit should be included in section 8

4.2) It also stated that unpaid dues of political parties should be a ground.

CLARITY PERSISTS IN LAW :- The Lily

Thomas case struck down section 8(4) that granted convicted sitting legislators appeal to court and stay disqualification.

Thus, certain ambiguities persist but law is a living legislation & needs to be clarified

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.

The constitution of India is the moral law of the land. It provides broad contours of political, economic and social functions of India

CONSTITUTION IS A MERE SKELETON:-

- ① Social → reservation etc
- Political/Administration → working of Election Commission
- Economic → Functions of Finance Commission

But the essence of constitution has to be distilled and interpreted as:-

- a) It has "SILENCE" on various issues (federalism, Governor, UTs)
- b) It remains living document.

CONSTITUTIONALISM IS SOUL OF DEMOCRACY

Constitution Provision	Constitutionalism
① Article 154: There shall be a Governor	SR Bommai case said a) <u>federalism</u> & b) <u>secularism</u> are part of basic structure

② Article 326 -
Right to vote

Mohinder Gill case
said: this is bedrock
of "political democracy
and sovereign democracy

③ Article 13, 22b,
32 - Judicial review
and Constitutional
remedies

Entails:
→ Separation of Power
→ Constitutional
morality
→ Limited government

④ Article 25-28:
Right to Religion

Entails:
Fraternity &
Liberty

⑤ Article 21: Right
to life & Personal
Liberty

Maneka Gaudhi
Case: stated that
it is right to
live with Dignity

⑥ Article 280:
working finance
commission

“churning
wheels of
economic
democracy

In the NCC case, the court said, that
Constitutional morality & Constitutionalism
is the "reinterpretation" of the clause
of the Constitution as per the
changing times. Until, it is
reinterpreted and actualised it
remains a mere skeleton on paper.

‘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 are interest free bearer bonds introduced in Finance Act 2017 to create new mode of electoral funding.

Provided anonymity to donors :-

- 1) As they are bearer instruments, identity is unknown.
- 2) They can be resold to other donors.
- 3) Protects them from political intimidation and harassment.

However, while intent seems right they have legitimized opacity :-

Lack of Transparency in funding :-

- 1) Asymmetry in information :
Ruling party can know the donor from public bank (SBI).
- 2) Citizen's Dimension :- It goes against
2.1) Right To Know which is protected under Freedom of Information Act.

Speech and Expression (Article 19(1)(a)).

2.2) Right to Vote (Article 326) to
make an informed decision

3) Removes exceptions to corporate
donors in Companies Act 2013 :-

3.1) Can become hotbed for opaque
shell companies, resourcing
of black money.

3.2) Lew Commission in 25th
report said any opacity leads
to a) Crony capitalism

b) spoils system in election

4) Changes to FCPA act : allows
funding from foreign donors →
further brings unchecked influence
of foreign entities.

5) Changes to RPA Act : Parties do not
have to report donation to Election
Commission.

WAY FORWARD 1) Form Political Action

Committee (like USA) to channelise
Cash flow

2) Indrajit Committee

recommends of state funding of election
can be explored to reduce opacity in election
funding

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?

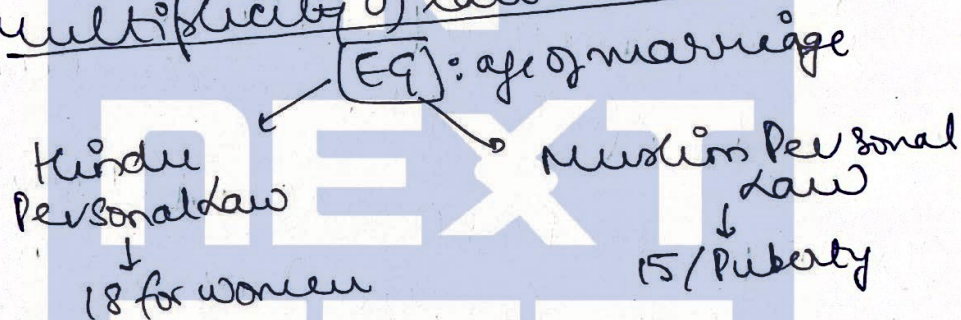
(Answer in 150 words) 10 marks.

Article 44 directs state to endeavour to form a uniform civil code for the nation. However, there are challenges to reconcile UCC with gender equality

CHALLENGES :-

Social & Legal challenges :-

① Multiplicity of laws and differences



② Protection of customary law under Schedule 5, 6 :-

(Eg) Article 371-C Manipur women have own distinct laws on land and divorce

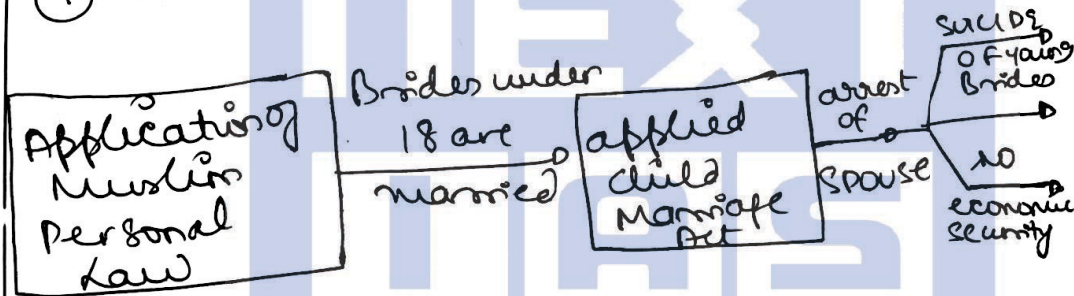
Cultural challenges :-

① Matrilineal tribes like Khasis, Jaintias property is passed through mother

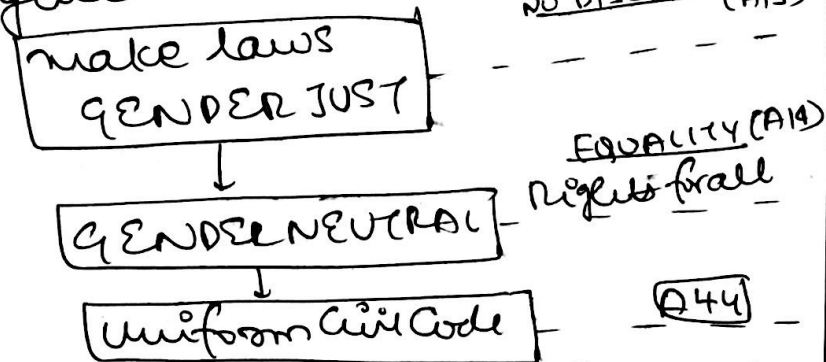
- with much being the properties.
- ② Such complex inheritance & kinstip (KINSHIP) rules can be complicated.
 - ③ Drastic changes to Hindu texts - MITAKSHARA AND DAYADHAYA are needed.
 - ④ Difficulty to bring all leaders and religious stakeholders under one umbrella.

Some unforeseeable fallouts:-

- ① In recent case in Assam:-



WAY Forward: Law Commission stated that reform of existing laws with respect to gender need to be done:-



Thus with stakeholder participation & consensus, gradual reconciliation can be done.

राज्यपाल का कार्यालय न तो आलंकारिक है और न ही अप्रासंगिक है, यह गहन सारयुक्त संवैधानिक भूमिका निभाता है राज्यपाल, किसी राज्य के शासन में किस सीमा तक सक्रिय रूप से योगदान देता है और देश में संघवाद के सिद्धांतों को सुदृढ़ करता है?

(150 शब्दों में उत्तर दीजिए) 10 अंक

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

(Answer in 150 words) 10 marks.

ARTICLE 153 envisages a Governor for every state as the de jure head of state government.

IT IS NEITHER DECORATIVE:-

- a) She is supposed to be "Constitutional link" and agent of centre.
- b) She is supposed to ensure no - ANTI SECULAR, UNCONSTITUTIONAL breakdown happens (Article 365, A 356).

IT IS NEITHER INCONSEQUENTIAL:-

- a) Has, legislative, executive, judicial financial roles.

CONTRIBUTION OF GOVERNOR TO STATE GOVERNANCE :-

1) CONSTRUCTIVE ROLE:-

(1.1) LEGISLATIVE FUNCTION :-

a) Summons & Prerogues House

b) Article 200 → gives assent to Bill

↳ reserves for President

(1.2) EXECUTIVE FUNCTION:-

a) appoints Chief Minister and Council

↳ can make rules for good governance

103) FINANCIAL : Recommendation for Money Bill, Demand for Grant

104) JUDICIAL : Remission, Commutation

But off late Governor's role has been questioned:-

UNCONSTRUCTIVE ROLE :-

a) Delaying assent to Bills → Tamil Nadu-13 Pending Bills

b) Overusing discretion (Article 163) → Removal of Ministers

c) Precipitating fall of government → Supreme Court in Shiv Sena Case

d) Tussles with state government → as vice Chancellor

this is affecting states & federalism

WAY Forward :- The Sarkaria and Punchhi commission have recommended:-

a) Governor be a political outsider

b) Consult the CM to appoint Governor [Governor to be partner in administration]

c) sparse use of President's Rule

Dr B.R. Ambedkar said 'The need is to have a Constitutional Governor'. Thus it is desirable that Governor uphold principles of federalism.

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।

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.

India's ^{rank} ~~status~~ in Democracy Index (by Economist Intelligence Unit) has heralded a review of our "social accountability". It is placed [52] and there is dearth of citizen centric participation.

LAW CAN LEAD TO GOOD GOVERNANCE:-

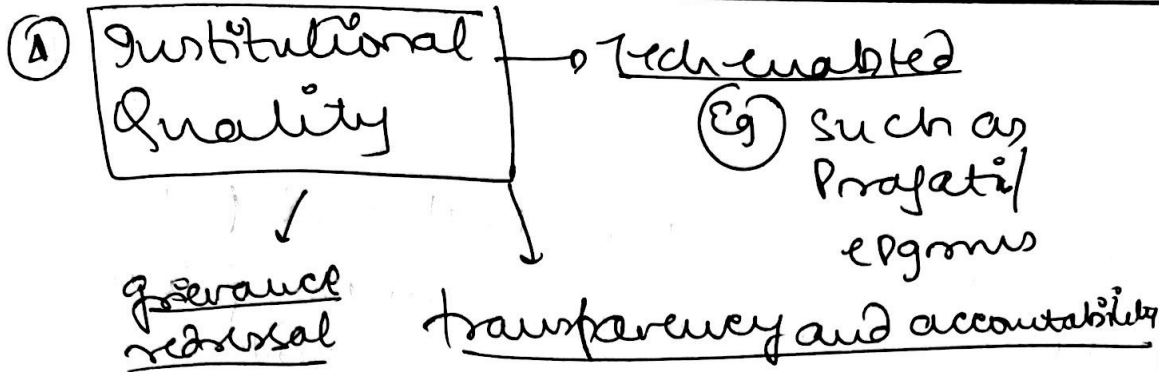


The law can aid in the above:-

① Consumer oriented: Citizens, Stakeholder based approach

② Participatory decision making: Gram Sabhas can be involved

③ Rule of law and not Policy logjam / arbitrary rule making



LAW LEADS TO CITIZENS PARTICIPATION :-

- ① grass root level democracy
- ② Involvement of development industry (SHG, NAOs etc)
- ③ Participation of women (Mahila Sabhas, Badlaav Nidhi of Madhya Pradesh)
- ④ Boosts right to information, data driven decision making.

However some caution is needed :-

- a) law must be simple and comprehensive
- b) Enforceability should NOT be undermined by lack of political will
- c) POLITICAL AWARENESS is needed to be boosted.

Way forward Social Accountability Law

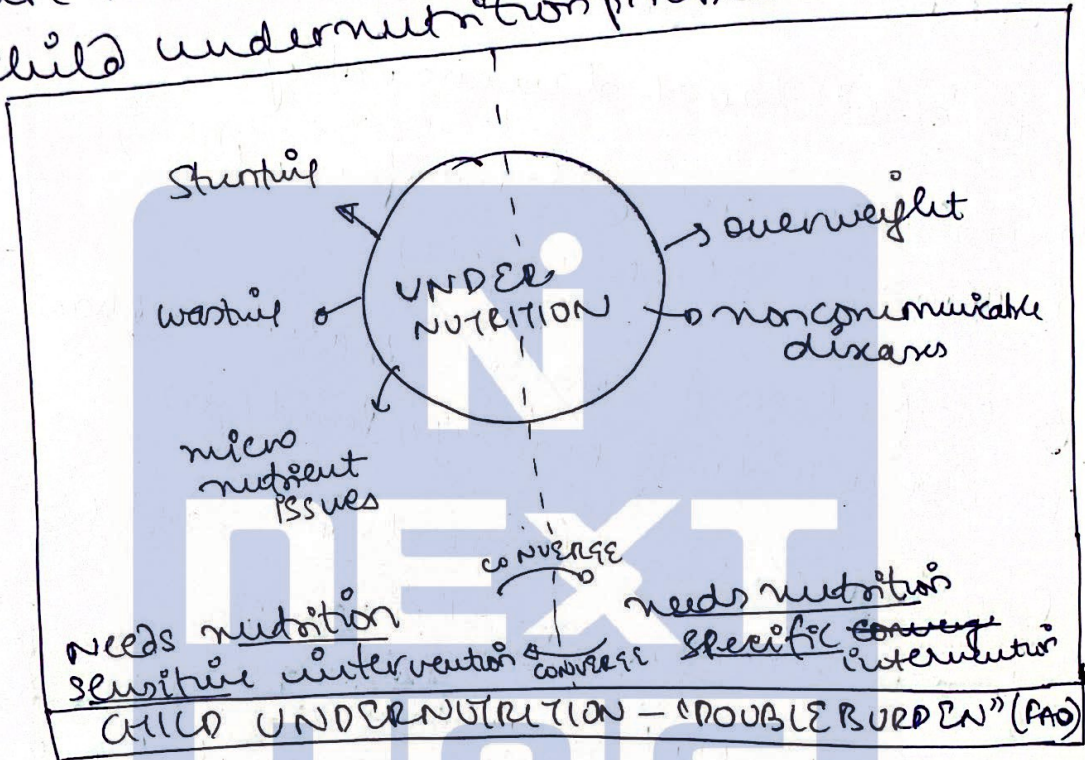
can be a ^(MODERN) "modern tool of political democracy"

in hands of people. This can ensure a resilient government in partnership with people.

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

State of Food Security and Nutrition Report
 by FAO, nuanced convergence of policies are needed as India faces an acute child undernutrition problem



Nutrition specific policies :- (A)

① Overweight children (38%) (NPHS) in India due to \Rightarrow high CARBS & CEREAL INTAKE (FAO).

② Refrains "Specific interventions" $\left\{ \begin{array}{l} \rightarrow \text{millets} \\ \rightarrow \beta \text{ carotene Vitamin A rice} \\ \rightarrow \text{balanced diet (with LOCAL CONSIDERATIONS)} \end{array} \right.$

as replacement to careless unspecific consumption.

Nutrition Sensitive Policies :- (B)

- ① Focus on maternal health (50%)
women have anaemia)
- ② Iron folate tablets, fortification
of food for nutrition concerns
- ③ Status of child undernutrition
 - Stunted (36%)
 - Wasting (19%)
 - Micronutrient deficiency (32%)

ECONOMIC SURVEY
require focus on nutrition.

Thus converging (A) and (B) we can holistically solve our undernutrition:-

- ① Poshan Abhiyaan
 - focus on oils, eggs, vegetable
 - national health anjanwadi laddos
- ② Anaemia Mukt Bharat
 - focus on anaemia
 - Iron folate Aids
- ③ Shree Anna, Millet
 - specific millets
 - in anjanwadi (Taylora laddos)

Best Practices with Aayeg in 2023 -

Compendium has said that best practices of child nutrition was - use of Thayora laddos by ASHA workers. They researched the ground reality of child and maternal health to publicise use of new format sweets.

Q.8

ग्रामीण गरीबी उन्मूलन की धुरी मन्रेगा, राजकाषीय 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.

MOSPI (Ministry of Statistics) report called MGNREGA the 'lifeline of rural job security in trying times'. However, in recent times it has been plagued with fiscal ~~issues~~ issues.

MGNREGA-VICTIM OF FISCAL APATHY :-

① On side of workers/labourer :-

- 1.1) Delayed payments or incomplete payments, due to apathy
- 1.2) Especially in SC, ST based work spaces, payments are not given regularly (Centre for Policy Research)

② On side of local governments :-

- 2.1) Lack of financial accountability
- 2.2) Grants are delayed from chain of command.
- 2.3) Absence of tech-enabled interventions is causing issues (OVERUSE of fair technology-NMMS).

③ National Mobile Management System

is a new system to record attendance

and ensure payment of wages. Certain issues persist —

3.1) Mgnrega mates lack cell phones to track progress

3.2) Presence on site is an issue (to mark attendance)

Results in lack of payments

④ On side of Central Government :-

4.1) Reduction in budgetary allocation → given to Jal Shakti Ministry (Budget 2023)

4.2) Criticised for stripped away syndicate of rural poverty alleviation.

However; the reasons given as follows:-

1) asset creation and rural poverty alleviation can happen → Jal Jeevan Mission.

2) Payments and dues for Mgnrega will continue nevertheless.

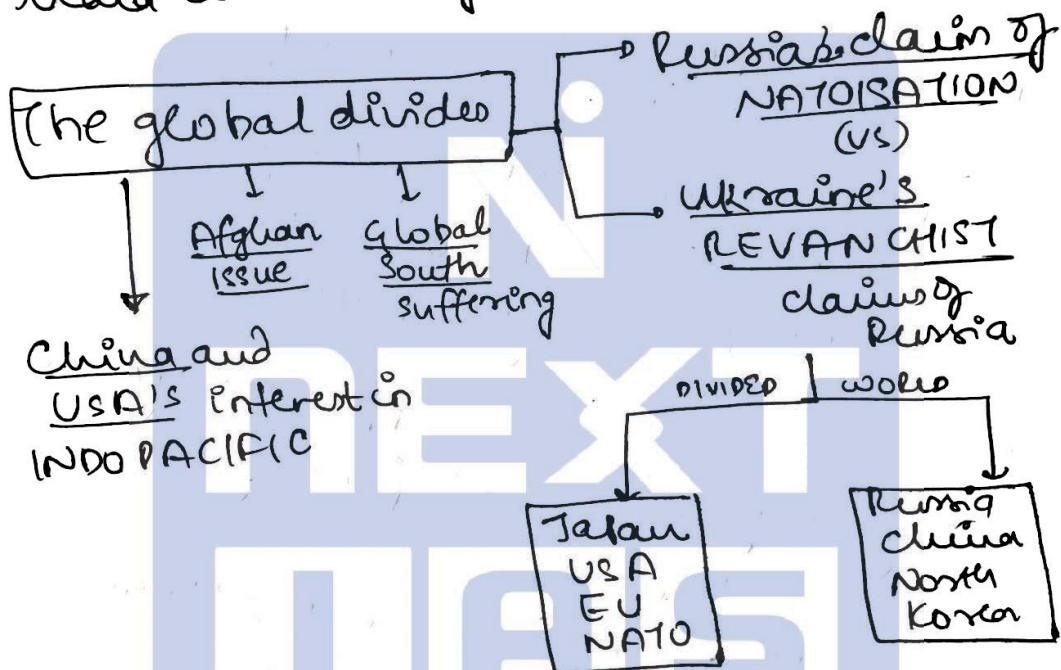
While fiscal apathy may have crippled the economic benefits of Mgnrega, the governance and technological overhaul can solve the problems aforementioned.

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.

Various geopolitical issues and churning - Ukraine Russia war, great global contestations in Indo Pacific etc have caused a divided world. It is ripe time for India to leverage ^{this} ~~the~~ situation.



India can leverage the divides ^{with} a "middle power" diplomacy.

Ukraine Russia war:-

- 1.01) Emerge as "VOICE OF GLOBAL SOUTH" as we have taken up diplomatic balancing
- 1.02) the External Affairs Minister said - "we are not on any side of war, we are on side of those"

suffering for food, fuel, fertilizer".

② Rupee internationalisation and ideological leadership

③ Indo Pacific Contestation :-

3.1) Engage with FLPIC countries (small island nations)

3.2) In fact, Papua New Guinea Head of State said, "we want India to represent us at the high table"

3.3) Converge with Japan (that also wants to be voice of Global South)

Thus we can become 'Southwestern' Powers [linking Global South & West]

④ On the Afghan Issue :-

4.1) Delhi Security Summit was chaired by NSA and it was decided that "uncovered" spaces not ^{to} become hotbeds of terror.

⑤ BIMSTEC → become net security provider

⑥ SAARC → GSAT technology

⑦ USA → ICE (technology)

⑧ France → Jumbo Jet, Rafale etc

"Foreign policy is about converging with the like and diverging with the unlike." By doing the aforementioned India can rely on plenty of - realism and pragmatism.

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.

Berlin is a major player in politics of European Union. Recently, the German Chancellor spoke about deeper engagements with India, and this can benefit EU also.

Germany's role in EU:-

- ① Has economic clout [one of richest economies in EU]
- ② Has defence budget and political clout in EU
- ③ Along with France, Germany gives ideological guidance.

India EU issues :-

- ① Climate change related → Carbon tax
- ② BTIA (Bilateral Trade & Investment Agreement) → service mobility
- ③ Commentary on India's internal matters [Manipur violence recently]
- ④ Sanitary and phytosanitary (non trade barriers)

~~Thus~~ Thus, Germany can play a significant role for India in EU

Economic :-

- ① Creation of multilateral or temporary trade agreements with EU for semiconductors, lithography
- ② Relaxation of IPR (Pharma, vaccines) etc. Technology transfer and investment opportunities
- ③ "Friendshoring" of EU companies
- ④ Easy mobility of labour, VISA relaxation
- ⑤ Exemption from carbon tax

Political :-

- ① Positive narrative about India's internal politics.

Social :- ① Revitalize People to People

Contact [ERASMUS student exchange]

- ② Spreading ideals of ^{SOCIAL} democracy & diapora in EU.

India can leverage Berlin's role in EU and boost its OMNIPRESENT, MULTI ALIGNED, STRATEGIC AUTONOMY.

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।

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.

The anti-defection law was enacted in the 52 Amendment 1985 as part of 10th schedule to reduce destabilisation of incumbent governments by defection.

IMPACT ON RELATION OF POLITICAL PARTIES AND INDIVIDUAL LEGISLATORS

ANTI DEFECTION LAW → IMPACT → INDIVIDUAL LEGISLATOR

① Cannot vote/abstain against party whip

1.1) Stifling free of speech & expression (A19)
1.2) affecting expressing views of electorate

② Exception of defection is MERGER

2.1) seen as political assets
2.2) lured by posts & new opportunities

③ Speaker decides cases of defection

3.1) uses resignation as a tool to evade
3.2) COMPETITIVE POLITICS

UNINTENDED CONSEQUENCES ON democratic functioning :-

① Questions role of speaker :-

- a) Due to delays
- b) Playing Partisan
role
- c) Depends on ruling
party to be elected
- d) Becomes Political
liability

⇒ AFFECTS
WESTMINSTER
FORM OF
democracy

⇒ It is case of
"Umpire
decided by
batting team"

② Defection destroys trust of electorate and sovereign / democratic principles

③ Lack of clarity on :-

B.1) "voluntary
definition"

B.2) disqualification
(vs)
resignation

⇒ leads to
horse
trading &
criminalisation
of
democracy
(MONEY & MUSCLE
POWER)

④ Affects Right to Vote of citizen (Article 326)

⑤ Leads to factionalism in parties

⑥ Allows "Group Defections" (due to mergers.

7) Call upon Election Commission to play impartial role

Symbols to which faction
recognition to which one

8) Differentiates defection of independent member and nominated members

9) Brings down governments in coalition party system.

10) Fear of federalism being denigrated → Presidents rule etc (Shiv Sena case).

→ Kiloto Hutton case: Speaker is under judicial review & must be impartial

WAY FORWARD :-

↳ Keisham Phoolchandra case:- Timeline of 3 months, up to decision case.

3) HAIIM KOTA Committee:- Suggested that "voluntary" give up be decided and defied

4) Dinesh Goswami Committee said:- Defection should be done only in no confidence.

Lincoln said that "Elections belong to the people". Defection strikes at the trust of democracy. This law has to be reviewed.

1.12 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.

The Basic Structure is a legal, judicial invention that came in Kesavananda Bharati case of 1973 with respect to Parliament's role in amending (A368) the constitution.

STRUCTURAL AMBIGUITY OF DOCTRINE:-

① It is not part of constitution \Rightarrow THERE IS CONSTITUTIONAL SILENCE

② It is continuously evolving since 1973.

Thus it can be said that:-

It leads to judicial authority being limitless:-

① Judiciary becomes \rightarrow 'Super Parliament' \rightarrow '3rd chamber'

② In Kudra Gaudhi case it said judicial review is part of basic structure

③ Leads to judicial sovereignty as against to Constitutional supremacy

④ Judiciary is an und elected body and thus has no popular sovereignty.

Thus the elastic nature of basic structure may have made judiciary more powerful than executive :-

Case Law	More powerful than Executive with "Principle"
① M Nafaraj Case (2006)	In " <u>RULE OF LAW</u> " it directed Executive to collect <u>inadequate representation</u> of minorities for reservation
② Minerva Mills Case	It " <u>balanced</u> " DPSP and Fundamental Rights (allowed A 30(b)(c) to supersede rights)
③ S R Bommai Case	Directed how President's rule can be proclaimed in " <u>National federalism</u> " based principle
④ NJAC Case	<u>Independence of Judiciary</u>

However, it can be argued that the elasticity has not made judiciary stronger than executive :-

a) It is filling gaps in executive overreach.

b) It is protective constitution against POLITICAL MUTILATION of Constitution (through ordinances etc)

c) It is limiting power of executive by CONSTITUTIONAL MORALITY (Article 21)

- doctrine of proportionality (Puttaswamy case)
- Right to Information
- Right of free trial
- Right against bonded labour

d) Ensuring free & fair election → Kihoto Hollohan Case

Ensuring federalism is not subverted → SR Bommai Case

Ensuring rule of law (not rule of men) → Indra Sawney Case

Although basic doctrine is elastic, its judicial interpretation is upholding

a) accountability of executive to → Parliament & electorate

Thus, the basic structure remains a cardinal part of our polity. The judiciary must exercise SELF RESTRAINT and uphold separation of power.

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

(250 शब्दों में उत्तर दीजिए) 15 अंक

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

(Answer in 250 words) 15 marks.

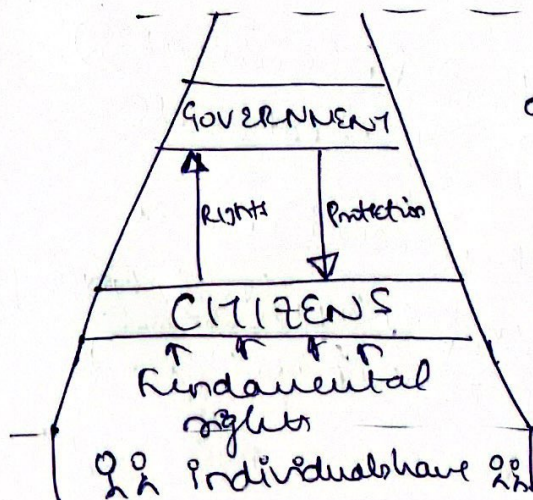
Fundamental Rights of the Indian Constitution
is found from Articles 14-32 in Part 3 of the Constitution.

FUNDAMENTAL RIGHTS ARE NOT GIFTS, BUT INDIVIDUAL POSSESSIONS :-

① United Nations Declaration of Human Rights :-

- human beings have certain rights by virtue of being HUMAN.
- they are to ensure POLITICAL DEMOCRACY.
- they are not PARTRIMONIAL flows from a higher state

② Social CONTRACT THEORY :-



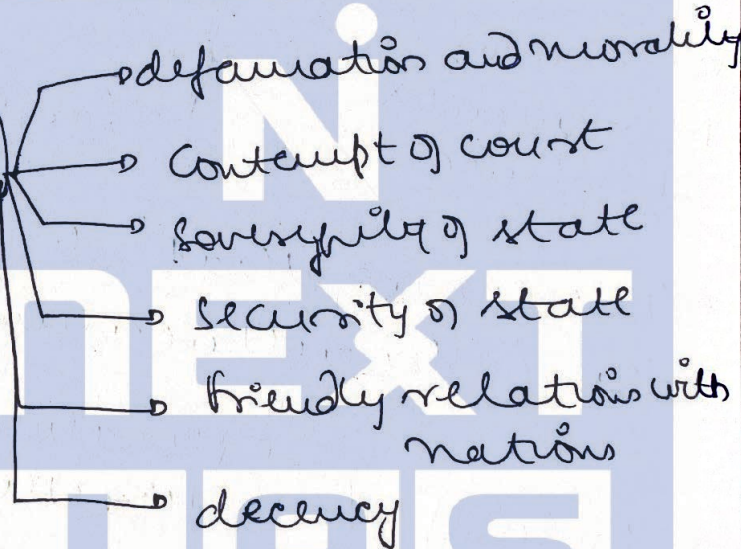
- a) The people give up some rights & liberties
- b) In return, the state gives services
- c) THUS THEY are not GIFTS

Relation of Reasonable Restrictions and individual's possession of rights :-

- ① The individual gives up rights if reasonable restrictions are needed
- ② doctrine of proportionality } nexus of state action and objective is to be met

Are the reasonable restrictions A & E
SURE? :-

1) Article 19(1)
FREEDOM OF
"SPEECH &
EXPRESSION"



- 1) Supreme Court said that defamation limits to freedom of speech and expression and thus is a desirable restriction :-

(IE) Right to reputation (Article 21) is greater than defamation under (Article 19)

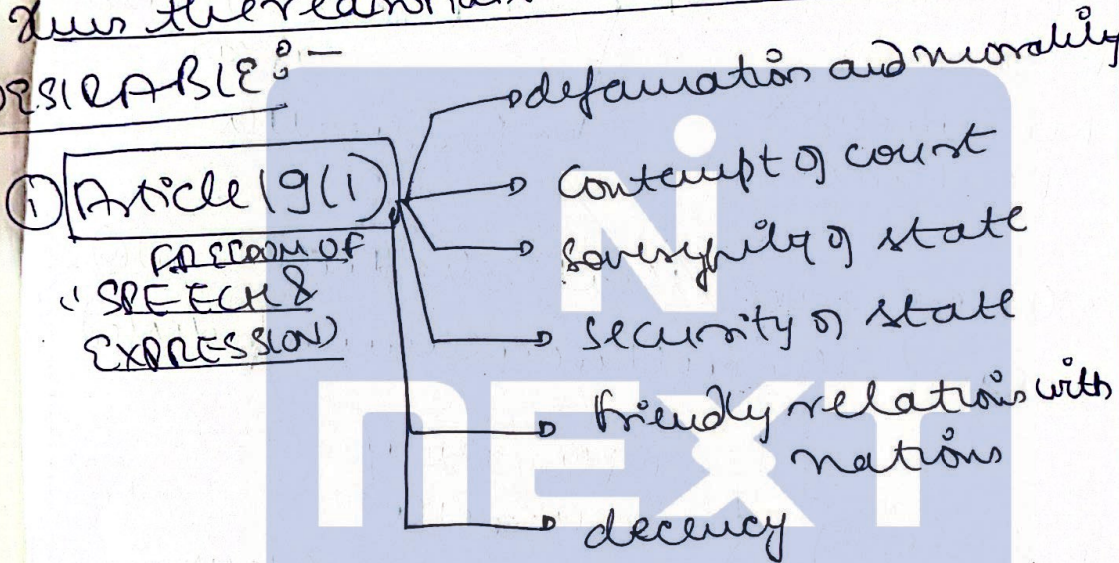
- 12) Article 51 → respecting treaties requires restriction on speech and expression for

Relation of Reasonable Restrictions and individual's possession of rights :-

① the individual give up rights if Reasonable restrictions are needed

② doctrine of } nexus of state action
proportionality } and
Objective is to be met

Thus the reasonable restrictions ARE DESIRABLE :-



①) Supreme Court said that defamation limits to freedom of speech and expression and thus is a desirable restriction :-

IE Right to reputation (Article 21) is greater than defamation under (Article 19)

②) Article 51 → respective treaties require restriction on speech and expression for friendly relations

② Article 19(1)(b)
 ↓
 "Freedom of Right to assemble"

- ↳ Security of state
- ↳ law & order
- ↳ traffic

(e) Section 144 and Section 140 of IPC can be imposed to stop violent congregations

③ Article 19(3)(4)
 ↓
 Freedom of Movement & Residence

- ↳ Protect rights of tribes and scheduled areas
- ↳ for health

(e) These ensure that ⁱⁿ scheduled 5 and 6 areas, - the culture remains protected

④ Article 25
 ↓
 Freedom of religion

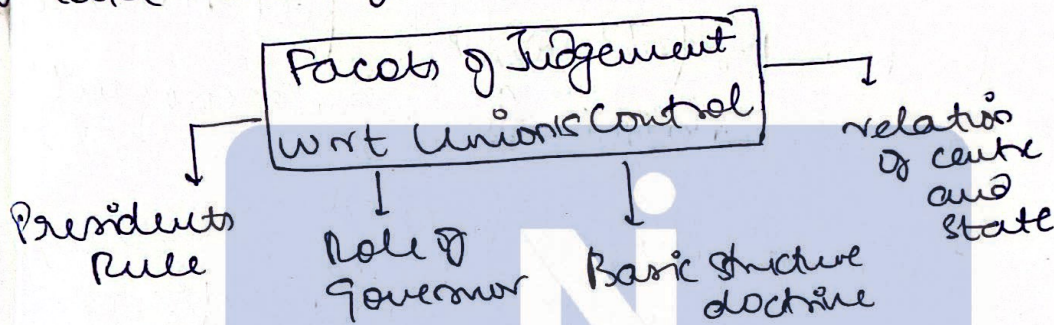
- ↳ Morality
- ↳ Health
- ↳ Other rights in Part 3

(e) In Sabarnwala Case, Court said that Right to Equality; Right against discrimination will prevail (applied Essential doctrine).

If the ends to be achieved is - CONSTITUTIONAL, ensure political and social democracy and greater good - the fundamental rights can be restricted.

2.14 'एस.आर. बोम्मई बनाम भारत संघ मामले ने संघ द्वारा किसी राज्य के प्रशासन पर नियंत्रण ग्रहण करने के संघ के अधिकार की न्यायिक व्याख्या में एक आदर्श बदलाव का संकेत दिया।' इस संदर्भ में संघीय ढाँचे को मजबूत करने पर निर्णय के महत्त्व और प्रभाव पर चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक
 'S.R. Bommai v. Union of India signified a paradigm shift in the judicial interpretation of the union's authority to assume control of a state's administration.' In this context discuss the significance and impact of the judgement on cementing the federal structure. (Answer in 250 words) 15 marks.

Sr Bommai v Union of India was a landmark judgement as it gave a paradigm shift in the extent of union's authority to take control of state administration.



1 PRESIDENTS Rule :-

1.01 It stated that 'ipse dixit' (without reason) and without sufficient reason to impose "constitutional" breakdown => is unconstitutional

1.02 The sufficiency of conviction and reasonableness is under judicial review

1.03 The wrongful way of imposing Union control :-

a) Without finding alternate alliances in floor of house

b) malpractices or political vendettas cannot be cause

c) without reasonable proof

1.4) President's rule can be imposed:-

a) In case of hung assembly

b) No pre-poll or post-poll alliance is ready to form government

c) Constitutional breakdown

d) Parliament must accept

President's rule resolution → to suspend legislature of state

e) If state carries out anti-secular activities.

2) Role of Governor:-

a) Governor cannot precipitate fall of state against rule of law and constitutional discretion.

3) Basic Structure Doctrine:-

- a) It stated that secularism & federalism are part of basic structure of constitution
- b) If needed, court can also undo suspension/dissolution of legislature
- c) Thus union's authority over state administration is LIMITED

4) Relation of Union authority and state administration :-

The judgement stated the following:

4.1 States are not "satellite" or "appendages", but have significant constitutional existence

4.2 Federalism is NOT convenience but necessity

4.3 Thus the Sui generis federalism cannot unilaterally take away state's power

4.4 They are sovereign within their territory & within contours of constitution.

It also concluded that - "The states are the pearls and union the necklace that strings them. The necklace cannot rupture this structure"

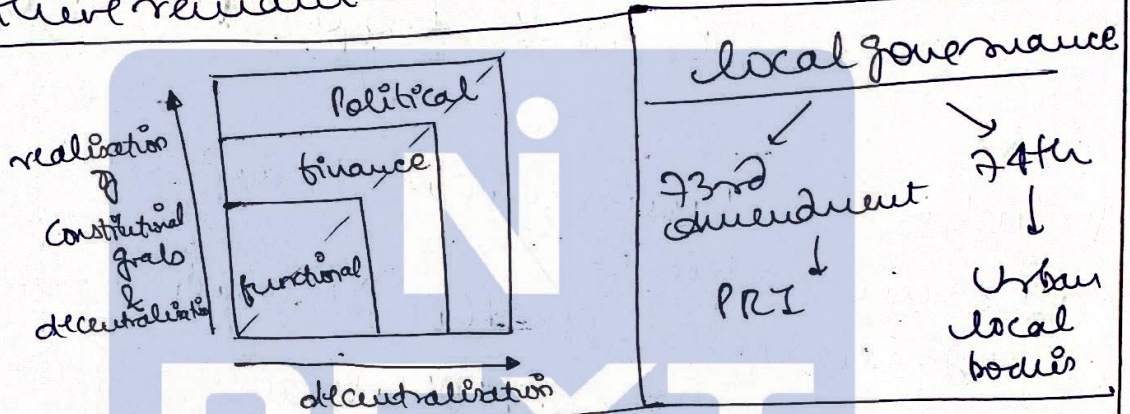
Q.15 प्रभावी विकेंद्रीकरण की कुँजी यह है कि राजनीतिक विकेंद्रीकरण को वित्त और प्रकार्यात्मक विकेंद्रीकरण का अनुगमन करना चाहिए। भारत में स्थानीय शासन के समक्ष आने वाली बाधाओं के संदर्भ में चर्चा कीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

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

(Answer in 250 words) 15 marks.

Balwant Rai Commission envisaged a local governance where fund, function & functionaries - all were decentralised. But there remain certain issues in the same



However, there are impediments :-

Lack of financial decentralisation

- 1) Leads to a thin resource based
- 2) Overdependence on grants & funds
- 3) Tied nature of funds results in:-
 - ↳ Poor utilisation of funds
 - ↳ Lack of flexibility

Lack of functional decentralisation

- 1) many rules have not been passed by state governments
- 2) Lack of capacity to ~~use~~ actualise functional capabilities

Moreover, if financial and functional decentralization is done, political decentralisation faces impediments:-

- 1) Bureaucratization of working of local government
- 2) Existence of parastatal bodies
- 3) Lack of clear demarcation of political role
- 4) Capacity, cadre, manpower issues

Functionalities related issues:-

- 1) Overriding local governance workers by district.
- 2) Delayed elections (State Election Commission)
- 3) Lack of constitution of District and Municipal Committees in urban areas.

Social impediments that affect political decentralisation:-

- 1) Despite political decentralisation - SARANCHATI, Proxy Pradhan,

'faceless' empowerment of women exists.

2) Elitism, factionalism and nexus of crime and politics.

3) Lack of political literacy and awareness

4) 'Regulatory Capture'^{or} by urban local bodies

Thus, ideally political decentralisation does not follow financial & functional decentralisation

Way Forward :- The ARC and Finance Commission recommended :-

a) Resource Base augmentation :- with new Urban Infrastructure Fund and 50 year interest free loans to states } In Budget 2023

b) Capacity Building :- Training at Institute of Rural Management etc can be done, to perform better functionally

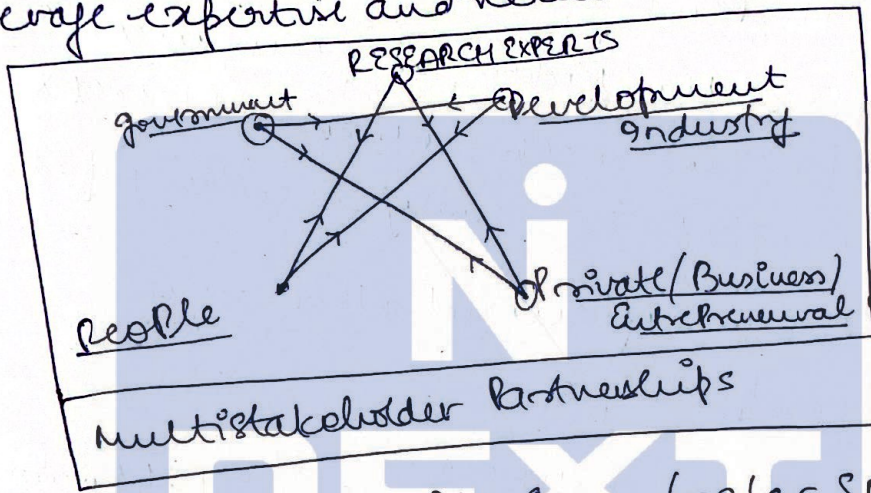
c) Shared Municipal Model was also recommended.

Recently in April, a new campaign 'Sauvekshi Bharat (Individia)' was launched by Ministry to aid financial & functional decentralisation.

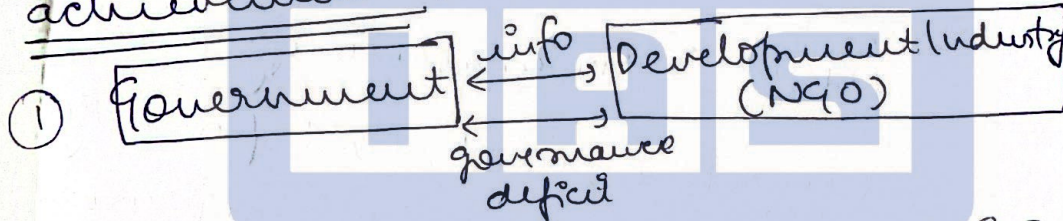
1.16 सामूहिक विशेषज्ञता और नेटवर्क (संजाल) का लाभ उठाने के लिए बहु-हितधारक साझेदारी महत्वपूर्ण है। भारत में सतत विकास लक्ष्यों (एसडीजी) की प्राप्ति में तेजी लाने के लिए प्रभावी साझेदारी और स्थानीयकृत कार्यान्वयन प्रयासों को कैसे बढ़ावा दिया जा सकता है? (250 शब्दों में उत्तर दीजिए) 15 अंक

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.

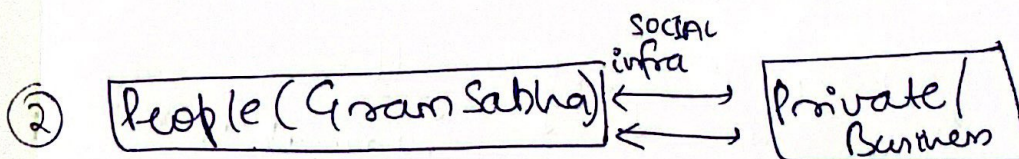
Niti Aayog in report on SDG localization has said that achievement of SDG cannot be in silos, it requires partnerships that leverage expertise and networks.



Effective Partnerships can foster SDG achievements :-

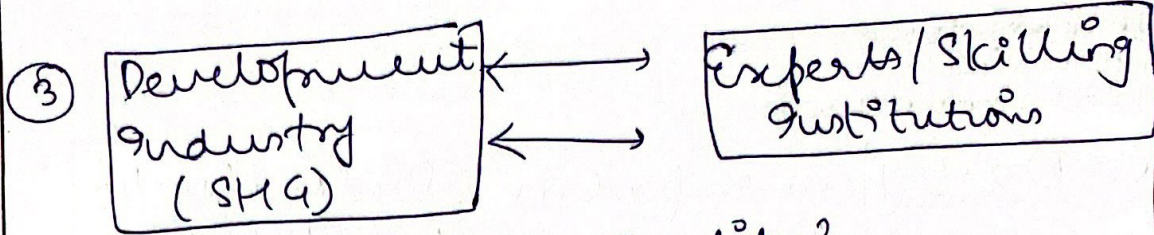


eg) SDG #1, Poverty } can be achieved
 #2, NO Hunger } as NGOs fill
 } governance gaps
 } and return
 } information
 - Poshan Abhiyan
 - Aarsh Gram Yojana



eg) SDG #3, #4 } Health and Education

(i) as part of CSR schools can be built

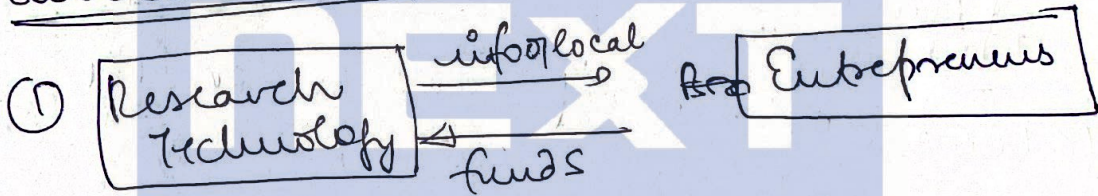


(Eg) SDG #5 Gender Equality

(Eg) SDG #6 Sanitation

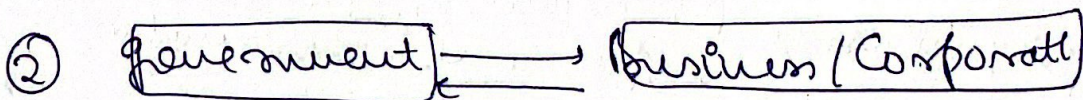
(i) In Mauclidia, women in a SHG, partnered with university to sell & market ecofriendly sanitary pads

Localised implementation can accelerate SDG :-



(Eg) SDG #7 Renewable Energy

In Punjab, a small startup recently got assistance to make solar powered pumps at cheaper rates



(Eg) SDG #8, #9, #10, #11 :-

↓ ↓ ↓ ↓
 Consumption and Innovation Quality Sustainable Cities

(1) Government is calling 36000 Crore from private to do research to reach SDG #9 (National Research Foundation)

(ii) Through PPP, SPV etc } → Smart City Mission
} → Sustainable Cities

(3) People (Citizen) ↔ Government

↳ SDG # 12 ⇒ Resource Management
SDG # 13 } Life on land & water
SDG # 14 } &
SDG # 15 } Development
SDG # 16 }

(i) Ensuring no degradation of environment ⇒ Narmada Ganga Project, Tal Shakti Abhiyan

(ii) LIFE approach needing people's based change behavioral change

Thus it can be shown that multi stakeholder participation exchanges expertise and networks.

Way Forward: Certain things to keep in mind is that ⇒ development must be inclusive, participatory and ethical. It can aid in SDG achievement but also "Samrath" and "Sajith" "Bharat."

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 कारणों 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.

Recently, the National Commission for women ~~protection of children rights~~ flagged concern over rising cases of sexual harassment, stating poor implementation of POSH Act.

LIMITED SUCCESS OF POSH ACT in RAISING AWARENESS:-

ORGANISATION -
 ① Organisations do not hold mandated WORKSHOPS (Hardly 20%)

② Working cells and Working groups are not constituted.

③ Lack of gender sensitisation in the organisation

WOMEN
 ① Ignorance about the nuances of the law covered in varied sections
 ② Patrimonialism & Patriarchy in office

Data Point

33% of women in workforce have faced workplace harassment.

Came after VISHAKA case AND GUIDELINES

- 1. Staring
- 2. Passing comments
- 3. Unwanted advances
- 4. Sexual violence

MANAGEMENT (1) Not constituting Internal Complaints Committees (ICC)

(2) Under the table, hushing of cases.

But, the limited success, has also affected outreach to women in unorganised

Sector :-

(1) Nature of work :-

(1.1) Women are not employed in organ-
-isation where ICC can be created.

(1.2) Informal setting like construction sites, households do not have ICC complaint redressal.

(1.3) Local committees at district level for complaints are not created.

(2) Focus economic vulnerabilities :-

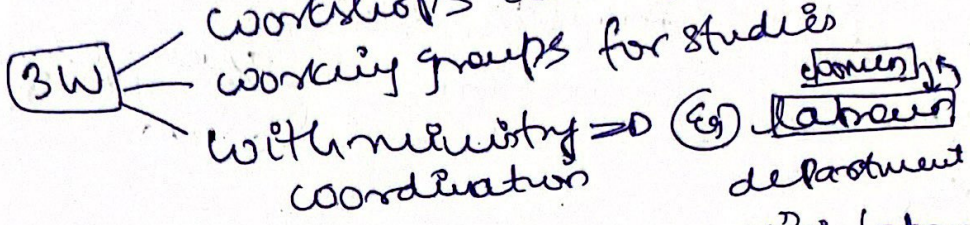
2.1) Awareness of law is low.

2.2) Microaggression and male gaze are ~~far~~ found in informal spaces.

2.3) Fear of job loss, exclusion and stigma if complaint is raised.

Strategies to Bridge this gap and ensure comprehensive protection is needed.

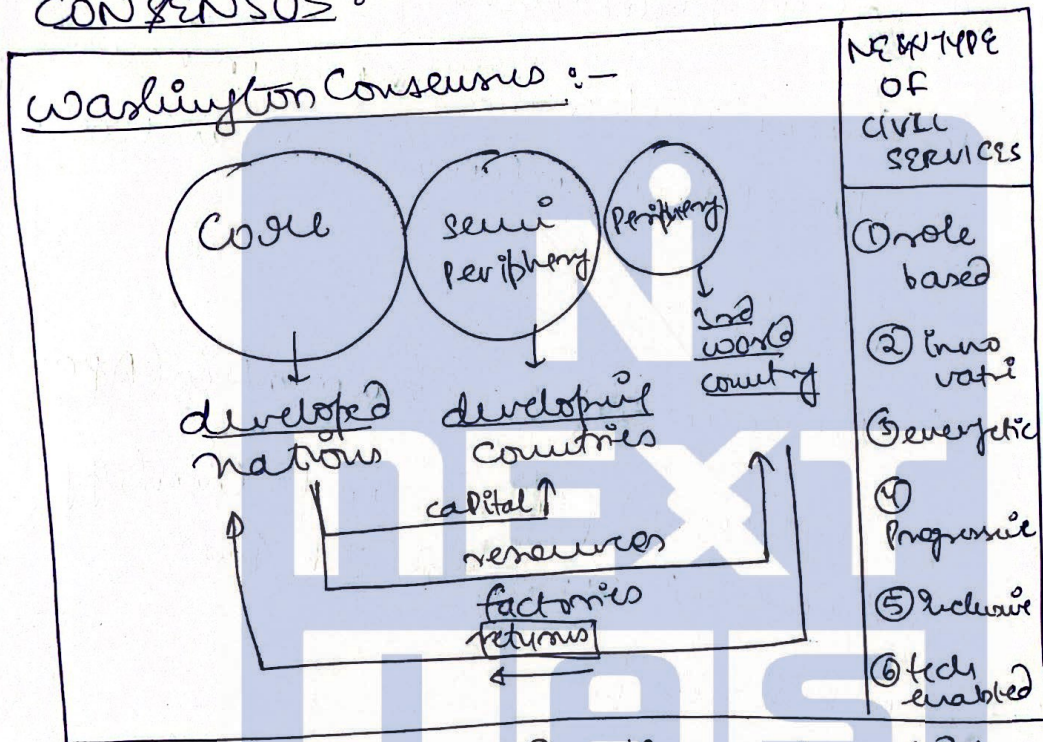
Strategies :-

- ① Institutional :- a) MANDATORY
creation of local committees underact
b) 3W 
c) Create " All women labour cell in labour departments of state
- ② Women centric :- a) awareness of law
b) create 'Ganima Grah' or 'Sakhi Centres
for complaint redressal.
c) women helpline numbers
- ③ Technology :- a) Creation of new application (Safety button - KAVACHAN on PHONE APP done in Chennai)
b) CCTV cameras in workplaces - construction sites etc

Oxfam report said that an unorganized women worker will take 22000 years to earn what a male CEO is earning in 10 years. Thus they should have an enabling environment that lifts them out of social, political, economic invisibility. The POSH Act is a good beginning to this emancipation.

- 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.

Neoliberal and Globalisation reforms have ensured movement of labour, material and resources as per WASHINGTON CONSENSUS.



In a globalising world, there is rapid movement of resources, integration of ideas and economic. Thus a new type of welfare has been forming :-

Challenges faced by Civil Services :-

- ① Performance and Professional Issues
 - 1.1) Lack of lifelong training, it remains sporadic.

1.2) Rule based application results → Risk averse services ①
 → Policy logjam ②
 → rigid decision making ③

1.3) Lack of on site training (in new environments)

② Structure of Bureaucracy :-

2.1) Principlialisation and Weberian-ness makes it hierarchical and inflexible

③ Capacity :-

3.1) Lack of rewards for innovation (ARC)

3.2) Delays in adopting new technology
 (Industrial revolution I R 400)

Adequate Reforms :-

① Performance and Professional Solutions:

1.1) Prime Minister's Human Rights Council and Capacity Building Commission based framework

1.2) lateral entry to keep experts in different fields

1.3) FRACS framework for → roles → activities → competencies → to boost performance

1.4) 360° appraisal to adjudge Comprehensively

② Capacity Training :-

2.1) iGOT Portal → that can improve role based learning

2.2) Mission (as examples) to improve functional, domain, behavioral flattens

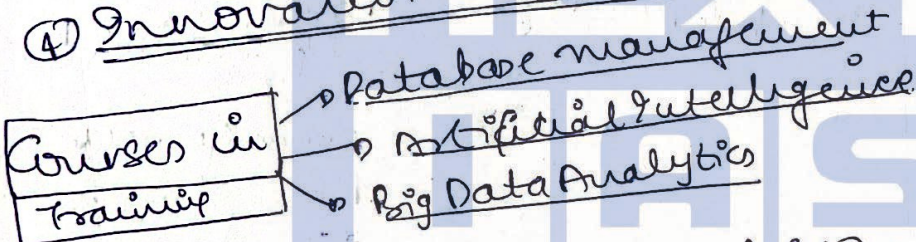
2.3) Emotional Intelligence stress based training (CBT theory)

③ Accountable Bureaucracy :-

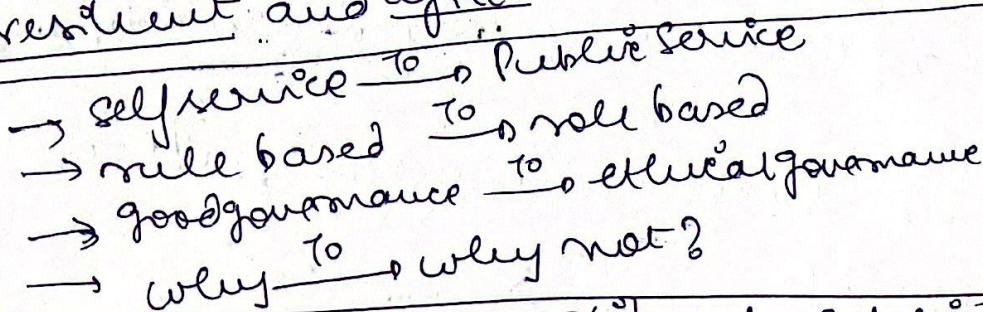
3.1) Code of ethics, code of conduct to be enforced

3.2) Use of e-governance for information sharing → with superiors between departments

④ Innovative and Tech Enabled :-



Way forward : We need to build a strong, resilient and 'agile' Bureaucracy :-



Thus the focus in neoliberal, globalised world is to make the steel frame (civil services) ready for new welfare structures

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 and China have been ancient partners since time of their Tsang, Pa their and have seen cultural changes.

Contemporary Problems :-

* China's policy :-

* 'Counter' India's Goals :-

- | | | |
|--------------------------|---|-----------------------------------|
| 1) Checkbook diplomacy | ↔ | India's economic rise |
| 2) Salami slicing | ↔ | affect territorial integrity |
| 3) Psychological warfare | ↔ | destabilise internally |
| 4) Hydro bomb diplomacy | ↔ | built dams upstream Indian rivers |
| 5) Wolf warrior | ↔ | entire with BRI, string of Pearls |

China
Now ~~China~~ views India as "Asian Rival" and wishes to rise hegemonically in Asia.

However, there are convergence in the difficulty.

Climate Finance ① China and India

are world 2nd, 3rd largest emitters
of carbon, so require funding

② Net zero goals are close by (2070 →
India)

Trade and Economic Compatibilities

① Both are members of AIB bank

② "Town Twinning" or sister city based
diplomacy (Wuhan - Mahabali
Puram)

③ Protect crucial sea lanes & trade
routes → Malacca, Sunda Strait

④ Minerals, oil, critical mineral
resources in South China Sea

Security and Partnerships

① Convergence on SCO (Shanghai Coopera-
tion Organisation) ideas

② Need goodwill of Central Asian
Countries

③ Convergence on ideals of BRICS.

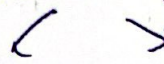
④ Trade relations: (70 billion deficit on
India's side)

Emerging Convergences :-

① De-dollarisation is favourable to
both countries. (leading to Rupee/
Yuan internationalisation)

② Peace in ~~western~~ west Asia for oil energy security

India's
look west policy



China's recent
approachement
~~Qatar~~ and Saudi
Qatar

③ Rising economic growth despite
disruption of Ukraine Russia war

④ Axis with Russia :-

↳ India's time tested friend

↳ China has "no forbidden
relations"

Social Convergence

① Buddhist diplomacy [India held
International Buddhist Conference]

② Collectivistic Philosophies (Eastern) :-

India

- Gita
- Buddha

China

- Lao Tzu
- Confucius

Thus there are some convergences.

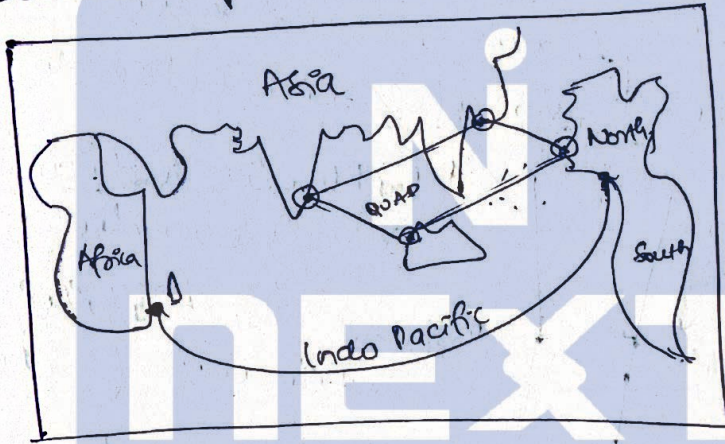
It is famously said, "China sees a bipolar
world and wants multipolar Asia, but
India wants multipolar world & multipolar
Asia". Despite these difficulties, convergence
must be done as per Panchsheel principles.

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.

Indo Pacific is being termed by critics as new "Theatre of Great Power Contestation" as it focuses a transition from ~~continental~~ continental supremacy to maritime supremacy.



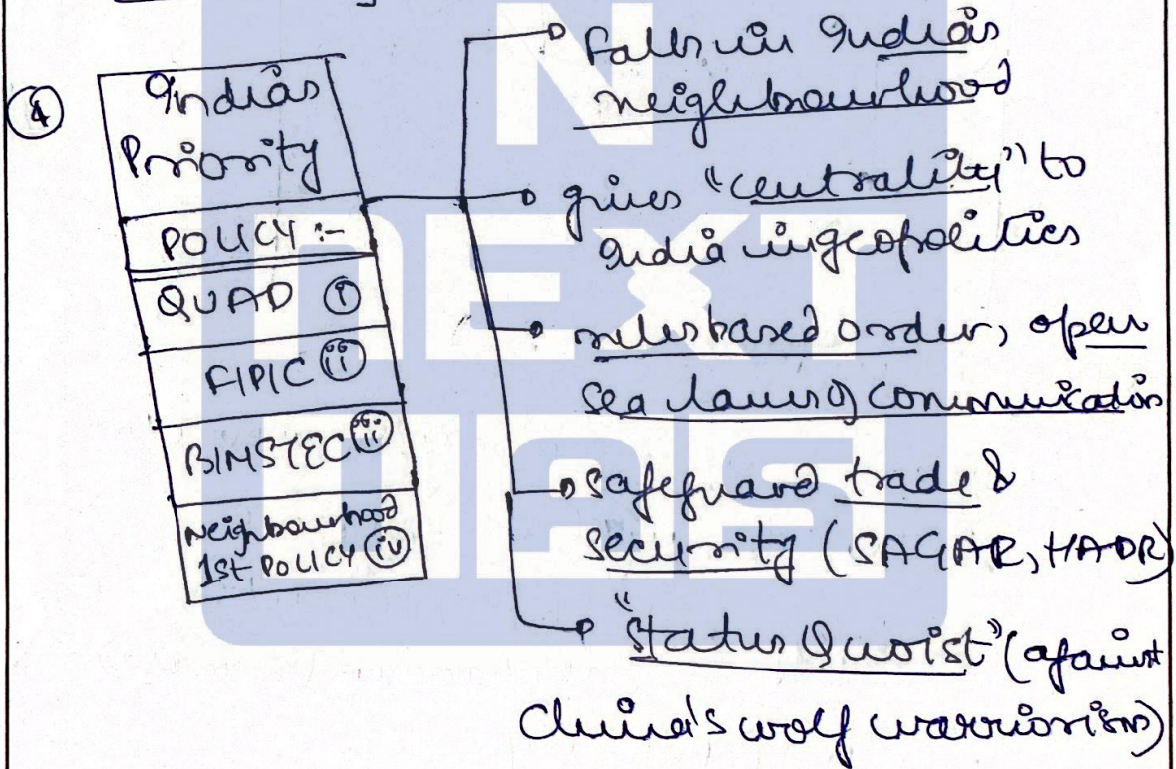
Zone of New Priorities :-

- ① China's rising hegemony due to its :-
 - (1) Middle Kingdom Syndrome
 - (2) Safeguard its trade routes (Malaccan Dilemma)
 - (3) A2AD policy
 "dual axis anti Demail"
 ↓
 demis UNCLOS diktat and has 9 Dark line
 - (4) hegemonic rise and } fake Cartographic manipulation } Islands

② USA has new Indo-Pacific Strategy:-

- 2.01) To reclaim "American Exceptionalism -ism"
- 2.02) Guard 9th "First chain of Nations"
- 2.03) Defence ⇒ Guam base
- 2.04) Ensure Taiwan is protected

③ Japan & Australia } have released new strategies to safeguard interests:



Zone of Diverging interests :-

- ① Defence ⇒ China & USA competing for hegemony (even in economic sphere)
- ② Small Island nations converging differently

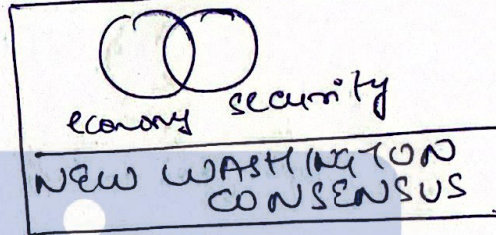
(E) Solomon Islands \Rightarrow China

(E) Fiji \Rightarrow India

QSI superseding Quad :-

1) In new Washington Consensus :-
security and economy cannot be
dehyphenated: Hurit MAY

Supersede



However, it may
 not supersede in
 region :-

- ① No one wants to militarise the zone
- ② "clawed democracies" of Quad yield considerable power in international policy
- ③ India is showing \nearrow omnipresent balancing
 \searrow multialignment

Hurit can easily be countered.

Indo Pacific region in recent times have
 emerged as, zone of geopolitical
 and geoeconomical changes. India can
 take the lead with ASEAN, Japan etc
 to respect WESTPHALIAN ^{rules} (territorial
integrity) of nations.

