



GENERAL STUDIES

Name Of Candidate	SHIVIN CHAUDHARY		
Roll No.	1910102962	Date:	23/8/2022

Time Allowed: Three Hours

Maximum Marks: 250

INDEX TABLE			INSTRUCTION	
Q. No.	Max. Marks	Marks Obtained		
1			1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet.	
2			2. There are TWENTY questions printed in ENGLISH & HINDI, all questions are compulsory.	
3			3. The number of marks carried by a question/part is indicated against it.	
4			4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided.	
5			5. Word limit in questions, if specified, should be adhered to. Any page or portion of the page left blank in the Question-Cum Answer Booklet must be clearly Struck off.	
6			Any specific messages for ForumIAS Mentors/Evaluators with respect to your copy? Write it here.	
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Total:	250			
Evaluator's Discretion:			For Student Only	
			Start Time 11:00 am	End Time 2:00 pm
Total Marks:			Mode Of Examination:	Online <input checked="" type="checkbox"/> Offline <input type="checkbox"/>
Evaluator's Discretion: This is the marks awarded at the discretion of the evaluator based on your overall impression, on the basis of (but not limited to) your handwriting, presentation, use of diagrams, flowcharts, facts and figures or absolutely anything that he/she liked in your copy.			For Office Use Only	
			ECN CODE:	EG:
			Evaluation Date:	

Note: You can discuss your evaluated copy with the Mentor. Raise a ticket from your portal to schedule a mentor call or visit the offline centre to meet mentor (all 7 days, Timings – 11 AM to 6 PM). Further if you are unsatisfied with the evaluation, you can seek re-evaluation of the copy.

Parameters	Excellent	Very Good	Good	Average	Poor	Very Poor
Language						
Structure						
Presentation						
Handwriting						
Content						
Attempt						

ADDITIONAL REMARKS

Instructions: All questions are compulsory. The number of marks carried by a question/part is indicated against it. Quality of the answer is more important than the length of the answer.

निर्देश : सभी प्रश्न अनिवार्य हैं। प्रत्येक प्रश्न द्वारा धारित अंकों को उसके सामने इंगित किया गया है। उत्तर की गुणवत्ता उत्तर की लंबाई की तुलना में अधिक महत्वपूर्ण है।

Q.1) The biggest critique of Basic Structure doctrine from its inception has been it being shrouded in confusion, vagueness and a formulation which is loose and not precise. Critically examine.

(10 marks, 15 words)

मूल संरचना सिद्धांत की शुरुआत से ही इसकी सबसे बड़ी आलोचना यह रही है कि यह भ्रम, अस्पष्टता और एक सूत्रीकरण का निर्माण करती है और यह शिथिल है, सटीक नहीं। समालोचनात्मक परीक्षण कीजिए।

(10 अंक, 150 शब्द)

Q.2) Sedition law, in any form, is a threat to civil liberties and presents an opportunity for its weaponization against dissenters and detractors. Should India do away with the sedition law? Justify your opinion.

(10 marks, 15 words)

राजद्रोह कानून, किसी भी रूप में, नागरिक स्वतंत्रता के लिए खतरा है और असंतुष्टों और विरोधियों के खिलाफ अपने हथियार बनाने का अवसर प्रस्तुत करता है। क्या भारत को राजद्रोह कानून को खत्म कर देना चाहिए? अपने मत का औचित्य सिद्ध कीजिए।

(10 अंक, 150 शब्द)

Q.3) The preamble is not a mere solemn resolution; but majestic expression of philosophy, principles and purpose of the constitution. Elaborate.

(10 marks, 15 words)

प्रस्तावना महज एक पवित्र संकल्प नहीं है; बल्कि संविधान के दर्शन, सिद्धांतों और उद्देश्यों की प्रभावशाली अभिव्यक्ति है। विस्तृत विवेचना करें।

(10 अंक, 150 शब्द)

Q.4) Every person has a fundamental right to entertain such religious practices as approved by his/her conscience. Do you think that 'doctrine of essentiality' restricts this autonomy?

(10 marks, 15 words)

प्रत्येक व्यक्ति को अपने विवेक द्वारा अनुमोदित ऐसी धार्मिक प्रथाओं में सम्मिलित होने का मौलिक अधिकार है। क्या आपको लगता है कि 'अनिवार्यता का सिद्धांत' इस स्वायत्तता को प्रतिबंधित करता है?

(10 अंक, 150 शब्द)

Q.5) The divergence between intent and impact of the tenth schedule necessitates calling into question its relevance in the present times. Analyze.

(10 marks, 15 words)

दसवीं अनुसूची के आशय और प्रभाव के बीच का अंतर वर्तमान समय में इसकी प्रासंगिकता पर सवाल खड़ा करता है। विश्लेषण करें।

(10 अंक, 150 शब्द)

Q.6) Discuss the status of death penalty in the country. Can a governor pardon a death penalty? What are various limitations of pardoning power of governor?

(10 marks, 15 words)

देश में मृत्युदंड की स्थिति की विवेचना कीजिए। क्या राज्यपाल मौत की सजा माफ कर सकता है? राज्यपाल की क्षमादान शक्ति की विभिन्न सीमाएँ क्या हैं?

(10 अंक, 150 शब्द)

Q.7) Do you think the Competition Commission of India (CCI) has been as successful in protecting consumer rights, promoting fair competition and restricting monopolistic tendencies, vis a vis its western counter part? (10 marks, 15 words)

क्या आपको लगता है कि भारतीय प्रतिस्पर्धा आयोग (CCI) उपभोक्ता अधिकारों की रक्षा करने, निष्पक्ष प्रतिस्पर्धा को बढ़ावा देने और एकाधिकारवादी प्रवृत्तियों को प्रतिबंधित करने में उतना ही सफल रहा है, जितना कि पश्चिमी देशों में इसके समक्ष संस्थान? परीक्षण कीजिए। (10 अंक, 150 शब्द)

Q.8) Though RTI was meant to strengthen participatory democracy in India, various factors have hindered its utilization to full potential. In this context, examine the issues pertaining to the implementation of the RTI Act. (10 marks, 15 words)

यद्यपि RTI का उद्देश्य भारत में सहभागीमूलक लोकतंत्र को मजबूत करना था, लेकिन विभिन्न कारकों ने इसके पूर्ण क्षमता के उपयोग में बाधा उत्पन्न की है। इस संदर्भ में, RTI अधिनियम के कार्यान्वयन से संबंधित मुद्दों का परीक्षण कीजिए। (10 अंक, 150 शब्द)

Q.9) Instead of performing a transformative role, traditional bureaucracy has contributed to perpetuation of old order. Comment. (10 marks, 15 words)

एक परिवर्तनकारी भूमिका निभाने के बजाय, पारंपरिक नौकरशाही ने पुरानी व्यवस्था को कायम रखने में योगदान दिया है। टिप्पणी करें। (10 अंक, 150 शब्द)

Q.10) Contrary to expectations surrounding its enactment, the institution of Lokpal has not proved path-breaking in dismantling the structures of corruption in public life. Analyze. (10 marks, 15 words)

अधिनियमन की अपेक्षाओं के विपरीत, लोकपाल की संस्था सार्वजनिक जीवन में भ्रष्टाचार को खत्म करने में पथ-प्रदर्शक साबित नहीं हुई है। विश्लेषण करें। (10 अंक, 150 शब्द)

Q.11) Why did constitution makers prefer 'union of states' over 'federation of states' to describe India? To what extent this preference is responsible for tensions in centre-state relations? (15 marks, 250 words)

संविधान निर्माताओं ने भारत का वर्णन करने के लिए 'यूनियन ऑफ स्टेट्स' के बजाय 'फेडरेशन ऑफ स्टेट्स' को प्राथमिकता क्यों दी? केंद्र-राज्य संबंधों में तनाव के लिए यह वरीयता किस हद तक जिम्मेदार है? (15 अंक, 250 शब्द)

Q.12) While fundamental rights have strengthened our democracy, fundamental duties are essential to strengthen our society. In this context examine the importance of fundamental duties for Indian society. (15 marks, 250 words)

जहां मौलिक अधिकारों ने हमारे लोकतंत्र को मजबूत किया है, वहीं मौलिक कर्तव्य हमारे समाज को मजबूत करने के लिए आवश्यक हैं। इस संदर्भ में भारतीय समाज के लिए मौलिक कर्तव्यों के महत्व का परीक्षण कीजिए। (15 अंक, 250 शब्द)

Q.13) Discuss the role of the judiciary in electoral reforms citing suitable cases. How far do you agree that judiciary induced reforms violate the principle of separation of power? (15 marks, 250 words)

उपयुक्त मामलों का हवाला देते हुए चुनाव सुधारों में न्यायपालिका की भूमिका पर चर्चा करें। आप कहाँ तक सहमत हैं कि न्यायपालिका से प्रेरित सुधार सत्ता के पृथक्करण के सिद्धांत का उल्लंघन करते हैं? (15 अंक, 250 शब्द)

Q.14) There has been an increasing demand for doing away with the concurrent list. Examine the utility of concurrent list in the light of recent events. (15 marks, 250 words)

समवर्ती सूची को समाप्त करने की मांग बढ़ती जा रही है। हाल की घटनाओं के आलोक में समवर्ती सूची की उपयोगिता का परीक्षण कीजिए। (15 अंक, 250 शब्द)

Q.15) Against the intentions of the constitution makers, the use of discretionary powers by governors has become a major source of tension in Centre–state relations. What are the discretionary powers of the Governor? Also, discuss the issues associated with them. (15 marks, 250 words)

संविधान निर्माताओं की मंशा के विपरीत राज्यपालों द्वारा विवेकाधीन शक्तियों का प्रयोग केंद्र–राज्य संबंधों में तनाव का एक प्रमुख स्रोत बन गया है। राज्यपाल की विवेकाधीन शक्तियाँ क्या हैं? साथ ही उनसे जुड़े मुद्दों पर चर्चा करें। (15 अंक, 250 शब्द)

Q.16) Concerns regarding Parliamentary performance most often relate to the drastic reduction in the level and extent of deliberation, representation and scrutiny. In this context, highlight the recent instances which have led decline in effective functioning of the parliament. (15 marks, 250 words)

संसदीय कार्य–निष्पादन के संबंध में चिंताएं प्रायः विचार–विमर्श, प्रतिनिधित्व और संवीक्षा के स्तर और सीमा में भारी कमी से संबंधित होती हैं। इस संदर्भ में, हाल के उदाहरणों पर प्रकाश डालिए जिनके कारण संसद के प्रभावी कामकाज में गिरावट आई है। (15 अंक, 250 शब्द)

Q.17) Political decentralization without devolution of funds and functions to panchayats has resulted in representation but not empowerment. Examine whether devolution of funds and functions alone can transform panchayats into effective institutions of self-governance. (15 marks, 250 words)

पंचायतों को धन और कार्यों के हस्तांतरण के बिना राजनीतिक विकेंद्रीकरण के परिणामस्वरूप प्रतिनिधित्व तो हुआ है लेकिन सशक्तिकरण नहीं। जांच करें कि क्या केवल निधियों और कार्यों का हस्तांतरण पंचायतों को स्वशासन के प्रभावी संस्थानों में बदल सकता है। (15 अंक, 250 शब्द)

Q.18) The offence of rape cannot be condoned by marital relationship between victim and culprit. In light of this statement, discuss the issues involved in criminalization of marital rape. (15 marks, 250 words)

बलात्कार के अपराध को पीड़िता और अपराधी के बीच वैवाहिक संबंधों द्वारा माफ नहीं किया जा सकता है। इस कथन के प्रकाश में वैवाहिक बलात्कार के अपराधीकरण में शामिल मुद्दों की चर्चा कीजिए। (15 अंक, 250 शब्द)

Q.19) Since the paradigm shift from government to governance and further to good governance, pressure groups have emerged as a strong mechanism for making the democracy participatory, transparent, accountable and responsive. Elucidate. (15 marks, 250 words)

जब से सरकार से शासन और आगे सुशासन के प्रतिमान में बदलाव आया है, तब से दबाव समूह लोकतंत्र को सहभागी, पारदर्शी, जवाबदेह और उत्तरदायी बनाने के लिए एक मजबूत तंत्र के रूप में उभरे हैं। स्पष्ट करें। (15 अंक, 250 शब्द)

Q.20) “The rapid expansion of mobile network, proliferation of smart phones and data revolution have made m-governance an integral part of government welfare programmes.” Discuss. (15 marks, 250 words)

“मोबाइल नेटवर्क के तेजी से विस्तार, स्मार्ट फोन के प्रसार और डेटा क्रांति ने m-गवर्नेंस को सरकारी कल्याण कार्यक्रमों का एक अभिन्न अंग बना दिया है।” चर्चा कीजिए। (15 अंक, 250 शब्द)

(Please do not write anything except the question number in this space)

कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.
Content of the Question is more important than length.
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाथिए में नहीं लिखना चाहिए
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1.)

The basic structure doctrine was conceptualised by the Supreme Court in Keshwananda Bhatti v/s Union of India. It has been further expanded on a case to case basis in cases such as Munirva Mills case, SR Bommai case, etc.

Criticism of Basic Structure

- ① Not mentioned in Constitution: form of Judicial activism.
- ② Narrow judgment margin: 6 out of the 13 judges voted against the doctrine in Keshwananda Bhatti case.
- ③ Confusion: various expansions to the doctrine in various cases limit the Constituent power of parliament.
- ④ Loose formulation: words such as 'substantial' and 'Federalism' that have not been defined.

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have been added to basic structure.

Ex: in SR Bommai case, Secularism was added to basic structure.

Counter view

① Upholds supremacy of constitution: If absolute amending power is bestowed on parliament, supremacy of constitution might be impaired.

② Balances Fundamental Rights and DPSP: In Minerva Mills case, Supreme Court restored the balance between fundamental rights and DPSP.

③ Independence of Judiciary: Striking down of NJAC in the 4th judge case.

④ Expansive Judicial review: as upheld in the IR Coelho case.

Hence, even though the parts of Basic Structure are formulated on case to case basis, it has helped in the evolution of Indian polity.

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2)

Section 124A of the Indian penal code establishes sedition. Recently, the supreme court held this law in abeyance as the union government pledged to reconsider it.

Doing away with sedition law

- ① Most mature western democracies have no such principle.
Ex: abolished in UK, absent in USA.
- ② Colonial overhang: archaic law passed in 1870.
- ③ Authorities not following 'Kedarnath principle' espoused by the Supreme court in Kedarnath Singh v/c Union of India
- ④ 'Chilling effect' on free speech under article 19(1)(a)
- ⑤ Hge potential for abuse, especially against political opponents and journalists.

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Keeping Sedition in Statute Book

- ① Few instances of misuse are not grounds for scrapping the law.
- ② Secessionist tendencies in Indian history. Ex: Khalistan movement
- ③ Helps prevent irresponsible speech and subterfuge
- ④ Should be used only when there is direct call for violence.

Gandhiji said that sedition was the chief tool used to erode the liberty of the citizens. Using the aforementioned arguments, the law must be removed from the statute. However, irresponsible and hate speech can be dealt with on a case to case basis.

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3.)

Preamble of our constitution provides a key to the minds of the constitution makers. It is not a mere introduction but a speaking document.

Expression of constitutional philosophy

words in the ~~constitution~~ preamble show the underlying ideals of the constitution:

- ① Sovereign : India is free to take her own decisions and not under any external or internal pressure for them. Ex: civil nuclear deal.
- ② Secular : Equal respect to all religions. Ex: articles 25-28.
- ③ Socialist : distribution of wealth among all sections. Ex: article 39(b), 39(c)
- ④ Democratic : one person, one vote, one value. Ex: art 326 established adult franchise

Page

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Principles and purposes of constitution

① Justice : in social, economic and political sphere for all. Ex : art 14 establishes equality before law

② Liberty of thought and expression : For free and open discussion of public matters.
Ex : article 19(1) (a)

③ Equality of status and opportunity : For inclusive growth and upliftment of disadvantaged.
Ex : article 17 abolishes untouchability

④ Unity and integrity of the nation : National integration and idea of cohesion. Ex 51A : fundamental duty to render national service.

In LIC of India case (1995) the Supreme court held that the preamble is an integral part of the constitution. This shows its importance and primacy.

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Candidates must not write on this margin

4.)

Article 25 of the Constitution guarantees for every citizen the right to freedom of conscience and to profess, preach and practice religion of their choice.

Doctrine of essentiality as a restriction

As per Indian model of secularism, the state can interfere in religious practices as long as they are not 'essential' to practice of religion.

However, the question of whether a practice is essential is dealt by the courts owing to the issue of 'judicial activism'.

Courts are not experts in religion and the determination of essentiality must be done by respective religious scholars.

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कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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As said by justice Judice Malhotra in Sabrimata case, all religions are based on faith and cannot be tested on constitutional grounds.

Ex: Recently Karnataka High Court declared that 'Hijab' was not essential to Islam.

Doctrine of essentiality as necessary

Religions are based on historical morality and tend to subdue the rights of the downrodden. In such a scenario, it becomes essential for courts to intervene and establish rights of minorities.

Ex: Supreme Court held triple talaq as unconstitutional.

Hence, although the doctrine of essentiality makes room for courts to interfere in religion, it also allows for essential rights of downrodden sections to be upheld. The fundamental rights under articles 14 and 21 cannot be suppressed in the name of Religion.

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B)

The tenth schedule of the constitution establishes the Anti Defection law. It was introduced by the 52nd constitutional amendment act.

Intent

The tenth schedule was introduced to :

① curb the evil of political defections and stop horse trading.

② establish political stability in government

③ Improve legislator's freedom in the house while curbing the role of money power.

④ Stopping the idea of 'Naya Ram gaya Ram'.

However, its actual impact on indian polity has been different.

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Impact

① Political defections have not been checked.

Ex: Recent events in maharashtra and gwa

② Politicisation of Role of speaker regarding deciding disqualifications under the law.

Ex: In KM Singh case, Supreme court had to take action directly against defectors as speaker refused to disqualify them for three years.

③ Chilling effect on free speech of legislators through the use of vetoes.

Although the provisions of the 10th schedule have been further expanded through Kihoto Hollohau case, Ravi Naik case and 91st amendment, it continues to not have the desired impact. Hence, there is a need to reexamine the law.

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6.)

142 countries of the world have abolished the death penalty. India continues to have the ~~status of~~ death penalty in its statute books.

Status of death penalty

Laws allowing death penalty

IPC

waging war against India

Murder crime

Mutiny

UAPA act

NDPS act

PoCSO act

Judicial framework

① Bachan Singh case: death penalty is 'rarest of the rare' cases.

② Machhi Singh case: courts to consider manner, motive and nature of crime

③ Satrughna Chaurhan case: No death penalty for mentally ill

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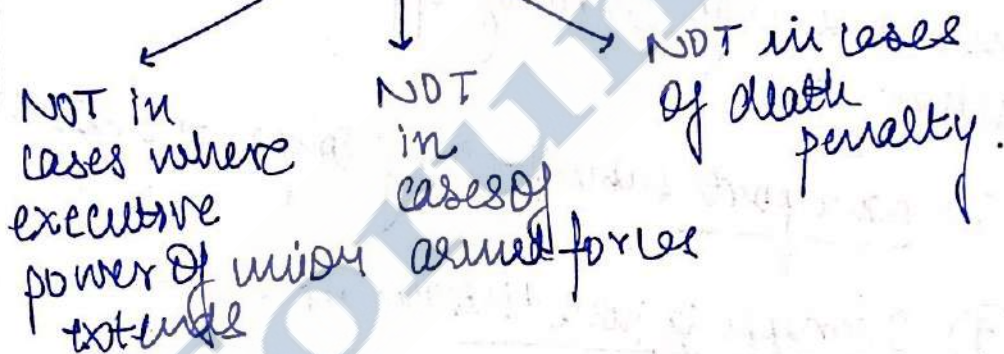
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Powers of governor

① In death penalty: governor cannot pardon cases of death penalty. Exclusive power lies with president.

② Limits on pardoning power of governor



Due to its low deterrence value, no scope of correction, violation of right to life and lack of objectivity, the ICCPR as well as the law commission (262nd) report recommend the removal of death penalty.

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7

The competition Commission of India was established as the monopolies and trade restrictive practices act was replaced by the competition act of 2002. Its western counterpart is the Federal Trade Commission of the USA.

Comparison

- ① Staff : The FTC has a bigger staff and better recruitment of skilled individuals vs a vis the ~~FTC~~ CCI
- ② Autonomy : FTC is free from ministerial interference while CCI comes under the ministry of corporate affairs.



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③ Processes : FTC was performed better in terms of efficiency and effectiveness.

Ex : duopoly of airtel - Jio in India v/s networks such as AT&T, Verizon etc. in USA.

④ Infrastructure : CCI lacks the requisite ~~an~~ administrative infrastructure due to clash with other bodies. Ex: consumer courts.

Hence, there is a need for reform in the CCI in this age of e-commerce.

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8

The Right to Information Act 2005 signals a rapid shift in governance culture towards accountability and transparency. However, certain issues plague its implementation.

Challenges in implementation

- ① Inadequate staff: vacancy in the post of Information Commissioner in 9 states
- ② Inappropriate use of section 8 to reduce access to critical information
- ③ Lack of citizen awareness and capability
- ④ High exemptions
- ⑤ Delusion of law: 2019 amendment Act.

उम्मीदवारों को
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न लिखें।

- ① Lack of basic infrastructure and digitisation.
 - ② No penalties in case of delayed information.
 - ③ High pendency of cases.
 - ④ Oath of 'Secrecy' rather than oath of transparency.
 - ⑤ Conflict with official secrets act as stated by Shrivastava Committee.
- As per 2nd ARC, RTI can be a master key to unlocking good governance. However, issues regarding its implementation need to be addressed.



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9

Sardar Vallabhai Patel has called the Indian bureaucracy the steel frame of Indian administration. However, traditional values in its administration have contributed to perpetuation of the old order:

Traditional Bureaucracy

- ① Status quoist: lack of willingness to change
- ② Centralised approach: not following principle of subsidiarity
- ③ Rule bound: preference of procedural justice over outcome based justice
- ④ concerned with routine tasks
- ⑤ perpetration of 'maibag culture' and patron client relationship
- ⑥ veil of secrecy rather than oath of accountability.

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⑦ Authoritative and directive rather than people centric and democratic.

Way Ahead

In light of the above issues, reforms are required in the civil service as proposed by NITI aayog :

Recruitment

- Increase teeth to tail ratio
- decrease number of services
- encouraging lateral entry
- formation of local government cadre.

Training

- Mid career training
- E learning
- 'Living university'
- outcome based

Evaluation

- Multi stakeholder ACR report
- compulsory retirement for underperforming
- abolish article 311

Hence, reforms are needed in the civil service to ensure the ideal of 'Maximum governance and minimum government'

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10)

The lokpal bill was enacted in 2013 in the aftermath of the Jan lokpal movement.

Failure to dismantle corruption

- ① India's ranking on corruption perception index remains low at 86/180 countries
- ② Non appointment of lokpal chairman due to absence of leader of opposition in parliament
- ③ No report submitted by lokpal to president
- ④ Overlapping jurisdiction with central vigilance commission (CVC)
- ⑤ Lack of independent investigative ^{voluntary} judiciary
- ⑥ No provision for anonymous complaints
- ⑦ Lack of suo-moto powers of lokpal

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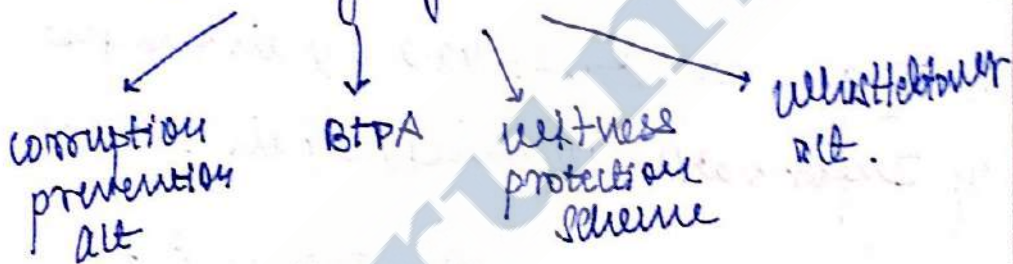
उम्मीदवारों को
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कोई लिखना
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⑧ dilution of lokpal's ambit: 2016 amendment excludes dependent children and wives of officials from ambit.

Way ahead

① Reform in appointment of chairman

② Linkage of various anti-graft laws



As stated by 2nd ARC, corruption increases when accountability decreases and discretion increases. If reformed, lokpal can be a transformative step in reducing corruption in India.

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11.)

Article 1 of the Constitution establishes India as a 'Union of States'. The word 'Federation' has not been mentioned in the Constitution.

Reasons

① Indian federalism is not the result of agreement between states.
(Unlike American federalism)

② States have no right to secede from the union.

③ As per article 3, union can change the name, area or boundary of any state. Hence, India is an indestructible union of destructible states.

④ As per Dr. Ambedkar, avoiding the word federation avoids the problems of rigidity and legalism.

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⑤ The tendency of secessionism in our recent past and the presence of hostile geopolitical neighbours ~~both~~ mandate the presence of a strong center.

Role in tension in federal relations

The overarching power given to the Union has led to certain issues:

① Misuse of Article 356: Imposition of president's rule and taking over administration of the state.

② Governor being used as agent of center leading to conflict.

Ex: Recently, Tamil Nadu Governor ~~returned~~ ^{returned} bill regarding NEET to the assembly.

③ Encroachment over state subjects: Centre uses its lawmaking powers under articles 252 and 249 to encroach over state.

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Subjects.

Ex: 97th amendment act regarding cooperative societies

④ Use of paramilitary forces. Ex: Jurisdiction of BSF extended into states

⑤ All India services: ~~are~~ appointed by central government but work under state. Parliament can establish new all India services under article 312.

Although the word federation has been omitted by the constitution, the Supreme Court has upheld it as part of the basic structure. Moreover, provisions such as Inter State Council (article 213) and delegation of top executive power (article 258) show that the constitution makers envisioned a federal structure that is cooperative and not confrontational.

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12.)

Recently our PM uphold 'duty of the citizen' as one of the 5 vows for 'amrit kaal'. while fundamental rights guarantee freedom, duties make us ideal citizens.

Importance of Fundamental Duties

① Important for civic consciousness and realisation of role in nation making

② Help us deal with upcoming challenges.

Ex: 51A(g) provides for our duty to the environment and deals with curiable issues

③ Enforcement of fundamental rights of fellow citizens

Ex: Duty to establish brotherhood
establishes fundamental right of equality and non discrimination.

④ Remove colonial mindset and help

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appreciate our roots

Ex: 51A(b) : to cherish the ideals of our freedom struggle

④ Unity and integrity of India : duty to render national service

⑤ Gender justice : duty to stop practices derogatory to women.

⑥ Safeguard our culture : Duty to preserve monuments and heritage.

⑦ Growth of science and development :
Duty to develop scientific temper and spirit of reform.

⑧ Growth of education : Duty to send all children to school (primarily).

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Challenges

However, despite their noble ideals, certain challenges exist:

- ① Superfluous: Republic wanting to be matter
- ② Illogically arranged: should be included in part III with ~~other~~ rights
- ③ Non justiciable in nature.
- ④ Not comprehensive: As per justice verma committee, duty to pay taxes should be included
- ⑤ Uncertain: Terms such as 'ideals of freedom struggle', 'heritage' are not defined.

As per Chandriji, Rights flow from duties. Today there is a need to incorporate fundamental duties in curriculum to raise civic consciousness about them.

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13.)

The Indian courts have often stepped into the domain of electoral reform to uphold the ideal of free and fair elections.

Role in electoral Reforms

- ① Association of democratic reforms v/s Union of India (2002) : Candidates had to publish their antecedents.
- ② Lily Thomas case (2013) : People convicted for more than 2 years were barred from contesting.
- ③ Kihoto Hollohani case : Strengthening provisions of Anti defection law regarding 'voluntary giving up of membership'.
- ④ Balakrishnan case : Asked election commission to frame guidelines regarding political freebies.

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⑤ Various judicial pronouncements to uphold plenary power of election commission and upholding model code of conduct.

Judicial action as violation of separation of power

- ① Stepping into domain of legislature.
- ② Constitution expressly bans the interference of courts in electoral matters.
- ③ Judiciary as an un-elected body should not influence the make up of electoral affairs.
- ④ Change in electoral practices must come from court of law public opinion
- ⑤ Tendency of judicial activism to turn to judicial overreach.

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Judicial action as enforcing separation of powers

① Indian constitution does not establish strict separation of powers but a system of checks and balances.

② Judicial action is done only when there is a legislative void and matters

③ Certain questionable legislative actions in the past have forced the Judicial hand. Ex: 39th constitutional amendment after Raj Narain case.

Although a good temporary measure, constant judicial action in electoral matters will hinder the organic evolution of election laws, rendering the legislature lazy. Hence, courts must intervene in electoral matters through reform only as a last resort.

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17.)

Article 246 and the 7th Schedule of the Constitution establish 3 lists for the governance of legislative duties. The concurrent list allows for both center and state to make laws on its subjects, with the principle of federal supremacy.

Utility of concurrent list

- ① allows for cooperative federalism
- ② Incorporates both regional diversity and national integration.
Ex: issues such as forest, education
- ③ States can take advantage of parliamentary expertise of lawmaking
- ④ Res Pandemic response: lack of coordination between center and states due to 'Health' being in state list not

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Concurrent list.

⑤ Interstate water disputes: Mihir Shah committee recommends putting water in concurrent list

⑥ Failure of States: to enact police reforms as per Prakash Singh judgement have raised demands for shifting law and order to concurrent list.

Issues

① Centralising tendencies: Recent farm laws, cooperatives ministry

② Tool for encroachment: principle of federal supremacy misused by union to impose its will.

③ Against the principle of subsidiarity

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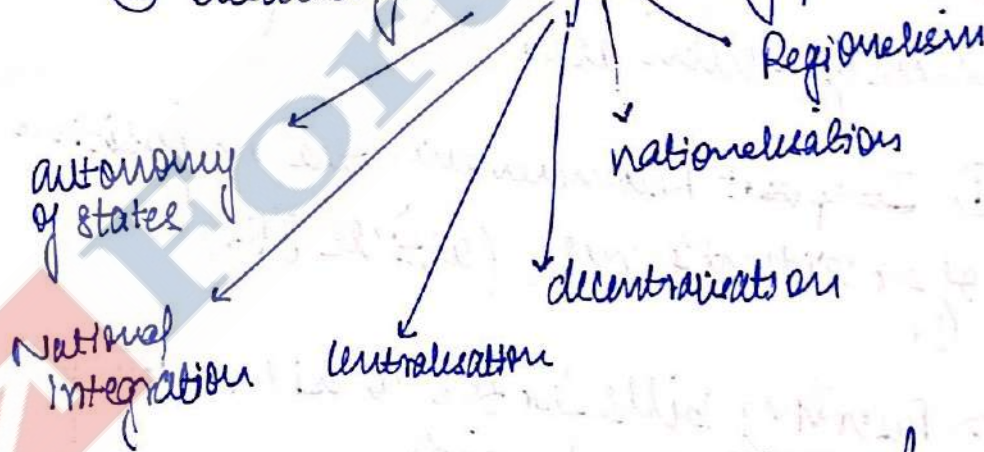
(A) Cannot account for linguistic diversities.
Exo: Tamil Nadu and NEET issue.

(B) Increases power of president with respect to states. (Exo): State laws on concurrent subjects need presidential assent.

Way ahead

① Moving from confrontational to collaborative federalism.

② Balancing the 6 pulses of federalism



③ Frequent use of articles 258 and 258A for transfer of executive powers between center and states. This will ensure 'double engine' of growth.

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15.)

Article 153 established a governor for every state in India. The constitution makes law this office as a source of cooperation between the center and state. Unfortunately, it has become the source of confrontation.

Discretionary power

Article 163(2) expressly establishes discretionary powers of the governor. Some of them are:

① ~~Imposing~~ Recommending the imposition of president's rule (article 356)

② Reserving bills for the consideration of president (article 200)

③ Special responsibilities for development in areas of Bihar, Assam, Maharashtra, Nagaland. (article 371)

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④ Appointment of Chief Minister in case of no clear majority. (article 164)

⑤ Governor enjoys immunity when acting in his discretionary role. (article 361)

Issues associated

① Governor serves at pleasure of president.

This uncertainty of tenure combined with discretionary power has made the office an agent of the center.

② Appointment of governors with opposing political ideology by union

③ Conflict between nominated office of governor and elected office of chief ministers

④ Hinders the realisation of cooperative federalism.

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⑤ Hindrance in legislative business of the state.

Ex: Recently Kerala governor refused to sign 11 ordinances.

⑥ Arbitrary removal of governor after change in central government.

Way ahead

There is an urgent need to depoliticise this office, as per the recommendations of the Sarkaria and Punchhi commissions:

- ① Appointing figures detached from politics
- ② Non removal before term of 5 years
- ③ Consulting CM before appointing governor
- ④ Governor to decide on Bills within 6 months
- ⑤ Removal of 'doctrine of pleasure'.

The governor is the keystone of state administration. His impartiality is crucial for spirit of cooperative federalism.

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16.)

In the 17th Lok Sabha, only 11% of the bills passed were referred to committees. The Rajya Sabha recorded productivity of 42% in the 2021 winter session (Association of democratic reforms). This shows declining parliamentary productivity.

Reasons for decline

- ① Redundance of parliamentary debate due to misuse of whips under anti-defection law
- ② Lack of fixed number of sitting hours.
- ③ Increasing gap between opposition and treasury benches leading to frequent disruptions.
- ④ Abuses of parliamentary privilege.
- ⑤ Lack of minor party democracy
- ⑥ Lack of voter consciousness regarding

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parliamentary debate .

Impact

- ① lack of accountability of executive and concentration of democratic power
- ② Betrayal of constitutional mandate under article 75
- ③ Creates vacuum in legislative business leading to increased scope of judicial activism
- ④ legislation is formed as per 'party view' and not 'evolved view'
- ⑤ Role of MP becomes mechanical.
It breaks the link of accountability between voter - MP - government.

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Way Forward

As per the NCRWC :

- ① Minimum number of sittings must be enacted. (120 for Lok Sabha and 100 for Rajya Sabha)
- ② Research support to MPs to increase quality of debate. Exo: LAMP fellowship
- ③ Responsible opposition and formation of shadow cabinet.
- ④ Referring bills to parliamentary committees as a rule
- ⑤ Sparingly use anti defection law and whips for non essential issues.

Parliament is the highest form of democracy. The decline in quality of this institution will lead to decreased state legitimacy.

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17.)

The 73rd constitutional amendment has provided Skeleton to local self governments. However, the lack of funds and functions has lead to no 'feeli' for these local bodies.

Role of funds and functions

① Funds : devolving funds to panchayats as per recommendation of State Finance Commissions to increase financial independence

② Functions : No state has yet devolved all the 29 entries of the XIth schedule to panchayat bodies

③ Gram Sabha : devolving functions to gram sabha and ensuring regular meeting of gram sabha.

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④ function devolution must be specific:
for all 3 tiers to avoid clash between the tiers.

⑤ Focus on internal revenue mobilisation and untied funds.

Ex: Fifteenth finance Commission has granted performance based untied funds to local bodies.

Beyond Funds and Functions: Functionaries and functionality

Funds and functions alone can only lead to regular meetings and governance. For effective governance, other steps are needed:

① Functionality: Stopping the emero alignment by parastatal bodies.

Ex: Smart city SPV

② Chip on the shoulder: Appointment of

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'gram sevak' at panchayat level involves the functionality of panchayats.

③ ~~Functionality~~ Functionalities: providing local bodies with skilled personnel to increase capacity

(Ex) : TULIP programme.

④ Capacity building: Voluntary technical corps by Kerala government is a good initiative.

Hence, to truly empower the local bodies we need to go beyond the funds and functions involved to functionalise and functionality.

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18.)

In the Puttaswamy judgment the Supreme court held bodily autonomy to be a fundamental facet of Rights to Privacy under article 21. Rape is the most heinous violation of that autonomy.

Current position

- ① Section 375(2) of IPC: Sexual intercourse with adult wife is not considered rape
- ② Independent thought v/s VDI (2017): SC held that intercourse with minor wife would be tantamount to rape.
- ③ Kerala HC in 2021 held that marital rape is grounds for divorce.

Need for criminalisation

- ① constitutional mandate under article 14 and 21.

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- ② Invisibility of crime and lack of agency with women
- ③ Doctrine of coverture need to be abolished
- ④ ~~Against~~ India's International commitments such as CEDAW
- ⑤ Defeats the objective of Section 375 of IPC if not criminalised.

Issue with criminalisation

- ① Possibility of misuse : Justice BN Srikrishna said that the existing rape laws are overly harsh and all being misused
- ② Difficult to prove : 'consensual' v/s 'non consensual' relations between husband and wife.
- ③ weakens the institution of marriage.

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④ Social change must be driven through grassroot social reform not legal top down reform.

Way forward

① Justice verma commission recommended criminalisation of marital rape.

② Legislation by parliament and not judicial intervention will be a better path.

③ Adequate safeguards against misuse.

To uphold the spirit of the constitution, women's dignity and equality of sexes, marital rape needs to be criminalised. However, adequate safeguards are needed.

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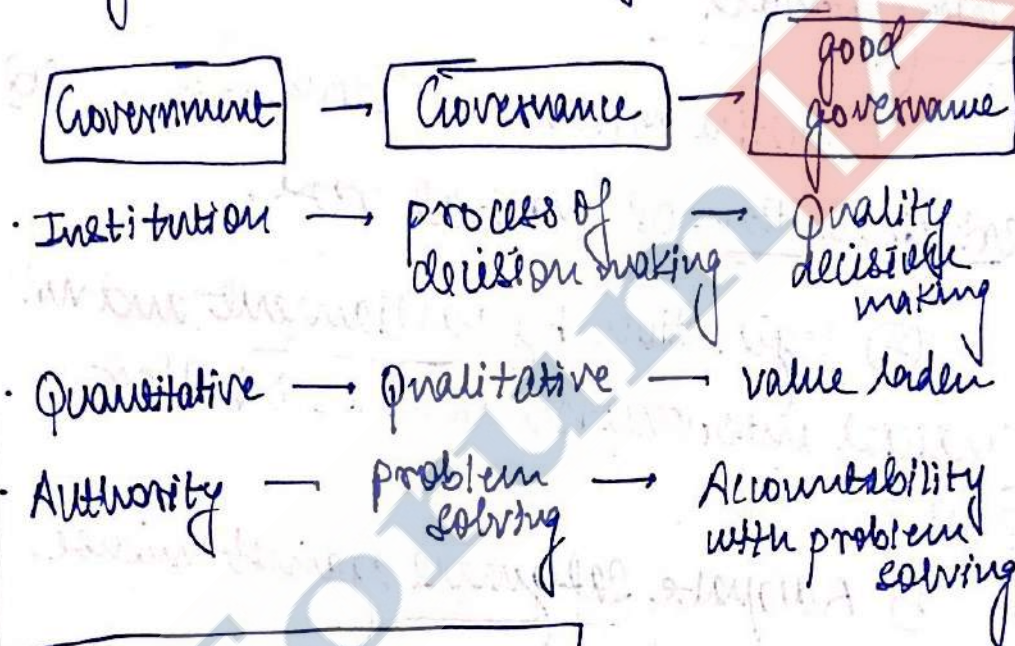
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19.)

The advent of the 'Right to Service' approach and the 'Commonwealth consensus' shows a paradigm shift in the governance mentality!



Role of Pressure Groups

- ① Participative : provide representation to marginalised sections
Ex: MKSS: Labourers and farmers
: Narmada Bachao Andolan: tribal groups
- ② Transparent : through influence on policy making and reform in govt processes.

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(Ex) : • Paivaltan : bringing RTI to India
• Judic against corruption : Lokpal bill

(3) Accountable : from episodic accountability of elections to continuous accountability

(Ex) : Sanyuktakisan Morcha : against 3 farm law
: Pratham : ASER report on education

(4) Responsive : Through court cases and legislative enactments make government respond to popular demands.

(Ex) : Association of democratic rights' role in electoral reforms.

Concerns

(1) Increase political inequality :
Industry groups are more dominant than environmental groups.

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② vested interests : Recent IB report said India faces 2% loss to GDP due to pressure groups.

③ Stop developmental projects : Ex: anti-kudankulam projects protest.

④ narrow parochial interest

⑤ lack of internal democracy and accountability.

Way ahead

Pressure groups are a potent tool for democratic expression and consensus oriented governance. However, there must be better regulation and auditing of groups to ensure that they uphold the principles of accountability, responsibility and transparency.

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20.)

As per Internet in India report, India has 735 million internet users, one of the highest in the world. This has transmigrated governance and welfare programmes to the digital level.

M-governance in welfare programmes

- ① JAM trinity: Jandhan, Aadhar and mobile to identify beneficiaries and prevent subsidy leakages
- ② BAPU: Biometrically authenticated physical uptake to ensure better delivery of services
- ③ E-Rupi: Sme based QR code which is person and purpose specific. Ensuring beneficiaries get direct access to development programmes.

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- ④ Gram Samvad app : for MNREGA projects to ensure inclusive growth.
- ⑤ eSanjvani : telemedicine during covid restrictions.
- ⑥ UMANG : Unified mobile app for new age governance for single point delivery of government services.
- ⑦ Kisan call center and E-choupal : solve issues of farmers with respect to soil and other inputs.

Concerns

- ① Rural urban divide : Rural internet penetration is only 82% compared to urban 99%.
- ② gender divide : women are only $\frac{1}{3}$ rd of the internet users in India.

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- ③ Lack of digital infrastructure in remote areas
- ④ Privacy and issue of data security
- ⑤ Threat of cyber attacks Ex: Recent grid disruption in Mumbai

Way ahead

- ① Enhancing inclusivity in Internet access
- ② adequate training and capacity building
- ③ upgrading digital infrastructure.
- ④ Digital India programme.

If harnessed effectively,
Internet technology can transform governance.
As said by our PM:

$$\begin{array}{l} \text{IT} \\ \text{(Information} \\ \text{technology)} \end{array} + \begin{array}{l} \text{IT} \\ \text{(Indian} \\ \text{talent)} \end{array} = \begin{array}{l} \text{IT} \\ \text{(India} \\ \text{tomorrow)} \end{array}$$