

TEST CODE : 4 1 0 8 7

FIAS - MGP 2021 (C-12) - GS Test #3

ForumIAS

GENERAL STUDIES

Name Of Candidate	NAZISH UMAR ANSARI		
Roll No.		Date:	10/12/21

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			<p><i>Any specific messages for ForumIAS Mentors/ Evaluators with respect to your copy? Write it here.</i></p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>	
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<b>Total:</b>	<b>250</b>			
<b>Evaluator's Discretion:</b>			<b>For Student Only</b>	
			Start Time   6:00 PM	End Time   9:00 PM
<b>Total Marks:</b>			Mode Of Examination:	Online <input checked="" type="checkbox"/> Offline <input type="checkbox"/>
<b>Evaluator's Discretion:</b> 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.			<b>For Office Use Only</b>	
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Parameters	Excellent	Very Good	Good	Average	Poor	Very Poor
Language						
Structure						
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Handwriting						
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ADDITIONAL REMARKS

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Q.1) Basic Structure doctrine is considered as the most significant 'Extra-constitutional Construct' to protect the essence of 'Constitutionalism' in India. Discuss. (10 Marks, 150 words)

भारत में 'संविधानवाद' के सार की रक्षा के लिए बुनियादी अवसंरचना सिद्धांत को सबसे महत्वपूर्ण 'संविधानेतर निर्माण' माना जाता है। चर्चा कीजिए। (10 अंक, 150 शब्द)

Supreme Court in its historical landmark judgement of (Keshavananda v/ UOI), introduced Doctrine of basic Structure and stated that the parliament can't amend the basic structure of constitution.

Basic Structure doctrine is an Extra Constitutional Construct as:

- There is no direct mention of such in constitution
- Only source of provisions of basic structure is through Supreme Court judgement.

But, It played a key role in protecting the essence of Constitutionalism (concept itself explained by SC in IR Coelho case 2007) through:



- Basic structure constitutes:
- ↳ Parliamentary form of government
  - ↳ Separation of power
  - ↳ Secularism
  - ↳ Supremacy of constitution
  - ↳ Limited power of parliament
  - ↳ Rule of law etc.

These provisions played a key role in protecting Indian democracy from becoming a tyranny of Executive or Majority parliament.

eg. SC struck down NJAC due to infringement of 'separation of power' which is a basic structure.

Though it is an essential component, SC should try to remove the ambiguity associated with it and define broad areas of basic structure one and for all.

Feedback  
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Structure/  
Presentation

Question  
Interpretation

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Q.2) Though necessary, timely, free and fair elections are not sufficient to ensure a vibrant democracy. In your opinion, what are the essential requirements for a vibrant democracy?

(10 Marks, 150 words)

हालांकि एक जीवंत लोकतंत्र को सुनिश्चित करने के लिए अनिवार्य रूप से समय पर, स्वतंत्र और निष्पक्ष चुनाव पर्याप्त नहीं हैं। आपकी राय में, एक जीवंत लोकतंत्र के लिए आवश्यक आवश्यकताएं क्या हैं? (10 अंक, 150 शब्द)

Article 324 of Indian Constitution provides for an Election Commission for conducting Free and Fair elections.

Why Free and fair elections are necessary?

- It keeps the faith of people in Indian democracy
- It makes the executive responsible towards the public.
- It provides opportunity for opposition to provide alternative to government.

But, Free and fair elections are not sufficient in its own as:

- ↳ There is a need of constant people participation to keep an eye on government



- ↳ Only a robust institutional set up can keep an eye on government's conduct.
- ↳ Democracies with just passive participation of voters are susceptible to turning into Autocracy.

So, For vibrant Democracy, there are certain essential requirements such as

- ↳ Strong institutional set up & mechanism
- ↳ People's participation in governance
- ↳ System of checks & balances, eg. CAG, SC.
- ↳ System based on merit.

Only through a responsible and accountable polity, one can expect a vibrant and flourishing democracy.

Feedback (For OFFICE use only)	
Structure/ Presentation	
Question Interpretation	
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Q.3) A major responsibility in a federal country with strong centralizing tendency is to maintain the balance, as well as mutual respect, between political structures at the central and state levels. Explain in light of recent events. (10 Marks, 150 words)

मजबूत केंद्रीकरण की प्रवृत्ति वाले एक संघीय देश में एक प्रमुख जिम्मेदारी केंद्र और राज्य स्तर पर राजनीतिक संरचनाओं के बीच संतुलन के साथ-साथ आपसी सम्मान को बनाए रखना है। हाल की घटनाओं के आलोक में व्याख्या कीजिए। (10 अंक, 150 शब्द)

Dr. B.R. Ambedkar called Indian System of ~~federal~~ federalism with a unitary tilt due to provisions like single constitution and power distribution.

Features of its centralizing tendency

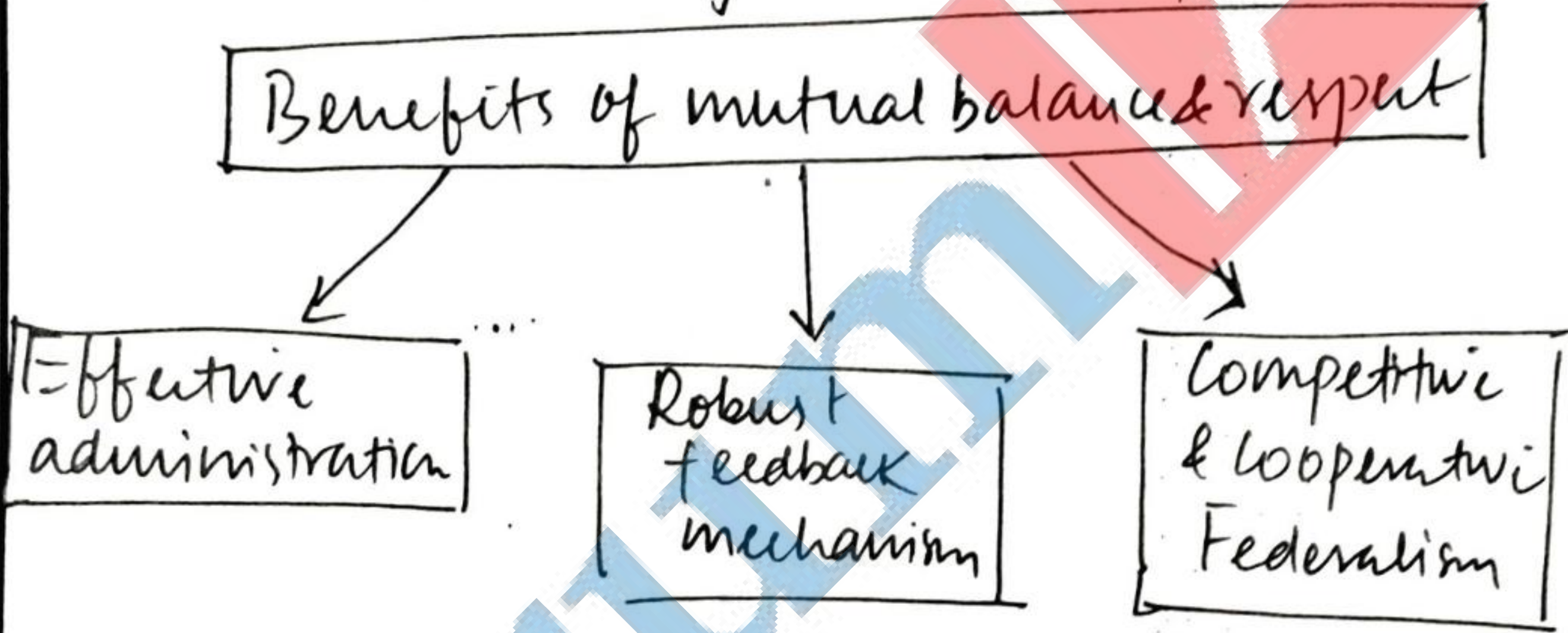
- Emergency provision (Art. 356, 352, 360)
- More subject in VII schedule (101 in Unitar list)
- Institution of Governor appointed by COM (Art. 153)
- More Financial power to Centre.

In a federal country with such system, there need a mechanism of maintaining balance & respect between political structures else may led to deadlocks & conflicts.



eg. Due to confrontation between Centre and states based on GST Compensation, a major rift was witnessed.

There are many cases of interference of governors of various states in state's administration. eg. West Bengal, Maharashtra etc.



Hence, Relationship between Centre and States should be based on trust and cooperation as envisioned by Sarkaria and Punchhi Commission and must involve enough room for flexibility

**Feedback**

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Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.4) The Government of National Capital Territory of Delhi (Amendment) Act, 2021 (GNCTD Act) provides wide discretionary powers to Lieutenant Governor, formalizing the status of Delhi as an administrative territory of union government. Do you agree? (10 Marks, 150 words)

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार (संशोधन) अधिनियम, 2021 (GNCTD अधिनियम) उपराज्यपाल को व्यापक विवेकाधीन शक्तियां प्रदान करता है, और दिल्ली को केंद्र सरकार के प्रशासनिक क्षेत्र के रूप में औपचारिक रूप देता है। क्या आप सहमत हैं? (10 अंक, 150 शब्द)

Government of NCT Delhi Act 2021 defined 'Lieutenant Governor as the Government of the NCT'.

It provides discretionary powers like

↳ Lieutenant Governor is independent of taking decisions in matter of governance.

↳ Elected government of Delhi's advice is not binding on Lieutenant Governor.

Did it formalizes status of Delhi as an administrative territory of Union Govt.?

Yes

↳ It made an authority appointed by



Central government at the helm of Delhi's administration.

↳ Lieutenant governor is not accountable to people as Delhi's government.

↳ Central government can formulate any legislation and regulations applicable to Delhi without much consultation with Delhi's assembly.

NO

↳ Delhi government still hold enough power to govern the Union territory in cooperation with Lieutenant Governor.

↳ Delhi being Capital require special system of administration.

SC. court in its judgement (Govt. of NCT vs UOI) declared Delhi government as actual executive of Delhi which was overturned in this Act. Hence, it is subject to judicial interpretation.

Feedback  
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Structure/  
Presentation

Question  
Interpretation

Content

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Addition

Total



Q.5) Highlighting the need of an All-India Judicial Services (AIJS), enumerate the various challenges associated with creation of an AIJS. (10 Marks, 150 words)

एक अखिल भारतीय न्यायिक सेवा (AIJS) की आवश्यकता पर प्रकाश डालते हुए AIJS के निर्माण से जुड़ी विभिन्न चुनौतियों को उजागर करें। (10 अंक, 150 शब्द)

All India Judicial Services is a conceptualised all india service in line with IAs, IPS, IFS. [Article 312]

Need of AIJS:

- It can solve the issue regarding the lack of judicial staff.
- It streamlines the system of appointment of judges in subordinate courts.
- Increasing pendency (3.5 cr cases all over india) need immediate attention with innovative solutions.
- It will ease down the burden of higher judiciary for Human resource management.



## Challenges associated with AIJS

- State government has apprehensions regarding the judicial appointment of subordinate officers which is currently under its jurisdiction.
- It is accused of diluting the independence of the judicial independence and affect separation of power.
- Lack of adequate financial mechanism may hamper the effectiveness.

All India Judicial Service as introduced by 42<sup>nd</sup> CAA should be framed with proper institutional framework to maintain judicial independence and ensure constitutional supremacy.

### Feedback

(For OFFICE use only)

Structure/  
Presentation

Question  
Interpretation

Content

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Total



Q.6) "The right to protest cannot be any time and everywhere". Comment on the significance of the right to protest in a vibrant democracy. (10 Marks, 150 words)

विरोध का अधिकार किसी भी समय और हर स्थान पर नहीं हो सकता। एक जीवंत लोकतंत्र में विरोध के अधिकार के महत्व पर टिप्पणी कीजिए। (10 अंक, 150 शब्द)

Article 19 of the Indian Constitution provides the 'Right to protest' in case of any grievance of its citizens.

## Significance of right to protest

- It acts as a feedback mechanism of the citizenry.
- It allows the government to sense the mood of the public.
- It gives opportunity to government to correct its actions.
- It enforces the supremacy of democracy and ensure people's participation.

eg. Protest against farm bills by the



Aggrieved farmers made the government realise the will of the people and bill was revoked.

Protest against corruption in system by India against Corruption changed the public opinion toward corruption and brought major changes.

Though, as expressed by SC It can't be everywhere and anywhere:

- ↳ Exercise of FR by one shouldn't infringe the rights of others.
- ↳ Protests should be logical and based on the ethos of our freedom struggle.

eg. Blockage of road during protest brought inconvenience to fellow citizens

Right to protest is a safety valve of our democracy and keep our democracy vibrant & functioning.

**Feedback**  
(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.7) Indian courts have played significant role in evolution of the constitution through progressive interpretation of various provisions. Elaborate with example. (10 Marks, 150 words)

भारतीय न्यायालयों ने विभिन्न प्रावधानों की प्रगतिशील व्याख्या के माध्यम से संविधान के विकास में महत्वपूर्ण भूमिका निभाई है। उदाहरण सहित विस्तृत करें। (10 अंक, 150 शब्द)

Indian constitution is a living document with dynamic interpretation with time. Indian courts being its protectors have played a key role in evolution of progressive ideas:

eg. (1) Right to life (Maneka Gandhi Case)

In its judgement, SC upheld the right to life and gives a broad definition to the rights exercised by citizens. Article 21 now includes more than 30 rights imbedded in it.

(4) Indira Sawhney Case (1992)

In Indira Sawhney Case, SC upheld the affirmative action of the state for the weak and marginalized people of the



country. It gave effect to social justice.

(iii) Naveen Singh Johar Case (2014)

SC struck down Sec 377 of IPC which criminalizes homosexuality and set an example for personal liberty & identity.

(iv) Sabrimata Case & Triple Talaq Case (2017)

In both these cases, SC upheld the right of women under Art 14, 19, 21 and liberate them of orthodox practices of discrimination.

Various such cases like Puttaswamy Case (2017), decriminalization of adultery by courts lead the way to individual liberty and fulfill the promise of state as per the 'Social Contract' with the citizen.

**Feedback**  
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Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.8) Populism has pushed politics towards socialism while economy continues to be dominated by global capitalism. Examine with examples. (10 Marks, 150 words)

लोकलुभावनवाद ने राजनीति को समाजवाद की ओर धकेल दिया है जबकि अर्थव्यवस्था पर वैश्विक पूंजीवाद का वर्चस्व बना हुआ है। उदाहरण सहित परीक्षण कीजिए। (10 अंक, 150 शब्द)

Indian Constitution declare India as a socialist country/state (42<sup>nd</sup> CA) but the LPG reform of 1991 led to establishment of a capitalist system in Indian economy.

How populism pushed politics to socialism

↳ Populism driven by popular state demand led to introduction of numerous poverty alleviation programmes like National Rural Livelihood Mission, National Food Security Act etc.

↳ Electoral politics in India is still driven by the freebies and scheme provided by the government.

↳ Government being a major employer need to



operate numerous enterprises in different sectors. eg. ONGC, BPL, LIC etc

↳ Historical baggage of socialism is still there

Despite such, Indian economy is still dominated by capitalist system

↳ Indian rupee is market regulated which has a large impact on inflation.

↳ Prices of petrol, diesel are under market influence control.

↳ Indian banking & capital market system is well integrated with global market.

There is a balance between the socialist and capitalist principle in India which each driving the growth story of India as two ends of the spectrum.

**Feedback**  
(For OFFICE use)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.9) Comment on status of prisoners and custodial violence in the country keeping in mind Supreme court guidelines in the DK Basu case. (10 Marks, 150 words)

डी के बसु मामले में सर्वोच्च न्यायालय के दिशा-निर्देशों को ध्यान में रखते हुए देश में कैदियों की स्थिति और हिरासत में हिंसा पर टिप्पणी करें। (10 अंक, 150 शब्द)

India has witnessed more than 1000 custodial death in last year with the recent fresh case of Hyderabad Encounter Case.

SC in its landmark judgement of DK Basu case gave certain guidelines.

↳ Acknowledgement of the right of lawyer and meeting with the relatives.

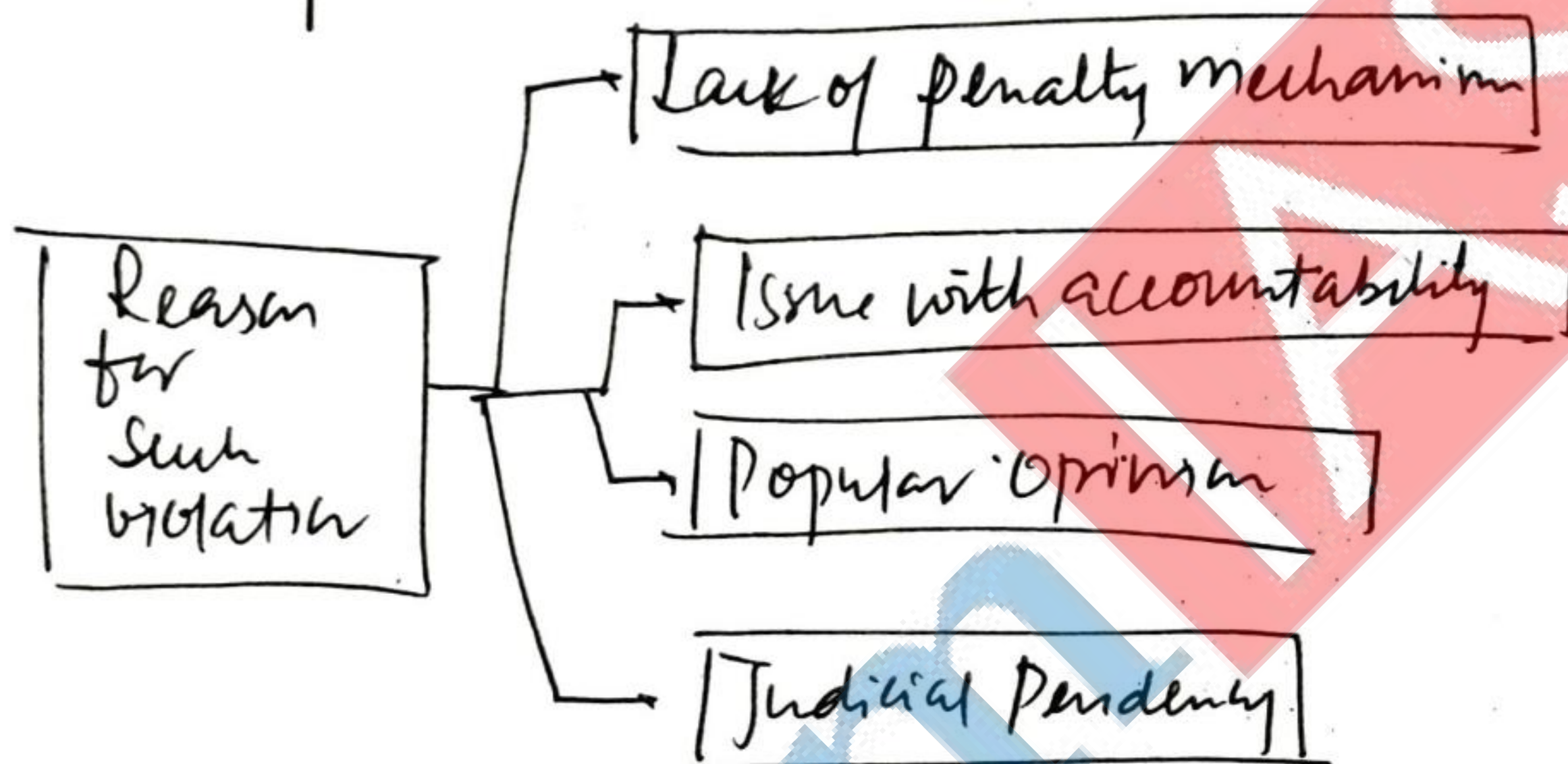
↳ NO self-incrimination.

↳ No use of force in custody while interrogation.

↳ In police custody only on account of substantial grounds.



Despite such clear guidelines, there have been violation of the custodial proceedings often leading to death of the prisoners.



It is an evident fact that status of prisoners in Indian jails is bad and are often victims of violence. There needs a institutional mechanism of responsibility for their safety and implementation of prison reform as suggested by Mulla Committee...

Feedback  
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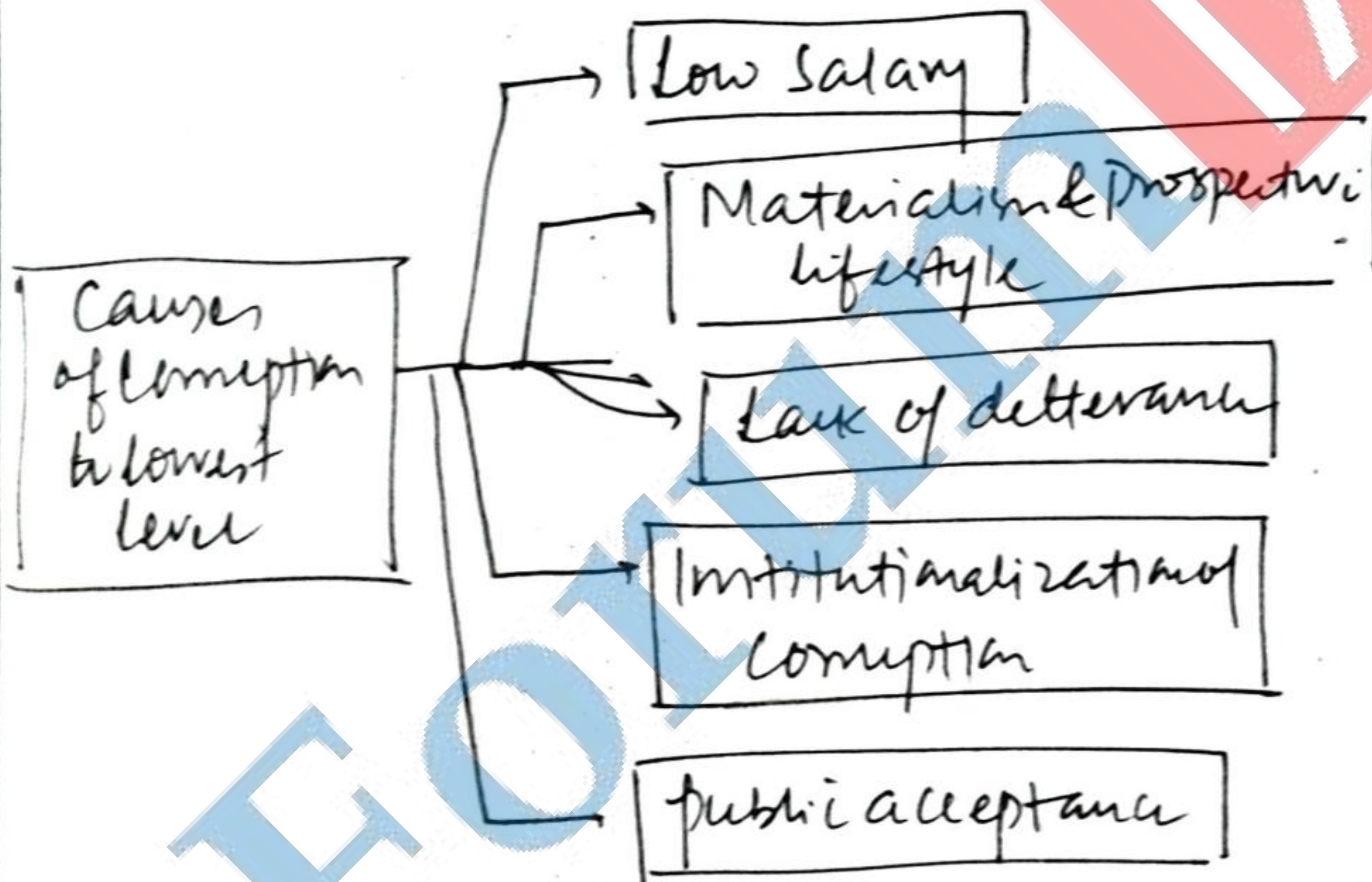
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Q.10) The malaise of corruption goes down to the lowest level of administration therefore, what is needed is to empower ordinary people to expose and report corruption locally and systems that act promptly. Discuss in the light of India's latest ranking on the Corruption Perception Index. (10 Marks, 150 words)

भ्रष्टाचार की बीमारी प्रशासन के निम्नतम स्तर तक चली गयी है. इसलिए जरूरत इस बात की है कि आम लोगों को स्थानीय स्तर पर भ्रष्टाचार को उजागर करने एवं रिपोर्ट करने हेतु और व्यवस्था तंत्र जो तुरंत कार्य करते हैं, को सशक्त बनाया जाए। भ्रष्टाचार बोध सूचकांक पर भारत की नवीनतम रैंकिंग के आलोक में चर्चा करें। (10 अंक, 150 शब्द)

India have been placed at 86/180 in Corruption perception Index by Transparency International



Corruption in indian administrative system run through bottom to top due to system of compliance and benefits. It can only be addressed through:



## Mechanism required to address corruption

- ↳ Involvement of public to engage in vigilance.
- ↳ Strengthening of public morality or not paying bribe.
- ↳ Use of latest technology to catch corrupt officials, eg. video recording.
- ↳ Code of Ethics & Conduct to be enforced.
- ↳ System of check and balance institutionalized through ombudsman.
- ↳ Grievance redressal & Feedback mechanism.

Only through enforcement of such means and ethical capacity building as recommended by 2nd ARC report in 'Ethics in Governance', we can tackle the malaise of corruption.

**Feedback**  
(For OFFICE use)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.11) What was held in Kedar Nath Singh Case 1962? Do you think that the judgement has outlived its utility and needs review? Discuss in light of recent controversies. (15 marks, 250 words)

केदार नाथ सिंह केस 1962, में क्या हुआ था? क्या आपको लगता है कि इस फैसले की उपयोगिता अब खत्म हो गई है और इसकी समीक्षा की जरूरत है? हाल के विवादों के आलोक में चर्चा करें। (अंक 15, शब्द 250)

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Q.12) Political stability in India arises primarily from the parliamentary system adopted by India after independence. In this context compare and contrast the political system of India and Sri Lanka. Do you agree that the political instability in Sri Lanka stems from her constitutional arrangement of distribution of power between the Prime Minister and the President? (15 marks, 250 words)

भारत में राजनीतिक स्थिरता मुख्य रूप से स्वतंत्रता के बाद भारत द्वारा अपनाई गई संसदीय प्रणाली से उत्पन्न होती है। इस संदर्भ में भारत और श्रीलंका की राजनीतिक व्यवस्था की तुलना और उनका अंतर स्पष्ट कीजिए। क्या आप सहमत हैं कि श्रीलंका में राजनीतिक अस्थिरता प्रधान मंत्री और राष्ट्रपति के बीच सत्ता के वितरण की उसकी संवैधानिक व्यवस्था से उपजी है? (अंक 15, शब्द 250)

Indian political system maintained its stability and gives way to a functional democracy after independence in 1947. Indian constitution and its provisions played a key role in its stability and evolution.

But, Sri Lankan political system faced numerous challenges since its independence due to lack of proper devolution of power to its provinces and lack of fulfillment of aspiration of its people.

Major difference between Indian & Sri Lankan System



## India

- India adopted a clear division of power through 7th schedule of constitution.
- Recognition of the diversities in Indian society with adequate protection.
- A federal order based on cooperation & competition.
- Supremacy of Constitution due to strong judiciary.
- Special provisions for marginalized.

## Sri Lanka

- Sri Lanka adopted a unitary system of minimal powers to provinces.
- No such protection to ethnic diversity.
- A unitary order with conflicts between organs.
- Lack of judicial supremacy leading to instability in separation of power.
- One month for all approach.



Despite such difference, a major cause of constitutional ambiguity in Sri Lankan political system is that of power of president and prime minister.

In India, President is the nominal executive while PM exercises the real power due to people's mandate.

But, In Sri Lanka, there is a constant tussle of power between PM and president which weakens its political structure.

Even through its 13th Constitutional Amendment, Sri Lankan govt. couldn't get able to address such issues of division of power and autonomy to provinces.

**Feedback**  
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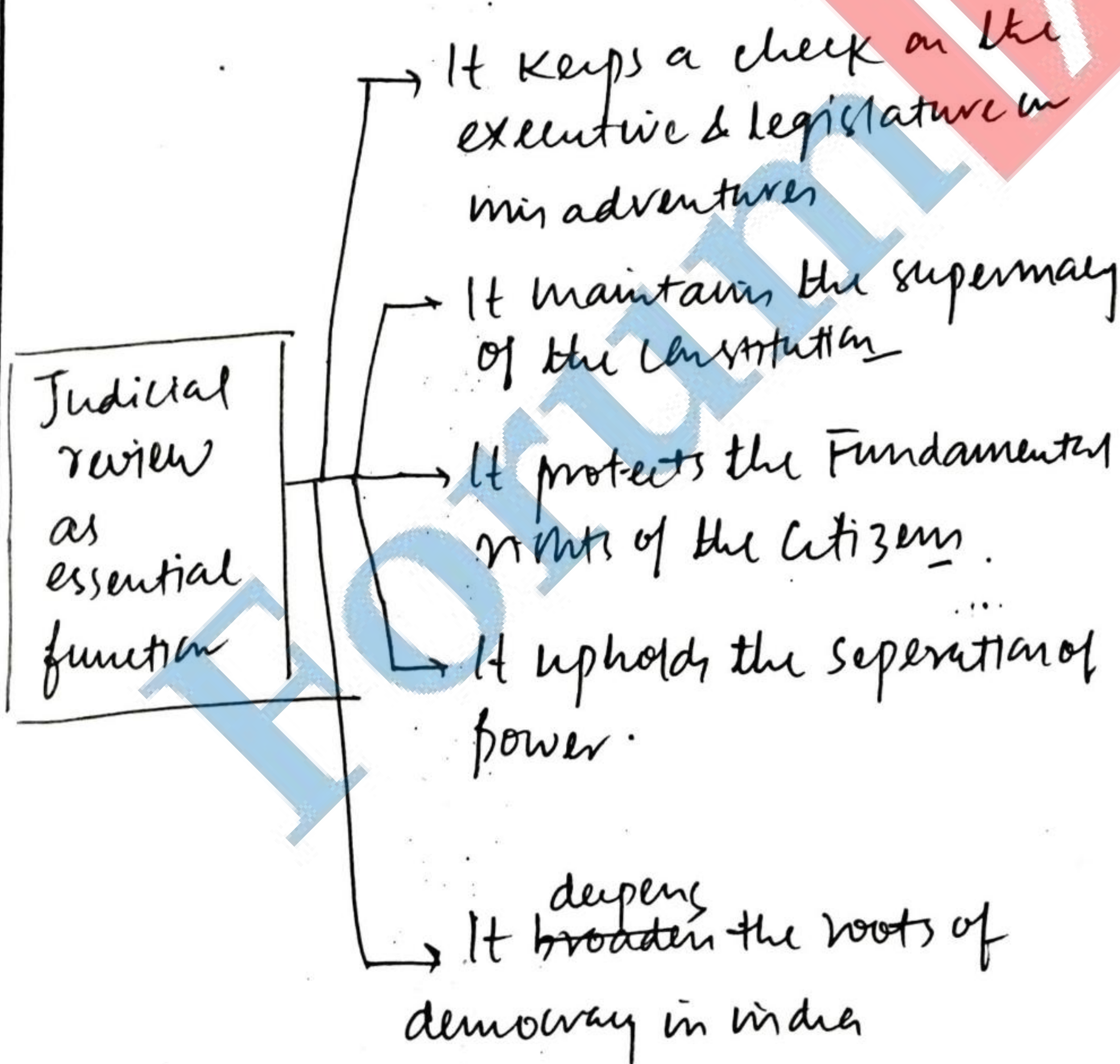
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Q.13) Judicial review and soliciting constitutional justification for policies formulated by the executive is an essential function entrusted to judiciary by the constitution, but there is a fine line between judicial activism and judicial overreach. Discuss. (15 marks, 250 words)

न्यायिक समीक्षा और कार्यपालिका द्वारा तैयार की गई नीतियों के लिए संवैधानिक औचित्य सिद्ध करना संविधान द्वारा न्यायपालिका को सौंपा गया एक आवश्यक कार्य है, लेकिन न्यायिक सक्रियता और न्यायिक अतिरेक के बीच एक महीन रेखा निहित है। चर्चा कीजिए। (अंक 15, शब्द 250)

Article 13 and 32 of the Indian Constitution provides the power of Judicial review to the Indian Judiciary.





Many a times, Courts too sometimes action based on apprehension regarding any regulations and legislative which is called Judicial activism. eg. In Fourth Judges Case, Court struck down NJAC as a threat to Separation of power.

But sometimes, Court breaches the fine line of Judicial activism and Judicial overreach.

Judicial overreach is the infringement of domain of other institution by the Courts.

eg. Judicial legislation as we see in cases like Vishaka Guidelines or Prakash Singh Case 2005, Court infringes into legislature's domain



to give regulation.

In other examples, Contempt of Court is itself a judicial overreach as it muzzles the voice of dissent and

give way to anarchy of melted few!

There is a need of balance between both for proper functioning of Indian system which is based on separation of power.

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**Feedback**

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Q.14) How far do you agree with the view that the parliamentary control over government and administration in India is more theoretical than practical? Cite some recent examples to validate your answer. (15 marks, 250 words)

आप इस विचार से कहीं तक सहमत हैं कि भारत में सरकार और प्रशासन पर संसदीय नियंत्रण व्यावहारिक से अधिक सैद्धांतिक है? अपने उत्तर की पुष्टि के लिए कुछ हालिया उदाहरण दीजिए। (अंक 15, शब्द 250)

Article 75 of the Indian Constitution states that the Council of Ministers are responsible to the lower house of the parliament.

How parliament control executive?

- Parliamentary Standing Committee
- Discussion & Debates
  - ↳ Cut motion
  - ↳ Censure motion
  - ↳ ~~Not~~ adjournment motion
- Annual Financial Statement (A.F.S.)
- ↳ No-Confidence motion



Though, this control is more theoretical

- Government enjoys the majority support and can bypass the parliamentary procedure. ....
- Bulldozing of bills is common in parliament. eg. VAPA, Surrogacy Act.
- Parliamentary committee didn't get to scrutinize bills. eg. VAPA, Aadhar Act.
- Disruptions in parliament derails the discussion. (26% time lost in 16th LS)
- Anti-defection law making it compulsory for members to support government.
- Decreasing sittings of parliament (46% decrease in net sitting time on average since independence)



Still, parliament put executive into checks through use of parliament as a forum and Rajya Sabha is often used as a convention chamber and saw fierce debates and discussion.

eg. Citizenship Amendment bill 2017 underwent rigorous scrutiny by Rajya Sabha despite the majority in LS.

Indian parliamentary system is the foundation stone of Indian democracy and there should be decent scrutiny of executive policies to maintain its sanctity.

**Feedback**  
(For OFFICE use)

Structure/  
Presentation

Question  
Interpretation

Content

Value  
Addition

Total



Q.15) Briefly differentiate between special governance mechanisms for tribal zones in the 5<sup>th</sup> and 6<sup>th</sup> schedule in the Constitution of India. Is the clamor for being included in the 6<sup>th</sup> schedule by certain regions justified? Give reasons in support of your answer. (15 marks, 250 words)

भारत के संविधान में 5वीं और 6वीं अनुसूची में उल्लिखित जनजातीय क्षेत्रों के लिए विशेष प्रशासन तंत्र के बीच संक्षेप में अंतर प्रस्तुत करें। क्या कुछ क्षेत्रों द्वारा 6वीं अनुसूची में शामिल किए जाने की मांग जायज है? अपने उत्तर के समर्थन में कारणों को दीजिए। (अंक 15, शब्द 250)

5<sup>th</sup> and 6<sup>th</sup> schedule of Indian Constitution deals with the special provisions for Scheduled areas and Tribal areas of Assam, Tripura, Meghalaya and Mizoram respectively.

Differentiate ~~state~~ between both

5<sup>th</sup> Schedule Area

6<sup>th</sup> scheduled Tribal Area

→ Tribal Advisory Councils are constituted.

→ Governor can decide on the

→ Tribal Autonomous Districts are constituted with Regional Councils.

→ Governor decides on the regulations



- |  |   |
|--|---|
| <p>regulations introduced by state government</p> <p>→ PESA 1996 makes arrangement for the system of local level governance.</p> <p>→ Less autonomy in financial matter.</p> | <p>of State &amp; Centre based on advice of <u>TACs</u>.</p> <p>→ It is autonomous with Tribal Autonomous Council <u>operating governance</u>.</p> <p>→ More Autonomy in financial matter</p> |
|--|---|

There is a clamour for being included in 6th Schedule due to:-

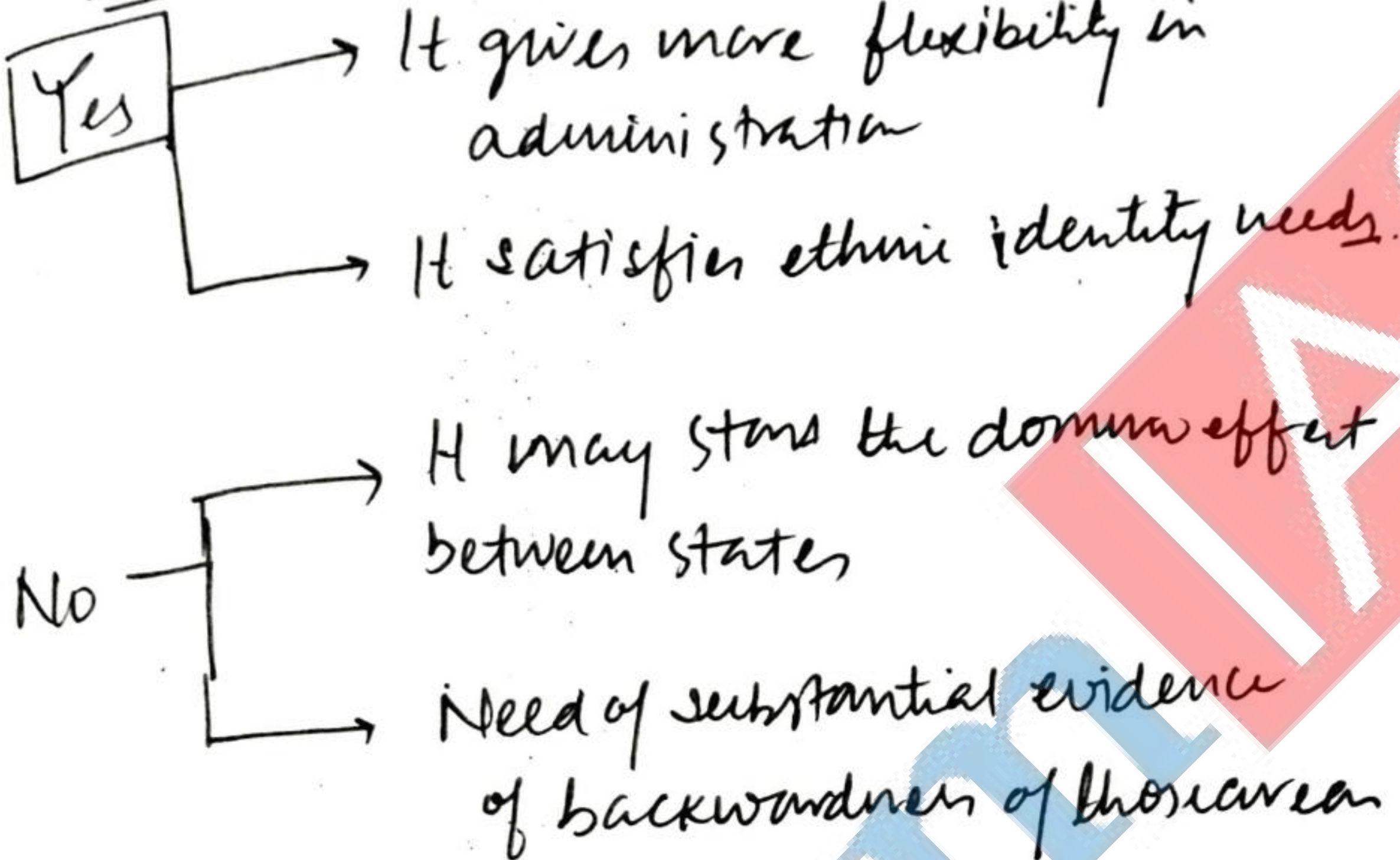
↳ More autonomy and better financial avenue for the councils than 5th Schedule Areas.

eg. Arunachal Pradesh's tribal areas are demanding to be included in



6th schedule to avail the benefits of autonomy.

Is it justified



Hence, Only after proper consultation and research, any call on inclusion into 6th schedule should be done. It will be adequate to constitute an independent commission on looking at the issue of 6th schedule areas:

### Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total





Q.16) Has the life time job security irrespective of performance been the cause of poor result orientation and lack of citizen centric initiatives taken by civil servants? Examine. (15 marks, 250 words)

क्या प्रदर्शन की परवाह किए बिना आजीवन नौकरी की सुरक्षा सिविल सेवकों के खराब परिणाम अभिविन्यास और उनके द्वारा नागरिक केंद्रित पहलों की कमी का कारण रही है? परीक्षण कीजिए। (अंक 15, शब्द 250)

Indian constitution (Article 312) provides for the job security to the Civil servants to deliver the derived duties without any intimidation and pressures.

## Need of Job security

- It allows the civil servants to work with impartiality and neutrality
- It allows civil servants to give correct advice without fear of dismissal
- It allows civil servants to fulfill their constitutional duty
- It keeps the institutional framework of Indian political structure intact.



But, life time security of job irrespective of performance is raising numerous challenges:

- Civil servants are getting complacent with no efforts in self-upgradation.
- It puts the system into web of lethargy and red tapism.
- It encourages corruption and delays.
- It reduces the efficiency of public service delivery.
- Civil servant stays generalists with no competency regarding changing dynamic of administration.
- It creates apathy towards downtrodden and weaker section of society.
- It reduces the approach of getting results rather focus on mundane.



There is a need to address such issue without affecting the job security of civil servants through:

- ↳ Linking promotion with the performance
- ↳ Proper feedback mechanism for each civil servant
- ↳ Peer and senior review of work of civil servants.
- ↳ Enforcement of code of ethics.
- ↳ Teeth to the vigilance agencies like CVC, Lokpal.

Govt. introduced Mission-Karmayogi to address such lacunas in administration and looking for capacity building and reformation of civil services at large to transformation of India's bureaucratic attitude from 'Chalta Hai' to 'Badal Sakta Hai'.

## Feedback

(For OFFICE use)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.17) Obsession with ethnic identity and lack of economic development is the root cause of various interstate land border and river water disputes in the country. Discuss with relevant examples. (15 marks, 250 words)

जातीय पहचान के साथ जुनून और आर्थिक विकास का अभाव देश में विभिन्न अंतरराज्यीय भू-सीमा और नदी जल विवादों का मूल कारण है। प्रासंगिक उदाहरणों के साथ चर्चा करें।  
(अंक 15, शब्द 250)

Indian democracy has witnessed various interstate land border conflicts like Andhra Pradesh-Telangana, Tripura-Mizoram and river water disputes like Godavari river water dispute and  Cauvery river water dispute

Major causes for such land and water disputes are

↳ Obsession with ethnic identity

↳ Due to non-fulfillment of the ethnic aspiration of autonomy.

eg. Mizoram & Nagaland often engage in conflict due to the ethnic



diversity in both states.

↳ Violence leading to migration

eg. Migration of 'Bru' people leading to conflict between Mizoram and Tripura. (Also in Assam)

Each ethnic groups wants paramount autonomy, sometimes at the cost of other which often leads to conflict latest being conflict between Assam and Mizoram police forces.

↳ Inter-state river water dispute

↳ Notion of unfair distribution of riverwater

eg. Conflicts over ~~Godavari~~ <sup>Krishna</sup> river water hasn't been resolved even after judgement of River tribunal and matter is subjudiced in SC through Special leave petition (Art 136).



(Don't Write anything in this Area)

↳ Construction of Dam by one state affecting flow of water

Due to one state's unilateral decision to build reservoir, it obstruct the water flow in downstream regions.  
eg. Issue in Cauvery river due to Manjiveta Dam.

Inter-State cooperation is essential for cooperative federalism of India and such conflict should be resolved through judicial mechanism in time bound manner.

To address such, Govt proposed for a formation of National Tribunal Commission for such tribunal cases and integration of river tribunals to resolve issue faster. It will help us to make 'EK Bharat Shreshtha Bharat' a reality

### Feedback

(For OFFICE use only)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total





Q.18) The Indian constitution has specific provisions to protect, promote and defend child rights. Enumerate any three steps taken by successive governments in this regard. Do you think imparting constitutional status on NCPCR would ensure greater protection and development opportunities for children? Give reasons. (15 marks, 250 words)

भारतीय संविधान में बाल अधिकारों की रक्षा, प्रचार और बचाव के लिए विशिष्ट प्रावधान हैं। इस संबंध में उत्तरवर्ती सरकारों द्वारा उठाए गए किन्हीं तीन कदमों का उल्लेख कीजिए। क्या आपको लगता है कि NCPCR को संवैधानिक दर्जा देने से बच्चों के लिए अधिक सुरक्षा और विकास के अवसर सुनिश्चित होंगे? इसमें निहित कारणों को दीजिए। (अंक 15, शब्द 250)

Article 45 of the Indian Constitution dictate the Indian state to make provisions for the protection and development of children.

To address the vulnerabilities associated with children, Govt has taken several steps:

→ Child Labour (Prohibition) Act 1982

↳ It prohibits the involvement of children in hazardous industries

↳ It made it criminal offence to employ children below age of 14.

↳ It was amended later to allow



prohibit all types of women for children.

→ POCSO Act | Right to Education as Fundamental Right

↳ Based on the SC directive in M. Jani Case, Govt. amended the Constitution to include Article 21A (Right to Education)

↳ It later lead to passage of compulsory education of children till primary and secondary level through Sarva Shiksha Abhiyan

→ POCSO Act

↳ It was passed to protect the children from sexual violence and exploitation.

↳ It criminalizes any form of sexual act or making them watch pornography.



To enforce children welfare, NCPWR was constituted as a statutory body,

Will should it get constitutional status?

**Yes** → It will provide more teeth to commission in issue of child rights  
 → It allow better surveillance & checks in cases of child labour & child prostitution/trafficking.

**NO** → It is yet to meet its statutory obligation & still evolving.  
 → Not much genuine demand has yet been made.

Child rights should be paramount to any state and special attention is needed to protect our children and allow adequate development to them realising their full potential as promised by Indian Constitution.

**Feedback**  
(For OFFICE use)

Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



Q.19) To what extent can the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 be effective in improving the functioning of tribunals? (15 marks, 250 words)

ट्रिब्यूनल, अपीलिय ट्रिब्यूनल और अन्य प्राधिकरण (सदस्यों की योग्यता, अनुभव और सेवा की अन्य शर्तों) नियम, 2020 किस हद तक ट्रिब्यूनल के कामकाज में सुधार करने में प्रभावी हो सकते हैं? (अंक 15, शब्द 250)

Article 323 A and 323 B of Indian Constitution allows for the formation of administrative tribunals & tribunal for other purposes.

Art 323A → Administrative Tribunal  
(Dispute regarding civil services)

Art 323B → Departmental Tribunals

Other tribunal like NAT, Inter State Water Dispute

provision of Tribunal, Appellate Tribunal and Other Authorities Rules 2020 ....

↳ It makes provision for the formalization of institutionalised mechanism of different tribunals in country.



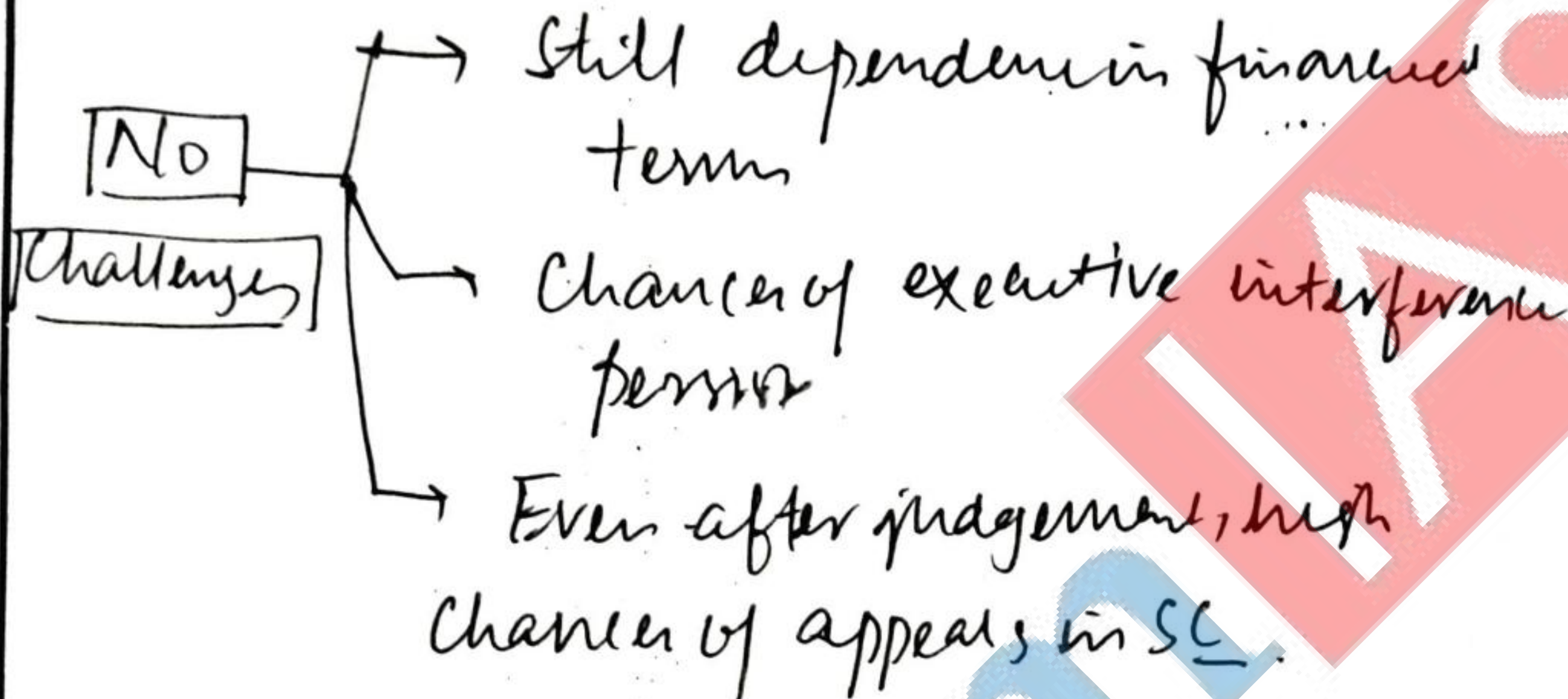
- ↳ Decision from tribunals can be appealed in Appellate in case of any reservation.
- ↳ System of recruitment of staffs and human personnel for tribunals.
- ↳ Fast track mechanism to reduce pendency of cases.
- ↳ It denotes the term of tribunal members providing security of tenure.

Can it be effective?

- ↳ It can help to lessen the burden of the other courts through fast resolution of case.
- ↳ Involvement of expert members can help in technical cases.



↳ It provides a system of appointments to its members which enhances its efficiency.



Indian Tribunal System can help in making availability of quick justice in time bound manner but it should be well institutionalised and autonomous like the other judicial architecture of the country.





Q.20) Instead of making government more transparent to public, data has made public more transparent to the government. Discuss the issues related to data privacy and data utilization. Can the proposed data security legislation address these concerns? (15 marks, 250 words)

सरकार को जनता के लिए और अधिक पारदर्शी बनाने के बजाय, डेटा ने जनता को सरकार के लिए और अधिक पारदर्शी बना दिया है। डेटा गोपनीयता और डेटा उपयोग से संबंधित मुद्दों पर चर्चा करें। क्या प्रस्तावित डेटा सुरक्षा कानून इन चिंताओं को हल कर सकता है? (अंक 15, शब्द 250)

In today's time, 'Data is the new Oil'. This statement is perfect in terms of the increasing relevance of data in administration and business.

With the availability of more data, it was hoped to bring more transparency in governance but rather have an opposite effect of privacy breach & surveillance (Article 21)

Issues related to data privacy & data utilization

→ State has ample resources to keep an eye on its citizen and latest



# ForumIAS

- Weak framework of data privacy makes it more prone to it. eg. Pegasus Snooping
- ↳ State can use the data of its citizens to muzzle critics. eg. Hong Kong
  - ↳ It may lead to erosion of democratic values and give way to totalitarian regimes eg. China.
  - ↳ People can be manipulated which led to threat to free and fair election eg. Cambridge Analytica episode

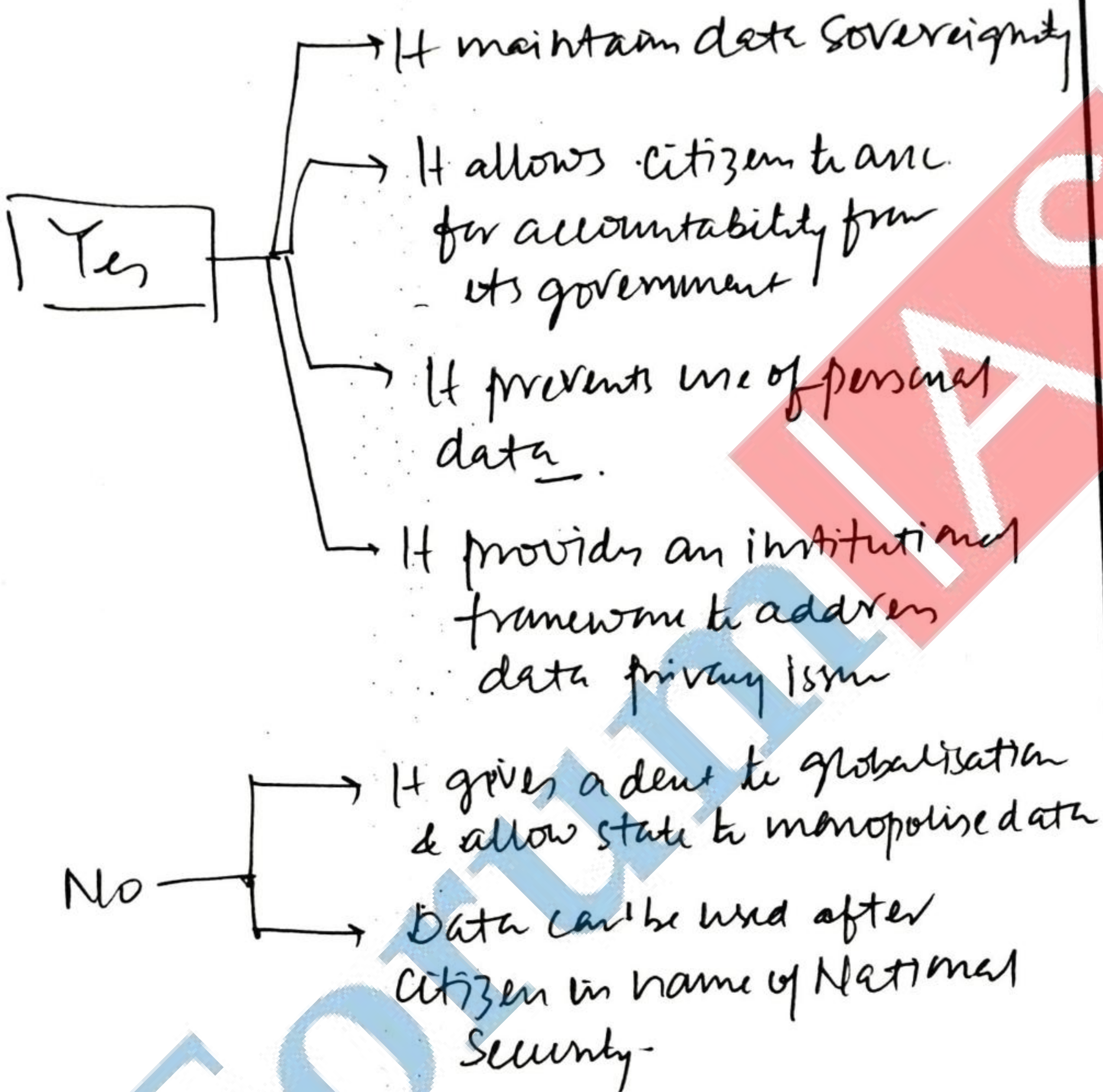
To address such concern, Government came with data security legislation



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Can it address the concern?



Hence, there should be a robust mechanism in data privacy legislation with a institutionalised grievance redressal mechanism to avoid infringement of privacy (Article 21) of citizen.

**Feedback**  
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Structure/ Presentation
Question Interpretation
Content
Value Addition
Total



# ForumIAS

## Mentor Feedback Questions

1 .....

2 .....

3 .....

4 .....

5 .....

## Test Goal

1 .....

2 .....

3 .....

## Outcomes

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## Marking Scheme

Mark	Good	Average	Below average
10 Marker	3.75 – 5.0	3.0 – 3.5	< 3.0
15 Marker	5.75 – 7.0	4.0 – 5.5	< 4.0
✓✓	Key / Relevant Point		
✗	Vague / Irrelevant		

\* Subject to change without prior notice.