

UPSC CSE Mains 2019 Paper 3 September 21, 2019 General Studies II Answer Key

Ques 1. Do you think that Constitution of India does not accept principle of strict separation of powers rather it is based on the principle of 'checks and balance'? Explain.

Solution- Indian constitution have meticulously defined powers and functions of the different organs of the state. Legislature, executive and judiciary have to function within their own spheres demarcated under the constitution. Unlike the US constitution, instead of having strict separation of power India follows the principle of 'checks and balance' which is evident from the various constitutional provisions dealing with executive, legislative and judicial organs.

- The executive power of the state is exercised by the President, who acts on the advice tendered by the council of ministers headed by the Prime Minister. However, according to article 75, the council of ministers with the responsibility of forming policies and implementing them are the members of the Parliament and responsible to the Lok Sabha.
- Under the constitutional provision, Parliament in India includes the Lok Sabha, the Rajya Sabha and the President. Parliament, the legislative body, has the head of executive as its integral part. Accordingly, the parliament uses different motions like censure motion, no confidence motion, etc., to check the functioning of the council and hold them responsible. Further, the Parliament under article 61, can impeach the President for violation of the Constitution.
- Within the constitutional provision India has an independent judiciary with the Supreme Court at its apex. Provision of judicial review and writ under Article 32 and 226 empowers the Supreme Court and the High Courts respectively to check the constitutional validity of the executive and legislative actions. Independence of the judiciary has been ensured in the constitution but the same has been interlinked with executive and legislative organ of the government. For instance appointment and transfer of judges of High Courts and the Supreme Court is done by the executive. Further, the removal of the judges of the High Courts and Supreme court is done by the Parliament.
- Idea behind the doctrine of separation of powers is to create separate power centers rather than having all power concentrated in a single institution. Though on the whole, the doctrine of separation of power in the strict sense is not possible in modern political system, its value lies in emphasis of checks and balance, which are necessary to prevent abuse of power and uphold the rule of law. All three of them are strong pillars of India which support and strengthen each other. Thus, keeps a check and ensures smooth functioning of the whole system and the nation.

Ques 2. The central administrative tribunal which was established for redressal of grievances and complaints by or against central government employees nowadays is exercising its power as an independent judicial authority. Explain.

Solution- A new Part XIV-A was added to the Constitution by the 42nd Amendment Act of 1976. This part is titled as 'Tribunals' and consists of Article 323A which empowers the Parliament to provide for the establishment of administrative tribunals for the adjudication of disputes relating to recruitment and conditions of service of public servants.

Consequently, the Central Administrative Tribunal (CAT) was established by an Act of 1985. The Principal seat of CAT is at New Delhi with additional benches in different states. The CAT has been given original jurisdiction in relation to recruitment and all service matters of public servants covered by it.

The Central Administrative Tribunal (CAT) acts as an independent judicial authority i.e. it performs the duties free of influence or control by other actors.

- Article 323A enables the Parliament to take out the adjudication of disputes relating to service matters from the civil courts and the high courts and place it before the administrative tribunals.
- CAT is of statutory origin, as opposed to Supreme Court and high courts which have direct origin from the Constitution. Nevertheless, the 1985 Act, by establishing CAT, has opened a new chapter in the sphere of providing speedy and inexpensive justice to the aggrieved public servants.
- The members of CAT are drawn both from judicial as well as administrative streams so as to give the Tribunal the benefit of expertise both in legal and administrative spheres.
- CAT is free from technical rules of Indian Evidence Act, 1872 and procedural shackles of the Code of Civil Procedure, 1908 but it has been vested with the powers of Civil Court in respect of some matters including the review of their own decisions and are bound by the principles of natural justice.
- Recently, the Delhi High Court has held that the CAT can exercise the same jurisdiction and powers, as a High Court, in respect of its contempt proceedings. Thus, it gave more power to act as an independent judicial authority.
- In another case, the CAT has taken a swipe at Delhi High Court because during June vacations the High Court has heard briefly a case which was originally pending before the tribunal.

However, the Central Administrative Tribunal still cannot be called truly independent judicial body because

- the Tribunal members do not enjoy powers like other judges who hold constitutional posts, and
- it is dependent on the executive for appointing members of the tribunal and their funding.

Thus, it can be fairly argued that the tribunal which was formed for grievance and complaints redressal has although evolved into a judicial body but it cannot be called entirely independent.

Ques 3. What are the methods used by the farmers' organisation to influence the policy-makers in India and how effective are these methods?

Solution- Farmers' organizations are seen as a useful organizational mechanism for mobilizing farmers' collective self-help action aimed at improving their own economic and social situation and that of their communities. Such organizations are perceived to have the ability to generate resources, mobilise support and exert pressure with the help of their members. They operate at different levels from the local to the national.

Methods used by organizations

- **Awareness generation:** They try to gain public support and sympathy for their goals and their activities by carrying out information campaigns, organising meetings, filing petitions, etc. Most of these groups try to influence the media into giving more attention to these issues.
- **Lobbying:** Powerful farmers groups like sugarcane farmers of Maharashtra and UP try to influence policy making in their favour like getting favourable MSP and payment of arrears.
- **Protest:** They often organise protest activities like strikes or disrupting general administration. These protests of late have centred around issues like loan waiver, higher MSP, free electricity, etc. The recent farmers' march to Delhi under the Bharatiya Kisan Sangh banner was such an example.
- **Activism:** This method includes publicizing important issues, petitioning courts, preparing draft legislation and gaining public attention in matters related to farmers like issues pertaining to GM crops.
- **Recent trends:** Farmers organisations recently have also employed innovative ways like spilling milk and vegetables on highways or appearing to consume dead rats, soil and urine at Delhi's Jantar Mantar etc.

However, these moves have hardly bore the desired results:

- In a situation of impending unrest the government often takes to populist measures instead of employing a solution which is good for the nation and the farmers in the longer run.
- The government often takes short term respite such as farm loan waiver, higher MSP, cash transfers in farmers' accounts, etc.
- Even if the government resorts to such populist measures its effective implementation is often absent. For example, rise in MSP is of no use if there lack of infrastructure to procure grains from the hinterland or if the masses are unaware of such a scheme.
- Moreover, several policy recommendations have not been implemented as the government is not fully aligned with the suggestions. For example, the Swaminathan Committee recommendations is yet to be fully implemented.

Thus, although organising the protest and mobilising support help in gaining the attention of the public and the government, it can be argued that they have resulted in little on the ground.

Ques 4. From the resolution of contentious issues regarding distribution of legislative powers by the courts, 'Principle of Federal Supremacy' and 'Harmonious Construction' have emerged. Explain.

Solution- Division of power is a basic feature of federalism. The Constitution provides for a three-fold distribution of legislative subjects between the Union list, the state list, and the Concurrent List in the Seventh Schedule. However, contention develops in categorization of legislation into the entries of these three lists. To resolve these contentions, courts have evolved various principles.

Principle of harmonious construction

When there is a conflict between the statute's provisions between the union and state list then the rule of harmonious construction needs to be adopted. The rule follows a very simple premise that every statute has a purpose and intent and should be read as a whole. The widest interpretation of the provisions of the statute should be allowed. Also, the Court should help in removal of the inconsistency of the statute's language in order to reconcile the contention. For instance, the conflict between centre and state arose in **Shri Krishna Rangnath Mudholkar vs Gujarat University, 1963** on the validity of Gujarat University Act. The court used this principle to allow the State government to make law on excluded items(reserved for the centre) as an extension to its power to legislate on education, to the extent it does not contradict the union law.

Principle of Federal Supremacy

- When a statute's provisions fall in both state and union list, then the centre would have the dominant legislative power. The state and concurrent list are subordinate to the Union list. The Supreme court can apply this principle as a last resort if attempts to find a solution under the Principle of Federal Supremacy fails.
- In the era of cooperative and competitive federalism, conflicts should be minimized as far as possible. States should bring reform in important areas like Police, Agriculture marketing, etc. and coordinate with other states and centre in order to have a uniform legislative framework in key areas. With the recent steps like one nation, one ration card, more federal cooperation would be necessary.

Ques 5. What can France learn from the Indian Constitution's approach to secularism.

Solution- European countries like France have struggled to find a middle way between secularism and state religion that combines national and religious identity, and where ethnic and religious minority groups can co-exist within state's institutions. This can be seen in the banning of Islamic clothing, kosher or halal meals and burqas in France.

But India's experiences can perhaps shine a light to the rigid form of secularism practiced in France:

- Although, the term 'Secular' was added to the preamble by the **42nd Constitution Amendment Act of 1976**, the spirit of secularism, derived from Indian cultural ethos, was implicit in it.
- Indian philosophy of secularism is related to "Sarva Dharma Sambhava" which means equal respect to all religions. The State maintains a "principled distance" from all religion and intervenes wherever necessary, for example -Sabarimala Temple and Triple talaq issue.
- Like the French, Indians tend to consider secularism as part of their national identity. It is ingrained in both Constitutions but when it comes to treatment of minorities, **French minorities feel targeted by "laicite"(secularism) while Indian minorities see secularism as their best protection**, thus preventing them from differential treatments and phobias.
- In India, both state and religion can, and often do, interact and intervene in each other's affairs within the legally prescribed and judicially settled parameters.
- As per the French model, the state cannot give any financial support to educational institutions run by religious communities. In India, educational institutions may receive assistance from the state.
- In India, state has the policy of setting up Departments of Religious Endowments, Wakf Boards, etc. It is also involved in appointing Trustees to these boards.
- **In France, the state** tries to push religion into the private sphere, where religious symbols can not be publicly displayed. Indian secularism has no such objectives and special rights are given to different communities, like- Muslims have personal laws and Sikhs are allowed to carry Kripans (Knives).

We may observe this from the fact that very few people in India were radicalised and joined ISIS as compared to their western counterparts. The concept of secularism prevalent in France has its roots in religious wars and discontent but Indian secularism has evolved in relative harmony and in light of great civilizational and cultural antecedents. Thus, Indian secularism is not an end in itself but a **means to address religious plurality** and aims to achieve peaceful coexistence of different religions. In times of globalisation, when almost all the countries have now become multi-religious, it is the need of the hour to learn from Indian secularism.

Ques 6. Despite the consistent experience of high growth, India still goes with the lowest indicators of human development. Examine the issues that make balanced and inclusive development elusive.

Solution- Human development is increasingly viewed as the ultimate goal of development. It has multiple dimensions such as life expectancy at birth, education, standard of living, healthcare, inequalities, etc. and these can be improved and achieved with the rapid economic growth.

The Human development is best measured by the United Nations Human Development Index and the World's Banks Human Capital Index. While, the economic growth is measured by the Gross Domestic Product or gross national product. However, there exists a strong correlation between Economic Growth and Human Development as Economic Growth provides the necessary resources to permit sustained improvements in Human Development.

- India today is among the largest economies of the world. However, according to the United Nations Human Development Index report 2018, India ranks 130 out of 189 countries. The HDI 2018 highlighted some improvements such as increased life expectancy at birth, increased enrollment in schools, etc. However, India's gross national income per capita also increased by a staggering 266.6 per cent between 1990 and 2017.
- According to the World Bank's Global Human Capital Index 2019, India ranks 115th out of 157 nations. The report also held that a child born in India is likely to be only 44% productive when (s)he grows up, if (s)he receives education and adequate healthcare. So, This clearly states that the Indian economy has failed to **provide a trickle-down effect**.

Reasons for the lack of Human development

- **Unequal Distribution of Wealth and Non-inclusive growth:** In the last five years, only 1% of the wealthiest in India increased their share in wealth of around 60% and the richest 10% in India own more than four times more wealth than the remaining 90%.
- This results in an uneven distribution of wealth across the various sections of the society and it marks the prevalence of high inequality in the Indian socio-economic paradigm which led Non-inclusive growth and low human development.
- **Jobless growth:** With increasing economic growth, the rate of growth of employment has declined.
- According to NSSO, unemployment in India is highest in 45 years.
- With rising population and, consequently, the labour force, India will soon experience demographic disaster rather than a demographic dividend.
- Also, according to ASSOCHAM, there is no deficiency of the adequate number of jobs, but the majority of the labour force doesn't have adequate skills required by the market.
- **Dismal condition of Education and Health:**
- On comparison with similarly placed emerging economies, India spends way too low in the education and health sector.

- India spends 3% of GDP on education and 1.5% of GDP on health.
- **Education status in India:**
- Independent India retained the largely **colonial superstructure** of primary, secondary, and tertiary education, which emphasis on rote learning and obsession with marks in the exams.
- Consequently access, quality, and outcomes all are far lower than what anyone would have desired.
- Dropouts are only one outcome of bad quality. Poor learning outcomes, low employability of graduates, low productivity, and consequent low wages constitute another set of outcomes.
- All these outcomes are reflected in the Annual Status of Education Report (ASER) 2018, which concluded that the quality of education is far from satisfactory.
- **Health status in India**
- Even after many government schemes, both the infant mortality rate and the maternal mortality rate remains high.
- There is a high prevalence of malnutrition in Indian children, reflected in a high percentage of Child stunting, wasting and underweight.
- The neglect of women's health, in particular, is striking.
- Apart from it, India features the highest deaths in the world due to air pollution.
- Also, there is a **disconnect between the rate of technological growth and ability to distribute the gains** from it by adequately focusing on skilling (via knowledge, education) and health, which is critical for greater resilience and sustained productivity.
- Though the government has initiated many schemes for enhancing human capital i.e. Skill India, Digital India, Startup India, Ayushman Bharat. However, the results are not yet promising.

Way forward

- The government needs to increase public expenditure on health and education as envisaged by National health policy 2017 (2.5% of GDP) and Draft education policy 2019 (6% of GDP).
- Apart from holistic reforms in education, Right to Education must be accompanied by Right to Learning.
- Promotion of Primary health centre under Ayushman Bharat, which focuses on preventive healthcare is a step in the right direction.
- The government should also focus on promoting labour-intensive sectors such as gems and jewellery, textiles and garments and leather goods.
- Skill framework in India needs to integrate with industries, so as to increase the employability of the Indian labour force.
- The government should make efforts to curb digital divide, as it creates and reproduces socio-economic backwardness.

Human development and economic growth share a cause and effect to each other relationship. Therefore, without investing in Human capital and addressing current economic slowdown, the goal to becoming a \$5 trillion economy, will remain a pipe dream for India.

Ques 7. There is a growing divergence in the relationship between poverty and hunger in India. The shrinking of social expenditure by the government is forcing the poor to spend more on non-food essential items squeezing their food budget.

Elucidate.

Solution- Since the economic reforms, *Urban Head Count Ratio (HCR) poverty fell from 32% in 1993-94 to 21% in 2009-10*. The fall in poverty in rural India has been even more spectacular, *where HCR declined from 50% to 34% in the same period*. However, this looks decidedly uncomfortable when confronted with another set of facts on the prevalence of hunger(or under-nutrition) in India.

Despite increase in real income of the people over the last two decades, overall calorie consumption and nutritional intake has not commensurately increased. **According to Global Hunger Index**, India is second after South Sudan, when it comes to wasting (low weight for height) among children. Also, there are millions of children and adults suffering from **“Hidden Hunger”**.

- The poor are increasingly spending more on education, healthcare, transportation, fuel and lighting. The share of monthly expenditure devoted to these items has increased at such a pace that it has absorbed all the increase in real income over the past decades. This has led to a **‘Food Budget Squeeze’**.
- Possibly, **the most important reason for this is shrinking social expenditure by the government which is rendering the urban and the rural poor dependent on market prices of non-food essential items**, like education, healthcare etc which are typically high.
- Social sector spending has always been low in India compared to other countries. According to the National Health Profile 2018, India spends **1.02% of the gross domestic product on public healthcare, while Maldives spends 9.4%, Sri Lanka 1.6%, Bhutan 2.5%, and Thailand about 2.9%**. In education, India’s public investment is around **2.7% of GDP, while it is 3.4% in Sri Lanka and 7.4% in Bhutan**.
- Another reason is, rural working people are migrating in large numbers to urban centres or other rural areas in search of work. Most of such migration is temporary and seasonal in character, and involves travelling relatively large distances. This large circulation of labor does have substantial impact on the expenditure patterns of households. For instance, an increasingly footloose labourforce means that a large section of the working poor have to bear higher costs of transportation, maintain communication with the sites of work (much of which is seasonal in character), and are deprived of traditional non-market sources of food when away from home.
- Hunger persists in India also because of a decline in **access to non-market food sources**, preference for **‘better tasting more expensive calories’** and increased spending on luxury items like radio, TV, and mobile phones, as economist **Abhijit Banerjee** writes in his book – **“Poor Economics”**.

- In recent times, talks of Universal Basic Income and replacing food subsidies with Direct Benefit Transfer are gaining ground. These measures may further aggravate the crisis of hunger by exposing the poor to market volatility.

Economists Amartya Sen and Jean Dreze distinguish two aspects of social security — **“protection” and “promotion”**. While the former denotes protection against a fall in living standards through ill health, accidents; the latter focuses on enhanced living conditions- **“capability building”**. Government needs to take care of these by increasing expenditure on education **upto 6% of GDP as recommended by Kasturirangan committee**, and meet the target of spending **2.5% of GDP on health helping the poor to focus on nutrition**.

Ques 8. Implementation of Information and Communication Technology (ICT) based projects/programmes usually suffers in terms of certain vital factors. Identify these factors and suggest measures for their effective implementation.

Solution- Misgovernance has been a major issue that have marred the effective implementation of government schemes and policies. Therefore, the government has been spearheading radical digitisation to induce economic inclusiveness and social transformation, through initiatives like, ‘Digital India’, ‘Make in India’ and Skill India.

However, implementation of Information and Communication Technology (ICT) based programmes usually faces another set of complex challenges.

Challenges in implementation of ICT based programmes

- **Low digital literacy:** Illiteracy rate in India is more than 25-30% and digital literacy is almost non-existent among more than 90% of India’s population.
- **Poor internet connectivity:** Rural India suffers from poor internet penetration due to lack of electricity and poor network quality. This has led to difficulties in Aadhaar Enabled Payment Services (AEPS) and last mile delivery of services.
- **Problems in Common Service Centres:** Lack of proper infrastructure facilities, unavailability of skilled workforce, huge population to serve, unavailability of last mile connectivity are some common issues faced by CSCs in India.
- **Errors and Omissions in technology implemented:** Issues related to identity mismatch and denial of services to beneficiaries. For ex: cases where senior citizens have been denied ration via PDS shops due to fingerprints mismatch.
- **Non-inclusive nature of technology used:** Problems faced by senior citizens, differently-abled, illiterate persons due to complex design of ICT based solutions.
- **Privacy concerns:** Programme implementation using digital technology requires authorization for collection and usage of public information at large scale. Since, privacy being a fundamental right, there are concerns related to mishandling and misuse of user information.
- **Data theft and online security:** Cyber security issues like cyber attacks, data theft can cripple sensitive government digital infrastructure like servers, power supply, communication links, etc.

- **Geographical and weather related problems:** Population residing in difficult terrains like North Eastern hilly region, islands of Andaman and Nicobar and Lakshadweep are difficult to reach. Extreme weather events like cyclones, tsunamis, etc can hamper key communication and mobile internet services.

Measures for effective implementation

- **Creating suitable infrastructure:** Increasing the number of Common Services Centres and addressing the connectivity issues should be the first priority.
- **Increasing investment in human capital formation:** Improving digital literacy among the rural youth. Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA) that envisages making one individual digitally literate in every rural household is a step in the right direction.
- **Changes in design and structure of technological solutions:** Government websites should be made user friendly so that they can be used by differently abled and senior citizens.
- **Mandating digital literacy in school curriculum and co-curricular activities** on the lines of IT Club 'e-Kidz' formed by students of the Government Upper Primary School at Koothattukulam in Kerala.
- **Involving Private sector organizations:** Corporates can be asked to spend their CSR funds in digital training and providing technological solutions for societal needs.
- **Role of NGOs and civil society groups:** Akshaya Patra Foundation digitized their kitchen and enabling realtime data collection for serving food to more than 1.76 million children across 12 states in India.

Even though there are several challenges in the effective implementation of such programmes but the benefits of ICT based solutions cannot be neglected. It helped to save revenue for exchequer by plugging leakages, weeding out ghost beneficiaries, targeted delivery of services in real time etc. It has improved transparency, accountability and last mile delivery of basic services to the citizens.

Hence, if the challenges and lacunae of ICT based programmes are effectively tackled, e-governance can prove to be an effective tool in bringing social transformation thereby realising the dream of inclusive and prosperous India.

Ques 9. The time has come for India and Japan to build a strong contemporary relationship, one involving global and strategic partnership that will have a great significance for Asia and the world as a whole. Comment.

Solution- The India-Japan partnership, described as one of the most rapidly advancing relationships in Asia, has emerged as a significant factor contributing to the stability and security of the Indo-Pacific region. Deviating from the traditional policy of focusing on economic engagements, the partnership has significantly diversified to include a wide range of interests—including regional cooperation, maritime security, global climate, and UN reforms.

The strategic consequences of a rising China in the Indo-Pacific is providing greater momentum to the India-Japan partnership. Both Japan and India through strategic convergence seeks to re-calibrate Asia's balance of power. It can be reflected in flowing initiatives:

- **Cooperation in Indo-Pacific region:**

- It is a confluence between India's Act East policy and Japan's Free and Open Indo-Pacific strategy.
- It will strengthen the rule of law and freedom of navigation, which is threatened by China's muscle flexing in the South China sea.
- It will enhance cooperation with Japan and ASEAN countries.

- **Asia Africa Growth Corridor (AAGC):**

- Japan looks to invest nearly \$200 billion in Asia Africa region, that will turn the 21st century from an Asian century to Asian-African century.
- Japan will provide the state of the art technology and India will bring its expertise of working in Africa.
- AAGC seeks to counter China's influence, that it is establishing through Belt and Road Initiative.

- Japan, US, India(JAI) and Australia combinedly called Quad, is seen as an informal organisation that seeks to counter China.
- Japan is taking the North-East Road Network Connectivity improvement project, this will be a crucial link in India's Act East policy.
- India and Japan are negotiating cross-service agreements that will give access to each other's military facilities and could foster much closer military to military relations.

Apart from this, there are several engagements between India and Japan which are independent of China.

- Economic engagement: Japan has made investment in India's infrastructure. For example: Delhi-Mumbai economic corridor, Bullet train, Delhi metro etc.
- India along with Japan, Brazil and Germany forms the grouping called G4 countries, that seeks UNSC reforms.
- India is the first(non-signatory of the Non-Proliferation Treaty or NPT,) country with whom Japan has signed a civil nuclear deal.
- This will establish India's credibility as a responsible nuclear power.
- It will boost India's make in India initiative.
- It will augment India's INDC commitment at Paris climate deal.

Japan can prove to be a development multiplier in India. Therefore, India should develop an independent relation with Japan which is not to be seen in the context of China, US or any other country.

Ques 10. Too little cash, too much politics, leaves UNESCO fighting for life.’ Discuss the statement in the light of US’ withdrawal and its accusation of the cultural body as being ‘anti-Israel bias’.

Solution- UNESCO was created in 1945 with the firm belief that, forged by two world wars in less than a generation, political and economic alliances were not enough to build world peace. In this sense, peace must be established on the basis of humanity and our moral and intellectual solidarity with one another.

The announcement of the US to withdraw from this cultural body has once again highlighted the politicization of its activities and limitation of funds-

- At the heart of its problems is a financing crisis since 2011, when UNESCO voted to admit Palestine as a full member state and Washington responded by halting payment of its annual \$80 million in dues.
- Since then, Israel has regularly complained over resolutions on cultural sites in the West Bank and Jerusalem, arguing that they are worded to delegitimize the Jewish state. Israel’s foes say it uses U.S. support to deflect bona fide criticism.
- Without U.S. money, UNESCO, which employs around 2,000 people worldwide, has been forced to cut programmes, freeze hiring and fill gaps with voluntary contributions. Its 2017 budget was about \$326 million, almost half its 2012 budget.
- Other major contributors such as Japan, Britain, and Brazil delay funds, sometimes citing objections to the body’s policies.
- Japan, for example, has threatened to withhold dues over the inclusion of the 1937 Nanjing Massacre in the body’s “Memory of the World” programme.
- Russia and Ukraine have been at odds over Crimea, with Kiev accusing Moscow of trying to legitimise its annexation of the territory through UNESCO.

The fact is that UNESCO was all about solidarity and creating a climate for peace between countries, but nations now use their dues/funds to influence programmes. The preservation of shared human heritage needs a concerted effort involving all countries, for this, nations should sacrifice zero-sum game of politics.

Ques 11. On what grounds a people’s representative can be disqualified under the Representation of Peoples Act, 1951? Also mention the remedies available to such person against his disqualification.

Solution- The Representation of the People Act, 1951 provides for the conduct of elections to the Houses of Parliament and to the Houses of the State Legislature, the

provisions regarding qualification and disqualification for the membership, and remedies of disputes in connection with such elections.

The Act of 1951 has laid down certain **criteria for disqualifications**. According to it, the person is disqualified if he/she:

- is found guilty of certain election offences or corrupt practices in the elections;
- is convicted for any offence resulting in imprisonment for two or more years (except for the detention under a preventive detention law);
- has failed to lodge an account of his/her election expenses within the time;
- has any interest in government contracts, works or services;
- is a director or managing agent or holds an office of profit in a corporation in which the government has at least 25% share;
- has been dismissed from government service for corruption or disloyalty to the State;
- has been convicted for promoting enmity between different groups or for the offence of bribery;
- has been punished for preaching and practising social crimes such as untouchability, dowry and sati.

The Act of 1951 also provides for the following remedies against disqualification:

- An election can be called in question only by an election petition. Election petitions are to be heard in the High Court with its appeal lying at the Supreme Court. They act as a mechanism of grievance redressal for the affected parties.
- Furthermore, on the question of whether a legislator is subject to any of the disqualifications the final authority to decide rests with the President (in case of members of Parliament) and the Governor (in case of members of State legislature).
- However, the President or Governor shall act according to the advice of the Election Commission of India.
- In case of any enquiry, the Election Commission is conferred the powers of a civil court for summoning and enforcing the attendance of any person or any evidence.
- Besides, after a legislator is disqualified, the Election Commission may, on certain grounds, remove any disqualification or reduce the period of any disqualification.

Ques 12. Parliament's power to amend the constitution is limited power and it cannot be enlarged into absolute power". In light of this statement explain whether parliament under Article 368 of the constitution can destroy the Basic structure of the constitution by expanding its amending power?

Solution- Article 368 of the Indian constitution gives the parliament the power to amend by way of addition, variation or repeal any provision of the constitution in accordance with the procedure laid down by the law. The power to amend the constitution is necessary to overcome the challenges and to meet the demands for the nation's growth and development.

However, in the process of amending the constitution under Article 368, the Parliament at times have breached the constitutional limits by transgressing the areas related to federal relation between Union and States, issues of Individual liberty and to a certain extent misused Article 368 itself. This is evident from amendments like 25th and 42nd Constitutional amendment Acts which has threatened the principle of constitutionalism.

Therefore, the Supreme Court intervened to create a harmonious balance between fundamental rights and the Directive Principles which eventually led to the emergence of the doctrine of 'basic structure' of the constitution.

The emergence and the application of the doctrine of 'basic structure' can be seen in light of following **Supreme Court judgments**:

- **Kesavananda Bharati Case (1973):** The Supreme Court held that Parliament's power to amend the constitution is limited as it cannot alter the 'basic structure' of the constitution.
 - A limited amending power is one of the basic features of the constitution and, therefore, the limitations on that power cannot be destroyed.
- Parliament cannot, under Article 368, expand its amending power so as to acquire for itself the right to repeal or abrogate the Constitutional provisions which threatens the basic features or the Constitution itself.
- **Minerva Mills v/s Union of India Case (1980):** The Supreme Court struck down clauses (4) and (5) of Article 368 inserted by 42nd Amendment, on the ground that these clauses destroyed the essential feature of the basic structure of the constitution.
- **Chandra Kumar v/s Union of India (1997):** The judgment held that every provision of the Constitution was open to amendment provided the basic foundation or structure of the Constitution was not damaged or destroyed.

Thus, Parliament is restricted in its power to amend the Constitution so that the soul of Constitution as envisaged by founding father of India remains intact. It is to be noted that, the doctrine of basic structure does not undermine the legislative competence of

the parliament, rather it helps in maintaining the supremacy of the constitution and upholding the constitutional spirit.

Ques 13. "The reservation of seats for women in the institutions of local self-government has had a limited impact on the patriarchal character of the Indian Political Process." Comment.

Solution- A million women have been elected at the village, block and district levels, following the 73rd Constitutional Amendment which reserved 33 percent of seats in Panchayati Raj Institutions for women. The process of decentralization has provided representation but representation has not always led to their participation in the Indian political process.

Patriarchal Character of Indian Political Process

- **The practice of "Sarpanchpatis":** The effective political power and decision making are wielded by husbands or other male relatives of elected women representatives. This makes the intended empowerment of women through reservation infructuous.
- **Rubber stamps:** Most of these women are just rubber stamps with the men in their house- can be the husband, father or the son - running the show. They also work as proxies for rural elites hence restricting their autonomy.
- **Lack of exposure** of women themselves to politics and the absence of any experience in exercising their political responsibilities hinder their participation. Since most women are illiterate and do not have any training of handling technical issues and financial deals, they have no option but to take assistance from male family members.
- **Stereotypes and traditional norms:** This relegates women to the domestic sphere and dissuades them to engage in public affairs. Caste and class factors also play a key role that restrict women to take leadership roles.
- **The burden of household responsibilities**, purdah (veil) system, etc adversely affect their performance.

However, there have also been many positive impacts of women representation:

- Women have done considerable development work on the ground, for example, women sarpanch of Dhani Miyan Khan Gram Panchayat in Haryana built a training centre for women and ensured that every village child went to school.
- Elected women representatives are also more accessible than their male counterparts who are often not around.
- It has been seen that though women lacked confidence initially but exposure to local politics gave them new confidence to take independent decisions and not become a proxy of male candidates.
- There has been a marked improvement in social development parameters such as education and health where panchayats are led by women.

Way forward

- Capacity Building of Elected Women Representatives (EWR) and Functionaries of PRIs: This would prepare women to discharge multiple roles, enabling them to raise local priorities to the planning process.
- Strengthening women's groups and building networks: Formation of women's forums and networks to develop a sense of solidarity amongst the women.
- Institutionalisation of mechanisms to strengthen the capacity building of EWRs to better understand and perform their functions.
- Mobilisation of community and strengthening the processes of constituency building to enable women to better articulate their voices and participate in the electoral process.

The reservation of women at the local level has had various social and developmental impacts like promotion of nutrition, sanitation drive, behavioral changes, etc. Also, women are more aware of their rights now which could be seen in women voters outnumbering men voters in states like Bihar. However, women's participation in politics in a true sense is still to be realized. Their participation in the political process is a matter of human right and a key in deepening our democracy. It would also help India in realizing the SDG-5 (Sustainable Development Goal) that aims to end gender inequality in all forms.

Ques 14. "The Attorney-General is the chief legal adviser and lawyer of the Government of India." Discuss.

Solution- The Constitution under Article 76 has provided for the office of the Attorney-General for India (AGI). He is appointed by the President and holds the office during the pleasure of the President. He must be a person who is qualified to be appointed as a judge of the Supreme Court.

As the **chief legal adviser** of the Government of India, the Attorney-General has the following duties:

- To give advice to the Government of India on legal matters, which are referred to him by the President.
- To perform other duties of a legal character that are assigned to him by the President.
- To discharge the functions conferred on him by the Constitution or any other law.

The AGI is the highest law officer in the country and acts as the **lawyer** of the Government of India. Through a notification of 1950, he has been assigned the following duties by the President:

- To appear on behalf of the Government of India in the Supreme Court and high courts.
- To represent the Government of India in any reference made by the President to the Supreme Court under Article 143 of the Constitution.

Along with these duties, the AGI also has the right of audience in all courts in the territory of India. He also enjoys all the privileges and immunities that are available to a member of Parliament.

However, the Attorney-General is not the full-time counsel of the Government. He does not fall in the category of government servants and he is not debarred from private legal practice. But, he should not advise or hold a brief against the Government of India and he should not defend accused persons in criminal prosecutions without the permission of the Government of India.

Thus, the duties and privileges of the AGI, combined with the limitations imposed on him, make him the chief legal adviser and lawyer of the Government of India. Nevertheless, the separate law minister in the Central cabinet to look after legal matters at the government level, to some extent, gives the office of AGI a subordinate position.

Ques 15. Individual Parliamentarian's role as the national law maker is on a decline, which in turn, has adversely impacted the quality of debates and their outcome. Discuss.

Solution- The Rights of Transgender Persons Bill, 2014 was introduced as a private member's Bill by the Dravida Munnetra Kazhagam MP Tiruchi Siva, and passed by the Rajya Sabha in April 2015. It was the first time in four decades that the Rajya Sabha had passed a private member's Bill. The Bill brought into picture the plight of transgenders in the country and mainstreamed the issue in the public debate.

Ministers or parliamentarians representing a political party are often bound by populist decision making, election manifestos and the ideology that governs the party. Individual parliamentarians or the private members are free from such boundations and offer a more fertile ground, on the floor of the Parliament, for dissent and debate around various issues that affect the nation.

However, the Individual Parliamentarian's role as national law maker has been on a decline of late. From 2014-2018 about 900 private member Bills were introduced in the Parliament but not even 2% of these bills were discussed.

In a mature parliamentary system, all ideas should be debated and decided upon. While the legislative ideas piloted by the government get discussed, the ideas of individual MPs get accumulated and more than often remain ignored.

Reasons for the Decline

- A successful passing of a private member's Bill is often perceived by many as incompetence on the part of the government and intrusion into the respective Ministry's domain. If such a legislation is seen getting support in Parliament, the government requests the MP to withdraw it and promises to introduce it as a Government Bill instead.

- Without support from the ruling party or a party that commands majority, it becomes impossible to pass a private member's Bill especially in the Lok Sabha.
- There has also been a shift to law-making by ordinance, which completely bypasses the formal route of debate and discussions. For e.g., the promulgation of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018.
- Even individual parliamentarians are obliged to toe the party line, through regulatory frameworks like the Anti-Defection Act. This discourages any deviation from the party decision and takes out the possibility of diverse perspectives that parliamentarians as individuals can offer.
- Quality of the elected Individual Parliamentarians also affect the quality of debate and discussions in the house. According to the Association for Democratic Reforms' report (2014), 30% of sitting MPs and MLAs were facing some form of criminal proceedings, and only 0.5% were convicted of criminal charges in a court of law.
- Currently, a large part of the voting population views their representatives as their problem solvers. So they are willing to vote for a candidate who can get things done ignoring his involvement in a crime.

Way Forward

- The Anti-Defection Act needs to be recast, and used only in the most exceptional circumstances, while allowing MPs greater freedom of self-expression.
 - The UK, for example, has the concept of a free vote allowing MPs to vote as they wish on particular legislative items. This in effect allows voting in line with the parliamentarians' conscience, judgement and interests of her electorate.
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- Research staff and resources should be increased for Individual Parliamentarians as the availability of expert in-house advice can further boost their ability to contribute to the national law making process.
 - People's perception of what they want from their representative should change so that MPs can be viewed as lawmakers with character and integrity. This requires a fresh pool of candidates who can appeal to the voters by their abilities as good lawmakers with innovative ideas.
 - However, apart from paying respect and giving encouragement to the legislations framed by the Individual Parliamentarians, several other issues also need to be addressed to improve the overall quality of discussions in the Indian Parliament and in governance in India. For eg, Members of Parliament have to address their low attendance and increase their engagement in the discussions. Similarly they have to utilise the limited parliamentary time for proceedings judiciously without unnecessary disruption.

Ques 16. 'In the context of neo-liberal paradigm of development planning, multi-level planning is expected to make operations cost-effective and remove many implementation blockages.' Discuss.

Solution- India underwent a transition in its developmental planning from macro policy planning to neo-liberal policies in the 1990s. There has also been a gradual shift towards Multi Level Planning in recent times. Multilevel planning integrates decision-makers at all spatial levels in the planning process through negotiations, deliberations,

and consultations. This makes policies relevant and need-based. It also sets up process mechanisms/institutions for affecting such cooperation at each required stage.

Cost-effectiveness operations and better Implementation

- **Tackling Corruption:** Through empowerment and involvement of local bodies, various discrepancies in developmental implementation can be solved. This can help enormously in increasing the effectiveness of poverty alleviation programmes as could be seen through the stellar example of MGNREGA.

- **Simplification of the implementation process:** This is done by ensuring appropriate role clarity, removing overlapping jurisdictions and establishing necessary linkages across sectoral departments. This will reduce the red-tapism in the administrative setup.
- **Reducing Planning-Implementation Mismatch:** The planning process will access the capacity of administration and local institutions to implement the objectives of the macro-plan on the ground. Thus it would help in need better outcome and reduce mismatch.
- **Active people's participation:** It incorporates a mechanism to intensively engage with people to make more relevant policies. This helps to access the needs and interests of people who are intended to be the beneficiaries of the developmental process.
- **Deepen democratic traditions:** Multi-Level planning would create a sense of ownership among various administrative units. This would also empower the district level planning committee to contribute to overall policymaking. It deepens the democratic tradition in policymaking and its implementation.
- **Reducing Regional disparities:** Decentralised planning will help suitability of the implementation strategies and resource allocation for desired outcomes. It would increase the effectiveness of government schemes.
- **Better supervision and monitoring:** Multi-level planning help in making people and lower administration an active stakeholder in the developmental process. Such planning improves the supervision and monitoring of scarce government resources.
- **Promote competitive and cooperative federalism:** Strong emphasis is given on participatory development action from the local level upwards.

Way forward

- **Promoting Evidence-based planning:** It harnesses the knowledge gained from data and information and using it to optimize our planning process and improve results.

- **Training of Local Government officials in policy making:** This would enable their active participation in the policymaking process and its implementation.
- **Revamping District Planning Committee:** This is an essential component in the process of decentralised planning as they hold consultation, debate and deliberation and integrates consensus-based choices.

Niti Aayog has taken various initiatives to develop mechanisms to formulate credible plans at the village level and aggregate these progressively at higher levels of government. Similarly, Aspirational District Scheme is also an innovative step in the direction of multi-level planning and implementation. Going further, more such steps should be taken to usher good governance in the country.

Ques 17. The need for cooperation among various services sectors has been an inherent component of development discourse. Partnership bridges the gap among the sectors. It also sets in motion a culture of ‘collaboration’ and ‘team spirit’. In the light of statements above examine India’s development process.

Solution- India continues to remain one of the fastest growing economies in the world. Despite recent slowdown, India’s growth of real GDP has been high with average growth of 7.5% in the last five years. As per Economic Survey 2018-19, the services sector accounts for 54% of India GVA. FDI equity inflows into the services sector account for more than 60% of the total FDI equity inflows into India.

Components of Indian services sector

There are twelve identified sectors where the government wants to give focused attention for promoting their development which are:

- Education Services
- Health & Wealth Services
- Accounting & Finance Services
- Financial services
- Tourism & Hospitality Services
- Transport & Logistics Services
- Legal Services
- Telecommunication Services
- Media & Entertainment services
- IT & IT enabled services
- Consultation & Related engineering services
- Environmental services

Cooperation among various services sub-sectors

- Initiative of **Bharatmala project** not only provide connectivity through better **transportation** services but also creates employment in **construction sector** thereby promoting **tourism** in remote areas.
- **UDAAN scheme** to boost air connectivity not only promotes regional development but also leads to growth in housing and real estate sector, construction, building materials, tourism, etc.
- **ISRO’s technology** of lithium-ion (Li-ion) batteries for electric vehicles (EV) is being used in the **automobile sector**.
- Increasing digital connectivity through **BharatNet project** benefitted **education** and **health** services in rural areas.
- **e-Commerce services** reaching the rural areas through increased mobile **internet connectivity**.
- Initiatives like **Start-up India** giving boost to start-ups in multiple domains like health care, inter-city cab services, online food delivery businesses, etc.
- Investment in higher **education** produces high quality IT professionals needed for the fast growing **IT services** sector.

Hence, different sectors have **functional inter-linkages** and investment in one sector creates multiplier effect benefitting the entire economy.

Cooperation at leadership level

The fastest growing Indian economy provides vast opportunity for collaboration among different departments of the government and with businesses as well. This can be seen in India's development process through the following examples:

- Government initiative to provide focused attention to 12 identified **Champion services sectors** through partnership at different levels.
- Introduction of **GST** required collaboration among centre, states, and with business groups.
- Introduction of **Government e-Marketplace** as a technology driven platform to facilitate procurement of goods and services by various ministries and agencies of the government.
- **NITI Aayog** facilitating implementation of programmes and focus on technology upgradation and capacity building, fostering better inter-ministry coordination and better centre-state coordination.

Services sector not only promotes economic growth but also creates opportunity for development in human capital. Thus, India's huge demographic dividend can only be productively utilized if there is a culture of 'collaboration' and 'team spirit' at all levels of governance architecture.

Ques 18. Performance of welfare schemes that are implemented for vulnerable sections is not so effective due to absence of their awareness and active involvement at all stages of policy process. Discuss.

Solution- The welfare schemes are the schemes, designed to provide the necessary means for the development of individuals, groups or a community. Generally, they are targeted towards the vulnerable and marginalised section of the society.

However, It is observed that the benefits intended to be delivered to the people through these schemes do not reach the beneficiaries because of weakness in administrative planning delivery mechanism and lack of awareness of the targeted groups. It is also observed that many development projects and programmes have failed in the past because of the inadequacies in design, implementation, involvement and general awareness about the policy in the public.

Ineffectiveness of the Policies

- Weak professional support to design, implement and monitor schemes at national, state and local levels.

- Too realistic or too optimistic assumptions, based on technical and non-technical parameters without the knowledge of the local situation, proper database and resource constraints, making the policies suffer at last.
- Poor policy formulation due to the unawareness about the vulnerable sections and area specific approach to handle distinct groups.
- No systematic attempt to identify people who need welfare schemes, determine their needs, address them and enable them properly.
- Inadequate analysis of environmental and rehabilitation implications.
- Delays in clearances from regulatory authorities for land acquisition and in procurement of resources due to poor planning and coordination.
- Inability of the project management to take prompt decisions on various levels of policy making even if they are necessary to achieve the objectives.
- There is no consistent approach in the design of delivery mechanisms and do not provide flexibility needed for different development levels of a policy.
- Lack of strict time frames, financial mechanisms and inter agency cooperation pose challenges.
- Most of the schemes are unrelated to each other with little horizontal convergence or vertical integration resulting in conflicts.
- Policies and programmes are not evaluated on their outcomes instead focus stays on monitoring finances.
- No method to ensure that policies reach everybody they are meant for.

The quality of policy framework and effectiveness of implementation of the policies are as important as the availability of resources for the realisation of the intended policy objectives. Availability of funds alone is not sufficient for tackling socio-economic problems like poverty and backwardness. Both implementing bodies as well as the benefitting people have to be aware of each others' situations and work harmoniously.

Ques 19. 'The long-sustained image of India as a leader of the oppressed and marginalised nations has disappeared on account of its new found role in the emerging global order.' Elaborate.

Solution- As the founding member of the **Non-Alignment Movement (NAM)**, India propagated its vision among the newly independent countries of the colonized world to not align with any of the power blocks as these newly independent countries were weak in terms of military, economics and development aspects.

These ideas of **Non Alignment, Peaceful Cooperation and Co-existence, End of Imperialism and Colonialism** have made India one of the leaders of the marginalized nations.

The leadership and idealistic credentials of India was sustained and can be seen:

- During the cold war era.

- Upholding the interests of the smaller economies in Doha round of WTO.
- Supporting the cause of vulnerable nations during the Climate change negotiations.

Shift in India's approach towards its strategic foreign policy perspective:

- **Economic Development** is now a major agenda of India's growth as a world power, which is now reflected in India's foreign policy.
- This trend was observed in **NAM Summit Havana 2006**, where India focused on anti-terrorism, nuclear disarmament, energy security, investing in Africa and such issues which are vital to India's growth and doesn't resemble priorities of developing or marginalized countries.
- India has actively supported the cause of developing and marginalized nation in Climate Change negotiations by thrusting on "**differentiated responsibility**" but recently diluted its stand in Paris negotiations.
- India has also been **blamed** for interfering in the internal affairs of neighbouring countries, for instance, **Nepal**, which led to friction in relations between the two nations.
- In regional forum **SAARC**, India has hard pressed its agenda of boycotting Pakistan, which resulted in the non-functioning of **SAARC**, which may result in delaying of development projects of SAARC in our smaller neighbouring nations.
- India's involvement in **QUAD**, its focus on **Indo Pacific Regional Growth** and **countering China** has become its top priority.

These inferences are pointing towards shift in India's approach from the leader of the oppressed countries to a great power in its own terms. India's approach is shifting from **Idealism to Realism** and is **prioritizing its national interests over the collective interests of the developing countries**.

Ques 20. "What introduces friction into the ties between India and the United States is that Washington is still unable to find for India a position in its global strategy, which would satisfy India's National self-esteem and ambitions" Explain with suitable examples.

Solution- In 2016, the United States designated India as 'major defence partner', a status unique to India. However, recently, the US foreign and economic policies have started to appear against India's self-esteem and ambitions. There are several issues that introduce friction into what US considers its global strategy and what India envisages as its self-esteem and ambitions.

- **West Asia:** The US' West Asia policy is aligned in line with that of Israel and Saudi Arabia which stands adversarial to that of Iran. But for India, a strong, united and peaceful Iran holds significance not only for its oil imports but also for the Chabahar port

and International North-South Transport Corridor (INTC) that will enable India to have a reach to Central Asia and counter China's Belt and Road Initiative (BRI). However, this stands opposed to the US policy of restricting Iran's influence in the region. The US has pulled out of the Joint Comprehensive Plan of Action (JCPOA) nuclear agreement and subsequently imposed sanctions under Countering America's Adversaries Through Sanctions Act (CAATSA) on Iran.

- **Afghanistan:** Political development in Kabul have always had its implications in New Delhi. Situation in Afghanistan also poses security risks for India given Pakistan's close proximity to the Taliban. This is more so given India's huge investments in Afghanistan to bring peace and stability there. But the US policy has moved to focus on its withdrawal of troops. Any peace deal with the Taliban, an insurgent body, will legitimise the terrorist activities and hurt India's interests.
- **Russia:** India's strategic relations with Russia have historically been very significant and useful given Russia's veto power at the Security Council. Russia is also the major defence partner of India. It is also emerging as a major option to meet India's energy requirements. But, as bequeathed by the Cold War, the US considers Russia as its adversary and it has brought Russia under the CAATSA. This stood opposed to India's defence deals with Russia involving the S-400 missile systems.
- **Trade relations:** Being a developing country, India wants to bring millions of its masses out of poverty and to have a strong economic footprint globally. The US is a major trade partner in this context and its Generalised System of Preferences (GSP) has been a useful mechanism for India. But the US' policy to bring back jobs home and to restrict China's growth trajectory has negative fallout on India. The US has accused India of not opening the Indian economy for American trade by means of tariffs, intellectual property regulations, subsidies, etc. and has clamped tariffs on Indian exports to America.

Moreover, the USA's National Defense Strategy 2018 marked Russia and China as its central challenge and for the US India is an ideal balancer against rising China. In this context, India must convince the US that a strong India is in concurrence with the US' interest. Besides, India must follow **strategic hedging** i.e. simultaneous engagements with major powers because in international relations, there are no permanent friends or permanent enemies, only permanent interests.