



VISION IAS

www.visionias.in

GENERAL STUDIES (TEST CODE : 1984)

Name of Candidate	ANAND MALHOTRA		
Medium Eng./Hindi	ENGLISH	Registration Number	1018150
Center		Date	24/11/2021

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
11	15	
12	15	
13	15	
14	15	
15	15	
16	15	
17	15	
18	15	
19	15	
20	15	

Total Marks Obtained:

Remarks:

INSTRUCTIONS

- Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code).
उत्तर पुस्तिका में सुचनाएं भरना आवश्यक है (नाम, प्रश्न-पत्र कोड, विद्यार्थी क्रमांक आदि)।
- There are **TWENTY** questions printed in **ENGLISH & HINDI**.
इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
- All questions are compulsory.**
सभी प्रश्न अनिवार्य हैं।
- The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
- 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. No marks will be given for answers written in medium other than the authorized one.
प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए जिसका उल्लेख आपके प्रवेश पत्र में किया गया है और उस माध्यम का स्पष्ट उल्लेख प्रश्न-तह-उत्तर (क्यूसीए) पुस्तिका की मुख पृष्ठ पर अंकित निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिखे गए उत्तर पर कोई अंक नहीं मिलेंगे।
- Word limit in questions, if specified, should be adhered to.
प्रश्नों में शब्द सीमा, जहाँ निर्दिष्ट है, का अनुसरण किया जाना चाहिए।
- Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।

16-B, 2nd Floor, Above National Trust Building, Bada Bazar Marg, Old Rajinder Nagar, Delhi-110060

Plot No. 857, 1st Floor, Banda Bahadur Marg (Opp Punjab & Sindh Bank), Dr. Mukherjee Nagar
Delhi- 110009

EVALUATION INDICATORS

1. Contextual Competence
2. Content Competence
3. Language Competence
4. Interaction Competence
5. Strategic Presentation Competence
6. Conclusion Competence

Overall Marks Comments / Feedback / suggestions on Answer Booklet

1.

2.

3.

4.

5.

6.

1. To safeguard and uphold the freedom of speech and expression in India, it is imperative to adequately reform colonial laws that curtail free speech. Discuss. (150 words) 10

भारत में वाक् एवं अभिव्यक्ति की स्वतंत्रता को सुरक्षित रखने और उसे बनाए रखने के लिए, मुक्त वाक् को कम करने वाले औपनिवेशिक कानूनों में पर्याप्त रूप से सुधार करना अनिवार्य है। चर्चा कीजिए।

"where the mind is without fear and
the head is held high" - Rabindranath Tagore

The Preamble and Fundamental Rights
of our constitution seek to secure
freedom of speech and expression for
its citizens.

However, many colonial laws curtail
free speech: →

① IPC Section 124: → Also called
sedition law → empowers state to
arrest anyone who cause disaffection

→ Gandhi's called this principle among
colonial laws aimed at thwarting free
speech

② Preventive Detention laws → Laws
like VAPA continue unabated in a
modern democracy like India.

→ Empower arrest under preventive detention and detainee does not enjoy rights under A-22 of Constitution

③ Official Secrets Act, 1923 ⇒

Curbs disclosure under RTI → a key component of exercise of free speech as per SC judgements.

Freedom of speech can be ensured by guarding against such colonial tendencies by:

① Effective review and repeal of OSA ~~and~~ as per Law Commission Report

② Use of preventive detention only in cases of intent to cause violence and not on grounds of dissent and govt. criticism as per SC judgement.

③ Comprehensive review of colonial pronouncements which curb free speech.

As we celebrate Azadi Ka Amrit Mahotsav @ 75 years of Independence, it is time we move beyond our colonial mindset of control and usher in free speech and expression.

2. What do you understand by the 'doctrine of neutrality'? Explain its significance for constitutional offices in the Indian context. (150 words) 10
'तटस्थता के सिद्धांत' से आप क्या समझते हैं? भारतीय संदर्भ में संवैधानिक पदों के लिए इसका महत्व स्पष्ट कीजिए।

Doctrine of neutrality implies that the holder of a public office should behave with an attitude of formalistic impartiality and without malice to anyone. eg.: → A judge should remain oblivious to his kinship ties in pronouncing a judgement.

Key tenants of doctrine of neutrality

- ① Impartiality → no favouritism
- ② Transparency → data led decision making
- ③ Intellectual honesty
- ④ No pre-conceived notions
- ⑤ Accountability → To the general public
- ⑥ Rule based governance → No arbitrary decision-making

Significance for Constitutional Offices

- ① Separation of power is ensured
- ② Checks centralization / dictatorial tendencies
- ③ Boosts public confidence in institutions
- ④ Checks discontent and anarchy
- ⑤ Preserves system of checks & balances
- ⑥ Promotes ease of doing business and consequent material well-being.
- ⑦ Ensures independent judiciary and just judicial system

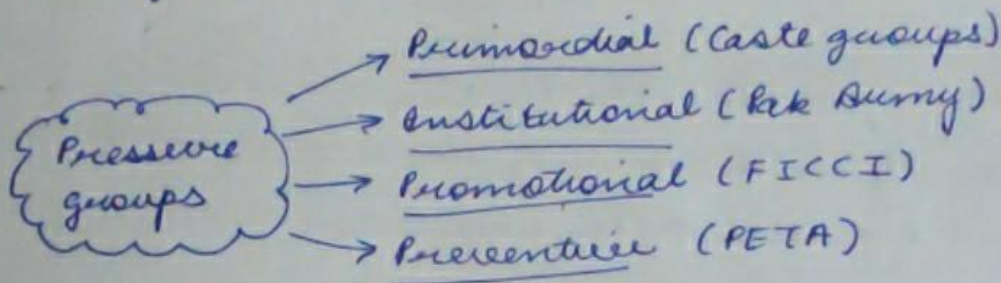
Thus, doctrine of neutrality holds special significance for constitutional offices and promotes both material and non-material well-being of nation.

3. Highlight the role of pressure groups in a democratic country. Also, differentiate between pressure groups in India and developed countries.

(150 words) 10

एक लोकतांत्रिक देश में दबाव समूहों की भूमिका पर प्रकाश डालिए। साथ ही, भारत और विकसित देशों में दबाव समूहों के मध्य अंतर स्पष्ट कीजिए।

PRESSURE GROUPS are interest groups which influence government to make favourable policy decisions without seeking public office.



ROLE OF PRESSURE GROUPS

- ① Watchdog → Passage of RTI, Lokpal Bill
- ② Service Provider → Hemkund Foundation
- ③ Educator → PETA
- ④ Agitator → India Against Corruption
- ⑤ Mobilizer → BKU, Trade Unions

Difference between Pressure Group in India and other countries : ➔

- ① Indian Pressure Groups ^(PGs) operate chiefly through mobilization of people while western PGs sponsor political action through PACs and Super PAC fundings. eg : ➔ Koch Brothers in US
- ② The corporate lobbies/ PGs operate covertly in India and overtly abroad. eg ➔ National Rifles Association (NRA)
- ③ The rhetoric of Indian political environment is reflected in left of farmers and caste groups while it is dominated by corporate lobbyists and weapon makers in the west

Pressure groups are an important spoke in the wheel of any modern democracy and when conducive can facilitate our transition to a 5 trillion USD economy.

4. Highlighting the factors that have led to increased instances of delegated legislation and administrative adjudication, discuss the issues associated with these.

(150 words) 10

प्रत्यायोजित विधान और प्रशासनिक न्यायनिर्णयन के बढ़ते दृष्टांतों के लिए उत्तरदायी कारकों को रेखांकित करते हुए, इनसे संबद्ध मुद्दों की विवेचना कीजिए।

Delegated legislation refers to the executive government assuming vast legislative powers through a wide legislation and framing rules which endow it with wide powers.

Administrative adjudication refers to administrators doing judicial pronouncements through their powers.

Both delegated legislation and administrative adjudication impugns upon the roles of legislature and judiciary as seen from

- ① Broad legislation giving executive power to frame wide ranging rules
- ② Lack of debate and committee examination of bills in Parliament
- ③ Administrative overreach in interpreting rules
- ④ Increasing trend of tribunalization of justice.

- ISSUES**
- ① Erodes system of checks & balances
 - ② Protests against unpopular bills like Farm Acts
 - ③ Govt. gets pressurized into not framing rules for want of retaliation → labour laws
 - ④ Govt gains wide ranging judicial powers → undermines separation of power.

WAY AHEAD

Indian polity is premised on separation of powers enunciated under A-50 which seeks to check what Montesquieu called as despotic rule.

Therefore, a responsible and consensus led emendment will be conducive for good governance.

5. Highlight the significance of Gram Nyayalayas in providing inexpensive and speedy justice to people in rural areas. Also mention the issues being faced by them. (150 words) 10
- ग्रामीण क्षेत्रों में लोगों को सस्ता और त्वरित न्याय प्रदान करने में ग्राम न्यायालयों के महत्व पर प्रकाश डालिए। साथ ही, उनके द्वारा सामना की जा रही समस्याओं का भी उल्लेख कीजिए।

Gram Nyayalayas were set up under (GN) the Gram Nyayalaya Act, 2008 to serve as alternate dispute resolution means to the rural at the block or contiguous Panchayat level.

IMPORTANCE

- ① Inexpensive and speedy justice
- ② only summary procedure → easier to comprehend.
- ③ Not bound by Indian Evidence Act and CPC.
- ④ Its decision has force of law and can be appealed in district courts.
- ⑤ Can try both civil and criminal cases.

ISSUES

- ① Lack of enthusiasm among judiciary, lawyers and admin as most blocks have courts.
- ② Not functioning / operational at scale due to wide vacancies in judiciary.
- ③ Non-devolution of adequate funds.
- ④ Lack of awareness among the masses.

WAY AHEAD

The burgeoning burden of pending cases poses a great challenge to our judicial system and Gram Nyayalayas offer a great means to expedite justice and fulfill Gandhiji's dream of Gram Swaraj.

6. Enumerating the key objectives of the Foreign Contribution Regulation Act, discuss why the recent amendments in the act are seen as a matter of great concern for the development sector in India. (150 words) 10

विदेशी अभिदाय (विनियमन) अधिनियम के प्रमुख उद्देश्यों को सूचीबद्ध करते हुए, चर्चा कीजिए कि इस अधिनियम में हाल के संशोधनों को भारत में विकास क्षेत्रों के लिए बड़ी चिंता का विषय क्यों माना जा रहा है।

Foreign Contributions Regulation Act (FCRA) seeks to regulate flow of foreign exchange flowing into non-govt. organizations and other entities.

RECENT AMENDMENTS

- ① opening of a dedicated account in SBI branch in New Delhi
- ② Restrictions on civil servants and others to receive funds under these accounts
- ③ Pronouncements directing / limiting amount of appropriations to be done as admin expenses.
- ④ Limitation of transferring funds to other organizations from these accounts
- ⑤ Frequent reporting and license renewal for operation.

due to these reasons, provisions
the act has been seen detrimental towards
NGOs which bank upon donations.

Key Objectives behind Bt

- ① Checking money laundering
- ② Check on undue foreign influence
- ③ Fostering accountability as only
10% of 29 lakh+ NGOs fill returns
(CBI report)
- ④ Bringing in transparency in admin.
of NGOs
- ⑤ Check threat from terrorism (black money)

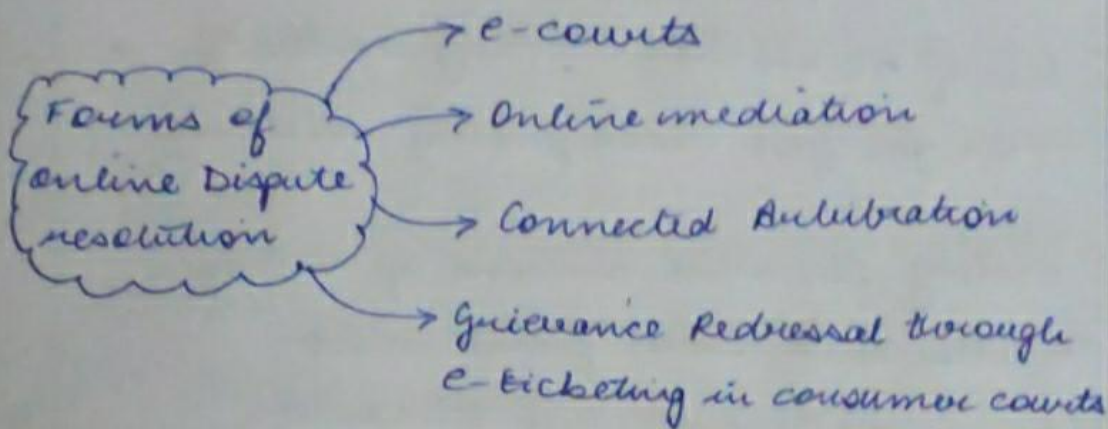
Way ahead

The COVID-19 crisis has shown importance
of NGO sector in delivery of last mile
services. The regulation of foreign
funds should balance the need for national
sovereignty with public welfare.

7. Dispute resolution should be seen not as a court where justice is administered, but as a service which is availed of. Discuss the statement in the light of Online Dispute Resolution (ODR) in India. (150 words) 10
- विवाद समाधान को न्यायालय के रूप में नहीं देखा जाना चाहिए जहाँ न्याय का प्रबंध किया जाता है, बल्कि एक सेवा के रूप में देखा जाना चाहिए जिसका लाभ उठाया जाता है। भारत में ऑनलाइन विवाद समाधान (ODR) के आलोक में इस कथन की विवेचना कीजिए।

(ODR)

Online dispute resolution has seen wide traction much on account of the COVID-19 pandemic.



Traditional ^{experience in} ~~note of~~ a court of justice

- ① Physical hearing in an alienating environment filled with robe adorned and law speaking advocates
- ② Intractable legal jargon and precedents → for a commoner
- ③ Multiple hearings and long winding delay tactics by lawyers during a trial.

Transformation by online dispute resolution

- ① Saves precious time and energy in commute and court visit
- ② Extremely efficient if supported by responsive technological stacks
- ③ Use of AI in determining order of cases for fast track justice delivery
- ④ Ability for wide sections of society to view and learn from court proceedings through live telecasts (Gujarat HC).
- ⑤ Ability to reach remotest areas for faster and responsible justice (social-distancing)

Thus, ODR is a harbinger of paradigm shift in our jurisprudence changing dispute resolution ^{like courts} ~~from~~ from places where justice is administered ~~to one which does~~ to a service which is availed of.

8. Section 33(7) of The Representation of People Act (RPA), 1951 should be amended to restrict contestation on only one seat for every candidate. Discuss.

(150 words) 10

प्रत्येक उम्मीदवार को केवल एक सीट से चुनाव लड़ने हेतु बाध्य करने के लिए लोक प्रतिनिधित्व अधिनियम (RPA), 1951 की धारा 33(7) को संशोधित किया जाना चाहिए। चर्चा कीजिए।

Section 33(7) of the RPA, 1951 allows for contestation from more than one seat in an election. If the candidate is successful in both seats, he needs to vacate one.

ISSUES

- ① Unfair to the electorate of both constituencies
- ② Wastage of precious public exchequer money in re-election, if any
- ③ Inconvenience to electorate in recasting ballot
- ④ Takes away local governance agenda as it is aimed at electing a leader only and nothing more
- ⑤ Double membership is not recognized and can be a ground for disqualification → increases administrative burden

WAY AHEAD

- ① Need to amend RPA → restriction to a single seat only.
- ② Local governance agenda should be valued at constituency level
- ③ Political parties should set right example by not fielding a candidate from multiple seats
- ④ Civil society should pressurize ^{political parties} ~~governments~~ to nominate popular leaders and not indulge in seat-selling.

9. The idea that Public Intent Data can play a transformative role in the public sector is not bereft of challenges. Discuss. (150 words) 10

यह विचार कि लोक प्रयोजन डेटा (पब्लिक इंटेंट डेटा) सार्वजनिक क्षेत्र में एक परिवर्तनकारी भूमिका निभा सकता है, चुनौतियों से रहित नहीं है। चर्चा कीजिए।

Public Intent Data refers to gauging public opinion on wide ranging issues to make informed decisions.

TRANSFORMATIVE ROLE IN PUBLIC SECTOR

- ① Promotes public participation
- ② Informed & consensus led decision making
- ③ Decreases the role of money by lobbyists in influencing decision-making
- ④ Makes govt. more transparent and accountable to people.
- ⑤ Relatively conflict-free implementation of development projects.

Challenges

- ① Too much democracy can be a sign of failure of governance
- ② Can be source of conflict in society if opinion is divided
- ③ Logistically difficult to manage at scale
- ④ Can be misused against dissenting voices
- ⑤ Can be manipulated if hacked / rigged.

Thus, while Public Intent Data holds great promise of improving governance it needs to be harmonized with associated data and logistical challenges to be an effective tool of governance.

10. Cabinet committees can play a crucial role in accelerating the government's decision-making and reforms. Critically evaluate. (150 words) 10

मंत्रिमंडल समितियाँ सरकार के निर्णय-निर्माण और सुधारों को त्वरित करने में महत्वपूर्ण भूमिका निभा सकती हैं। समालोचनात्मक मूल्यांकन कीजिए।

Cabinet committees refer to group comprised of PM and select Council of Ministers who collectively take key executive decisions. The 44th Amendment made the President bound by Cabinet advice.

ROLE PERFORMED

- ① All central govt- decisions are taken by cabinet committees
- ② They shape the government's agenda and are the top policy making institution.
- ③ They are focussed and organized along specialized functions like security, economic affairs, etc. which aids in specialized decision making.
- ④ They are crucial to the role of

collective responsibility as a 50+ member COM could be too unwieldy to decisively concure in time.

VIEWS AGAINST CABINET COMMITTEE

- ① Against the principle of broad-based governance
- ② Lead to centralization of power both in PM and his kitchen cabinet.
- ③ They have in recent times, under criticism for not being consulted and excessive centralization in the PMO.

The Cabinet does not find mention in the Constitution (explicit structure). However, Cabinet Committees have come to play an important role in transformation of the nation through quick decision making and reforms.

11. While the judiciary should not be a silent spectator when constitutional rights of citizens are infringed by executive policies, it must also not assume the role of the executive or pass policy prescriptions. Do you agree? Justify your stand with logical arguments. (250 words) 15

जब कार्यकारी नीतियों द्वारा नागरिकों के संवैधानिक अधिकारों का उल्लंघन हो तब न्यायपालिका को मूक दर्शक नहीं बने रहना चाहिए, साथ ही इसे कार्यपालिका की भूमिका भी ग्रहण नहीं करनी चाहिए अथवा नीतिगत निर्धारण जारी नहीं करना चाहिए। क्या आप सहमत हैं? उचित तर्कों के साथ अपने रुख का औचित्य सिद्ध कीजिए।

The judiciary enjoys wide powers of judicial review, scrutiny and oversight under Articles 13, 32, 226 and 142 of the Indian Constitution against the arbitrary action of the State.

NOT A SILENT SPECTATOR

① Guardian of Constitution under Art 32

→ writs to guard FRs → Habeas corpus
→ Mandamus
→ Quo warrantō
→ Inhibition
→ Certiorari

② Judicial Review

monumental cases → Kesavananda Bharati case
→ Maneka Gandhi case
→ Puttaswamy case

③ Public Interest Litigation

- NO ~~low~~ ^{standards} standi
- Promoted by Justice VK Iyer & PN Bhagwati
- Fusion Reforms

④ Ability to do pronouncements in order to do complete justice under A 142

⑤ Maintain independence of judiciary through Collegium system in three judges cases.

NOT PASS POLICY PRESCRIPTIONS

- ① undermines will of people as legislators are duly elected while judiciary is nominated.
- ② Against principle of separation of powers
- ③ Leads to counter legislation and a back and forth with Parliament.

- ④ Cause of inconsistency among states
- ⑤ Delays administration due to long pending judicial processes and appeals to SC.

WAY AHEAD

The founders of our Constitution accorded great powers to the judiciary to safeguard against a despotic state should the situation arise.

However judicial activism should not become judicial adventurism.

Therefore, ^{legislature} executive should focus on consensus led laws and judicial activism should be selectively used to safeguard democratic rights.

12. Local bodies have the constitutional status of being a third tier of the government, but are simultaneously subordinate to the State Government in several key functions and aspects. Analyse. (250 words) 15

स्थानीय निकायों को सरकार के तृतीय स्तर का संवैधानिक दर्जा प्राप्त है, लेकिन साथ ही कई प्रमुख कार्यों और पहलुओं के संदर्भ में ये राज्य सरकार के अधीनस्थ भी हैं। विश्लेषण कीजिए।

73rd and 74th Amendments created
a third tier of governance via
Panchayati Raj and Municipalities.

CONSTITUTIONAL PROVISIONS

① Three tiered Panchayati Raj structure
at village, block and district level

② Direct elections at all three tiers

③ Reservations for :→

1. women → 1/3rd seats

2. SC/STs → proportion of population

3. BCs → If State desires

④ Gram Sabha → all members on electoral
role of village.

⑤ Municipalities, Municipal Corporations,

Notified Area Committees, Town Area Committees at urban level

- ⑥ Powers and ability to tax as per devolution done by States in 11th & 12th schedules respectively.

HOWEVER THEY REMAIN SUBORDINATE TO STATES

- ① limited devolution of powers
- ② Less fiscal space as dependent on grants
- ③ resistance to raise taxes → post GST tax net has decreased (Octroi, etc. subsumed)
- ④ Large variations in how states share power
- ⑤ Lack of capacity building initiatives.

WAY AHEAD

- ① If done correctly, local governance can do wonders in last mile governance ⇒
 - a. Kudamshree in Kerala
 - b. village volunteer programme in AP

- ② states are too big and unwieldy institutions for local governance
- ③ Local delivery has gained more prominence in the light of COVID-19 (CDM funds)
- ④ Tax base should be increased through municipal loans, more devolution.
- ⑤ Increase the devolutions of power under 11, 12 Schedules.

Good governance ~~of~~ at local level can help states fulfill the aspirations under A-40 of our Constitution.

13. It is not only institutional challenges faced by Election Commission but also the twin threats of money and muscle in Indian electoral politics that need to be addressed for free and fair elections in India to continue. Discuss.

(250 words) 15

न केवल निर्वाचन आयोग द्वारा सामना की जा रही संस्थागत चुनौतियों, बल्कि भारतीय चुनावी राजनीति में धन और बाहुबल के दोहरे खतरे के मुद्दे को भी भारत में स्वतंत्र और निष्पक्ष चुनाव जारी रखने के लिए संबोधित किए जाने की आवश्यकता है। चर्चा कीजिए।

The Election Commission (EC) is a premier Constitutional body entrusted with conduct of free & fair elections throughout country.

INSTITUTIONAL CHALLENGES

- ① Lack of permanent reserve of officer cadre
- ② Govt. majority in selection panel for CEC and other ECs
- ③ Election Commissioners (ECs) can be removed on advise of CEC.
- ④ CEC is not debarred from holding public office after retirement
- ⑤ All decision-making is through majority
→ even a dissent of EC cannot seek review

TWIN THREATS OF MUSCLE AND MONEY

- ① EC does not have resident officers and personnel at ground to validate muscle power.
- ② Rampant cases of money dole outs prior to election go unchecked (Hazarebad case recently brought this to light)
- ③ Electronic ballot has reduced booth capturing but can't check undue influence or kidnapping.
- ④ Reports of violence and political vendetta post WB elections recently.
- ⑤ EC cannot ~~stop~~ suo moto legislate to bring electoral finance transparency.
- ⑥ Criminalization of politics → Over 30% elected MPs have serious allegations.

Addressing Institutional & Influential
(Money + muscle) Challenges: ⇒

- ① Exploring state sponsored election funds to parties to curb use of money
- ② making search committees more broad based with a plurality of judges as majority for EC.
- ③ Curbing reappointment / Parliament seats for ECs
- ④ Bringing in a dedicated election management cadre and personnel system to build institutional memory.
- ⑤ Fast track courts to expedite trials against elected officials.

Free & fair elections form bedrock of our democracy and empowering reforms in EC are the need of the day.

14. Fiscal federalism in India has evolved with time. Discuss in light of the developments in recent years. (250 words) 15

भारत में राजकोषीय संघवाद समय के साथ विकसित हुआ है। हाल के वर्षों के चटनाक्रम के आलोक में चर्चा कीजिए।

Indian federalism as enshrined in Constitution seeks power-sharing between Central and State Government.

CONSTITUTIONAL PROVISIONS FOR FISCAL FEDERALISM :

① Levy of taxes

	<u>Centre</u>	<u>State</u>
on Income	Income Tax Corporate Tax Min. Alternate tax	Tax on agri income Professional tax
on Expenditure		Motor Vehicles
on Assets	STT, CTT, CGT	Land Revenue

- ② Part X highlights the tax-related provisions → who can levy, collect and appropriate.

only
③ Central govt. can levy and appropriate
i. Cess (except compensation cess)
ii. Surcharge

④ Centre can borrow from within or outside country but states can borrow only within.

⑤ Finance Commission under A 280 for devolution
Key developments :⇒

① 11th & 12th FC brought in matters and changes.

② 101st CAA brought in GST Act creating a single national market

(i) NO cascading taxes

(ii) Tax only on value addition

(iii) Consumption based regressive indirect tax

(iv) Slab based rates (0, 12, 15, 18, 28%)

(v) Compensation cess (revenue neutral) to states

(vi) Exemption of certain items from ambit.

③ Centre has allowed states to borrow

from Consolidated Sinking Fund to a prescribed limit in light of pandemic.

- ④ Provision of back-to-back loans in lieu of GST compensation cess.
- ⑤ Additional 2% borrowing limit of states $\rightarrow$ 0.5 unconditional, 1.5% conditional on reforms like ONORC, etc.
- ⑥ North-South divide over loss of funds in light of new terms of reference for 12th FC (^{one} premise $\rightarrow$ population)
- ⑦ Increasing noise of overt centralization around GST.
- ⑧ Co-operative Federalism structure through GST Council.

So the fiscal relations between centre and state government are getting transformed from one-directional grants structure to a more competitive and collaborative structure in line with the diverse demands of the nation.

15. What do you understand by Constitutionalism? Do you think a written constitution is a necessary condition to ensure Constitutionalism? Also, analyse various provision of the Indian constitution that ensures Constitutionalism.

(250 words) 15

संविधानवाद से आप क्या समझते हैं? क्या आप मानते हैं कि संविधानवाद को सुनिश्चित करने के लिए लिखित संविधान एक आवश्यक शर्त है? साथ ही, संविधानवाद को सुनिश्चित करने वाले भारतीय संविधान के विभिन्न उपबंधों का भी विवेचन कीजिए।

Constitutionalism refers to limiting powers of the state, agreement on minimum standards to cooperate and fulfill the aspirations of people through a commonly agreed upon charter called constitution which defines and alienates powers of the government. It seeks to fulfill the mandate of the people who created the Constitution.

Constitutions across democracies can be either written (India) or unwritten (U.K.).

Through explicit codification written constitutions can ensure written constitutions are necessary but not sufficient condition for Constitutionalism.

NECESSARY

- ① Explicit Codification of laws
- ② Separation of powers b/w executive, judiciary and legislature
- ③ Enumerates how to fulfill aspirations.
- ④ Source of rights and claims of citizens in return for their loyalty
- ⑤ Leaves no ^{lesser} room for ambiguity among various groups.

NOT SUFFICIENT

- ① should be seen to be favoured by large sections to enjoy legitimacy (Taliban)
- ② should create representative institutions else cause of conflict
- ③ Can empower dictatorial tendencies and usurping of power by few (Russia)
- ④ Nations with unwritten constitution function quite well on precedents like U.K.

Enabling provisions from Indian Constitution

- ① Fundamental Rights (Part III) → political equality
- ② Directive Principles of State Policy
to ~~fulfill~~ create socio-economic equality
- ③ Independent judiciary with judicial review powers
- ④ Flexible legislature with amendment powers to make corrections
- ⑤ Less stable but more powerful & responsible executive to usher in social reforms.

Thus, we see that Indian Constitution seeks to fulfill the goals of liberty, equality, fraternity and justice as articulated in our Preamble by ensuring Constitutionalism.

16. It has been argued that digital monopolies pose a threat to the fundamental fabric of market-competition. In this context, examine the effectiveness of the regulatory framework in India to deal with digital monopolies. (250 words) 15

यह तर्क दिया जाता है कि डिजिटल एकाधिकार बाजार-प्रतिस्पर्धा के मौलिक ताने-बाने के समक्ष खतरा उत्पन्न करता है। इस संदर्भ में, डिजिटल एकाधिकार से निपटने के लिए भारत में नियामकीय ढांचे की प्रभावशीलता का परीक्षण कीजिए।

Digital monopolies denote the collectivity of a few digital corporations who have come to establish a global hegemony over the world's digital milieu. eg Facebook, Microsoft, Amazon, Google

THREAT TO MARKET-COMPETITION

① Unfair use of market share → Google's Android devices have pre-installed Youtube

② Aggressive acquisition spree
Facebook acquired whatsapp, Instagram

③ Creating closed ecosystems
Apple operates only on iOS

④ Denying right to repair
Launch of newer versions obliterates existing device

⑤ Non-transparent self-regulation
Twitter banned Trump but not others

⑥ Harming public interest for own-self interest

Facebook whistleblower → Angry button used to promote hate. FB could filter only 5% of hateful content contrary to claims of 95%.

Effectiveness of current regulations

① New IT Rules mandate compliance in terms of self-regulation and taking ^{off} content within stipulated timelines

② Mandate on permanent and responsive grievance redressal officer

③ CCI has provisions to check anti-competitive practices and prevent monopolization

④ Safeguards available to citizens against publishing of naked pictures

⑤ Compliance in data sharing for enforcement of law and order

⑥ Data Localisation → store data within Indian servers

Gaps which still remain

- ① weak enforcement → data storage and localization not complied by till date
- ② Overlapping jurisdiction → with other countries
- ③ Policy lacunae → only peripheral issues have been addressed
- ④ Lack of alternatives → monopolies have created systematic dependency across economy.
- ⑤ Use of policies for political ends

Thus, we see that while regulations exist to check digital monopolies, a lot needs to be done to create a free and competitive digital market.

17. The Central Bureau of Investigation (CBI) is often cited as an example of the rising politicisation of public institutions. In this context, identify the issues associated with the CBI's functioning. What steps can be taken to address these issues?

(250 words) 15

केंद्रीय अन्वेषण ब्यूरो (CBI) को प्रायः सार्वजनिक संस्थानों के बढ़ते राजनीतिकरण के उदाहरण के रूप में उद्धृत किया जाता है। इस संदर्भ में, CBI की कार्यप्रणाली से संबद्ध मुद्दों की पहचान कीजिए। इन मुद्दों का समाधान करने के लिए क्या कदम उठाए जा सकते हैं?

The Central Bureau of Investigation (CBI) is the premier investigative agency of Central Govt. constituted under Delhi Special Forces Act.

MARRED BY RISING POLITICISATION

- ① Accused of becoming Centre's instrument against states with opposition rule
- ② Govt. has wide ranging powers w.r.t appointment of head
- ③ SC had in the past openly criticized political favoritism by CBI head (Kanjibh Singh)
- ④ CBI cannot be directed to carry out independent investigation in states without consent.

ISSUES

- ① Against the principle of cooperative federalism
- ② CBI inquiries used as tools for mobilizing favourable public opinion
- ③ Undermines institutional hegemony and responsibility → people will lose faith
- ④ Can be a source of frequent cases and judicial burden.

ADDRESSING THESE ISSUES

- ① 2nd ARC → make selection committee more broad based with minority of government representation
- ② Give CBI constitutional safeguards ensuring independence: ⇒
 - a. Changing salary on CBI
 - b. Making removal difficult at par with CAG/CEC

- ③ CBI heads should not be reappointed in public office
- ④ Avoid changing tenures and transparency in granting extensions.
- ⑤ Building a framework for homebound investigations and trials.
- ⑥ Separate tribunal to expedite CBI investigations.

These recommendations can go a long way in restoring public confidence in CBI.

18. The focus of policy and governance has hitherto primarily been on output rather than the outcome. Not only does the Aspirational District Programme mark a change in the policy focus but also chooses a collaborative form of governance over a top-down approach. Analyse. (250 words) 15

नीति और शासन का ध्यान अभी तक मुख्य रूप से आउटकम (परिणाम) के बजाय आउटपुट (मात्रा) पर केंद्रित रहा है। आकांक्षी जिला कार्यक्रम न केवल नीतिगत केंद्रबिंदु में परिवर्तन को चिन्हित करता है, अपितु टॉप-डाउन एप्रोच (शीर्ष-पाद उपागम) के बजाय शासन के सहयोगात्मक शैली को अंगीकार करता है। विघ्नेषण कीजिए।

The Aspirational Districts Programme is an initiative to expedite the developmental outcomes in 114 most backward districts on a wide range of socio-economic parameters.

~~From Output → Outcome~~

From output → Outcome

- ① Goals aligned on detailed outcomes rather than merely on scale & output
- ② Focus on micro-units → districts rather than broad policy for state
- ③ Success measured in terms of delta change between baseline measures and achieved outcomes

④ Coordination done by a joint secretary at district level rather than DM.

⑤ main streaming inclusiveness → by obsession on bringing change from the most backward areas.

Top-down → Collaborative

- ① Decentralized execution at ~~state~~ district level
- ② NITI Aayog has created data visibility through champions of change portal.
- ③ Districts to show improvement across melange of outcomes in decentralized way rather than monolithic schemes of centre.

WAY AHEAD

The aspirational districts programme encapsulates the goal of samudaya.

True governance lies in inclusiveness
and by mainstreaming most backward
districts we are moving in the
right direction of Sabka Bath, Sabka Vikas.

19. While various government initiatives and policies have created opportunities for Self Help Groups (SHGs), there are challenges that still persist. Discuss.

(250 words) 15

जहाँ विभिन्न सरकारी पहलों और नीतियों ने स्वयं सहायता समूहों (SHGs) के लिए अवसरों का सृजन किया है, वहीं कुछ चुनौतियाँ अभी भी विद्यमान हैं। चर्चा कीजिए।

Self Help groups (SHGs) refer to collectives formed with the explicit purpose of enterprise through joint ownership and joint contribution.

Importance of SHGs :-

- ① Empower women (Amul, Lijjat Papad)
- ② Promote micro-finance (Grameen Bank)
- ③ Promote entrepreneurship as an individual may lack initiative/knowledge
- ④ Aid in rural development (Town of Anand in Gujarat)
- ⑤ Foster communal harmony & solidarity through co-ordination

Government Initiatives :→

- ① Right to form associations a fundamental right under A 19
- ② State shall seek to promote cooperatives under DPSP (A 42(B))
- ③ Priority Sector Lending for SHGs by RBI
- ④ Interest subvention and collateral free credit provision under MVDRA
- ⑤ Schemes for development
↳ Formalization of FPOs

Existing Challenges

- ① Finite risk of moral hazard
- ② Bringing together new SHGs during COVID-19
- ③ Lapses in scheme implementation
 - ↳ Bureaucratic red tape
 - ↳ Banks not passing on rate cuts by RBI
 - ↳ Etc.
- ④ Challenge from big corporates entering rural markets

~~Government~~ initio

⑤ Ineffective skill development and extension services to upgrade vocational knowledge

⑥ Patriarchal and conservative mindset precludes coming together of women/people from other castes.

The Grameen Bank has shown the power of SHGs to transform a nation and we must overcome intermitted challenges to ensure sustained rural development.

20. The principal constraint for India is trying to find solutions to 21st century problems using 19th century government structures. Discuss. (250 words) 15

भारत के लिए प्रमुख बाधा 19वीं सदी के सरकारी ढांचे का उपयोग कर 21वीं सदी की समस्याओं का समाधान खोजने का प्रयास करना है। चर्चा कीजिए।

The paradox of governance today is
involved in ever changing nature of
problems but painstaking slow response
by government.

21st Century Problems

- ① Cyber security threats
- ② Digital savvy electorate is getting
disillusioned with babudom & office culture
- ③ Fast evolving transaction systems like
cryptocurrency
- ④ Imminent and impending climate crisis.
- ⑤ Threat to national security not
just from AI and hypersonic missiles
but also from pandemics and diseases
like AMR.

19th Century Govt. Orientation

- ① Lack of sensitization to LGBTQ, environment and transgender rights.
- ② Colonial mindset of might is right doesn't work in an environment of asymmetric warfare & 5th generation warfare.
- ③ Slow pace of development initiatives and file culture in administration.
- ④ Lack of transparency in decision-making and less participative policy formulation.
- ⑤ Archaic notion of regulate and prohibit first and research later leading to potential black swan events.

WAY AHEAD

- ① Mainstreaming e-governance initiatives
- ② Investment in R&D for new age threats and developing thought leadership
- ③ Capacity building and training of administration at entry, mid-career stages in line with present day challenges
- ④ Lateral hiring & buying in technocrats in line with 2nd ARC recommendation
- ⑤ Getting work done through advanced data mining → better insights → use of AI in decision making.

The current initiative of mission Karmayogi is a step in right direction to ensure and realise the true goal of Sevotam.