



Q1. 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.

Our constitutional forefathers have adopted Parliamentary democracy which is based on the principle of separation of power and checks and balances.

The constitution didn't adopt for the strict separation of power but built Indian democracy based on checks and balances.

Non adoption of strict separation of powers:

- Executive is part of legislature while separation of power requires separation between both.
- Similarly, extra ordinary circumstances allow parliament to possess judicial powers like removal of president or removal of judges.
- Judiciary often undertakes policy making role and issues guidelines to executives like Vishaka guidelines.
- In the delegated legislation , it is executive who performs task of policy making.

Constitution didn't adopt for strict separation of power because of :

- All organ plays critical part in development and good governance.
- Strict separation of power can create constitutional logjam in a recent democracy. It should be developed through convention.
- Empowerment of citizens require harmonious relations between different organs.
- Parliament democracy by its nature doesn't require strict separation of powers.

But our constitution focuses on concept of checks and balances:

- Judges appointment and removal lies with the Parliament and executive.
- Parliament checks over executive through question-hour, no confidence motion, zero hours etc.
- Judiciary has checks over executive through various writs like Mandamus, Habeas corpus.
- Judiciary can keep check on parliaments and its powers through powers of judicial review as mentioned in article 13.

Check and balance allow supremacy of the constitution, check on the despotic tendency of other powers , ensuring accountability of other organ and regular interaction between all three organs.



Q2. “The Central Administration Tribunal which was established for redressal of grievances and complaints by or against central government employees, nowadays is exercising its powers as an independent judicial authority.” Explain

The Central Administrative Tribunal had been established under Article 323 - A of the Constitution (by 42nd constitution amendment act 1976) for adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or other authorities under the control of the Government. Under the provisions of this article, administrative tribunals act, 1985 was enacted.

Established for redressal of grievances:

- Governed by the principle of Natural Justice to address grievances of employees.
- Looks into matter of promotion and recruitment.
- Works for the improvement in the conditions of the service.
- Ensures no biasness is carried out by government towards its employees.

Over a period of time central administrative tribunal has gradually evolved into an independent judicial authority.

- Over time, it has developed its own principle and rationality for cases as happens with judiciary.
- Recent Delhi High Court judgment has given CAT, similar contempt powers like that of high courts.
- Passing independent judgments like reinstatement of a Kerala IPS officer despite political pressure.
- Not bound by the code of civil procedure and bound only by principles of natural justice, It has provided several cheap and faster remedies to many public servants.

However, it still suffers from few limitations compared to judiciary.

- After Chandra Kumar’s case verdict appeal from a tribunal can be filed in high court.
- Tribunal members do not enjoy powers like judges who hold constitutional posts.
- Functioning of Administrative tribunals suffer from lack of autonomy especially in terms of appointment and funding Administrative tribunals.

In the interest of better justice delivery, their traditional structures and methods of functioning can be reformed. Increasing the number of judges, filling the existing vacancy, use of technology to bring efficiency in administration of justice can be the way forward.



Q3. What are the methods used by the Farmers organizations to influence the policy- makers in India and how effective are these methods?

Farmers organisations refer to group of farmers who are organised to protect their own interests related to issues like minimum support price, subsidies, welfare schemes for farmers etc.

Ex: BharathiyakisanSabha, shetkarisangatan, Karnatakaraitha Sangha etc..

Farmers organisations, being a pressure group, follows different types of protests to influence policy makers:

- Lobbying: here they influence policy makers through providing information on their demands and grievances .For example: Due to protests by Dairy Farmers, KMF increased the Rate of Milk by Rs.2 per litre
- Protests and rallies : here they mobilise huge number of farmers and conduct rallies on a large scale to let the people understand their demands. For example: protests by farmers in Maharashtra last year to increase msprates, pension schemes for farmers, implementswaminathan committee recommendations etc.
- Satyagrahas and fast unto death protests : farmers normally resort to these protests when their moderate protests didn't satisfy their demands. For example protests by Tamil Nadu farmers in the national capital last year.
- Sometimes they resort to other types of protests like throwing their crops on the road in case of low prices, blocking railways etc..

Effectiveness of these methods

- These methods have brought farmers together and made them act as pressure lobby on government. It has been successful in taking concessions like Farm Loan waiver, increase in MSP.
- It has made government and people aware about the plight of farmers. It led to establishment of Swaminathan committee for grievance redressal of farmers.
- Protest by farmer lobby of a place have encourage other farmers of different region to protest. Sugarcane lobby of Maharastra has strengthened sugarcane lobby of UP.
- Acceptance of demands have also increased.
- But, most of these protests have been short –term in nature where focus has been on getting subsidies from the government. They don't focus on long term issues like faulty irrigation practices, faulty cropping practices.

Farmers organizations certainly play a huge role in acting as true representative of farmers problems to the policy makers. However unfortunately, their effectiveness has been limited due to various reasons.



Q4. From the resolution of contentious issues regarding distribution of legislative powers by the courts, 'Principle of Federal Supremacy' and 'Harmonious Construction' have emerged. Explain.

Constitution has provided for division of legislative powers between the Centre and state in the seventh schedule under union list, state list, concurrent list. However, this division cannot be watertight and rigid. This has led to frequent conflicts between Centre and states regarding their legislative powers.

Principle of federal supremacy refers to the principle wherein the Centre will have predominance in legislative powers and even if there is any conflict between them central law will prevail.

Constitution itself has provided for it:

- Central law vs State law: central law will prevail
- Conflict on a concurrent subject between union and state law, union law will prevail.

Unitary nature of Indian constitution provides for such principle. Even Supreme Court has upheld it many times.

Principle of harmonious construction

According to this principle, the provision of a statute should not be interpreted in isolation but as a whole in order to remove any inconsistency or repugnancy.

The Supreme Court laid down five principles of rule of Harmonious Construction in the landmark case of **CIT v Hindustan Bulk Carriers**:

- The courts must avoid a head on clash of seemingly contradicting provisions and they must construe the contradictory provisions so as to harmonize them.
- The provision of one section cannot be used to defeat the provision contained in another unless the court, despite all its effort, is unable to find a way to reconcile their differences.
- When it is impossible to completely reconcile the differences in contradictory provisions, the courts must interpret them in such as way so that effect is given to both the provisions as much as possible.
- Courts must also keep in mind that interpretation that reduces one provision to a useless number or dead is not harmonious construction.

Supreme Court has invoked this principle in various cases to resolve legislative disputes like in VenkataramanaDevaru v. State of Mysore, Calcutta Gas Company Pvt. Limited v State of West Bengal etc. Hence, Supreme Court by evolving these doctrines has ensured that federal coordination has prevailed between centre and state.



Q5. What can France learn from the Indian Constitution's approach to secularism?

France approach to secularism is complete separation of religion from Politics. There, religion is considered as private identity and display of it at public places are not allowed. Politics can also not use religion as a tool.

On the other hand, Indian approach to secularism is based on respect to all religions, no discrimination between religions and policy of no official religion.

Learning for France:

- Respecting other's religion promotes unity in diversity which encourages peace in the society.
- Allowing religion as public identity is part of individual freedom, it promotes inclusive concept of human dignity.
- Providing rights to the minority for maintaining their culture and education increases stake of community in country paving the way for inclusive development.
- Recent protest in France regarding Burqa ban, or banning of Islamic clothing had shown that every community may have different way to live as it happens in India. It is imperative for the country to allow them.
- France is reeling under stagnated economic growth . Minority is the biggest victim of stagnated growth due to poor social capital. If a society does discrimination based on religion, it is imperative for state to undertake steps to eliminate the discrimination through positive discrimination.
- Preaching and promoting one's religions is basic part of identity and a democratic country must allow it.
- Indian secularism has allowed government to undertake religious reforms like Hindu Code bill or elimination of Triple talaq.

If secularism is a social philosophy of thick friendships and cross-cultural bonds, then it has to be guided by compassion and not merely a policy of tolerance. Such social concern has to be nurtured and made an integral part of the political culture of any nation.



Q6. Despite Consistence experience of High growth, India still goes with the lowest indicators of human development. Examine the issues that make balanced and inclusive development elusive.

Recently India climbed one spot to 130 out of 189 countries in the latest human development rankings released by the United Nations Development Programme (UNDP). India's HDI value for 2017 is 0.640, which put the country in the medium human development category.

According to the UNDP, HDI is "a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living".

Table B: India's HDI and component indicators for 2017 relative to selected countries and groups

	HDI value	HDI rank	Life expectancy at birth	Expected years of schooling	Mean years of schooling	GNI per capita (PPP US\$)
India	0.640	130	68.8	12.3	6.4	6.353
Bangladesh	0.608	136	72.8	11.4	5.8	3.677
Pakistan	0.562	150	66.6	8.6	5.2	5.311
South Asia	0.638	—	69.3	11.9	6.4	6.473
Medium HDI	0.645	—	69.1	12.0	6.7	6.849

HDI Dimensions and Indicators:

The 2010 Human Development Report revised the HDI formula using data and methodologies that were not available in most countries when the first HDI was published in the 1990 Human Development Report. The HDI was calculated in 2010 using the following indicators:

- Health – Life expectancy at birth
- Education – expected years schooling for school-age children and average years of schooling in the adult population
- Income – measured by Gross National Income (GNI) per capita (PPP US\$)

Why India still goes with the lowest indicators, because of following issues:

- The UN report says that an unequally growing economy leads to a low HDI.
- Due to lesser spending on health nearly 1.3% of GDP, Poor persons are routinely pushed back into poverty and are not able to realize their true potential.
- Out of pocket expenditure, lack of awareness, focus on curative rather than preventive have also made health indicators poor in country.



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- Low insurance penetration all these causes high IMR & MMR. Thus India scored poorly in life expectancy
- Prevalent discrimination in society holds the women, disabled & other marginalised sections to enroll in schools & colleges.
- People opt for informal employments earlier in the life due to poverty thus resulting in exodus from schools & colleges.
- Huge population is a burden on India. Though Economic reforms, distributive policies of government have resulted in increase in Per capita income, though the increase in insignificant due to huge population.
- Unemployment, lack of infrastructure, skills, Rising NPAs has restricted faster growth of per capita income through more equal distribution.
- One key source of inequality is the gap in opportunities, achievements and empowerment between women and men. The average HDI for women in the world is six per cent lower than that for men owing to women's lower income and educational attainment.

The success of India's national development schemes like BetiBachaoBetiPadhao, Swachh Bharat, Make in India, and initiatives aimed at universalizing school education and health care, will be crucial in ensuring that the upward trend on human development accelerates and India achieves the key principles of the Sustainable Development Goals so no one is left behind,"

Q7. 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.

It is the responsibility of a welfare state to provide basic essentials like food, education, health etc with optimum quality to every citizen. Poverty and hunger have always been interrelated. However, in the recent times despite coming out of poverty the problem of hunger continues to haunt lot of people.

For instance, poverty as per official estimates is around 22%(as per 2011-12 estimates) whereas India is ranked 103 out of 119 countries in Global Hunger Index-2018.

The causes for this trend are:

- Decline in social spending certainly is one of the most important reason.
- Overall spending on public education is less compared to other developing countries. This has led to increase in expenditure on education.



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- Increase in demand for quality education and rise of private schools cumulatively led to decline in financial power of poor.
- Similarly, in case of public health, it is less than 2% of GDP. This has increased out of pocket expenditure to around 70%.
- destruction of rural livelihoods and loss of access to common property resources like forests, ponds, grazing lands and rivers. Along with the growth of landlessness, shrinking access to common property resources have led to sharp declines in access to non-market sources of food.
- shrinking social expenditure by the government is rendering the urban and rural poor dependent on market prices of non-food essential items, which are typically high.
- Decline in spending on public distribution scheme, Inefficiencies in it also contributes to this problem.
- In addition to this, increased focus on nutrition also has affected overall food budget.

Rise of Hunger:

- Lower age of marriage
- Poor nutritional intake by the mother
- High mortality under 5 years due to poor availability of the health facilities.
- PDS system doesn't provide for the nutritional diet. Focus is on mono-diet which doesn't provide for nutritional intake.
- Discrimination by families in providing nutritional food to male and female child.
- Poor per capita income doesn't let people spend much on nutritional food.
- Poor hygiene, sanitation practices causes wasting and stunting among the children.

Way forward:

- Increase expenditure in education to 6% of GDP as suggested by KasturiRangan committee and included in draft national education policy.
- Increase health expenditure to 2.5% of GDP at the earliest (national health policy)
- Diversify PDS to provide better food with nutrition.
- Universalization of PDS to remove exclusion errors which might affect seasonal migrants (foot loose labor) .
- Implementation of PoshanAbhiyan with letter and spirit.
- Focus on production of horticulture produce thus making nutritional fruits available at cheaper price.



Q8. 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.

Information and communications technology (ICT) represents an enormous opportunity to introduce significant and lasting positive change across the developing world. The rapid penetration of mobile access in particular has resulted in considerable improvements in the lives of the poor in both rural and urban contexts.

The effectiveness of such ICT projects suffer from the following vital factors:

- digital divide : rural and urban, rich and poor, men and women
- digital illiteracy: about 90% of Indian population is digitally illiterate
- Slow roll-out of Wi-Fi hotspots and the slow speed, in comparison to other developed nation.
- Most small and medium scale industry is struggling to adapt to modern technology.
- Entry level smartphones have limited capabilities for smooth internet access, and the outreach of the 'smartphones' is limited.
- There is an absence of enough skilled manpower in digital technology.
- Lack of user education and there are limited facilities to train personnel. India needs over one million cybersecurity experts to check and monitor the growing menace of digital crime.
- Privacy concerns and threat of ransom ware.
- Language barrier. Most of the ICT services are available in English.

Suggestions:

- Literacy – Steps should be taken towards making people digitally literate. Example – National Digital Literacy Mission
- Training – Making rural population familiar with the use of computer and basic functions. Example – PMGDISHA
- Accessibility – Making internet accessible to all. Example – National Optical Fibre Network: to ensure broadband connectivity.
- Make ICT services available in all the regional languages.
- Affordability – Reducing phone prices and internet service prices.
- Nudge and motivate citizenry to make use of the information and communication technology (ICT) mechanisms. Example: incentives for digital transactions.
- Reducing the trust deficit that people have with respect to IT enabled services – One come across individuals who would not use ATM but rather visit bank branch and withdraw money.
- Enactment of Data protection bill.



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It is quite obvious that digitalization improves G2C, G2G and G2B connectivity with improved efficiency, accountability and transparency gaining customized satisfactory approach but it is true that it needs to be backed by strong legislature ensuring privacy and safety with the aim that even the last man must be capable of harnessing its benefit.

Q9. '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.

The friendship between India and Japan has a long history rooted in spiritual affinity and strong cultural and civilizational ties. Such close ties have been reaffirmed in the 21st century with the conclusion of 'Special Strategic and Global Partnership' between the two countries.

Need for Strong Relationship:

- Converging interests of both the countries like Maritime Security, secure Sea lines of Communication etc
- For Japan, expanding partnership with India serves as a hedge against China acting to challenge the existing post-World War II, rules-based, international and regional order.
- India is one of the few countries which has the capacity to act as a net security provider in the region.
- Rising significance of the Indo- Pacific region, with geo-politics shifting towards the Asian subcontinent.
- Uncertainty on the role of United States of America's commitment to peace in the region.

Global and Strategic Partnership:

- Focus on effective efforts for reform of UN security council by making Japan and India a member of it.
- Creating an effective anti-terrorism network across the world with curbed funding of terrorist organizations. Japan and India can play critical role in FATF to realize this aim simultaneously.
- QUAD cooperation where India, Japan, Australia and USA are simultaneously involved to secure sea lines of communication, ensure maritime security and maintain freedom of navigation.
- India and Japan can come together to counter China in emerging regions like in Africa. Already both are working to provide investment in under-developed region without creating a debt-trap structure as done by China.



- Japan-India can also work together for bringing effective changes in governance of world bank, IMF to reflect today's reality.

India and Japan, two powerful democratic forces in Asia should join hands to establish peace and order not only in Asia but in the entire world.

Q10. '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'.

UNESCO was founded on the ashes of the 2nd World War seeking to build peace through international cooperation in Education, Science and Culture.

Objective

It aims "to contribute to the building of peace, eradication of poverty, sustainable development and intercultural dialogue" through international circulation of ideas.

Crisis , Politics and Anti- Israel bias:

- The institution has been in crisis recently because of USA's decision to withhold funding and withdraw its membership from the organization.
- The recent crisis has its origin in 2011, when UNESCO voted to admit Palestine as a full member state.
- Since then US has significantly reduced its contribution to the institution, owing over \$500 million.
- UNESCO's actions like:
 - criticizing Israel's occupation of East Jerusalem,
 - naming ancient Jewish sites as Palestinian heritage sites (UNESCO declared a contested shrine in Hebron city as an endangered Palestinian heritage site).
- Considering the fact that Israel is USA's closest ally, USA chose to express its discontentment against UNESCO's alleged ISRAEL bias by quitting the institution, thereby attempting to reassert its geopolitical influence in West Asia.

How this affects the organization and its work?

- UNESCO employs 2,000 people worldwide, has been forced to cut programs, freeze hiring and fill gaps with voluntary contributions.
- Its current budget is now almost half of what it was half a decade back .
- It also has been playing a vital role in environmental conservation with initiatives like UNESCO MAN and BIOSPHERE Programme which will be affected.
- In the cultural sphere protection of endangered languages and cultures will be negatively affected.



Way forward

- It is unfortunate that such productive works have taken a backseat due to politicization of UNESCO with nations now using their financial dues to influence UNESCO'S programs .
- Hence efforts should be made to ensure grassroot reforms in the institution and to depoliticize the institution so that the intended aims of the founding fathers of UNESCO are realized.

Q11. On what grounds a people's representative can be disqualified under the Representation of People Act, 1951? Also mention the remedies available to such person against his disqualification.

The Representation of People Act 1951 or the RPA 1951 deals with the electoral system in India. It provides for the elections in our country.

Grounds for disqualification of any member:

- **Conviction in offences**
If a person is found to be guilty in any offence resulting in imprisonment for not less than two years, he/she is liable to be disqualified from his/her position and also cannot contest elections for subsequent 6 years.
- **Conflict of interest**
A person fighting elections must not hold any profiteering offices under the government or its subsidiaries. This can also be as a secretary, managing agent etc.
- **Corrupt practices**
A person convicted in practices such as bribery or kickbacks is not allowed to contest elections.
- **Failure to file election expenses**
An individual is expected to file his election expenses with the Election Commission of India within a certain period of time after his/her election, failing in which will result in his/her disqualification.
- **Practicing social evils**
An individual practicing social evils like sati, dowry, untouchability or promoting enmity between social or religious groups can be disqualified.

Available Remedies:

- **Judicial petition:** The person in question can file a petition in high court and subsequently in Supreme court to challenge the verdict of disqualification.
- **Stay against Conviction:** If a person is able to seek stay within two months of conviction from the higher court , he can contest elections.
- If the medical record of person proves his sound mind conditions, then he can contest elections.



- If he corrects his expenses before the election, he may be allowed to contest the election by election commission.

Thus, representative act provide multiple cases for disqualification of members to ensure morality in politics.

Q12. “Parliament’s power to amend the Constitution is a limited power and it cannot be enlarged into absolute power.” In the 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?

Parliament is allowed to amend the constitution as per the article 368. It requires 2/3rd majority of members who are voting and ratification by half of the states in some cases. Judicial tussle with parliament over its power to amend the constitution had led to evolution of basic structure doctrine in Keshavananda Bharti case.

Judiciary had articulated that parliament can amend any part of the constitution but not the basic structure. The basic structure comprises primary features of constitutionalism like secularism, fundamental rights, separation of power, article 368 and power of judiciary. Thus, the basic structure doctrine restricts the parliament amending power and makes it limited.

In today’s time parliament cant expand its amending power and destroy the basic structure feature of constitution.

Judicial activism : An activist judiciary keeps a vigil over parliament. Striking down of NJAC act shows that judiciary doesn’t tolerate even an inch on basic structure.

Constitutional supremacy: India has adopted for constitutional supremacy and not for parliamentary supremacy. It also protect basic structure of constitution.

Check and Balance: doctrine of check and balance will keep parliament in check. President can use his veto power in order to put a moral check.

Awakened citizenry: Defeat of political parties after Emergency had showed that society cares for the basic structure of constitution and will not tolerate any trespassing on it.

Grassroot democracy: 73rd and 74th amendment has led to strengthening of grassroots democracy which acts as check on parliament to proceed with such articles.

Parliament had once amended the basic structure through 42nd amendment. But, in order to do so, all the opposition leaders have to be imprisoned. Today’s constant media watch, active judiciary, developed convention of parliamentary processes wont let parliament to amend the constitution.



Q13. “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.

Constitution through 73rd amendment 1992 provided for one third reservation for women in both rural and urban local bodies. It brought an unprecedented huge number of women in governance arena in India.

Patriarchal character is still prevalent:

- Elected women representatives continue to work as a Rubber stamp for their family members (especially husbands). Sometimes they are called as “Pati panchayat”.
- For Example, a man had a “power of attorney’ document which gave him the right to take decisions in place of the elected woman sarpanch whose election expenses he had paid for.
- They also work as proxies for rural elites hence restricting their autonomy.
- Burden of household responsibilities, purdah (veil) system, etc affects their performance.
- A study in Meerut found lack of clarity with respect to role of women.
- Lack of finances, power and functions to these women also affected their capability to undertake women centric functions.
- Today, Panchayat play more role as implementing agencies than a true unit of self-governance which restricts autonomy of women representative.

But it has led to curtailment of patriarchal society to an extent :

- Education leading to (social, political, economic) empowerment of women. Ex: MBA graduate who quit her job to ensure clean water, solar power, paved roads, etc in Soda GP in Rajasthan.
- A lot of them have been part of mother committees to effectively implement mid-day meals scheme, anganwadi programs.
- They have also taken part in sanitation drives and prohibition campaigns.
- Reservations for women have Reduced prejudice against female leaders and enhanced respect for woman.
- It acts as a pull factor for women to participate in decision making process.
- Act as agents of social revolution: women are acting as an agent of change and raising voice against injustice and atrocities.
- Women representative gave priority to those goods and services which are important for women.
- Positive impact on the confidence of women.
- Study by Ministry of Panchayati Raj:
- Initially, women lacked confidence but exposure has given them new confidence.



- Women took autonomous decisions thus rejecting the apprehension that women representatives will be the mouthpieces of male members.

Way Ahead:

- Government initiatives and schemes such as MahilaSashaktiKaranAbhiyan should be implemented in letter and spirit.
- Article 243D can be amended to increase the percentage of women in Panchayat. for example in states like Maharashtra and Bihar it is around 50%.
- Innovative initiatives like mahila gram sabhas can also be organized to focus on women specific issues.

Q14. “The Attorney-General is the chief legal adviser and lawyer of the Government of India.” Discuss.

The Attorney General is the chief legal adviser of Government of India. Attorney General of India is appointed by the President under Article 76 of Indian Constitution. Attorney General is said to be the lawyer from the government side.

Chief legal adviser and lawyer of Government of India:

- He contests cases in supreme court and High court on behalf of government of India.
- He represents government in any cases and his words are final in courts.
- He provides legal advises for policy making.
- He provides data, verdict of supreme court to make a legally accepted policy by government.
- He is generally a member of Law commission and provide suggestion for improvement in policies as per changes in jurisprudence.
- He can take part in the proceedings of parliament and put government stand legally in parliament.
- Aim of the attorney general is to ensure constitutionality in policy making. His objective is to fulfil the objectives of preamble through progressive policies.

But in recent times, there have been cases where attorney general has gone excessive.

- It has become a Spoil system where attorney general are appointed on the convenience of political ideology than knowledge of constitution.
- Legal advises tendered by attorney general are routinely questioned in court and many government policies have been struck down due to unconstitutional in nature.
- Recently, an attorney general commented that privacy is right of elite. It goes beyond its mandate in court.
- Legal advises are given as per political ideology of political parties.



Thus, attorney general is chief legal adviser and lawyer of Government of India but his post must be made tenure based which will make stick to constitution than political ideology.

Q15. Individual Parliamentarian's role as the national lawmaker is on a decline, which in turn, has adversely impacted the quality of debates and their outcome. Discuss

Democracy is based on the principle of representation. The role of an elected representative is to represent the needs and grievances of the people of their constituency in particular and nation in general.

However, in the recent times, this role has been affected. Parliamentarians are generally absent, or doesn't participate in debates neither give any honest opinion but sticks to their own party lines.

Reasons:

- Anti-defection Law which puts restrictions on the right of free speech of the legislators wherein they are expected to mandatorily follow party directions.
- Strengthening of office of Whip led to decline in role of individual representatives.
- Overall decline in quality of representatives due to Criminalization of politics mad increase in money power.
- Decline in parliamentary sitting which has reduced from 120 days/year to 65-70 days/year
- Unhindered rise in competitive electoral politics also led to politicization of every issue thereby affecting objective deliberations.

Decline in their quality of functioning has certainly impacted the outcome of parliamentary democracy in various ways.

- Passage of bills and budgets without due diligence and debate. For example, the time spent on discussing the Budget has reduced from an average of 123 hours in the 1950s to 39 hours in the last decade.
- Lack of accountability of the government. In the 16th Lok Sabha, question hour has functioned in Lok Sabha for 77% of the scheduled time, while in Rajya Sabha it has functioned for 47%. Time lost indicates a lost opportunity to hold the government accountable for its actions.
- Low productivity .
- Number and quality of private member's bill has also drastically declined.
- High cost to public exchequer in the form of wasting of taxpayer money.
- Delay in policy making leading to rise of unconstitutional bodies to fill the legislative gap .
- Declining faith in democratic process.
- Increase in Judicial intervention.



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- Increased recourse to guillotine motion to pass the bills without discussing important provisions Passage of bills without referring to parliamentary standing committees.

Measures to improve the quality of elected representatives

- Parliament (Enhancement of Productivity) Bill, 2017 should be taken up which seeks to fix the minimum number of days at 100 days for Rajya Sabha. This was recommended by national commission for review of working of constitution too.
- Rules can be altered to provide greater role for opposition in deciding agenda of the house
- Stricter Rules of Procedure and conduct of business to deal with the unruly behavior –
- Reviewing the Anti-Defection Law and confining it to major issues like no confidence motion and budget as recommended by Dinesh Goswami committee.
- Involvement of opposition in deciding the agenda of the house and greater time for them in discussions on the floor of the house.
- Electoral reforms to reduce entry if people with criminal background into politics.

Q16. '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.

Development planning refers to a process of efficient utilization of resources to realize long term goals of the nation. In India planning commission used to be in-charge of this process earlier.

Post 1991 LPG reforms, role of private sector increased which led to change in nature of planning from State led top down planning to bottom up planning with neo liberal approach. Here multiple stakeholders are involved in planning and private sector market plays greater role rather than state.

Multi -level planning in neoliberal development planning

- It refers to involvement of multiple stakeholders and planning at multiple levels.
- Here bottom up planning is more prominent. States, local governments, private sector corporates should be involved in consultations as they play major role in implementation.
- It makes sure that the process is more consensus based, and closer to reality.
- Decentralized planning, establishment of district planning committee and metropolitan planning committee under 74th amendment 1992 are manifestation of this realization.

It has lots of advantages:

- It certainly makes operations more cost effective as it provides greater role for local governments itself which know the reality and are closer to people, chances of corruption, leakages will be reduced. For instance, the opportunities to monitor and supervise development programs increases with initiatives like social audit, Jan sunwaii of MKSS etc.
- Brings equity and efficiency in approaches through optimal utilization of resources.



GS – 2 2019 MAINS WITH MODEL ANSWERS

- Brings principle of subsidiarity leading to lower cost of administration and governance.
- Avoidance of one size fits all approach. As Demand of Kerala will be very different from demand of Uttar Pradesh.
- Enhances people's participation leading to ownership of projects. It leads to better implementation.
- Developmental planning focusses on indicative planning where private sector is guided to work for a particular segment through persuasion of policies. Like giving duty reduction for manufacturing of electronics in India to enhance indigenization of electronic industry.
- NitiAyog has already adopted this strategy through three year rolling plans, seven year strategic plan and fifteen years vision document to incorporate development planning.

For example, in welfare programs like MGNREGA gram Sabha plans programs needed for their panchayats.

- Decrease in number of poor posts 1991 is a proof that it has lots of positives in implementation process.
- During the period of 2006 to 2016 itself India has successfully lifted 279 million people out of poverty (multi-dimensional poverty report)

However, it also has lots of disadvantages.

- Role of state is reduced. Its goals as a welfare state will be affected. Hence social expenditure will decline thereby putting lot of poor who are still dependent on state without adequate quality education and healthcare.
- It increases the cost of essential services. For example, the out of pocket expenditure on health has reached around 70%.
- Income inequality has reached one of its peaks. Recent Oxfam report says top 1% Indians own nearly 60% of wealth.
- There are also criticisms that state is giving away its responsibility towards weaker sections of society .

For example, last year a study by swaraj India in Bundelkhand region showed that people were eating rotis made of grass because of reduction in social expenditure, poor implementation of food security schemes.

Hence neoliberal development planning certainly has lots of positives with its own set of disadvantages. Both state with its multiple levels and private sector should realize each other's importance and coordinate with each other to realize broader goals of society.



Q17. The need for cooperation among various service sector has been an inherent component of development discourse. Partnership bridges bring 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.

Development can be defined as increase in the freedom and choice of individuals. It involves enhancing the capabilities of individuals (capability approach of Amartya Sen). It focusses upon developing the human capability through social, political and economic reforms.

Development Process post Independence:

- Centralised model of development through Planning Commission.
- Bureaucracy led development where bureaucrats provided all the services.
- Focus on development through increased GDP growth rate by investment in dams , physical infrastructure.
- Higher reliance on public sector for economic achievements.

Evaluations:

- Many social evils were eradicated through dowry act, hindu code bill .
- Modern temples like Dams, heavy industry companies were created for employment.
- GDP growth rate never crossed hindu growth rate of 5%.
- Unemployment, food scarcity, hunger affected India majorly.

In the modern times, development discourse has shifted for good governance. It focusses upon partnership with civil society and Market for better efficiency, accountability , transparency, equity and responsibility of administration.

Today, bureaucrats role is more of facilitator and regulator than provider of service. Civil society and market is at equal authority than earlier. It has led to a culture of collaboration and team spirit.

Collaboration and team spirit between bureaucrats, civil society and market has unleashed power of development:

- Civil society and bureaucracy is working for empowerment of citizens. They are bringing avenues of participation through social audit, RTI in governance process.
- Increased role of private sector has led to higher GDP growth leading to unprecedented wealth generation.
- Collaboration between Civil society and bureaucracy through institutions like CAPART is channelizing funds for skill development, providing market to self help groups and providing finance through banking channels.



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- Civil society and market are collaborating through CSR (Corporate Social Responsibility) where market is funding civil society to bring empowerment of citizens through investment in citizen's capacity.
- Civil society is helping to bring citizen first approach in governance. It has led to rights based approach where focus is on empowerment of citizens through creation of more rights like Right to work, right to education leading to universalization of services and reduction of discretionary power.
- Conceptualization of PPP where private and public sector is coming together to provide services by bringing expertise, responsibility.

Issues in this process:

- IB report had highlighted that increased power to civil society is halting Indian growth and costing around 1% to GDP growth rate. There have been charges against civil society for working in vested interest.
- PPP sector is embroiled in diversion of accountability and responsibility. Private doesn't agree with auditing of independent government agencies.
- Crony capitalism has increased leading to manifold rise in corruption.
- Changed role of bureaucracy has led to dispersion of accountability and responsibility.
- Modern development process has been beneficial for the elite section who grabbed newer created opportunities while backward section remained backward as visible from increased agitations for reservation.
- Development model has resulted in negative impact on environment. According to WHO, 14 out of 20 most polluted cities are in our country.

Thus, today collaboration and team spirit between different stakeholders of development process has brought tremendous change in citizen's conditions. Human development index than GDP growth is hallmark of today's development process.

Q18. 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.

Twenty-five years after economic reforms that promised to create more jobs, remove the license permit raj and poverty, most of the disadvantaged groups in India — women, Dalits, tribal, Muslims, informal sector workers, the poor, the elderly and the disabled — continue to be excluded from access to four key public goods — pensions, digital access, land, labour & resources and legal justice.

Vulnerable groups are the groups which would be vulnerable under any circumstances (e.g. where the adults are unable to provide an adequate livelihood for the household for reasons of disability,



illness, age or some other characteristic), and groups whose resource endowment is inadequate to provide sufficient income from any available source.

Absence of awareness and lack of active involvement affects the performance of schemes:

- Poor accountability: Government is not held accountable for poor services due to lack of awareness.
- Poor attitude: Lack of participation leads to bureaucratic attitude of Mai-Baap culture where beneficiaries consider it as largesse than their right.
- One Size fits all approach: lack of participation leads to one size fits all policy approach resulting into poor results. Thus, Kerala is forced to implement SarvaShikshaAbhiyan despite having universal enrolment but budget is not provided for higher education.
- Not efficient utilization of resources: Poor participation doesn't let identification of most optimum way to implement the scheme. Thus, local resources which can curtail the costs are not identified.
- Continuity of social fragmentation: Poor participation doesn't erase the social fragmentation of society. Thus, marginalised section doesn't raise their voice against elite class .
- Poor social capital: Poor participation leads to non-networking of beneficiaries where they cant exert pressure on government to provide the best services.
- Poor awareness and non participation has weakened the aspects of transparency like RTI, citizen charter and social audit which are key for successful implementation of policies.
- It makes government to decide based on its convenience than people deciding as per their need leading to wrong choice of policies. Populist policies like Farm loan waiver is implemented while universal policies like cash transfer to farmers are not implemented in full form.

But, other reasons have also been for poor performance of welfare schemes:

- Poverty and socio-economic constraints digitally exclude the people belonging to lower rungs of the economic ladder.
- Members of gender, caste, class, and ethnic identity experience structural discrimination that impact their health and access to healthcare.
- There is poor grievance redressal mechanism for welfare schemes.
- Non-penalization of bureaucrats despite being proven corrupt discourages people to seek action against erring officials.
- People are not aware about long term need and short term need.

Government action to promote participation:

- Mygov.in for seeking people's comment for policy formulation.



GS – 2 2019 MAINS WITH MODEL ANSWERS

- Rights based framework like right to work, right to education for making people aware about their rights.
- Introduction of social audit in welfare schemes to enhance participation.
- RTI and voluntary disclosures of information for making people aware about schemes.

These vulnerable sections need special assistance and care from the state for their wellbeing. Without state help, they will have to face many disadvantages and will not be able to avail fair and equal life choices as those enjoyed by other citizens.

Q19. “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

India, the place of origin of ideologies like “VasudhaivaKutumbakam”, “Sarve Jan SukhinoBhavantu”, has been a champion of the oppressed and marginalized nations also known as the Third World.

During our struggle for independence, India stood with oppressed and marginalized nations condemned the actions of British in South East Asia.

The international order has gone through a transformation in the last 70 years, from bipolar to a multipolar world, in which India is seeking for itself an important place. In consonance with the said changes, our foreign policy has also moved from non-alignment, where ideology based decisions dominated to that of a pragmatic power, with realistic considerations.

India's role in new emerging global order-

With growing stature of India, it has been aspiring to be a major player in the global world order.

- **Institutions of Global Governance**
 - Aspiring to be a permanent member of United Nation Security Council and Nuclear Suppliers Group .
- Focus on **Economic Diplomacy**
 - aiming to secure greater market access for services and pushing for easing restrictions in the sector. For example, focus on overcoming deadlock in Broad-based Trade and Investment Agreement (BTIA) with European countries
- **Member of QUAD grouping**
 - **To ensure maritime security and also act as a counter hegemony of Revisionist China**
- **Counter Terrorism**



GS – 2 2019 MAINS WITH MODEL ANSWERS

- It has been pushing for the conclusion of **Comprehensive Convention on International Terrorism** which intends to criminalize all forms of international terrorism and deny terrorists, their financiers and supporters access to funds, arms, and safe havens.
- **Security:**
 - The fact that India straddles the Indian Ocean imposes on us the responsibility to ensure the security of the sea-lanes of communication from Persian Gulf to the Malacca Straits.
- More diplomatic capital has been invested on forging bilateral relations with major countries like USA , Russia , China , Japan while reducing **focus and attention on the Third World**
- India has also reduced the significance it has attached to institutions like NAM, IBSA which can be witnessed through its reluctance in regularly hosting meetings - Irregular hosting of IBSA summit

India still cares for Oppressed sections:

- India is now an an important economic partner for African countries.
 - India – Africa Forum Summit.
 - Asia-Africa Growth Corridor with Japan.
 - International Solar Alliance (ISA) Initiative of India is helping marginalized nations in the tropics.
- **Afghanistan :**
 - **India has significantly contributed to the infrastructural developments like Salma Dam, ZaranjDelaram Highway , reconstruction of Parliament , Cricket stadium etc**
- **ITEC :**
 - **Indian Technical and Economic Cooperation Programme , a bilateral assistance programme run by the Government of India to ensure the development of under developing and Least Developed Countries through infrastructure development and capacity building**
- **IBSA Fund :**
 - Has contributed to alleviation of poverty and hunger, through its innovative approaches in Haiti and Guinea-Bissau Palestine etc
- **WTO Peace Clause :**
 - India played a major role in the conclusion of Peace Clause for the Agreement on Agriculture , thereby contribution to food security across the world
- **Climate Change**



GS – 2 2019 MAINS WITH MODEL ANSWERS

- India has been an ardent supporter of the principle of **Common But Differentiated Responsibility** thereby holding the developed nations accountable for the damage done to the environment.

India's active role in new emerging global order will ensure that the marginalized nations will have their voice heard in platforms of global decision making, thereby adhering to its policy of "SabkaSaath ,SabkaVikas".

Q20. "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.

India – US relations have transformed from estranged democracies to engaged democracies , often described as the partnership of the 21st Century. It is moving swiftly in the arena of defense, economic and strategic dimension.

Regular friction between India and USA crops up due to different perception of the role India can play on global issues.

USA global strategy and differences due to it:

- Global war against terrorism: USA is seeking war against terrorism at multiple locations like Afghanistan, Syria and seeks active participation of India in it. It seeks army participation, financing from India and global stand against it. India is against supporting to Pakistan in order to fight the terrorism. It doesn't want to send its army as the war has implicit multiple aims.
- Seeks intervention in middle –east crisis: USA seeks Indian participation in middle east crisis while Indian compulsion, presence of large scale diaspora in middle east, dependence for energy security and long standing tie-ups with all the country.
- Curtail rise of China: USA seeks active intervention of India in eastern pacific sea and in Naval exercise. But, Indian ambitious plans also seek partnerships with China on issues like Climate change, poverty elimination , encourage to globalization.
- Sharing the burden of Climate Change: USA wants India to share climate change burden equally as USA is doing it. But, it overlooks Indian concept of equal but differentiated responsibility as a guiding philosophy for deciding the Indian action.
- Act as ally: USA wants India as an ally to provide security in global framework. But, being an ally goes against Indian philosophy of Non-alignment and it leads to submission of sovereignty.



Other issues emanating for India from USA demand:

- It puts sanction on purchase of defence weapons from other nation as happened in purchase of S-400 from Russia which puts Indian self-esteem at hurt.
- USA demands to actively support Israel in global forum puts Indian relations with other middle east countries at risk. India prefers independence in international policy but being part of USA puts a condition on international policy.
- Being part of USA strategy of global world, make India a second fiddle in global affairs affecting out self-esteem.

Thus, this issue of self-esteem, independent foreign and defense policy has created friction in India-USA relationship. It has led to delay in signing of critical technology transfer agreement, defense agreement like COMCASA, trade war with India like withdrawal of India from Generalized System of Preference.

India has taken multiple steps to erase these frictions like:

- Utilizing diaspora for sensitization of US authorities.
- Initiating 2+2 framework for ironing out differences in security and finance matter.
- Having Indo-US pacific forum to specifically address issues in pacific ocean.
- Regular conducting the defense exercises.
- QUAD allowing like minded countries like Japan, Australia, USA and India to come together to maintain freedom of sea.