

EVALUATION INDICATORS

1. Alignment Competence
2. Context Competence
3. Content Competence
4. Language Competence
5. Introduction Competence
6. Structure - Presentation Competence
7. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the Best

Section A.

② India is an over legislated, but under governed country. Do you agree?

A country, or nation-state as we know them in contemporary times, has evolved much beyond the dynamics of territorial integration and sovereign unit. A nation, like an organism, is a harmonic and symbiotic association of its individual citizens, the state (government) and its institutions. It is this organic interaction that perpetuates the social-political order.

Institutions like law, legislature, government, bureaucracy, judiciary are vested with powers

and responsibility to identify to the social, cultural, political and economic, needs and aspirations of its citizens and respond to it.

A social contract exists between the state and its citizen to keep the social fabric intact.

With growth and maturing of democracy worldwide, and particularly India which is the largest democracy in the world, there is a call for citizen centric policy making. India and its vibrant democratic institutions have identified this need and responded to it. However in recent times there had been an impalance between policy making and its implementation, which gives a view that India appears to be

an over legislated, but under governed country.

The investigation and scrutiny of this gap between the two, primarily needs a brief understanding of governance model of India, not only under the democratic regime but historical. We shall, in the course of the essay, make an attempt to identify the causes. And most importantly, the consequences of it, and how it affects the lives of the subaltern. ~~will be~~

Governance and administration in India, ~~was~~ followed a pattern of decentralisation long before Lord Ripon's resolution on decentralisation in 1882. The bureaucratic model of A Kumaramatyas under

Mauyans, Samantas under Guptas
or confidaries under Maratha.
However, the point to be realised
in all such models, and which
found currency even in the
modern democratic model is that,
only governance, administration and
law implementation was decentralised.
whereas the ~~to~~ law making i.e.
the legislature remained ~~at~~ ^{centralised} at the
disposal of the ones at the top i.e.
the king or head of state

This gap was largely
reduced with time, under 73rd-74th
Amendment of Constitution, post-independ-
ence. However this gap created
a problem of "one size fits all"
pattern in legislature. Given the
diversity of India - social, cultural &
economic, the governance using

such laws becomes incompatible.

The problem of over-legislation, is one of the drawbacks of the democracy, particularly a Populist democracy like India. Laws are made at times for contentment of and pacification of popular demands however irrational. The legislature is arrested to the politics of numbers and majority & popular mandate leads to over-legislation.

However in country of diverse needs and aspirations, over-legislation should be least of the problem. Laws made with good intention seeking establishment of a safe, secure, just and egalitarian society, cannot be debunked on.

grounds of over-legislation. However the failure lies in the under-implementation.

This problem of under-governance is rooted in insufficient decentralisation, where inadequate dispositioning of function, functionaries and funds at local level have impeded the governance structure. The institutions of governance - the civil services, the police, local bodies, the panchayats - lack the nuanced understanding of laws and its implementation strategy. Inadequate resources at their disposal, along with cultural & political fiction further hinders the developmental process.

The socialist, secular and

democratic agenda of the constitution was successfully furthered by the legislature through a plethora of laws for social reforms. From laws for Prevention of atrocities of SC/ST, to prohibition of child labour, from abolition of manual scavenging to punitive law against crime against women. Indian legal system is one of the most codified & systematic legal code in world, with separate IPC, CPC, CrPc. We have the world's longest constitution which clearly reflects the ethos of our forefathers & society.

However the governance in alignment with these laws remain dismal. The lack of procedural insight and absence of any standard operating procedure, the

bureaucratic delays, red-tapism,
the evil of corruption and lastly
lack of will is the ~~main~~ reason
for under-governance. Hence the
gap between the legislation and
governance is subscribed to
structural and functional inefficien-
cies.

Looking beyond the inadequacy of it in the administrative machinery, we must realise that in over-populated country like India, with stark differences in economic levels and still prevalent cultural & social orthodoxies, the governance model is impeded.

A law, a policy or any scheme formulated for welfare & well-being of its citizen is of

no relevance, if it is not adequately communicated to the potential beneficiary, if it is not economically viable and culturally appropriate. The lack of communication channels, particularly in rural areas, defeats the purpose of legislature, no matter with excellent intentions. Policies in India often hit an economic roadblock, with funds not adequately planned or transferred. MNREGA and Swachh Bharat Abhiyan are evidence to that. The multiple level fund transfer leads to delays and increases cost.

The implementation process often stands in conflict with cultural appropriation. Laws like prevention of manual scavenging, SC/ST Act, ~~RTI~~ Right to Education have

been resisted by dominant castes on rhetoric and irrational grounds of cultural-historic subscriptions.

The narrative of such exploited and backward communities, need far than just laws for betterment. The crime against women is on rise despite punitive & harsh laws. *

The problem however lies in the patriarchal set-up and ~~read~~ unequal access to resources and opportunity.

The personal laws of religious minorities, customs & tradition often stand in conflict with implement-
ation of laws.

Even the environmental reality of the country reflects the gap between legislation & implementation. Despite laws regarding waste management, plastic waste, e-waste

water pollution; the polluted environment is a harsh reality.

The process of legislature, as it becomes more and more easier, with majority governments with numbers, the implementation machinery lacks insights and resources. The laws must not only respond to template provided by constitution, but also putain to its viability & sustainability.

The separation of executive and legislature at the time of constitution making was intended. However, with executive becoming more and more congruent to populist demands, governance machinery was overburdened with laws.

However, the question lies that how this gap can be bridged.

in order to establish a symbiotic association between the two. The law making making process along with implementation needs to be more citizen centric, citizen led and participatory in character. The major stakeholders need to be identified and made part of governance.

The example of women as 'Police Mitras' in rural areas of UP, as an initiative successfully led to decline of crimes against women, domestic violence and liquor problem.

The ~~is~~ institutions like bureaucracy and police needs to be more inclusive, proactive with a shift towards 'Rights based approach', than obligation. Training and capacity building of local

bodies, along with delegation of decision making and local laws can be more adequate & respond to local needs. Judiciary has a role to play in setting up deterrence and precedence

Lastly and most importantly, the thought process, the mindset of the people needs to change for establishment of a safe & just social order. Till the time we don't change, our actions don't change, the laws are ~~only~~ meaningless.

The legislature, as the law making body in a democracy, reflects the collective conscience of its people. Law reflects the needs & demands of its people. However no law can make a change unless efficiently implemented. Hence we need to move towards a model based on 'Minimum Government, Maximum Govern-

Section - B

④ Is the economic development of developing countries more important than protecting the environment.

Nothing more than Nature's fury is egalitarian in its spirit. No democracy, no communism stands in competition with nature, when it comes to equal treatment of humans of this planet. A wave of tsunami, hundreds of feet high, recognizes no shore it hits, be it an impoverished ~~coast~~ coast of Fiji Islands, or skyscrapers of US. Nature treats everyone alike, and so does nature's fury.

The global political

order has come to realise this fact slowly, but eventually it does. The reality of global climate change is the narrative of centuries of human development - 'developing dirty' - as we call it.

The planet is staring at an unprecedented rise in global temperature, resulting in melting of glaciers, sea level rise, floodings and droughts.

The time calls for an equal co-operation of countries across the globe to fight this problem.

But sadly, man has always looked everything through the prism of economics, which eventually underlines his actions and intentions. The rift between the developed & developing nation over the question'

of historical contribution & responsibility for climate change and need for a Common but differentiated responsibility and respective capabilities. demanded by developing nation.

The plight of developing nations is subscribed to the fact that the developed countries, due to early industrialization are the largest contributors to Carbon emissions historically & even today. As a result they have secured a better life style, economic prosperity for their citizens, something the developing nations aspire to do in future.

India, argues that despite being the third largest emitter of GHGs, it is way behind US and.

China in terms of per capita emissions. India, where more than 30% of population doesn't have access to electricity and thermal power, which the source of ~~the~~ larger share of power, any attempt to curb its coal production, will hit badly its development trajectory. Also, any shift to renewable sources & clean energy will not only take time, but will require technology transfer and huge amount of funds.

Considering the arguments put forward by India, which closely represents the stance of developing & LDCs in the world, poses two fundamental & conflicting questions: whether developing nations be allowed to be ^{play} a passive role in climate protection, and developed must

take charge. Or, do developing have an equal and undifferentiated responsibility towards environment protection.

Whether economic development of developing nation is more important than protection of environment, is a complex of ~~social-political~~ environmental-economic nucleus. Glancing over the ~~map~~ world map, one can easily realise the vulnerabilities of developing nations - particularly, the small island nations in Pacific ocean. The existence of many such island nation is at stake, forget about economic development.

Countries like India, Bangladesh, and other South Asian countries, where climate is

Characterised of Monsoon rains, and the whole economic model, agricultural activity is dependent on it. The climate change has led to spells of dry sun, leading to droughts and agricultural distress. The GDP of India constrained at around 7.3%, despite higher growing potential, as a direct consequent of erratic monsoon.

Hence environment and climate change have a direct impact on economy and economic development. Also the worst hit by distress resulting from climate change is the poor, particularly in rural areas. Farmer suicides, migration, urban slums, crime are some social problems rooted in the axis of environment-economic problems.

Hence, to assume that by evading responsibility of climate protection by asserting the right to economic development, will be to the detriment of the developing nations only. However, it is about setting priorities, and not outright rejection of one, while choosing another. It is possible to develop clean, as Scandinavian countries like Norway have shown the way.

Protection of environment has a direct and positive impact on the economic development and how this can be done needs an elaboration. The ~~the~~ solution to climate change, is a ~~wholistic~~ combine of citizen participation, ~~the~~ governmental policy making, and global co-operation. when.

more and more people contribute towards environment protection, which may start from as basic as segregation of domestic waste, to planting of trees, it reflects in the improved quality of their lives. Clean environment, access to clean drinking water & sanitation has an immense impact on the lives of people, who will inturn prove to be a better human resource in the economy.

Protection of forests and flora & fauna, which is a rich heritage largely inhabiting in developing countries of Asia and Africa, can turn the wheels of climatic protection in motion.

In terms of global-political order, it is time for developing nations, particularly.

an opportunity of India, to lead the way, and assert the contribution of third world countries through south-south co-operation. Developing nation can ~~as~~ demand funds and technology transfer, as ~~as~~ compensation for historical responsibility from developed nations, instead of evading responsibility. In this way poor countries can directly skip to clean development, by surpassing "dirty development first, and clean when it can afford" model.

The multilateral organisations like UN, the COP summits should be used as a stage to ensure an equal responsibility, and assert more and more role of developing nations, using

Capital from developed economies.

The economic stratification of countries into developed and developing, becomes artificial when staring at a problem that will affect us all, in equal degree sooner or later. The technological advancement, and economic ~~the~~ prosperities shall all look small and timid when the waves of pacific rises above all, only to subsume, unknowing of developed & developing dichotomy.

Max - Equally

CBDR-RC

↓
China

develop dirty, clean when
appear it.

