



## 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:

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All the Best

1. Centralised recruitment through All-India Judicial Service (AIJS) will not address the multiple problems in the judiciary and cause new ones instead. critically evaluate.

The Indian judiciary currently faces multiple obstacles to effective justice delivery. Recently, the Union government and the higher courts have advocated All India Judicial Services (AIJS) to solve some problems such as -

- (i) uniform merit based recruitment system to improve quality of judgments
- (ii) all-India recruitment to effectively manage cadre requirements and improve judicial strength to clear massive backlog
- (iii) assured career progression to higher judiciary to incentivise the best minds to join the system
- (iv) centralized training in best practices and latest technologies to eliminate lethargy to reforms

However, the AIJS is not a

panacea. It will not effectively address some problems and even create new ones. For example -

- (i) the backlog of cases is also due to investigative inefficiencies which require police reforms
- (ii) the biggest problem with AJS is that each state has variations in laws and centrally recruited judges may not be familiar with local conditions
- (iii) the problem of multitude of laws needs legal reforms
- (iv) AJS may also cause centre-state tensions much as all-India services have.

However, regardless of the criticisms, the AJS may prove to be a useful first step in judicial reforms.

By establishing an independent recruitment body outside the executive, merit based selection can be ensured. Therefore, this measure must be seriously considered as part of a comprehensive set of reforms for justice delivery.

2. The roots of the most pertinent challenges faced by the Indian politics today can be traced to the lack of intra-party democracy in candidate selection and internal elections. Discuss.

The lack of intra party democracy in Indian politics has led to a political system where the leaders are not truly representative of the people of India. This has resulted in some of the most critical issues facing Indian democracy such as -

(i) lack of grassroots knowledge - as the leaders are not elected by the members of the party but are handpicked by the elite, they do not keep in contact with their voter base

(ii) This has allowed propagation of dynasty rule with unpopular leaders gaining control of the party. For example the Congress has been held by the Nehru - Gandhi family since 1947.

(iii) lack of ideological position as the leadership does not commit to any

core values but chooses policy based on political exigencies. In the absence of elections, even the left parties have lost the infusion of strong ideological content.

(iv) the youth and the deprived find it difficult to break through to the upper echelons despite working with the masses

v) the role of money power has increased particularly in candidates selection for Rajya Sabha diluting the socialistic orientation of Indian polity

(vi) there is no organization based on party cadre to mobilize people on political issues so that the voters are dissociating from the election process due to lack of awareness.

Therefore, the major problems facing Indian polity may be effectively addressed through intra-party democracy and elections

3. While the idea behind merger of autonomous bodies in India is to curb overlapping work and reduce expenditure, it may end up doing more harm than good. Discuss.

The Union government recently proposed merger of several autonomous bodies as well as tribunal to eliminate redundancy, ambiguities in jurisdiction, expenditure and lack of ease of doing business.

Thus the measures are intended to simplify regulation as well as adjudication. However, this has posed many problems -

- (i) The mergers of bodies will put extraordinary burden on regulators and decrease efficiency. For example with the expansion of ambit of SEBI to cover forwards and futures, ~~the~~ it will have to take on extra work
- (ii) The new body may not be equipped with the technical expertise to deal with diverse areas. For example specialized knowledge of sectors is required in telecom, airports etc.

(iii) As the Indian polity and economy become more intricate, the areas of overlap will only increase. Since it is impossible for all issues to be dealt with by a single body, the better solution would be to establish guidelines for resolving issues.

(iv) the entire world is moving towards greater specialization of autonomous bodies and the Indian system is out-of-sync with this.

(v) the arbitrary creation and merger decreases the autonomy of regulators and makes them susceptible to executive pressure.

(vi) Ultimately the expenditure may not be reduced as the strength of the bodies will have to be increased to deal with more issues.

Therefore, the merger process seems to be unscientific and hasty and may need expensive redressal measures in the future.

4. Well defined electoral laws and greater power for the Election Commission of India are required as the existing laws and mechanisms are inadequate to deal with new challenges. Analyse.

The Election Commission of India has pushed for more powers as well as legislative reforms. This is to address existing inadequacies in the electoral regulation system such as

(i) the ECI desires powers to punish for contempt as the recent spate of unsubstantiated allegation of voting machine tampering have dented its authority.

(ii) there is a need to amend the Representation of People Act to allow the ECI to countermand polling in case of use of money, bribery etc by candidates in addition to booth capturing

(iii) there is also the need to include prohibition on paid news, and campaigning on social media within the ambit of other print media 48 hours

before polling.

(iv) Further, the Code of Conduct given by the ECI should be given legislative sanction to ensure that it does not remain a paper tiger

(v) the funding of elections need to be monitored better with more curbs on anonymous donations to prevent money laundering

(vi) there is also a petition for a lifetime ban against standing for elections by convicted criminals to prevent criminalization of politics

(vii) Currently, the ECI has to use extraordinary provisions under Article 324 to ensure fair elections. To avoid this, it must be given clear mandate to punish/disqualify the candidates as well as officials

(viii) the ECI also seeks more autonomy in the form of charged expenditure, security of tenure, collegium for selection, assure promotion based on seniority etc.

Therefore, the suggestions of the Law Commission must be considered to strengthen the electoral process in India.

5. Privileges should be defined and delimited for the free and independent functioning of the legislatures. In this context, discuss whether there is a need to reexamine the balance between fundamental rights and Parliamentary privileges in India.

Legislatures in India are guaranteed collective as well as individual privileges to ensure their independent functioning free from biased criticism. These privileges however, are not clearly defined in the Indian Constitution and are vaguely based on British Parliamentary conventions.

This has led to a situation where there is no reasonable restriction on the power of the Parliament to punish for breach of privileges. This has led to the need to reexamine the powers because -

(i) the power goes against freedom of speech under Article 19. Even though it is covered under reasonable restrictions, the arbitrary application

puts it in conflict with fundamental rights

(ii) it is being used to curb freedom of press and fair criticism of legislators. For example, the Tamil Nadu legislature recently jailed 4 mediapersons for contempt.

(iii) As there is no provision for appeal to the judiciary or for the application of rule of law in decisions, it is violative of both Article 14 (Right to Equality) as well as Article 32 (Right to Constitutional Remedy).

However, removing these privileges may put undue pressure on the legislatures and curb their autonomy. Therefore, the solution is to pass a law laying out the procedure and principles to punish for breach of privileges and for the legislatures to exercise self restraint.

6. The principle of accountability is an essential part of the rule of law. In this context discuss the lacunae in government's approach and judiciary's response to the extra judicial killings in India.

The absence of accountability and violation of fundamental rights by the government was recently addressed by the supreme court (SC) in the context of extrajudicial killings under the AFSPA (Armed Forces Special Powers Act) in the North East of India.

Under AFSPA, the security personnel are empowered to shoot after giving a warning without any liability in areas with insurgency. There is no mechanism to establish the guilt or innocence of the person killed and no mechanism to hold the security personnel accountable for unprovoked extra judicial killing. Further, the actions are placed

outside the jurisdiction of civilian court and within the military jurisdiction thus preventing the public from accessing justice.

Therefore, the system of extra-judicial killings is violative of rule of law as it punishes people without establishing guilt and unfairly protects the military from legal consequences for their actions.

Hence, the SC has held that as the guilt of the persons affected has not been established, they are entitled to fair judicial process and protection from arbitrary executive action against their fundamental right to life.

Further, even if a person is killed during a security operation there should be an impartial investigation to establish the course of action and to pro hold the guilty accountable.

7. Explain the rationale behind enacting the Real Estate (Regulation and Development) Act 2016. Discuss how it can help in revitalising consumer confidence in the real estate market. Also, highlight the hurdles that remain in implementing it.

The Real Estate Regulation Act 2016 was enacted with the objective of protecting the interests of homeowners, preventing diversion of money by the constructors and to address the grievances of the people in the real estate sector.

It can improve consumer confidence in the real estate sector through various measures such as—

- (i) by establishing an independent regulator, it provides rule based supervision of real estate projects and a mechanism for the homeowners to hold the builders accountable
- (ii) by mandating the escrowing of 70% of funds, it ensures that money is not diverted and the builders do not

get involved in too many projects they cannot complete

(iii) this will also control the proliferate high end projects which are not in demand but increase real estate prices to the detriment of the buyer.

(iv) it mandates the builder to upload plans to their websites and to get consent from the owners for any changes thus preventing any cheating.

However the implementation of the bill faces many hurdles -

(i) the states are reluctant to enact the related rules due to pressure from the construction lobby

(ii) the real estate sector is a prime route of money laundering which links up with black money in politics

(iii) the necessary infrastructure, physical and institutional, will have to be created ~~to~~ which will require resources

(iv) there is also lack of awareness of the homebuyers due to which they are easily hoodwinked.

8. Moving the subject of water from state list to concurrent list will solve the issues related to governance of water resources.  
Comment.

The surge in interstate river water conflicts recently has led to the suggestion of moving water from state to concurrent list. This is intended to have many benefits such as -

- (i) a Union law will lead to uniform governance of rivers and prevent state governments from engaging in conflicts for political mileage
- (ii) it will enable a wholesome approach to water governance taking into accounts the needs of all areas as well as a holistic understanding of course ground and surface water.
- (iii) it will make conservation easier as all stages of the life of a river will be integrated along the entire course
- (iv) it will become easier to implement riverlinking projects, hydropower projects, inland waterways schemes etc.

(v) it will reduce need for tribunal awards, revisions and delays in decision making

However, the shifting of water to concurrent list will pose many challenges -

(i) it will require a constitutional amendment and will not be supported by states as they guard water rights jealously.

(ii) the existence of central law will not prevent states from mobilizing political support over water.

(iii) agriculture, which is in the state list, is intimately linked with water requirements.

Therefore, the measure is probably not a desirable solution as it will be perceived as a threat to the federal structure and will intensify conflict. What is required is a consensual ~~of~~ negotiation based approach towards governance on water issues.

9. Give an account of the areas of potential conflict in the relationship between the political executive and civil servants. Also discuss why a healthy working relationship between the two is critical for good governance.

The bureaucracy and the political executive exist in a critical relationship based on the delicate balance of organizational and personal loyalties.

The two organs of the executive in India may face several conflicts such as -

- (i) conflict of ideologies between the political ideologies of the ruling political party, organizational ideology as well as personal ethics and values
- (ii) conflict between serving the interests of constituency of the elected members and protecting the excluded sections of Indian society
- (iii) conflict between political urgency for quick results and bureaucratic tendency towards gradual rule-based change.

(v) the pressure to satisfy the political leaders and their supporters for personal promotion may conflict with the code of conduct which mandates impartial selfless actions.

However, the areas of conflict need to be negotiated carefully to create a healthy working relationships. This is essential because -

(i) the policies made by the government will ultimately have to be executed by the bureaucracy

(ii) the bureaucracy can become resistant to reforms and may not welcome changes if it does not have confidence in the leadership.

(iii) it will also face adverse results from the political leadership who will chase to promote their own supporters thus preventing meritocracy in governance

(iv) the political leadership is the only means to hold the bureaucracy accountable to the people and ensures that it works towards the goal of good governance.

10. Despite their location in the non-political domain of civil society, NGOs have ended up playing a key, if indirect, role in India's politics. comment.

The voluntary sector in India has come to play a critical role in Indian polity over the recent couple of decades. While the NGOs do not directly seek power through elections, they are indirectly involved in many ways such as -

(i) the NGOs are critical in mobilizing public support for certain laws and policy actions. For the Campaign for People's Right to Information was crucial for passing of the RTI law.

(ii) by creating political awareness among the people, the NGOs increase democratic participation.

(iii) NGOs have, under the aegis of the National Policy for the Voluntary sector (2007), been roped in for the grassroot level implementation of welfare

developmental schemes such as schemes for rehabilitation of child labour and destitute women

(iv) by acting as a channel for foreign funds, NCOs have also led to greater influence of international actors in Indian polity

(v) NCOs act as mechanism for holding the government accountable by supporting social audits and social movements and exposing inefficiencies and corruption such as not involving gram panchayats in clearances for ~~sale~~ extraction of minerals.

By definition, NCOs are large located outside the government and are, hence, non political. But this very extra governmental nature, enables them to act as an alternative means for the people to involve themselves in the political process.

16. Magnitude of India's urbanisation is not unusual but the pattern is. In this context, examine the issues in the governance of cities in India. Also, suggest reforms required to make Indian cities dynamo of competitive sub-federalism.

The extent of urbanization in India is relatively low compared with developed and developing countries and is commensurate with its stage in the developmental cycle. However, what makes it unmanageable is the rapid inflow of unskilled resourceless people from rural areas across India into a handful of cities.

This poses several challenges in urban governance such as -

- (i) deficit of physical infrastructure such as housing, and civic amenities such as water, sanitation and hospitals
- (ii) unsustainable growth of slum areas leading to overcrowding, low human development due to lack of education and health facilities
- (iii) breeding of poverty, disease and inequality
- (iv) lack of resilience of cities to natural

disasters leading to frequent floods, fires, building collapses etc.

(v) increasing socio-economic crimes due to relative deprivation

(vi) problem of adequate financing to improve governance

(vii) multiplicity of agencies and public utilities leading to ambiguous jurisdiction

(viii) pollution and resource exhaustion

Some of the measures required to improve urban governance are -

(i) greater devolution of powers to municipalities for effective governance

(ii) involving experts for holistic planning

(iii) using technology to implement smart solutions under Smart Cities Scheme

(iv) developing satellite cities such as those planned in Haryana and UP to remove pressure on Delhi

(v) disaster management planning and construction according to green building codes

(vi) improving the sources of financing through municipal bonds and PPPs.

(vii) competitive ranking of cities to attract investment.

These measures will not only improve but also empower cities.

12. Social boycott should be treated as a criminal offence, rather than being considered another form of social evil plaguing the Indian society. Examine.

Social boycott refers to the practice of excluding families and groups from access to common resources and social processes. Recently the Maharashtra government sought to legislate against social boycott.

This marks a change from previous approach which sees the phenomenon as a social evil which can be eradicated only through creating awareness and socio-economic empowerment.

However, social boycott must be seen as a criminal offence as it -

- (i) goes against the Right to Dignified Life under Article 21; as it deprives people of contact with social groups, access to common village land, facilities, etc all of which are required for the full expression of individual capacity
- (ii) is generally enforced against socially and educationally backward class and is

- therefore discriminatory
- (iii) is in contravention to Protection of Civil Rights Act which assure access to wells, temples and other public areas
- (iv) defeats the purpose of social legislations which seek to promote inter-caste and inter-faith unity
- (v) acts as emotional and mental violence as the boycotted are constantly under threat of attack from dominant sections.
- (vi) increases the power of the khap panchayats which interfere with normal judicial process.

Therefore social boycott against the principle of rule of law under which punishment can be meted only through the judicial process. It is an unjustified deprivation imposed by the dominating classes. Hence it must be treated as a criminal offence.

13. Human trafficking in India has emerged as a serious issue, which calls for understanding the complexity of the problem and devising an effective strategy to combat it. ~~Discuss.~~

Human trafficking in India has been a long existing problem. In recent times however, it has become a serious issue due to many factors. To tackle this problem one must understand the role of these factors such as -

- (i) socio-economic deprivation and poverty which lies at the root of the problem of the exploited
- (ii) porous borders and refugee crises which are pushing people to enter illegally into the country making them prey to traffickers
- (iii) laws against prostitution which ~~one~~ on the one hand are ineffectively implemented and on the other hand prevent victims from seeking protection of law
- (iv) involvement of powerful persons in trafficking rings, so that even if the

- operations are disrupted in one area, they can easily relocate and res tablish
- (v) demographic imbalance, i.e. lack of prospective brides in north west leading to trafficking from more populous areas.
  - (vi) social discrimination against women preventing them from accessing education and jobs
  - (vii) thriving begging rings in cities
  - (viii) lack of manpower and expertise as well as technology among the police

Therefore, ~~human~~ merely banning human trafficking is not going to solve the problem. It is necessary to adopt a multifaceted strategy which address socio-economic development, international coordination, legal and police reforms and awareness creation.

14. A weak teacher education system is at the core of India's problems in school education. Evaluate. In this context, also enumerate the recommendations of the high powered commission on teacher education constituted by the Supreme Court of India.

The teacher education system in India suffers from many deficiencies which has led to sub par school education. Some of these problems are

- (i) lack of sufficient institutes for teacher education leading to low teacher pupil ratio
- (ii) commercialization of teacher education so that the values of education are not passed down
- (iii) absence of effective accreditation and quality control leading to poor results
- (iv) under Sarva Shiksha Abhiyaan to meet immediate need for new teachers, qualification requirements were relaxed leading to lack of qualified teachers
- (v) teacher education does not include ground realities of Indian society preventing them from effectively communicating with the students and parents.

15. It has been argued that the recent order of the Supreme Court to prevent the misuse of section 498 A institutionalises the prejudices and rehabilitates the myths, which the women's movement in India has battled over decades. Discuss.

The order of the Supreme Court to prevent misuse of section 498 A of Dowry laws highlights the use of the law by women to put false allegations on their husbands and in-laws to extract favours through blackmail.

The order holds that in cases where there is no visible injury to the complainant, the accused should not be arrested or acted against till the accusations are verified.

This makes the law which was intended to be a pro-women system to prevent dowry deaths and harassment into a measure for protecting the rights of the men.

It also reestablishes the prejudices

against women as schemers and manipulators who falsely accuse the men to gain control over family, property and wealth.

The order sets back the course of the women's movement by decades, ignoring the ground reality in Indian society where most marriages are accompanied by dowry demands and instances of misuse of dowry law are minuscule compared to cases which are not even reported.

In a sense, this has led to undue amplification of the voice of men. The system of justice delivery has been made even more inaccessible to victims who will now be threatened to rescind their complaints.

16. As strategic interests between India and US continue to converge, defence has emerged as a major area of co-operation between the two. Discuss the significance and possible implications of this development.

Post - 1991 and the fall of the Soviet Union, the defence partnership between the US and India has gone from strength to strength. This has great significance for Indian security concerns. For example -

(i) Through the Defence Trade and Technology Initiative, the two countries are jointly developing new technology such as drones and armour. This will improve India's defence manufacturing capabilities on the path to self sufficiency.

(ii) By designating India as a major non defence partner, the US Congress has ensured that India can get access to the latest technology without extensive checks.

(iii) This will reduce India's dependence on Russian weapons and second hand technology for which repair facilities

and spare parts are not easily available.

iv) by diversifying India's imports, we can ensure strategic upper-hand in conflict situation

The possible implications of the burgeoning relationships in defence sector are -

(i) as India has signed two foundational defence cooperation agreements, it may be called on to provide logistic support to US military under CISMOA. This may reduce India's strategic space

(ii) the increased dependence may pave the way for reduction in US-Pak ties or at least neutrality during Indo-Pak conflicts.

(iii) the power balance in the Indo-Pacific may shift as India moves closer to Japan and US, as seen in the form of the Malabar military exercises. This may provoke the China-Russia-Pak axis to react ~~to~~ with hostility.

These implications, however, do not negate the importance of diversification of India's defence relationships.

17. India's contribution to peace keeping missions of the UN has remained steadfast despite changes in the nature, form and variety of UN peace keeping missions. Examine.

India is the largest contributor of peacekeeping personnel to UN mission since its independence. The commitment shown by India exists despite changes in the nature of the missions -

- (i) The Cold War era conflicts were often proxy wars and the missions were used ~~to~~ by the NATO to supplement their interests. Despite this India managed to function impartially and use its forces to precipitate relief and peace as seen in Korea.
- (ii) In the post - Cold War period, the conflict are increasingly located in Africa and based on ethnic violence aggravated by outside influence. India has continued to send forces, often even working against the interference to prevent genocides and man-made disasters.
- (iii) In the coming years, the probability

is that peacekeeping forces will be required against terrorist and non-state organizations ~~and~~ as well as religious conflicts. As this coincides with Indian interests in preventing terrorist activities and radicalization, India will continue to contribute its forces

(iv) India's involvement in peacekeeping its respect for sovereignty of the affected countries as well as the professionalism of its forces has earned great respect and goodwill. This will help India in its quest for UNSC membership as well.

Therefore, the Indian commitment to UN Peacekeeping Missions is a product of Indian geopolitical objectives as well as moral obligations towards peace.

18. India's Partnership with Africa is an amalgam of African development priorities as well as India's development objectives. Discuss. Also, highlight the initiatives taken by India in this context.

India's partnership with Africa is based on the principles of mutual development, respect for the participation of the African countries as well as desire for peaceful progress. This relationship ~~is~~ is intended to further Indian developmental objectives such as -

- (i) access to resources as well as growing markets
  - (ii) areas for new investments and exports
  - (iii) 3<sup>rd</sup> world cooperation at multilateral fora such as WTO
  - (iv) support in India's international ambitions such as UNSC membership and checking growth of Chinese hegemony
  - v) security in the Indian ocean region
- It will also benefit African

- developmental priorities such as-
- (i) food security and agricultural developments
  - (ii) access to latest technology

- (iii) eradicating poverty and gross inequality
- (iv) improving access to health and education
- (v) economic development through improved manufacturing capacity and growth of MSMEs.

India has taken several initiatives under this partnership such as -

- (i) pan-African e-Network connecting 47 countries to provide access to health and education
- (ii) supply of cheap generic medicines
- (iii) training under the International Technical and Economic Cooperation programme in areas of administration
- (iv) investment in water conservation and agricultural projects in East Africa
- (v) scholarships to African students
- (vi) capacity building through the Asia-Africa Rural Development Organization etc.

These measures need to be consolidated into a comprehensive perspective plan aligning with the geopolitical ideologies of the two partners to assure future growth.

19. comment on the role of International Court of Justice in upholding the values of International Law. In this context, also highlight the association of India with the ICJ over the years.

The International Court of Justice (ICJ) is the judicial organ of the United Nations. It provides dispute resolution in cases brought before it by UN members and advises in matters of international law brought to its attention by third parties.

Therefore, the ICJ seeks to establish a rule based system in international relations rather than relying on a 'strong or weak' system.

India has been a strong supporter of the ICJ since its establishment. India has advocated a rule based system as well and this has led to a push for greater respect for international law and several Indian judges becoming part of ICJ.

At the same time, India believes that disputes must be solved bilaterally through peaceful negotiations rather than through internationalizations.

This has led to resistance towards involvement of ICJ in Indian affairs.

Breaking this trend, India recently took Pakistan to ICJ for breach of the Geneva Convention in not granting consular access to Indian businessman captured and sentenced by Pakistan to death for being a spy.

This, along with the preliminary victory of the Indian side may indicate a possible change in Indian attitude towards ICJ.

20. In view of the focus on trans regional economic corridors and changing regional geo-politics and geo economics, critically discuss the idea of an Indo-Pacific economic corridor.

The Indo Pacific Economic Corridor is being proposed by the US as transregional infrastructure and transportation corridor connecting the Indian Ocean and the Pacific Ocean through southeast Asia and the littoral states of Indian Ocean.

The corridor has several potential benefits such as -

- (i) integration of the largest economies with the most dynamic emerging markets
- (ii) development of poor countries in South Asia and southeast Asia
- (iii) checking Chinese dominance over the economies of Africa and Asia
- (iv) increasing importance of Asia Pacific in international affairs vis a vis America and Europe.
- (v) assuring safety of sea trade and energy security in the South China Sea.

However, the transformations of these potentials into actual benefits poses several challenges -

- (i) diversity of economies, nationalities, cultures and capacities in the regions leading to great inequality
- (ii) greater protectionism in the developed world creating hesitancy in promoting trans regional trade
- (iii) poor countries will not be able to contribute much to infrastructural development and may face neo-colonial hegemony of the US.
- (iv) lack of financing mechanism for the project as opposed to massive Chinese investment.

Therefore, the Indo-Pacific Economic Corridor, while sound in principle, has a long way to go before becoming a viable alternative to the Belt and Road initiative.