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GENERAL STUDIES (TEST CODE : 1399)

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Medium Eng./Hindi	ENG.	Date	30/06/2020
Center	ONLINE		

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	10	
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Total Marks Obtained:

Remarks:

INSTRUCTIONS

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

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EVALUATION INDICATORS

1. Contextual Competence
2. Content Competence
3. Language Competence
4. Introduction Competence
5. Structure - Presentation Competence
6. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

VisionIAS

1. Highlighting the significance of Fast Track Courts (FTCs) in India, discuss the issues plaguing their functioning. Also, suggest some measures to improve their functioning. (150 words) 10

भारत में फास्ट ट्रैक न्यायालयों (FTCs) के महत्व को रेखांकित करते हुए, उनकी कार्यप्रणाली में व्यवधान उत्पन्न करने वाले मुद्दों पर चर्चा कीजिए। साथ ही, उनकी कार्यप्रणाली में सुधार हेतु कुछ उपायों का भी सुझाव दीजिए।

Fast track courts (FTCs) in India

are special courts established under various statutes, to expediently complete prosecution and deliver justice in various offences, like SE/ST Associates Act '89, Triple Talak cases, POCSO Act, etc.

Significance of FTC -

- ↳ Faster justice delivery - It is said that justice delayed is justice denied.
- ↳ Reducing judicial arrears - According to National Judicial Data Grid, 3.3 crore cases are pending in India

- ↳ Protection of victims by special care
eg. - counselling, ~~in~~ in-camera
proceedings, etc.

Issues plaguing FTCs.

- ↳ Delay in establishing FTCs.
- ↳ They often do not comply with
given time limit for resolution.
- ↳ Prosecution and investigation is
slow, inefficient and not-sensitive.
- ↳ Poor infrastructure, lack of quality
judges, bar and police staff.

Measures to improve functioning

- ↳ Amending laws to fix accountability
to reduce delays at all stages.
 - ↳ Sensitising staff - judiciary, civil & police
 - ↳ More expenditure on infrastructure.
- FTCs need to be revived urgently
to deliver credible, cheaper & faster justice

2. Inter-state river water disputes have been among the most pressing issues faced by the Indian federal system. In this context, examine the potential of the Inter-State River Water Disputes (Amendment) Bill, 2019 in addressing the issues involved. (150 words) 10

अंतर-राज्यीय नदी जल विवाद, भारतीय संघीय प्रणाली द्वारा सामना किए जाने वाले सर्वाधिक अहम मुद्दों में से एक रहा है। इस संदर्भ में, इसमें सम्मिलित मुद्दों के समाधान में अंतर-राज्यीय नदी जल विवाद (संशोधन) विधेयक, 2019 की क्षमता का परीक्षण कीजिए।

Inter state river water disputes (ISRWD) are to be dealt with provisions under Article 262. Parliament enacted ISRWD Act '56 and River board Act '56. Despite these acts, ISRWD remain most pressing issues in our federal structure.

Severity of the problem

- ISRWD Act '56 failed to resolve disputes

fast enough -

↳ Many disputes were stretched to far. Ex - Cauvery dispute

(took 26 years)

↳ Delays in constituting tribunals, appointment of judges and long litigation in SC under Art 136.

The issue becomes politically sensitive and emotive. Hence the newly amended 182 W D Act can solve issues because of provisions like -

- ↳ Permanent bench
- ↳ Dispute resolution committee before intervention of tribunal.
- ↳ Fixing age limit for judges (70 years)
- ↳ Introduction of expert members in tribunals.
- ↳ Mandatory to implement the award for the union government.

Thus the above amendments have the potential to resolve current disputes like Ravi-Beas, Mahadayi, Krishna river, Sodavari, Yamuna, etc.

There is urgent need to establish River Boards for closer cooperation of States. Data bank on river flow, level, etc should be utilized with great scientific rigour

3. What is lobbying? Discuss the need to regulate lobbying in India.

(150 words) 10

लॉबींग क्या है? भारत में लॉबींग को विनियमित करने की आवश्यकता की विवेचना कीजिए।

Lobbying refers to the practice of interested parties, pressure groups, civil society organization, NHOs to nudge the government to make policies and/or laws to further their interest. It is a legitimate democratic tool, but has many grey areas and contestations.

Forms of lobbying

- ↳ Through professional bodies (like AICC, Bharat Kisan Sangh, NASSCOM, etc.) which demand that their interest be considered.
- ↳ Through individuals (like CEOs, union leaders, etc.) by engaging with ministers privately.
- ↳ Informal discussions without any documentation.

Need to regulate lobbying

- ↳ Corruption, rent seeking by corporates is prevalent
- ↳ Crony capitalism, undermining public interest.
- ↳ Blurring of the lines between legitimate concerns and eliminating competition (both domestic and international)

Thus lobbying has to be regulated by bringing legislative framework.

which must ensure -

- ↳ lobbying only by recognized & legal bodies.
- ↳ vigilance structures to prevent corruption.
- ↳ Administrative person to consider petitions multidimensionally.

Lobbying does make a democracy more deliberative. However, the govt must always keep public interest in mind.

4. Compare and contrast the federal systems in India and Canada with the help of relevant examples. (150 words) 10

प्रासंगिक उदाहरणों की सहायता से भारत और कनाडा की संघीय प्रणालियों की तुलना कीजिए और उनके मध्य अंतर स्पष्ट कीजिए।

Indian and Canadian federal systems are based on the common principle of "Cooperative Federalism". Indian constitution borrows significantly from the Canadian Model, due to similarities between both countries like - diversity and colonial experience.

Similarities between Indian & Canadian Models

- 1) Centralizing tendency -
 - Both have strong union governments
 - Executive and legislative powers of union override provinces. Yet provinces have autonomous status.
- 2) States / Provinces are not subordinate, rather derive powers from constitution.

3) Post of Governor -

Both systems have governor appointed by union.

4) Federal bodies -

- Canada has "Council of Ministers" for close cooperation between states & union.
- India has NITI Aayog (Governing Council), Inter state council (Art 263)

Differences -

- 1) Canada - PM is from "house of commons"
India - PM can be from both houses.
- 2) India - Panchayati Raj institutions have constitutional recognition.
Canada - No such recognition
- 3) India - Integrated judicial ~~for~~ system
Canada - Not integrated.

All federal models are unique or sui-generis. The flexibility of both Indian & Canadian model have helped in accommodation of diversity & strengthened unity.

5. What is the legal sanction behind the establishment of Foreigners' Tribunals? Comment on the need of strict judicial supervision given the context in which they function. (150 words) 10

विदेशी विषयक अधिकरणों की स्थापना के पीछे विधिक संस्वीकृति क्या है? उनके प्रकार्य के संदर्भ में, उन्हें प्रदत्त कठोर न्यायिक पर्यवेक्षण की आवश्यकता पर टिप्पणी कीजिए।

Foreigners' Tribunals are the judicial bodies that determine the legality of the citizenship status of residents (both citizens & foreigners).

The legal sanction is as follows -

- They are set up under Foreigners' (Tribunal) Order, 1964.
- They determine ~~the~~ whether a person is a foreigner or not under the provision of Foreigners' Act 1946.
- Recently, the district magistrates across India have been given authority to establish such tribunals in all districts of India in the district courts.
- Earlier they were confined to Assam only.

There is a need for strict judicial supervision of foreigner tribunals

because —

- Their decisions have impact on the status of people as citizens and subsequent claims ~~of~~ over —
 - Fundamental rights
 - Jobs and education opportunity
 - Welfare schemes
- In context of new amendments of Citizenship Act '55 (CAA), ~~High Courts~~ and proposed nationwide NRC, litigation will increase.
- Integrity of judges in sensitive matters as citizenship has to be maintained.
- To prevent clerical errors witnessed during Anam NRC exercise.

The State High Courts should use its constitutional powers effectively to supervise ~~the~~ these tribunals

6. The practice of passing of bills without the scrutiny by the parliamentary standing committees undermines their significance and sets a wrong precedent. Discuss. (150 words) 10

संसदीय स्थायी समितियों द्वारा संवीक्षा के बिना विधेयकों को पारित करने की परिपाटी, उनके महत्व को क्षीण करती है तथा गलत दृष्टांत स्थापित करती है। चर्चा कीजिए।

Parliamentary Standing committees are bodies in Parliament for ensuring that parliamentary scrutiny and accountability of executive are - detailed, in-depth, comprehensive and rigorous.

In context of executive zeal to pass legislative bills, their importance is paramount. They include

- Departmental Standing Committee
- Finance committees - Estimates, Public Account, PSU
- Other

However, they being routinely bypassed by executive, leading to —

- Undermining their significance which dilutes the constitutional role of parliament

- Potential executive highhandedness and hurry to pass bills, eg. BWS bill, I&R reorganization bill, Finance bills.
- Demoralizes opposition MPs and weakens democratic role of opposition.
- Sets wrong precedence for future governments.

Way Ahead —

- ↳ The rules of business of both houses should be amended to institutionalize compulsory referral of important bills.
- ↳ Post of Speaker must be de-politicized to prevent partisan role, as suggested by Lage Committee.
- ↳ Opposition should provide constructive criticism, rather than blocking all executive actions in parliament.

7. Bring out the key functions of the Special Officer for Linguistic Minorities and its contemporary relevance. (150 words) 10

भाषाई अल्पसंख्यक-वर्गों के लिए विशेष अधिकारी के प्रमुख प्रकार्यों और उसकी समकालीन प्रासंगिकता को स्पष्ट कीजिए।

The Special officer for linguistic minorities was established by 7th constitutional amendment act, 1956 which added Article 350-B.

functions -

- ↳ To enquire into the implementation of constitutional protection to linguistic minorities (eg. - Art- 29 and 30)
- ↳ Receive petitions of violations of their rights given by constitution & laws.
- ↳ Monitoring the various schemes of government for welfare of linguistic minorities.
- ↳ Giving periodic reports on their status to President through Ministry of Minority affairs, who places it in Parliament

Contemporary Relevance -

- ↳ Threat to languages - UNESCO has reported that around 200 indigenous languages in the North East are under threat of extinction.
- ↳ Illegal immigration which leads to threats of demographic inversion, and consequent harm to language & culture.
- ↳ Demands for new states based on language (eg. Jorkhaland).
- ↳ Non compliance of states to provide primary education in mother tongue.

Office of linguistic minorities,
headquartered in Mahabub, should also

- be given more - autonomy
- Resources for awareness campaigns
- More powers

8. Article 22 of the Indian Constitution is a necessary evil. Discuss.

(150 words) 10

भारतीय संविधान का अनुच्छेद 22 एक आवश्यक बुराई है। चर्चा कीजिए।

Article 22 of Indian constitution relates to providing protection in case of arrest or detention.

- Arrest - Right for
 - informing charges
 - legal assistance
 - producing in front of magistrate in 24 hrs.
- Detention - Right for
 - informing charges if not against public interest
 - Restrictions
 - Not necessary to provide a lawyer
 - Not necessary to produce in front of magistrate
 - Detention without court order for upto 3 months.

It remains controversial due to provision of preventive detention. Several laws, (TADA, POA, UAPA, etc) have been adopted.

However preventive detention is necessary evil because —

- Internal security challenges - like secessionism in J&K and North East.
- Terrorism - cross border and indigenous.
- Need for political stability in special situation, eg. - Public Safety Act in J&K in context of abrogation of Art-370.
- Prevention of crimes that threaten sovereignty and integrity of India.

However, preventive detention has chilling effect on fundamental rights under Article 19 and 21.

Cases of custodial deaths, arbitrary use have posed legitimate question on their relevance and use. The union govt should review all such law by referring it to Law Commission.

9. A unified nation does not necessarily need to have 'uniformity'. In this context, discuss the merits and demerits of the idea of Uniform Civil Code. (150 words) 10

एक एकीकृत राष्ट्र के लिए 'एकरूपता' का होना आवश्यक नहीं है। इस संदर्भ में, एक समान सिविल संहिता के विचार के गुणों एवं दोषों की विवेचना कीजिए।

Uniform civil code, refers to establishing common laws for all religious & ethnical communities in matters of matrimony, divorce, inheritance, custody (so called "personal laws") across India.

Article 44 (Part IV) instructs that the Govt shall try to establish conducive environment to introduce UCC.

However, the matter needs to be examined closely —

• Demerits -

↳ India State does not envisage uniformity
eg - Recognition of customs of tribals.

↳ There is no consensus between and within communities over desirability of UCC

- ↳ Law Commission report (2018) argues that UCC is neither possible, nor desirable now.
- ↳ It collides with religious freedom under article 25 & 26.

• Merits -

- ↳ India is a secular state, as stated in preamble.
- ↳ The overarching principle is GENDER EQUALITY and not religion.
- ↳ SC has repeatedly called for UCC.
Ex - Shah Bano Case
- ↳ Reforms of society is the responsibility of state.

Till the time there is no consensus of UCC, it should not be introduced. However, as Law Commission points out, all religions must get rid of derogatory practices. Triple Talak Act is a good start

10. The expressions 'equality before the law' and 'equal protection of the laws' may seem to be identical, but, in fact, they mean different things. Elaborate. (150 words) 10

'विधि के समक्ष समता' और 'विधियों का समान संरक्षण' वाक्यांश एक-समान प्रतीत हो सकते हैं, किन्तु, वास्तव में, उनके अर्थ भिन्न-भिन्न हैं। सविस्तार वर्णन कीजिए।

The Article 14 of constitution guarantees "equality before law" and "equal protection of laws". They form the foundation upon which the "principle of equality" stands in India.

Equality before Law

- ↳ It is a British concept and part of "Rule of Law".
- ↳ Includes, absence of any privileged class.
- ↳ Provides that there shall be equal subjection of all under ordinary laws in ordinary courts.
- ↳ No one is above the law.

Thus it is a negative concept

Equal protection of Law -

- ↳ It is an American concept.
- ↳ Includes equal treatment • under law for all who are equally situated.
- ↳ Like to be treated alike without any discrimination.

Thus it is a positive concept.

The debate over scope of Article 14 raised over Law Citizenship Amendment Act, 2019.

It should be shown that under both parts of Article 14, class legislation is prohibited. However, it can allow "reasonable classification".

The govt would do well to adhere to above as part of adherence to "constitutional morality".

11. Highlight the Quasi-Judicial and Advisory functions of the Election Commission of India. Do you think the powers of the Election Commission need a relook in context of the challenges it has faced in recent years?

(250 words) 15

भारत निर्वाचन आयोग के अर्द्ध-न्यायिक और परामर्शी प्रकार्यों पर प्रकाश डालिए। क्या आप मानते हैं कि हालिया वर्षों में निर्वाचन आयोग द्वारा सामना की गयी चुनौतियों के संदर्भ में इसकी शक्तियों को पुनरीक्षित करने की आवश्यकता है?

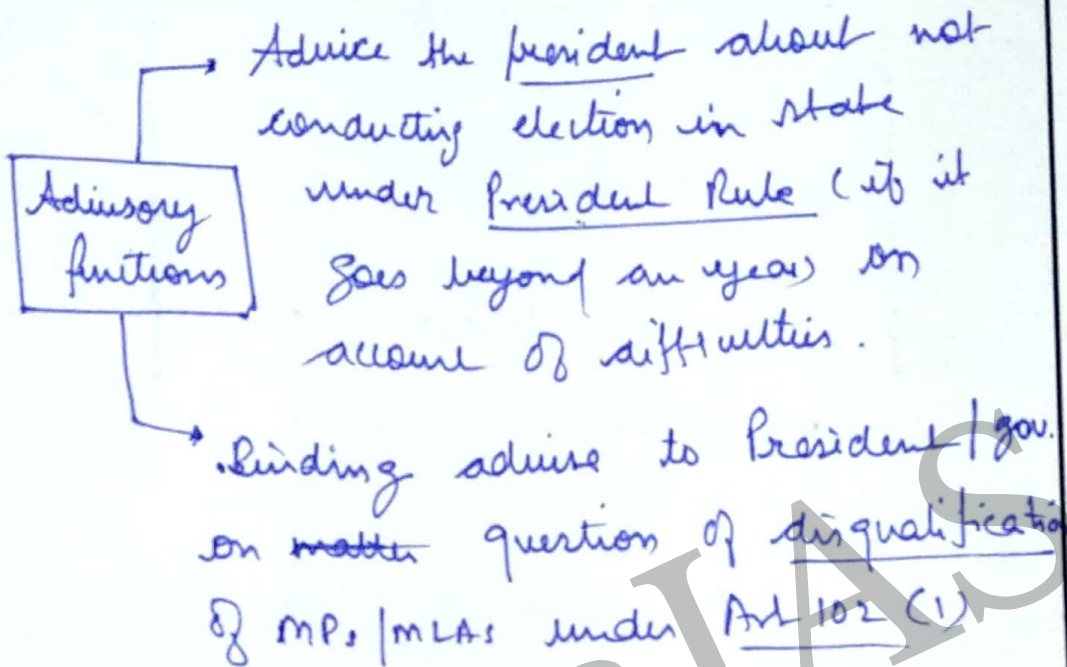
Article 324 of the constitution gives the power of superintendence, control and direction to electoral process. Apart from this, Representation of People Act (1950 & 1951) give quasi-judicial, ~~and~~ advisory functions, 'administrative' function to EC.

Deciding on disputes of parties related to election symbols and recognition

Quasi-Judicial
functions

→ Declaring an election void in case of rigging or corrupt practices

→ Examining the documents, submissions of candidates
~~and~~



In recent years, EC has faced many challenges that call for re look into the role of EC -

- Controversy of FVMs & VVPATS
- Elections to LS in 2019 saw allegations of partisan role of EC, i.e. favouring ruling party.
- Lack of capacity to ~~do~~ deregister party or enforcing intra party democracy.

Prescriptions to reform EC

- Appointment should be done through collegium (for chief election commissioner) as suggested by Dinesh Goswami Committee.
- Powers to deregister political parties.
- Reducing dependency on MHA, DoP for staff by establishing own cadre.
- Rescinding security of tenure to two election commissioners, apart from CEC.

Election Commission is indeed the bulwark against electoral corruption. To enhance and protect India's electoral integrity, political will must should be mustered. Apart from this, the program made in ~~to~~ reducing electoral malpractices should be consolidated through EC.

12. District Planning Committees (DPCs) have been envisaged as a vital link in the process of bottom-up planning. In this context, highlight the factors that are hampering the bottom up planning process through DPCs. What measures can be taken to strengthen the DPCs? (250 words) 15

जिला योजना समितियों (DPCs) की परिकल्पना ऊर्ध्वगामी नियोजन की प्रक्रिया में एक महत्वपूर्ण कड़ी के रूप में की गई है। इस संदर्भ में, DPCs के माध्यम से उर्ध्वगामी नियोजन की प्रक्रिया को बाधित करने वाले कारकों पर प्रकाश डालिए। DPCs को सुदृढ़ बनाने हेतु क्या उपाय किए जा सकते हैं?

The 74th constitutional Amendment added part IXA, which provides for District Planning Committee as the essential planning body at the district level.

Role of DPCs in bottom-up planning -

- It gives representation to
 - ↳ Members of urban local bodies
 - ↳ Members of landayati Raj institutions.
- It draws up plans at the local levels by considering the developmental needs, economic ~~developmental~~ needs and social justice objectives of both the rural and urban areas.

- It also takes into account the priorities set by state government.

Thus DPCs are the modes of joint, bottom-up planning at district level.

However, they are plagued with issues

↳ It's jurisdiction is curtailed due to other offices / bodies like

- District magistrates
- Para-Merals, like SPVs for urban development.

↳ Its meetings are not frequent.

↳ There is lack of clarity of the roles and responsibilities of the functionaries.

↳ The priorities of state government are not in resonance with local developmental needs.

↳ Lack of capacity, due to absence of experts - planners, etc.

following measures may be taken —

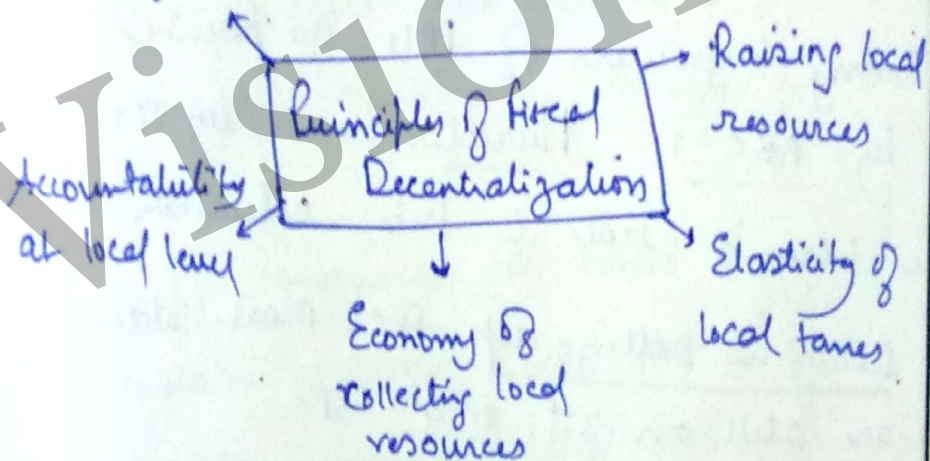
- ↳ APC-2 suggests other departments should relinquish jurisdiction, when there is a clash with DPC's.
- ↳ functionaries should be empowered by de-bureaucratizing processes of planning.
- ↳ Inclusion of experts like city planners, developmental consultants for advisory.
- ↳ State Acts need to be amended to give them more autonomy.

DPC's need to be rejuvenated to provide citizens of both rural and ~~the~~ urban areas ease of living.

13. Functions of the State Finance Commission as mandated by the constitution are important for achieving fiscal decentralisation, however they face multiple hurdles in fulfilling their role. Analyse. (250 words) 15
- संविधान द्वारा यथा अश्लेषित राज्य वित्त आयोग के प्रकार से राजकीय वित्त वित्त की प्राप्ति हेतु महत्वपूर्ण है, हालांकि उन्हें अपनी भूमिका के निर्वहन में अनेक बाधाओं का सामना करना पड़ता है। विश्लेषण कीजिए।

The 73rd amendment Act '92 provided for State Finance Commission under Article 243K so as to institutionalize the principles of fiscal decentralization.

Devolving substantive taxation powers



Functions of State Finance Commission (SFC)

- ↳ Suggesting the extent of taxation power to be devolved to Panchayats & Urban local bodies (ULBs)

- ↳ Establishing principles of grant by state govt. to local bodies.
- ↳ Advice on measures to be taken to augment the financial position of local bodies.
- ↳ Other functions to be given by Governor.

However, the precarious state of finance of local bodies has throttled autonomy & powers of PPs, as pointed out by ARC-2. Murdas faced by SFC also play a role in this situation -

- ↳ Delay in setting up SFC. Most states are still on 3rd or 4th SFC.
- ↳ Delay in placing report - of SFC in legislative assembly.
- ↳ Lack of capacity of members, who are not expert in finances of govt.

- ↳ Advice is not usually accepted by many states.
- ↳ When advice is accepted, it may not be notified or implemented.

Measures to reform STC —

- ↳ Regular establishment of STC by all states.
- ↳ Synchronizing the terms of STC and union finance commission.
- ↳ Drawing up qualification criteria for members.
- ↳ Punchhi commission has called for mandatorily placing STC report in assembly within stipulated time.

For local bodies to be empowered, financial decentralization must happen in letter and spirit. STC can be the pivot of such empowerment.

14. Increase in the number of judges at the Supreme Court is a welcome step, nonetheless efficient functioning of the judiciary requires broader reforms at all levels of judicial hierarchy. Discuss. (250 words) 15

उच्चतम न्यायालय में न्यायाधीशों की संख्या में वृद्धि एक स्वागत योग्य कदम है, फिर भी न्यायपालिका के प्रभावी कामकाज के लिए न्यायिक पदानुक्रम के सभी स्तरों पर व्यापक सुधार की आवश्यकता है। चर्चा कीजिए।

Recently, the Parliament raised the strength of the SC under Article 130. It is one step in ensuring efficient functioning of judiciary.

The increase in number of judges is important because

- Judicial delays (~ 3.3 crore cases pending, 50,000 in SC itself)
- No. of judges per million is only 16.

However, much ~~more~~ reforms are needed to address following issues:

- 1) Judicial delays
- 2) Corruption
- 3) Appointment of judges in higher judiciary.
- 4) Judicial overreach
- 5) Low quality of benches and bar

6) Post-retirement appointment.

Reforms needed in Judiciary at all levels

- ↳ Delays - Reducing govt litigation
- promoting Alternate Dispute Redress
 - Use of technology to facilitate processes, e.g. eCourts Mission Mode project
- ↳ Corruption - ARC-2 suggested code of ethics for judges.
- Two-level accountability mechanism
 - I. Reprimand, fines, suspension
 - II. Impeachment for serious offences.
- ↳ Appointment - Replace collegium with a more transparent body, without compromising independence of judiciary.

- ↳ Judicial - Courts must try and establish Overreach framework to draw line between activism & overreach
- ↳ Quality of benches + bar - Allow international legal companies - More expenditure on legal education
- ↳ Post Retirement appointment - Cooling-off period of at least 2 years, as suggested by Law Commission.

Indian Judiciary is powerful and fiercely independent. The trust of public and credibility of judicial system needs to be upheld. The onus is on both - the government and Supreme Court to ensure the same.

15. Asymmetry as an important characteristic of the Indian federalism has helped cater to the specific needs and requirements of some sub-units. Explain. (250 words) 15

भारतीय संघवाद की एक महत्वपूर्ण विशेषता के रूप में असममिति ने कुछ उप-इकाइयों की विशिष्ट जरूरतों और आवश्यकताओं को पूरा करने में सहायता की है। व्याख्या कीजिए।

The Indian model of federalism is widely described as 'cooperative', 'Sui generis' and asymmetrical. Asymmetrical federation refers to different levels of and forms of autonomy to sub-units. It reflects the flexibility of Indian federal structure.

Why Asymmetrical Model?

↳ Diversity of → cultures, demographics, geographies, languages, religions.

↳ Historical factor → British 'dual rule' of princely states and British India

↳ Aspirations for autonomy by different disparate sub-units, eg. - J&K, North East etc.

Forms of Asymmetry

- ↳ Fifth schedule areas for protection & welfare of tribal areas in 'mainland'
- ↳ Sixth schedule to accommodate aspirations of north eastern states.
- ↳ Article ~~370~~ 371, 371A, 37B... and so on.
 - Ensure equitable regional development
 - Ensuring peace and prosperity
 - Further autonomy to locals.
- ↳ Article (370) - Now practically repealed
 - Was to provide autonomy to J&K through separate constitution & law

Impact of Asymmetrical Model

- ↳ Allowed to maintain territorial and psychological unity and integrity
- ↳ Allowed peaceful resolution of disputes, e.g. Assam tea tax.

- ↳ Protected fragile democracy from disintegrating into separate states.
- ↳ Allowed equitable regional development
eg- Development Boards for Bihar, Madhya Pradesh, Karnataka, Kerala, Hyderabad, Karnataka.

Limitation of Asymmetrical Model -

- ↳ Article 370 could not succeed in protecting India's unity, eg- Militancy & separatism.
- ↳ Violence in Punjab, North East (especially Manipur, Nagaland, Arunachal Pradesh) continued for long.
- ↳ Development of STs could not be achieved as desired.

The federal structure is unique to India. As ARC-2 suggests, greater decentralization through Panchayats & Urban local bodies is most important for its success.

16. How is structure and electoral process of Rajya Sabha different from Lok Sabha? Do you think Rajya Sabha has been able to perform its envisaged role in recent times? (250 words) 15

राज्यसभा की संरचना और निर्वाचन प्रक्रिया लोकसभा से किस प्रकार भिन्न है? क्या आप मानते हैं कि हाल के दिनों में राज्यसभा अपनी परिकल्पित भूमिका के निर्वहन में सक्षम रही है?

Parliamentary democracy in India stands on the Lok Sabha (House of people) and Rajya Sabha (Council of States)'s functioning according to the role given by constitution.
They differ in following manner —

LS STRUCTURE	RS STRUCTURE
<ul style="list-style-type: none"> • 552 members - 550 directly elected • Headed by Speaker • Reservation for SC/ST in proportion of population 	<ul style="list-style-type: none"> • 250 members <ul style="list-style-type: none"> - 239 - directly - 12 - nominated • Headed by Chairman (Vice President) • Same as LS.
ELECTORAL PROCESS	ELECTORAL PROCESS
<ul style="list-style-type: none"> • Directly elected - constituencies across India 	<ul style="list-style-type: none"> • Indirectly elected by elected members + 12 Nominated by president

- | | |
|--|---|
| <ul style="list-style-type: none"> • Based on adult franchise • Election conducted by EC, every 5 years or earlier | <ul style="list-style-type: none"> • Proportional represents by single transferable vote • Continuity house. $\frac{1}{3}$ members retire in every 2 years |
|--|---|

Assessment of Rajya Sabha in recent times

1) Positives -

↳ Checked on hasty legislations, through methods like - demanding formation of committees. eg. - Tripal Talag

- frequent critiques of bills placed on floor

↳ Increase in the no. of productive hours. It was a record high in winter session (2020) according to PRS.

2) Negatives -

- ↳ Non-federal features
 - ↳ Nominated members could not contribute positively always
 - ↳ Non domicile criteria of elections
- ↳ Not representative of States, rather a place to accommodate political leaders.
- ↳ Frequent resignations, before important legislations - e.g. - before abrogation of Art 370
- ↳ Remains a house of opposition.
- ↳ Could not check hasty legislations, e.g. BWS, Article 370 & Reorganization of J&K

There is an urgent need to relook at the functioning of Parliament. New parliament building promises increased efficiency. Other reforms, like restoring Domicile requirement for Rs (Punchhi Commission recommended) must be earnestly pursued.

17. Explain the structure and function of the National Commission for Backward Classes. What is the significance of recent changes made in its status? (250 words) 15

राष्ट्रीय पिछड़ा वर्ग आयोग की संरचना एवं प्रकार्यों का विवरण प्रस्तुत कीजिए। इसकी प्रस्थिति में किए गए हालिया परिवर्तनों का क्या महत्व है?

National Commission for Backward Classes (NCBC) was first envisaged in Indra Sawney case (1992) by the Supreme Court.

It has evolved from being temporary recommendatory body (under BP Mandal) to being a statutory body to now (proposed) constitutional body.

Structure and Function of NCBC

- ↳ It is envisaged to engineer into complaints of violation of the rights of the OBCs (Other backward castes)
- ↳ It oversees implementation of constitutional protection to OBC.

- ↳ It recommends the president, the cases of inclusion or exclusion of various castes from the list of OBCs.
- ↳ It suggest the union government on the criteria for establishing the creamy layer of OBCs with respect of reservation for jobs or in educational institutions.
- ↳ It advises the union government to ensure the welfare of OBCs.
- ↳ The chairman of NCBC is the ex-officio member of National Human Rights Commission.

Significance of recent changes

It is envisaged to give constitutional status to NCBC, at par with NCSC and NEST.

Constitutional status will have following advantages —

- Greater scrutiny of the claims of various communities' demand for inclusion in OBC list (Ex Jats in Haryana, Marathas in Maharashtra)
- Help in ensuring that OBCs do not suffer from any historical discrimination
- Help in providing platform for genuine demands for economic and social upliftment of OBC's

The step to give OBC a constitutional status is welcome. It must be ensured that the demands for inclusion are properly examined & de-politicized, through transparent appointments.

18. The philosophical underpinnings of the Indian constitution can be best understood through its preamble inspired by the Objectives Resolution in the constituent assembly. Elaborate. (250 words) 15

भारतीय संविधान के दार्शनिक आधारों को संविधान सभा में प्रस्तुत उद्देश्य प्रस्ताव से प्रेरित इसकी प्रस्तावना के माध्यम से सर्वोत्तम तरीके से समझा जा सकता है। सविस्तार वर्णन कीजिए।

The ~~Indian~~ preamble of constitution is like an 'identity card' of the constitution that articulates the moral & philosophical foundation of the India state.

The philosophical underpinnings can be understood through preamble under nature of India states & its objectives —

1) Nature —

- Sovereign — Not under any foreign control
— Internal & external authority
- Socialist — Constitution envisages welfare state
— Upliftment of vulnerable sections
- Secular — State maintains principled distance from all religion
— No indifference to religion, nor any anti-pathy to it

- Democracy - Social, economic & political democracy -
 - free & fair elections, free speech
 - Republic - Public offices open to all
 - No privileged class
- 2) Objectives of Indian ~~union~~ state
- Justice - social, economic & political to actualize the traditional concept of "Dharma"
 - Liberty - of thought, expression, belief, faith & worship
 - Realize "the promise of freedom struggle".
 - Allow individuals to fully develop their personality.
 - Equality - of status & opportunity
 - Non-discrimination, rule of law abolishing untouchability.

- Framentality - uphold dignity of individuals & unity & integrity of nation
- Realizing Ambedkar's vision of brotherhood among disparate classes & castes to realize national consciousness.

As we celebrate the 70 years of adoption of the constitution, we must remind ourselves of the philosophy of constitution articulated in preamble.

The reading of preamble during civil protests in 2019-20, is a heartening reminder of essence of 'Indian nation'.

~~first~~

19. Managing water related issues in India requires convergence in policy making, implementation and monitoring. In this context, comment on the significance of the creation of Ministry of Jal Shakti. (250 words) 15

भारत में जल संबंधी समस्याओं के प्रबंधन हेतु नीति-निर्माण, कार्यान्वयन और निगरानी में अभिन्नता की आवश्यकता है। इस संदर्भ में, जल शक्ति मंत्रालय के सृजन के महत्व पर टिप्पणी कीजिए।

Ministry of Jal Shakti was constituted by merging ministries of water resources and Sanya rjuvination, ~~ministry of~~ department of drinking water and sanitation.

As India stands ~~at~~ acute water shortage, it aims to converge policy making, implementation and monitoring.

Significance of Jal Shakti Ministry

- Acute water crises -
 - ↳ per capita water availability is lower than 1700 m^3 per person / year
 - ↳ NITI Aayog's Comprehensive Water Management Index warns that more than half of the population is facing acute shortage of quality water.

- Non-coordination between different ministries, departments.
- Multiplicity of schemes and programmes concerning —
 - water use efficiency
 - water conservation
 - water shed development
- Slack implementation by agencies, like central water commission, municipal bodies and panchayats.
- Lack of water data and lack of informed policy making.

Hence, Jal Shakti ministry aims at streamlining water management and governance —

- ↳ Nal se Jal - 100% availability of drinking water at premises.
- ↳ Atal Bhujal Yojana - to expedite conservation of ground water.

↳ Periodic amendment of schemes and policies through robust data ~~infrastructure~~ on water availability, forecast, status of projects.

As the planet becomes hotter, ~~water~~ access to clean water for drinking, industries and agriculture will deplete.

Therefore, it is incumbent upon the Jal Shakti ministry to draw up medium and long term action plans to ensure water access, reduce pollution and increase water use efficiency.

20. What do you understand by doctrine of eminent domain? How can it be applied to understand the evolution of right to property under the Indian constitution? (250 words) 15

सर्वोपरि अधिग्रहण-अधिकार के सिद्धांत (doctrine of eminent domain) से आप क्या समझते हैं? भारतीय संविधान के अंतर्गत संपत्ति के अधिकार के विकास को समझने हेतु इसे कैसे लागू किया जा सकता है?

The doctrine of 'eminent domain' is used in context of establishing, as to which organ of the Indian state shall have overarching authority to act in a particular domain.

Debate over right to property -

The parliament and judiciary have differed with respect to the status of property rights under constitution.

• Executive's case -

↳ Obligation of land reforms to prevent concentration of wealth (Article 39) .

↳ It placed land reform laws under 9th schedule by 1st amendment

to prevent judicial scrutiny.

↳ Adopted 42nd amendment to limit
judicial review.

↳ Adopted 44th amendment to take
away right to property (Art 31 & 19)

• Judiciary's Case -

↳ Asserted independence by IR Coelho
case to restrict use of 9th schedule.

Thus, in context of right to
property, the doctrine of eminent domain
falls short of establishing as to which
organ ~~has~~ is to have overarching authority.

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