

Q1. To what extent, in your view, the Parliament is able to ensure accountability of the executive in India? (Answer in 150 words) 10

#### **Answer:**

In a parliamentary democracy the executive is accountable to Parliament. The Constitution provides for the legislature to make laws, the government to implement laws, and the courts to interpret and enforce these laws. Therefore, the government is collectively responsible to Parliament for its actions. This implies that Parliament (i.e. Lok Sabha and Rajya Sabha) can hold the government accountable for its decisions, and scrutinise its functioning.

# Parliament exercise control over executive through:

- Administrative Control: In general, Parliament does not intervene in administrative matters; but, if a policy is created in an incorrect manner, Parliament may request answers.
- Legislative Control: When a law is enacted in Parliament, the government must explain all of its provisions and respond to queries from MPs. As a result, it prohibits the executive from taking arbitrary actions.
- **Financial Control:** Both Houses must approve the government's budget and financial bills. Parliament forbids the government from incurring unreasonably high costs.
- **Representative Control**: MPs represent several groups of people. As representatives, they ask inquiries of the executives and thereby protect their people's interests through representation.
- Question-hour, zero-hour, half-an-hour discussion, short duration discussion, calling attention motion, adjournment motion, no-confidence motion, censure motion, and other discussions.
- **Budgetary control**: appropriation of grants and post-budgetary control through financial committees like Public Accounts Committee, etc.

## **Limitations of Parliamentary control:**

- The Parliament does not have the time or expertise to oversee an administration that has increased in both volume and complexity.
- The technical nature of grant requests, which necessitate economic competence, makes budgetary control difficult for Parliament. In addition, the majority of demands are guillotined.
- Financial bodies such as the Public Accounts Committee only do post-facto audits, which means they analyze expenditures after they have occurred.
- The rise of "delegated legislation" has limited Parliament's involvement in enacting comprehensive legislation while increasing bureaucratic power.
- The president's frequent issuing of decrees dilutes Parliament's legislative ability.
- The ineffectiveness of legislative oversight over administration in India is also due to a lack of strong and consistent opposition in Parliament, as well as a reversal in parliamentary behaviour and ethics.

For the healthy functioning of the Indian political system, it is necessary that Parliament has an effective oversight over the executive. Steps like building a better image of parliament, improving



the quality of members, strengthening the committee system etc will help in increasing the effectiveness of parliamentary control over the executive.

Q2. Discuss the desirability of greater representation to women in the higher judiciary to ensure diversity, equity and inclusiveness. (Answer in 150 words) 10

#### **Answer:**

Recently, CJI has called for 50% representation of women in the judiciary. He has also supported the demand to increase gender diversity in legal education.

- Women Representation in Supreme Court: The first-ever woman judge (Justice Fatheema Beevi) in the Supreme Court (SC) was appointed in 1989, 39 years after the apex court came into existence. Since then, only 10 women have become judges in the apex court.
- Women Representation in High Courts: The share of women judges in High Courts (HCs) was no better. Overall, women judges account for only 11% of HC judges. In five HCs (Patna, Meghalaya, Manipur, Tripura and Uttarakhand high courts), no woman served as a judge, while in six others, their share was less than 10%.
- Women Representation in District Courts: Women's representation in the judiciary is slightly better in the lower courts where 28% of the judges were women as of 2017. However, it was lower than 20% in Bihar, Jharkhand and Gujarat.

## Status of representation of Women in Higher Judiciary:

- There has never been a women Chief Justice of India.
- SC was established in 1950. First female SC judge was appointed in 1989.
- Of the 256 Supreme Court judges appointed in the past 71 years, only 11 (or 4.2%) have been women. The representation of women is more in lower judiciary due to recruitment through an open entrance examination. However, the higher judiciary has opaque collegium system, which more likely reflect bias against women
- Only out of 25 High Courts in the country has a woman Chief Justice (CJ Hima Kohli at Telangana High Court). Only 73 out of 661 High Court judges, which is roughly 11.04% are women. In five High Courts, namely, Manipur, Meghalaya, Patna, Tripura and Uttarakhand, there is not even a single woman judge.

#### <u>Desirability of greater representation to women in the higher judiciary:</u>

- It will ensure diversity of perspectives is fairly considered. For example more balanced and empathetic approach in cases involving sexual violence. It will instill greater public trust in the judiciary.
- Improvements in women's representation in the judiciary remain intrinsic to constitutional ideals of gender equality and social justice.



- Women's greater participation in higher judiciary will provide impetus to fighting gender stereotypes and can pave the way for women's greater representation, in others decisions, making positions, such as in legislative and executive branches of the government.
- The entry of women judges into spaces from which they had historically been excluded is seen
  as a positive step in the direction of judiciaries being perceived as being more transparent,
  inclusive, and representative of the people whose lives they affect.

#### Reasons for less representation of women in Judiciary:

- Opaque Collegium System Functioning: More women tend to enter the lower judiciary at the entry level because of the method of recruitment through an entrance examination. However, the higher judiciary has a collegium system, which has tended to be more opaque and, therefore, more likely to reflect bias.
- No Women Reservation: Many states have a reservation policy for women in the lower judiciary, which is missing in the high courts and Supreme Court. Reservation quota for women is perhaps just one among many factors that encourages and facilitates more women to enter the system.
- Familial Responsibilities: Factors of age and family responsibilities also affect the elevation of
  women judges from the subordinate judicial services to the higher courts. A lot of female judges
  join the service very late, which makes their chance of making it to the high courts or Supreme
  Court bleak.
- Not Enough Women in Litigation: Since lawyers elevated from the bar to the bench form a significant proportion of judges in the high courts and Supreme Court, it is worth noting that the number of women advocates is still low, reducing the pool from which women judges can be selected.
- No serious attempt has been made during the past 70 years to give adequate representation to
  women either in the high courts or in the Supreme Court. In India, women constitute about 50%
  of the total population and a large number of women are available in the Bar and in the judicial
  services for elevation but, in spite of that, the number of women judges is small.

## Suggestions to increase women's participation in the higher judiciary:

- Lack of infrastructure in courts, gender stereotypes and societal attitudes that have created
  hurdles for women to enter the legal profession. For example a survey noted that out of
  nearly 6,000 trial courts, 22% have no toilets for women. This needs to change.
- Changing Patriarchal Mindset: The need of the hour is to correct the patriarchal mindset in recommending and approving the names of those who are to be elevated as high court judges and come out with more representation to worthy women lawyers and district judges for elevation. Unless women are empowered, justice cannot be done to them.
- Making the process of Judicial appointment more transparent, inclusive and involve representation from government and opposition rather than the current scenario of 'judges' appointing judges' (Collegium system).



- Vacancies as an Opportunity: There are more than 40% of the vacancies in high courts. But it
  gives an opportunity to make up for the deficiency in the matter of representation to women in
  higher judiciary.
- Adopt better practices from countries like Britain where the government created an Advisory
  Panel on Judicial Diversity to investigate the barriers to women and in the judiciary and propose
  suitable remedies and recommendations.

To be truly diverse, the Indian judiciary would need representation of judges from not only different gender identities, including trans and non-binary but also different caste, socioeconomic, religious, and regional backgrounds. It would also mean appointment of judges from doubly marginalised sections to allow for the representation of intersectional voices.

# Q3. How have the recommendations of the 14th Finance Commission of India enabled the states to improve their fiscal position? (Answer in 150 words) 10

#### Answer:

Finance Commission is constituted by the President under **Article 280** of the Constitution, mainly to give its recommendations on the distribution of tax revenues between the Union and the States and amongst the States themselves. The Finance Commission is required to recommend the distribution of the net proceeds of taxes of the Union between the Union and the States (commonly referred to as **vertical devolution**); and the allocation between the States of the respective shares of such proceeds (**commonly known as horizontal devolution**).

#### Main Recommendations of 14th Finance Commission:

- The 14th Finance Commission is of the view that tax devolution should be the primary route for transfer of resources to the States.
- In understanding the States' needs, it has ignored the Plan and non-Plan distinctions
- According to the Commission, the increased devolution of the divisible pool of taxes is a
   "compositional shift in transfers" from grants to tax devolution
- In recommending an horizontal distribution, it has used broad parameters population (1971), changes in population since then, income distance, forest cover and area, among others.
- It has recommended distribution of grants to States for local bodies using 2011 population data with weight of 90 per cent and area with weight of 10 per cent.
- State grants include grant to: Duly constituted gram panchayats, municipal bodies.
- Grants divided into two namely a basic grant and a performance grant for gram panchayats and municipal bodies.
- Ratio of basic to performance grant is 90:10 for panchayats and for municipalities, 80:20.
- Total grant recommended is INR 2.8 lakh crore for a given year period. Around INR 2 lakh crore is allocated to panchayats and the rest to municipalities.
- Commission has departed from previous conventions regarding grants-in-aid to States by Central government.
- States given greater fiscal responsibility for scheme implementation.



- Commission has pegged fiscal deficit target at 3.6% for 201-2016 and 3% in coming years.
- Commission has estimated that between 2015-2016 and 2019-2020, the decline will be from 10.8% to 9.6% of the GDP mainly due to reduction in subsidy expenditure from 1.70% in 2015-2016 to 1% in 2019-2020.
- The Commission is of the view that sharing pattern in respect to various Centrally-sponsored schemes need to change. It wants the States to share a greater fiscal responsibility for the implementation of such schemes.

## Other recommendations of the FFC:

• In addition to the recommendations regarding Vertical, and Horizontal devolution and grants, the FFC has made certain other recommendations. These relate to cooperative federalism, Goods & Services Tax, Fiscal Consolidation Roadmap, Pricing of Public Utilities and Public Sector Enterprises. The recommendations of the Finance Commission will be examined by the Government in due course in consultation with the concerned stakeholders.

#### Impact of Recommendation:

- "The higher tax devolution will allow States greater autonomy in financing and designing schemes as per their needs and requirements," says the report. Practically, it will give more power to states in determining how they spend this money.
- As against a total devolution of Rs. 3.48 lakh crore approximately in 2014-15, the total devolution to the States in 2015-16 will be Rs. 5.26 lakh crore approximately, a year-on-year increase of Rs. 1.78 lakh crore approximately.

## Implication of Recommendation:

• It comes at a time when the Centre is trying to push GST (goods and services tax). Perhaps, higher devolution will help to reassure the States that they will not be at the wrong end of the stick if GST is introduced.

The FFC has made far-reaching changes in tax devolution that will move the country toward greater fiscal federalism, conferring more fiscal autonomy on the states. This will be enhanced by the FFC-induced imperative of having to reduce the scale of other central transfers to the states. In other words, states will now have greater autonomy on the revenue and expenditure fronts.

Q4. 'Constitutional Morality' is rooted in the Constitution itself and is founded on its essential facets. Explain the doctrine of 'Constitutional Morality' with the help of relevant judicial decisions. (Answer in 150 words) 10

#### Answer:

According to Dr. Ambedkar, Constitutional morality would mean effective coordination between conflicting interests of different people and the administrative cooperation to resolve them amicably



without any confrontation amongst the various groups working for the realization of their ends at any cost. Constitutional morality has been regarded as a paramount reverence for the constitution.

- Constitutional morality provides a principled understanding for unfolding the work of governance. It specifies norms for institutions to survive and an expectation of behaviour that will meet not just the text but the soul of the Constitution. It also makes the governing institutions and representatives accountable.
- Constitutional Morality is scarcely a new concept. It is written largely in the Constitution itself
  like in the section of Fundamental Rights (Article 12 to 35), Directive Principle of State Policy
  (Article 36 to 51), Preamble and Fundamental duties.

## **Need to Uphold Constitutional Morality:**

- The central elements of constitutional morality are freedom and self-restraint. Self-restraint was a precondition for maintaining freedom under a proper constitutional government.
- To uphold constitutional morality, the constitutional methods must be used for achieving social and economic objectives.
- Commitment to the ideals and aspirations of the Constitution.
- Awareness creation among the common public regarding their rights which are protected by the Constitution.
- Following the Fundamental Duties while exercising Fundamental Rights.

## **Supreme Court's Judgements and Constitutional Morality:**

- Constitutional morality is not limited only to following the constitutional provisions literally but
  is based on values like individual autonomy and liberty; equality without discrimination;
  recognition of identity with dignity; the right to privacy.
- Constitutional morality means adherence to the core principles of constitutional democracy. For
  Example: In Supreme Court's <u>Sabarimala verdict</u> religious freedom, gender equality and the right
  of women to worship guaranteed under <u>Article 14, 21 and 25 of the Constitution</u> was reinstated
  which struck down the practice of banning entry of women of a certain age to the Sabarimala
  temple in Kerala as unconstitutional.
- Constitutional morality here went against social morality that discriminates against women based on biological reasons like menstruation.

## Other Judgments by the Supreme Court defining Constitutional Morality:

- In Kesavananda Bharati Case, the Supreme Court restricted the power of the Parliament to violate the Basic Structure of the Constitution.
- In the Naz Foundation case, the Supreme Court opined that only Constitutional Morality and not Public Morality should prevail.
- In Lt Governor of Delhi case, SC proclaimed constitutional morality as governing ideas that "highlight the need to preserve the trust of people in the institution of democracy.



• **In Sabarimala case,** the Supreme Court bypassed the "doctrine of essentiality" to uphold the Constitutional morality.

## **Significance of Constitutional morality:**

- Constitutional morality ensures the establishment of rule of law in the land while integrating the changing aspirations and ideals of the society.
- Constitutional morality as a governing ideal that highlights the need to preserve the trust of the people in institutions of democracy. As such an ideal, it allows people to cooperate and coordinate to pursue constitutional aspirations that cannot be achieved single-handedly.
- Constitutional morality can use laws and forms to impact and change the persisting social
  morality. For example, by abolishing the practice of Sati by legislation, the right to dignity and
  life was passed on to the widows which later on affected the perception of the practice in the
  society.
- Constitutional morality recognises plurality and diversity in society and tries to make individuals
  and communities in the society more inclusive in their functioning by constantly providing the
  scope for improvement and reforms. For example in Navtej Singh Johar v. Union of India, the
  SC provided a framework to reaffirm the rights of LGBTQ and all gender non-conforming people
  to their dignity, life, liberty, and identity.

Constitutional Morality is a sentiment to be cultivated in the minds of a responsible citizen. Upholding constitutional morality is not just the duty of Judiciary or state but also of individuals. The preamble of the constitution explicitly mentions the type of society we wish to establish; it is only through constitutional morality it can become reality.

Q5. "Pressure groups play a vital role in influencing public policy making in India." Explain how the business associations contribute to public policies. (Answer in 150 words) 10

#### Answer:

Pressure Groups are a group of people organized actively to promote and defend their common interests and influence public policy. They act as the liaison between government and its members. It brings a change in the public policy by exerting pressure on the government through a liaison between the government and its members. They are interest groups or vested groups. They don't capture political power. As they are more concerned with specific programmes and issues that is more confined to the protection and promotion of the interests of their members by influencing the government.

The pressure groups influences the policy-making and policy implementation in the government through legal and legitimate methods like lobbying, correspondence, publicity, propagandising, petitioning, public debating, maintaining contacts with their legislators and so forth.



## **Techniques Used by Pressure Groups to secure their purposes:**

- Electioneering: Placing favourable persons in public office to promote their interests.
- **Lobbying:** Persuading public officers to adopt and enforce the policies that they think will prove most beneficial to their interests.
- **Propagandizing**: Influencing public opinion and gaining an indirect influence over government.

#### **Role of Pressure Groups:**

- Promote opportunities for political participation without political party
- Provide expertise and information to government;
- Help in expressing views and needs of minority groups which remain unheard
- Attract the attention of government on important issues
- Act as safety valve in the democracy to vent out the pressure of people.
- Use of Modern as well as Traditional Means: They adopt techniques like financing of political parties, sponsoring their close candidates. Their traditional means include exploitation of caste, creed and religious feelings to promote their interests.
- Resulting out Increasing Pressure and Demands on Resources: Scarcity of resources, claims and counterclaims on the resources from different and competing sections of the society leads to the rise of pressure groups.
- Based on Certain Interests.
- Inadequacies of Political Parties to deal with the situation that needs a better representation.
- **Represent Changing Consciousness**: The stagnation in production leads to fatalism but increase in production leads to demands, protests and formation of new pressure groups.

The Business Groups: Federation of Indian Chamber of Commerce and Industry (FICCI), Associated Chamber of Commerce and Industry of India (ASSOCHAM), Federation of All India Foodgrain Dealers Association (FAIFDA), etc. too have contributed immensely to the formation of the public policies.

# **Role of Business Associations**:

- Engaging with the policy makers, government and civil society, influencing policies by way of
  articulating the views and suggestions of industry. (e.g. FICCI, CII)
- Communicate the grievances and demands of various sectors and industries to the government.
- Conduct workshops, seminars, business meets and conferences to discuss, debate various upcoming and existed policies of the government.
- Provides a platform for consensus-building and networking on key issues
- Provide useful and credible research on existing and newer developments in areas such as industrial operations, infrastructure and technology.
- Provide valuable information on potentials and new developments in foreign trade by studying the trade environment and imports regulations of many foreign countries.



Pressure groups help in improving the quality of government as they take rational decisions in a free society. It enhances the quality of the decision making process, improves the quality of government policy and legislation. They are essential to the effective functioning of liberal democracy. They assist in the dispersal of political power and counterweights the concentration of power. They help in facilitating the social progress and preventing social stagnation. Help improve the accountability of decision makers to electorates.

Q6. Analyze the distinguishing features of the notion of Equality in the Constitutions of the USA and India. (Answer in 250 words) 15

#### Answer:

While both India and the USA are culturally pluralistic societies which have a democratic form of government and similar judicial systems, they have different interpretation of the notion of Right to Equality.

It is notably said that things which looks similar from distance, may not be similar on observing it from close. Applying the same principle on the relations between United States of America (United States) and India in the light of Right to Equality, observation says that besides having similarity in the words expressing the provision related to Right to Equality" both countries share difference in the application of the right. Besides both being ethnically and culturally pluralistic societies which have a democratic form of government and similar judicial systems they have different interpretation of the same right. Scope of the right is not similar in both the countries.

## **Right to Equality in USA**

- United States had derived this right from Declaration of Rights and most importantly, from the Bill of Rights. It was inserted in the Bill of Rights through fourteenth Amendment in year 1868.
- Concept of 'Equal protection of law' equal treatment under equal circumstances.
- Emphasis on civil and legal equality
- Equality in procedural sense; focus on equality of opportunity.
- Original constitution did not prevent discrimination. E.g., Segregation against African-Americans before the Civil Rights Act, 1964.

## Right to Equality in India

- In India, the Constituent assembly had the intent to inculcate this right in the constitution at the initial level. Assembly did the same by inserting them in Chapter III named as "Fundamental Right".
- Follows both British model of 'Equality before Law' and American model of 'Equal protection of law' [Article 14]
- Both civil-legal as well as socio-economic equality.
- Substantive equality. Provides expressly for Affirmative action to ensure equality [Art 16]; Focus on ensuring Equality of outcomes along with equality of opportunity. [e.g., reservation in promotions]
- Prevents discrimination and abolishes untouchability since its inception and adoption. [Art. 15, 17]



- India and the United States share many resemblances, suggesting that their systems are actually not so different, although their ideological views toward individual rights and substantive equality have stemmed in very different constitutional regimes.
- "India has developed a legal system that is possibly more similar to that of the United States than any other country in the world, especially in the field of constitutional law."
- The constitutions of both the countries guarantee alike individual rights. Both privilege the
  constitutional courts with great powers of judicial review, including the ability to strike down
  legislation, and both share the common tradition of the British common law.

However, the Indian method toward affirmative action, as an example of a project to further equality, focuses on eradicating the continued effects of social hierarchy that have disseminated the inferior socioeconomic status of some certain groups. The difference between these ideas toward equality can be illuminated by the focus either on the individual or on groups and the benefits individuals receive based on their position in society's hierarchy. President Johnson's recognition of the actual conditions of inequality" - both the lived realities of individuals and the persistence of inequality among societal groups - would have presented a paradigm shift in the American civic religion.

Q7. Has digital illiteracy, particularly in rural areas, couple with lack of Information and Communication Technology (ICT) accessibility hindered socio-economic development? Examine with justification. (Answer in 250 words) 15

#### Answer:

Digital literacy is the ability to navigate our digital world using reading, writing, technical skills, and critical thinking. It's using technology—like a smartphone, PC, e-reader, and more—to find, evaluate, and communicate information. According to a Deloitte-Assocham study, 'Digital India — unlocking the trillion dollar opportunity', India has one of the world's largest populations of digital illiterates. Only 10% of the population is digitally literate, having the skills needed to take advantage of digital access.

## Digital illiteracy as a factor hindering socio-economic development:

- The Urban-Rural divide: The digital divide between India's rural and urban areas during the lockdown is not just highlighted in Education but is evident everywhere be it telemedicine, ecommerce, banking, e-governance, all of which became accessible only through the internet during the lockdown.
- **Gender Digital inequalities**: India has among the world's highest gender gaps in access to digital technology. Only 21% of women in India in comparison to 42% of men are mobile internet users, according to GSMA's 2020 mobile gender gap report.
- Regional Digital Divide and Intra-State Digital inequality: In terms of people that have access to
  computers or in the know-how to use the internet, States too greatly differ in the matrices.
   Prevents rural youth from capitalizing on myriad of employment and income generation
  opportunities available through effective use of internet. E.g., e-commerce.



- **Divide among people in getting government services**: Digital illiteracy prevents effective e-governance and service delivery of government schemes to beneficiaries.
- **Disparity due to literacy/digital literacy**: Digital illiteracy especially among women and girl-child has increased the gender imbalance in the rural areas.
- **Emphasis on digitization and computerization**, while ignoring digital literacy has led the elderly population especially vulnerable to inaccessibility of government benefits and schemes.
- **Linguistic Digital Divide**: More than 80% of the content on the Internet is in English, so states, where people are more competent in English, are more digitally competent.

Regulators should minimize entry barriers by reforming licensing, taxation, spectrum allocation norms. There are at least three factors at play: **information accessibility**, **information utilization and information receptiveness**. More than just accessibility, individuals need to know how to make use of the information and communication tools once they exist within a community.

Q8. The newly tri-nation partnership AUKUS is aimed at countering China's ambitions in the Indo-Pacific region. Is it going to supersede the existing partnerships in the region? Discuss the strength and impact of AUKUS in the present scenario. (Answer in 250 words) 15

#### **Answer:**

The UK, US and Australia have announced a historic security pact in the Asia-Pacific, in what's seen as an effort to counter China. It is called the AUKUS pact and AUKUS alliance.

- The focus of AUKUS will be on integrating all defence and security related science, supply chains, industrial bases and technology.
- It will also focus on protecting shared values and promoting security and prosperity in the Indo-Pacific region.
- It will help Australia to acquire nuclear-powered submarines (SSNs) in cooperation with the UK & the US.

#### **About the AUKUS Pact:**

- Under the AUKUS alliance, the three nations have agreed to enhance the development of joint capabilities and technology sharing, foster deeper integration of security and defence-related science, technology, industrial bases and supply chains.
- Under the first major initiative of AUKUS, Australia would build a fleet of nuclear-powered submarines with the help of the US and the UK, a capability aimed at promoting stability in the Indo-Pacific region.

#### China's response:

• China has condemned the agreement as "extremely irresponsible".



#### **Concerns raised by China:**

- The Alliance undermines regional peace and stability and intensifies the arms race.
- It shall reinvent a "Cold War mentality and ideological prejudice".

## Rationale behind the formation of this alliance:

- The new partnership was announced in a joint virtual press conference. And while China was not
  mentioned directly, the three leaders referred repeatedly to regional security concerns which
  they said had "grown significantly".
- In recent years, Beijing has been accused of raising tensions in disputed territories such as the South China Sea.
- Western nations have been wary of China's infrastructure investment on Pacific islands, and have also criticised China's trade sanctions against countries like Australia.

## The strength of AUKUS in the present scenario:

- The main purpose of the partnership is to share the nuclear submarines so that Australia can become one of the six nuclear submarines operating nations in the world (including India).
- The AUKUS partnership strengthens the QUAD and gives more weight to important partners like India, which provides the military balance in the Indo-Pacific region.
- AUKUS will also accelerate the capabilities of the QUAD in fields like cybersecurity, Artificial Intelligence, Quantum technology and advanced missiles.

## The impact of AUKUS in the present scenario:

- It might possibly upset the balance of power in the region, and set off new tensions to India's east while substantial turbulence in India's west is caused by the recent change of government in Afghanistan.
- Crowding of Nuclear Submarines: The deal could eventually lead to a crowding of nuclear submarines in the eastern Indian Ocean, eroding India's regional pre-eminence.
- It raises the question, "what the future might hold for India". France, a big NATO ally to the US and Australia, considers this partnership as an act of betrayal. The chances are likely for the two countries to look up to their own advantage if a similar condition arrives in future that involves India.

India needs a broader coalition of countries in the Indo-Pacific region to deal with China. Any measure that boosts the capability of India's partners is a welcome move.



# Q9. Critically examine the aims and objectives of SCO. What importance does it hold for India? (Answer in 250 words) 15

#### **Answer:**

The Shanghai Cooperation Organisation (SCO) is a permanent intergovernmental international organisation, created on 15 June 2001 in Shanghai (China). The founding members are:

- The Republic of Kazakhstan
- The People's Republic of China
- The Kyrgyz Republic
- The Russian Federation
- The Republic of Tajikistan
- The Republic of Uzbekistan

It was preceded by the Shanghai Five mechanism (1996) formed by the leaders of China, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan.

## The aims and objectives of the SCO includes the following:

- To strengthen the relations between member states, by deepening political, security and economic cooperation.
- To strive for joint cooperation between the members to confront threats emanating from terrorism, extremism and separatism.
- SCO aims to move towards developing a democratic and equitable international political order.
- To ensure joint efforts in maintaing peace, security and stability in the region.
- To deepen engagements in field of trade/commerce, transport, tourism, environment, cultural linkages, education, research and technology.

#### Criticism of aims and objectives of SCO:

- **Divergent conflict:** India-Pakistan-Russia-China relations create a complex matrix of diverging and conflicting interests. For example: different interests in Taliban-Afghanistan.
- Rising conflicts: China has shown little respect to international rule-based order. Cheque-book and wolf warrior diplomacy, Human rights violations and 're-education' camps, Hong Kong issue etc raise serious questions on Chinese commitments to aims and objectives of SCO.
- Less cooperation: Under the disguise of economic co-operation, China has pushed its BRI project through SCO.
- **Supporting Pakistan**: Pakistan and China are known to have supported terrorist and separatist organizations raising questions on RATS mechanism. China, Russia (Ukraine issue) and Pakistan are accused of destabilizing the regional peace, security and stability.
- Less development: Limited developmental cooperation between SCO countries during COVID waves shows lack of broad-based engagement.

## **Importance of SCO for India:**

• **Eastern counter balance**: Shangai cooperation organisation (SCO) is seen as an eastern counterbalance to NATO and India's membership will allow the country to push effective action in combating terrorism and security issues.



- Advancement of Indian policies: SCO is a potential platform to advance India's Central Asia policy. The SCO member states are India's extended neighborhood where India has both economic and security imperatives.
- Communication: SCO can provide a platform to discuss bilateral issues with Pakistan and China.
- **Emerging issues**: SCO can play a pivotal role in combating terrorism, extremism and radicalization. For example, Dushanbe declaration, aims towards regional stability.
- **Strategically important**: Acknowledging the strategic importance of the region and SCO, the Indian Prime Minister had articulated the foundational dimension of Eurasia as being'SECURE':
  - S for Security of our citizens,
  - E for Economic development for all,
  - o C for Connecting the region,
  - U for Unite our people,
  - o R for Respect for Sovereignty and Integrity, and
  - o E for Environment protection.

The Eurasian strategy should be envisioned to serve India's regional interests to ensure nation-building through development partnerships, maintaining sovereignty, preventing the region from terrorism and extremism.

Q10. "The USA is facing an existential threat in the form of a China that is much more challenging than the erstwhile Soviet Union." Explain. (Answer in 150 words) 10 Answer:

It has been argued that China has sought to displace America from regional and global order through three sequential "strategies of displacement" pursued at the military, political, and economic levels. USA's withdrawal from the Afghanistan and Taliban's revival in the aftermath has hampered the credibility of USA as a super power up to some extent. Some foreign experts also say that USA is no more a super power. However, it is a debatable statement. USA has to engaged in various multilateral groupings like QUAD and AUKUS to counter assertive china. That itself suggests china's increased stature at the global level.

## USA - China Rivalry v/s USSR-USA:

- **Focus and development**: To become the world's next superpower, Beijing focuses primarily on economic, industrial, and technological goals that will provide a competitive advantage. Which was not the case with the USSR, which is posing more threat to USA.
- Building different form of relationships: The Soviet Union openly and directly viewed the United States as an enemy with whom it could not coexist. China, on the other hand, wants to build a "new model of major country relationship" with the US. China believes, and frequently suggests to the US, that "seeking common ground while reserving differences" is possible.
  - China's self-portrait and its portrait of the United States differ from those of the former
     Soviet Union; political perception and self-perception are extremely important.



- **Economic powers**: China has a global world view, which reflects in the projects like Belt and road initiatives. Also there is no match to China's economic power, USSR was nowhere close to China's economic hegemony. These 2 phenomena are apparently more challenging for USA.
- Resources and its utilization: USA of cold war era was different. A lot has changed in the last 2 decades. USA has utilized abundant resources in wars at foreign soils, without getting much success. Afghanistan is the classic example of that. USA has also faced worst economic crisis in the year 2008. All these events have led China to slowly and steadily surpass USA at various domains.
- **Diaspora and skills**: China also has a hug skilled manpower. That is the reason why china is the manufacturing hub of the world. This is also one of the reason why USA has huge trade deficit with China.
- Internal and external problems: The Soviet Union was frequently repulsed in the face of internal and external problems, but China has consistently reformed. During the Soviet Union era, there were periods of mild and radical reform, but chronic institutional rigidity persisted and inevitably shook the Soviet regime's foundations, both economically and ideologically.
- Opening different corridors: In contrast, the Chinese believe that "reform and opening up" encompasses many social, economic, and political aspects, and that it is a continuous process rather than a completed mission.

China is well-placed and planning to capitalize on emerging technologies, while the Soviet Union lost the war on the technological front long before its demise. More importantly, China's success and the peaceful environment it has always required are based on reform and opening up to the rest of the world, including the United States, rather than an endless militaristic and belligerent indulgence in great power competition. This is most likely one of the most important lessons the Chinese took away from the fall of the Soviet Union.

Q11. The jurisdiction of the Central Bureau of Investigation (CBI) regarding lodging an FIR and conducting a probe within a particular state is being questioned by various States. However, the power of States to withhold consent to the CBI is not absolute. Explain with special reference to the federal character of India. (250 words) 15 Marks

**Answer** - The Central Bureau of Investigation (CBI) is governed by the Delhi Special Police Establishment (DSPE) Act, 1946, and it must mandatorily obtain the consent of the state government before beginning to investigate a crime in a state.

- General consent is normally given by states to help the CBI in a seamless investigation of cases of corruption against central government employees in their states.
- In the absence of general consent, CBI would have to apply to the state government in every case, and before taking even small actions.

#### **Indian federation and CBI**

- Under the 7th schedule, Police come under the State list, and it is exclusively a state subject. So only the state has the authority to make laws regarding Police, law and order.
  - CBI jurisdiction usually comes into direct conflict with state police.
- A weak central authority could be dangerous to national unity. Therefore, it is crucial to have some agencies that have jurisdiction over the entire country.



- The conflict between state and centre over the power and jurisdiction of CBI is frequently more evident when there are different political parties at the state and Union level.
- The Supreme Court and the High court can order CBI to investigate any crime anywhere in the country without the consent of the state.

An all-India central investigating body is crucial for ensuring National unity and integrity of the nation. There need of the hour is to promote accountability and transparency in the functioning of the CBI, and protect it from day-to-day political interference by making it a constitutional body.

Q12. Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, they have failed to assert themselves against the mighty and powerful. Analyzing their structural and practical limitations, suggest remedial measures. (250 words) 15 Marks

Answer - The National Human Rights Commission is a statutory body established in 1993 under the Protection of Human Rights Act, 1993. The commission works as the watchdog of human rights in the country.

National Human Rights Commission and Various State Human Rights Commissions are working to protect and promote the Constitutional rights relating to life, liberty, equality, and dignity of the individual.

- They have taken up many steps for welfare and to bring justice to the marginalized section of society.
- They inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on an order of a court.
- Intervene in any proceeding involving an allegation of violation of human rights pending before a court.
- Visit jails and detention places to study the living conditions of inmates and make recommendations.
- Review the constitutional and other legal safeguards for the protection of human rights and recommend measures for their effective implementation.
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- Spread human rights literacy among the people and promote awareness of the safeguards available for the protection of these rights.

## **Limitations of the Commission**

- The functions of the commission are mainly recommendatory.
- No power to punish the violators of human rights, or to award any relief including monetary relief to the victim.
- Recommendations are not binding on the concerned government or authority.
- The commission has a limited role, powers and jurisdiction concerning the violation of human rights by the members of the armed forces.



- The inability of NHRC to initiate cases beyond 1 year.
- No dedicated investigating body, and therefore officers conducting investigations are usually on deputation from the same forces that have been accused of violations.

#### Remedial measure

- Need to strengthen the investigative machinery available with the Commissions.
- Empowering the Commissions to recommend the award of compensation, etc. even during the enquiry.
- Strengthening the procedure for recording evidence of witnesses.
- Its decisions should be made enforceable by the government.
- Members of NHRCs should include civil society, human rights activists, etc. rather than former bureaucrats.
- The Commission should have its independent investigating staff recruited by itself, rather than the current practice of deputation.

The Challenge of human rights violations needs to be dealt with with strict action to maintain public trust in rule of law, therefore Steps need to be taken to improve and strengthen the human rights situation in the country.

Q13. Analyze the distinguishing features of the notion of Equality in the Constitutions of the USA and India. (250 words) 15 Marks

**Answer** - India is the world's largest democracy and the USA is the world's oldest democracy, both are culturally pluralistic societies and have a democratic form of government and almost similar judicial systems.

Although both are democratic nations and provided many fundamental rights including the right to equality to their citizens, still there are many differences between the concepts of equality, as both nations follow different interpretations of the Right to Equality.





Right to Equality in the USA		Right to Equality in India
1.	The United States of America had derived this right from the Declaration of Rights and It was inserted into the Bill of Rights through the 14th Amendment in 1868.	In India, after the independence, the Constituent assembly had included this right in the Indian constitution; they inserted them in Chapter III as "Fundamental Right".
2.	It follows the strict principle of 'Equal protection of law'; equal treatment under equal circumstances.	<ol> <li>Indian follows both the British model of 'Equality before Law' and the American model of 'Equal protection of law'.</li> </ol>
3.	Stress on civil and legal equality.	<ol> <li>Focus on both civil-legal as well as socio- economic equality. It has provision for Affirmative action to ensure equality.</li> </ol>
4.	The original constitution did not prevent discrimination. E.g., Public discrimination against African-Americans before the Civil Rights Act, 1964.	4. Prevents discrimination and ensuring equality is part of the Indian Constitution since starting.

Q14. Explain the constitutional provisions under which Legislative Councils are established. Review the working and current status of Legislative Councils with suitable illustrations. (250 words) 15 Marks

**Answer** - Under Article 169 of the Indian constitution, Parliament may by Law create or abolish Legislative Council.

- It can be created, if the Legislative Assembly of the State passes a resolution to the effect by a special majority.
- It is not an Amendment to the constitution and therefore it can be passed as an ordinary piece of Legislation.
- Article 171 contains various categories of legislative council members:
  - o 1/3 rd. of its members are elected by the Legislative Assembly.
  - o 1/3 rd. by local bodies.
  - 1/6th nominated by the Governor.
  - 1/12th is elected by teachers of 3 years standing in the state not lower in standard than secondary school.
  - o 1/12th by university graduates of 3 years Standing and residing within the State.
- Nominated by the Governor are from among those who have distinguished themselves in literature, science, art, cooperative movement and social service.
- The maximum strength of the Legislative Council can be 1/3rd of the total membership of the Legislative Assembly but in no case less than 40 (the Legislative Council of J&K has 36 members).



- Parliament has the final powers to decide about its composition.
- It is not subject to dissolution, but 1/3rd of its members retire on the expiry of every 2nd year.

## **Status and Power of Legislative Council**

- The Legislative Council plays a more advisory role.
- A Bill, other than a Money Bill, may originate in either House of the Legislature.
- Over legislative matters, it has only a suspensive veto for a maximum period of 4 months.
  - In other words, the Council is not even a revising body like Rajya Sabha it is only a dilatory chamber or an advisory body.
- A Money Bill originates only in the Assembly and the Council may detain it only for 14 days.
- There is no provision for a joint sitting of both the Houses of the States Legislature to resolve a deadlock between them, over legislative matters, if any.
  - Thus, the Legislative Council is only a subordinate component of the Legislature.
- Currently, only 6 states have 2nr house or legislative Councils: Bihar, Karnataka, Maharashtra, Telangana, Andhra Pradesh and Uttar Pradesh.

#### **Working on Legislative council**

- It provides representation to various groups, thus encouraging non-elected persons to contribute to the legislative process.
- Check and Balance the working of Legislative assemblies.
- It provides an opportunity to intellectuals and academicians who are not suited for electoral politics.

#### **Concerns**

- Limited Powers of the Legislative Councils, and therefore they can hardly impose any effective check on the Assemblies.
- Backdoor Entrance of the Defeated Members
- The unnecessary burden on the public exchequer.

There is a need for a national policy on the legislative council, which should ultimately decide whether the state needs such a body or not. The legislative council should be given status equivalent to Rajya Sabha and should be made the second house and not a secondary house.

Q15. Do Department -related Parliamentary Standing Committees keep the administration on its toes and inspire reverence for parliamentary control? Evaluate the working of such committees with suitable examples. (250 words) 15 Marks

**Answer** - The Department-related Parliamentary Standing Committee has been formed to ensure more accountability of the Executive to the Parliament. They also assist the Parliament in debating the budget more effectively.

- It covers all the Ministries/Departments of the Government of India.
- Each of these Committees consists of 31 Members 21 from Lok Sabha and 10 from Rajya Sabha to be nominated by the Speaker of Lok Sabha and the Chairman of Rajya Sabha, respectively.



- Out of the 24 standing committees, 8 work under the Rajya Sabha and 16 under the Lok Sabha.
- The Office term of these Committees does not exceed more than one year.

## **Working of Department-related Parliamentary Standing Committee:**

- Consider the Demands for Grants of the related Ministries/Departments before they are discussed and voted in the Lok Sabha.
- Examine Bills related to Ministries/Departments, and also study bills that are referred to the Committee by the Chairman of the Speaker.
- Scrutinise the annual reports of the Ministries/Departments.
- Focus on long-term plans, and guide the Executive in its working, they also provide necessary direction, guidance and inputs for policy formulations.
- It allows members to discuss issues and reach a consensus without worrying about party pressures.
- Committee reports are usually exhaustive and provide authentic information on matters related to governance.

#### **Concerns**

- Meetings happen behind closed doors and details are never published which creates the issue of transparency and accountability.
- The recommendations of the committee are not binding.
- Absence of dedicated researchers associated.
- All the bills are not sent to the departmental standing committees.
- One-year office term is very little time for specialization.

The primary responsibility of the parliamentary committee is to study and scrutinize the work of the executive and holds the government accountable on behalf of the people. Strengthening the committee system will further improve the quality of laws drafted and minimise potential implementation challenges. The need of the hour is to strengthen the working of these committees to ensure transparency and accountability in the functioning of Parliament.

Q16. Has digital illiteracy, particularly in rural areas, coupled with lack of Information and Communication Technology (ICT) accessibility hindered socio-economic development? Examine with justification. (250 words) 15 Marks

**Answer** - The Union Government has taken several steps to promote digital literacy in the country, intending to increase the gross enrolment ratio in higher education, and achieve the targets set under the National Education Policy of 2020.

Digital learning is any type of learning that is supported by technology or practice that makes effective use of technology. It brings positive change in the daily lives of the rural population, especially in the areas of Healthcare, Livelihood generation and Education.



 However, the Issues of internet connectivity in rural areas and lack of access to Information and Communications Technology, frequent disturbance of internet/electricity connectivity and the high cost of the internet have hindered the socio-economic development of the rural areas.

#### Concern

- Due to poor internet connectivity and the high cost of the internet, rural Children are not able to access quality education or attend virtual classrooms.
- Poor connectivity prevents effective e-governance and service delivery of government schemes to beneficiaries.
- Digital illiteracy especially among women and girl-child has increased the gender imbalance in the rural areas.
- Stress on digitization and computerization, while ignoring digital literacy has led the aged population vulnerable and they face inaccessibility to government benefits and schemes.
- The high digital divide in terms of access to reliable Connectivity, hardware, and access to electricity especially in rural areas.
- The technical know-how of operating electronic gadgets is limited in rural areas for both Students as well as teachers.

The penetration of internet and telecommunication services in India has increased in the last decade and this gives a ray of hope to the citizens of India to fight the long persisting problems of poverty, corruption, regional disparity and unemployment.

The government is encouraging Open Online Courses via Swayam Platforms So that Students Can have access to quality lectures online. The government needs to work on improving digital infrastructure and ensure that students have access to mobile phones or laptops.

Q17. "Though women in post-Independent India have excelled in various fields, the social attitude towards women and feminist movement has been patriarchal." Apart from women education and women empowerment schemes, what interventions can help change this milieu? (250 words) 15 Marks

**Answer** - In post-independent India, several women like Amrit Kaur, Indira Gandhi, Kalpana Chawla, Mithali Raj, etc have achieved many milestones in their field of work.

There have been continuous changes in the status of women with the changing socio-economic and political realities. This change is the result of socio-economic development, women-led movements and several welfare initiatives taken by the government. But discriminatory Practices Such as Child marriages, dowry, honour killing, witch hunting and gender-biased Sex Selection indicate vulnerability and inequality towards girls and women in Indian Society; highlighting that patriarchal barriers to women empowerment remain deeply rooted in Indian society.



Interventions in the field of Education and government schemes for women's empowerment are not sufficient. A different set of interventions are needed to bring change to the present patriarchal social structure.

- Change in Social norms and mindsets towards girls and women can be brought about through institutional initiatives. This involves the family, Community, religious and educational institutions.
- Government can initiate, Strengthen and ensure the implementation of its economic and Social Policies for gender equality.
- Strengthening Criminal Justice machinery, Strict enforcement of laws, and Setting up of fast track Special Courts.
- Strengthening of Alternate Dispute resolution mechanisms like Lok Adalat.
- Gender Sensitisation of the law enforcement agencies, especially Police and Judiciary.
- Moral education through awareness and education.
- Promoting Social and economic empowerment of women through Policies and Programmes.
- Adequate representation of women in Parliament and Legislatures.
- Economic empowerment of women through Property rights, Creating awareness about their Rights.
- Ensuring gender-friendly Public Spaces.
- Life Cycle Approach to the empowerment of girls and women.
- Strictly regulate the Sale and distribution of acid and alcohol.
- Marital rape should be made an offence irrespective of the age of the wife.
- Universal availability of maternity benefits and Childcare facilities to all women workers across the organized and unorganized Sectors.
- Increase the representation of women in the Judiciary, both at higher and lower levels.
- All Police Stations must have women and a Child Protection desk. The number of women in the Police Should be increased.

The women empowerment programmes need to promote the welfare and empowerment of women and encourage women to break free from their traditional roles and do away with gender stereotypes. Education and empowerment schemes are essential to support women's empowerment, but issues hindering gender equality in India require a more fundamental and practical strategy.

Q18. Can Civil Society and Non-Governmental Organizations present an alternative model of public service delivery to benefit the common citizen. Discuss the challenges of this alternative model. (250 words) 15 Marks

**Answer** - Civil Society organisations (CSOs) refer to the communities and groups that function outside of government. These are organized by individuals for their private interests. NGO is a private, non-profit, voluntary, citizen-based group which functions to perform a precise social or political purpose.



# Civil societies and NGOs as an alternative model of public service delivery:

- Civil society and NGOs can provide volunteers and resources that the government can utilize for the socio-economic development of society.
- Issues of inclusion-exclusion errors in government welfare programmes can be addressed through ground-level verification by the volunteers.
- The last-mile delivery of public services can be addressed with the help of these voluntary organisations.
- Skill enhancement and livelihood support schemes like National Rural Livelihood Mission, PDS, MGNREGA, etc, can be made more effective through the involvement of Civil Society Organisations.

#### **Concerns**

- NGOs face trust issues while dealing with the government which damages their long-term engagement and socio-economic developmental works.
- 'Big brother attitude' of the government officials and their mindset hinders the working of Civil Society and NGOs.
- Issue of mismanagement of funds by NGOs, many NGOs were found to be involved in corruption and anti-developmental activities and using government funds for personal use.
  - As per the government report, less than 10% of the registered NGOs file annual financial statements.
- Some NGOs are accused of using foreign funds for initiating protests and delaying governmental projects. For example, the protests against Kudankulam nuclear plant, Narmada Bachao Andolan, etc.
- Some NGOs lobby with parliamentarians and use the media to manipulate issues in their favour.

CSOs and NGOs must be made an essential part of the development process. They can play a major role in providing a voice to the grievances of the poor, tribals and other marginalized section of society and make them aware of their rights. They could work with the government to achieve socioeconomic development goals.

Q19. Critically examine the aims and objectives of SCO. what importance does it hold for India. (250 words) 15 Marks

**Answer** - The Shanghai Cooperation Organisation, also known as the Shanghai Pact, is a transcontinental political, economic, security, and military alliance.

• It is a permanent intergovernmental international organization comprising Eurasian nations, with a secretariat in Beijing.

#### Aims and objectives of the SCO;

- Strengthen the political, security and economic cooperation between member countries.
- Deepening cooperation on terrorism, extremism and separatism.
- Ensure joint efforts in maintaining peace, security and stability in the region.
- Deepen cooperation in the field of trade/commerce, transport, tourism, environment, cultural linkages, education, research and technology.



#### Concern

- Diverging and conflicting interests of India-Pakistan-Russia-China.
- China has shown little respect for an international rules-based order.
- China is promoting **Belt and Road Initiative (BRI)** project through SCO.
- Limited developmental cooperation between SCO countries.

# Significance for India

- SCO provide a platform to increase engagement with Central Asia.
- SCO can ensure India's energy security by providing access to mineral and energy resources of the Central Asian countries.
- It provides India with a stage to discuss bilateral issues with Pakistan and China.
- It could play an important role in fighting terrorism, extremism and radicalization, and could promote peace and stability in Afghanistan.

The SCO can become a successful regional group and may also play an important role in global strategic and economic development. India needs to find a balance between risk and opportunities provided by the SCO, as the SCO has the potential to promote peace and stability in the region which is also a vision promoted by India.

Q20. The newly tri-nation partnership AUKUS is aimed at countering China's ambitions in the Indo-Pacific region. Is it going to supersede the existing partnerships in the region? Discuss the strength and impact of AUKUS in the present scenario. (250 words) 15 Marks

**Answer** - AUKUS is a trilateral security partnership between the United States of America, Australia, and the United Kingdom, the main objective of the partnership is to maintain stability and balance of power in the Indo-Pacific region.

The trilateral partnership may supersede existing partnerships in the region as:

- It may change the balance of power of the reason.
- It may go against the balanced objectives of QUAD.
- It may weaken the five eyes alliance group, (The US, UK, Canada, Australia and New Zealand).
- This could weaken the ASEAN bonding and stability in the region.
- A security partnership between QUAD members (except India) could weaken the QUAD and may leave India out of the regional security structure.

#### AUKUS as a security partnership;

- It will greatly improve the security and stability of the region by providing nuclear submarines/hypersonic missiles to Australia and improve the capabilities of its members to maintain a new balance of power in the Indo-Pacific.
- It will support its members by providing them credible deterrence powers which will challenge Chinese aggression in the region.
- It will enhance the patrolling and surveillance power of its members to protect and promote a rules-based order in the region.



# The formation of AUKUS has raised certain concerns for India:

- It may start a conventional arms/nuclear arms race in the Indo-pacific region.
- China and Russia may respond by providing sensitive defence technologies to other states to counter AUKUS.
- It may be seen as an anti-China grouping by China that may disability Indo-Pacific region.
- AUKUS has ignored many like-minded countries like Japan, India, etc. this may increase the trust deficit between them on several other matters of international importance.
- In its present form AUKUS may go against India's vision of an inclusive Indo-Pacific.

AUKUS may promote the balance of power, strategic autonomy and a check on Chinese aggression, but first, it needs to deal with several challenges to become a credible security partner in the Indo-Pacific region.

