

GS SCORE

BATCH - II
TEST - 10

GENERAL STUDIES - PAPER II

Time Allowed: 3 hrs.

Max. Marks: 250

| Q. | Marks | Instructions to Candidate |
|-----|-------|---|
| 1. | | <ul style="list-style-type: none">• There are 20 questions.• All questions are compulsory.• The number of marks carried by a question is indicated against it.• Answer the questions in NOT MORE THAN 200 words each. Contents of the answer is more important than its length.• Answers must be written within the space provided.• Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off. |
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14/10/2017

1. Invigilator Signature _____

2. Invigilator Signature _____

Name: BASIST NANDAN

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Date: 8/10/17

Signature Basant

Roll No. _____

Q1. "A government with an absolute majority will see a conformist judiciary". To what extent is this applicable in Indian perspective. Critically examine, whether the confrontation between powerful legislature and judiciary affects the constitutionalism? (12.5 Marks)

Recent confrontation between Executive and Judiciary related to National Judicial Appointments Commission and memorandum of procedure have led to debate of legislature / Executive versus Judiciary.

Indian Constitution provides for separation of power between Judiciary, Executive and legislature. Judiciary has its independence provided by Constitution —

- 1) Judiciary members are appointed by collegium system. (3rd Judge case, 1998).
- 2) Their salaries / remunerations are charged on expenditure on Consolidated fund of India.
- 3) SC Judges maximum age is fixed as 65 years.
- 4) Removal of Judge is very difficult.

Due to above provisions,

Judiciary may not be conformist to government.

with absolute majority. Also Judiciary has has

brought many recent judgements like Right to

Privacy which is against the principle stand

of present government.

Better focus on various landmark judgements which have changed the judiciary.

Remarks

Do Confrontation between legislature and Judiciary affect Constitutionalism?

Yes

- 1) Government being largest litigant - lack of time for SC to hear on important issues.
- 2) Vacancy in Courts leading to pendency of cases.
- 3) Affects the separation of power - leading to Judicial activism & overreach.

No

- 1) Better involvement of mechanism - For eg: Collegium system to NJAC and now memorandum of procedure.
- 2) Course correction on policies of government.
- 3) Arbitrary law can be made in line with Constitution. For eg: Meirala Gandhi case Sec 66A of IT Act etc.
- 4) Ensures Judiciary also more accountable.

31/2

Confrontation between Executive &

Legislature may not necessarily be against Constitutionalism. Proper functioning of legislature will ensure faith of people in legislature & Judiciary interventions (Judicial activism/overreach) will reduce.

Remarks

Q2. "Though the Cauvery and Ravi-Beas Water Disputes Tribunals have been in existence for over 26 and 30 years, respectively, they have not been able to make any successful award till date". What are the deficiencies of the existing tribunals for inter water disputes? Mention the important provisions of Inter-State River Water Disputes (Amendment) Bill, 2017 and explain in detail the pros and cons of the bill. (12.5 Marks)

Article 262 of Constitution
provides for setting up of tribunals for
resolving ~~conflict of~~ inter-state river disputes.

Deficiencies of existing tribunals
for inter-state water disputes →

- 1) Delay in pronouncement of Judgement.
Cauvery & Ravi-Beas Tribunals in existence
for over 26 & 30 years.
- 2) ~~They~~ They lack enforcement power.
- 3) Only 3 out of 8 tribunals have resolved
conflicts till now.
- 4) Appeals are made against tribunals Judgement
to Supreme Court under Article 136
- 5) Lack of data, expertise in coming out
with amicable solution.
Government has brought

Remarks

Inter state River Water disputes amendment
Bill 2017 - The provisions are -

- 1) Setting up Dispute Resolution Committee (DRC) for 1st hearing of dispute before going to tribunals.
- 2) A permanent, single tribunal for solving inter-state river disputes.
- 3) fixed time frame of 4 to 5 years to solve dispute.
- 4) Finality: Award will be binding.

Pros

- A single tribunal - better coordination
- It will have experts from disciplines
- Better collection of data.
- Judgement binding
- fixed time limit - fast track the resolution

Cons

- SC recently said it can hear appeals under Special leave petition under Article 136.
- How the permanent tribunal will function is not clear

5

good approach

Inter-state dispute is not only a legal issue. It is also related to economic, social, emotional issue. Hence using amicable resolve resolution is important. Current bill is an important step towards it.

Remarks

Q3. Indian constitution presents India as a compromise between the British Sovereignty of Parliament and American Judicial Supremacy. What are the arguments for and against the statement; elaborate with examples. (12.5 Marks)

Indian Constitution has borrowed several features like rule of law, parliamentary system from British Constitution and other features like fundamental rights, separation of power from USA.

The statement given in the question is has both positive and negative —

In for

1) In Britain, there ^{is} are no written constitution and hence parliament is supreme. In India, we have written constitution and parliament derives power from constitution. Hence constitution is supreme.

2) American Judiciary is completely independent of legislature and Executive. There is complete separation of power but in India there is separation of power along with checks & balances. Judiciary also derives its authority from constitutional provisions.

Remarks

Not a Compromise - Arguments

- 1) India has adopted Republic state with Parliamentary form of government. India has a unique structure i.e. quasi-federation. Hence to protect federalism, the Constitution must be supreme rather than parliament being supreme.
- 2) We have integrated Judiciary but there is need for checks and balances on all three organs to avoid breach of jurisdiction which is necessary for a diverse nation like India.

4 1/2

Hence we had adopted system of government with Constitutional supremacy and integrated Judiciary with checks & balances considering the political, social, economic situation of India.

Need to elaborate your view with examples

Remarks

Q4. Does Supreme Court's judgement on liquor ban on highways subject to judicial overreach and violate doctrine of separation of powers? Substantiate your arguments. Also mention the benefits of such directives. (12.5 Marks)

Recently Supreme Court banned sale of liquor close to 500 m from national and state highways.

Judicial overreach - YES

- 1) Law making is prerogative of legislature. It violates separation of power principle.
- 2) Judiciary is expected to review laws and suggest remedies. Here, it has entered into domain of executive.

Judicial Overreach - NO

- 1) Failure of legislature & executive to stop the practice which was leading to so many deaths/accidents.
- 2) A vacuum created by legislature/executive is bound to be filled by Judiciary.
- 3) It is a case of Judicial activism rather than Judicial overreach.

Remarks

Benefits of such directives

- 1) It will make executive more responsible to such alarming issues.
- 2) It will make executive / legislative more proactive.
- 3) Promotes governance.
- 4) This particular judgement is also in line to Directive principles of state policy (Art-47).
- 5) It will avoid drunk and drive situations and prevent accidents.

6

Parliament and leg Executive should function proactively to ensure better governance. ~~How~~ Judiciary should not interfere into domains of executive & legislature until and unless it is very necessary.

good approach

Remarks

Q5. What is Integrated case management information system (ICMIS)? With fast growing IT system, India needs to cope with the changing world. Do you think ICMIS would help Indian judiciary be digital court. Critically comment. ✓
(12.5 Marks)

Enter: ICMIS is a new step taken by Judiciary to make judicial process more citizen friendly and transparent.

It involves following -

- ① E-filing of cases.
- ② Upload of all relevant documents related to cases on online platform.
- ③ Previous Judgements will also be uploaded.
- ④ It will take court proceedings to local level through Common Service Centres.

~~HEALTH~~ Problem with Judiciary

- 1) functioning in opaque environment.
- 2) SC Benches only in Delhi.
- 3) Reach of Judiciary to citizen not easy.
- 4) Cases / rules are not clear for common citizen.

Remarks

④ ICMIS can help in making
Andhra Judiciary have digital courts.

- 1) Use of Information & Communication Technology.
- 2) Availability of information online.
- 3) Increase in penetration of Internet & mobiles.
- 4) Digital India would also enforce in making Digital Courts.

However, there are challenges -

- 1) Digital illiteracy among citizen.
- 2) Performance of NCHP (e-Courts) is not good.
- 3) Common service centres are not functional in many gram panchayats.

Making courts digital will help in increasing transparency and easy access for citizen. ICMIS is a good step which needs to be complemented with digital literacy campaigns, Digital India etc.

Need
to
elaborate
your
points
in
brief

5

Remarks

Q6. Do you think criminalizing marital rape may destabilize the institution of marriage and is more prone to be misused? Justify your opinion. Why India needs a law against marital rape? (12.5 Marks)

Domestic Violence has been

increasing against women. As per NCRB data around 36% of violence against women are done by Husbands and relatives.

Criminalizing Marital Rape - PROS

- 1) Less violence against wife, due to fear of law.
- 2) Consent for sex will be given more importance which now is seen as to be taken as a matter of right just because of marriage.
- 3) It will also increase awareness regarding marital rape.
- 4) Enforce the right of choice over body of women.

Criminalizing Marital Rape - CONS.

- 1) Chance for misuse against husbands.

Remarks

2) Difficult to prove whether it is a rape or consent to sex.

3) Use as a vendetta tool and blackmail husband.

For eg! In case of Sec 498A of IPC

(downy related) - it is found that only 14% of complaints were genuine.

4) gender stereotyping

It may de-stabilize the institution of marriage as lot of divorce cases would keep in.

A law against Marital Rape

is need of hour due to increasing violence against women. But it

needs to be ensured that it is not used

to as a tool against husbands to harass or blackmail them. Adequate safeguards

should be ensured. Supreme Court

directives for downy law should also

be taken into consideration.

52

good understanding

Remarks

Q7. Risk Profiling of the bureaucrats would result in improved accountability towards public services. Analyze in the context of 2nd ARC recommendations, how "risk profiling" can be done and its ramifications for administrative improvements? (12.5 Marks) ✓

Q8: "Grievance redressal is the weakest link in the justice delivery in India". Evaluate the role of institutions of grievance redressal in India and their limitations? (12.5 Marks)

Grievance redressal is very important for ensuring accountability and transparency in service justice delivery.

Institutions of grievance redressal in India include —

① Central Vigilance Commission — It is important commission for dealing with corruption related grievances.

Limitation: It is not independent and does not have enforcement power.

② Tribunals like Central Administrative Tribunals and State Admⁿ Tribunals for governance against Bureaucrats and also for Grievances of Bureaucrats.

Limitation: Appointments are politicized and non-binding power.

③ Lokpal Lokayuktas → It deals with both political as well as administration related

Remarks

Judiciary is out of bound of RTI

Corruption. But it is not being formed.

Other Limitations

- 1) Lack of political will.
- 2) Lokayuktas in states are not effective.
- 3) Whistle Blower Protection Act 2011 has not been brought into force.
- 4) Lack of Citizen charters.
- 5) Lack of awareness among citizens.

Solutions

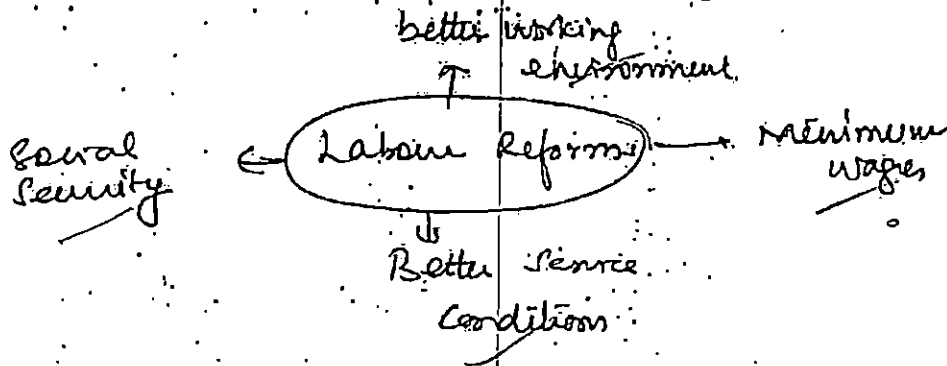
- ① Institutions of grievance redressals should be made independent. Institutional autonomy of CVC, CAG, SAT is very important.
- ② Citizen charters should be brought in with legal mandate.
- ③ Enforcement of Lokpal & Lokayuktas.
- ④ Awareness among citizens.
- ⑤ Notification of Whistleblower Protection Act. Initiative like CIPGRAM is important step to address grievances of citizens.

Remarks

Q9. Labour reforms are very significant in the light of automation of Industries and for mass manufacturing. To what extent has India been successful in implementing labour reforms. Suggest alternative measures to be implemented by the government.

(12.5 Marks)

Labour reforms are crucial in light of automation and also for mass manufacturing.



India has been able to do

following -

- ① Provident minimum wages act which is revised periodically.
- ② Labour Identification Number (LIN) for better EPS and schemes.
- ③ Pension funds, Provident funds are made mandatory.
- ④ Employee Insurance Schemes.
- ⑤ Fixing 8 hours duty and extra compensation for extra hours.

Remarks

With changing environment like automation & importance to manufacturing →

- There is need to upgrade skilling
- Integrate Labour reforms with skill India, Digital India

Discuss the latest development in this regard.

Remarks

Q10. Is there a relationship between lack of innovation in India with the level of quality of education in India? Elucidate with examples. How does India Innovation Index provide impetus to Indian states to drive the innovative spirit? (12.5 Marks)

India does not promote Research and development and innovation.

Quality of education in curriculum and marks oriented. In primary schools, the teaching quality is very poor. Nutrition is not adequate which also hampers thinking ability of students.

A report says that less than 40% of Engineers are employable in India.

Innovation can be increased by making Research & development sector more lucrative. Expenditure on education should be increased to 6% as recommended by TIR Subramanian panel.

Recent gov. initiatives like building 20 institute of eminence is a right step.

It is devoid of vocationalization.

Remarks

Innovation Index would help in gauging the level of innovation in promoted states and accordingly states will be ranked.

There will be competition among various institutes which will be forced to focus on innovation. Funds are also linked to Innovation Index.

Remarks

Q11: Minimizing food loss has the potential to be transformative in multiple ways for India and the world. Analyze the statement. Why effectively dealing with food wastage can lead to development in India? (12.5 Marks)

Food wastage is a very serious issue considering the poverty level (22%), malnutrition and hunger levels.

Minimizing food loss has following benefits →

1) Help in improving hunger, malnutrition.
Currently → 38% of under 5 children are stunted and around 9% suffer from anemia.

2) Help in meeting Sustainable development goals (Goal 2).
↳ eliminating hunger.

⇒ Effective dealing with food wastage can lead to following →

- (a) Improving health, nutrition.
- (b) Reduce biodegradable wastes.
- (c) More food grains with gov. to spend

Need to explain these in brief.

Remarks

on needy and poor.

(d) It will help in bettering our ranks
in Human development.

Food wastage problem is
related to Behavioural issue. Behav.

Awareness need to be generated for
reducing wastage of food. Also penalty on
restaurants can be thought of.

eg: TATA Group every day displays the
amount of food wasted - which
instils sense of responsibility among its
employees.

Q13. Discuss the significance of Indian Ocean naval presence in overall Indian foreign policy? How it affects India's bilateral and multilateral relations? (12.5 Marks)

Indian Ocean naval presence is an important part of diplomacy and our concern of becoming a net security provider in the region.

SIGNIFICANCE

- 1) Counter Chinese string of pearls.
- 2) Protect the important maritime route.
- 3) Help other island nations like Maldives, Mauritius, Seychelles etc.
- 4) Prevent threats like piracy.
- 5) Important for Blue Water Economy.

Effects of presence of Navy in Indian Ocean

- 1) Seen by China as counter-offensive measure.
- 2) Helps in enhancing engagements with nations in Indian Ocean like anti-piracy operations in Somalia.
- 3) Helps in evacuation policy.

Remarks

(4) Malabar Exercises in Indian Ocean -
~~Important~~ Important component of India -
 Japan - OS Relationship & Other Exercises
 along engages India with other nations.

Issues with Indian Navy

- ① Old fleet =
- ② Blue Water Navy capacity is not good.

Recent initiatives like
 SAAR (Security and growth for all in the
 region), Asia-Africa growth Corridor are
 also requires presence of Navy in Indian
Ocean Region.

3 1/2
 India should
 try to
 bolster
 its
 position
 in the given
 region.

Remarks

Q14: Discuss the contribution and failures of United Nations bodies in preventing major global crisis, since cold war? (12.5 Marks)

United Nations had come into existence due to failure of League of Nations and are mandated to ensure peace, cooperation & security among member nations.

Contributions of United Nations bodies since Cold War

- ① United Nations Human Rights Commission → Resolutions on Sri Lanka War crimes led to providing rights to Pakistan minorities though not completely since.
- ② UN led sanctions on Iran due to nuclear programs.
- ③ United Nations peace keeping forces in Afganistan, Africa to stop & civil unrest.
- ④ International Court of Justice role in issues resolving conflicts - Ex: Recent Kulbhushan Jadhav case between India-Pakistan

Remarks

Failures of UN

- 1) Helpless in dealing with ISIS and other terrorist organisations
 - 2) Syria crisis is going on
 - 3) Israel - Palestine conflict
- North Korean missile and nuclear programme
- Most recent refugee crisis → Eg: Rohingya crisis

Briefly explain these

Failed to
 cease
 Ukraine,
 Crimea,
 Crises

UN have been successful but not much effective in dealing with broader global issues. UN needs reforms like reduction in dominance of western nations (US, EU), reforming UNSC, enhancing representation from Africa and Asia.

Remarks

Q15: In an ever-changing geo-political global scenario, new alignments and axis develop for self and motivated interests. In this reference what should be India's foreign policy approach taking consideration of China-Russia-Pakistan axis, the West Asian Theatre and changing South Asian parameters? (12.5 Marks)

China - Russia - Pakistan axis

- 1) India should look for its national interest
- 2) India is also an important partner of China, Russia - a major defence partner and has special strategic relationship with Russia.
- 3) Use forum like BRICS, SCO to diffuse tensions and work for better coordination.
- 4) It should also keep its relation with U.S., Japan and other neighbours good.

West Asian Theatre

- a) Main challenge is how to balance Saudi Arabia, Iran and Israel.
- b) We should engage with all three considering all three as separate nations.
- c) Recently Iran got irked with India due to more proximity with Israel but it

Remarks

can be dealt bilaterally.

(d) Chinese presence in West Asia is also a concern for us and should enhance our economic, political and cultural engagement with West Asian nations.

South Asian nations

(a) we should focus on neighbourhood first policy.

(b) Need to resolve the boundary and other outstanding disputes. for eg: -
 → Bangladesh water agreement
 → Sri Lanka fisherman issue.

(c) Providing help in economic, technology & space diplomacy to enhance engagements.

for eg: launch of South Asian Satellite, IRIS-T etc.

(d) Use of regional forums like BIMSTEC, SAARC, Motor Vehicle Agreement Nekong gang cooperation for better engagement.

6
 good approach

Remarks

Q16. The recent standoff at Doklam Plateau shows the strong relationship between India and Bhutan. Why is Bhutan special to India? In the month long, high tension confrontation, India's real test was to assure Bhutan, to not crumble under Chinese pressure. Examine. (12.5 Marks)

Recent stand off at Doklam showed India's deep engagement with Bhutan.

Bhutan is important for India because →

- (1) It has cultural link with Bhutan.
- (2) Bhutan acts as buffer between India and China.
- (3) Important for electricity needs of India.
- (4) Important to protect the only gateway "Siliguri Corridor" to North East Region.

In recent stand off Bhutan could have easily crumbled under Chinese influence but it did not. The reasons are as follows →

- (1) Trust between India & Bhutan - Friendship treaty 2007 played major role.

This bonhomie has been going on since 1949.

Remarks

(b) It was Chinese aggression into Bhutanese territory. India deployed its forces which enhanced the trust and confidence of Bhutan.

China is a major dominant power in the region. Hence Bhutan could have easily given in to Chinese influence.

Support by India was also important as the Doklam region was very close to Siliguri corridor which could be choked easily by China if they were able to capture Doklam.

India needs to play a more important & engaging role for enhancing ties and trust in Bhutan to ~~also~~ prevent any future conflicts also.

Remarks

Q17. Does having close relations with Israel compromises India's historical support (along the UN lines), for Palestinian cause? Discuss critically in the light of the recent visit? (12.5 Marks)

Indian Prime Minister's visit to Israel is being seen by many as moving away from our historical commitment for Palestine.

India ~~we~~ have has always supported two nation theory with independent Palestine with East Jerusalem as its capital.

Recent visit to Israel and engagement with Israel on defence, technology, science, agriculture etc. is based

on national interest of India. India is following de-hyphenation policy in case of dealing with Israel-Palestine.

India still believes in two nation theory. Following examples suggest India's commitment to Palestine's cause.

Remarks

(a) Indians voted against Israel's
land grab law in UN.

(b) ~~Indo~~ Palestine is not a member of
 UN but ~~supported~~ Palestine's
 flag to be raised in UN.

Due engagement with
 Israel is separate from 2-nation theory issue
 and both ~~need to be seen~~ are important
 for India:

Has India's policy changed
 toward Palestine recently?

Remarks =

Q18. Is global ban of nuclear weapons feasible? Examine how effective will the (ban) be in making nuclear disarmament a reality? (12.5 Marks)

Global ban of nuclear weapons are being discussed.

following are the problems in global ban of nuclear weapons -

- ① Nuclear weapon states not willing to destroy ^{their} nuclear arsenals.
- ② Nuclear proliferation are going on - for eg: Recently North Korea.
- ③ Continuous testing of nuclear weapons by nuclear states.
- ④ No Discriminatory Non-proliferation Treaty (NDT).

Global ban of on nuclear weapon will not be effective in making nuclear disarmament a reality because -

- (a) Already groups like NPT, NSG etc are in place but not effective.
- (b) Lack of trust among nations and

Remarks

disputes needs states nuclear weapon-

(c) India's principled stand is No first use policy which sees India as a responsible state

(d) Nuclear weapons in hands of non-state actors and unstable states

(e) Nuclear weapons are losing its deterrence capacity. It has become only a political tool.

Non-discriminatory NPT should be changed. There should be both horizontal and vertical disarmament. Permanent members of UNSC should take a lead in disarmament.

How would it be handy if banned?

Remarks

Q19. What is Hague Convention on the Civil Aspects of International Child Abduction? With the rise in trans-national marriages and complexities involved in modern day relationships, do you think India should sign this? Critically analyze. (125 Marks)

Hague Convention on the Civil Aspects of International Child Abduction deals with locating the children below 16 years of age being ~~and~~ abducted and return of child to their original place.

Why India should ~~there are~~ sign this?

(a) Instances of child trafficking and abduction for child labour.

(b) Cross-border trafficking has increased - It will help in better coordination between nations to get children back to his (her) original residence.

(c) Porous border between neighbours
Why India should not sign it?

(a) There can be instances of misuse of the convention against India.

(b) Logistics and costs in return of the abducted children to original residence.

3/2

Govt has brought a bill related to abduction of child. It has very broad provisions to the Central Authority for overseeing the (CA) issue of abduction of child. CA has also been given power of civil laws. It is also in line with Hague Convention. Govt should pass the bill.

Discuss the view of Law Commission in this regard.

Remarks

Q20. China and Pakistan have invited India to join CPEC (China-Pakistan Economic Corridor), which is a part of OBOR (One Belt One Road) initiative of China. Should India join it or not, while having already declined to be part of OBOR forum? What regional implications CPEC is going to have in South Asia? (12.5 Marks)

CPEC is a more than 2700 km connectivity economic corridor via rail, road, port. It connects China's Xinjiang region with Pakistan's Gwadar Port.

Should India join it?

YES

- (1) Help to resolve ^{other} the conflicts like Border disputes with Pakistan ~~China~~
- (2) It has economic potential. We can get access to Afghanistan via Gw and central Asia.
- (3) can help in operationalising of forums like SAARC
- (4) Help in fight against terrorism

NO

- (1) Sovereignty issue - CPEC passes through Gilgit - Baltistan region of PAK.
- (2) It is China dominated. China would also station military on the corridor.
- (3) Influx of more Chinese goods.
- (4) Relations with other nations like US/Japan can deteriorate.

Remarks

It can also boost up economy from wherever it passes

Regional Implications of CPEC in South Asia

- ① Providing legitimacy to Pakistan.
- ② China's dominance will further increase.
- ③ CPEC is a part of OBOR initiative which have been signed by most nations except India and Bhutan. So, CPEC is acceptable to South Asian Nations.
- ④ Economic opportunities for South Asian nations like Bangladesh, Nepal, Pakistan, Afghanistan. Their trade will increase.
- ⑤ It may also legitimise terrorist activities of Pakistan.

4/2

Remarks