

GENERAL STUDIES - PAPER II

Time Allowed: 3 hrs.

Max. Marks: 250

| Q. | Marks | Instructions to Candidate |
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| 1. | | <p>There are 20 questions.</p> <p>All questions are compulsory</p> <p>The number of marks carried by a question is indicated against it.</p> <p>Answer the questions in NOT MORE THAN 200 words each. Contents of the answer is more important than its length.</p> <p>Answers must be written within the space provided.</p> <p>Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.</p> |
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1. Invigilator Signature

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Name Hendra Prafab Singh

Roll No. _____

Mobile No. _____

Date 01/10/2017

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REMARKS

GIS SCORE
MOCK TEST SERIES 2017

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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)

Indian constitution provides a good mix of parliamentary sovereignty and judicial independence & supremacy.

A government with an absolute majority will see a conformist judiciary.

1) Indira Gandhi government during 1970s tried to amend the constitution to curtail the power of judicial review. ~~like~~ the constitutional amendment.

2) During 1970s government even talked about 'committed judiciary'.

but this has not always been

the case as-

1) Government during Nehru's Prime Ministership worked well in congruence with judiciary. eg. Golak Nath case of amendability of fundamental rights.

(5)

2) Even the present government accepted the NIAE judgement respecting judicial independence.

Confrontation between legislature & judiciary and Constitutionalism - Judiciary adopted an activist role after the 1980s and this phase is generally called Judicial activism phase.

Just by overemphasizing some things of judiciary
Judicial activism has altered the balance of power between judiciary & legislature towards judiciary.

2) Confrontation has affected many important tasks like NIAE judgement and negative effect on justice delivery.

However, the confrontation has also broadened the scope of constitutionalism. eg. right to education, right to privacy etc have been added as part of article 21.

Thus, the confrontation has affected constitutionalism both positively and negatively.

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)

Inter-State river water dispute tribunals are set up under article 263(1) of the constitution.

Cauvery & Ravi-Beas tribunals have been in existence for 26 & 30 years but they have not been able to make successful award till date.

Reasons:-

- 1) Their functioning has been marred by huge delays.
- 2) Lackadaisical attitude of government to appoint the tribunal. e.g. Cauvery tribunal was appointed after 5 years of requests.
- 3) Politicisation of river water.
- 4) Judicial intervention through special leave petition under article 130.
- 5) Bureaucratic functioning.

Remarks

Inter-State River Water Disputes (Amendment) Bill 2017 -

Very good

- 1) The bill provides for dispute resolution committee to be set up before referring the matter to tribunal
- 2) provides for permanent tribunals to be set up
- 3) Tribunal will be headed by judicial member and will have expert members.
- Awards will be given in 4 1/2 years

Pros:-

- 1) Dispute Resolution committee will provide for disputes to be solved before being referred to tribunals.
- 2) Permanent nature of tribunal will solve disputes quickly.
- 3) Time bound nature and expert membership.

Cons:-

- 1) Its composition is not clarified yet.
- 2) It may not be able to award its decision in given time.
- 3) Fiducial intervention.

Remarks

However the Bill is in right direction & seeks to depoliticise water issue.

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 is a blend of British sovereignty of parliament and American Judicial supremacy.

British Sovereignty of parliament

1) Parliament can amend any part of the constitution.

2) Constitution provides for procedure established by law under article 21.

American Judicial Supremacy

1) Parliament cannot amend the basic structure.

2) Under article 11 & 32 and 226 judicial review has been explicitly & implicitly provided.

Arguments for the statement -

1) Both parliament and judiciary have all date functioned in their respective spheres and have rarely transgressed in each other's domain.

Remarks

(5)

2) Conduct of Judges cannot be discussed in parliament except during their removal motion.

3) Parliamentary proceedings ~~have been~~ cannot be enquired by judiciary.

4) Parliament can amend any part of constitution and later judiciary can review it. eg. MFAR Act

Arguments Against -

1) Through tribunalisation ~~judiciary~~ parliament has tried to restrict the scope of judiciary. eg. Article 323A & 323B.

2) Judicial activism and overreach has lowered the authority of parliament in legislation. eg. Vishva guidelines.

Discuss
more
points

however, bearing a few instances the relationship has worked well till date expanding the scope of constitutionalism.

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)

Supreme court pronounced a judgment whereby all the liquor shops between 1km reach of a highway will remain closed.

Issue has been raised regarding the judgment amounting to judicial overreach and violating separation of powers.

1) It was argued that Supreme court reached at this conclusion on questionable evidence presented by a NBP Care life foundation.

2) Supreme court did not conduct any technical survey.

3) It did not look into the livelihood aspects of workers in the liquor shop.

4) It did not consider right to choose aspect of individuals which is a part of article 19(1)(g).

5) Executive is a better institution to take

Remarks

any such decision as it is technically better equipped hence judiciary tried to transgress its domain:

Benefits of Directive-

Drinking more benefits

1) It is said that 1,20,000 people die every year due to road accidents, many of these are due to drunk & driving. The judgement will help reduce this.

2) The judgement will create awareness regarding bad effects of drunk & driving.

Thus, although the judgement was pronounced with good intentions but it is better that this judgement should have been left to the executive.

what should be done to solve the problem?

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)

Integrated Case Management Information System - ICMIS is a Management

Information for supreme court.

It is a digital repository of case related information.

ICMIS is a part of nationwide move towards digitisation.

With fast growing IT system India needs to cope with changing world.

1) Greater emphasis on digitisation.

2) More use of IT in administration.

Benefits of Digital Court -

Digital court or e-court is a court where cases can be filed digitally and files are moved

Remarks

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digitally as well as their progress can be checked online.

RCMS provides for just one part of digital court requirement but even then RCMS is a step in right direction because-

- 1) It will give a push to digital court
- 2) It will reduce the administrative burden of Supreme court.

However RCMS is unlikely to help Indian judiciary to be digital court.

1) More digital infrastructure is required like digital filing and monitoring.

2) Separate administrative wing and they should be managed by experts.

In India there are around 3 crore pending cases in judiciary so there is a need for digitisation of courts to

Remarks Speed up this phenomenon.

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)

In recent years there has been much talk about 'marital rape'. Under marital rape a man may be charged of rape if he forcibly does a sexual intercourse with his wife.

It was argued that ~~the~~ criminalising marital rape may destabilize the institution of marriage.

1) Marriage is a legitimate institution for consensual sexual access. Criminalising marital rape may go against this aspect.

2) Criminalisation is also prone to misuse. as it was argued that 'opportunists' will seek huge compensation under this provision.

3) The provision is said to be against Indian values and culture.

Remarks

However in a country with huge patriarchal features these reasons seem to be somewhat less justified.

Why we need a law against Marital Rape.

1) As argued by a commentator - If someone does a sexual intercourse with a 15 year girl then we charge him under rape but if he does the same with his 15 years wife then law does nothing. This legal ambiguity needs to be resolved.

what should be done to solve this problem

2) 'wife battering' and forced sex with wife is prevalent in our society.

3) Family still remains one of the most undemocratic institution in our society.

4) Huge prevalence of domestic violence

Thus there is a need to carry out a widespread debate on this issue and an implementable solution should be sought.

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)

Risk profiling is individual's willingness and ability to take risks. Risk profiling of bureaucrats will result in improved accountability.

1) It will help in appointing right man at the right job.

2) It will help in developing domain expertise by bureaucrats. The domain expertise is likely to improve the effectiveness of bureaucracy.

2nd ARC on Risk Profiling

1) Doing SWOT analysis i.e. Strength, Weakness, Opportunity, Threats of jobs.

2) Functionalisation of civil service.

Remarks

3

Implications on administrative improvements-

1) It will increase the effectiveness of administrative system.

2) It is likely to make bureaucracy more technically advanced.

Thus risk profiling is an important recommendation that should be accepted and operationalised.

How
risk
profiling
can
be
done?

Remarks

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 the most important part of any justice delivery process.

However, grievance redressal remains the weakest link in justice delivery in India.

Institutions of Grievance Redressal-

- 1) Central Public Grievance Redressal Mechanism (CPGRAM) is the prime grievance redressal agency at policy level in central government.
- 2) Cabinet secretariat also records the grievances of individuals and forwards them to ministers.
- 3) Institutions like Lokayukta have been created to redress corruption related grievances at state level.
- 4) National Human Rights Commission,

Remarks

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National Commission for SCs & STs etc are created to address the grievances related to Human rights, SCs & STs etc.

Evaluation of their Role & Limitations-

- 1) NCRAM has been able to sort out many policy related grievances.
- 2) NHRE has done many tasks like Prison reforms, widow conditions, Mumbai pavement dwellers etc.

However they face many limitations

like -

- 1) Recommendation of NHRE is non-binding.
- 2) Huge pendency of applications in Cabinet Secretariat, NHRE, NESC etc and limited processing capacity.
- 3) Bureaucratic inertia, corruption.
- 4) Non-Implementation of Grievance redressal bill.

This government should take

Remarks

Immediate steps towards solving the grievances of individuals.

It is always good to write features along with the points

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)

Reform In Labour capacity and skills. Labour Reforms → Reform In Labour Law

Labour reforms are significant in the light of automation and mass manufacturing.

- 1) Automation will require re-skilling of workers
- 2) mass manufacturing requires change in production system.

Extent of Labour Reforms-

- 1) Government launched Labour Identification number (LIN) to ensure mobility of labour.
- 2) National Pension Scheme was launched to cover the workers.
- 3) Certain states like Rajasthan has taken an amendment to labour law that will enable the employers to shut down

Remarks

a firm after giving a prior notice

1) Government launched National Skill development mission for skilling the workforce.

However India has not been very successful in implementing labour reforms and India's rank in ease of doing business index still stands at 134/186.

Alternative measures required -

1) - Government recently decided to club all the 44 labour law in 4 labour codes which is a welcome step.

2) However only clubbing them in 4 labour codes will not suffice; fundamental reforms like contractual law reform, solving the exit problems are required.

3) negotiating with international governments regarding transferability of social security mechanisms in case of transboundary movement of labour.

Remarks

Thus fundamental steps need to be taken to solve the labour problem

You should mention some concrete steps

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)

Innovation means creating new things that have utility in the market. There is a clear cut relationship between lack of innovation and quality of education in India.

1) As commented by Vaspa Committee Indian education system does not focus on construction of knowledge and its impact innovation ability of child.

2) The major focus is on memorization and not on critical thinking and this affects innovation ability.

3) This kind of education system does not promote innovation and there is less focus on research & development. The quality of research and development is also not very good. eg. As per recent data. Number of patent filed by India internationally

Remarks

4

stands at 31 00 whereas for China the number is 11 000.

India Innovation Index-

1) It ranks the states on the basis of innovation ability. The index was launched by NITI Aayog.

2) It promotes co-operative federalism as well as competitive federalism among the states.

3) The states with more innovation are likely to get more investment and hence they are likely to be better off.

However, launching a mere

Innovation Index will not suffice and there is a need to launch the new education policy immediately and focus on quality of educational outcomes.

You should discuss various initiatives taken by the govt. In this direction.

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 loss is one of the most problematic issue towards food security in India. As per one estimate as much as 30% of the food grains are lost during harvesting and storage.

Minimizing food loss can be transformative for both India & world.

- 1) It is improve the food security which is becoming a big threat due to climate change.
- 2) It will increase the farmer's income and help in doubling the farmer's income by 2022.

Effectively dealing with food wastage can lead to development in India. This is because-

- 1) Reducing food wastage will require investment in research and development

Remarks

thus it will promote investment in research & development

2) Reducing food wastage will require investment in infrastructure like cold storage, roads etc. This will lead to development of agricultural market and infrastructure.

3) Reforming APMC acts & essential commodities act is prerequisite for reducing food wastage. This will promote development of agricultural market.

4) Agricultural mechanisation will improve productivity.

5) Food wastage leads to more hazard. Hence reducing it will be morally good.

Thus there is a need to reduce the wastage of food. India can learn from Germany and other countries in this regard.

what can be done to solve the problem of food loss

Q12. Explain what is Track-II diplomacy, and analyze, why it doesn't work in India-China context, with particular reference to Doka-la pass and Doklam plateau confrontation?

(12.5 Marks)

Track II diplomacy is a term used to describe following types of diplomacy:

- 1) Diplomacy using the soft power of country.
- 2) Using people to people contacts for diplomatic purposes. eg. Diplomacy during Indo-US nuclear deal.

- 3) Use of diaspora for diplomatic gains.

However, track II diplomacy is not always successful. In India-China context it doesn't work because-

- 1) huge mistrust between the people of both countries.
- 2) Less people to people contact reduces the chances of track II diplomacy.

Remarks

4½

87 Though India has significant leverage of soft power (eg. Buddhism) but Chinese government policy of promoting atheism does not allow it to be successful.

In case of Doka-la pass and Doklam plateau confrontation

these did not work because-

1) The strategic nature of area forced both countries to eye on military gains.

2) China was seen to be aggressor by Bhutan behind f. India.

However, track II diplomacy is a very potent force to be used and India should keep on pursuing this with China.

You should also discuss historical reasons behind it.

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 is the most strategic area for India's foreign policy. Indian Ocean Naval presence plays a significant role in pursuing India's foreign policy in this region.

1) India is seen as the net security provider in Indian Ocean region.

2) The east Asian countries are especially seeking Indian naval presence to contain piracy and provide check against Chinese dominance. Thus it gives leverage to India with east Asian countries.

3) America is vacating space from west Asian region and west Asian countries are content that India should fill this space.

Remarks

5

Effect on Bilateral & Multilateral Relations-

1) India launched SAGAR Initiative 'Security and Growth for All in the Region' this is intended to generate a goodwill for India in the region.

2) Naval presence is the main area of leverage with East Asian & West Asian countries.

3) Recently Indian Ocean ~~was~~ coast was declared primary free by UN.

4) Naval presence gives leverage to India on countries like Maldives, Oman etc.

5) India signed many security initiatives with countries like Kenya, Madagascar, LDC countries.

Thus Naval presence helps in generating a goodwill towards India.

What should be done to ensure all these Masterstroke

Remarks

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

Since its inception, in 1945 UN had played a very important role in solving major global crisis. Though at certain points it has not been very successful.

Contributions:-

1) It is said that UN has been successful in preventing the occurrence of Third world war.

2) WHO has played major role in solving major outbreaks like recent ebola outbreak in Africa.

3) International labour organisation has helped in improving the conditions of labour.

4) UN has helped in solving the refugee crisis like recent middle east refugee crisis.

5) UN Security council has helped in

You should highlight the importance of some issues

Remarks

maintaining peace among countries.

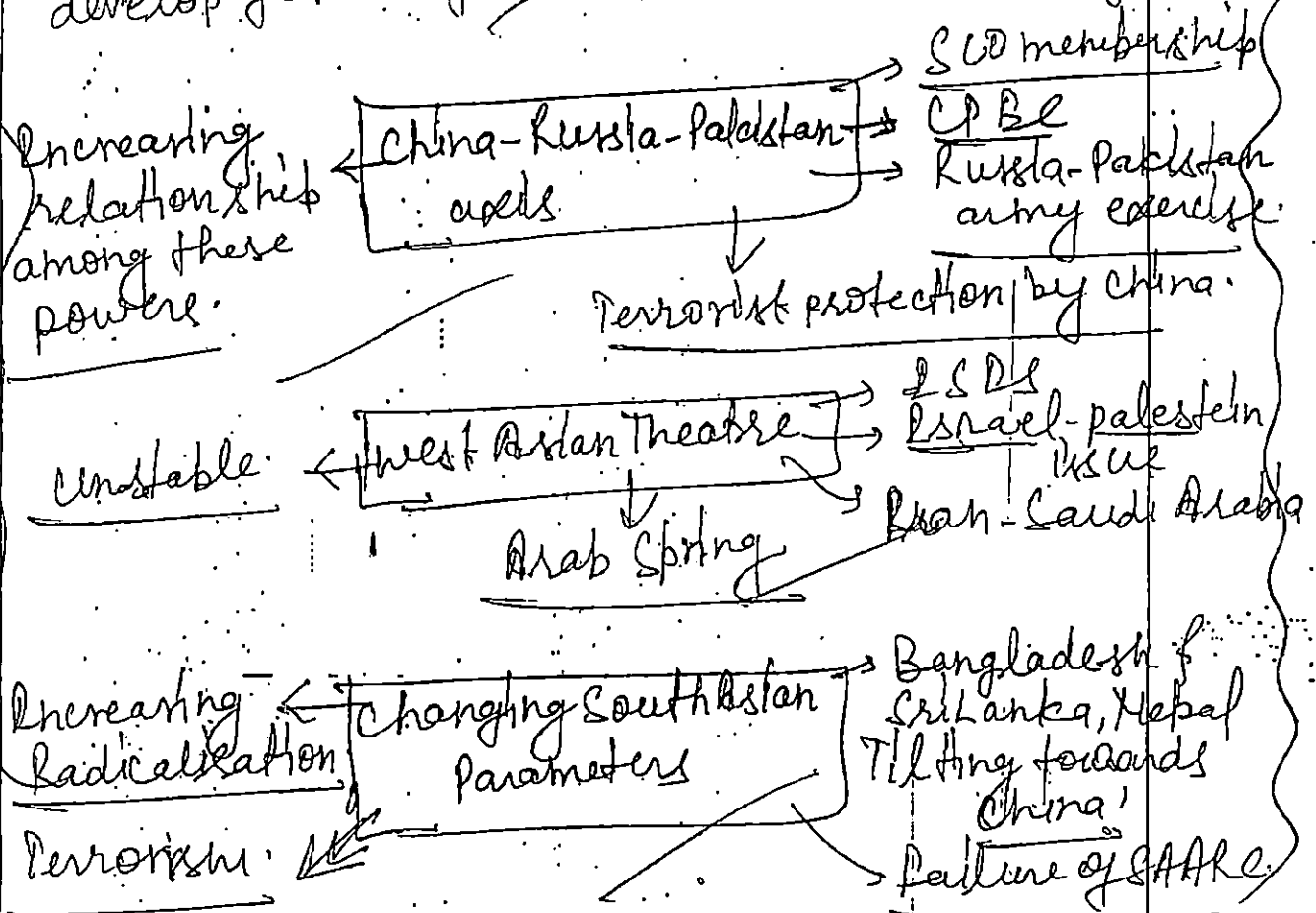
Failures:

- 1) UN could not prevent the Korean war and it is still an unstable region.
- 2) UN could not prevent colonisation of Vietnam by USA.
- 3) UN could not prevent Krag war where USA took unilateral action against Krag.
- 4) UNSC has not been able to solve Kashmir problem, neither Israel-Palestine issue.

in ~~its~~ although overall UN can be said to be a successful organization, selectively it has failed in acting against its more powerful members.

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)

In international relations change is the only constant. New alignments and axis develop for self and motivated interests only.



India's Foreign Policy Approach

1) The first requirement for India is

Remarks

You should explain the above mention points

5

To improve connectivity in the region, South Asia remains one of the least integrated regions in the world. India-Myanmar-Thailand Highway and Motor-Vehicle agreements are steps in right direction.

2) Adopting 'Gujarat doctrine' and 'neighbourhood first' policy in spirit.

3) Signing strategic agreements with west Asian countries, eg. Yemen.

4) Encouraging agreements with western countries and Japan.

5) Bridging trade deficit with China and active engagement in SCO.

6) Deepening trade relations with Russia.

7) Opening channels of communication with Pakistan.

Thus there is a need to adopt a multi-pronged approach to deal with this situation.

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)

The recent Doklam standoff where India came to stop the aggression by China shows the strong relationship between India & Bhutan.

Importance of Bhutan

1) Bhutan provides a buffer zone between India & China.

2) Bhutan provides with electrical energy to India as it has huge hydropower potential.

3) India has huge investment opportunities in Bhutan.

4) Bhutan is a Buddhist country and is of huge cultural significance to India.

You need to explain some of the points

Remarks

3/2

In the month long high tension of confrontation, India's real test was to assure Bhutan not to crumble under Chinese pressure.

To achieve this aim Indian Army came to the rescue and checked the Chinese aggression. Despite provocative statements by Chinese media, India also did not succumb under pressure and assured Bhutan of its continued support.

Thus, India showed its leadership role and ensured that it can protect Bhutan's security well.

So, Doklam stand-off resulted in reintensifying relations between India & Bhutan.

What are the problems with India's Bhutan policy?

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)

- Relations between India & Israel ~~are~~ are getting more closer in recent years.
- 1) India is one of the biggest buyers of Israel's defence products.
 - 2) Israel is supporting India in Agricultural modernisation.
 - 3) Both countries are involved in scientific research partnership.

The closeness can be gauged from the fact that recently Indian PM visited Israel without visiting Palestine for the first time.

How it compromises India's historical support to Palestine cause?

India has been a supporter of Palestine cause on UN lines that

Remarks

5

Israel is the homeland of Palestine people also and there is a possibility of two nations solution. India has consistently voted in UN in this regard but -

- 1) Recently India abstained from voting in UN for Palestine cause.
 - 2) This decision compromises India's anti-imperial and Non-alignment stand.
 - 3) Morally (due to closer relations with Israel) now it is not possible for India to push Israel for two state solution.
- gook
- However, with increased relationship India enjoys leverage over Israel and it can push/persuade Israel for two state solution.

Thus, India should try to solve Israel-Palestine problem as it aspires to become a member of UNSC.

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)

Recently more than 100 countries at UN adopted a non-binding resolution to ban the nuclear weapons. However, a global ban on nuclear weapons is not feasible because

1) Countries justify existence of nuclear weapons on the basis of their deterrence capacity and there is some level of truth in it.

2) Powerful countries are not likely to give up their claim on nuclear weapons.

3) It is very tough to stop countries like North Korea & Iran from making nuclear weapons.

The ban on nuclear weapons is likely to be partially effective.

Remarks

4 1/2

In Nuclear disarmament because

1) under Non Proliferation Treaty (NPT) the 5 recognised nuclear nations will still have the nuclear weapons.

very
nuclear
weapon
ban
is
necessary

2) Due to mistrust in global nuclear environment it is very tough to persuade countries for nuclear disarmament.

3) The process of disarmament is not likely to evolve early.

4) Any such action will require sanction of UNSC which is very unlikely.

hence ban on nuclear weapon

will certainly stop smaller states from having nuclear weapons but for bigger states it is likely to be partially effective.

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. (12.5 Marks)

Hague Convention on the Civil Aspects of International Child Abduction - The

Convention deals with child abduction cases of International nature.

- 1) It provides for rescue and rehabilitation of abducted child.
 - 2) It provides for the identity of child to be found and child should be deported to his country.
 - 3) It has provisions against exploitation of child eg. child labour, trafficking and prostitution.
- with complexities involved in modern day relationships there is a suggestion that India should sign this.
- 1) There has been an increase in transnational marriages. In times of separation/divorce

Remarks

the nationality of child become a tricky question.

2) There has been increased trafficking of children along Myanmar and Bangladesh border. Thus there is a need to sign this convention.

How will it affect

Indian laws?

However signing the convention will put undue obligation on India. It is also likely to affect internal laws in the country.

However, the provisions of convention are forward looking and India should think of signing this.

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 (China - Pakistan Economic Corridor) is an international corridor being built by China from Gwadar (Pakistan) to Kashgar (China) as part of OBOR project.

Recently China & Pakistan have invited India to join this corridor.

Why India should join it?

1) It will provide connectivity to India in the west Asian region which is a much needed demand by India.

2) India by joining this can put pressure on Pakistan to act against terrorism.

3) It will lead to greater integration of South Asia and promote regional trade.

Remarks

5

Why India should not join?

1) India is not a part of OBOR project so there is no point in being part of CPBE.

2) India may not be able to derive any economic benefit out of CPBE.

3) CPBE violates India's sovereignty in Kashmir region.

4) The track can be used for military mobilisation against India.

Regional Implications -

- How it is positively affected Pakistan
- 1) Increase dependence of Pakistan on China.
 - 2) Increase of dominance of China in the region as Nepal & Nowe Bangladesh are also part of OBOR.
 - 3) It may increase rivalry in South Asian region between India & China.

Thus CPBE is a sensitive issue and any action of India should be

Remarks: well crafted