

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. <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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Roll No. _____

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Date 19.9.2017

Signature Asharose

1. Invigilator Signature _____

2. Invigilator Signature [Signature]

REMARKS

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 for checks and balances and separation of power between organs of state - executive, judiciary and legislature

A government with absolute majority at times see a conformist judiciary though it is not a generalised practice especially in India where judiciary enjoys autonomy

→ Idea of conformist judiciary - i.e. judiciary should follow executive direction
 eg:- during Indira Gandhi era - where judges were appointed on basis of their conformity to government.

This tampered independence of judiciary and justice delivery

- conformist argument states that, judiciary should limit only to interpretation of laws and not to turn down executive decisions.

Recent example
 NJAC

Remarks

Indian judiciary has kept its independence from executive through
- appointment = collegium system
- Doctrine of "Basic structure"
- This makes it difficult for govt with majority to persuade judiciary to be confirmist, so confirmist judiciary doesn't exist in india

Basic structure
Due process

→ Constitutionalism - means limited government - government powers are limited by judicial review, written constitution, etc

Confrontation between powerful legislature and judiciary

- legislature - removing clause of judicial review from enactments, eg:- 42nd constitutional amendment to nullify judicial interference.

3

This affects constitutionalism of it promotes parliamentary supremacy while in india we have constitutional supremacy

To avoid such arbitrary power "basic structure" doctrine limits legislative overtones

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)]

Water is a state subject, and with increasing instances of droughts, politicisation of issues of water sharing disputes between states have increased.

Water Disputes Act - 1956 provides for tribunal for solving such disputes. eg:- Tribunal on Cauvery, Ravi-Beas etc. but long pendency of cases in tribunals are unable to solve disputes.

→ Deficiency:-

- (i) states don't accept awards of tribunals eg:- Cauvery award.
- (ii) Appeals in supreme courts delay the procedure.
- (iii) Lack of data on water availability and needs of states.
- (iv) Delay in constitution of tribunals, enforcing their awards (notifying)

To tackle such issues Inter-state River Water Dispute (Amend) Bill 2017 was brought. - provisions are.

- (i) Permanent tribunal.

Remarks

gives details water dispute ASB for case

(10) Dispute Resolution Committee -

Before going to tribunals - parties would be asked issue through this committee - would avoid unnecessary litigation

(11) Permanent Tribunal -

- to avoid delay in constitution of tribunals, and speedy resolution of disputes:

(12) Data Management - For giving inputs

tribunal members, about will help informed decision making

(13) Automatic get notified - This

would resolve delays on part of government in notifying award.

(14) Time limit for resolution of dispute

-- Though positive steps are these still it doesn't solve issue of states not accepting award. → no provision for river board to implement award.

Other solutions like nationalising interstate water rivers like dandora valley corporation, could also be debated so that dispute would not arise at first instance

Remarks

Ans 2

COMPS

3

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 provides for supremacy of constitution as against British (parliament) & USA (judiciary)

• For

① No parliament supremacy

- of constitution is written

- parliament is creation of constitution

② No judicial supremacy :-

- judiciary takes its power from constitution

- and is interpreter of constitution

③ Arguments for

- constitution provides for separation of powers & checks and balances

eg:- judicial review of legislation

- parliament can remove judges, increase strength of judiciary.

- Both derive power from constitution - written

- Article Art-32, 226 gives judiciary power to invalidate enactments not in conformity of constitution

*explain
why
parliament
supremacy
is not
written
supremacy*

Remarks

→ Arguments against

- ① Parliaments with absolute majority of government has in past done away with judicial review eg:- 42nd C.A.A
- Re-promulgation of ordinances - to nullify guidelines of judiciary eg:- amendment to Representation of People's Act. 1951.
- to Parliament body - removed any judge until now - to hold judiciary accountable.

- ② On other hand..
- judiciary through basic structure doctrine has limited freedom of parliament to legislation.
- new concept of judicial legislation has made parliament a rubber stamp.
- eg:- Nirbhara guidelines.

constitution of india provides for separation of functions and not strict (Ram Jai Maya case) separation of powers - which allows checks and balances - it allow supremacy of constitution to remain.

Remarks

Principals
Parliament

32

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)

Judicial overreach means judiciary stepping in role of executive / legislature -

and starts making laws / policies, like

① liquor ban on national highways
① case of liquor ban could be considered in same category

Reason

- judiciary should interpret law & not make, or it can provide direction to government to act

- this ban should come from administrative executive or out of parliament and not from judiciary.

- this created problems of implementation

- goes against separation of powers
Art - 50

- this would affect fundamental rights of people - to freedom, profession etc

② On other hand this could be considered a case of Judicial Activism - which is more in positive nature

- As executive & legislature failed to act judiciary under Art - 142

Remarks

Administrative
Comms

To make complete justice could give such decree.

- This protects large interest of society

In sum judiciary should have taken administrative considerations before giving judgements - as Chief Justice of India has said judiciary should not ~~penetrate~~ interfere in executive domain

→ Benefits of liquor ban

would have positive impact on health of people

would reduce road accidents

Is in line with directive principles

states would be encourage to effect such ban on state highways in public interest

- executive and legislative would be more proactive in serving public interest.

- would save lives of people

3

Immediate effect

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 System
 Information system - promotes digitisation of cases coming to judiciary - court can monitor case from its registration to its disposal.

- It would also allow cases to be easily transferred from lower courts to higher.

→ Indian judiciary suffers at present from

- lack of proper record management

- excessive paper work

- delays in transfer of cases of one court to another

- lack of avenues of monitoring of cases

- this delays justice delivery and affects judicial performance.

- no performance evaluation of judges

ICMIS would help on all these fronts and help to judiciary to benefit

Remarks

digital court.

But there are also challenges

- (3)
- Needs all courts - from district to Supreme court connected through e-court
 - All data needs digitisation.
 - Train judges in handling such cases.
 - Proper maintenance of record from
 - Police machinery
 - Would bring issue of data theft, would could affect justice delivery.

Overall impact of FCMS would be positive and its success would depend on effective implementation.

Challenges

- * Cyber infrastructure
- * Cyber crime
- * Costly affair
- * Functioner illiteracy

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)

To give complete justice to women, empower women, and allow her to enjoy her fundamental rights effectively ~~maintained~~ the argument for criminalising marital rape is put forward.

→ Impact

① Destabilising institution of marriage

- As it would create more injustice to women - as chances of divorce increases.
- In a society with patriarchal dominance women don't find place post divorce.
- ~~It would~~ On other hand it could be said that it would promote more responsible attitude & respect to rights of women and give equality to women in marriage relationship.
- Marriage becomes successful only when there is equal treatment, consent is allowed.

Remarks

multiple instances

So criminalising marital rape would ~~strengthen~~ strengthen marriage institution as it would ~~strongly~~ promote responsible attitude

(b) Issue of misuse -

- In case of women wanting divorce and want husband to suffer
- Under the influence of parents of women.

- Is difficult to implement, get evidence & prosecute the case.

These issues could be addressed with proper legal measures.

Need for law

promote justice:

would change attitude of society towards women

protect rights of women.

protect ~~mass~~ give proper guidelines to law implementing authorities.

Many children
are married
and rape

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)

Risk profiling refers to protecting bureaucrats for their bonafide decisions while holding them accountable for malafide decisions

Politicise the process of accountability

Risk taking in administration is important to give

- effective / Innovative policy advice
- To take initiatives in public interest even if its impact is unclear

Issues such as victimising bureaucracy for taking bonafide decisions created deterrence for decision making and negatively affects public interest.

So risk profiling is needed to protect honest & punish corrupt

— Laws like prevention of corruption

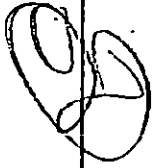
Act section - 3 (i)-(d) (ii) must be amended to give protection to honest. — (2ARC).

2

Remarks

Ramkrishnan
 P.S. of Govt

This would promote accountable,
transparent functioning in bureaucracy



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)

In a democracy people are sovereign and their grievance redressed should be top priority of government institutions especially in era of good governance.

But this is weakest link in justice delivery in India.

Why

- Lack of forums for grievance redressal. eg:- consumer for.
- Access to these fora are limited - only in cities, absent in rural areas
- Lack of awareness of citizens about their rights - 124% people are poor
- pendency of cases in consumer forums, judiciary, Information Commission - justice delayed is justice denied
- Unreasonable administration
- Role of Institutions like Information Commission & Consumer Fora
- A specialised forum for redressal
- promote justice by proactively taking steps to make people aware about

Justice
- Administrative
- Judiciary
- Executive

Police
Complaints
Committee
National
Institutional
Bill

NHRC
National
Human
Rights
Commission

Remarks

NHRC
National
Human
Rights
Commission

their rights eg:- Jago Goraak campaign

- Department of Public Grievance Redressal should promote FCT for an effective redressal.

- Increased reach in rural areas through FCT & ~~tele~~ redressal through mobile

Limitations of institutions.

- (i) Depend on government for 3 F's - fund, facilities, functionaries.
- (ii) Delayed appointment of heads of commission eg:- CFC.
- (iii) Lack of autonomy from government.
- (iv) Retired bureaucrats appointed - who are not sensitive to grievances of people.
- (v) Rising pendency in these institutions.

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)

Indian labour laws are considered hindrance in care of doing business -
World bank report, this promotes informalisation of economy as firms avoid labour laws by being small (economic survey 2015-16)

In light of threat of automation and needs for mass employment to reap benefits of demographic dividend -

labour reforms are necessity.

ways such as

→ Indian efforts at reforms

- Amendments to factories act, union act to allow companies to lay off workers during crisis.
- Entrepreneurship (Amendment) Act.
- central government allowed state to promote labour reforms - competitive

Federalism

Government is committed to labour reforms and taking steps in this direction but it takes time for such reforms.

Why labour law is hindrance

Success of implementation of wage act

Remarks

Labour codes

it needs to be balanced with rights of workers

until these reforms gets done complementary measure could be promoted

- SKILL India - so that industry & society get skilled manpower
- social security to worker in unorganised sector must be promoted

3

~~Aluminium industry~~

- o less unorganised labour laws
- o social security for labour

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 ranks low on global innovation Index, at same it also ranks low on HDI of UNDP this could be result of connection between education and innovation.

- ~~current education system~~ focus on
 - rote learning
 - no scope for innovation through interschool competition etc
 - lack of quality teachers
 - Higher education institutions lack
 - Infrastructure
 - funding
 - obsolete curricula
 - corruption

These all affects innovation which needs out of box thinking & scientific temper. Along with above factors Indian society suffers from matrnatism, caste dominance which affects innovation

→ ASEP report has highlighted situation

Q10. 12.5 marks

Answer for question

Remarks

of outcomes in public schools - when class V student can't read class III textbook.

→ India Innovation Index which would rank state universities on innovation: ranking.

This would promote innovation as competition: would promote investment in innovation infrastructure

Write for
 Innovation Index

that need to be done for
 fostering innovation

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 and Agriculture Organisation (FAO)

of U.S has highlighted issue of food wastage in world. And minimizing this has multiple benefits to world and especially India with 24% of population living poverty.

Benefits to India and world

- Reduction in poverty -
- With concerns of climate change rising - food wastage would be detrimental for future.
- With food loss - results in loss of water (moisture) & ~~space~~

700 days of work in India
1.5 bn tons

Effectively dealing with food loss
& relation to development →

Remarks

- (2)
- Food would be provided to poor - would increase their productivity.
 - Agriculturalist would be less burdened
 - due to saving of food - this would further help on - saving Fertilisers, pesticide & soil quality
 - Habit of saving food among people would result in ethical consumption in other areas helping reduce unnecessary consumption.

What need
be done

A tax free commodity
 MITI raising
 wages for poor, paper & concrete

Remarks

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 refers to ~~diploma~~ meetings, dialogues between representatives from two nations - other than government e.g. - trade bodies, civil society organisations etc.

It works in backdoor channels and doesn't get much highlighted.

In ~~India~~ India-China context

language barrier

Major issue is border dispute

where - state diplomacy is needed

as informal channels couldn't be considered authentic

In case of Doka-La pass and Doklam plateau confrontation - India was protecting Bhutanese territory against aggression by China, as India is bound by treaty of friendship with Bhutan.

Effectiveness
99

Union is a sovereign state with sovereignty

Informal Channels

Remarks

→ When there is direct military face-off
Track-II diplomacy won't work.

2

Remarks

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)

India has vast coastline of 7500km which allows its potential to be used. Challenges to be faced. To maximise first and minimise later Indian Ocean Naval presence is important.

→ Significance

- protect its security interest - from piracy and external threats like war.
- with china expanding in Indian Ocean Naval presence is important.
- protect India's friends eg. → Seychelles.
- To show India's hard power.
- India as a net security provider to countries in region. These are in line with Indian Foreign policy which tries to promote Indian interest and interest of its partners.

→ Effects on Bilateral Relations

- with countries like Maldives, Seychelles it promotes friendly relations as it gives protection to them also.

Remarks

It also creates deterrence to countries, ~~is~~ opposed to Indian interest. eg: - China and its string of pearls policy.

→ Multilateral interest

→ Joint exercises like Malabar - ~~is~~

shows collective interest of countries in the region.

→ It promotes freedom of navigation

→ Keeps / protects sea lanes of communication

→ promotes rule of law over ocean

with global strategic balance of power shifting towards Indo-Pacific

Indian naval presence would see

further rise in importance. ~~It~~ and

help promote Indian foreign policy.

Remarks

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

United Nations as a global body was formed post-World War II - to

- promote peace in world
- solve disputes through peaceful means
- promote just global order

It has various institutions for promoting this objectives

- UNSC - Security Council
- UNHRC - Human Rights Council
- UNCLOS - to promote freedom of navigation, rule of law on ocean

⊙ Contributions to promote peace

- It created awareness about human rights in world
- effectively intervened in Indian subcontinent, Africa to reduce poverty, conflict

Remarks

only war strengthening democracy
 peace keeping in Africa

- ① Failures
- Rwanda Genocide
 - Syrian civil war
 - Ukraine crisis
 - Korean crisis
 - Vietnam crisis

explanations

Reasons
 Admin. cell

Reasons for lack of effectiveness

- Dominance by permanent five who promote their own interest through UNSC
- Lack of financial and military power - it depends on member countries for dominance of USA - as it is major funder of UN body
- Lack of reforms - less representation of new members like India on UNSC

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)

When it comes to International politics there are no permanent friends nor enemies but permanent interests. - This is evident in new global alignments and axis eg:- China - Pak - Russia.

As a important global player, Indian interest bilateral & multilateral gets affected by such alliances.

① China-Russia-Pak axis and Indian foreign policy approach.

- India should try to promote better ties with all countries - so that nothing inimical to Indian interest develops.
- This axis is the Russia & China - who are members of BRICS, where India could cement better ties, to avoid Pakistan developing anti-India sentiment among these countries.
- India should also have better relations with USA, Japan to balance this axis.

Remarks

(II) North Asian Theatre

- India has good ties with all countries in south asia - strengthen it - with more trade, investment, diaspora, cultural links

India could help as a mediator between confronting camps - which is reason

- for conflict in region - this would

better promote & protect Indian interest - speed up work on cross-border Interregional

North-South transport corridors, investment in Afghanistan

 (III) South Asia -

- If Pakistan not coming to terms on stopping terrorism - focus on groupings like BIMSTEC & sub-regional partnership, BBIN & motor vehicle agreement
- Adhere to Carryal doctrine - while dealing with small neighbours.
- More cultural, trade & road connectivity within the region.

Remarks

But & more
 But with
 SASEC
 Road

3

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)

India - Bhutan Relations are based on strong historical - cultural links and India - Bhutan Friendship Treaty this got tested and proved during Doklam crisis.

2/20/17
(Answer)

→ Bhutan important to India

(i) historical - cultural ties

(ii) Economic

- hydroelectricity

- Trade - market for Indian goods

- SAARC & BBIN, Motor Vehicle

agreement - Both are partners in trade to promote integration of region

(iii) Geopolitical & geo strategic

- Buffer between India & China

- strategic location - long border with China

- To protect Indians - Siliguri Corridor - small corridor - vulnerable to Chinese capture.

Remarks

Recent Doklam crisis. India proactively protected Bhutanese interest - as if Bhutan cumbled to chinese pressure it would have affected

- Ties between India-Bhutan
- china would have been at strategic advantage.
- India's security - at silikunji corridor and Mah - East would get affected.
- This was also signal to world of India's neighbours that India could stand and protect interest of its own and its neighbour

India successfully defended its own and Bhutanese interest, and this issue strengthened ties between both countries.

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)

India enjoys better relations with both Israel and Palestine - this at times create challenge to India in balancing this delicate relations.

① Indo-Israel relation are guided by mutual interest

- ~~Defense~~ - India imports arms
- Internal security - India getting better tactics in tackling cross-border infiltration - also equipments from Israel.
- Agricultural - water management
- River pollution control
- space diplomacy
- IT and human resource

This ~~doesn't~~ improved relations with Israel is considered as India diluting the cause of Palestine as

- India supported Palestine as a member in UN, protection of human and national interest of Palestine

Visit of PM
meow
Abhishek

Remarks

Anti-colonial
Assistance to Palestine

- It is said with ties with Israel growing - India could not be in position to promote Palestine cause

But India's ~~interest~~ foreign policy is guided by independence from any alignment - India could balance its inter relations with both countries to promote better ties.

India is also committed to Palestine cause as was highlighted during Palestine Foreign Minister's visit to India.

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)

India has been champion for the cause of nuclear disarmament to promote peace in the world which is in interest of humanity, this also promotes idea of ban on nuclear weapons.

① Feasibility

Ⓐ positives:

- if world comes together, UN takes initiative is possible
- peace - is always in interest of every country and there will be no losses

Ⓑ otherside

- Deterrence - small nation fear that bigger and stronger alliance would affect their sovereignty eg:- Israel - so nuclear deterrence promotes security
- Nuclear deterrence has helped prevent 3rd world war

Remarks

50/50
99

No. Not feasible
 explain

- These arguments also show difficulty in banning nuclear weapons along with
- How to implement ban - when countries like Pakistan - ready to trust such initiative (also N-Korea)
 - With globe divided in alliances it is difficult to implement

eg:- China - N-Korea, USA - Iraq

In past small steps have failed

eg:- Partial Test Ban Treaty, NPT

Though it is necessary to promote ban on nuclear weapons - steps should be taken

- Increase authority of UN - It should be able to protect interest of small nations; no to unilateral aggression
- promote Panchsheel doctrine in world relations.
- More trade - More common interest between nations.
- Peaceful resolution of conflicts.

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)

-Remarks

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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)

Under CPEC - china is going to invest 40 billion dollar to develop corridor from Guadar port (Pakistan) to Xingzhan (in china), with rail, road connectivity.

challenge for India is that it passes through Pak - which is Indian territory - and affects sovereignty of India

For some reason India didn't participate in OBOR forum

→ should India join it → it needs to consider other issues (other than sovereignty) -

- lack of clarity from china about its intention behind OBOR & CPEC.

- strategic interest - OBOR could be considered as china's policy to encircle India - through ocean & land.

- If India participates in OBOR issues
 - Debt burden of ~~it~~

Remarks

More
 changes
 are
 needed

- India has to accept chinese companies & workers pressure for construction activities.

On other hand it could also benefit India (possibly).

- More investment in India.
- Better regional connectivity - BCFM
- It would help India avoid isolation in Asia as most of countries participated
- Betterment of ties between India-china, even India-pakistan

India has made it clear that it can not join OBOR at cost of its sovereignty.

→ Regional Implications of CPEC

- Increased chinese presence in South Asia.
- More tensions among - India - Pakistan - china
- Pakistan alliance with china - SAARC would remain non-starter.
- Pakistan won't take effort to reduce terrorism as support of china is there

on other hand it could also

help better connectivity in region, economic growth in Pakistan - could reduce terrorism & promote trade better for SAARC

Remarks