

GENERAL STUDIES

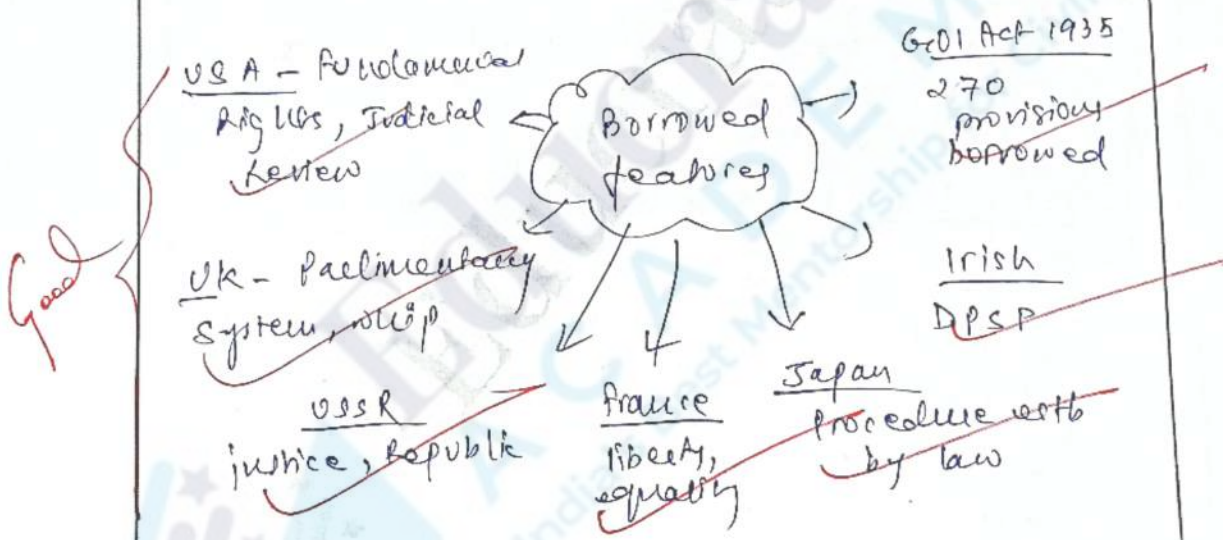
Name of the Candidate	Saima Khan		
Email ID	[REDACTED]		Roll No.
Mobile No.	[REDACTED]		Date: 30/7/23

INDEX TABLE			INSTRUCTIONS	
Q.No	Max.Marks	Marks Obtained		
1	10	5	1. Please write your Name, Email, UPSC Roll No. and Mobile number in the answer sheet 2. There are 20 questions printed in English, all questions are compulsory 3. The number of marks carried by a question or part is indicated against it. 4. Answers must be written in the medium authorized in the admission Certificate (English), which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. 5. Word limit in questions, if specified, should be adhered to. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be struck off.	
2	10	5		
3	10	5		
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6	10	3	Any specific message from Educrat IAS Mentors/Evaluators with respect to your copy? Mentor's Remarks:	
7	10	4		
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18	20	4.5		
19	20	6	Start Time: 9:30	End Time: 12:30
20	20	6.5	Mode of Examination:	Online <input type="checkbox"/> Offline <input type="checkbox"/>
Total Marks		105	TEST CODE:	Medium of Examination:

1. Belief that the Indian Constitution is a borrowed constitution is nothing but a myth. Discuss. (Answer in 150 words, 10 marks)

Good } The Indian Constitution is often called a 'bag of borrowing' from other constitutions.

It is true that India has borrowed various features from other constitutions.



However, it is a borrowed Constitution is a total myth.

Reasons

If Indian Constitution has not adopted



the provisions blindly. Rather it has been modified eg: positive secularism instead of negative secularism

Good 2) provisions reflect the aspiration of the people eg: DPSP: Art 47 - prevent alcohol consumption is unique to India

3) Novel features of the constitution. eg: cooperatives, Panchayats etc

4) Our constitution upholds the idea of unity in diversity eg: Fundamental Duty

5) It presents a balanced approach eg: UK has Parliamentary sovereignty but India has blend of this with Judicial supremacy.

6) Constitution reflects the ideals of freedom struggle - eg: Universal Adult Franchise.

While the constitution is borrowed, it presents a perfect synthesis of all features adapted to local needs of Indian citizens.



2. As economic, social and political conditions of a society mutate continuously, a constitution must be a living document in order to facilitate these ever-dynamic developments and needs of society. Elaborate in Indian context. (Answer in 150 words, 10 marks)

Indian constitution has witnessed more than 100 amendments since its inception. The 105th CAA was recently passed in Parliament.

This reflects that our constitution is a living document responsive to the changing socio-economic and political conditions.

↳ changing tax laws leads to accommodative changes in the constitution
eg: GST

2) Opening up of Indian economy after LPG - constitution expanded Art 19.

3) Focus on growth of all
eg: 97th CAA - cooperatives formation

4) Political representation to all

Divide your answer into social, Pol, economic



members of society is vision of India
eg: Reservation for SC / ST

5) Increasing importance and need of literacy for overall development.

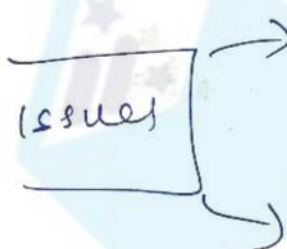
eg: Art 21A — 86th CAA
Right to Education made compulsory

6) Expanding Rights of citizens due to changing situations.

eg: IT boom → data breach — Right to Privacy under Art 21

7) For social development and access to justice, provisions added.

eg: Art 39A: free legal aid to poor.



Many provisions incorporated in the constitution are yet to be implemented

eg: Art 43A

Adds to the bulkiness of the document.

Nonetheless, Indian constitution has stood the test of time by adapting itself to the changing needs of Indian society.

Good

3. What do you mean by 'doctrine of essentiality'? How has judiciary used this doctrine to address conflict between various fundamental rights? Explain with examples. (Answer in 150 words, 10 marks)

Shri
Hurt
Case
1954
→ doctrine
this doctrine
was used

The doctrine of essentiality simply means determining the validity of a practice on the basis of whether the practice forms an "essential part" of the custom, religion etc.

eg: Supreme Court recently used this doctrine to decide whether 'hijab' worn by Muslim women is an essential part of Islam or not and if it should be allowed in schools.

Doctrine of essentiality balancing conflict of FR

It can be used to determine which Right should be upheld under which circumstances.

eg: Hijab controversy → led to conflict

between Art 25 (Right to practise religion) vs. Art 26 (Right to administer institutions)

2) It ensures harmony while maintaining rights

eg: It was used to determine 'turban' should be worn in ^{army} offices or not.

Balanced Art 29 (right to preserve own culture) vs Art 33 (restriction of FR of military personnel)

3) It allows for expansion of rights of individuals

eg: Supreme Court held that hijab is not an essential practise. Allowed girls to escape forced hijab in some cases.

Issues with the doctrine → Judiciary getting power to interpret customary laws
→ can lead to biased decisions and disharmony

The doctrine of essentiality can help in resolving various conflicts arising out of clash of various rights. It should be used with caution.



4. Indian federalism is the middle point between Unitarianism and confederalism. Analyze. (Answer in 150 words, 10 marks)

Federalism means division
of power guaranteed by the constitution.
Indian federalism is of quasi-federal
nature - K C Wheare

It is a middle point

Unitarianism

- States have no power - any power they may have is dependent on the whims of centre
eg: China

Indian Federalism

Confederalism

- States have too much power - so much that they can even secede from the Union

Indian federalism as a balance

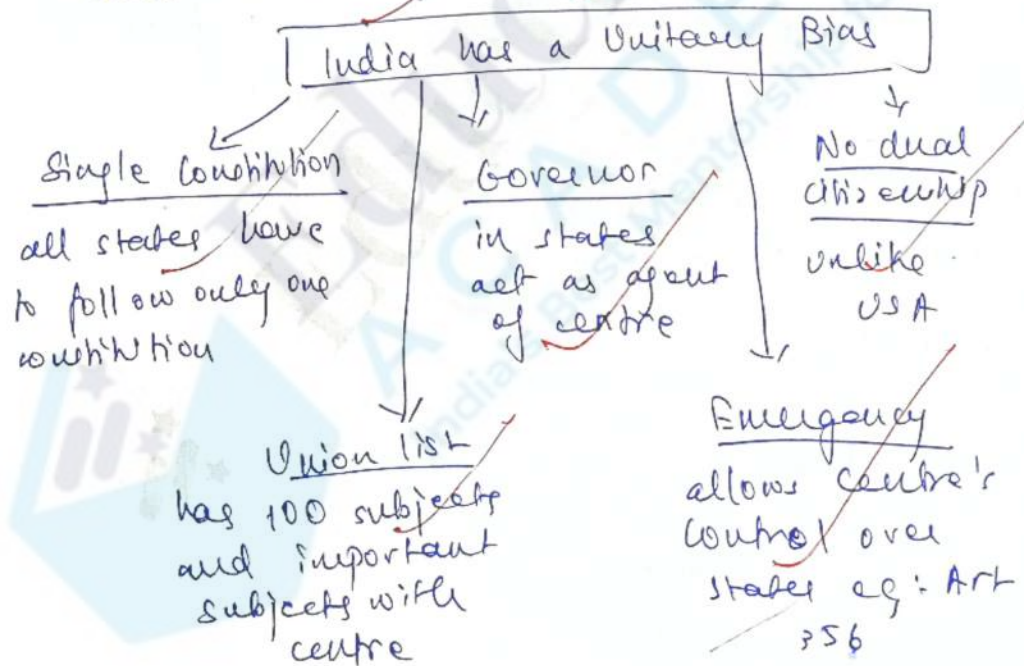
- 1) Power of states not derived from centre but given by constitution itself - eg: 7th schedule
- 2) Rigid constitution prevents manipulation



by centre unilaterally
eg: SC told centre to repeal cooperative amendment and get State permission

- 3) Written constitution: allows for clear power division.
- 4) Rajya Sabha - part of Parliament is a representative of states.
- 5) Federal scheme: presence of both centre and state government.

read



Thus, India presents a balance as it has federal features but with a unitary bias — a cooperative federalism

5. Democracy thrives on disagreements; critical and dissenting voices make a society vibrant. In your opinion, do limitations on hate speech infringe right to freedom of speech and expression? Discuss how hate speech impacts the society and ways to restrain it. (Answer in 150 words, 10 marks)

definition in 267th Report on Law Commission

Hate speech is an unresponsible speech made against a community, religion etc to incite hatred against them.

While democracy thrives on dissent and free speech, it is also subject to reasonable restrictions Article 19(2)

Need of limitations on hate speech

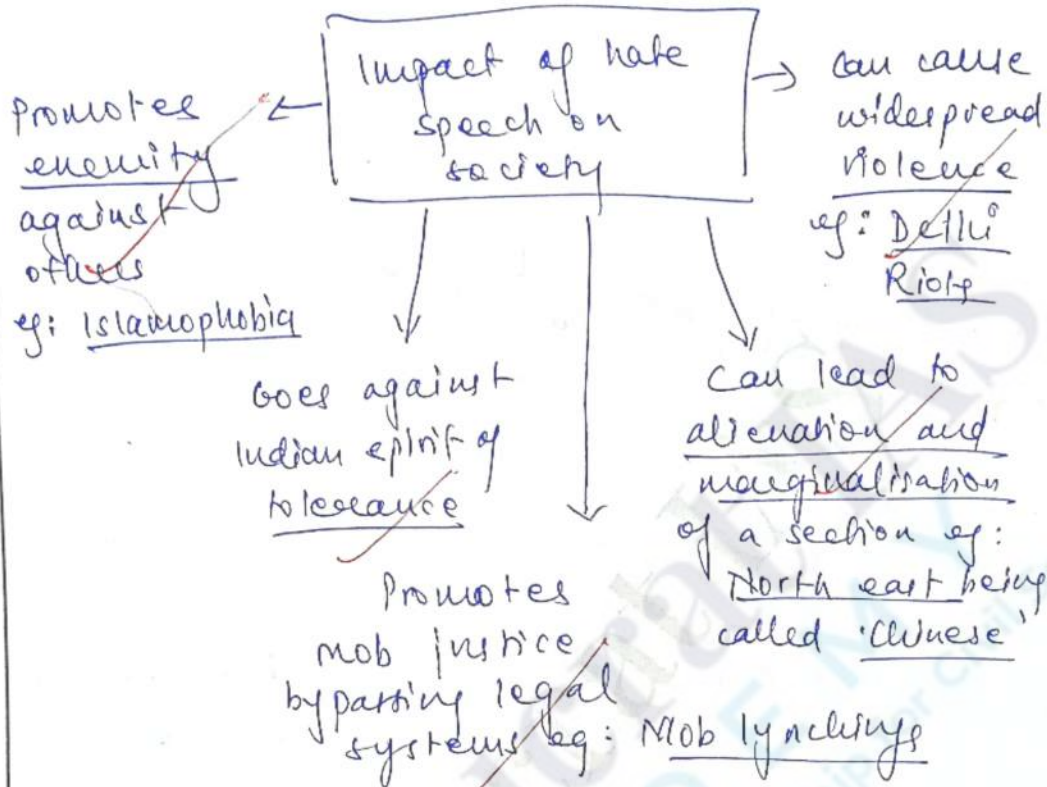
It is a reasonable restriction on free speech under Art 19

1) Enjoying own right under Art 19 does not warrant depriving other's right to dignity under Art 21

Rights and duties co exist -

Hate speech goes against fundamental duty of promoting brotherhood.

* 153A
* 153B of
IPC
* 295-A
of
IPC



Ways to restrain it

- 1) Add hate speech specific sections under IPC and CrPc eg: Sec 505
- 2) Follow recommendations of Bezbudvali Committee - strict action against those practicing hate speech.
- 3) Awareness among people to counter the menace eg: Peace Committees
- 4) Regulate digital spaces to identify such speeches eg: use of AI to identify trigger words.

Hate speech is a virus that can destroy fabric of Indian society. It should be dealt with strictly.

6. Why is it important to ensure separation of powers between various organs of the State? Also, explain Indian model of separation of power with relevant provisions in the Constitution. (Answer in 150 words, 10 marks)

Separation of powers was a theory given by Montesquieu which called for clear demarcation of powers between the 3 organs of the state

<u>Legislature</u>	<u>Executive</u>	<u>Judiciary</u>
- make laws	- implement law	- dispense justice

Need of separation of powers:

1) It ensures harmonious working and reduced conflicts
eg: judiciary facing on its own work.

2) Faster service delivery to citizens due to clear roles.

3) Promotes stability of the governance structure

4) Clear coordination among all organs



India follows a flexible idea of power separation unlike USA which has a water tight separation.

1) India has dual membership

eg: Executive part of Parliament.

2) Idea of checks and balances.

eg: Judiciary controls other 2 organs through Judicial review under Art 13.

3) India's separation of power ensures accountability eg: Executive controlled by Parliament through Question Hour.

4) Ensures no organ is autocratic eg: judges can be removed by impeachment.

5) Control over Parliament by executive through delegated legislation.

While India faces issues like cabinet dictatorship, Judicial overreach etc, the separation of powers with checks and balances ensures that these issues are resolved quickly.

GOP → Const
Provision

Art 50

122 212
A 361

then talk about checks and balances.

J E L J
E L J
L J

notes & sub headings with const frame

7. Preamble reflects the ideals and aspirations of the Indian Constitution. Elaborate. How far have these ideals been achieved?
(Answer in 150 words, 10 marks)

Preamble is called the summary and essence of the constitution
- N A Patkivahla.

It reflects the ideals and aspirations of the constitution:

1) Mention source of power - "We the People" is the ultimate power. Promotes true democratic spirit.

2) Socialist spirit - focus on growth of all and welfare state

3) Secularism: equal respect to all religions → mentioned under Art 25 to 28.

4) Democratic - focus on participation
Equality - equal treatment to all in opportunity

5) Liberty: absence of arbitrary restrictions on individual's freedom.

6) Justice: fair treatment to all

Soul of the constitution
→ new finally a part of the constitution
K. S. Case 1973

or
* Nature of Indian state
* Source of the Indian state
* Objectives of the Indian state



These ideals have been achieved to a great extent:

- 1) Paundrayaji Ray ensures grassroots democracy
- 2) Socialist state: multiple schemes like N.F.S.A, PM Awas Yojana etc focus on welfare state
- 3) Justice eg: NALSA provides free legal aid to poor
- 4) Equality: Reservation for SC/ST etc ensure equality of all
- 5) Liberty: expansion of individuals Rights eg: RTI Act 2005
- 6) Ultimate power with people - periodic elections

Challenges in realising these ideals

increasing communalism eg:
Hindu fundamentalism threat to secularism
Sedition, WAPA etc threat to liberty

Covid 19 pushed more than 10 million people into poverty

→ role of welfare state declining

Nonetheless, India has achieved tremendous progress in achieving aspirations of Preamble and must continue to do so.



8. Basic structure doctrine, although extra-constitutional, has been instrumental in protecting the fundamental construct of the constitution. Highlighting the circumstance which led to development of basic structure doctrine, discuss the significance of basic structure doctrine. (Answer in 150 words, 10 marks)

Basic Structure doctrine is a judicial invention which means such ideas and goals of the constitution which are fundamental to the constitution and cannot be altered under any circumstances.

It is important as it ensures that constitution is not altered to such an extent that it loses its essence.

Circumstances that led to it :

1) 24th CAA and 25th CAA

Art 31 (c) : State can violate Art 14 and 19 to implement Art 39 (b) and (c)

• Such violations will not be subject to Judicial Review.

2) Keshavnanda Bharti Case : Judicial review part of 'Basic Structure' and cannot be altered — The doctrine was propounded for the 1st time.

Shankari Prasad Case
Golaknath Case

3) Judira v. Shukul case: removed 39th CAA
election and Rule of law part of
basic structure

4) Minerva Mills case: balance between
FR & DPSP part of basic structure.

Janak Case - declared void 42nd CAA which allowed
state to violate Art 14 and 19 for all
DPSP.

Significance of Basic Structure :

It protects essence of constitution eg:
Rule of law

1) Ensures harmony between various
provisions eg: Balance between FR and
DPSP

2) Prevents states from turning autocratic
eg: Federalism part of Basic Structure

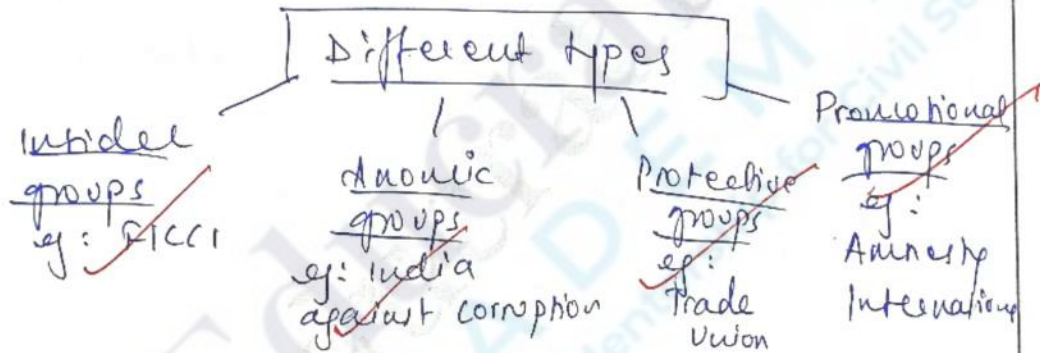
3) Ensures citizenry empowerment
eg: Free and fair elections

4) Expansion of rights of citizenry
eg: Secularism part of Basic Structure

While the issue is that it
is not codified and subject to judicial
interpretation, it was allowed in protecting
the soul of the constitution.

9. What do you understand by pressure groups? Citing examples, state the different types of techniques used by pressure groups. (Answer in 150 words, 10 marks)

Pressure groups are such interest groups that attempt to modify public policy for the interests of those that they represent.



Techniques used by different groups

1) Electioneering: trying to get that candidate set elected which will favour them in policy making
eg: FICCI supporting ruling party as it is pro business

2) Lobbying: holding informal meetings

- to manipulate public policy
eg: closed door meetings with farmers
union in Punjab.
- 3) creating public pressure - propaganda
eg: India Against Corruption
- 4) seeking judicial intervention
eg: Mazdoor Kisan Langathan acts
led to RTI - Right to Information
- 5) Donations - a form of monetary
support eg: According to ECPI,
electoral bonds are being used by
pressure groups

Pressure groups allow
government with information otherwise
not available and provide a voice to
the voiceless. They are a conduit
between state and citizens and
must be heard to ensure inclusive
development.



10. What do you understand by judicial activism and overreach? Also discuss the associated concerns. (Answer in 150 words, 10 marks)

Judicial activism and
judicial overreach are an unnecessary
trend in Indian polity.

Judicial activism

- when courts suo moto take up matter in their hand - ~~and~~ a matter which is usually of grave concern
eg: Manipur incident

Judicial Overreach

- when courts encroach into boundaries of other 2 organs i.e. engage in law making
eg: seeking to amend laws of Parliament

Need of activism:

It is usually a result of executive under reach. - eg: Manipur incident

1) ~~It~~ ensures judiciary to play an active role in societal issues

2) Broadens scope of justice eg: PIL, Basic structure etc.

Issues associated with the two

- 1) Breach of doctrine of separation of powers eg: judiciary making laws
- 2) Judicial activism can be misused for personal agenda eg: for gaining popularity
- 3) Against mandate of people: judges appointed and not elected. Hence should not encroach on other organs.
- 4) Prone to personal bias - decisions taken can be based on judge's personal opinion
- 5) Judicial overreach can make people lose trust in Parliament's power eg: incessantly resorting to courts for any issue
- 6) Increases judiciary's burden - pendency of cases will increase

* Economic issues → Coarse allocation
* Pendency on the part of judiciary → increased
A142

Judiciary should abide by the separation of power doctrine. While it can play an active role in society via PIL and taking cases suo moto, it must not become the norm.



11. Highlight the devolution of powers under the 73rd and 74th Constitutional Amendment Acts. Do you think the process of devolution has been less than satisfactory so far? (Answer in 250 words, 15 marks)

The 73rd and 74th CAA provided a constitutional status to the Panchayats and Municipalities by adding them in Part IX and IX A respectively.

Devolution of Powers

1) Transferred subjects:

The Panchayats have received 29 subjects while Municipalities have got around 18 subjects for law making.

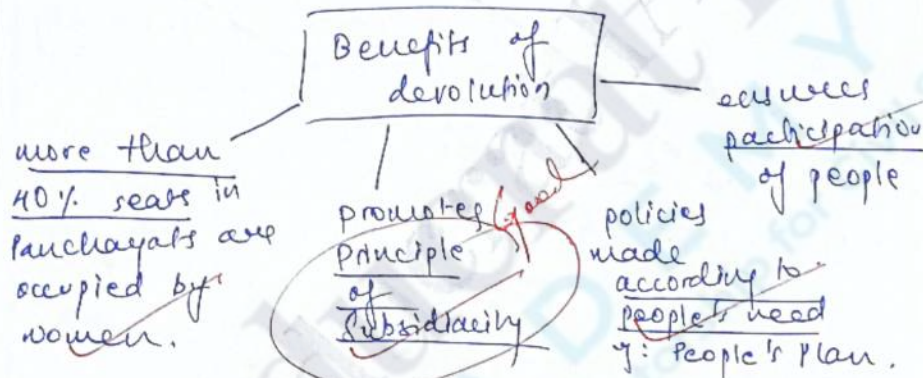
2) Funding: States have given them the power to resort to local taxation
eg: toll tax, ferry service etc.

3) Functionaries: State Election

Commission under Art 243(K) has been created to conduct elections for all levels of these bodies.

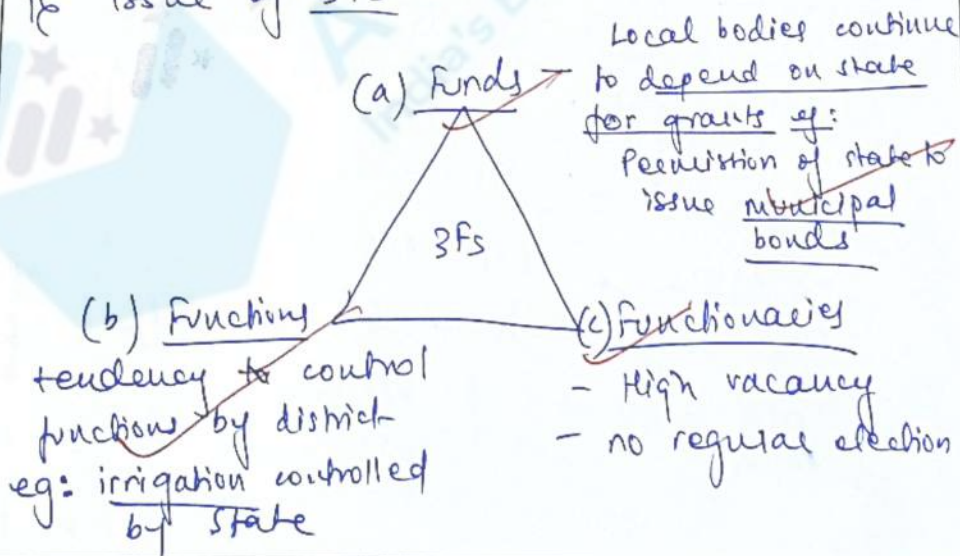
4) Women's participation: 33% seats have been reserved for women in local bodies.

5) State Finance Commission ~~dec~~ recommends on grants and devolution for their effective functioning.



Challenges in devolution

1) Issue of 3Fs





2) Tendency of overbureaucratisation

eg: Most SAs spend their time in DMO office to get pecuniation.

Creation of parallel bodies leads

to loss of responsibility

eg: Haryana's Rural Development Authority

Paper tiger: women's reservation on Pati Panchayats

Measures needed

Complete devolution of 3Fs by State

Increasing people's participation
eg: Rashtriya Gram Swachh Abhiyan

Increasing funds by registering them on Gram Platform

Provision of devolution of functionary

Integrated Personnel management

73rd and 74th CAA have

allowed for realisation of grassroot

democracy. It should be allowed to

function effectively to achieve goal of

Ram Raja

* Lack of regular
participation
in selected
bodies

* Lack of
dedicated
cadre
awarness
of
governance

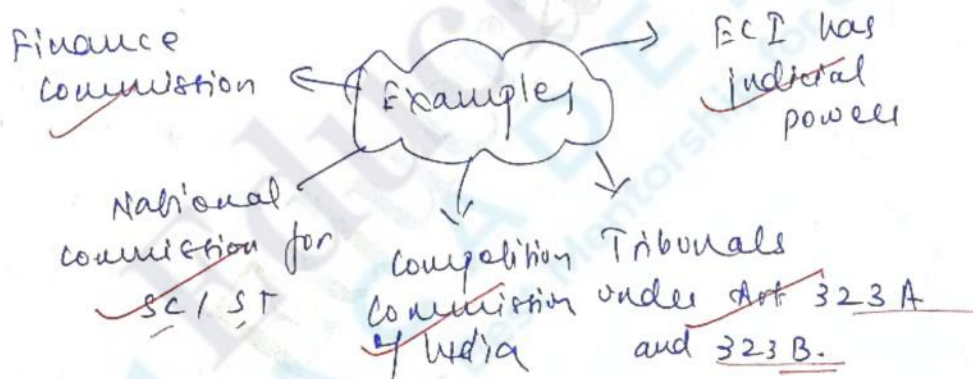
* Governance
of
Sap
of
use
be
to

* Skills
* Parallel
dedicated
cadre
SFC
make
independent

12. Although quasi-judicial bodies have powers resembling those of the judicial bodies, there are important points of distinction between the two. Elaborate. (Answer in 250 words, 15 marks)

Good

Quasi judicial bodies are those bodies that perform some judicial functions along with major focus on administrative tasks. It is a blend of executive and judicial functions.



Similarities :

- Both judicial and quasi judicial bodies deal with case hearing
eg: ECI hears disputes of symbol allocation
- Quasi judicial might have powers



of civil courts

eg: NHRC / NCSC — have powers of civil court.

3) Both have the power to give decisions

eg: ECI final call on symbol allocation.

Differences

1) Quasi judicial bodies might have statutory backing while judicial bodies

have backing of constitution

Competition Commission has a statutory backing

follows principles of natural justice

Based on evidence & facts

2) Judicial bodies have the power to enforce decisions while many quasi judicial bodies are recommendatory

in nature eg: NCSC only advisory

3) Judiciary: exclusively of judges

Quasi judicial: both judges and executive

Chemp vs Judiciary eg: Art 323 A tribunals.

4) Judiciary: only deals with case hearing
 Quasi-judicial: perform administrative
tasks, as well eg: Finance Commission
 advises on fund devolution

Judiciary: permanent body

Quasi-judicial: might be ad hoc

6) Judiciary has a system of appellate
authority.

Quasi-judicial: might have appellate
 authority or may not

eg: CCI has a 3 tiered
 structure while tribunals under
 Art 323A have no hierarchy.

Both judicial and quasi
 judicial bodies in India allow
 for dispute resolution. While, judiciary
 focuses on exclusivity, Quasi-judicial
 bodies present a flexible representation
of separation of power.

13. Delineate the grounds of disqualification under The Representation of the People Act, 1951. Also, discuss the remedial measures available to the disqualified representatives. (Answer in 250 words, 15 marks)

RPA 1951 deals with multiple aspects of elections - registration of parties, disqualifications, by elections and so on.

Grounds of disqualification of members are mentioned in:

Constitutional grounds	RPA grounds	Defection grounds.
------------------------	-------------	--------------------

RPA grounds of disqualification

See 8 of RPA: Section 8(3)
 → disqualification on grounds of conviction under VAPA, glorification of sati, ^{lowry} ~~etc hate~~ speech etc

(a) Disqualification for 6 years from the date of conviction.

↓
 if convicted for more than 2 years

Level of activity of certain election offences corrupt practices in the elections

2) Disqualification on grounds of:

171E

- profiteering, failure to file expenses, bribery etc.

interest in govt contracts enter to qualify publishing of files statements

3) Disqualification on grounds of promoting enmity between communities, violating conduct rules etc

153A

- disqualification conviction for 6 years from the date of release of conviction.

* has been dismissed from govt service and disqualification

these grounds are mentioned under different subsections of sec 5 of RPA 1951

Measures available

If a plea can be filed to Election Commission of India if disqualification is done by President on the recommendation of ECI.

An election can be called into question by an elector

ECI acts as final authority

2) If disqualification is done due to

Head of the Govt

question legally due to any subject to disqualification of President

Govt & Vice P

petition filed in High court, the member can go and appeal to the High court.

→ Appeal also lies to the Supreme court within 30 days of the High court verdict.

Earlier, the MP could file an appeal to the court concerned within 3 months of the disqualification. In these 3 months pending the court's decision, he/she would continue to hold position as MP or MLA.

This was removed by supreme court and declared as null in Lily Thomas case (2013)

The disqualification grounds ensure that Members remain "accountable" to the people and not misuse their position - it promotes the idea that they merely retain power as long as they abide by the rules.

Conferred the powers of civil court

EC with a civil court

On certain grounds it may be disqualified

Section 10

Article 103

Good



14. The basic structure doctrine of the Indian Constitution is a judicial innovation. Analyse. (Answer in 250 words, 15 marks)

Basic structure doctrine was propounded by the Supreme Court in Keshavananda Bharti Case 1973. It means that some values and ideas of the constitution are fundamental to it and cannot be amended under any circumstances.

Rule of law

Balance of FR or DPSP



Secular State

Democracy

Republic

It is a judicial innovation

It was developed in response to Art 31(c) by the 25th CAA which claimed that judiciary cannot enquire

into FR violations of Art 14 and 19 for implementing Art 39 (b) (c).

2) While the judiciary upheld Art 31 (c) in Keshwananda Bharti case, it struck down the provision of no judicial review — Judicial review part of Basic Structure.

3) Judiciary adds items to the Basic Structure list through its judgement — thus innovating and expanding it

Various cases

1) Indira Gandhi vs Raj Narain:

- struck down 39th CAA
- Rule of Law part of Basic Structure

2) Minesva Mills case

- struck down 42nd CAA provision which challenged judicial review
- Blend of FR and A P S P part of Basic Structure

3) Kiloto Holohan case:

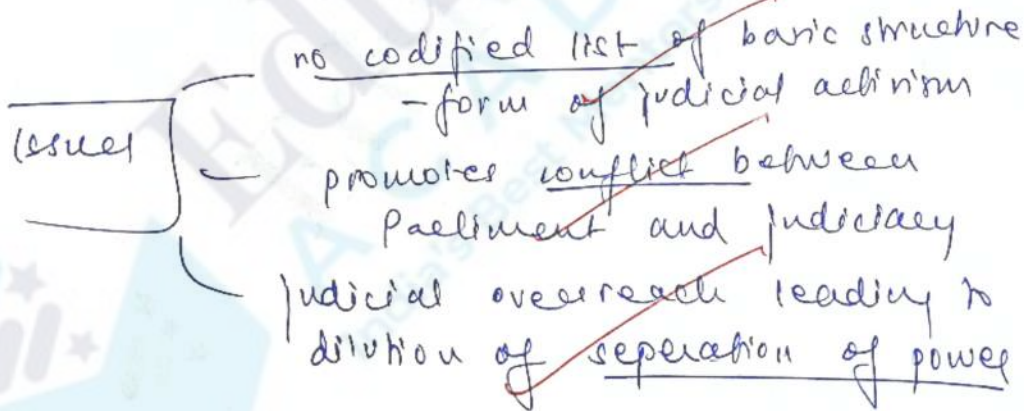
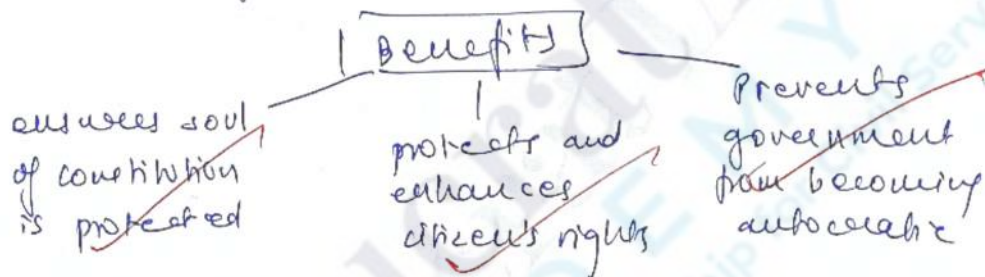
Waman Rao Case

free and fair elections added to it.
4) Indira Sawhney case: Rule of law and equality added to the doctrine

5) S R Bommai case

- Doctrine of secularism and federalism part of basic structure

good



The Basic Structure doctrine is essential to ensure fundamental ideals of the constitution is protected. There is a need to codify a list of items in this doctrine through consultation of judiciary and Parliament.

15. Highlight the various challenges in ensuring cooperative federalism in India. Also, suggest measures to foster cooperative federalism. (Answer in 250 words, 15 marks)

Cooperative federalism is the cornerstone of centre - state relations. It simply means that both centre and states work together in tandem to achieve synergy for better policy implementation.

Pillars of cooperative federalism

Cooperation

Collaboration

Need of cooperative federalism:

- It promotes harmony between centre and state
- 1) Effective policy making eg: Niti Aayog
 - 2) Promotes unity in diversity
 - 3) Reduces conflict eg: Inter state water disputes.

Challenges in ensuring cooperative federalism:

1) Regional disparity: Not all states are equally developed and hence have divergent interests

2) Political vested interests: party

politics acts as an inhibitor in achieving the goal eg: use of President's Rule

3) Defunct bodies:

eg: Inter State Council has met only 11 times since its formation

Over centralisation of power:

eg: Centre encroaching on State's domain — Health under Centre during Covid due to Disaster Act.

5) Discretionary funding:

eg: Art 275: Centre funding those supporting their ideologies

6) Geographical factors:

eg: boundary disputes, water conflicts etc.

7) Funding tussle eg: GST issue

* One size fits all approach
* Under representation in Finance / Comptroller

* Govt acting at own convenience

Measures to resolve issues and promote cooperative federalism:

- 1) Revive platforms for discussions
eg: Inter state Council, Niti Aayog
- 2) Focus on regional needs and specific goals
eg: Use zonal councils
- 3) Promoting awareness among people to counter political agenda
eg: Ek Bharat Shrestha Bharat

4) Funding should be according to needs to promote equity
eg: Use GST Council - States' consent now mandatory.

5) Form committees of binding nature
eg: Inter state ^{water} tribunal should be binding

6) Sarkaria Commission: suggested proper and improper grounds of President's rule imposition.

cooperative federalism should be spheld and enhanced to achieve India's goal of true federal spirit.

* democratic decentralization to the local level
* increased representation of states in

16. Provide an account of the role of UPSC. Also, enumerate the Constitutional provisions to safeguard and ensure the independence and impartial functioning of the UPSC. (Answer in 250 words, 15 marks)

UPSC is a constitutional body under Art 315 - 323 which is mandated to conduct various exams for selection of people in bureaucratic roles.

Role of UPSC

1) Conduct All India Service examination
civil services examination for

All India Services

2) Assist states in conducting state examinations on recommendation of Governor and approval of President

3) Present a report to the President on the actions taken by it which is presented before the Parliament

* principles to be followed in appointment of any claim of legal recourse in federal civil servants

- 4) No style ministry has the power to reject recommendations of UPSC
- 5) conduct other examinations related to Group B and C
- 6) It is not concerned with training or classification of services. It is only focused on recruitment

Constitutional safeguards to ensure their impartial functioning

- 1) They have a constitutional status
— backing of most powerful law of land.
- 2) Security of tenure — 6 years or 65 years
— They can only be removed on grounds mentioned in the constitution
- 3) Charged expenditure : UPSC salaries and allowances are charged on the consolidated fund of India — hence

non voteable and not subject to Parliament's whims and fancies

4) clear roles and responsibilities have been mentioned

5) No reappointment or future appointment

UPSC members can only be promoted within their service — this ensures that future appointment does not compromise their impartiality

6) Ministries are answerable for not abiding by recommendations of UPSC

Issues

No clear qualification prescribed for members

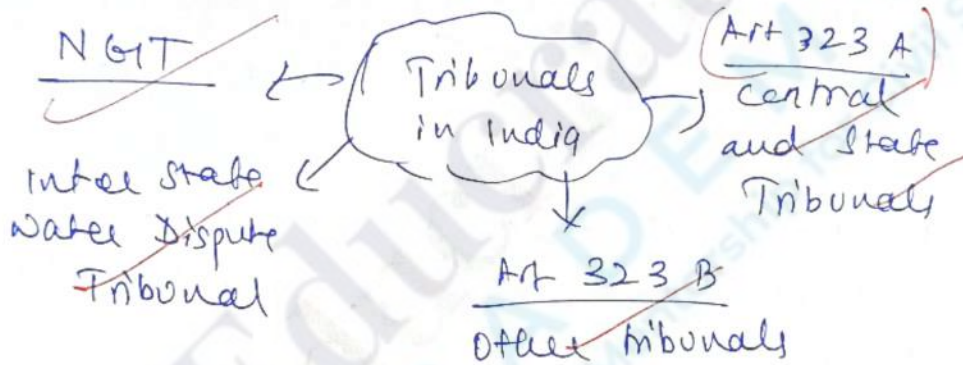
They are not taken into account when deciding claims of SC / ST

conflict with CVC which is statutory body

UPSC is considered as one of the pillars of Indian democracy. Its independence is necessary in ensuring that the steel framework of India remains strong.

17. What are tribunals? How is Article 323A different from Article 323B of the Indian Constitution? (Answer in 250 words, 15 marks)

Tribunals are quasi-judicial bodies set up to deal with certain specific matters. They can be permanent or ad hoc.



Art 323A and Art 323B has been added to the constitution in order to deal with some specific issues.

323 A

It deals with disputes relating to Central Civil Services and State Services.

- 2) Centre has ^{been} empowered by Parliament to set up such tribunals
Centre sets up Central Tribunal for central services and States Tribunal on request of State government.
- 3) It has a chairman + 65 other members
- 4) They are selected by a selection committee headed by a judge appointed by CJI and approved by appointments committee
- 5) Chairman is a judge of High Court and other members are given status of High Court
- 6) It has both Judicial and executive members

Art 323 B → not yet formed in many cases
To deal with election disputes
To solve geographical conflicts between

Foreigners
demand for
ceiling on
land
of citizens
denial
to deal
with
issues
of
taxation
grievance
redressal

(4) For adjudging form of grievance redressal
etc.

Difference

- Art 323A *Parliament*
- 1) set up by central government only
 - 2) Only Parliament has power to make laws on the tribunals under Art 323A
 - 3) No hierarchy of tribunals exist - appeal lies to courts (High Court - Chandra Kumar case)
 - 4) Specific function

- Art 323B *Legislature*
- 1) set up by both State and Central government *relevant*
 - 2) Both Parliament and State Legislative Assembly can make laws
 - 3) Clear hierarchy of tribunals exist
eg: Competition Commission Tribunal - 3 tiered
 - 4) Multiple functions

Tribunals have been formed to reduce judicial burden and allow for quick redressal of grievances.

18. Analyse the constitutional, legal and socio-cultural implications of implementing a uniform civil code (UCC) in India. How can the challenges and opportunities of UCC be addressed in a democratic and secular manner? (Answer in 250 words, 15 marks)

Art 44 under DPSP
promotes state to adopt a uniform
civil code i.e. a single code of laws
applicable to all religions, communities
etc taking place of personal laws.

UCC mainly regulates
4 areas



Implications of UCC

Positive

It will promote
harmony between
different communities
due to similarity of
laws.

Negative

It can lead to
increased conflict
- fear of imposition
of other cultures.

*Division on the
basis of
legal and
socio-cultural
implications*



Positive

- 2) It can lead to women empowerment
eg: property right for women
- 3) It will promote idea of nationalism
One Nation - One law
- 4) Reduce judicial burden to interpret personal laws - same set of law applies
- 5) Beneficial to certain groups of people
eg: atheist
- 6) Earlier compliance for cases of inter-religious communication
eg: Special Marriage Act
- 7) It fills goal of constitutional makers
eg: B R Ambedkar

Negative

- 2) Negative discourse promoted
VCC being shown as Hindu culture
- 3) Asymmetry of treatment - Amartya Sen - what should be the standard of laws, what will be considered uniform
- 4) Convert cultural pluralism to assimilation - tribal culture might be endangered
eg: Nayars have no concept of marriage
- 5) Issues of identity loss and alienation
eg: among Muslims

Address issues of UCC in a democratic manner

- 1) Consultation based approach:
Involve members of all religious communities and act accordingly
- 2) Phased implementation:
Start pilot projects in accepting areas to understand response
- 3) Promote awareness on benefits of UCC - ensure uniformity is not equal to any single religious imposition.
- 4) Persuasion rather than coercion
Focus on persuading rather than zealous implementation
- 5) Take states into account to promote federal support to UCC.

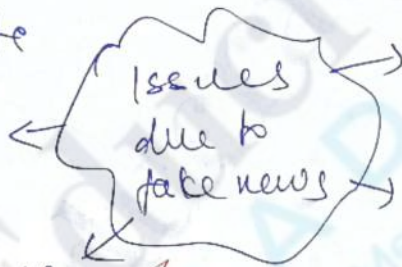
UCC can guide to symmetry of treatment and empowerment. It should be promoted via a multi-stakeholder approach.



19. What are the major challenges in effectively curbing the spread of fake news and disinformation, and what strategies and solutions can be employed to address these challenges? (Answer in 250 words, 15 marks)

Fake news is unverified information that is propagated as true news/facts.

can promote violence
eg: Dellat
Attot



Yellow page
journalism

can cause disharmony
among sections
of society

Loss of
credibility in
media

Challenges in curbing fake news:

↳ Fast spread of information
due to digitisation
eg: social media -

- 1) Focus on TRP rather than ethics
eg: sensationalization of news
- 2) Lack of awareness among people
eg: blind adherence to WhatsApp forwards
- 3) Policy paralysis - lack of bureaucratic will
eg: not taking immediate action against complaints
- 4) Use of technology eg: deepfakes
make it difficult to identify fake news
- 5) Paid news by political parties
for vested interests - difficult to go against political masters
- 6) Media companies seeking restrictions
as hindrance to business - voluntary non compliance.

Measures to curb this menace

- 1) Statutory backing
eg: see 67A of IT Act blocks websites promoting hate, fake news etc
 - 2) Power of crowd: using citizens to counter fake news
eg: fact shala
 - 3) Institutional measures eg:
PIB fact checking unit
 - 4) Use of technology to identify such news eg: URL filtering, FN's tampering
 - 5) Promoting media code of ethics and strict action against violation
 - 6) Formulating self regulatory bodies for social media units
 - 7) Awareness among people to identify such news eg: Sweden's model
- Fake news should be curbed at all costs. Media is the 4th pillar of democracy and should be protected.

20. Highlight the challenges faced in implementing robust data governance in India and propose strategies for enhancing data protection in the country. (Answer in 250 words, 15 marks)

Indian Parliament is recently discussing the Digital India Bill. With IR 4.0 and growth of AI, ML, cyberfare etc, data governance has become imperative.

Art 21 - Right to privacy

Need for data governance

Data can be manipulated for causing disharmony
eg: Facebook Analytica case

Data can provide competitive edge to entrepreneurs
eg: collecting data to identify consumption patterns

Data being used as spyware
eg: China - National security



Challenges in implementing data law:

- 1) Willful ^{Non} compliance by companies
eg: Twitter refusing to share data
- 2) Geographical issues: most companies are located outside national boundaries and hence can escape laws
- 3) No data law formulated yet:
Despite multiple committees like BN Srikrishna, no data law finalised
- 4) Misuse of data by government can lead to Orwellian state
eg: adhaar data shared by corporates
- 5) Lack of architecture: eg: clouds, servers etc for storing such data
- 6) Breach of security threat
eg: AIIMS cyber attack

Steps needed :

- 1) Formulate a law on recommendation of B N Srikrishna Committee
- 2) Develop infrastructural capabilities
eg: Meghraj Cloud.
- 3) Cyber security laws should be in place to prevent security threats
eg: Cyber Swatkit Bharat Initiative
- 4) No one size fits all: EU model
different data compliance and sharing norms for different intermediaries based on their coverage and size
- 5) Restrictions on power of state to misuse data eg: confidentiality clause
- 6) Agreements with intermediaries to share data — cross boundary agreements and data localisation norms

Data is the new oil. It should be protected for national security and individual privacy.