

# UPPCS MAINS TEST - 12 (SOLUTION)

## Q 1. Critically analyze the role of the Supreme Court in the evolution of the 'basic structure' doctrine.

**Answer:** The Basic Structure Doctrine is a judicial innovation evolved by the Supreme Court of India to preserve the core principles of the Constitution against the potential excesses of Parliament's amending power under Article 368.

### Evolution of the 'Basic Structure' doctrine

The Era of Parliamentary Supremacy (1951-1967)

- **Shankari Prasad Case (1951) & Sajjan Singh Case (1965):** The Court ruled that the power to amend the Constitution, including Fundamental Rights (FRs), was absolute. It held that "law" under Article 13 did not include Constitutional Amendment Acts.
- **Golaknath v. State of Punjab (1967)-** Reversed earlier position. Held Parliament cannot amend Fundamental Rights. Constitutional amendments fall within "law" under Article 13.

Birth of the Basic Structure Doctrine

- **Kesavananda Bharati v. State of Kerala (1973)-** This is the most significant case in Indian constitutional history. The Ruling 13-judge bench overruled the Golaknath verdict. It held that while Parliament has the power to amend any part of the Constitution, it cannot alter its "Basic Structure." Parliament's amending power under Article 368 is **wide but not unlimited**.

Consolidation and Expansion

- **Indira Gandhi v. Raj Narain (1975):** The SC applied the doctrine for the first time to strike down the **39th Amendment**, which attempted to place the election of the PM outside judicial preview. It declared **Free and Fair Elections** as part of the basic structure.
- **Minerva Mills v. Union of India (1980):** The Court struck down clauses of the 42nd Amendment that gave Parliament "unlimited" amending power. It famously noted "The Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles."
- **I.R. Coelho v. State of Tamil Nadu (2007):** The SC ruled that even laws placed in the **9th Schedule** are open to judicial review if they violate the basic structure.

Criticism of the Doctrine

- **Lacks Textual Basis:** Critics argue the doctrine is "extra-constitutional" as it isn't mentioned in the text.
- **Judicial Overreach:** It gives the Judiciary the "final word," potentially undermining the will of the people represented in Parliament.

- **Vagueness:** The SC has never provided a definitive list of what constitutes "Basic Structure," leading to legal uncertainty.
- **Democratic Legitimacy Debate-** It represents tyranny of unelected, imposing the legitimacy over elected body. The Supreme Court, through the Basic Structure doctrine, has acted as the "**Safety Valve**" of Indian democracy. Its practical utility in preserving the Rule of Law and Judicial Review cannot be overstated. It has successfully shifted the focus from "Parliamentary Sovereignty" to "**Constitutional Sovereignty**".

## Q 2. Discuss the significance of the Finance Commission's recommendations in ensuring fiscal federalism in India.

**Answer:** Fiscal federalism refers to the division of financial powers and responsibilities between different levels of government to ensure efficiency, equity, and autonomy. To ensure this, The Finance Commission is established under **Article 280** of the Constitution.

### Significance of the Finance Commission's recommendations

- **Addressing Vertical Imbalance (Tax Devolution)-** Landmark Shift (14th FC): The 14th Finance Commission, chaired by Dr. Y.V. Reddy, increased the states' share in the divisible pool from 32% to 42%. This was a tectonic shift toward genuine fiscal decentralization.
- **Status Quo (15th & 16th FC):** The 15th FC (N.K. Singh) and the recently tabled **16th FC (Arvind Panagariya)** have maintained this share at **41%** (adjusting 1% for the Union Territory status of J&K and Ladakh), ensuring stability and predictability in state revenues.
- **Promoting Horizontal Equity (Distribution Among States)-** Horizontal devolution aims to ensure that a citizen in a resource-poor state like Bihar has access to similar levels of public services as one in a prosperous state like Maharashtra.
  - ✓ Equity vs. Efficiency: The FC uses a formula that balances Need (Population, Area), Equity (Income Distance), and Efficiency (Tax effort, Forest cover).
- **Strengthening the Local Bodies-** Performance-Linked Grants, the 15th FC recommended over **₹4.36 lakh crore** for local bodies, with a significant portion being "tied" to service delivery benchmarks like drinking water, sanitation, and air quality (in million-plus cities).
- **Fiscal Discipline and Roadmaps-** The Commission serves as a fiscal watchdog, recommending debt-to-GDP targets for both levels of government.
  - ✓ Discontinuing Off-Budget Borrowings: The 16th

FC has taken a stern stance against “off-budget” liabilities, recommending that states bring all such borrowings onto their balance sheets to ensure transparency.

### Critical Challenges to Fiscal Federalism

- **Shrinking Divisible Pool:** The increasing reliance of the Union on **Cesses and Surcharges** (which are not shared with states) has reduced the actual share states receive.
- **Population Penalty:** Southern states often argue that the use of the **2011 Census** (instead of 1971) penalizes states that successfully implemented population control measures. The FC addresses this through “Demographic Performance” weightage, but friction remains.
- **Withdrawal of Revenue Deficit Grants:** The 16th FC’s move to phase out **Revenue Deficit (RD) Grants** may adversely affect hill and special category states that face structural revenue gaps.

The Finance Commission plays a pivotal role in translating the constitutional vision of cooperative and fiscal federalism into practice. Ultimately, the effectiveness of fiscal federalism in India depends not only on Finance Commission recommendations but also on political commitment to cooperative governance.

### Q 3. Examine the role of the Inter-State Council in managing Centre-State relations.

**Answer:** The **Inter-State Council (ISC)** is a constitutional body established under **Article 263 of the Indian Constitution** to facilitate coordination and cooperation between the Union and the States.

### Role of the Inter-State Council in Managing Centre-State Relations

- **Forum for Cooperative Federalism-** It acts as a deliberative body to air grievances, bridging the “trust deficit” between regional aspirations and national imperatives. By enabling deliberation rather than unilateral decision-making, it strengthens cooperative federalism.
- **Addressing Inter-State Disputes-** While the Supreme Court handles legal disputes under **Article 131**, the ISC addresses political and administrative frictions that require negotiation rather than adjudication (e.g., **Inter-state border disputes**)
- **Forum for Policy Coordination-** It ensures that central schemes (like the implementation of GST or Direct Benefit Transfer) are aligned with state-level administrative realities. Discussing subjects in the **Union List, State List, and Concurrent List**.
- **Platform for Multilateral Dialogue:** It is the only forum where the Prime Minister and all Chief Ministers sit together. This enhances the legitimacy of national policies (e.g., discussions on **Internal Security** or **Aadhaar implementation**).

### Concerns

- **Irregular Meetings-** The Council is mandated to meet three times a year, but it has met only **12 times** since its inception in 1990. This inconsistency prevents it from being a proactive body.
- **Advisory Nature:** Its recommendations are not binding on the Union or the States, often making it a “talk shop” rather than a decision-making body.
- **Institutional Overlap:** The emergence of specialized bodies like the **GST Council** and **NITI Aayog** (Governing Council) has diluted the ISC’s role as the primary forum for fiscal and developmental federalism.
- **Political Considerations-** Effectiveness depends on political will. Federal tensions often spill outside institutional platforms.

To truly revitalize Centre-State relations, the ISC must be institutionalized with a permanent secretariat, regularized meetings, and a mandate to discuss even the most contentious issues, such as the role of the Governor or the use of central agencies in states.

### Q 4. “The issue of Aravali conservation reflects the growing confrontation between ‘Judicial Activism’ and ‘Executive Inertia’ in India.” In the light of recent judicial interventions, critically examine this statement.

**Answer:** The Aravalli Range, one of the world’s oldest geological formations, acts as a “green lung” for the National Capital Region (NCR). The ongoing battle for its conservation serves as a classic case study of the friction between **Judicial Activism** (where the judiciary steps in to fill policy vacuums) and **Executive Inertia**.

### The Aravalli Conservation- Constitutional rights

- **Article 48A** – State shall protect and improve the environment.
- **Article 51A(g)** – Fundamental duty of citizens to protect environment.
- **Article 21** – Right to life includes right to a healthy environment (as interpreted in environmental jurisprudence).

### Executive Inertia: The Root of the Crisis

- **Definitional Ambiguity:** For decades, there was no uniform definition of what constitutes an “Aravalli hill” or “range.” This allowed the Executive in Rajasthan, Haryana, and Delhi to grant mining leases in ecologically sensitive areas by claiming they were not part of the Aravallis.
- **Enforcement Deficit:** Despite several notifications (like the 1992 Aravalli Notification), state authorities failed to curb illegal mining.
- **Policy Vacuum:** The delay in creating a “Management Plan for Sustainable Mining” (MPSM) meant that resource extraction took precedence over ecological integrity.

## Judicial Interventions in Aravali Conservation

- **M.C. Mehta v. Union of India (2004 & 2009):** The Court banned all mining activities in the Aravalli Hills of Haryana, famously stating that the range must be protected “**at any cost.**” It applied the **Precautionary Principle**, shifting the burden of proof to miners to show their activity was not harmful.
- Supreme Court’s 2018 Order on Aravalli Notification- In 2018, the Supreme Court pulled up the Haryana government for attempting to amend the Punjab Land Preservation Act (PLPA), which would have allowed construction in ecologically sensitive Aravalli areas.
- **T.N. Godavarman Thirumulpad Case:** This ongoing “forest case” expanded the definition of “forest” to include all areas as per dictionary meaning, preventing the executive from de-notifying Aravalli lands for real estate.
- 2010, In a critical intervention, the SC adopted a uniform definition: a hill rising 100 metres above local relief is an Aravalli Hill. When environmentalists warned that this “100-metre rule” might exclude 90% of ridges (allowing them to be mined), the SC displayed further activism by staying its own order in January 2026 and appointing a High-Powered Expert Committee to re-examine the definition.

Ultimately, sustainable environmental governance requires moving from adversarial confrontation to cooperative constitutionalism, where judiciary, executive, and legislature collectively uphold the constitutional promise of ecological protection.

## Q 5. Assess the role of the National Human Rights Commission in protecting human rights in India.

**Answer:** The NHRC is an independent **statutory body** established on October 12, 1993, under the **Protection of Human Rights Act (PHRA), 1993**. Its creation was a response to both domestic demands for accountability and international pressure to conform to the **Paris Principles** (1991), which set the global criteria for national human rights institutions.

### Protective Role (Inquiry and Investigation)

- **Suo Motu Cognizance:** The Commission can initiate inquiries on its own based on media reports or public information, without waiting for a formal complaint.
- **Custodial Oversight:** It monitors “dark corners” of administration by visiting jails, detention centers, and mental health institutions to study living conditions and recommend reforms.
- **Negligence of Public Servants:** It inquires into the failure of public authorities to prevent human rights violations (e.g., failure of police to stop mob lynching).

## Advisory and Review Role

- **Legislative Review:** It reviews existing laws and constitutional safeguards, suggesting amendments to align them with human rights standards (e.g., reviewing AFSPA or UAPA).
- **Treaty Implementation:** It studies international treaties and makes recommendations for their effective domestic implementation.

## Promotional Role

- **Literacy and Awareness:** Spreads human rights awareness through seminars, publications, and media campaigns.
- **NGO Collaboration:** Encourages the efforts of non-governmental organizations and institutions working in the field of human rights.

## Assessment: Successes through Examples and Case Laws

- **D.K. Basu v. State of West Bengal (1997)-** Though decided by the Supreme Court, NHRC played an active role in addressing custodial violence. The case laid down guidelines on arrest procedures, reinforcing NHRC’s mandate.
- **PUCL v. Union of India (Right to Food Case, 2001-)** While the Supreme Court converted food schemes into entitlements under Article 21, NHRC monitored starvation deaths and recommended state accountability.
- **Manual Scavenging Cases-** NHRC monitored implementation of Prohibition of Employment as Manual Scavengers Act 2013. Directed states to identify and rehabilitate manual scavengers. Recommended compensation for sewer deaths.

## Concerns and Limitations

- **Recommendatory Nature:** Its decisions are not legally binding. The government can reject its findings, though it must explain the reasons for doing so.
- **Investigation Gap:** It lacks an independent investigation cadre and often relies on the very police forces against whom the complaints are filed.
- **One-Year Limitation:** Under Section 36 of the PHRA, the NHRC cannot investigate any case older than one year, excluding many victims of long-term systemic abuse.

The Commission requires **enforcement powers**, an **independent investigative wing**, and a mandate that extends to violations by **private actors** and the **armed forces**. For a robust democracy, the NHRC must be empowered to be not just a monitor, but a decider of human rights outcomes.

## Q 6. Self-Help Groups act as an effective instrument of grassroots democracy. Discuss in the Indian context.

**Answer:** NABARD’s defines Self Help Group as voluntary organization of people operating within a frame work of

rules and regulations for common economic and social objectives with an approach of participatory decision-making and sharing of benefits in an equitable manner.

### Role of Self-help Groups in Indian context

- 1. Enhancing Participatory Democracy:** SHGs provide opportunities for deliberation at the grassroots level. SHGs enable collective decision-making and leadership development among marginalized women. Under the NRLM initiative, around 10 crore women are organized into close to 90 lakh SHGs (MoRD), establishing their massive reach in terms of participatory democracy.
- 2. Political Empowerment and Representation:** SHGs are training grounds for grassroots governance. Many SHG members have successfully contested and won Panchayat memberships following the 73rd Constitutional Amendment. In Bihar and Kerala, SHG women members have actively participated in Gram Sabhas, shaping decisions on social welfare programs and rural development.
- 3. Financial Inclusion and Accountability:** The SHG-Bank Linkage Program of National Bank for Agriculture and Rural Development (NABARD) has encouraged accountability in the utilization of funds.
- 4. Social Mobilization and Collective Action:** SHGs have dealt with problems such as alcoholism, violence against women, and sanitation. For instance, in Kerala, the Kudumbashree initiative has empowered women's participation in local self-governance and poverty removal.
- 5. Bridging State and Citizen Interface:** SHGs enable the delivery of programs such as MGNREGA, PMAY-G, and nutrition missions.

### However, there are few challenges as well like

1. Elite capture,
  2. Over-indebtedness,
  3. Imbalanced capacity building, and
  4. Regional disparities restrict their potential for democracy.
- In the Indian scenario, SHGs go beyond their economic role and become tools of grassroots democracy through the empowerment of women, increased participation in local governance, and social accountability. Improving capacity building can further strengthen their role as pillars of democracy.

### Q 7. The success of welfare schemes for vulnerable sections depends on effective implementation rather than policy intent. Critically examine

**Answer:** The welfare programs in India are designed to uplift the vulnerable sections of society, including women, SC/ST communities, senior citizens, migrant workers, and the poor. Although the intentions of the policies are in line with the constitutional obligations of social justice, their success largely depends on their implementation.

### Schemes with strong Framework but Limited Impact

- India has been able to implement rights-based and targeted programs such as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), National Food Security Act (NFSA), and Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (PM-JAY).
- MGNREGA provides a legal right to 100 days of rural employment. In the year 2023-24, more than 6 crore households have been provided employment. However, the delay in payment and lack of funds have impacted its effectiveness in some states.
- NFSA provides benefits to 80 crore people (two-thirds of India's population), but errors of exclusion and leakages in the Public Distribution System (PDS) have limited its potential.

### Schemes with effective Implementation and became A Game Changer

When the implementation tools are strong, the delivery of welfare is greatly improved.

- Under Pradhan Mantri Jan Dhan Yojana (PMJDY), more than 50 crore bank accounts have been opened, which has helped in Direct Benefit Transfer (DBT).
- According to government statistics, DBT has helped in saving over ₹2 lakh crore by preventing leakages.
- Aadhaar-based authentication and digital payments have increased transparency in the subsidy distribution system.

This goes to show that changes in the administrative system and monitoring help in improving the performance of the scheme.

### Ongoing Challenges in Implementation

Though progress has been made, the following are some of the ongoing challenges that need to be addressed:

- Lack of administrative capacity at the grassroots level.
- The digital divide in accessing DBT.
- Ineffective grievance redressal system.
- Lack of effective social audits in certain areas.

These are some of the areas where the potential of transformative welfare policies has been hampered.

While the intention of policies defines entitlements, their implementation defines realization. The need for effective implementation, therefore, is paramount. This can be achieved through better governance at the grassroots level, ensuring the timely release of funds, using technology effectively, and improving accountability.

### Q 8. Explain the concept of minilateralism. How has India used it as a foreign policy tool in recent years?

**Answer:** Minilateralism typically involves small groups of countries or organizations collaborating to solve shared problems. The crucial distinction lies in emphasis prioritizes shared interests over shared values or ideology,

enabling nations with different worldviews to cooperate pragmatically on specific issues.

**The application of minilateralism by India has been strategic and diverse. India employs small-group coalitions to maintain strategic autonomy and enhance operational cooperation:**

- **Security and maritime diplomacy:** India is a founding member of the Quad (with the US, Japan, and Australia) a mechanism for maritime security, vaccine distribution coordination, and infrastructure development and engages in the multilateral naval exercise Malabar to enhance interoperability and demonstrate strategic deterrence. The naval exercises have been expanding in scope and frequency in recent years.
- **Economic and infrastructure cooperation:** India's participation in the I2U2 reflects its interest in specific initiatives (food, water, green energy, logistics), and this is how minilaterals can be used for development goals.
- **Issue coalitions and normative leadership:** New Delhi is also a proponent of issue-specific coalitions (for example, renewable energy partnerships such as the International Solar Alliance).

### Its benefits for India

- Hedge great power dependency.
- Develop capabilities and achieve interoperability rapidly.
- Attract focused investment for its own objectives, all without being institutionally aligned.
- The latest literature on the subject has located the importance of minilateralism in India's Indo-Pacific policy.

Minilateralism has thus emerged as a sensible and vital foundation of India's foreign policy, which helps in forming flexible and issue-based partnerships while maintaining strategic autonomy. Through the use of such small groupings, India is able to increase its security, economic, and international stature in the face of a rapidly multipolar world.

### Q 9. Examine the strategic dimensions of India-UAE relations in the changing West Asian geopolitics.

**Answer:** India and the United Arab Emirates (UAE) established diplomatic relations in 1972. While the UAE opened its Embassy in India in 1972, Indian Embassy in UAE was opened in 1973, received impetus with exchange of high-level bilateral visits from time to time and August 2015 marked the beginning of a new Comprehensive and Strategic partnership between the two countries.

#### Strategic dimensions of India-UAE relations:

1. **Trade & economy:** bilateral trade has broken the US\$100 billion barrier in FY 2024-25, driven by the CEPA, energy imports, and services along with

Delhi-Abu Dhabi trade target is \$200 billion by 2032. This economic weight is the foundation for political trust and leverage.

2. **Energy and resource security:** the UAE's role as a stable oil/LNG supplier and partner for term contracts (including ADNOC-related agreements) assists India in diversifying its energy risks and securing fuel for development. Energy partnerships are further reinforced by UAE sovereign fund investments in Indian infrastructure and finance hubs.
3. **Investment and technology:** UAE sovereign funds and companies (such as Mubadala) are significant investors in Indian industry, technology, and finance, which is fueling Indian industrialization and employment growth while providing the UAE with strategic economic access to South Asia.
4. **Security and defence:** in a region where great-power focus in West Asia remains variable, India and the UAE are now codifying a more comprehensive defence partnership joint military exercises, maritime MoUs, and an emerging strategic defence partnership which will facilitate military interoperability, Arabian Sea maritime security, and new security guarantees for the UAE.
5. **Geopolitical balancing:** The UAE's diversification strategy after the Abraham Accords (relations with Israel, the US, Russia, and India) and the Indian government's energy and diaspora interests create a strategic alignment that is interest-driven and pragmatic. **Case Example:** The use of long-term LNG/oil agreements and increasing UAE FDI in India are examples of how economic tools are being leveraged to build strategic depth. Hindustan Petroleum Corporation Limited

The India-UAE relationship has matured into a comprehensive strategic partnership based on the principles of energy security, trade, defense cooperation, and connectivity initiatives such as IMEC. The partnership is a manifestation of multi-alignment in the face of a rapidly changing West Asian order.

### Q 10. Evaluate the challenges India faces in implementing the Neighborhood First Policy when domestic political instability arises in neighboring countries.

**Answer:** 'Neighborhood First' policy, guides the management of India's relations with countries in its immediate neighborhood, focuses on creating mutually beneficial, people-oriented, regional frameworks for stability and prosperity, including through the building of physical, digital and people to people connectivity.

1. **Security spillovers are a challenge:** There are potential risks of political instability, which could lead to a loss of state control. For example, political instability in Pakistan has always led to heightened border tensions and security threats to India. Another example is the

political instability in Nepal, which sometimes causes border problems related to trade and transit.

2. **Humanitarian and economic costs:** A challenge to India as during the economic crisis of 2022 in Sri Lanka, India provided monetary support in the form of credit lines, currency swaps, and fuel. This action increased India's goodwill, but it also came with costs.
3. **The perception of interference:** It adds complexity to engagement as during the 2015 constitutional crisis in Nepal, the disruptions at the borders were perceived in Nepal as Indian interference, causing anti-India sentiment. Instability in the country makes governments more responsive to sovereignty concerns, thereby reducing India's policy flexibility.
4. **The competition for power:** In the international system escalates during a crisis. Political instability in a country creates opportunities for extra-regional powers such as China to increase their influence in the country through investments, as witnessed in Sri Lanka and the Maldives. This further complicates India's strategic calculations in NFP.
5. **Project delays and policy:** Unpredictability are factors that affect connectivity and development projects. Frequent changes of government in the neighboring countries affect the infrastructure agreements, trade, and cooperation between the countries.

Hence, the Neighborhood First Policy is still a core part of the foreign policy of India, but the instability in the neighboring countries of India poses a challenge to the security, economy, and foreign policy of India.

### Q 11. Briefly examine the alternative dispute redressal mechanisms available in India. How are they contributing to a reduction in the pendency of cases?

**Answer:** Alternative Dispute Resolution (ADR) mechanisms such as arbitration, mediation, conciliation, Lok Adalats, and plea bargaining have emerged as vital instruments for achieving inexpensive, expeditious, and participatory justice.

#### Constitutional and Legal Basis of ADR in India

- **Article 14** – Equality before law; ADR ensures equal access to justice.
- **Article 21** – Right to life includes the right to speedy trial.
- **Article 39A** – Directive Principle mandating free legal aid and equal justice.
- **Article 323B** – Enables tribunals for specialized adjudication.
- Arbitration and Conciliation Act
- Legal Services Authorities Act

#### Major ADR Mechanisms in India

- **Arbitration-** Arbitration is a quasi-judicial process

where disputes are decided by a neutral arbitrator. It is widely used in commercial disputes, infrastructure contracts, and international trade. Establishment of institutions like the Mumbai Centre for International Arbitration (MCIA) promotes institutional arbitration.

- **Mediation-** Mediation is a voluntary, non-binding process facilitated by a neutral mediator.
- **Statutory Basis:** Section 89 CPC; recently strengthened by the Mediation Act, 2023, *Afcons Infrastructure v. Cherian Varkey Construction* (2010) – clarified scope of Section 89 CPC and suitability of disputes for mediation.
- **Conciliation-** Also governed by Part III of the **Arbitration and Conciliation Act**. Unlike mediation, conciliators may propose settlement terms. **Industrial disputes** frequently resolved through conciliation under the Industrial Disputes Act, 1947.
- **Lok Adalats-** Established under the **Legal Services Authorities Act**, Lok Adalats provide statutory recognition to compromise-based settlements. *State of Punjab v. Jalour Singh* (2008) – Award of Lok Adalat is final and non-appealable.
- **Plea Bargaining-** Introduced through 2005 amendment to CrPC. Applicable for offences punishable up to 7 years.

#### Contribution of ADR to Reduction of Pendency

- **Mass Disposal via Lok Adalats:** National Lok Adalats settle millions of cases in a single day. In 2024–25, Lok Adalats successfully disposed of over **1.2 crore cases** (including pre-litigation and pending matters).
- **Pre-Litigation Mediation:** Under the **Mediation Act, 2023**, pre-litigation mediation is promoted for civil and commercial disputes. This “filters” cases at the entry point, ensuring only the most complex legal issues reach the courtroom.
- **Specialization:** Arbitration allows for technical experts to settle commercial, construction, or maritime disputes, which would otherwise consume significant judicial time in trial courts.
- **Time and Cost Efficiency-** Arbitration timelines streamlined (2015 and 2019 amendments). Mediation settlements often achieved within months.
- **Finality of Awards:** Decisions in Lok Adalats and Arbitration (with limited grounds for challenge) reduce the burden of the “Appellate Jungle,” where cases traditionally linger for decades.

#### Limitations

- High costs in ad hoc arbitration.
- Lack of uniform mediation infrastructure in rural areas.
- Limited awareness among litigants.
- Enforcement delays in arbitral awards (though improving).

While ADR has made significant strides, challenges such as the “litigation mindset,” lack of trained mediators, and

the tendency of parties to appeal arbitral awards remain. However, with the **Mediation Act, 2023** providing a standalone framework and the government's push for **Institutional Arbitration**, ADR is set to transition from the periphery to the center of India's justice delivery system.

**Q 12. Discuss the role of Parliamentary Committees in improving the productivity of the Indian Parliament. Highlight the challenges faced by these committees in recent years.**

**Answer:** The functions of the Parliament are varied, complex and voluminous. Moreover, it has neither the adequate time nor necessary expertise to make a detailed scrutiny of all legislative measures and other matters. Therefore, it is assisted by a number of committees in the discharge of its duties.

**Different types of Parliamentary Committees**

1. **Financial Committees:** Like the Public Accounts Committee (PAC), Estimates Committee, and Committee on Public Undertakings, which review public spending and CAG reports.
2. **Departmentally Related Standing Committees (DRSCs):** At present, there are 24 committees that review Demands for Grants, Bills, and performance of policies of ministries.
3. **Ad hoc and Joint Committees:** Created for particular legislation or matters, like Joint Parliamentary Committees (JPCs).

**Contribution to Enhancing Parliamentary Productivity**

1. **In-Depth Legislative Review:** While debates in the House are brief, committees scrutinize Bills clause by clause, hold consultations with experts and stakeholders, and report suggestions for amendments. For instance, the DRSC on IT provided crucial recommendations on the Personal Data Protection Bill, enhancing the legislation.
2. **Financial Review and Accountability:** The PAC reviews CAG reports to ensure responsible spending. The PAC has been instrumental in unearthing anomalies in defence purchases and public sector undertakings, thereby enhancing financial accountability.
3. **Building Consensus:** The committee system operates in a less partisan atmosphere. The presence of opposition members helps to build consensus, leading to easier passage of legislation.
4. **Implementation Tracking:** The committees monitor Action Taken Reports (ATRs). Official statistics reveal that hundreds of implementation reports are laid every year in both Houses, indicating diligent tracking of recommendations.
5. **Expert Engagement and Informed Policy**

**Formulation:** The committees hold consultations with experts, civil society representatives, and officials, adding depth to legislative discussions, which lack in the House.

**Challenges Experienced in the Last Few Years**

1. **Reduction in the Referral of Bills:** In the 15th Lok Sabha, the referral of Bills to committees was at 71% of Bills, while in the 17th Lok Sabha, the referral of Bills to committees was less than 20%.
2. **Decrease in the Number of Parliamentary Sittings:** Fewer sittings and disruptions mean less time for committees to table their reports.
3. **Capacity Issues:** The number of ministries that committees are responsible for can impact the level of analysis.
4. **Political Polarization:** With rising political polarization, there are sometimes dissent notes and delays in reaching a consensus, which impacts the moral authority of the report.

Parliamentary Committees greatly improve the quality of legislation, accountability, and informed decision-making. Nevertheless, the trend of reduced bill referrals, fewer sittings, and resource constraints affects their efficiency. Improving the autonomy, resources, and mandatory scrutiny of legislation by parliamentary committees is vital to revive parliamentary productivity and accountability.

**Q 13. Examine the process of appointment of the Vice-President of India as a Constitutional post. How far does the existing mechanism ensure independence and accountability in the functioning of the office?**

**Answer:** The office of the Vice-President of India is created through Article 63 of the Indian Constitution. It is the second-highest position in the Indian Constitution after the President of India and is also the ex-officio Chairman of the Rajya Sabha, as stated in Article 64 of the Indian Constitution. The appointment process has a balance between federal and parliamentary considerations.

**Process of Appointment**

1. **Electoral College:** The Vice-President is elected indirectly through an Electoral College, which comprises members of both Houses of Parliament (Lok Sabha and Rajya Sabha), including nominated members, as per Article 66. In contrast to the election of the President, the State Legislative Assemblies are not involved in this process.
2. **Method of Election:** The election takes place through proportional representation based on the single transferable vote (STV) system and secret ballot.
3. **Qualifications (Article 66(3))**
  - ✓ A citizen of India.
  - ✓ Completed 35 years of age.

- ✓ Qualified to be elected as a member of the Rajya Sabha.
  - ✓ Not holding any office of profit.
4. **Tenure and Removal (Article 67):** The Vice-President shall hold office for a term of five years. The Vice-President shall be removed by a resolution of not less than two-thirds majority of the total number of members of the Rajya Sabha, and shall also be agreed to by the Lok Sabha.

### Ensuring Independence

1. **Indirect Election by Parliament:** As the Vice-President is elected by both Houses, the office has legitimacy based on the Union legislature.
2. **Fixed Tenure:** The five-year tenure ensures stability.
3. **Removal Procedure:** The need for a special majority in Rajya Sabha ensures that the Vice-President is not removed arbitrarily.
4. **No Executive Subordination:** The Vice-President is not subordinate to the President in functional matters. However, as the Electoral College does not include State Legislatures, the federal element is reduced in comparison to the election of the President.

### Ensuring Accountability

1. **Chairman of Rajya Sabha:** As the presiding officer, the Vice-President is expected to be impartial and follow the rules of parliament.
2. **Removal Mechanism:** The Vice-President can be removed by Parliament, thus ensuring political accountability.
3. **Judicial Review:** Disputes over elections can be brought before the Supreme Court under Article 71.
  - ✓ Example: Vice-Presidents like M. Venkaiah Naidu have been crucial in ensuring legislative discipline, thus establishing the accountability of the Vice-President to Parliament.

The appointment mechanism of the Vice-President is a balance between democratic legitimacy and parliamentary accountability. Although it is structurally sound, its effectiveness in guaranteeing independence is contingent upon constitutional morality, impartiality, and observance of legislative traditions.

### Q 14. Examine the role of ICT-enabled AI systems in evidence-based policymaking and governance. What safeguards are needed to prevent misuse and exclusion?

**Answer:** AI-enabled systems analyze large datasets in real time, enabling governments to design targeted, efficient, and transparent policies which helps in transforming governance from intuition-driven to data-driven decision-making.

### Role of ICT-Enabled AI in Governance

1. **Data-Driven Policy Formulation:** AI systems

analyze big data from schemes, surveys, satellites, and government records to detect patterns.

- ✓ Under NITI Aayog's AI approach, AI is applied in agriculture (crop estimation, pest identification) to inform subsidy and procurement policies.
  - ✓ The Aspirational Districts Programme employs real-time data dashboards in 112 districts to enhance health, education, and nutrition outcomes.
2. **Targeted Welfare Delivery:** AI analytics, combined with Aadhaar and Direct Benefit Transfer (DBT) systems, enable the identification of beneficiaries and minimize wastage.
    - ✓ The DBT system is claimed to have saved over ₹2.7 lakh crore (2014-2023) by eliminating duplicate and 'ghost' beneficiaries.
    - ✓ Predictive analytics assist in prioritizing the neediest households in times of emergencies such as the COVID-19 pandemic.

### Risks and Challenges

1. **Algorithmic Bias and Discrimination:** AI systems trained on biased data could discriminate against marginalized groups.
2. **Privacy Issues:** The large-scale collection of data could lead to surveillance and data privacy breaches.
3. **Digital Divide:** As per NSSO figures, rural internet penetration is substantially lower than that of urban areas, which could lead to exclusion from AI-based services.
4. **Opacity (Black Box Problem):** The lack of transparency in AI models makes it difficult to hold anyone accountable.

### Safeguards Required

1. **Strong Legal Framework:** Implementation of the Digital Personal Data Protection Act, 2023 to ensure informed consent, purpose limitation, and data minimization.
2. **Algorithmic Transparency and Audit:** Independent audits, explainable AI models, and disclosure of decision-making criteria.
3. **Inclusive Digital Infrastructure:** Addressing the digital divide through broadband connectivity (e.g., BharatNet) and digital literacy initiatives.
4. **Human Oversight:** AI systems should support, not substitute, human judgment to ensure grievance redressal and accountability.

ICT-enabled AI systems improve evidence-based governance by increasing efficiency, accuracy, and transparency. However, it is important to ensure that there are safeguards for privacy, inclusivity, accountability, and ethical AI to avoid exclusion and misuse of technology, and thus align technology with the values of justice and equality as enshrined in the constitution.

**Q 15. Discuss the role of the National Commission for Women (NCW) in the protection and promotion of women's rights in India. Evaluate its effectiveness.**

**Answer:** The National Commission for Women was set up as **statutory body** in January 1992 under the National Commission for Women Act, 1990 to review the Constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women.

**Role of NCW in the protection and promotion of women's rights in India**

1. **Complaint redressal & helpline:** NCW provides online complaint facilities, operates a 24x7 women's helpline, and a Complaint and Investigation (C and I) cell to refer or follow up cases with the authorities. This makes it a convenient first stop for wronged women.
2. **Suo-motu action & public advocacy:** NCW often sends notices, takes suo-moto notice of media reports and emerging cases (such as its recent suo-moto action against derogatory media comments), urging the authorities to take action and increasing public awareness.
3. **Law review & recommendations:** The Commission examines laws and submits reports to the Centre with recommendations for implementation, and also engages in training, awareness, and multi-stakeholder consultations.

**Strengths and limitations**

1. **Strengths:** NCW brings national focus to gendered injustices, fills a gap where victims have no immediate recourse, presses for changes in laws, works in coordination with state women's commissions, and serves as a low-cost point of entry (helpline/online complaint) for women.
2. **Limitations:**
  - ✓ Lack of enforcement powers: NCW does not have the power to prosecute or enforce its recommendations are subject to the government, police, or courts to follow through, which weakens its effectiveness.
  - ✓ Implementation gap: The sheer number of complaints is high, but the follow-through in terms of prosecution or systemic change is low, as evident from the data that show a large number of complaints but less systemic change.
  - ✓ Resource and politicization challenges: The staff/resources, turnover, and sometimes politicization of the organization have weakened its neutrality and effectiveness.

NCW is a critical national watchdog and advocacy agency that enhances women's grievance's visibility and accessibility, although its effectiveness is limited by its inability to enforce its powers, reliance on other state actors

for implementation, and structural limitations which would be strengthened by improving its investigative capabilities.

**Q 16. Assess how improvements in public health and education outcomes contribute to breaking the intergenerational cycle of poverty in India.**

**Answer:** Improved child health enhances cognitive and physical development, while increased schooling raises lifetime earnings and enhances social mobility and together, they make households less vulnerable to shocks and alter their paths in life across generations.

**Role of Improvements in Public Health**

1. **Early Childhood Nutrition and Development:** Well-nourished and developed children are more likely to achieve better educational outcomes and earn higher incomes in their adult lives. Stunting in children under five years has decreased to 35.5% (NFHS-5, 2019-21), showing improvement over time. Decreases in malnutrition improve cognitive abilities and productivity, thus overcoming intergenerational transmission of poverty.
2. **Mortality and Morbidity Rates:** The Maternal Mortality Ratio in India has decreased to 97 per 100,000 live births (SRS, 2018-20), and the Infant Mortality Rate has also shown steady declines. Improved mortality rates mean that economic shocks to families are reduced, and children are more likely to survive and develop, thus improving future income-generating capabilities.
3. **Financial Protection from Risk:** Programs like Ayushman Bharat-PMJAY protect against catastrophic health expenditures, which annually push 5-7% of Indian families into poverty (World Bank estimates). Financial protection of health ensures that families are not trapped in cycles of debt due to health shocks.

**Role of Education Improvements**

1. **Universal Access and Retention:** Schemes such as Samagra Shiksha and the Mid-Day Meal Scheme (PM POSHAN) have led to improved enrollment and attendance, especially in the case of marginalized sections. The Gross Enrollment Ratio for elementary education is above 100%, which is a sign of near-universal access. Education leads to improved employability and lifetime income.
2. **Role of Female Education and Empowerment:** Improved literacy among females (77.7% according to NFHS-5) is associated with reduced fertility rates, improved child nutrition, and increased participation in the workforce. Educated mothers are more likely to invest in their children's education and health, leading to a positive intergenerational externality.

3. **Skill Development and Employability:** Improved access to secondary education and skill development programs leads to increased labor productivity. Additional years of education can lead to an 8-10% increase in individual incomes (World Bank estimates), leading to mobility.

### Interlinked Impact

Health and education are interlinked as healthy children go to school regularly and perform better, while educated people practice healthy habits and utilize healthcare services effectively. Countries like Kerala show how investments in health and education lead to a high level of human development and reduced poverty.

Enhancements in public health and education improve human capital, resilience, and economic opportunities. By boosting productivity and securing healthier and more educated generations, India can effectively break the intergenerational transmission of poverty and achieve inclusive and sustainable development.

### Q 17. Examine the changing role of Civil Services in India in the era of participatory and digital governance.

**Answer:** As India moves from a centralized, top-down model toward **participatory and digital governance**, the role of the civil servant has evolved from a “regulator” and “controller” to a “facilitator” and “collaborator.”

#### From “Ruler’s Bureaucracy” to “Citizen-Centric Administration”

- **From File-Pushing to Data Analytics:** Modern civil servants use platforms like **PRAGATI** (Pro-Active Governance and Timely Implementation) and **PM Gati Shakti** to monitor projects in real-time. Decisions are now based on Big Data and GIS mapping rather than subjective administrative discretion.
- **Direct Benefit Transfer (DBT) and Leakage Reduction:** The role of the civil servant in welfare distribution has shifted from physical delivery to managing digital pipelines. By leveraging the **JAM Trinity** (Jan Dhan-Aadhaar-Mobile), administrators have eliminated “ghost beneficiaries,” ensuring that 100% of the funds reach the intended recipient.
- **Service Delivery as a Utility:** Initiatives like **UMANG** (Unified Mobile Application for New-age Governance) and **DigiLocker** have transformed civil servants into “Service Managers,” focusing on 24/7 availability rather than fixed office hours.
- **Social Audit and Accountability:** Civil servants are now increasingly accountable to the people through **Social Audits** (mandated under MGNREGA). This forces a shift from “upward accountability” (to political masters) to “downward accountability” (to the community).

- **Rule-based to Role-based** - To facilitate this evolution, the Government launched **Mission Karmayogi** (National Programme for Civil Services Capacity Building). It shifts the focus from seniority and adherence to rules to a **competency-based framework**.

### Challenges in the Transition

- **Digital Divide:** Over-reliance on digital tools can exclude the **25-30% of the population** without internet access, necessitating a “phygital” (physical + digital) approach.
- **Resistance to Change:** A deeply entrenched “Silo Culture” and bureaucratic inertia often slow down the adoption of participatory methods.
- **Data Privacy:** As civil servants handle vast amounts of citizen data, the role now includes the complex responsibility of **Data Stewardship** and ensuring privacy.

As the **Second ARC** (Administrative Reforms Commission) suggested, the ultimate goal is to move from “government” to “governance,” where the civil service acts as the catalyst for a more vibrant, inclusive, and efficient democracy.

### Q 18. Discuss the significance of the recently concluded Free Trade Agreement between India and the European Union (EU). What are its potential economic and strategic implications for India?

**Answer:** In January 2026, India and the European Union (EU) reached a historic milestone by concluding negotiations for a **Broad-based Trade and Investment Agreement (BTIA)**, often referred to as the “Mother of all Deals. This agreement unites the world’s fastest-growing major economy with a 27-member economic bloc, creating a unified market of **2 billion people** and accounting for roughly **25% of global GDP**.

#### Economic Significance

- **Enhanced Market Access- Textiles and Garments:** Currently face 8–12% EU tariffs; duty reduction enhances competitiveness vis-à-vis Bangladesh and Vietnam.
  - ✓ **Pharmaceuticals:** India supplies over 25% of generic medicines in Europe; streamlined regulatory approvals could boost exports.
  - ✓ **Engineering Goods and Automobiles:** Gradual tariff rationalization may expand export volumes.
- **Investment and Technology Transfer-** The EU is a leading source of FDI in India (\$120 billion cumulative). The FTA provides a stable legal framework for EU firms to invest in “**Make in India 2.0**” projects, particularly in high-tech machinery, green hydrogen, and semiconductors.

- **Boost to MSMEs and Value Chains-** Reduced non-tariff barriers and harmonization of standards may enable Indian MSMEs to integrate into European value chains. Sectors like renewable energy components, food processing, and chemicals stand to gain.
- **Services-** India has agreed to open up 102 subsectors covering EU priorities such as professional, business, telecommunications, maritime, financial, and environmental services.
- **Geopolitical Linkages:** The “Russian Oil” Factor-Punitive Duties: An additional 25% punitive tariff was levied on Indian exports in late 2025 specifically as a penalty for India’s continued purchase of Russian crude oil.
- **Agriculture and Market Access-** The U.S. seeks relaxation on Genetically Modified (GM) food imports, which India resists due to environmental and food security concerns. India has resisted on grounds of food security and livelihood protection for millions of small farmers.

### Strategic Implications

- **The “China + 1” Strategy:** For the EU, India serves as a democratic, reliable alternative for critical supply chains, aiding its “De-risking” strategy. For India, it secures a massive market independent of increasing trade volatility with other major powers.
- **Indo-Pacific Stability:** The agreement aligns with the EU’s **Indo-Pacific Strategy**, enhancing maritime security cooperation and infrastructure connectivity (e.g., the India-Middle East-Europe Economic Corridor or IMEC).
- **Global Standards Setting:** By aligning on sustainability, labor rights, and digital governance (e.g., AI and Data Privacy), India and the EU act as a “Third Pole” in setting global rules-based trade standards, balancing the influence of the US and China.
- **Intellectual Property Rights (IPR) and Pharmaceuticals-** The U.S. Trade Representative (USTR) has repeatedly placed India on its “Priority Watch List” citing concerns about patent protection and compulsory licensing.
  - ✓ India maintains that its patent regime under the Patents Act, 1970 (as amended) complies with TRIPS obligations while safeguarding public health—a position upheld in *Novartis AG v. Union of India* (2013), where the Supreme Court prevented “evergreening” of drug patents.
- **Visa and Services Sector Issues-** Restrictions on H-1B visas and mobility barriers affect Indian IT professionals, even though services trade constitutes a major component of bilateral engagement.

The India–European Union Free Trade Agreement represents a landmark in India’s economic diplomacy. Economically, it promises expanded market access, increased investment, technological upgrading, and deeper integration into global value chains. Strategically, it reinforces India’s multi-aligned foreign policy, strengthens democratic partnerships, and enhances resilience amid shifting global power structures.

**Q 19. “Recent trade conflicts between India and the United States have emerged as a significant bottleneck in their bilateral relationship.” Analyze this statement in the context of recent contentious issues and explain why a ‘Comprehensive Trade Agreement’ is essential for the strategic interests of both nations.**

**Answer:** India-U.S. economic relationship remains transactional and prone to volatility. The year 2025 witnessed a sharp escalation in tensions, characterized by a “tariff war” where U.S. duties on several Indian exports climbed as high as 50%. While a recent **Interim Trade Agreement in February 2026** has partially de-escalated these tensions by reducing reciprocal tariffs to 18%.

### Recent Contentious Issues

- **Reciprocal Tariffs-** In April 2025, the U.S. implemented a 25% reciprocal tariff on Indian goods, which was further doubled to 50% in August 2025. This “Tariff Bloodbath” specifically targeted labor-intensive sectors such as textiles, footwear, and engineering goods.

### Comprehensive Trade Agreement (CTA) is Essential

- **Restoring Predictability:** A CTA would replace volatile executive orders with a stable legal framework. For instance, the February 2026 deal only lowered tariffs to 18%, which is still significantly higher than the pre-2025 average of 2.5%. A CTA would aim for a “zero-tariff” horizon.
- **Supply Chain Resilience (China + 1):** To successfully de-risk from China, the U.S. needs India as a manufacturing hub. A CTA would provide the legal certainty required for U.S. companies to shift multi-billion dollar semiconductor and electronics supply chains to India.
- **Institutionalizing Tech Collaboration:** Initiatives like iCET (Initiative on Critical and Emerging Technology) need a trade backbone to facilitate the seamless exchange of dual-use technologies in AI, Space, and Quantum computing.
- **Expanding Services and Digital Trade-** India’s strength in IT and knowledge services aligns with U.S. demand. Facilitate cross-border data flows with safeguards, Promote fintech and AI collaboration.
- **Strategic Balancing:** In the face of a rising China and neighborhood volatility (e.g., the 2025 tensions in the subcontinent), a robust economic anchor ensures that the strategic partnership is not merely “military-deep” but “economy-wide.”

A Comprehensive Trade Agreement would institutionalize economic stability, enhance supply chain resilience, and

align economic cooperation with shared strategic objectives in the Indo-Pacific. By balancing domestic priorities with global ambitions, such an agreement would elevate the India–U.S. relationship from transactional trade management to a mature, long-term strategic economic partnership.

**Q 20. Examine the role of the Indian diaspora in strengthening India's soft power diplomacy. Highlight the opportunities and challenges associated with leveraging the diaspora in India's foreign policy.**

**Answer:** In the contemporary geopolitical landscape, the Indian diaspora has transformed from a mere “migratory community” into a strategic asset of the Indian state. With a strength of over **35 million** (including NRIs and OCIs), the diaspora acts as a bridge between India and the world.

**Indian Diaspora as an Instrument of Soft Power**

- **Cultural Ambassadors of India-** The diaspora plays a pivotal role in disseminating Indian culture, traditions, and values. Popularization of International Day of Yoga (adopted by the UN in 2014). Celebration of Diwali in global capitals like Washington DC and London.
- **Economic Influence and Remittances** India remains the world's leading recipient of remittances, reaching a record \$135.46 billion in FY25 (a 14% increase from the previous year).
- **Political Advocacy and Strategic Leverage-** Indian-origin lawmakers and policymakers in countries like the United States, the United Kingdom, and Canada act as bridges between India and host nations.
- **Technological Leadership:** The presence of Indian-origin CEOs at the helm of global giants (e.g., Satya Nadella, Sundar Pichai) fosters the image of India as a “**Human Resource Powerhouse,**” shifting the perception from “land of snake charmers” to “land of software engineers.”

**Opportunities in Leveraging the Diaspora**

- **Enhancing Global Image-** The success of Indian-origin leaders in politics, academia, and business strengthens India's image as a talent-rich, democratic society. Programs like **VAJRA** (Visiting Advanced Joint Research) aim to channel the expertise of overseas Indian scientists and professionals back into national development.
- **Strengthening Bilateral Relations-** Diaspora diplomacy often supplements formal diplomacy. Indian communities in the Gulf countries have helped maintain stable energy and labor partnerships. The Indian diaspora in Africa has historically supported India–Africa development cooperation.
- **Track II Diplomacy:** Diaspora-led business councils and academic networks facilitate informal dialogue when formal diplomatic channels are strained.

**Challenges in Diaspora Engagement**

- **Heterogeneity of Interests:** The needs of the “labor diaspora” in the Gulf (focused on welfare and safety) differ vastly from the “intellectual diaspora” in the West (focused on investment and dual citizenship).
- **Political Frictions:** Growing cultural assertiveness among certain diaspora sections has occasionally led to tensions with host country norms, as seen in recent debates over public religious celebrations in the UK and Canada.
- **Internal Divisions:** Partisan politics within the diaspora can mirror India's domestic divisions, leading to “negative lobbying” or funding for extremist causes (e.g., Pro-Khalistan movements).

The Indian diaspora is no longer just a source of foreign exchange but a “Force Multiplier” for India's global aspirations. Moving forward, India needs a **calibrated diaspora policy** that balances cultural pride with respect for host-country sensitivities. By shifting from a “transactional” to a “transformational” relationship, India can ensure that its global citizens remain its most potent tool for **Soft Power Diplomacy.**