

**GS Advanced Program 2023****Generic Booklet**Test Name/Code/No. : **69.2016 (# 16)**

Name			
Email ID.			
Roll No.			
Mobile No.		Date	

Allotted Time : 60 Minutes**Instructions to Candidates -**

- There are 7 Questions in this Question paper.
- All Questions are Compulsory.
- For all updates, please visit the noticeboard -
<https://noticeboard.forumias.com/gsap-2023/>

Important -

- Answers must be attempted in the QCA Booklet only.
- To upload the Answer Copies please visit to "My Course" section on -
<https://academy.forumias.com/>
- Only those copies will be evaluated which will be submitted before the next class.

Q. No.	Grade/Score
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Overall Grade/Score	

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Q.1)

Representation of Peoples Act (RPA), 1951 looks into actual conduct of elections, qualifications & disqualifications and offences or disputes related to elections.

RPA, 1951 checked electoral malpractices

-) Insertion of section - 29(A) —
→ mandatory registration of political parties & bans foreign donation.
→ increase transparency.
-) Section - 39(A) → ensures equitable time sharing on electronic media.

Judicial interventions

- PUCI Vs Union of India, 2009
→ SC allowed NOTA option for ~~at~~ elections in 2013.
→ provision of negative voting and secrecy of the same.

- Subramanyam Swamy Vs VoI, 2013
 ↳ SC allowed the use of VVPAT
 ↳ it held that VVPAT are indispensable part of free & fair elections

- Abhiram Singh Case
 ↳ Supreme court held that any call for votes in the name of religion (of candidate or electorate) is a ground enough for disqualification.

- Kily Thompson Case — Supreme Court struck down Section - 8(4) of RPA, 1951 and allowed disqualification from the time of conviction. Elections are blood & life of democracy and continuous reforms in RPA, 1951 and a robust judicial review has kept the spirit of free & fair elections alive till date.

Overall Grading (V)

Poor			Average			Good		
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Q.2)

Representation of Peoples Act or RPA 1951 looks into the actual conduct of elections, qualifications & disqualifications and of candidates and offences/disputes related to elections in India.

Grounds of declaring election to be void

1.) Section 8(1) of RPA, 1951

→ ~~makes~~ disqualifies if convicted of below offences:-

- 1.1) Section 153(A) of IPC → promoting enmity between groups
- 1.2) Section 171 F → influencing elections
- 1.3) Section 171 E → Bribery
- 1.4) Section 498A → Domestic Violence
- 1.5) Foreign Exchange Regulation Act
- 1.6) Narcotics laws

2.) Section 8(2) - convicted of hoarding profiteering and dawry.

3.) Section 8(3) - convicted of any offence for 2 or more years.

→ barred for contesting elections for 6 years from the time of release.

4.) Lily Thomson Case → Supreme Court struck down Section 8(4) of RPA, 1951.
→ allowed disqualification from the date of conviction

5.) Abhiram Singh Case - SC held that asking vote in name of religion is ground for disqualification

Remedy Available

1.) Election Petitions to high courts and appeals lies in supreme court.

2.) Final authority to decide disqualification is President (MP) & Governor (MLA)

3.) Both will act on advice of ECI ^{has the power}

4.) ECI ~~acts as~~ ^{of civil court} in such enquiry

Thus, elections are blood & life of a

Overall Grading (✓)

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Vibrant democracy and free & fair elections are rights of every citizen.

Q.3)

Digital gap is defined as the difference in amount of information due to unequal access to internet to different strata of society.

Digital gap as obstacle to good governance

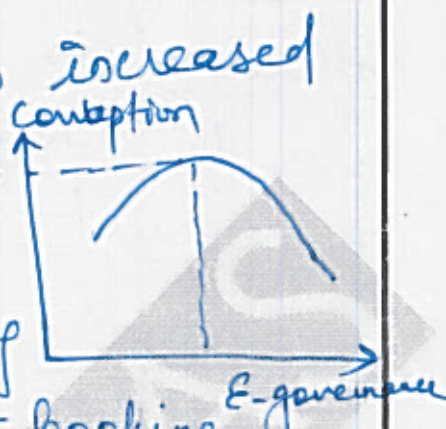
1.) Lack of accessibility and infrastructure
→ low internet penetration, lack of connectivity in rural areas

(eg) → only 15% rural households have access to internet (NSO, 2017 report)

2.) Lack of digital literacy
→ only 8.5% rural women can use internet (NSO, 2017 report)

3.) Ineffective implementation of schemes
→ due to lack of digital literacy.

4.) Perception towards internet & resulting doubt / suspicion of usage

- (eg) perception of risk in using internet banking.
- 5.) Digital gap leads to increased incidence of corruption
- 6.) Increased involvement of middlemen is availing benefits. (eg) Proxy ticket booking through IRCTC.
- 

Way Forward

- 1.) Increasing digital literacy through initiatives like PMGDIGHA.
 - 2.) Awareness campaigns.
 - 3.) Improving accessibility and infrastructure for internet.
(eg) BharatNet, NOFP.
 - 4.) Affordability of digital services.
- Thus, steps like PMGDIGHA, BharatNet etc. are working in reducing digital divide & improving effectiveness of good governance.

Overall Grading (✓)

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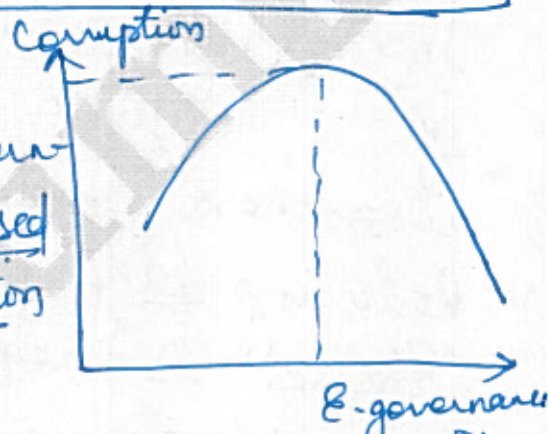
Q.4)

E-governance refers to the application of Information & Communication Technology (ICT) in government service delivery, administration and exchange of information.

E-governance NOT always imply good governance, because:

1.) Corruption —

→ initially, e-governance leads increased incidence of corruption in the system.



2.) Skills gap — lack of digital literacy hampers the implementation of e-gov schemes.

3.) Affordability issues of internet services hinders the access of schemes.

4.) Digital divide — rural-urban, rich-poor, men-women, etc.

Challenges to E-gov

- high initial cost of installation
- digital divide
- skills gap
- perception & lack of awareness among public

Way forward

- 1) Improving digital literacy
 @ PMG DIGHA
- 2) awareness campaigns
- 3) Reducing language barriers —
 Schemes in regional languages.
- 4) Improved accessibility

@ BharatNet project.

thus, although e-gov does not initially imply good governance. But serious & effective govt interventions can lead to better good governance as well.

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Q.5)

Neutrality in civil services refers to a civil servant being politically impartial and giving aid & advice to minister without any political bias.

Whereas effectiveness of civil service implies greater output in the service delivery and other tasks assigned to a civil servant.

Issues is neutrality & effectiveness of civil servants

- 1.) Political inclination of civil servants towards a particular party is power.
- 2.) Tendency of politicians to appease vote banks & not implementing honest & rational advice by civil servants → conflict.

- 3.) Political interference and administrative acquiescence
- 4.) Ineffective utilisation of resources
→ domination of some elite services
in promotion & work assignment.
- 5.) Lack of rewards → performance
are not appreciated & recognised.

Types of reforms needed in civil services :

- 1.) Training Reforms
→ mandatory training completion
at induction & mid-career
(2nd ARC).
→ Yuganthar Committee (2003) suggested
3 mid-career training at 12th, 20th
& 28th year of service.
- 2.) Domain Expertise
→ 2nd ARC recommended introducing

domains expertise is 13th year of service

→ Yuganthar Committee suggested 11 domains and maximum 3 domains to be assigned to a civil servant

3.) Neutrality

→ Hota Committee, 2nd Arc & SC in TSR Subramanyam case → formation of Civil Service Board at state & national level for transfer & posting regulation.

We are witnessing a drift from traits of neutrality and effectiveness. Introducing a Code of Ethics for Civil Services & Model Code of Good Governance as suggested by Hota Committee is the need of hour.

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Q.6)

Lateral Entry is the system of appointment of specialists and domain experts in government offices ~~rather~~ than at middle and senior levels rather than just taking officers (existing) through promotions.

Need for lateral entrants into civil service :

- 1.) Infusion of fresh perspective into govt. working.
- 2.) Specialization and domain expertise to tackle the problems of 21st century.
 → New technologies like AI, machine learning, big data, IoT, etc, require specialised skills.

- 3.) Increased efficiency of work due private work experience.
- 4.) Reduction of vacancies in middle & senior level posts.
- 5.) Act as a cure to complacency induced in civil services.
- 6.) Effective to deal with growing complexities of governance.

Incompatibility of Lateral Entrants

- 1.) Lack of field experience and on-ground realities exposure
- 2.) Resistance from existing civil servants.
- 3.) Difference in work culture.
→ Govt services is focussed on welfarist approach at cost of efficiency.

- 4.) Chances of spoils system - i.e., nepotism & favouritism
- 5.) Problems in recruitment system which lacks objectivity.

Way Forward

- 1.) Objective criteria for appointment of lateral entrants through skill-set, roles & responsibilities.
- 2.) Ensuring the role of UPSC in the recruitment process to avoid nepotism.
- 3.) Mandatory allocation of field service to the lateral entrants

Thus, lateral entry is a positive step in improving the efficiency of civil services. However, steps like institutionalisation of lateral entry should be undertaken as suggested by 2nd ARC.

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Q.7)

Section 62(5) of the RPA 1951 looks classification which appear to be an anathema to the FR to equality under A.14. Discuss.

Article Answer:

Section 62(5) of the Representation of People's Act, 1951 disqualifies persons with criminal background to participate in elections.

Provisions of Section - 62(5), RPA 1951

- 1.) any person ~~is~~ can not vote if he/she is confined to prison.
- 2.) it ~~all~~ also disqualifies the person confined to prison from contesting elections (direct)
- 3.) Only exception - detained under preventive detention.

Section 62(5) is not an anathema to article - 14

- 1.) Anukul Sharma Vs Union of India

→ Supreme Court (SC) upheld the validity of Section 62(5) of RPA, 1957

2.) Tan Chaukidar Case

→ Patna High Court upheld the validity of Section-62 of RPA.

→ it opined that a person confined to prison is debarred from contesting elections.

→ Also, Right to vote, being a statutory right can be taken back.

3.) Election Commission of India challenged Patna HC verdict in SC which upheld the validity Patna HC judgement.

Thus, so far judicial pronouncements have not indicated Sec-62(5) to be violative of Article-14.

However, there are certain concerns with respect to Sec-62(5)

- 1) NCRB data highlights that 77% of the total detainees are undertrial.
- 2) This indicates to be an anathema to fundamental right to ~~Sub~~ Equality (Article-14) for contesting elections
- 3) Might be undermining principle of natural justice.

Recently, Supreme Court has undertaken a petition challenging the validity of Section-62(5) of RPA, 1951 indicative of a substance in the said doubt.

Overall Grading (✓)

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