

GS Advanced Program 2023

Generic Booklet

Test Name/Code/No. :

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
1	
2	
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Overall Grade/Score	

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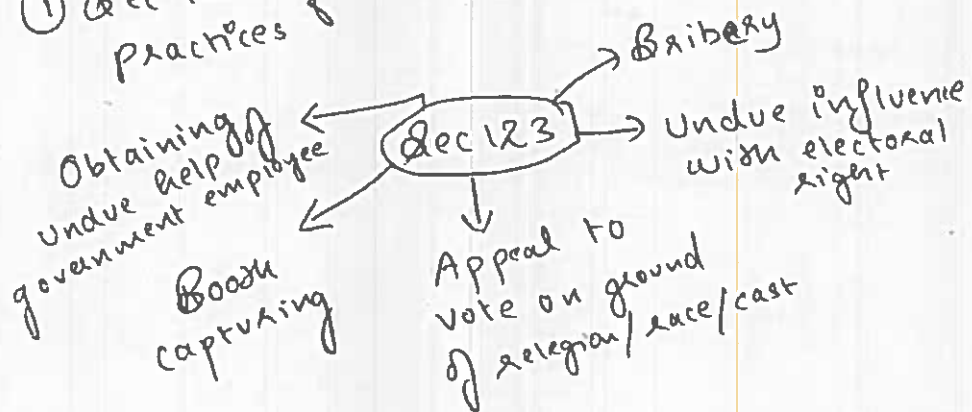
Start Writing Here

Q.1)

Free and fair elections stand at the root of Indian democracy and forms the basic structure of our constitution (as held in Raj Narain case). RPA 1951 was promulgated by Parliament as an effective tool to ensure free and fair elections as entrusted upon it by Art 327 and Art 328 of the constitution.

RPA checks electoral mal practices

① Sec 123 of RPA enlists several corrupt practices



② Sec 29A requires the parties to disclose all donations and receipts which keeps a check on black money flowing under the garb of donations.

③ Sec 8A disqualifies the candidate on the basis of corrupt practices — by the order of the president.

Judiciary has interfered from time to time to ensure that provisions of RPA are truly & effectively implemented

↳ Abhiram Singh Case:- Seeking votes in the name of religion, caste, community amounted to corrupt practice

↳ SC has taken cognizance of freebies being distributed and has asked ECI to frame guidelines

ECI has recommended further reforms to more effectively tackle electoral malpractices like:-

↳ Make paid news an electoral offence

↳ Amend law so that even defeated candidates can be held accountable for corrupt practices, not only the winning candidates.

Political will, effective citizenry and a dutiful judiciary combined can effectively implement the provisions of RPA.

Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

Art 329 of the Constitution states that Election disputes can be called into question only by an election petition to such authority decided by law. The RPA act under Sec 80A declares the High court to be the authority.

Procedure to decide disputes

- ① Election petition has to be filed within 45 days from the date of poll result.
- ② Sec 100 of RPA act enlists the ground for filing election petition - Corrupt practice, nomination improperly rejected etc
- ③ High Court ^(HC) should conclude the trial within 6 months for electoral offences.
- ④ Post the order by HC, President on the advice of Election Commission takes the final call regarding disqualification of candidate.

Grounds for holding void the election

- ① Found guilty of election offences / corrupt practices.

- ② Failed to lodge an account of his election expenses within time
- ③ As held in Abhiram Singh case, for seeking votes in the name of religion, caste or community.
- ④ Conviction for any offence resulting in imprisonment for 2 or more years.

Remedies for the aggrieved party

Appeal in the high court through an election petition

Currently, the procedures in place are only post-electoral remedy. Even Supreme court in the NP Ponnuswami case said that it won't interfere with the electoral process.

Law Commission has made the following recommendations

- ↳ Introduction of 'election benches' in each high court
- ↳ Simplify the procedure for filing election petition.

Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

The ICT (Information & Communication Technology) medium is held as the most effective tool to bring about several aspects of good governance like accountability, transparency, inclusivity and collaboration. But the existing digital gap in the country is hampering this shift.

Digital gap - An obstacle to good governance

① The Rural-Urban digital gap :-
According to NSSO survey 15% rural households have internet access while 42% of urban household have internet access.

② Gender Digital gap :- Economic gap & Socio cultural norms contribute to this gap. (Ex) Village council in UPs madoxa village banned women from using mobile.

③ Digital Gap between States

(Ex) Rural Himachal Pradesh has 70% internet penetration while Odisha has 6%.

④ Literacy :- Inability to read English ~~adds a~~ exacerbates the digital gap.

Eliminate certain sections like women & children from purview of digital governance

Digital Gap - An obstacle

Prevents complete transition to digital media

Prevents proper exercise of cyber hygiene by citizens.

Way forward

① Effective and timely implementation of government schemes like PM WAN, BharatNet etc.

② Focus more on m-governance, with smartphone penetration being high in rural areas.

Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9

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4)

World Bank in its 1992 report titled 'Governance and Development' defined Good governance as the manner in which power is exercised in the management of country's economic & social resources for development. E-governance can be used as the media / tool to effectively and efficiently manage this power.

But e-governance can imply good governance only when it amplifies / acts complementary to the below aspects of governance

- ↳ Participation of All
- ↳ Effective & efficient
- ↳ Transparency & Accountability
- ↳ Equity
- ↳ Responsiveness.

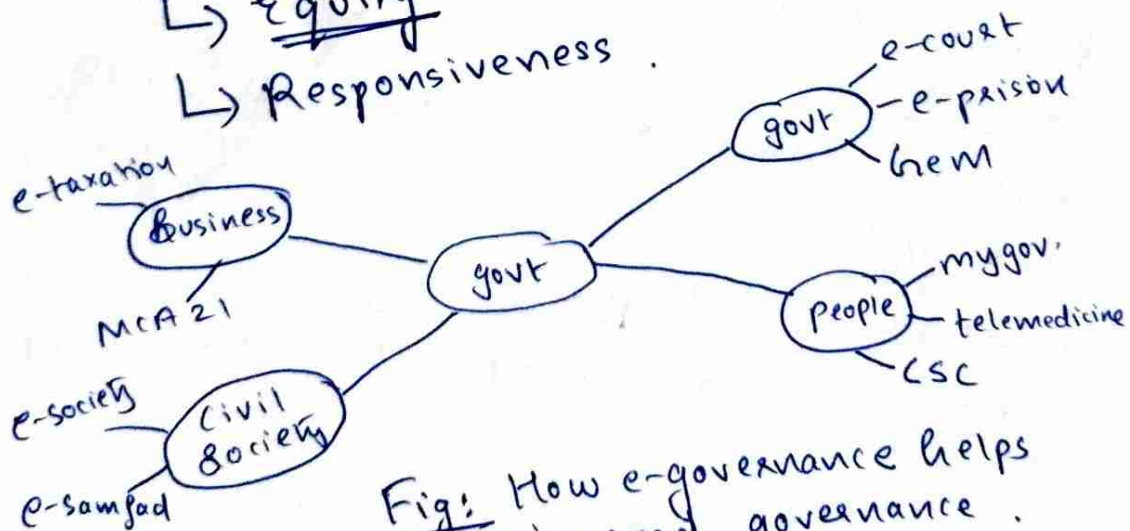


Fig: How e-governance helps in good governance.

Challenges to E-Governance

- ① The Great Digital Divide → Rural-urban divide, Gender Divide, Divide between states on the basis of internet access and cyber ^{accessibility}
- ② Lack of comprehensive data protection law
- ③ Lack of Infrastructure → Projects like 'BharatNet' lagging behind in its schedule
- ④ English language → Text based interface of many applications makes it difficult for users to read.
- ⑤ Cyber Crimes & phishing attacks

Way forward

- ① Improve digital literacy through schemes like National digital literacy mission
- ② Make online services available in all official languages
- ③ MELTY should periodically audit compliance of e-services offered by state government

Overall Grading (✓)

Poor			Average			Good		
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Q.5)

Civil Services are considered to be the 'Steel Frame of India' because they act as pillars of stability amidst changing governments and implement on ground the policies & plans of the government of the day.

Traits of neutrality (political impartiality) and effectiveness are important for the steel frame not to rust.

Civil Servants - drifting from Neutrality & Effectiveness

- ① Some civil servants might appear to be more close to a political party/person due to their own political ideology.
- ② Politicization & weaponisation of 'transfer industry' - sometimes not being neutral required for survival.
- ③ Some civil servants continue in the same post for 9-10 years because of political favors.
- ④ Some new age technology like AI,

Machine learning might be difficult to acquire for generalist civil servants → Reducing efficiency

- ⑤ Having no special reward for being efficient → brings down the overall morale of civil servants.

Type of Reforms Needed

- ① 2nd ARC recommends
→ Civil Service Board to be established for appointments
→ Developing a code of ethics

- ② Niti Aayog's Strategy for New India @ 75:-
→ Evaluation process to shift from Annual Confidential Report to Multistakeholder feedback
→ Goal setting and tracking through SPARROW (Online Appraisal Report)

- ③ Effective implementation of capacity building and training mechanism envisioned by Mission Karmayogi.

All the above will bring in the much needed neutrality and effectiveness in Civil Services.

⑥ Lateral entry refers to direct appointment of specialists and domain experts, mainly from private sector at middle/senior levels in government organisation rather than only appointing civil servants through promotion

Civil Service and Lateral Entry are compatible

- 1) Success stories of the past → Sam Pitroda (Telecom), Nandan Nilekani (Aadhaar) etc.
- 2) Deficit in bureaucracy → Baswan Committee has pointed out the huge vacancies of IAS officers in many states → Lateral Entrants can fill it
- 3) Niche Areas → like Cyber crime, Climate change etc. requires specialist know-how
- 4) Competitive Bureaucracy → Career bureaucrats will be motivated to improve their performance.
- 5) Successful practice in other countries like USA, UK. etc

Overall Grading (✓)

Poor			Average			Good		
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Might not be compatible

- ① No checks and balances to prevent the onslaught of spoils system.
- ② Lateral entrants might be unaware of the ground reality.
- ③ While ~~because~~ ^{civil} servants will determine the supply of services based on needs, lateral entrants from private sector might be inclined to supply based on demand (market model).
- ④ Systemic inertia in place might reduce efficiency at work irrespective of lateral entry.
- ⑤ System of appointment of civil service upholds the principle of positive discrimination (reservation). Lateral entry might negate this.
- ⑥ Dependence on few individuals for domain expertise might backfire at a later stage.

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Way forward

- ① Reduce scope of ambiguity → Lateral entry should be based on objective criteria
- ② Constitutional role of UPSC must be extended to lateral entry as well
- ③ Vice-versa → Civil servants should be allowed deputation in private sector to gather requisite ideas and exposure.
- ④ Lateral entrants should be made to work on ground for sometime to have a practical view of things.
- ⑤ 2nd ARC → System of lateral entry should be institutionalized as against adhoc basis.

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(7)

Sec 62(5) of RPA 1951 excludes personal with criminal background from participating in election as it says, no person shall vote in elections if he/she is confined to prison.

By extension it prevented a person confined in prison from contesting in elections, because only a voter ~~can~~ can be a candidate. The only exception provided is for a case of preventive detention.

In the Jan Chowkidar case, Patna High court and Supreme court held that detained person is disqualified to vote and therefore should be debarred from contesting elections.

62(5) is seen as anathema to Art 14 (Right to equality) because

↳ 'Confinement' over 'Conviction':-

NCRB data of 2021 → 77% of detainees are undertrials

◦◦ Even a person detained for petty civil issue might not be able to vote.

(2) Criminals, even if convicted, can vote if they get out on bail.

(3) Art 14 allows reasonable classification based on intelligible differentia and rational nexus with the objective to be achieved.

But there is no rational link between the objective of law i.e. keeping criminals away from electoral process and the rule of disallowing the confined to vote.

Best Alternatives

In UK → Only convicts sentenced to prison for 4 or more years cannot vote.

Similarly, the provision of 62(5) could be altered to disenfranchise persons convicted of certain heinous offence or those sentenced for a minimum duration.

Recently the Supreme court has admitted a petition challenging 62(5). Being the guardian of the constitution Supreme court should take a critical look at Article 62(5) against the touchstone of Article 14.

Overall Grading (✓)

Poor			Average			Good		
1	2	3	4	5	6	7	8	9