

GS Advanced Program 2023

Generic Booklet

Test Name/Code/No. : 69 2037

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	
3	
4	
5	
6	
7	
Overall Grade/Score	

Start Writing Here

Q.1)

Supreme court have developed certain initiatives which has made environment problem the most significant problems in contemporary India.

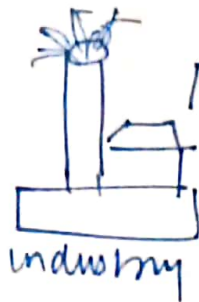
1. municipal corporation, Pattam
vs vaddichandi cor, 1980

It held that municipal corporation has failed to maintain roads in safe and sanitary conditions and directed municipality to make efforts for environment pollution.

2. Rural Litigation and Entitlement
Barway Dehman vs State of UP, 1985

Limestone Quarries	near surrounding will ordered closure of quarries.	24M of people to live in healthy environment
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3. MC mehta vs UOI, 1986



opted natural gas as
alternative fuel

Right to live in safe
environment

4. Delhi HC → Justice Kuldip Singh
CNG fuel adopted ← DTL Buses

5. SC → Subhash Mahajan vs State of
Maharashtra case 2020 → Right to environ-
ment under Article 21.

6. Law Society of India vs. Fatherize and
Chemical Transporters limited, 1994 →
SC → Broad meaning to Right to
environment (Article 21).

I Article 51(A)(g) → 42 CAA →
inserted → i.e. duty of citizen
to protect environment.

Supreme court has used provision
of DPSP 48(A) (DPSP) and Fundamental
Duty Article 51(A)(g) to spell out a
FR - wholesome environment a part
of Right to life.

Overall Grading (✓)

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

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Q.2)

Duty based approach focuses on duties of citizen enumerated in part IV A while in rights based approach preference is given to rights (part III).

Why India need duty based approach

1. To transform from developing nation to developed nation (high income countries) For ex growth story of Singapore.
2. To reach nationally determined targets under UNFCCC (Climate change)
↳ Fundamental duty to protect natural resources
3. Hate speeches, mob lynching etc
↳ events rising → (FD - protect sovereignty, unity, integrity of nation).

4. Naxalite, insurgent areas → duty to abide by constitution and respect, ideas and institutions
5. To flourish idea of social endosmosis (Ambedkar) → duty to follow secularism, democracy, non violence.
6. Women representation bill, women empowerment → duty to enforce dignity of women.
7. To achieve \$5 trillion economy → develop scientific temper, strive towards excellence.
8. To improve HDI → ^{provide} opportunity for education (duty) (unborn - 14%)
 hence To break the shackles of poverty, hunger, & to achieve SDG India need to focus on duty based approach

Overall Grading (✓)

Poor			Average			Good		
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Q.3)

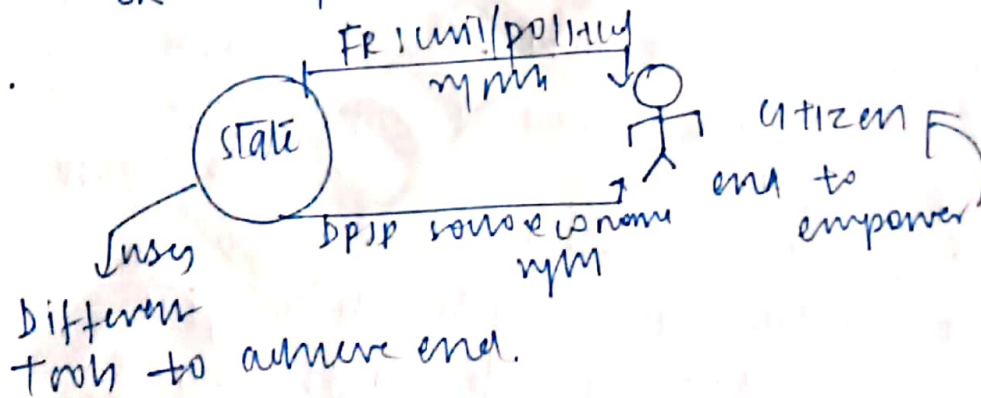
Fundamental rights refer to
part of constitution while
DPSP refer to part 4A of
constitution.

FR are complementary ∴

1. FR and DPSP form an
integrated scheme which is
elastic enough to respond to
diverse and changing Indian society.

Ex Uniform civil code in 42a.

2.



3. DPSP broaden scope of Article 21
ARUPAD

[Lawrence
of India
vs P. and
Chemical Transport
Union, 1993]

derived ← Right to
environment

4. Art 19 → Reasonable restrictions

ex m
FR to
strike
employment

smooth
functioning
of state

← DPSP becoming
obstacle

Portion of SC

During Champakam Dorairajam case
(R.T. equality vs. reservation) SC held
DPSP can be implemented by amending
FR through constitutional amendment.

In Shankari Prasad case SC ruled
that judicial review (Art 13(2))
excludes amendment. Galathea
judgement was tilted towards FR
later corrected in Keshavananda Bharati
and numerous other cases since
then judiciary adjudicates conflicts
and called for harmonious
construction between FR and DPSPs.

Overall Grading (✓)

Poor			Average			Good		
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Q4)

DPSP are constitutional directions to state (part IVA).

Relevance in globalisation

1. ^(Ar 39) ^{concentration of} ^{wealth} $\therefore$ promotes idea of welfare state.
2. ensure social, economic, political justice $\rightarrow$ by minimising inequality (Top 10% holds $\rightarrow$ 7% of wealth - oxford)
3. ensure living wage $\rightarrow$ to have decent standard of living.
ex. Labour union ensure proper wage.
4. privatisation, disinvestment $\rightarrow$ DPSP ensure right to work
5. Globalisation $\rightarrow$ old age $\rightarrow$ (DPSP) public ^{alienation,} ^{inflation} $\leftarrow$ ^{aristocracy}

6. Globalisation → women

Ar 42
 (maternity relief + good conditions)
 Can pay
 savings
 Labour
 availability

7. help in
 achieving SDG → protect
 environment.

8. even monopolistic/capitalist
 tendency,

9. Malnutrition ^{Ar 47} means
 ↓
 com crops → Globalisation
 ↓
 level of
 nutrition

10. Ar 37 ensure good governance
 - all should reap globalisation
 benefits

11. Covid 19 → Globalisation
 ↓
 Transport free DPSP
 none DPSP protect from negatives of
 Globalisation.
 ↑
 affects all
 (vulnerable
 more)

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Q.5)

103rd amendment act provides for reservation in appointments to posts under the state and in admission to educational institutions to EWS.

Recently SC upheld the amendment under Janhit Ahiyan vs Union of India law.

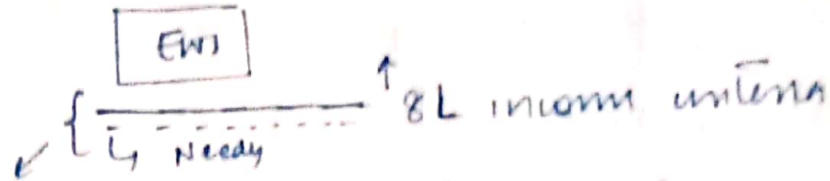
Amen ded arkhim of the
commihion.

1. Article 15(1) → added to provide reservation to EWS for admission to educational institutions. [does not apply to SC, ST, OBC categories]

2. Article 16(1) → added to provide reservation to people from EWS in government posts.

Repercussions of this judgement
on some economic realms of
India

- Recognising economic factor alone to mark discrimination may further perpetuate deprivation, untouchability. (Article 17)
- Fragmented society :- heartburn that existed among the forward caste towards the reserved category will now also become visible within the former category itself (Sanyal, Negde, & Judge).
- Great competition among the the forward caste to be declared FWS. ex. marriage reservation. (manamohan)
- may result into compartmentalisation of society.



may include a family that was @ the EWS Quota's income threshold simultaneously excluding needed one.

- ^{also} poverty is a transient state
- might open more demands and avenues for more mobilisation towards other forms of affirmative action.
- subjugation of historically disadvantaged groups.

Government focus → long term view improve education infrastructure. Income, job, opportunities. Government should open EWS quota to all categories/communities and keep income criterion much lower than the ceiling.

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Q.6)

Article 32 (Right to constitutional remedies) is a Fundamental right which states that individuals have the right to approach the SC seeking enforcement of other fundamental rights recognised by the constitution.

The scope of article 32 has been established by case laws over a period of time.

In Mahesh Prasad Sharma v. State of Madhya Pradesh (1959) SC held that article 32 is a guaranteed remedy for enforcement of FR. Moreover in Chandra Kumar v. Union of India (1997) SC ruled that joint jurisdiction of both SC and HC constitute

a part of Basic structure

move vuntly

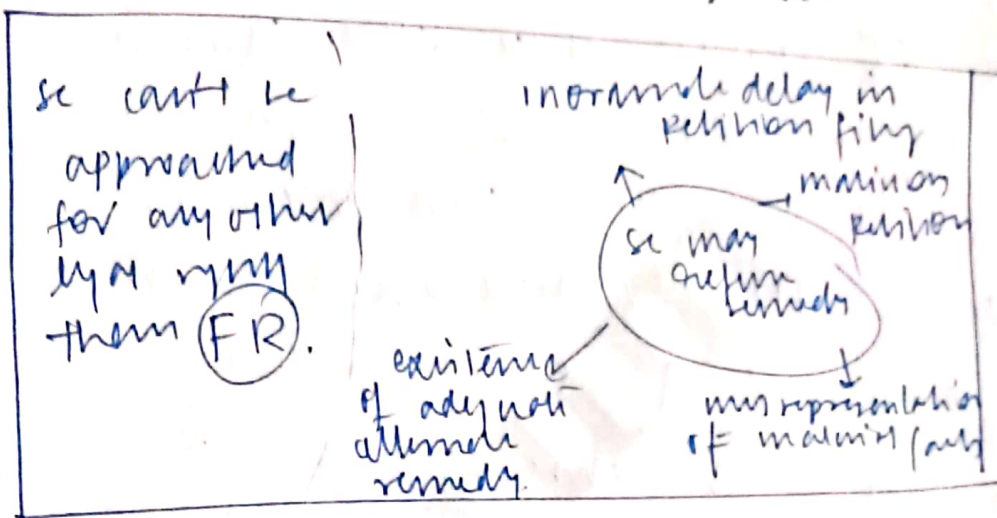
In year 2020 Siddique Kaypam and Jameet tharkar invoked article 32 when they were arrested by government. In both the cases SC issued petitions to move to HC (Article 22) because as observed by SC there has been an increase in spite of petitions under article 32.

SC transferred (2020) the case involving use of land for urban visa project to itself from delhi HC. (here petitioner did not sought transfer)

SC in a contempt notice to assistant secretary of Maharashtra legislative assembly.

Expressly mentioned :- Right to approach SC is a Fundamental right → if detained,

amount to direct interference in the administration of justice.



Based on recent incidents Commission reports believe that it is eventually at discretion of SC and each individual judge to decide if an intervention is warranted in a case which could also be heard by the HC first.

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Q.7)

Indian constitution is the fundamental law and by nature they are supposed to be rigid but due to diversity of India, they are also treated as evolving document which has to meet people's aspiration.

Fundamental rights provide liberty to individual and limit power of state while DPSP provide social-economic rights which give dignity to individual.

How reconciliation helps

FR and DPSP are complementary, supplementary + each other for ex Article 40.

call for creation of village
panchayats → self governance

helps in realising

(FR)

human
empowering

vulnerable marginalised.

→ integrated scheme → elastic
enough to respond to
changing needs of society
(multicultural, diverse)

→ FR (civil
political) → end (citizen)
DPSP (social
economic) → empower

Different means to achieve same end.

However reconciliation leads to
amendments and judicial intervention

contradiction arises because of
justiciable and non justiciable
nature of FR and DPSP respectively

Champakam Dorairajam case: 1st amendment

(Right to equality vs Reservation):-
here judiciary held if DPSP can be

implemented by amending Fundamental rights then it would be done through a constitutional amendment.

→ Shankari Prasad case - SC ruled that judicial review (Article 13(2)) excluded amendment.

→ Golak Nath Judgment was tilted in favour of Fundamental rights (17th CAA violated).
→ later corrected in ~~favor~~

of Keshavanda Bharti and minor min case. Since then any conflict between FR and DPSP Judiciary adjudicates. Judiciary has called for harmonious construction between Fundamental rights and DPSPs.

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