

**GS Advanced Program 2023****Generic Booklet**

Test Name/Code/No. : 692039

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 -
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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	
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Overall Grade/Score	

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Start Writing Here

Q.1) To what extent has decentralisation of power in India changed the governance landscape at grassroots?

73rd & 74th Amendment Act ⁽¹⁹⁹²⁾ have led to democratic decentralisation of powers in India.

under ~~Part IX~~ Part IXA, panchayats for rural areas and municipalities in urban areas are drivers of grassroots development.

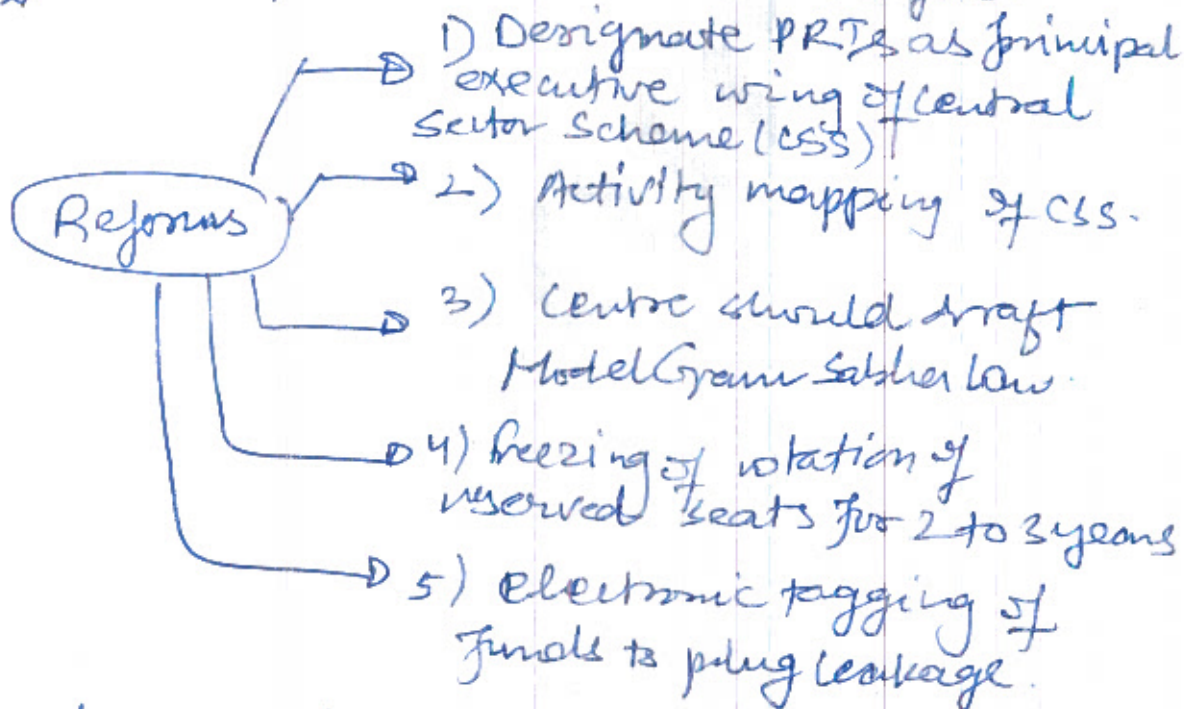
Positive Impact

- 1) Political decentralisation of power.
- 2) Women led development.
- 3) Better Representation of SCs & STs in local governance.
- 4) Bottom-up approach of planning and implementation.
- 5) Effective management of COVID-19 (eg WHO appreciated Odisha VLBs & PRTs).
- 6) Curbing Naxalism in certain scheduled Area pockets through socio-economic development.

Negative impact/failure

- 1) Poor devolution of funds, functions and functionaries by state govt.
- 2) PESA not implemented in all scheduled areas leading to exploitation of Tribals.
- 3) Phenomenon of Panchayat Raj's.
- 4) Politicization of ULBs.
- 5) Overbureaucratic control.

➤ Municipal Commissioner over Mayors.



As per Mani Shankar Aiyar committee, States ~~are~~ still need to give flesh & blood to skeleton of local governance given by 73rd & 74th Amendment

Overall Grading (✓)

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

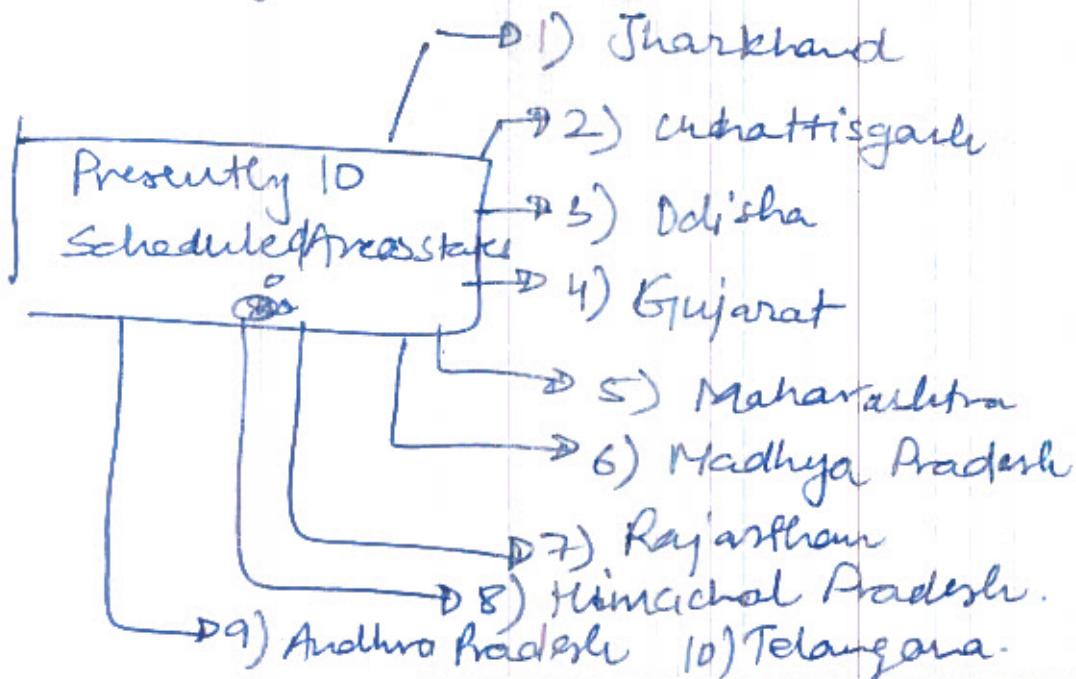
Q.2) What is the difference between Scheduled areas and Tribal areas? What are conditions for declaring an area as Scheduled area?

Schedule Area	Tribal Areas.
1) 5th Schedule	1) 6th Schedule.
2) Tribal Advisory Council — largely a nominated body	2) Autonomous District Councils — largely an elected body (L6)
3) 30 members	3) 30 members
4) President declare an area as scheduled Area after consultation with Governor	4) Constitution of India itself demarcated these areas.
5) Applicable in entire India except Tribal Areas.	5) Applicable in Assam, Meghalaya, Manipur, Tripura only.
6) State and Parliament laws are directly applicable with certain modification by Governor	6) Either laws are not directly applied or applied after Governor modifications & exceptions.
7) No Judicial power	7) limited judicial powers.

Condition for declaring areas as Scheduled areas

- 1) Preponderance of Tribal population
- 2) Compactness of size of tribal area.
- 3) Viable administrative bodies at District, Block or Village level.
- 4) Economic backwardness of that area with respect to neighbouring areas.

President declares an area as Schedule Area (under Schedule V) after consultation with Governor.



Overall Grading (✓)

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2.3) Municipalities have yet to become third tier of governance. Explain.

74th Amendment Act has led to democratic decentralisation of powers to Urban local bodies (ULBs)

States are required to devolve greater powers to ULBs as mentioned under Schedule 12.

Issues

1) State Government Attitude

- poor elevation of resource generation power

- poor devolution of funds, functions and functionaries.

2) Dominance of Municipal Commissioners over Mayors.

3) ULBs have become a tool of political mobilisation rather than effective tool of democracy.

4) State Finance Commissions have not been successful in giving adequate funds to ULBs.

5) GST has taken several tax powers

for ULBs without clearly demarcating any power to generate revenue.

Successful Model of ULBs

1) Indore Municipality

- ↳ Cleanest city from last 4 years
- ↳ Solid environment plans
- ↳ first local body to issue green bond to start solar power plant.

2) Odisha Municipality

- ↳ WHO appreciated Odisha municipalities to effectively manage migrant crisis during COVID-19.

According to WB, \$848 billion funds are needed by ULBs in India in next 15 years to sustainably management pace of urbanisation in India.

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2.4) Discuss the impacts of abrogation of Article 370 in J & K.

On 5th Aug 2019, Parliament abrogated temporary provisions under Article 370 which gave special status to J & K. ^{erstwhile}

This has led to creation of two UTs.

- 1) J & K $\Rightarrow$ UT with legislature
- 2) Ladakh $\Rightarrow$ UT without legislature.

Positive Impacts

Ministry of Home Affairs after 2 years of abrogation of A-370 stated that this has led to better integration of J & K and Ladakh to entire nation.

It has highlighted following +ve impacts-

① Economic Impact

- Better investment & Job opportunities.
- In 2016 to 2019, J & K had highest unemployment rate of 20%.
- Unleashing of Tourism industry.

② Administrative Impact

- Better control of Union over police and administrative machinery.

- Conduct of elections at 3rd tier at Blocks, Districts, Panchayat smoothly.

③ Security

- Crossing Kashmir Military
- Limit on crossborder Terrorism of Pakistan
- Activity of China in Aksai Chin region

④ Rights

- Extension of RTE and reservation rights in J&K and Ladakh.
- Central Sector Laws and Scheme benefits to individuals.

⑤ Education

- opening of HETs, engineering colleges and medical colleges.
- Professors and students who were reluctant to go there can now take admission and teaching facility without hesitating.

Although, there are certain fears such as further alienation of Kashmiris, increased crossborder terrorism and lone wolf attack on Kashmiri Pandits. Post abrogation steps should be carefully planned and implemented.

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2.5) GNCTD Amendment Act 2021 goes against the spirit of Federalism. Critically analyze this Statement.

Parliament amended Government of National Capital Territory of Delhi 1991 Act in 2021.

Key Features

- 1) Lieutenant Governor (LG) will be considered as or synonymous to Government of Delhi.
- 2) LG was given certain discretionary power over Delhi Assembly.
- 3) Delhi Assembly is prohibit to
 - a) discuss day-to-day functioning of administration
 - b) conduct enquiry in administrative decisions.
- 4) LG has the right to reserve certain bill passed by Delhi Assembly for President consideration. This will ensure that Delhi Assembly do not take decision outside the designated domain.

Criticisms

The act has attracted a lot of criticisms as follows—

- 1) LG has been given superseding power over Assembly undermining its democratic mandate and neutralising idea of electoral democracy.
- 2) LG has no time boundations to take decisions over issues sent to him
—this will delay the decision making in pressing issues.
- 3) Act has been considered to be against the supreme court order of 2018 which referred to supremacy of elected government over nominated LG.
- 4) Infuses combative federalism between Delhi government and Central government.
- 5) Act has been criticised to cripple Delhi CM and Corps as having nearly no control over administrative machinery.
- 6) Additionally, Act has been considered to be passed over voice vote without going.

to scrutiny by an Parliamentary committee.

This has led to frequent squirmishes over policy matter between Delhi CM and Delhi LG.

eg Recent tussle over Delhi Yoga plan, Excise on liquor policy and appointment of civil servants.

Positive side :-

1) Central government has said that 1991 Act was ambiguous and lacked clarity. This has led to friction and tussle with Delhi CM.

This amendment act has brought clarity and will further idea of cooperative Federalism.

2) The amendment has delineated domain of spheres of work between Delhi and Central Govt

3) Act has been supported on terms that Delhi as a national capital belongs to all and Delhi is settlement of foreign embassies, Parliament, President House and high level security agencies. So Central control over Delhi is required as per Balakrishnan Commission.

Overall Grading (✓)

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2.6) highlight the critical challenges faced by local institutions in terms of their functionality in recent times.

73rd and 74th Amendment Act (1992) have led to 'democratic decentralisation' by greater devolution of power to panchayats and municipalities.

These acts have been hailed to promote grassroots development based on bottom up approach in India.

Challenges

- ① 73rd and 74th amendment Act have been considered as 'half baked cake' i.e. the acts have provided skeleton for 3rd tier but state governments have yet to provide 'flesh and blood' to them.
- 1) Lack of devolution of funds by state government
- 2) Devolution of 'tied funds' by Central government on finance commission recommendation. This limits the autonomy of third tier government.
- 3) Poor revenue generation capacity to

panchayats.

- 4) According to 2nd ARC, overbureaucratization of PRTs and Municipalities have severely inhibited their functionality.

Ex: Panchayat Secretaries over Gram Pradhans and Municipal Commissioners over Mayors.

- 5) On Panchayat Day 2015, Prime Minister highlighted the phenomena of 'Panchayats suffering from Sarpanch Patis' which limits women empowerment at grass roots level.

- 6) Mani Shankar Aiyar Committee (2013) highlights the fact that in West local bodies have developed because of demand from people itself. In contrast, these institutions have been imposed and hence require time to mature in their functioning.

- 7) ULBs have become a tool for political mobilisation instead of real tool of effective governance.

- 8) District Planning Committees have failed to synchronize urban rural linkage.

- g) PESA Act has been largely ineffective.
- $\frac{4}{10}$ states have not yet formulated the rules for implementation.
 - Centre and state laws still impinge on the provisions of PESA.

Reforms Needed

Main Shankar committee have recommended following measure for PRIs for their effective functioning —

- (1) Designating PRIs as principal executive wing of Central Sector Schemes.
- (2) Activity mapping for each Central Sector Scheme.
- (3) Centre should formulate a model Gram Sabha law for uniformity.
- (4) freeing of rotation of reserved seats for 2 to 3 terms for long term strategy formulation.
- (5) electronic tagging of funds to plug leakages and reduce corruptions.

Additionally, there should be mandatory standing committee on local bodies in every state for better devolution of power and effective monitoring of PRI functioning.

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2.7) PESA Act remains the foremost of all tribal legislations in India. What are the various problems in its implementation? Suggest steps through which it can effectively bring self governance in tribal areas.

73rd Amendment Act, 1992 provision did not extend to Schedule 5 (Schedule Areas).

Later Parliament passed PESA (Panchayat Extension to Scheduled Areas) Act, 1996 for promoting self governance at village level and effective democratic decentralisation in these areas.

Features

1) Gram Sabha have been given power to conserve local culture, community values and dispute resolution traditional methods.

2) Gram Sabha have been given authority to control issues of selling of minor forest produce, land acquisition ~~and~~ prohibition of liquor sale and money lending.

- 3) Panchayat 50% seats are reserved for ST candidates.
- 4) Chairperson seats are 100% reserved for ST candidate.

Problems in PESA implementation

- 1) PESA do not establish any time line for rule formulation by States.
 — 4/10 of schedule 5 states have not yet made any rules for implementation of PESA provision.
- 2) Over bureaucratic control. This has led to exploitation of tribals by Forest Officers.
- 3) Central and state laws on leasing, mining, forest produce are not completely consistent with PESA Act provisions.
- 4) Ambiguity in definitions such as terms like 'Gram Sabha or Panchayat body of suitable level' and term like 'should be considered' have been wrongly interpreted by officials.

This has led to uncertainty in decision making

Reforms

- 1) 2nd ARC in its 7th Report 'Capacity Building: For Better cooperations' has recommended to synchronise Centre and state laws with PESA act.
- 2) Gram Sabha functioning report and loopholes in Central laws must be comprehensively covered in Governor's report to President.
- 3) In matters of rehabilitation, ~~and~~ compensation, should not be in cash but in terms of cultivable land or assured employment.
- 4) Price of selling of Minor forest produce by collective decision of 2 or more Gram Sabhas and forest officials.
- 5) Promotion of science education and Khyasa Model School for Tribal Areas should be under Gram Sabhas.

PESA implementation is necessary to curb Naxalism in most of Scheduled Areas.

Overall Grading (✓)

Poor			Average			Good		
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