



RAU'S IAS
STUDY CIRCLE

— Since 1953 —

GS PAPER-II
MODEL ANSWERS
MAINS 2023

Question 1: "Constitutionally guaranteed judicial independence is a prerequisite of democracy." Comment. (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Judiciary

Possible reason for asking this question: Centre-Judiciary conflict was in the news

Whether the question was Foundational or Current: Foundational

Nature of question: Easy, Medium or Difficult: Easy

Main demand of the Question: Highlight the importance of judicial independence for a democracy

MODEL ANSWER**INTRODUCTION**

The concept of judicial independence is rooted in the principle of separation of powers which is a cornerstone of democratic governance. Judicial independence means that judiciary have the freedom to decide each case on its own merits, without fear or favour or influence

BODY OF THE ANSWER**Reasons why constitutionally guaranteed judicial independence is a pre-requisite of democracy:**

- Separation of powers: Judicial independence is necessary for preventing the executive and judiciary from becoming too powerful and violating rights and dignity of citizens.
- Rule of law: Impartial application of laws and adjudication of disputes is essential to protect citizens' faith, regardless of political influence.
- Public Trust: An independent judiciary is essential for citizens to trust in the legal system and democratic institutions.
- Protection against majoritarianism: Judicial independence allows judiciary to protect citizens even in the face of robust majoritarian policies against minorities.
- Respect of judicial pronouncements: An independent judiciary will not enjoy public trust.
- Consistency: An independent judiciary provides consistency and predictability in legal decisions, crucial for stability.

However, independence of judiciary should not mean that judges are free to do anything they wish. Being non-elected but trusted with the duty of defending the constitutional values, judiciary should display highest level of self-accountability to serve democracy and its ethos.

CONCLUSION

Thus, the Indian Constitution provides various provisions for judicial independence like security of tenure and fixed salaries charged on the constitution, immunity from discussion of judiciary's conduct in Parliament, power of contempt of court to enforce its directions. This has further been expanded by collegium system of judicial appointments and judicial independence recognised as part of basic structure of the Constitution.

Question 2: Who are entitled to receive free legal aid? Assess the role of the National Legal Services Authority (NALSA) in rendering free legal aid in India. (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: JUDICIARY

Possible reason for asking this question: CJI highlighted the role of NALSA at several forums

Whether the question was Foundational or Current

Nature of question: Easy, Medium or Difficult

Main demand of the Question: Entitlement of free legal aid and role of NALSA

MODEL ANSWER

INTRODUCTION

Indian constitution under Art 39A(DPSP) recognises a directive to state to provide “free legal aid” for all. Free and Fair access to justice to all is a UN recognised human right and accordingly “Legal Services Authorities Act (1987)” was passed. This resulted in establishment of National Legal Services Authority.

BODY OF THE ANSWER

ELIGIBILITY FOR ENTITLEMENT OF FREE LEGAL AID

Following categories of individuals are entitled to free legal aid under Legal Services Authority Act, 1987:

- A member of Scheduled Caste or Scheduled Tribes
- A victim of human trafficking or beggar
- A woman or a child
- A mentally ill or otherwise disabled person
- A person in custody, including custody in a protective home.
- A juvenile in juvenile home
- An individual who has an annual; income less than the amount prescribed by the respective Government (except for a case before apex court)
- Less than Rs. 5 Lakhs, if the case is before the Supreme Court.

ROLE OF NALSA IN RENDERING FREE LEGAL AID IN INDIA

- Providing justice to women: Ex. National Legal Aid Helpline (15100)- For reporting Domestic Violence.
- Legal Services for transgender rights.
- Protection of rights of prisoners and undertrials. Ex. **Haq Hamara Bhi to Hai** campaign
- For Senior Citizens: As per Annual Report of NALSA, nearly 1,04,084 senior citizens were assisted through legal services in 2020.
- Organize Lok Adalat.
- Promote settlements of disputes through Alternative Dispute Resolution (ADR) Mechanisms. Ex. DISHA (designing Innovative Solutions for Holistic Access to Justice), e-Lok Adalat, Legal Aid clinics.

- Spreading Legal Awareness: Through legal literacy programmes.
- Enabling compensation to victims of crime.

LIMITATIONS AND ISSUES FACED BY NALSA

- Low proportion of cases are investigated by Alternate Dispute Resolution (around 1% of the litigation.)
- Low awareness: Poor and illiterate people are unaware of their legal rights and entitlements. A majority are not able to seek help of NALSA due to ignorance.
- Poor capacity building of Lok Adalat – Lok Adalats are facing shortage of resources (financial as well as human).
- Further they are not having enough powers (at par with civil courts) to effectively deal with cases.

Poor interest in pro-bono cases by lawyers.

CONCLUSION

Justice administration is a core responsibility of state. Apex court has linked Article 14 and Article 22(1) with the provisioning of legal aid. State must accept a pan India Legal Awareness and Outreach Campaign to spread awareness. Provisioning of greater financial resources to ADR mechanisms, linking the profession of law with minimum annual pro bono cases, providing more powers to Lok Adalat etc must be explored upon.

Question 3: "The states in India seem reluctant to empower urban local bodies both functionally as well as financially." Comment. (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Local bodies

Possible reason for asking this question: RBI released a report on municipal finances

Whether the question was Foundational or Current: Foundational

Nature of question: Easy, Medium or Difficult: Medium

Main demand of the Question: Elaborate on the reasons of reluctance of states to devolve powers, functions and finances to municipalities.

MODEL ANSWER

INTRODUCTION

Urban local bodies are mentioned under Part IX A, schedule 12 under article 243 0-243 ZG. Their role in rising urbanisation and sustainable cities is significant, thus requires to be functionally and financially independent.

BODY OF THE ANSWER

Reluctant to empower ULB by the State: According to Niti Aayog, only total 11 states and UTs have devolved the functions to urban local bodies.

1. State Governments have created parallel structures for the implementation of projects around agriculture, health, and education, which undermines the status of local bodies.
2. District Planning Committees are non-functional in 9 states and failed to prepare integrated plans in 15 states.
3. Local government expenditure as a percentage of GDP is only 2%, low compared to 7% in Brazil and 11 % in China.
4. State Finance Commissions are not established as per Constitutional requirements.
5. The concept of ward committees is just followed in Kerala and in West Bengal Only.

Implication:

- Not even a single city in India can be matched with cities like London, Johannesburg, New York.
- Unplanned Urbanization as World Bank says: India's Urbanisation is Messy and hidden.
- Dependent on central and state Government.

Suggestion:

1. Strengthening ULB should be in election manifesto.
2. Alternative options for funding to be explored. Ex Value capture financing
3. Credit Rating exercise of ULB, Ex Pune

CONCLUSION

Praja Foundation, 'Urban Governance Index' initiative is the right way to make a holistic assessment of the ULB. Devolution is the only key to achieve the SDG 11: sustainable cities and communities".

Question 4: Compare and contrast the British and Indian approaches to Parliamentary sovereignty. (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Comparison of constitutions

Possible reason for asking this question: Parliamentary sovereignty has been in news

Whether the question was Foundational or Current: Foundational

Nature of question: Easy, Medium or Difficult

Main demand of the Question: Compare Constitutional Supremacy of India with Parliamentary Supremacy in Britain

MODEL ANSWER**INTRODUCTION**

According to the principle of Parliamentary Sovereignty as practiced in Britain, Parliament is the supreme law-making authority and no institution can set aside its laws. This principle is not followed in India due to the established norm of constitutional supremacy.

BODY OF THE ANSWER**PARLIAMENTARY SOVEREIGNTY IN BRITAIN**

Strengthened through unwritten constitution which largely comprises of various legislations or statutes, precedents, rules etc.

No checks and balances on Parliament as judiciary or executive cannot set aside an Act of Parliament.

CONSTITUTIONAL SUPREMACY IN INDIA

- Strengthened due to written constitution and ethics of constitutionalism which acts as check on Parliament.
- Constitution is a reflect of people's will.

Checks & Balances in India's Constitution:

- Article 13 expressly bars Parliament from enacting laws which curb fundamental rights.
- Federal provisions: Parliament cannot enact legislations on state subjects.
- Expanded by Basic Structure doctrine which even limits Parliament's constituent power.

CONCLUSION

There are many similarities in Parliamentary functioning of India and Britain but India because of a written constitution ensured legitimate check on unbridled powers of the Parliament through an empowered an independent judiciary.

Question 5: Discuss the role of Presiding Officers of state legislatures in maintaining order and impartiality in conducting legislative work and in facilitating best democratic practices. (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Parliament and State legislatures — structure, functioning, conduct of business, power's; privileges and issues arising out of these.

Possible reason for asking this question: Maharashtra Tussle speaker considering disqualification pleas of Member of house, Boycott of speaker election by opposition in Odisha etc.

Whether the question was Foundational or Current: Foundational

Nature of question: Easy, Medium or Difficult: Medium

Main demand of the Question: Role of Speaker and chairman (state which has state legislative council) in maintain order and impartiality during sessions. And the adopted or innovated best democratic practices.

MODEL ANSWER

INTRODUCTION

As per Article 178 and Article 182 of Indian Constitution, the Speaker of State Legislative Assembly and Chairman of Legislative Council serve as the presiding officer of their respective houses. Empowered by the Constitution and rules of procedure of the respective legislature they fulfil key-roles.

BODY OF THE ANSWER

Role of Presiding Officers of State Legislatures in Maintaining Order & Impartiality in Conducting Legislative Work:

- PO can intervene when members speak out of turn, use unparliamentary language, or engage in personal attacks.
- PO has authority to penalise members who repeatedly disrupt proceedings or violate Rules of Procedure, including naming, suspension, or expulsion. E.g., member disqualification by Maharashtra legislative assembly speaker.
- PO may disqualify members defecting under 10th schedule to uphold political stability.
- Constitution grants Speaker the final says in Money Bills, emphasising their impartiality in legislative business.

Role of PO in facilitating best democratic practices:

- Safeguards minority party rights in the legislature, ensuring fair committee representation and active participation in debates and votes. E.g., Kerala Speaker fair representation initiative.
- Builds consensus and compromise among members.
- Works to promote transparency and accountability in the legislature.

CONCLUSION

Thus, best practices such as the principle of once a speaker always a speaker from UK, mandating speakers to give their party membership, removing adjudicatory power under 10th schedule from the speaker to Election Commission etc. should be done to make the office of presiding officer of state legislature more effective.

Question 6: The crucial aspect of development process has been the inadequate attention paid to Human Resource Development in India. Suggest measures that can address this inadequacy. (150 words and 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Issues Relating to Development and Management of Social Sector/Services relating to Health, Education, Human Resources.

Possible reason for asking this question: India's rank on the UNDP's HDI has slipped in line with a global fall in HDI scores in the wake of the Covid-19 pandemic.

Whether the question was Foundational or Current: Current

Nature of question: Easy, Medium or Difficult: Medium

Main demand of the Question: To highlight the measures to address inadequacy of Human Resource Development in India

MODEL ANSWER

INTRODUCTION

India's rank on Human Development Index (HDI) has slipped from 130 in 2020 to 132 in 2023. Human resource development plays a pivotal role in development process, has encountered a notable challenge due to low budgetary allocation, emphasis on quantity rather than quality in education, and preference for curative healthcare over preventive measures.

BODY OF THE ANSWER

MEASURES TO ADDRESS THIS INADEQUACY

- 1. Integration of skilling in the education system:** As current cross integration of skill training with education is low. Initiatives like **Samagra shiksha abhiyaan, school cluster approach** can be expanded and made more targeted.
- 2. Quality of education:** Govt. should focus on enhancing the quality of education at every level, through dedicating resources to improve infrastructure, training educators, and refining curriculum development.
- 3. Investment in research and innovation** through National Research Foundation (NRF) at all level to foster knowledge driven economy.
- 4. Holistic healthcare focus beyond curative:** Fast-paced lifestyles have led to an increase in ailments like heart disease and hypertension to address these challenges is to shift focus of healthcare from a curative to preventive approach.
- 5. Fostering stronger public-private partnerships** to assess skill demand, along with implementing high-skilled manufacturing model to generate employment opportunities.

CONCLUSION

Human resources development is not just a fundamental component of the development process but a catalyst for positive change across various dimensions of society and the economy.

Question 7: Discuss the role of the Competition Commission of India in containing the abuse of dominant position by the Multi-National Corporations in India. Refer to the recent decisions. (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Regulatory bodies

Possible reason for asking this question: CCI imposed penalty on google

Whether the question was Foundational or Current: Current

Nature of question: Easy, Medium or Difficult: Difficult

Main demand of the Question: CCI in relation to Multinational Corporations

MODEL ANSWER

INTRODUCTION

The Competition Act 2002 enables the Competition Commission to check anti-competitive agreements, prohibit abuse of dominance by strong companies over weak organisations and regulate mergers and acquisitions or takeovers taking place in the market.

BODY OF THE ANSWER

CCI under the Competition Act can regulate abuse of dominant position if an enterprise restricts or

- imposes conditionalities
- in purchase or sale of goods/services
- regarding predatory prices of goods/services
- on production of goods/services
- on technical or scientific development
- deny market access of any goods or services
- through supplementary obligations

Based on this mandate, CCI has fined many MNCs in India who have been accused of abuse of dominant position in India:

- Penalty of Rs. 1337 crores on Google – Google imposed discriminatory conditions on sales or purchase & supplementary obligations with mobile phone manufacturers.
- Penalty of Rs. 202 crores on Amazon by CCI for not disclosing its interest in Future Retail while investing in Future Coupons.
- Penalty of Rs 873 crores on three Beer Companies for cartelisation in the sale and supply of beer.

CONCLUSION

The 2023 amendment to the Competition Act has further expanded the scope of CCI to check anti-competitive practices by MNCs.

Question 8: e-governance, as a critical tool of governance, has ushered in effectiveness, transparency and accountability in governments. What inadequacies hamper the enhancement of these features? (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: E-governance

Possible reason for asking this question: E-governance is static theme

Whether the question was Foundational or Current: Foundational

Nature of question: Easy, Medium or Difficult: Easy

Main demand of the Question: Challenges stopping e-governance to realise its full potential

MODEL ANSWER

INTRODUCTION

E-governance, driven by integration of information and communication technologies (ICTs) to enhance government service delivery, has gained significant traction in India. Notable initiatives like the Digital India mission and the National e-governance plan have propelled its adoption across the country.

E-Governance helps by:

Effectiveness: Through automation, reduced paperwork, JAM trinity for public benefits, online submissions.

Transparency: Open data of governance, portals to track attendance, easier to access government documents.

Accountability: Easier to file RTIs, enhanced monitoring, crime prevention using facial recognition etc, informed citizens.

BODY OF THE ANSWER

Inadequacies hampering the potential of e-Governance

Digital Divide: Disparities in internet access persist, with rural areas lagging far behind urban centers. Only a fraction of rural households (14.9%) has internet access compared to their urban counterparts (42%).

Gender Disparity: A digital gender divide prevails, with only 25% of adult women owning smartphones compared to 41% of adult men.

Language divide: Most e-governance resources are available in English or some in Hindi. However, most citizens cannot access them in their vernacular languages.

Low Digital Literacy: A substantial portion of the population lacks digital literacy, with only 38% of households being digitally literate. The lower functionaries of government themselves are not accustomed to operate computers.

Privacy & Security Concerns: Recent incidents, like the CoWIN portal data breach in 2023, have raised significant concerns regarding data privacy and security. Also, certain security organisations like defence etc. are susceptible to data thefts. Cyber-security challenges like Ransomware etc. also stall the implementation of e-governance.

Legal & Regulatory Gaps: The absence of comprehensive legal and regulatory frameworks addressing digital rights, data protection, and online accountability poses challenges.

Interoperability Challenges: Ensuring interoperability and data sharing among various government departments within e-governance remains complex and costly.

Corruption: India's ranking of 85th out of 180 countries on the Corruption Perception Index (2021) highlights persistent corruption issues.

Inadequate Infrastructure: Inadequate internet connectivity and unreliable electricity supply in rural areas hinder effective e-governance.

Legal challenges: India's cyber-security laws are obsolete and data protection regime has also not been established.

CONCLUSION

Thus, to realise the full potential of e-governance government is taking steps like creation of National Data Governance Framework, IndeA stack, AgriStack, enacting of Personal Data Protection bill. Further steps required as bridging digital divide, making websites available in vernacular languages, boosting the cyber-security architecture etc.

Question 9: Virus of Conflict is affecting the functioning of the SCO; In the light of the above statement point out the role of India in mitigating the problems. (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: India takes over SCO Presidency

Possible reason for asking this question: Talks about Expansion

Whether the question was Foundational or Current: Current

Nature of question: Medium

Main demand of the Question: Challenges that SCO face and India's role

MODEL ANSWER

INTRODUCTION

The Shanghai Cooperation Organization (SCO) serves as a vital platform encompassing political, economic, security, and defence dimensions across Eurasia. It holds critical significance for regional connectivity, energy interests, economic cooperation, addressing non-traditional security concerns such as terrorism and climate change, and reinforcing cultural ties, aligning seamlessly with India's continental diplomacy strategy.

BODY OF THE ANSWER

However, the organization faces numerous challenges:

1. **Mutual Rivalries:** Contradictions between India and China, the India-Pakistan conflict, and the Kyrgyzstan-Tajikistan border dispute hinder mutual consensus within the SCO.
2. **Lack of Cooperation:** The failure to reach consensus on issues like defining lists of terrorists, separatists, and extremists within the Regional Anti-Terrorist Structure (RATS) underscores cooperation challenges.
3. **Growing Factionalism:** The formation of an Iran-Russia and China axis and anti-Western orientation run counter to the organization's regional focus.
4. **Expansion of SCO:** New bids for membership, such as those from Turkey and Saudi Arabia, often reflect individual geopolitical interests rather than a belief in the collective ethos and objectives of the organization.

India can play a constructive role in the SCO by:

1. **Sponsoring Digital Transformation:** India's expertise in digital payment interfaces like UPI aligns with the SCO's economic and technological agenda.
2. **Boosting Regional Connectivity:** Leveraging its economic strength and intellectual capital, India can enhance regional connectivity, exemplified by its involvement in the International North-South Transport Corridor (INSTC).
3. **Informal Negotiations:** Using the SCO as a platform for informal Track 2 negotiations with countries like Pakistan and China can promote confidence-building and regional stability.
4. **Cultural and Economic Ties:** India's historical and cultural connections with Eurasia, along with its youthful population, can foster greater cooperation within the organization.

CONCLUSION

India should adopt a constructivist approach, seeking common ground and focusing on collaboration in line with the New Delhi Declaration. This approach can counter radicalization, facilitate peaceful conflict resolution, and promote regional stability within the SCO.

Question 10: Indian diaspora has scaled new heights in the West. Describe its economic and political benefits for India. (150 words, 10 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Indian Diaspora

Possible reason for asking this question: Parliamentary Standing Committee report

Whether the question was Foundational or Current: Current and foundation both

Nature of question: Easy

Main demand of the Question: Economic and political benefits of Diaspora for India

MODEL ANSWER

INTRODUCTION

The Indian diaspora, numbering over 31 million individuals, has gained significant prominence, particularly in Western countries. They play a pivotal role in representing India's interests, not only in economic realms with influential figures like Satya Nadella, Sundar Pichai, and Ajay Banga but also in the political arena, including figures like Rishi Sunak and Kamala Harris.

BODY OF THE ANSWER

ECONOMIC BENEFIT

Remittances: Vital source of remittances (More than \$100 billion), serving as a form of private social protection while also spurring increased consumption and community development.

Brain Gain: Through acquisition of skills and knowledge abroad and transferring them back to India, notably benefiting sectors like IT.

FDI: Their affinity for Indian culture drives FDI and facilitates international trade, investment, and entrepreneurial ventures.

POLITICAL BENEFIT

Lobbying and Advocacy: India – The civil nuclear deal between India and US was a result of lobbying and campaign by Indian-Americans (INDIA CAUCUS)

Multilateral Diplomacy: UK under Rishi Sunak and also the leaders of the USA had in the past supported India's candidature for permanent member of UNSC.

Bilateral Diplomacy: Relaxed visa regime post-Brexit with UK, renewed focus on India-UK FTA under Rishi Sunak and the demand for early conclusion of India-EU FTA.

Soft-power: Diaspora act as bridge-builders and showcase Indian rich heritage and culture in the host country, thus enhancing cultural and people to people contact.

CONCLUSION

This dual role of diaspora communities underscores their vital contributions to both their home and host countries, fostering economic growth and strengthening political ties on a global scale.

Question 11: “The Constitution of India is a living instrument with capabilities of enormous dynamism. It is a constitution made for a progressive society.” Illustrate with special reference to the expanding horizons of the right to life and personal liberty. (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Fundamental Rights

Possible reason for asking this question: Several issues linked with Article 21 of the Constitution were in news like same sex marriage, Pegasus controversy etc.

Whether the question was Foundational or Current: Both

Nature of question: Easy, Medium or Difficult: Easy

Main demand of the Question:

- Elaborate on examples where Indian Constitution depicted dynamism in being flexible.
- Trace expansion of expansion of Article 21 since independence

MODEL ANSWER

INTRODUCTION

Indian constitution is a value document that captures aspirations and values of the Indian citizens. Indian constitution seeks to bring a social revolution where instead of being just a letter, it establishes itself as a living document, which continuously expands its scope to identify new human rights in its fold. Evolution of Article 21 is the most appropriate example of this.

BODY OF THE ANSWER

DOCTRINE OF HARMONIOUS CONSTRUCTION

Apex court established harmonious relationship between Fundamental Rights (Part 3) and DPSP (Part 4) to establish correct interpretation of both parts. By this court has balanced the individual good of society with collective good of the society.

Ex. Sarla Mudgal Case – Court upheld Article 44 (Uniform Civil Code) to be in harmony with Article 25 and Article 26 and directing state to legislate a law enforcing Uniform Civil Code.

DOCTRINE OF ESSENTIAL PRACTICE

Court established State will protect only core and essential religious practices under Art 25 and in this way, it balanced individual rights with religious rights.

Ex. Instant triple talaq and Sabarimala Temple customs were discontinued.

INTRODUCTION OF GST REGIME

Indian federal relations transformed from stronger Union to better federal balance to enable “cooperative federalism” in financial administration.

Ex. Creation of GST council

THIS DYNAMISM IS FURTHER VISIBLE IN EXPANSION OF ARTICLE 21

- **Maneka Gandhi Case (1978):** Apex court introduced the concept of “procedure established by law” to “procedural due process of law,”. Now the procedure of the law will need to be just fair and reasonable.
- **Right to education** as a fundamental right (Article 21 A)

- **Recognition of Right to privacy** in Puttaswamy judgement (2017)
- **Right to die with dignity:** Common cause case (2018) legalising passive euthanasia under Article 21.
- **Recognition of LGBTQ rights:** Navtej Johar case (2018)
- **Subhash Kumar vs. the State of Bihar:** Apex court included the right to get pollution-free air in the ambit of the right to life. (1991)

CONCLUSION

Article 21 is not merely confined to animal existence or survival, but also includes the right to live with human dignity and those aspects of life which make man's life meaningful, complete and worth living. Personal Liberty in Article 21 is of the widest amplitude, and it covers an ever-increasing variety of rights that constitute the personal liberties of a man.

Question 12: Explain the constitutional perspectives of Gender Justice with the help of relevant Constitutional Provisions and case laws. (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Expansion of Women Rights

Possible reason for asking this question: Constitutional Basis

Whether the question was Foundational or Current: Foundational

Nature of question: Easy, Medium or Difficult: Medium

Main demand of the Question: Highlight the Constitutional and Case laws on Gender Justice

MODEL ANSWER

INTRODUCTION

The Indian Constitution's framers were aware of women's oppressive and discriminatory standing in society, so they took extra care to ensure that the state took proactive actions to ensure their equality.

BODY OF THE ANSWER

CONSTITUTIONAL PERSPECTIVE

Social Safeguards:

- Article 15(3) states that State can make special provision planning for women.
- Article 23 establishes the right to equality, as well as special provisions, such as the prohibition of discrimination based on religion, colour, sex, or other factors, as well as the prohibition of exploitation.

Political Safeguards:

- Article 243D of the Constitution of India provides for not less than one-third reservation for women.

Economic Safeguards:

- Article 16 (2) prohibits discrimination in employment or appointment to any state office based solely on religion, race, caste, sex, or other factors.
- Articles 39(d) and 41 of Constitution recognized the principles of "Equal Pay for Equal Work" for men and women, as well as the "Right to Work."

Court Laws:

- **Laxmi vs UOI:** The court instructed the Governments at both levels to prohibit the unauthorised sale of acids across the nation. This decision paved the way to enforce harsher punishments for people involved in such crimes.
- **Vishakha vs UOI:** The court gave Vishakha guidelines that resulted into Prevention of Sexual harassments at workplace
- **Vineeta Sharma vs. Rakesh Sharma:** Daughters will have equal coparcenary rights in the Hindu Undivided Family by their birth and cannot be excluded from inheritance irrespective of whether they were born before the amendment of 2005 to the Hindu Succession Act, 1956.

CONCLUSION

Only constitutional protection will not be able to achieve the goals of gender equality if conservative social thinking remains deeply rooted in society. It must be stated that social reforms in social thinking, behaviour, and law will only be effective if a significant portion of society supports them.

Question 13: Account for the legal and political factors responsible for the reduced frequency of using Article 356 by the Union Governments since mid-1990s. (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Emergency Provisions

Possible reason for asking this question: Demand by opposition to impose Article 356 in Manipur

Whether the question was Foundational or Current: Foundational

Nature of question: Easy, Medium or Difficult: Medium

Main demand of the Question: Discuss aspects of SR Bommai Judgement and examples linked with Article 356 after the judgment

MODEL ANSWER

INTRODUCTION

Article 356 of the constitution says that if the President, on receipt of a report from the Governor of the State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be continued per the provisions of the Constitution, President may impose President's Rule over the state.

BODY OF THE ANSWER

Dr. Ambedkar had observed that Article 356 would remain a 'dead letter' as he believed that Union and States will function harmoniously under the constitution. But unfortunately, Article 356 has been invoked more than 100 times and has been often subjected to political abuse. But due to several legal and political factors its frequency has drastically reduced.

LEGAL FACTORS

1. SR Bommai case (1994) Judgement

- Decision to impose president's rule was subjected to judicial review.
- President's satisfaction has to be based on objective material and court will review the objective material to establish whether grounds were sufficient or not.
- The power of dissolving the Legislative Assembly shall be exercised only after the Proclamation is approved by both Houses of Parliament. Until such approval, the President can only suspend the Legislative Assembly.
- If the court strikes down the Proclamation, it has the power to restore the dismissed Government and revive the Legislative Assembly wherever it may have been dissolved or kept under suspension.
- By this the Court put an end to the arbitrary dismissal of State governments under Article 356. Ex. Former President K.R. Narayan returned the cabinet's recommendation in 1997, to impose President's Rule in the State of U.P.

2. Rameshwar Prasad Vs Union of India (2006)

- Power under Article 356 is an emergency power and not the absolute power. This interpretation has limited the arbitrariness in imposition of Article 356.

POLITICAL FACTORS

- **Rise of Coalition Politics:** National Parties at the union needed support of regional parties (in power at the states) to maintain majority.
- **Political alliances and break ups** were occurring across parties as such National parties were accommodative towards regional parties in hope for future alliances.

- **Aware Citizenry & Media:** Rise in awareness due to greater political awareness due to technology and rise of media
- **Cooperative Federalism:** LPG reforms and attracting global investment required a stable political set up at the states
- Union appreciating the role of States in meeting national planed targets.

CONCLUSION

Apex court regarding the issue of 'federalism' held in Bommai case, that the Constitution of India has created a federation with a bias in favour of the Centre. But within the sphere allotted to the States, they are supreme. Federal structure of Indian state is a basic structure of Indian Constitution.

Question 14: Discuss the contribution of civil society groups for women's effective and meaningful participation and representation in state legislatures in India. (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Social Issues, Women Issues

Possible reason for asking this question: Constitution is being amended to provide women's reservation in Constitution

Whether the question was Foundational or Current: Current

Nature of question: Easy, Medium or Difficult: Medium

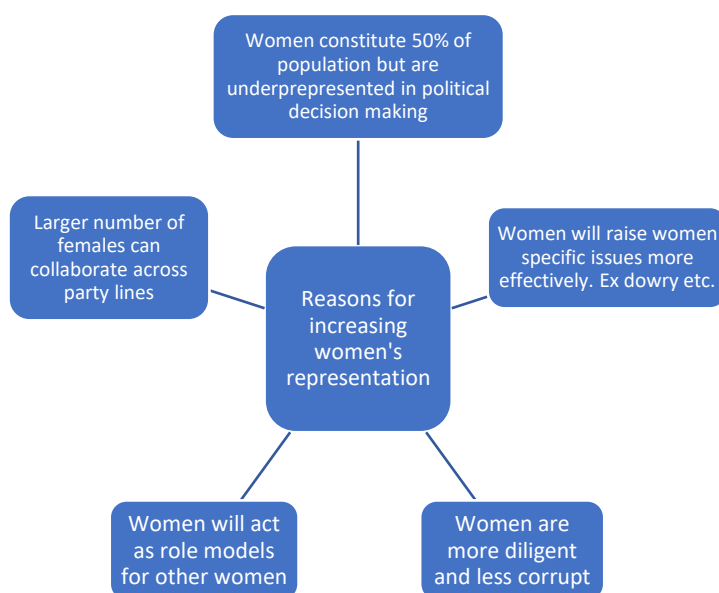
Main demand of the Question: Contribution of civil society groups

MODEL ANSWER

INTRODUCTION

Civil society organizations (CSOs) in India are committed to addressing the gender imbalance in politics. CSOs, which include community-based groups, NGOs, and even political parties, are working diligently to enhance women's representation and participation in state legislatures. India currently ranks 147th out of 193 countries in terms of women's representation in politics, with women constituting only 14.3% of Parliament. The situation is even worse in state legislatures.

BODY OF THE ANSWER



For Representation:

- National Alliance for Women (NAWO) formulated the Women's Manifesto in 1996, demanding reserved seats for women in state legislatures and Parliament.
- In Assam, a coalition of five women-led NGOs published Women's Manifesto-21, advocating for women's reservations in elected bodies.

- NGOs like Bharat Jagruthi, founded by K. Kavitha, actively promote the passage of the Women's Reservation Bill. Women's wings of political parties, such as Mahila Congress (INC) and Bharatiya Mahila Morcha (BJP), play pivotal roles in mainstreaming women's issues within their parties.
- However, some regional parties like Samajwadi Party etc. advocate for special quotas for OBC females.
- Research studies by NGOs have helped to bring the issue of under-representation of women to the light. Ex. ADR's National Election Watch.

Effective participation

- CSOs also emphasize the importance of quality representation, not just quantity.
- They work to increase the pipeline of women leaders at the local level through organizations like Mahila Rajsatta Andolan.
- Capacity-building and training initiatives like Women's Democracy Network and Femme First Foundation prepare women for greater participation in public life by providing training and mentorship to enhance their political leadership skills.
- Organizations like Khabar Lahariya and Writing with Fire raise awareness of women's issues and highlight gender-related concerns and champions.

CONCLUSION

In summary, Indian civil society organizations actively advocate for greater representation and meaningful participation of women in politics. Their efforts span a range of activities, from advocating legislative changes to providing capacity-building and mentorship programs, all with the overarching goal of advancing gender empowerment and ensuring women's voices are heard in the political arena.

Question 15: Explain the significance of the 101st Constitutional Amendment Act. To what extent does it reflect the accommodative spirit of federalism? (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked:

Possible reason for asking this question: **GST is a ground-breaking constitutional development in India's federalism**

Whether the question was Foundational or Current: **Current**

Nature of question: Easy, Medium or Difficult: **Medium**

Main demand of the Question:

MODEL ANSWER

INTRODUCTION

101st Constitution Amendment Act, 2016 enabled the introduction of GST Tax in India which is destination-based, indirect tax overhauling the erstwhile complex, cascading system of multiple indirect taxes levied separately by central and state governments.

BODY OF THE ANSWER

Significance of 101st Constitution Amendment

- Simplified tax structure: GST has simplified India's complex tax structure by replacing multiple indirect taxes with a single, unified tax enhancing ease of doing business.
- Foundation of unified national market: GST created a unified national market by eliminating cascading taxes and other trade barriers between states boosting inter-state trade and commerce.
- Increased tax revenue: GST has boosted domestic tax revenue for both central and state governments. Higher tax buoyancy from GST will help fund domestic social and infrastructure projects.
- Progressive tax: Since GST will destination-based tax it is expected to boost revenues for consumerist states which do not have a manufacturing base. Ex. UP, Bihar etc.
- Revenue guarantee: Centre introduced a GST Compensation mechanism guaranteeing 14% revenue buoyancy to states from their base year.
- GST Council: It is a constitutional body which has representation of both Centre and States economic ministries, which can serve as a model

GST and accommodative spirit of federalism

Consensus building:

- GST was introduced after thorough consultation and bargaining between Centre and States wherein Centre and States both let go of their exclusive powers of taxation and agreed for a unified tax structure covering both goods and services.
- Centre guaranteed states clear revenue visibility to address their concerns during the initial years of GST. 14% revenue jump.

Revenue and adjudication sharing: GST revenue and adjudication is shared in a pre-defined formula between centre and states. This allows mutual trust and predictable relations between centre and states.

GST Council: It is a constitutional body with joint representation from Centre and States revenue ministers which takes all important decisions for GST giving both centre and states a say in implementation of GST. All decisions of GST council have taken place by consensus despite mechanism of voting reflecting the trust of centre and states in addressing differences. Despite SC observing that decisions of GST Council are not binding on Parliament and State legislatures, all decisions of GST council have been implemented by Central and state governments.

However, some concerns against federal spirit with GST regime are:

- Central government has disproportionate voting share effectively enjoying veto on all decisions.
- Central government's move back on compensation mechanism is hurting states.
- Central government usually sets the agenda for GST Council.

CONCLUSION

However, despite some concerns GST marks a new dawn in economic federalism of the country and serves as a model which can be emulated in other areas of health and education strengthening the overall federal architecture of Indian Constitution.

Question 16: Explain the structure of the Parliamentary Committee system. How far have the financial committees helped in the institutionalisation of Indian Parliament? (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Parliament

Possible reason for asking this question:

Whether the question was Foundational or Current: Foundational

Nature of question: Easy, Medium or Difficult: Medium

Main demand of the Question:

MODEL ANSWER

INTRODUCTION

The Indian constitution mentions the committees in many places but provides no specific provisions about their composition, tenure, or functions.

BODY OF THE ANSWER

Parliamentary committees are broadly two types -

- **Standing committees**

1. **Financial committee:**

- (a) Public Accounts Committee: It consists of 22 members (15 from Lok Sabha and 7 from Rajya Sabha)
- (b) Estimates Committee: All the 30 members are from Lok Sabha only.
- (c) Committee on Public Undertakings It consists of 22 members (15 from Lok Sabha 7 from Rajya Sabha)

2. **Departmental Standing Committees:** There are a total of 24 Departmental Standing Committees: 8 under Rajya Sabha and 16 under Lok Sabha.

3. **Committees to inquire includes** committee on Petitions, Committee on privilege and Ethics committee.

4. **Committee to scrutinise and control** includes 6 types of committees like committee on women empowerment and SC/ST empowerment.

5. Committee on Day-to-day business includes Business advisory committee, Rules committee etc.

- **Ad hoc committees:** These committees can be divided into two categories; they are temporary in nature.

1. Inquiry committees
2. Advisory committees

Institutionalisation by Financial Committee:

- **Establishing Financial accountability:** Ex PAC Highlighted corrupt practices were followed in awarding several contracts in commonwealth games.

- **Increasing financial efficiency:** Ex: Estimate committee noted High extraction cost involved in mining makes it unviable as compared to imported uranium.
- **Checking delay in Projects:** Committee on Public Undertaking recommended that no project should be initiated unless 80% of land is already acquired by NHAI, and the required environmental and forest clearances are obtained.
- Bringing Opposition in discussion through the representation in PAC and Estimate committee.

Challenges:

- It examines the expenditure which has already been done by the Government.
- The committees have no power to limit the expenses. The recommendations are advisory in nature and are not binding on the Government.
- They do not have mandate to examine the policy in the broader sense.
- Usually, the PAC members are generalists, and CAG's reports require independent expert evaluation in the simplest of terms.

CONCLUSION

NCRWC has recommended that major reports of all Committees should be discussed in Parliament especially in cases where there is disagreement between a committee and the government. The recommendations of the PACs should be accorded greater weight and they should be treated as the "conscience-keepers of the nation in financial matters."

Question 17: "Development and welfare schemes for the vulnerable, by its nature, are discriminatory in approach." Do you agree? Give reasons for your answer. (250 words and 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Government welfare schemes for vulnerable sections.

Possible reason for asking this question:

Whether the question was Foundational or Current: Foundation

Nature of question: Easy, Medium or Difficult: Medium-Difficult

Main demand of the Question: In examining welfare schemes, main demand is to recognize certain aspects that might appear discriminatory while also emphasizing their vital role for the welfare of vulnerable sections of society.

MODEL ANSWER

INTRODUCTION

Development and welfare schemes in India, guided by the Directive Principles of State Policy (DPSP) enshrined in the Constitution, aim to create a welfare state that uplifts disadvantaged groups, including women, Scheduled Castes (SCs), Scheduled Tribes (STs), minorities, and the elderly. These schemes seek to promote inclusion and rectify historical socio-economic disparities.

BODY OF THE ANSWER

Some aspects of welfare schemes can be perceived as discriminatory, which are as follows:

1. **Targeting Specific Groups:** Many welfare schemes focus on specific vulnerable groups, such as Pradhan Mantri Adarsh Gram Yojana's emphasis on villages with over 50% SC population. While this targeting addresses specific needs, it can inadvertently exclude others.
2. **Resource Allocation:** Limited resources may prioritize certain groups, leaving others underserved. Nutrition programs that prioritize children and seniors might leave working-age adults without sufficient support.
3. **Exclusionary Criteria:** Strict eligibility criteria, such as income-based parameters, may exclude individuals slightly above the threshold but still facing financial precarity.
4. **Gender Stereotypes:** Some schemes inadvertently perpetuate gender stereotypes, like PM Ujjawala Yojana implying that only women should cook.

However, it is important acknowledge their contribution for the welfare of vulnerable sections:

1. **Upholding the Constitution:** The Constitution of India, through DPSP and the Preamble, seeks to establish a welfare state (Article 38, 39A, 41, 42, 43). These schemes align with constitutional ideals.
2. **Social Upliftment:** India's Human Development Index (HDI) ranking indicates the necessity of uplifting marginalized groups and the welfare schemes aim to free vulnerable sections from marginalization and backwardness.
3. **Inclusive Development:** Programs like Beti Bachao Beti Padhao, Janani Suraksha Yojana, and POSHAN are designed for inclusive development and reducing disparities.

CONCLUSION

The perception of discrimination in these schemes depends on context. While they may seem discriminatory in certain aspects, their primary goal is often to address specific vulnerabilities and reduce inequality. However, by implementing inclusive policies, using grievance redressal mechanisms, and including sunset clauses to periodically review and adapt these schemes, any biases can be eradicated, eventually leading to "Sabka Saath Sabka Vikas".

Question 18: Skill development programmes have succeeded in increasing human resources supply to various sectors. In the context of the statement analyse the linkages between education, skill and employment. (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: Education, Skill and Human resource development

Possible reason for asking this question: Multiple Skilling initiatives launched by the GOI. The theme is in consistent focus

Whether the question was Foundational or Current: Both

Nature of question: Easy, Medium or Difficult: Difficult

Main demand of the Question:

- Establish the positive linkage between education, skill and employment.
- Substantiate with data.
- Mention positive measures and way ahead

MODEL ANSWER

INTRODUCTION

The linkages between education, skill development, and employment in India reveals a complex and evolving landscape. Skill development bridges the gap between conventional educational qualifications and industry-specific competencies, thereby enhancing employability and productivity. While initiatives like - Skill India Mission and SANKALP have transformed the skilling landscape, challenges persist in translating education and skills into employment opportunities.

BODY OF THE ANSWER

- **Link Between Education and Skill:** Education is the starting point for skill development and employment. Educational institutions provide the foundational knowledge that is necessary for understanding complex subjects. However, specialized skill development programs like the Rashtriya Madhyamik Shiksha Abhiyan component of Samagra Shiksha Abhiyan with integration of Vocational training Centres offer targeted vocational and technical skills training.
- **Skill to Employment:** Once trained, individuals are far more employable. For example, the Pradhan Mantri Kaushal Vikas Yojana (PMKVY) in India has trained over 1.2 million youth in specialized skills, achieving a placement rate of approximately 70% according to reports up to 2020. These individuals then contribute to sectors which were previously suffering from a skills shortage, making these industries more efficient and globally competitive.
- **Education to Employment:** Conventional education often lacks practical elements required for job readiness. Here, the role of Internshala or apprenticeship programs under the National Apprenticeship Promotion Scheme (NAPS) comes into play. They provide a platform where theoretical knowledge can be tested and applied in real-world settings, offering a direct transition from education to employment.
- **Feedback Loop:** Employers, in collaboration with educational institutions and skill development programs, can help in updating the curriculum to meet industry demands. Industry led Skill Set Councils under PMKVY provide the link between Industry and the National Skill Development Corporation implementing the Skill India Scheme.

CONCLUSION

To further strengthen the linkages, the Government of India has created a Ministry of Skill Development and Entrepreneurship in 2015 with a unified Labour Management Information System to ensure co-ordination between more than 20 ministries working with education and skill development to redress any existing concerns. Progressive efforts are under way in realizing the full potential of the demographic dividend of India.

Question 19: The expansion and strengthening of NATO and a stronger US-Europe strategic partnership works well for India. What is your opinion about this statement? Give reasons and examples to support your answer. (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: International Organisation

Possible reason for asking this question: NATO plus and Indian membership

Whether the question was Foundational or Current: Current

Nature of question: Tough

Main demand of the Question: Positives and negatives of US-Europe restrengthened partnership

MODEL ANSWER

INTRODUCTION

The ongoing Russian-Ukrainian war has not only witnessed expansion of NATO but also has led to restrengthening of Trans-Atlantic unity and resurrection of Western unity under American leadership, which previously has been fading. This resurrection has broader geo-political implications with demands for further expansion of NATO and NATO Plus (i.e., progressing towards Asian continent). However, this restrengthening will have both positive and negative impact on India.

BODY OF THE ANSWER

POSITIVE IMPACT

- **Containing China:** The resurgence of ties goes against the unilateral architectural designs of irredentist countries like China, which has contested claims with India thus will be beneficial for India at last.
- **Security and Stability:** It contributes to regional and global security which will inevitably benefit India and conflict beyond Europe
- **New Minilateral:** The finalisation of India-Middle East-Europe economic corridor is a testimony of close geo-economic and geo-political alignment (PGII vis-à-vis BRI) that has been made possible as a result of new found bonhomie.
- **Reaching out Iran:** The US-Europe bonhomie will lighten the US sanctions on Iran (as standalone efforts to normalise relations taken by European countries) and ultimately will have beneficial impact on India and its initiatives with Iran (Chabahar Port) and further the progress on regional INSTC corridor.
- **Economic Stability:** The resurgence has led to relative economic stability both at regional at global levels (oil prices stabilisation) and thus beneficial for India's trade and investment opportunities.

NEGATIVE FALLOUTS

- **Russia-China axis:** Close collaboration between US and Europe has bought the two countries facing isolation closer and ultimately materialisation of Alliance of autocracies.
- **India-Russia ties:** As India aligns closely with US and West, its already strained and unidimensional relations with Russia

- **Quint Grouping:** There has been demands led by Iran, Turkey, Russia etc against the unilateral dictation by US of global affairs.
- **India-China ties:** India's close alliance with US and the absence of formal meeting mechanism (post Galwan clash) is further likely to increase tension between the two neighbours.
- **Strategic Autonomy and Multilateral Diplomacy:** India's alignment with the best will be detrimental for its strategic autonomy and its multipolar vision.

CONCLUSION

Thus, India should realise that it is still in the state-building stage (middle-power) and should manage external turbulences, leverage rival power centres and derive benefits for itself.

Question 20: 'Sea is an important component of the Cosmos'. Discuss in the light of the above statement the role of the IMO (International Maritime Organisation) in protecting environment and enhancing maritime safety and security. (250 words, 15 marks)

Theme or sub-theme from UPSC Syllabus this question was asked: International Organisations

Possible reason for asking this question: Static

Whether the question was Foundational or Current Foundational

Nature of question: Easy, Medium or Difficult Medium

Main demand of the Question: IMOs activities for maritime environment & safety, India presented its candidature at IMO Biennium

MODEL ANSWER

INTRODUCTION

The International Maritime Organization is a specialized agency of the United Nations which is responsible for measures to improve the safety and security of international shipping and to prevent pollution from ships.

BODY OF THE ANSWER

IMOs role in protecting environment:

- A new legally binding international instrument on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, known as 'BBNJ' was agreed in 2023.
- It led to the International Convention for the Prevention of Pollution from Ships that prevents pollution from ships by oil, by bulk chemicals, by packaged goods, by sewage and garbage & regulate air pollution and emissions from ships.
- Special areas and Particularly Sensitive Sea Areas are designated to ensure higher levels of protection from shipping activities such as UNESCO World Heritage Marine Sites like Great Barrier Reef.
- Polar waters benefit from special measures under the IMO Polar Code for ships operating in both Antarctic and Arctic waters.

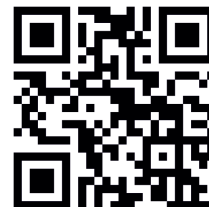
IMOs role in enhancing maritime security:

- The SOLAS Convention led by IMO ensures safety of merchant ships. It specifies minimum standards for the construction, equipment and operation of ships, compatible with their safety.
- The Djibouti Code of Conduct to support the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden. It also includes organized crime, maritime terrorism, human trafficking, and IUU fishing.
- IMO's International Ship and Port Facility Security Code is a mandatory instrument for all countries Party to the Convention, post 9/11. It allows ships and port facilities to co-operate by detecting and deter acts which pose a threat to maritime security.

- The Suppression of Unlawful Acts of IMO provide the international legal framework against unlawful acts against ships such as seizure of ships by force.
- It is currently ongoing development of a Code for maritime autonomous surface ships.

CONCLUSION

The sea is a vital cosmic element, nurturing life and demanding protection. Safeguarding its environment ensures ecological balance and sustains maritime security for a harmonious world.



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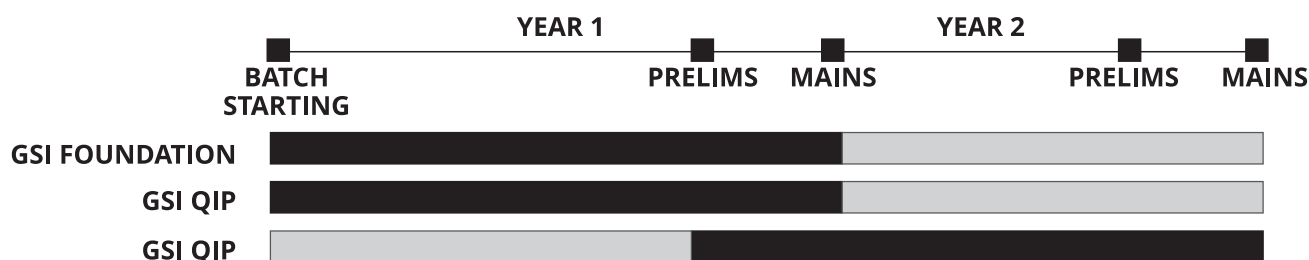
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