



# LUKMAAN IAS

...Lead with Edge....

Answer all the questions in NOT MORE THAN 200 words each. Contents of the answer are more important than its length. All questions carry equal marks.

12.5 x 20 = 250

Do not write in this space.

Q1.

The reconciliation between the right to freedom of expression including the right to information and the right to privacy although possible but not without challenges such as increase in number of litigations. There is also apprehension that by curtailing the right to privacy as it appears to be very obvious, the scope of the right to freedom of expression is going to suffer. Critically examine the statement.

Ans.

It is a challenge to balance Freedom of expression (right to information) and right to privacy

because -

→ any expansion / or increasing the sphere of one right, leads to curtailment of others;

eg:- an individual freely expressing one's view / action may result in encroachment

of right of privacy of other person.

on the content of - "defamation"

etc.

This cause increasing in

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PILs, and litigation  
another fear, is that  
if government curtails right to  
privacy - by using Aadhar number  
to investigate a crime, the  
freedom of expression of common  
man can be curtailed on the  
Pretext of "investigation"

However, the ~~sections~~ <sup>remains</sup> are valid  
at superficial level.

(1)

Actually the right to freedom of  
expression and privacy are  
complementary to each other

(2)

as been ~~has~~

→ no rights are "absolute"

There are reasonable  
restrictions provided under Ar 19(1)(2)

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and, these reasonable restrictions are necessary for ensuring "Orderliness" in society. This reasonableness is interpreted by Apex Court.

To consider, <sup>a trade off between</sup> a right to freedom of expression & right to privacy is not correct.

According to social contract, if state has to protect its citizens from emergencies like terrorist attacks, radicalization; some rights has to be gone, for the overall good of society which is reasonable

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Q2.

Discuss the challenges faced in the implementation of the anti-defection law since its enactment and also highlight the issues which have surfaced with your possible remedies.

Do not write in this space.

Anti-defection law was enacted with the objective of

- 1) To prevent "Aya Ram gaya Ram" phenomenon in the politics
- 2) To ensure "Purity of democracy"
- 3) To ensure stability in government & prevent "horse trading" of MPs.

However, even though intention was good, it has resulted in some unforeseen consequences. The challenges now are

- 1) The independent voice of the MPs has been curbed.

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2) due to "whips" command,  
they cannot vote according  
to their view, they're to  
follow party line

→ especially after, President/  
vice president voting is no  
more secret their voices  
can be curtailed

~~3) The Speaker hampers the  
democracy, and prevent  
fructifying discussion at the  
floor of the house.~~

Thus, it'll be better to  
relook at anti defection law.

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It should be amended

so

→ MPs / MLAs can have their  
opinion / voice

→ They should not be disqualified  
if they hold any view contrary  
to party

~~Shall remain suspended  
in ground if they  
involve in anti party  
activities but it  
should be clearly defined~~

Thus, it'll result in providing  
genuine voice to  
and help in strengthening  
democracy

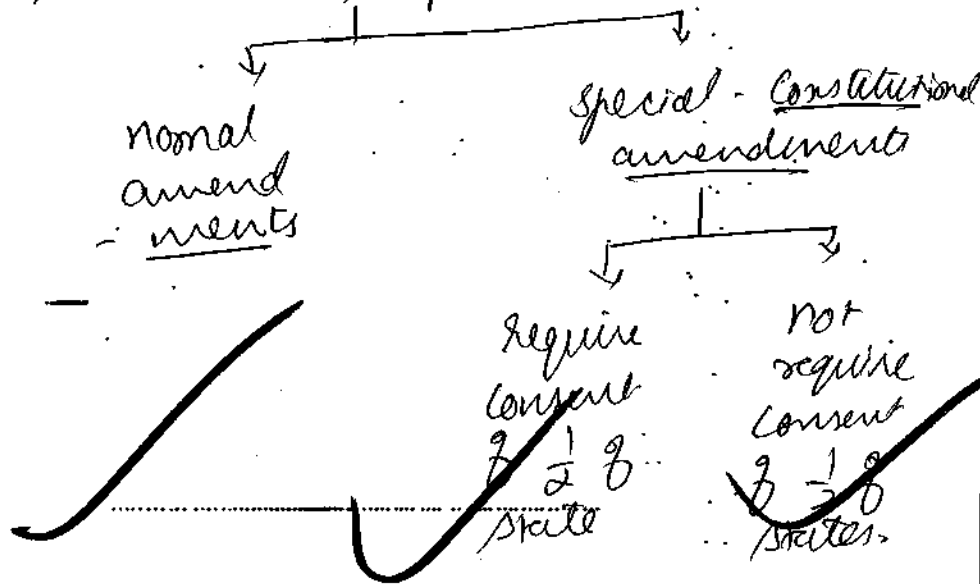
Q3.

'The amending procedures, crafted thoughtfully by the fathers of the Indian Constitution, provide one of the best methods to make the Constitution long-lasting by making it both sufficiently flexible and rigid.' Comment.

Do not write in this space.

Our constitution, is great mix of rigidity and flexibility & it's most prominent example is the -

\* amending procedure



This careful classification shows that on the matters of crucial federal decisions



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where states decision is critical  
their vote is given due importance  
thus ensuring "co-operative federalism"

eg:- Introduction & passing of  
GST Bill which requires  
severals to be passed by centre  
& needs to be passed by states

**Take a**  
providing a precedent, that  
Centre cannot alter the  
Constitutional process and it's  
will on part  
Similarly, President does not  
becomes dictator, hence change  
in its election process  
is also made legal.

However, the  
from we see the  
amendment for incorporating  
any territory or changing the

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boundaries of any state, has  
been made quite flexible  
It is the reason, we were  
able to

\* merge <sup>states</sup>  
\* able to do state reorganization  
in more/less peaceful manner

But, still the constitution is an  
organic document, there is

scope for improvement and

in future according to

changing circumstances, we

need to modify our constitution

(eg:- Proper procedure for appoint-  
ment of governor, should be  
incorporated)

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Q4.

'The Indian Parliamentary system, though patterned on the British model, consists of its own unique features, drawn mainly from the non-British sources.' Critically examine the statement giving the departures of the Indian parliamentary system from the British parliamentary system.

Do not write  
in this space.

Indian parliamentary system, very much patterned on "westminster" model of U.K; It's parliamentary democracy where

\* Parliament is responsible to people at large

\* Legislature & executive overlap &:

\* there is no "True separation" of powers

Can be seen as clearly inspired by British system

However, many features are still there which are marked

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departure from UK system

for eg:-

- 1) President - election ; who is working on advice of PM
- 2) Written constitution which clearly delineates the power of union / state  
It also mentions administrative functions to be carried out in detail
- 3) DPSP and their harmonious interpretation along with Fundamental rights are unique to India

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4) office of CA - only deals with Auditing functions & not a "Comptroller"

5) at intro level - Speaker of the house of Lok Sabha, does not belong from going back to Political Party.

6) Rajya Sabha is also given due importance in parliamentary system. with respect to  
\* ordinary bills  
\* constitutional amendment bills

But, feature along with some others, makes indian system a confederate system. But remains

Q5.

No matter how much accountable government is, the need for the institution like Lokpal can't be underemphasised. Its conspicuous absence also reminds one more fact that the centre should learn from states. Comment.

Do not write in this space.

"With greater power comes greater responsibility" - Lord Acton.

The statement is apt for centre government, as with considerable - financial - administrative

- legislative power it is necessary for enacting the

"Accountability" from central government.

However, there are institutions like - CAG / Parliamentary

committees / Budget / motions / representation house etc. to make

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government accountable, but still  
to ensure accountability at micro  
level, and avoid diffusion of it  
is still needed. a

Make centres  
learn from states like  
1. M.P 2. Karnataka etc

who has established office of  
"LOKAYUKTA" and ensure accounta-  
bility of - MP, MLA, etc. in  
some state even CAs.

This kind of mechanism "LOKPAU"  
is still absent at central level.

There, has to be huge need  
to establish this institution  
to curb

\* corruption \* Crony capitalism  
\* make MP, ministers accountable  
but progress has been "tardy"

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even, though "LOKPAL" as  
institution has been established  
but,

→ It's members head are still  
not appointed

→ It's secretariat / main investigational  
agency also not established.

There is a stark contrast

with states like "Karnataka".

They first as for centre to learn  
from states

However, "Lokpal" should  
not to be considered as a

Parable / silver bullet. Simultaneously

other reforms like strengthening

CVC / CBI / electoral reforms are

also crucial.



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Q6.

What were the motivations for the setting up of the National Commission of Women? How far has the plight of women changed for the better in India with the constitution of the Commission? Elaborate.

Do not write in this space.

National Commission for women was established in 1993 after India ratified Paris Convention for human rights.

to also write with main objectives to

\* ~~protect~~ promote women's problems.

Weapons  
\* ~~form~~ give critical inputs for

~~Policy~~ affecting women

\* raise the issues of women importance, work for their welfare, ensure these problems are addressed. & their rights are protected.

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The growing crimes like

\* dowry deaths

\* Rape

\* Child marriage

& movements in 70s / 80s resulted  
in giving a thrust to formation  
of NCU.

2 decades hence, we can say  
the conditions of women has  
improved, however the pace  
still needs to be increased.

NCU has been successful in  
\* advocating cause for Sel.  
498A - dowry deaths  
ban

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- This Section has helped lot of women
- \* Section 376E - Strict punishment to ~~women~~ rapists
  - \* Domestic violence Act, has been effectively implemented
  - \* Sexual harassment at work place, Child protection (from sexual abuse) like issues have been brought in time light by NCW
  - \* Criminal law amendment bill, which makes  $\begin{cases} \rightarrow \text{stalking} \\ \rightarrow \text{voyeurism} \\ \rightarrow \text{Acid Attack} \end{cases}$  a criminal offence, further enhances safety of women
  - \* NCW has also called for "decriminalization" prostitution to ensure welfare of women

However, still lot of ground needs to be covered, to accord women their rightful place in society

*Amal*

*Amal*

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Q7.

How far do you agree with the demand of a number of states that the office of Governor should be abolished altogether? Give reasons in support of your answer.

Do not write in this space.

Post emergency (1977) the office of governor has been to an extent ~~was~~ ~~been~~ made dependent on the whims / fancies of the central government.

There has been instances of - 1) President's Rule without states consent

2) Reservation of bills for President assent

3) Sending of paramilitary

forces to state

on the part of Governor, the conversion him from "Link"

to agent of Centre of government according to states.

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7

Do not write in this space.

Thus, there have been call for "abolishing governor office".

However, this view to "abolish" the office altogether is flawed and incorrect.

Despite its shortcomings, the office of governor is quite important... as

\* during the genuine constitutional maximizing governor's role becomes important.

\* of care, there is long Parliamentary governor plays an

important role governor the office and a travelling governor can serve as crisis

*Handwritten notes and signatures:*  
- A large signature 'M. M. M.' is written over the first bullet point.  
- A large signature 'D. D. D.' is written over the second bullet point.  
- A large signature 'G. G. G.' is written over the third bullet point.  
- The word 'participation' is written vertically across the bottom of the page.

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in this space.

Purpose especially in  
schedule 5 / schedule 6  
areas (for STs / Tribals)

What is required

Implementation of Sarkaria /  
MCA Punjabi / A.P. II recommenda-  
tion which calls for:

- following  
measures
- \* proper appointing procedure
  - \* proper tenure (security)
  - \* proper removal grounds
  - \* Person from non active  
Politics
  - \* new CMs to be  
considered

along with, following the orders  
of Supreme Court in B.P. Singhal  
Case. So, Office of Governor can be  
restored to its Post glory.

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Q8.

'Though the legislative and administrative division of functions between Centre and states are far more comprehensive in nature and scope, the major complaints of the states relate to the financial relations between the two.' In the light of this statement critically analyse the recommendations of the 14<sup>th</sup> Finance Commission.

Do not write in this space.

Our constitution, to ~~be~~ <sup>the most</sup> detailed constitution of the world. However, with respect to the "financial relations" the complaints of states persists.

The ~~complaints~~ <sup>complaints</sup> are

- \* Expansion of Union / Concurrent list & shrinking of State list
- \* Lack of financial resources at the disposal of States to mobilize resources.

- \* Top-down planning; imposition of conditionalities on state to get funds from Centre.

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in this space.

However, the recent 14<sup>th</sup> finance  
Commission tries to address  
these by  
→ increasing the share of states  
from 32% to 42% and  
giving them more fiscal space &  
financial autonomy,

however, the complaints  
persist because

1) 14<sup>th</sup> F.C - done away with  
special category states thus  
depriving states like Northeast  
etc. of crucial funds

2) no sector specific grants

3) overall there is only 4%  
rise in share of states not 10%.



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4) Reduction in funds under  
GSS

5) The issue of "less developed states"  
 crops up - does they have  
capacity to get developed on  
their own?

However, to address these  
problems

→ 1) NITI Aayog - to ensure co-oper-  
ative federalism & ensure

balanced development has  
been instituted

2) Five fund provision has been  
there

3) State Advisory Council  
has been constituted to  
address the State governance

Thus we can hope, that in  
future complaints will be addressed  
of States.

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Q9.

It is the central civil services which are considered more all India in nature than the All India Services and therefore, the latter appears to be more as a vestige of past rather than the necessity of present time. Critically analyse the statement and give your views in the end.

Do not write  
in this space.

It is a paradox that All India Services (IAS, IFS, IPS) are more restricted to their cadres (states) thus, curtailing their All India character; while the central services (IRS-IT/IRTS etc) are having exposure to various states, thus imparting them the All India character.

This anomaly, gives rise to a view / perception that AIS are vestige of Past, which is not relevant in present time. This view is however not fully correct.

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AIS - though are related to their respective state cadres, but when they come at the centre the formulation policy for whole nation, they undertake functions which are of all India character such as conducting polls & elections, deal with foreign relations etc.

The importance of technical / specialist services cannot be undermined but, the AIS have their own importance, they are having specialization in functions like - Planning / executing / coordination which are also necessary.

It is true, that in present times the environment has changed, after New Economic Policy, liberalization

3

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of the universities is also not  
in sound shape

\* UAC has become sort of  
'funding agency' & it has  
not able to fulfill its

objective of  
→ UAC in university  
making them losing  
knowledge creation.

Thus, there is need to scrap  
UAC (Herigaultan committee).

However, just scraping  
the UAC is not the solution.  
we need to

\* restructure UAC

\* address root cause of Indian  
higher education system

Problem  
is  
not  
created  
performance  
But  
rather  
is  
the  
root  
cause  
of  
Indian  
higher  
education  
system

6

Do not write in this space.

else, new body will too suffer from same malaise.

Thus,

\* Administrative / financial / institutional autonomy should be given to Ubc for other body

\* new body should be able to ensure  $\rightarrow$  accountability  
 $\rightarrow$  autonomy / transparency  
of state central universities

Then only problems like low higher education enrollment (10%)

lack of infrastructure, facilities, lack of academic industry / student interface

lack of standard / quality curricula can be addressed

Govt schemes like RUSA, MOEF, credit based curricula system are steps in right direction but UAC should be provided with optimum autonomy

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Q11.

The First Past The Post (FPTP) system of election less democratic than proportional representation system as it may not adequately reflect the voice of people due to which the demand to replace it with a proportional representation system has become louder after 2014 Lok Sabha elections. Comment.

Do not write in this space.

FPTP System came under criticism in 2014 Lok Sabha elections because

- It showed disparity with 31% vote, a majority government was formed at centre

- Parties like BSP, CPI even after getting 4% share of votes unable to get any seat in Parliament state

Thus, some critique of FPTP system

called for the "Proportional Representation" System which'll

be

more representative of the

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- diversity of nation.
- \* add voice to marginalized section of society.
  - \* enrich democracy.

However, PR system has it's own drawback

- \* it's more complex
- \* Instead of individual, people have to vote for party. Thus, accountability of individual reduces towards higher constituency.
- \* still literacy is 70% of India, and PR system requires high literacy.

Thus, despite of limitations of FPTP like

- \* even, after getting less than 50% votes, a candidate

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aim

\* It may not represent the  
true picture of constituency

Law  
PPTP

should continue as,

\* It is simple to administer

\* people are familiar

\* Candidate is accountable to people

\* Good debate in parliament  
what can be done is to

introduce electoral reforms

side

→ voter identification to Vote  
- & desist from voting  
to criminal antecedent  
candidates

→ state funding of election etc

So ensure, that PPTP becomes  
truly successful.



Q12.

It is imperative to have a comprehensive review of the Inter States Water Disputes Act, 1956, and also reconsider the Supreme Court's jurisdictional bar as such the working of such tribunals has not been satisfactory. In your view, what should be done to bring in an effective mechanism for river water disputes in the country?

Do not write  
in this space.

It has been found that the tribunals (Inter state water disputes) after seeing well for initial few decades has now outlived, their utility.

because

→ many SLPs (Ar. 136) are admitted to Supreme court.

Also with increasing the delay in implementation of the award given by Tribunal making it almost ineffective problem

almost every award is challenged & the award is not implemented

in fact Thus, further burdening it with litigation & defeating purpose of Tribunal

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Thus, there is need to review  
the act and reconsider the  
Supreme court's jurisdiction over

To ensure, effective mechanism  
for resolving the inter <sup>river</sup> water  
dispute

→ The final judgment / award  
by Tribunal should be  
made legally binding &

→ The S.C should also desist  
itself from entertaining SLB  
under Art. 36.

→ The Tribunal should be  
constituted after due  
consultation & not in  
 haste with both del

o/s  
o/mmp

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the parties, agreeing to the  
conditions of Tribunal,

Then, things can help in redress  
the burden on SC & quick  
disposal of disputes.

There  
are other  
alternatives  
or  
points

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Q13.

"Equality of opportunity is not simply a matter of legal equality. Its existence depends, not merely on the absence of disabilities, but on the presence of abilities." In the light of this statement, discuss the need for Equal Opportunity Commission in India.

Do not write in this space.

Bachar Committee and later on Kundu Committee also advocates need for "equal opportunity commission"

in India so that

→ the minorities, marginalized, like SCs, STs / PTCs, Formals etc can avail equal opportunities

in

\* educational institutions

\* health facilities

and have social justice.

however, here "equality of opportunity" not only to be interpreted as "legal equality" in

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in this space.

narrow terms. Under which  
Reservation is provided under  
18(4)(a); ~~as~~ affirmative action  
for women & children / socially  
educationally backwards  
under Ar. 15(4) but

"equality of opportunity" should  
be provided in "substantive  
manner". ~~or,~~

The individuals should be  
developed to his capabilities

so, that not only he/she  
gets <sup>access to</sup> opportunity but he/she  
is able to avail &

utilize them through meritability

This is similar to what  
Amartya Sen calls as "capability  
approach".

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eg:- Individual should not  
only have equal opportunity  
to access to affordable food  
under National Food Security act,  
but also able to absorb  
the nutrition through clean water  
sanitation facilities.

The "equal opportunity"  
is necessary not only for minorities  
but for other marginalized section also  
who can, to develop holistically

E.O.C should focus on - health/  
education / social justice / economic  
development, going beyond the  
Legal equality.

Q14.

Declaring health as a Fundamental Right will improve public health system in the country. Critically examine the statement.

Do not write in this space.

The National Health draft policy calls for declaring "Health as a fundamental right" and hopes ~~to~~ <sup>that</sup> it'll improve the public health system in the country.

This, is a flawed assumption because →

\* Public health system will have to be improved first, so that people's demands / aspiration can be met. & not vice versa

\* Still our Public health system suffers from various problems / challenges like

a) lack of sufficient Doctors / nurses / Paramedics

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b) Lack of hospitals / Public health infrastructure at village level.

→ number of beds are not sufficient & it became clear in "dengue epidemic" in Delhi.

c) Still the spending on health is less than 2-5% & in that the public expenditure is just 1%.

d) Many of the States does not have the capacity to utilize the funds under NRHM (CAG).



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Q15.

"Success of development and participatory governance depends on both a robust state and an active civil society with healthy levels of civic engagement." In the light of this statement analyse the recent allegations against NGOs for their "anti-development" activities and "growth-retarding campaigns".

Do not write in this space.

The recent walkdown of NGOs like Greenpeace Ford foundation etc by Ministry of Home Affairs on the pretext of violation of FCRA act and also a report by IB that NGOs (SO) are threat to country's Economic security as they engage in

→ anti development activities - opposition to building of dams

→ growth-retarding campaigns - opposition to mining of Uranium in Meghalaya / Codl / Balunite etc. & opposing setting up of nuclear Power plant

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e) The governance / management / administration still not adequate

Do not write in this space.

- Procurement of medicines is improper
- almost 60% of poor expenditure is on medicine
- high cost patient care
- ~~low~~ poor coordination between state & centre

until, these challenges are overcome, it'll be difficult to make "health" a fundamental right, or even if it is made one, it'll not fulfill the aspirations of people. line "RTI"

Thus - integration of PHC/CHC is required; coordination with private sector & integration of Primary/secondary/Tertiary health is must for effective "Health" as a fundamental right

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at Jaitapur.

This clearly underlines the fact that without the effective participation of all the actors

State  
citizens  
Nho / CSP  
the development will remain elusive

But <sup>the success of develop</sup> participatory governance will depend upon.

1) robust state → link  
has, effective regulatory mechanism

2) rule of law facilities  
uses e-governance tools like

\* e-auctioning of coal  
\* specimens  
and which is welfare oriented  
eg- asking private players to share

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$\frac{1}{3}$ rd of the royalties with locals  
from where minerals are extracted.

2) active civil society - which is  
accountable towards people, which  
has high social capital, whose  
funding and accounts are transparent  
& follows laws of the land (PEPA)

3) quality level of civic engagement

\* the agitations, protests  
are peaceful

\* within the ambit of  
Constitution

The close collaboration of these 3  
factors will lead to "success of  
development" just like "green  
revolution" which was result of  
collaboration of "food foundation / government / farmers".

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Q16.

India is now in the process of building a maritime security grouping among the Indian Ocean island states as part of its aspirations to be a 'net security provider' to the region. Discuss its challenges.

Do not write in this space.

With the quick, assertive rise of China and its quest to secure SLOCs of IOR to solve malacca dilemma and ~~the~~ <sup>its</sup> recent launch of "Maritime silk route" which passes through India's backyard (I.O.R.) has caused flutter among India's strategic circle.

Thus, India is now in process of building an "open, robust, transparent, and strong maritime security architecture" to bolster its traditional image of "net security provider". This is evident from  $\frac{u}{o}$

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1) Establishing security co-operation  
~~for~~ with Sri Lanka / Maldives

2) Extending this grouping / initiative  
to Island States, Mauritius,

Agalera Island - Maldives  
Baracca Dal - Naval  
Cooperation of P to I.O.R  
States - "SAGAR base" -

SAGAR - refer to Security and  
Growth for All regions - FORARC

3) Providing Maldives with water  
when it was in crisis etc

However, there are several  
challenges to it.

1) Deep pockets of debt, due  
to which it is making offer  
to countries to join IMSR

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which are hard to reverse

2) India's own sea blindness for last few decades - Ports are not developed ∴ projection of Blue water navy is a problem. (SAGAR MALA to deal with this problem)

3) I.O.R is too large to be mono-poly of a single power; there are many middle powers thus Mahajan notion of Supremacy of navy is difficult to implement

4) India's limited domestic capabilities to deliver → unable to develop sinus port  
→ Chabahar port even not developed after 3 decades  
→ loss of Hambantota to China

However, initiatives like - "Project Mausam", Spice, lotus route, INDIA exercise, IONS (symposium) can address these challenges.

Q17.

Myanmar is undergoing dramatic changes in political, economic and social arenas. It is imperative for India to closely follow the ongoing developments especially the issue of Rohingya and take full advantage of emerging opportunities and potential. Comment.

Do not write  
in this space.

Myanmar is a crucial country for

India as

\* its strategic location makes it  
a gate way to ASEAN.

\* almost 50% of North eastern  
states <sup>boundaries</sup> touches with Myanmar.

\* Success of Act east. ~~policy~~ depends  
on the peaceful, stable Myanmar.

Thus, it becomes imperative for  
India to follow the democratic  
transition of Myanmar.

Further, it is

also crucial for India to  
tackle the "Rohingya issue".



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(persecuted muslim community of  
myanmar) because

\* It can increase the influ-  
ence of refugees - in India

\* Our porous borders, with  
myanmar can also ~~be~~ result  
in giving shelter to Islamic  
fundamentalists.

\* Rohingyas, except religion have  
no similarities with Indian  
muslims; thus problem of  
integration can be there

\* Any ill treatment of Rohingyas  
will lead to retaliatory attacks  
on buddhist places like Bodhi Gaya

~~to~~ There all factors can be  
harmful to India.

Keeping these things

in mind India, should take

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in this space.

Thus Govt now considering  
to redraft BIT, to avoid  
such kind of embarrassment

where

\* Arbitration will be done  
in India

\* Supreme court decision  
should be binding  
on the company

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3) States - Bihar/UP are large  
we don't want "LTTE problem"  
in our North which can  
be exploited by China

Thus, our foreign policy should  
be slightly calibrated so that

a) India engages with Nepal  
in low visibility manner,  
avoid "anti India sentiments"

b) Try to solve the issue  
through dialogue & insist  
Nepal to solve the problem  
by reconciliation with  
the minorities & ensuring  
an "inclusive constitution"

as, stable Nepal is beneficial  
for both nations.

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## 100 CASE STUDIES

**FOR MAINS 2015**

GS PAPER IV

BY S ANSARI

**BATCH II : 17 NOV. (9:30 AM)  
AT MUKHERJEE NAGAR**

**BATCH VI : 24 NOV. (1:30 PM)  
AT RAJINDER NAGAR**

## 4 ESSAY TESTS

**FOR MAINS 2015**

UNDER THE GUIDANCE OF S ANSARI

	TEST TIME	DISCUSSION TIME	FROM 6 NOV.
TEST 1	2 - 5 PM	5:30 - 7:30 PM	
TEST 2	2 - 5 PM	5:30 - 7:30 PM	
TEST 3	2 - 5 PM	5:30 - 7:30 PM	
TEST 4	2 - 5 PM	5:30 - 2:30 PM	

## 4 MOCK TESTS

**FOR MAINS 2015**

**ONLINE/OFFLINE**

❖ **GENERAL STUDIES**

❖ **PUBLIC ADMN.**

❖ **SOCIOLOGY**

FROM  
18  
NOV.