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GENERAL STUDIES (TEST CODE : 1020)

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INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	12.5	
2	12.5	
3	12.5	
4	12.5	
5	12.5	
6	12.5	
7	12.5	
8	12.5	
9	12.5	
10	12.5	
11	12.5	
12	12.5	
13	12.5	
14	12.5	
15	12.5	
16	12.5	
17	12.5	
18	12.5	
19	12.5	
20	12.5	

Total Marks Obtained:

Remarks:

INSTRUCTIONS

- Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code).
उत्तर पुस्तिका में सूचनाएं भरना आवश्यक है (नाम, प्रश्न-पत्र कोड, विद्यार्थी क्रमांक आदि)।
- There are TWENTY questions printed in ENGLISH & HINDI
इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
- All questions are compulsory.
सभी प्रश्न अनिवार्य हैं।
- The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
- Answers must be written in the medium authorized in the Admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए जिसका उल्लेख आपके प्रवेश पत्र में किया गया है और उस माध्यम का स्पष्ट उल्लेख प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के मुख्य पृष्ठ पर अंकित निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिए गए उत्तर पर कोई अंक नहीं मिलेंगे।
- Word limit in questions, if specified, should be adhered to.
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
- Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।

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EVALUATION INDICATORS

1. Alignment Competence
2. Context Competence
3. Content Competence
4. Language Competence
5. Introduction Competence
6. Structure - Presentation Competence
7. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the Best

All the questions are compulsory and carry 12.5 marks each.

1. Enumerate the discretionary powers of the Governor mentioned in the Indian Constitution. Why is it said that the post of governor has become highly politicised?

भारतीय संविधान में निर्दिष्ट राज्यपाल की विवेकाधीन शक्तियों को सूचीबद्ध कीजिए। ऐसा क्यों कहा जाता है कि राज्यपाल का पद अत्यधिक राजनीतिक बन गया है ?

Governor of the state have more discretionary power in the state than the president at the centre. Reason being Governor being representative of the centre in state and our federal polity is having strong centre. (though SC called that it is independent office)

Some important discretionary power of the governor are as follows:

- 1) In case of no party is having absolute majority & in case of hung assembly he can make leader of largest party or coalition chief Minister & ask him to prove his majority within one month.

- 2) He can advice president to impose President Rule in the state if he thinks state govt. is not running according to the constitutional principle. (under 356)

3) He can ask for information regarding the proceeding of assembly from the chief Minister who have to furnish it.

4) He also have discretionary power related to scheduled & tribal areas under Schedule 5 and 6.
for ex: He can announce autonomous district. ~~was~~

Given more discretion at hand the post of governor is highly politicised & it is true from the starting of Indian Polity since independence.

Party at centre changes the governor after coming into power. The main reason of politicisation of governor post are :

⇒ Exercising control over state by centre in case opposition party are in power in state then

President rule applied without any concrete reason to fulfil vested interest.

Recent case in Anna Chel Assembly where supreme court re-install the govt is case in point.

*) In this regard Poonchi Commission has given its recommendation -

moreover recent meeting of inter-state council to discuss the issue of politicisation of post of governor is good step in maintaining cooperative federalism & spirit of rule of law.

2. CAG is instrumental in securing accountability of the executive to the Parliament in the sphere of financial administration. Elaborate. Enumerate the provisions made in the Constitution to ensure the independence of the CAG.

CAG वित्तीय प्रशासन के क्षेत्र में संसद के प्रति कार्यपालिका की जवाबदेही तय करने में सहायक है। सविस्तार वर्णन कीजिए। CAG की स्वतंत्रता सुनिश्चित करने हेतु संविधान में किए गए प्रावधानों को सूचीबद्ध कीजिए।

Comptroller and auditor general is the protector of purse of country. It is one of the four pillars of democracy. The role of CAG ~~was~~ is very important in ensuring the accountability of executive to the parliament. (as Ambedkar said). CAG is the constitutional office which is provided independence from executive and is accountable to parliament.

CAG checks the financial power of govt to limit it. It scrutinise the finance account and appropriation account and have authority to scrutinise any finance account of govt offices. It ensures that money spent was to the objective it was provided & spent by right machinery etc

and put their report to the parliament through the president. Thus making govt accountable.

There are provision to make CAG ~~accountable~~ to independent.

- 1) The expenditure of CAG office is charged on the consolidated fund of India.
- 2) CAG is accountable to the parliament only.
- 3) Service condition of CAG remain fixed.
- 4) CAG is appointed by parliament for ~~6 years~~ fixed tenure.
- 5) He can be removed in the same manner as a supreme judge is removed.
- 6) He enjoys same salaries and incentives like a judge of supreme court.

CAG is the protector of hard earned money of public thus rightly deserves independence.

in his actions.

3. What are the different institutional arrangements in India to promote cooperation between the Centre and States? Critically analyse the role of Inter-State Council to enhance cooperative federalism in India.

केंद्र और राज्यों के मध्य सहयोग को बढ़ावा देने के लिए भारत में विभिन्न संस्थागत व्यवस्थाएं क्या हैं? भारत में सहकारी संघवाद को बढ़ावा देने में अंतरराज्यीय परिषद की भूमिका का आलोचनात्मक विश्लेषण कीजिए।

Our Constitutional maker envisaged country to be federal polity and it is also declared "basic structure" by judiciary.

There are many institutional arrangement in the constitution to promote cooperation between the centre and state: In the constitution

- 1) Article 262 provides for making of inter-state river dispute tribunal by centre on the request of the states
- 2) The rules & laws made by the centre & states are recognised by both and there are separate lists under Schedule 7 - state, centre and concurrent list.
- 3) The orders & decree of supreme court & high court can be

considered as the record in any
court.

- 4) Inter-state Council under 263
to promote deliberation b/w states
and centre (As per Sarkaria
Commission recommendation)

Other institutional arrangement.

- 1) Recently made NITI Aayog is
on the line of promoting cooperative
federalism
- 2) Recently passed GST proves that
Indian federalism is not only symbolic
but substantial.
- 3) Zonal Council made under
State Reorganisation Act.

Role of Inter-state Council:

Inter-state Council was
constituted under Inter-state Council
Act and it was envisaged to
take up the meeting three times
in a year.

but in the last 14 years it
has taken only 11 meetings.

Recently Inter-state council
meeting happened which discussed
the means to further the cooperation
b/w State and centre.

Inter state council was constituted
on the recommendation of Sarkaria
Commission. and it provide a
platform for all participative &
inclusive democracy. It encourages
cooperative federalism

Inter-state council should
frequently conduct meeting to fulfil
its objective of constitution in
letter and spirit.

4. In view of the idea of holding simultaneous elections to the Lok Sabha and State Legislative Assemblies, discuss the advantages that its implementation would lead to and the concerns that it raises.

लोकसभा और राज्य विधानसभाओं का चुनाव साथ-साथ कराने के विचार के आलोक में, इसके कार्यान्वयन से होने वाले लाभों और इससे उत्पन्न होने वाली चिंताओं पर चर्चा कीजिए।

→ Holding simultaneous election is the recent debate going on. The proponent of holding simultaneous election argue :

- 1) It would help in continuation of administration which disrupt due to frequent election and Model code of conduct imposition.
- 2) It can help preventing the instability and empower the govt to focus more on welfare aspect without worrying about elections.
- 3) It would reduce the funding required for administering elections as frequent elections demands govt machinery to work towards elections only.
- 4) It has potential to conduct environment which can attract more FDI because having stable political

system.

- 5) Induce free and fair election as election in one state influence other in case of holding election at diffⁿ times.

→ On the other side the opponent of the idea argues that

- 1) Simultaneous elections are not practical to hold as it is not possible that govt of ^{all} states & centre fulfil ~~the~~ fixed duration of their service.

example: President rule, loss

of majority. Also in the times of coalition politics it is near impossible to hold simultaneous election.

- 2) India does not have enough administrative machinery to conduct simultaneous elections.

- 3) The centre (Lok Sabha) election may affect assembly elections and vice versa. Sometimes voter may give preference to parochial interest over national interest and could vote for local leader.

Given the above limitations

Idea of holding simultaneous election

seems futuristic idea. First we have to do well in electoral reforms like transparency in funding, prevention criminalisation of politics, paid news bany etc.

5. While the Competition Commission of India and sector-specific regulators are required to complement each other, overlapping jurisdiction has resulted in regulatory parallelism amongst them. Comment.

जहां भारतीय प्रतिस्पर्धा आयोग और क्षेत्र-विशिष्ट नियामकों को एक-दूसरे का पूरक बनने की आवश्यकता है, वहीं परस्पर अतिव्यापी अधिकार क्षेत्र का परिणाम उनके बीच नियामकीय समानांतरता के रूप में सामने आया है। टिप्पणी कीजिए।

Competition Commission of India under Competition Commission Act 2002 envisaged to uphold level playing field to all the stakeholders and conduct of business in free and fair environment.

but at the same time increasingly sector specific regulators like Telecom regulatory of India, AERB, REBE etc. also have same objective in their own sector.

For example Telecom regulatory of India (TRAI) provide for fair tariff, fair auction and fair competition b/w different players in the telecom sector.

This has made CCI in recent time more or less not required.

While on the other hand each sector specific regulator can use guideline of CCI in their roles making both complementary.

Competition commission of India is needed for overall supervision of all sectors. Moreover it should be give more power regarding giving guideline to each sector. & making inter-sectoral cooperation strong.

6. Criticism about the judiciary should be welcomed, so long as criticisms do not hamper the "administration of justice". In this context discuss whether the power of contempt of court given to the higher judiciary limits the freedom granted by Article 19(1)(a) and whether these two can be reconciled.

जब तक आलोचनाएं "न्याय के प्रशासन" में बाधा न डालें, न्यायपालिका के संबंध में आलोचनाओं का स्वागत किया जाना चाहिए। इस संदर्भ में चर्चा कीजिए कि क्या उच्चतर न्यायपालिका को दी गई न्यायालय की अवमानना की शक्ति अनुच्छेद 19 (1) (a) द्वारा प्रदत्त स्वतंत्रता को सीमित करती है और क्या इन दोनों में सामंजस्य हो सकता है।

Constitution has empowered the supreme court ^{high court} with power of contempt of court under article 136 & 142.

According to which ~~of~~ the supreme court ^{higher judiciary} can punish the person in case of 1) violation of court decree or order

2) disruption of judiciary proceeding

3) scandalization of courts.

Recent Karnal case and Sampat case ~~constitutional~~ ^{debate} case has again put this power under light.

This power to court was given to maintain

1) Independence of judiciary

2) Judge can freely give their verdict

without the pressure of people and Media.

but power of contempt is often criticised that it violate freedom of expression under 19(1)(a). but contempt of court is provided as an exception to this freedom of expression.

If we look upon recent cases where Maskandaya Katju (ex - CJI) questioned verdict of Sarmya rape case. & court used its power of contempt. Also in Karnal case he was not given chance to prove his innocence. ~~no~~ matter what ^{but} Judiciary should follow its rules.

while it is true that judiciary must use the power more sparingly and when its order is violated. & not just questioned. At the same time power of contempt is must for maintaining independence

of the judiciary
Both (a) and power
of contempt can be reconciled with
little efforts of higher judiciary and
the responsible citizens.

7. Despite being a welcome step, Inter-State Water Disputes (Amendment) Bill, 2017 fails to resolve the issue of overlapping of jurisdiction between the legislature and judiciary. Analyse.

स्वागत योग्य कदम होने के बावजूद, अंतरराज्यीय जल विवाद (संशोधन) विधेयक, 2017 विधायिका और न्यायपालिका के बीच क्षेत्राधिकार के परस्पर अतिव्यापन का मुद्दा सुलझाने में विफल रहा है। विश्लेषण कीजिए।

Inter-state water Dispute
Amendment bill, 2017 provides
for overcoming of the gaps and
concern regarding inter-state water
dispute Act 1956.

bill provides for
permanent

- 1) Single permanent Tribunal in place of
multiple ad-hoc tribunal.
- 2) fixed timeline of 4 1/2 years
for giving the final judgement.
- 3) Dispute resolution committee for
conducting negotiation b/w the states
before case come under tribunal
- 4) collection of data regarding each
river basin.
- 5) Composition of single Permanent
Tribunal : Retired or present supreme
court judges & not more than 4
members.

The bill is welcome step as far as it provide data collection and a fixed timeline while overseeing the issue of delay in justice and having no authentic data

Still the resolution of river dispute through tribunal / judiciary is not justified. It should be under the jurisdiction of legislature because of having technical details like river basin, ground water level, requirement of farmer, geology of these state etc.

For handling these crucial aspect a management committee having technical expertise needed.

This argument can be substantiated by the fact that we have 8 tribunal since the constitution of Act and

only 2 tutinal verdict are accepted
by the state govt.

The recent launcy issue &
inability of judiciary to enforce its
verdict is more about politisation
of issue and diffⁿ factors like
Homon etc.

Thus a management board
for each basin is need of hour.

8. Critically discuss the major reforms introduced in the area of electoral funding in Union Budget 2017. Do you think that state funding of elections is a viable idea to check misuse of money power in politics?

2017 के केंद्रीय बजट में चुनावी वित्तपोषण को लेकर प्रस्तुत किए गए प्रमुख सुधारों पर आलोचनात्मक चर्चा कीजिए। क्या आप मानते हैं कि राजनीति में धनबल का दुरुपयोग रोकने के लिए चुनावों का राज्य द्वारा वित्त पोषण एक व्यावहारिक विचार है?

Union Budget 2017 introduced following reform in the electoral funding to limit the use of black money and introduce transparency in the funding process. 75% of funding presently come from anonymous sources.

1) Earlier there was the limit of 20000 ₹ over which the donor have to reveal its identity.

Budget proposes that donation of more than 1000 ₹ can only be ~~state~~ provided through cheque or electronic ^{cash} transfer.

It proposes electoral bonds (India is first country in the world for proposing & bond for electoral funding) for donating more than 2000. The main features of e-bonds are:

- There are like bearer cheque which will maintain donor's ^{identity} anonymous.
- ^{from} Notified bank donor can pay these bonds & these will be transferred to directly to party account.
- 2) Budget calls for filling up return by each party or tribe in order to continue the tax reliefs.

These ideas are welcome. but some say now one only require more number of people [as limit reduced from 10000 → 2000 ₹ (as EC recommended)] who can give permission to use their names for providing funding details.

But overall the reforms are in right direction as it would discourage use of black money.

State funding of elections:

Currently given the use of illegal money in funding of election this idea is proposed.

Adv. of state funding:

- 1) It would enable vulnerable & poor people to run in the race of

elections as they have no monetary support.

- 2) It would help in providing level playing field.
- 3) It further discourage use of illicit money in the funding.

Limitation:

- 1) Lack of ^{strong} finances to
- 2) It is not certain that private source of funding will limit.
- 3) Use of public money for this purpose will require high accountability & rationale.

State funding of election is good idea provided we ^{must have} already implemented ~~elector~~ electoral reforms. like prevention of use of bribery, paid news, minimisation of politics etc.

9. Discuss the significance of the concept of Office of Profit as enshrined in the Indian Constitution. Why has it been embroiled in controversies for a long time? Analyse the role played by judiciary in this regard.

भारतीय संविधान में यथा प्रतिष्ठापित लाभ के पद की अवधारणा के महत्व पर चर्चा कीजिए। लंबे समय तक यह विवादों में क्यों उलझा रहा? इस संबंध में न्यायपालिका द्वारा निभायी गई भूमिका का विश्लेषण कीजिए।

The concept of office of profit was envisaged to for the upholding of separation of power i.e. legislature and executive and for avoiding conflict of interest. Because if a member of legislature is having an office of profit and executive being accountable to parliament, then there is a possibility that member may not play his role with honesty and fairness. But ministers of States as well as centre also at the local level are exempted from this as they are chosen for legislature or assembly itself. This concept has been in controversies for long as many legislatures are alleged to have income from sources which could lead to conflict of interest in their role.

as legislature and executive (head of
or member of that office of profit)
Some recent controversies when
proposal of 21 parliamentary secretaries
in Delhi assembly was rejected calling
it would result in coming into ambit
of office of profit.

Some years earlier MP Jaya
Prada said to have taking income
from some source which was having
govt. funding.

Judiciary has played the
prominent role for ensuring clarity
on the concept of office of profit
In this regard it has given following
guidelines to determine whether office
is office of profit or not.

- 1) whether govt is ~~employ~~ appointing
the employee?
- 2) whether govt is funding it?
- 3) whether govt has any role to
remove the employee?

- 4) whether it is enjoying govt remuneration
- 5) whether it is having significant concessions from govt
for ex: tax concession etc.

These principles should be proactively use for upholding the transparency & accountability of the democracy. (in determining the question of office of profit.)

10. The provisions of the Sixth Schedule of the Constitution devolve some essential powers to the lower levels in order to cater to the needs of the tribal community. Discuss, while examining the modern day challenges faced by the institutions set up under the Sixth Schedule.

संविधान की छठी अनुसूची के प्रावधान, जनजातीय समुदाय की आवश्यकताओं को पूर्ण करने के लिए निचले स्तर को कुछ आवश्यक शक्तियां हस्तांतरित करती हैं। छठी अनुसूची के अंतर्गत स्थापित संस्थाओं के समक्ष वर्तमान चुनौतियों का परीक्षण करते हुए चर्चा की जाए।

The sixth schedule of constitution devolve special power in tribal areas in Assam, Mizoram, Jharkhand, Meghalaya. to make tribal council to provide autonomy in administration of these areas.

Modern challenges faced by these institution in recent times:

- 1) Council are not provided real autonomy and control over resources.
- 2) Permission that should be taken from these area to mine the minor resources and water are not taken.
- 3) The representation of Tribes in administration is not followed.
- 4) Legislative powers are still with state assembly despite provision of devolution in council.

in this scenario titles are becoming highly alimated and the real purpose of six schedule has not fulfilled.

11. Special rights are not privileges but they are granted to make it possible for minorities to preserve their identity, culture and traditions. Elaborate in the context of India with examples.

विशिष्ट अधिकार विशेषाधिकार नहीं हैं, बल्कि अल्पसंख्यकों के लिए अपनी पहचान, संस्कृति और परंपराओं का संरक्षण करना संभव बनाने के लिए इन्हें प्रदान किया गया है। उदाहरण सहित भारत के संदर्भ में सविस्तार वर्णन कीजिए।

Constitution of India has provided special rights to minorities under article 29, 30 for maintaining their identity, culture and tradition.

Under these minorities are free to ~~do~~ administer and conduct their own educational institutions without govt interference. They can promote their culture in these while not abridging the transparency.

Also constitution provide for instruction to govt for enabling primary education in mother languages under article 350.

In democracy, if these rights are not given then it will not be democracy rather will become only rule of majority. In India where 80% people are Hindu and 14% Muslim rest Christian, Jain

etc. We have no national language & only official language because we have diverse language. Hindi speaking people constitute only 40% of population.

In absence of these rights other language will become extinct. Moreover in Indian constitution our secularism too envisaged to be based on equality of all religion. In absence of protection to these minorities they will remain excluded under the majority verdict.

Moreover specially in north east, the culture prevalent there is not like culture present in north India. In absence of protection of their culture alienation may prevail resulting into demand of separation etc.

After the independence reorganisation of state on the basis of language has proved successful

in maintaining unity of India
while initially we had fear regarding
it.

Minorities want protection
of their culture and identity. They
want inclusion and to make
a democracy inclusive democracy
special rights to them are highly
needed.

12. While it has been argued that the judiciary should be brought under RTI, a balance also needs to be maintained between independence of the judiciary and the right of people to know. In this context, discuss the pros and cons of bringing the judiciary under the ambit of RTI.

एक ओर यह तर्क दिया जाता है कि न्यायपालिका को RTI के अंतर्गत लाया जाना चाहिए, वहीं न्यायपालिका की स्वतंत्रता और लोगों के सूचना के अधिकार के मध्य संतुलन बनाए रखना भी आवश्यक है। इस संदर्भ में, न्यायपालिका को RTI के दायरे में लाने के पक्ष और विपक्ष पर चर्चा कीजिए।

Right to Information Act was brought to make people informed and empowered and to make ~~people~~ ^{govt officials} accountable.

Judiciary has been exempted from RTI to maintain its ~~and~~ independence. In the constitution, judiciary is given many powers like salary charged on consolidated fund of India, freedom to appoint its own machinery and many more.

- Bringing it under the ambit of RTI have following advantage:
- 1) It will increase the trust of citizen in judiciary. as Judiciary is the Supreme institution enforcing justice. It will make this institution accountable.
 - 2) Judiciary ~~has~~ is generally condemned for the increase of Nepotism.

in appointments & administration.

QD However 1) this can undermine its independence. It already have much burden. It will not be able to conduct its action without pressure of people.

2) It will destroy separation of power.
Moreover RTI was envisaged to include Executives mainly.

Thus the administrative function should be well within RTI but judicial function should remain outside it to provide room for maintain justice in every condition without pressure.

13. Differentiate between pressure groups and political parties. It is often said that pressure groups are primarily a consequence of inadequacies of the political parties in India. Discuss the above statement in the context of rising environmental protection groups.

दबाव समूहों और राजनीतिक दलों के मध्य अंतर कीजिए। प्रायः यह कहा जाता है कि दबाव समूह मुख्य रूप से भारत में राजनीतिक दलों की अयोग्यता का परिणाम हैं। बढ़ते पर्यावरण संरक्षण समूहों के संदर्भ में उपर्युक्त कथन पर चर्चा कीजिए।

Pressure group are the group of people with the aim of upholding of their collective interest without capturing power through the instrument like lobbying, propagandizing etc.

while political parties are group of people coming together for capturing of power through elections with clear political ideology.

Pressure groups are the important pillar of ^{every} democracy. It plays an important role in making the political parties accountable.

~~that~~ One fact is pressure group only exist in democracy. The statement that there are result of inadequacies of the political

party is true only to some extent because pressure groups are indispensable for generating debate & deliberation making democracy more participative.

Currently there is rise of environmental protection group which are focusing on the rising destruction of ecology of water, air, marine on account of industrial pollution mainly.

These group make govt. aware regarding the environmental angle of consequences of govt project on the ecology.

for example: Putting light into consequences of hydro-electric power plant on the ecology of that place. This is evident in the Ghyat region ~~which~~ where dams has badly impacted the ecologically.

fragile areas and induce ~~eg.~~ earthquakes.
Increasing smog in Delhi,
water borne diseases, River pollution
have made these environmental
protection group Active.

Inability of NGR to address
such issues & inadequate govt
intervention is helping to rise of
pressure group.

Nonetheless the role of
pressure group is ~~to~~ very important
in conduction of healthy democracy
& making govt accountable.

14. Give an account of the factors responsible for the limited success of Lok Adalats. What measures are required to ensure that Lok Adalats function as an effective dispute redressal mechanism?

लोक अदालतों की सीमित सफलता के लिए उत्तरदायी कारकों का विवरण प्रदान कीजिए। लोक अदालतों द्वारा प्रभावी विवाद निवारण तंत्र के रूप में कार्य करने के लिए क्या उपाय किए जाने आवश्यक हैं?

Lok Adalat are envisaged to provide quicker and cheaper resolution of cases. These are constituted under National Legal Service Act.

The factors for its limited success are as following :

- 1) Lack of awareness in people regarding Lok Adalats.
- 2) Lack of regularity in conducting Lok Adalats.
- 3) Lack of appellate mechanism and monitoring of justice.

The following measures should be taken :

Recently conducted Lok Adalat has successfully resolved lakhs of cases in one day. This shows the potential in Lok Adalats to resolve

the cases.

- 1) For more effective conduct these should be regular & more frequent.
- 2) N.G.O.s should be encouraged to spread more awareness regarding Lok Adalats.

3) These should be made more accessible to the rural ~~for~~ people.

Given the pending cases in the judiciary and ~~large~~ poor judge-population ratio (17:1000000) Lok Adalat can prove panacea for the people and for judiciary as well in upholding the justice far and wide without delay.

15. The provision of 33% reservation of seats for women in urban local body elections in Nagaland has been in news for various reasons in recent times. Discuss the underlying issues in light of the constitutional provisions at stake and the social realities of the state.

हाल ही में नागालैंड में शहरी स्थानीय निकाय के चुनावों में महिलाओं के लिए 33% सीटों के आरक्षण का प्रावधान विभिन्न कारणों से सुर्खियों में रहा है। इस सन्दर्भ में राज्य की सामाजिक वास्तविकताओं तथा दाँव पर लगे संवैधानिक प्रावधानों के आलोक में अंतर्निहित मुद्दों पर चर्चा कीजिए।

In Nagaland, recently there was controversy because of conflict b/w article 243 and ~~Schedule~~ Schedule 6.

Article 243 provides for 33% reservation of seats for women in urban local body. And Nagaland has special status regarding following - No law can be extended to it that is not in line with its customary laws. & without the ~~consent~~ concurrence of the local assembly.

In this regard Nagaland tribal says that they are not against in the women in the local body but they prefer to nominate women & not elect.

In the urban local body
since so many years there is only

the women members.

Here it is conflict w/w two
Constitutional provision.

At one hand, constitution
provides for 33% reservation of
women in local urban body, at
other hand it provides for respect
for local customs that forbid the
women to be elected in local body.

This is issue of women's
right v/s cultural right.

Moreover issue is concerned
with "Nagaland" where each
topic raised to be sensitive.

The issue must be
handled with the negotiations rather
than by forces. People's sentiments
must not be hurt at the same
time it must not impede the
women's rights.

16. Government advertisements have often been viewed as misuse of taxpayer's money for enhancing the image of political parties. Discuss in the light of relevant SC rulings. Also enumerate the recommendations made by the Twentieth Law Commission to address the issue of paid news and political advertisements.

सरकारी विज्ञापनों को प्रायः राजनीतिक दलों की छवि सुधारने के लिए करदाताओं के धन के दुरुपयोग के रूप में देखा जाता है। सर्वोच्च न्यायालय के प्रासंगिक निर्णयों के आलोक में चर्चा कीजिए। पेड न्यूज और राजनीतिक विज्ञापनों के मुद्दे से निपटने के लिए 20वें विधि आयोग द्वारा की गई अनुशंसाओं को भी सूचीबद्ध कीजिए।

During recent assembly elections there was controversies regarding the govt advertisement of endorsing their political symbols and personalities which could impact the result of assembly election.

Supreme Court ordered the prohibition on such advertisement to uphold free & fair election.

20th Law Commission has recommended following:

- 1) paid news to be electoral offence under RPA 1951
- 2) Political advertisement & news regarding parties should be regulated by committee in each district.

Currently district committees are formed to regulate the ~~for~~ news & monitor such activity.

Election Commission recently cancelled the candidature of NDA on the basis of failing to submit the account of election expenditure that include paid news.

Paid news thus should be incorporate as electoral offence under RPA 1981. Moreover there should be regulation & monitor the advertisement of ~~for~~ govt. as well as pol. parties to uphold transparency in elections.

17. A clear delineation of functions of local governments vis-à-vis State Governments will only strengthen the principle of subsidiarity. In this context, discuss the challenges and the reforms required for effective democratic decentralization in India.

राज्य सरकारों के साथ-साथ स्थानीय सरकारों के कार्यों के स्पष्ट आरेखण (निरूपण) से केवल अनुषंगिकता का सिद्धांत पुष्ट होगा। इस संदर्भ में, भारत में प्रभावी लोकतांत्रिक विकेंद्रीकरण के लिए आवश्यक सुधारों और चुनौतियों पर चर्चा कीजिए।

Constitution of India was amended in 1992 to incorporate 73rd and 74th amendment giving mandatory provision of decentralization of polity in the states.

However the functions & finances & financials are not empowered much and the decentralization has not resulted in big transformation given these 3^{rs} are at the discretion of the states. & states don't want to devolution of their power much to local beneficiaries.

Challenges: 1) only 1% of total tax revenue collected by the local govt.
2) At municipal level the head is not needed to compulsarily elected that undermine the his accountability & effective role.

3) The main revenues collected by local govt are decided by the states which are ~~are~~ reluctant to give more levying taxation power to local bodies.

In this regard following reforms can be experimented:

1) Economic survey of India 2016-17 provide that property tax is untapped resource of revenue for local govt. (∵ property tax is ~~not~~ invaded largely) use of GPS & new technology can help to generate more revenue.

2) Clear delineation of functions:
States are reluctant to give more autonomy & powers to the local govt. but development have to be from grass root. By encouraging role of GRAM SABHA in implementing policies like Saachh Bharat Mission, Beti Bachao Beti Padhao, local govt can be empowered at the same

time they would be accountable
to the states for implementing these
project at grass root level.

State govt and local govt need
to work together & not separately
as each policy demands grass root
participation and at the same time
wider prevalence all across the
regions.

18. Vast powers have been vested in the office of the Speaker to strengthen the democratic institutions of the parliamentary system, and not to stifle dissent or protest in the House. Comment in the context of India.

लोकसभा अध्यक्ष के पद में निहित व्यापक शक्तियां वस्तुतः संसदीय प्रणाली के लोकतांत्रिक संस्थानों को सशक्त बनाने के लिए प्रदान की गयी है, न कि सदन में मतभेद या विरोध को दबाने के लिए। भारत के संदर्भ में टिप्पणी कीजिए।

The office of speaker in the parliamentary system is of great regard. Thus it has given vast powers to maintain the dignity of parliament.

Some powers are as follows:

- 1) Speaker have the power to make rules of ~~parliament~~ ^{legislation} with concurrence of the member
- 2) Speaker can punish the member of Lok Sabha on the advice of privilege committee for violation of rules of procedure of the houses.
- 3) Speaker have power to decide on defection of the member of any party.

This is where controversy lies. Many times this is used.

not in the spirit of rule of law
for example in Arunachal Pradesh
when there was already a proposal
of removal of speaker. speaker
used his power of defection to
eliminate the members who could
vote against him.

Moreover in case of India,
speaker generally associated from
part party. Neutrality in this case
can be compromised for example while
deciding on the nature of money
bill.

The house is for deliberation
and negotiation and speaker has
responsibility to maintain its dignity.
In absence of debates in the house
democracy will become only symbolic.
Speaker has far and wide powers
to punish the member of house
like suspension of them for few days
etc. but speaker should use his

power to uphold the spirit of
democracy that is deliberation
that would prove healthy in
strengthening people's trust in
the democracy.

19. Tenth Schedule of the Constitution and the subsequent amendments have failed at solving the problem of defections and opportunistic politics. Critically analyse.

संविधान की दसवीं अनुसूची तथा उत्तरवर्ती संशोधन दल-बदल और अवसरवादी राजनीति की समस्या का समाधान करने में विफल रहे हैं। आलोचनात्मक विश्लेषण कीजिए।

Tenth schedule of constitution is related to defection which provides for removal of any member of parliament/ assembly in case —

- 1) he ^{him} self resign
- 2) goes against the whip of his party.
- 3) In case of nominated member, if he joins any party after 6 months
- 4) In case of Independent member, if he joins any party.

Exceptions

- 1) Speakers (of LS & assembly) can resign from their party & can resume after completed their tenure as speakers
- 2) In case of merger (at least having 2/3rd of member) of 2 parties.

Earlier there was a provision in the exception in case of split of party with having at least $\frac{1}{3}$ rd number of parties. This provision often misused by some offering grand promises to the candidates in case they split.

Subsequently this ^{exception} was deleted.

In spite of these provision schedule 10 is criticised because:

- 1) Lok Sabha speaker has the right to declare the removal on the basis of defection.

Earlier it was not subjected to judicial scrutiny but later in 'KINOTO HOLD'N' case this power came under judicial review.

but many speakers have politicise the issue.

Example: In Uttarakhand & Arunachal Pradesh assembly:

- 2) Independent member & nominated member are treated differently.
- 3) Discourage individual opinion.

~~Despite~~ Schedule 10 was envisaged to done away with the politics of 'Aaya Ram Gaya Ram' which started with 1967 elections.

In assembly election of West Bengal, Jani Padu currently many member changed their party without subjecting to defection. Defection provision role to prevent the use of money power in order to mould the decision in the favour of ^{financially} strong ~~financially~~ parties is not proved substantial on ground.

We need to uphold internal democracy in party, provision of ~~strong~~ adherence to the schedule 10 to prevent the ill of opportunist politics.

20. It is the Parliamentary system, with its basis on constant accountability, accommodation and inclusion, which can best serve the needs of the country. Examine, keeping in mind the arguments that are periodically put forward for adopting the Presidential system in India.

यह निरंतर जवाबदेही, समायोजन और समावेशन पर आधारित संसदीय प्रणाली ही है, जो देश की आवश्यकताएं सर्वोत्तम ढंग से पूरी कर सकती है। भारत में राष्ट्रपति प्रणाली अपनाने के लिए समय-समय पर प्रस्तुत किए जाने वाले तर्कों को ध्यान में रखते हुए परीक्षण कीजिए।

Constituent assembly of India adopted parliamentary system of govt for Indian Polity due to following reasons:

- 1) Historical reasons due to having British imperial rule
(I too have parliamentary system)
- 2) Indian Polity needed to have accountability as Presidential rule could lead to despotic rule or dictatorship as: Pakistan.
- 3) Diversity of India demands inclusion of each section, each reason ∴ need participation that is possible only in parliamentary system.
In case of presidential system parliament (popular sovereignty), accountability of representation of people are less.

While in parliamentary system where executives are accountable to the Lok Sabha and it provides instrument of control like no-confidence motion, censure motion, Question hour etc.

Thus uphold accountability.

Parliament have representative from each constituency moreover reservation of seat for marginal section provides for inclusion and accommodation of even minority population.

Parliament can remove executive through passing of no-confidence motion and control over it through demanding answers & deliberation.

Thus uphold constant accountability.

In this scenario Presidential system where there is strict separation of power. President can be removed only through impeachment & not liable or accountable to parliament (law making body) provide more stability that is generally less in case of parliamentary system.

2) More stable policy & strong executive
can take strong decision without
coming off under populist pressure.

3) It prevents disruption in
the administration which generally prevails
in parliamentary system.
Given the unique scenario of
India, parliamentary system only fits
fit to the needs of diversity and
fulfilling accountability.

Judiciary thus declare
parliamentary system as "basic structure"
which can't be abroded.