



GENERAL STUDIES (TEST CODE : 1483)

Name of Candidate	JASPINDER - SINGH		
Medium Eng./Hindi	ENGLISH	Registration Number	788454
Center	ONLINE	Date	03/08/2020

INDEX TABLE			INSTRUCTIONS
Q. No.	Maximum Marks	Marks Obtained	
1	10		1. Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code).
2	10		उत्तर पुस्तिका में सूचनाएं भरना आवश्यक है (नाम, प्रश्न-पत्र कोड, विद्यार्थी क्रमांक आदि)।
3	10		2. There are TWENTY questions printed in ENGLISH & HINDI
4	10		इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
5	10		3. All questions are compulsory.
6	10		सभी प्रश्न अनिवार्य हैं।
7	10		4. The number of marks carried by a question/part is indicated against it.
8	10		प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
9	10		5. 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.
10	10		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।
11	15		6. Word limit in questions, if specified, should be adhered to.
12	15		प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
13	15		7. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
14	15		उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।
15	15		
16	15		
17	15		
18	15		
19	15		
20	15		
Total Marks Obtained:			
Remarks:			

EVALUATION INDICATORS

1. Contextual Competence
2. Content Competence
3. Language Competence
4. Introduction Competence
5. Structure - Presentation Competence
6. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

1. Highlighting the significance of Fast Track Courts (FTCs) in India, discuss the issues plaguing their functioning. Also, suggest some measures to improve their functioning.

(150 words) 10

भारत में फास्ट ट्रैक न्यायालयों (FTCs) के महत्व को रेखांकित करते हुए, उनकी कार्यप्रणाली में व्यवधान उत्पन्न करने वाले मुद्दों पर चर्चा कीजिए। साथ ही, उनकी कार्यप्रणाली में सुधार हेतु कुछ उपायों का भी सुझाव दीजिए।

Fast Track Courts are the dedicated courts for speeding up the process of justice. This is in line with Right to speedy trial, which is part of Right to life under Art. 21 of the Constitution (SC).

Significance of Fast Track Courts

- ① Court System (Justice System) is delayed due to burden on courts
- ② Justice delayed is Justice denied
- ③ Criminals taking leverage of this lacunae → heinous crimes increasing
- ④ Criminalisation of Politics
- ⑤ Trust of people on Justice System is reducing due to delay.
- ⑥ As decided in Hussainara Khatoon Right to speedy trial is part of Right to life.

Issues plaguing functioning

- ① Policy-Level : (a) No laws or fewer laws which focus on time-bound trials.

(b) lack of Resources to implement the laws.

2. Structural Issues: (a) Vacancy in High Courts and lower courts is high. (Right now 3 vacancies for SC Judges)

(b) Procedural law and Evidence based on proof beyond reasonable doubt.

3. Functional Issues: (a) Investigation delayed by police

(b) Corruption in Justice system

(c) Lack of Technological Upgradation of Courts and Police

4. Lack of Infrastructure - Dedicated Forensic Labs.

Suggestion: ① Laws to fast track the courts to be made & implemented strictly

② Vacancies to be filled immediately

③ Technological upgradation of Justice Machinery from investigation to Trial level

④ Smaller offences = Plea bargaining, summary Procedure can be used.

⑤ Alternate dispute redressal can be strengthened.

Fast Track Courts will ensure speedy Justice, hence Right to life.

2. The expressions 'equality before the law' and 'equal protection of the laws' may seem to be identical, but, in fact, they mean different things. Elaborate.

(150 words) 10

'विधि के समक्ष समता' और 'विधियों का समान संरक्षण' वाक्यांश एक-समान प्रतीत हो सकते हैं, किन्तु, वास्तव में, उनके अर्थ भिन्न-भिन्न हैं। सविस्तार वर्णन कीजिए।

Article 14 of Indian Constitution provides for both equalities i.e. - Equality before the law and Equal Protection of laws; one negative equality and the other positive, respectively.

Similar - because both are pillars of Equality, which is a fundamental right under Indian Constitution (Art 14)

Differences

<u>Equality before law</u>	<u>Equal Protection of laws.</u>
(1) It is -ve concept	(1) It is Positive Concept.
(2) Borrowed from UK	(2) Borrowed from USA.
(3) It means there shall be <u>no discrimination</u> on basis of caste, colour, creed, caste, sex, etc. (<u>Rule of law by AV Dicey</u>)	(3) It means <u>protective discrimination</u> can happen. i.e. Unequals can be treated unequally; but equals are to be treated equally.

- (4) Eg: Be it Crime Minister or labour law treats all the same. Both have to face trial for crime.
- (4) Reasonable Classification is allowed. For eg: Reservation for SCs and STs. Eg: Art. 15(3) for women & children.

Therefore both, look similar, but they are not identical. Equality before law and equal protection of laws are two pillars of equality which promotes equity and Justice.

3. The practice of passing of bills without the scrutiny by the parliamentary standing committees undermines their significance and sets a wrong precedent. Discuss.

(150 words) 10

संसदीय स्थायी समितियों द्वारा संवीक्षा के बिना विधेयकों को पारित करने की परिपाटी, उनके महत्व को क्षीण करती है तथा गलत दृष्टांत स्थापित करती है। चर्चा कीजिए।

Parliamentary Standing Committees ensure elaborate discussion and scrutiny of law before it comes into existence. These deliberation, further strengthen democracy.

Recently, seen that bills are being passed ~~but~~ without referring them to Parliamentary Committees, which are significant because:-

- (1) They ensure division of labour.
- (2) Involvement of MB, including those from opposition in decision-making process.
- (3) This ensure proper-scrutiny of laws.
- (4) Keep check on haste, which can be arbitrary.

Reasons for not referring :-

- ① Majority in both the houses with the ruling party.
- ② Maybe to fast-track the law-

making process i.e. avoiding the delays.

This is a wrong precedent because:-

- ① It can lead to hasty laws, which might not promote fair justice.
- ② Minority-Views being ignored
- ③ This is antithetical to democratic Republican principles as enshrined in Preamble.
- ④ Rule of ^{absolute} majority can lead to arbitrariness.
- ⑤ In future, this process will be ignored once & again if the precedent is set, threat to democracy.

In order to ensure proper participation in decision making process and keeping check and balances on Executives, Parliamentary Committees have a great role to play.

4. Article 22 of the Indian Constitution is a necessary evil. Discuss.

(150 words) 10

भारतीय संविधान का अनुच्छेद 22 एक आवश्यक दुराई है। चर्चा कीजिए।

Article 22 provides fundamental right to the person in detention both protective as well as preventive detention. India is the only constitution of world, which has detention as part of fundamental rights.

Article 22 is necessary because :-

- ① It protects rights of those under detention.
- ② Those under protective detention have right to know their reason for arrest, right to inform to friends/family, consult lawyer and to be produced before magistrate within 24 hours of arrest. Essential for one under detention as per DK. Basu Guidelines of Supreme Court.
- ③ Preventive detention protection for those apprehended on basis of suspicion. They can be arrested.

for 3 months. Later period is to be decided by Advisory board.

Therefore these provisions ensure personal liberty and life of those apprehended by Police.

It is evil because :- (1) It is detention part of fundamental rights under Constitution

(2) Preventive detention laws are to be made by Parliament, which are not yet made. So Advisory Board can permit detention for any amount of period; which is anti-ethical to right to life. (This provision is dead letter.)

Justice Patanjali Shastri of Supreme Court decided that India is yet a newly born country, with many secessionist tendencies, so Art. 22 has keeps check on both, Right of persons as well as the duties of State and Police.

5. A unified nation does not necessarily need to have 'uniformity'. In this context, discuss the merits and demerits of the idea of Uniform Civil Code.

(150 words) 10

एक एकीकृत राष्ट्र के लिए 'एकरूपता' का होना आवश्यक नहीं है। इस संदर्भ में, एक समान सिविल संहिता के विचार के गुणों एवं दोषों की विवेचना कीजिए।

⇒ Article 44, of Part IV of the Constitution of India has made Uniform Civil Code as an endeavour of Indian State. Goa is only State having UCC.

⇒ Uniform Civil Code means the best various parts of personal laws of different groups brought together, positively changed and made acceptable and then followed by all uniformly; but this is utopia if followed literally.

⇒ Personal laws of diverse groups living in India are diverse. i.e. Marriage, divorce, inheritance, guardianship, adoption, etc. Indian community is cradle of diversities.

Uniform Application means: (demerit)

① Taking people away from their culture.

② Minorities might feel targeted.

- ③ Right to Protection of Culture, language (Art. 29) might be threatened.
- ④ Right to freedom of Religion (25, 26, 27, 28) are harmed.
- ⑤ Similarly right to freedom (19 & 21) and liberty are put at stake.
- ⑥ Indian Community is not educated enough to accept UCC.
- ⑦ The phenomenon of mob lynching, vigilantism, communal Riots are still prevailing.

Keeping above in mind, and reading Art. 14 is equal protection of all i.e. Protective discrimination can be made, rather than having uniform laws literally, India can strive for laws based on uniform principles like Justice, Equity and freedom (Merits)

Shah Bano Judgement and Shirsa Bano Case for protection of Muslim Women, along with Triple Talag Act of 2019 are shining examples of India moving towards laws based on uniform principles. This will ensure Unity in Diversity.

6. It is argued that the introduction of compulsory voting in India would strengthen its democratic credentials. Critically analyze. (150 words) 10
यह तर्क दिया जाता है कि भारत में अनिवार्य मतदान की शुरुआत से इसकी लोकतांत्रिक मान्य सुदृढ़ होगी। समालोचनात्मक विश्लेषण कीजिए।

Law Commission in its recent report on Electoral Reform analysed the Compulsory Voting Concept so as to strengthen democracy.

Compulsory Voting = Making it compulsion for all to vote

Merits of Compulsory Voting :-

- ① Polling Percentage will increase
↓
- ② More will be representation
↓
- ③ Democracy and hence participative decision making will be strengthened.

Demerits :- ① Right to freedom of speech and expression will be affected.

- ② Penal Provisions / fines for not voting will be made.
- ③ Right to silence, which is part of Art. 19 will be threatened.

④ People working outside, NRIs,
those hospitalised will be
at peril.

Analysis:

Compulsory Voting + Nota

Will take care of Right to Silence.
But major threat will be to Right
to freedoms (Art. 19) i.e. freedom
of speech & expression, movement
and right to business and right
to life of those working & ill
respectively. Compulsion in democracy
is antithetical to freedom and
equality.

Therefore people can be made
aware to use their right to vote
rather than forcing them to vote.
This will take care of both freedom
and democracy.

7. Highlight the issues facing arbitration as an effective alternative dispute resolution mechanism in India. How does Arbitration and Conciliation (Amendment) Act, 2019 strengthen the arbitration set up in India?

(150 words) 10

भारत में एक प्रभावी वैकल्पिक विवाद समाधान तंत्र के रूप में माध्यस्थ्यम (अर्बिट्रेशन) के समक्ष आने वाली समस्याओं को रेखांकित कीजिए। माध्यस्थ्यम और सुलह (मंशोधन) अधिनियम, 2019 भारत में माध्यस्थ्यम व्यवस्था को कैसे सुदृढ़ बनाता है?

Art 51(d) talks about International dispute redressal through arbitration; similarly, Arbitration and Conciliation Act, 1996 along with Legal Services Authority Act 1987 promotes Arbitration as alternative mechanisms for dispute redressal.

Issues facing Arbitration in India

- ① Lack of Structure and experienced arbitrators in India
- ② Arbitration is seen as alternative, not a main source of dispute redressal.
- ③ Business Arbitration is expensive than Courts.
- ④ It is not based on proper lawful procedure.
- ⑤ Awards are sometimes not

enforced by courts.

Amendment Act of 2019 has called for setting up to Central Authority as well as State Authorities to check Arbitration.

↳ It will regulate the Arbitrations going in country and States.

↳ Promotion of Arbitration in business matters.

↳ Making arbitration clauses as part of contracts enforceable in a proper manner.

↳ Proper Panel of Arbitrators to be made at State & National level.

Similarly for International Arbitration New Delhi Arbitration Authority Act 2019 has been passed. These acts will strengthen justice delivery process by making it speedy, reducing burden of Courts.

- 8: The idea of Civil Services Board has been widely hailed as a key civil services reform, however it is not without its own limitation. Comment.

(150 words) 10

एक महत्वपूर्ण सिविल सेवा सुधार के रूप में सिविल सेवा बोर्ड के विचार का व्यापक रूप से समर्थन किया गया है, हालांकि इसकी भी अपनी सीमाएँ हैं। टिप्पणी कीजिए।

Civil Services Board will ensure fair recruitment, removal and service conditions.

Merits: ① Effective Recruitment procedure.

② More efficient bureaucracy.

③ Merit - being strengthened.

④ Departmental Procedures to be ensured just, fair and equitable.

⑤ Lesser influence of Politicians.

Demerits: ① delays in procedures.

② More - paper work and red-tapism.

③ Lesser control of Political executives will lead to lowering down mandate of people.

④ Bureaucratic machinery might get more strengthened and hence powerful to become whimsical & arbitrary.

Civil Services Board will ensure efficiency and effectiveness in the administrative system; but this board shall follow law in letter and spirit to respect democracy.

9. What are the issues ailing Citizen's Charters as an effective tool for holding public servants accountable? How can these issues be addressed?

(150 words) 10

लोक सेवकों को जवाबदेह बनाने के एक प्रभावी साधन के रूप में नागरिक चार्टर को पंगु बनाने वाले मुद्दे कौन-से हैं? इन मुद्दों का समाधान कैसे किया जा सकता है?

Citizen Charters are documents that provide effective knowledge to citizens and check quality of work by public servants. It promotes transparency & efficiency.

Issues : ① No proper law to make Citizen Charters compulsory.

② No penal provisions for not following the procedure laid in citizen Charters.

③ Grievance redressal mechanism is weak.

④ People are less aware of Citizen Charters. ~~Most of~~

⑤ Citizen Charters, being tool for citizens are crafted by public servants.

Addressing the Issues)

- ① Proper laws to make citizen Charter compulsory,
- ② proper implementation of these laws.
- ③ Proper & rational grievance redressal mechanism
- ④ Involvement of people while making citizen Charter.
- ⑤ Proper awareness among people about effectiveness of Citizen Charter.
- ⑥ They should be in multiple languages as per demand of population to be served.

Second ARC Report, under Sevottam formula stressed upon Citizen Charter along with grievance redressal and capacity building to make public services more efficient, effective, transparent and qualitative.

10. The office of the Lokayukta has been in place in many states for a long time. Discuss the issues faced by this office in exercising its functions effectively. (150 words) 10

लंबे समय से कई राज्यों में लोकायुक्त का पद चिद्यमान रहा है। अपने कार्यों के प्रभावी संचालन में इस पद के द्वारा सामना किए जाने वाले प्रमुख मुद्दों पर चर्चा कीजिए।

Lokayukta is the term used for Ombudsman at state level. This is concept taken from Scandinavian countries to make governance free from corruption.

Purpose of Lokayukta is to take action on complaints of people regarding public servants, but it has following issues:-

- ① States do not have uniform laws.
- ② No funds given properly
- ③ Few states like Bihar have given this responsibility to other service officials of state, overburdening them.
- ④ No proper staff - No separate Infrastructure.
- ⑤ If some states have law, they

have vacancy of office

⑥ Lokayukta has no dedicated investigation staff. He is dependent on other offices.

⑦ His decision is not binding only recommendatory in some states

⑧ Cannot give penalty ~~provisions~~ as there are no penal provisions, except departmental action in some cases.

To fight corruption, need of the hour is to strengthen this office.

→ Mode Lokayukta law to be made by Centre States shall follow.

→ Lokayukta given status of Judge of High Court.

→ Proper office, staff, funds and other infrastructure must be given.

→ Proper Penal provisions in law.

Lokayukta Office must be given teeth, so that corruption can be fought against effectively.

11. Highlight the Quasi-Judicial and Advisory functions of the Election Commission of India. (Do you think the powers of the Election Commission need a relook in context of the challenges it has faced in recent years?)

(250 words) 15

भारत निर्वाचन आयोग के अर्द्ध-न्यायिक और परामर्शी प्रकार्यों पर प्रकाश डालिए। क्या आप मानते हैं कि हालिया वर्षों में निर्वाचन आयोग द्वारा सामना की गयी चुनौतियों के संदर्भ में इसकी शक्तियों को पुनरीक्षित करने की आवश्यकता है?

Article 324 provides for Election Commission of India to supervise, control and manage the elections to Parliament, State legislature, President and Vice-President. So, it is harbinger of democracy in India.

Quasi-Judicial Functions

① Regarding Political Parties:-

- Registering political parties and assigning them symbols by inquiring the criteria & resolving conflicts.
- Check on Political Parties while they campaign to see through Model Code of Conduct being followed.
- Taking action or highlighting if Political Parties violate the model code of conduct

- ② With Respect to nominations : —
- Scrutinising nomination papers and authenticity of documents
 - Rejecting the nominations and giving opportunity of being heard

- ③ Elections : — If there is misconduct
- like rigging of polling booth,
 - sale and purchase of votes,
 - carrying weapon in election premises
 - postponing or cancelling elections if polling booths disrupted or violence happens.
- Such actions taken are quasi-judicial in nature

Advisory as well as quasi-judicial :

- ① Under Art. 102 and 103, and President disqualifies the legislatures after taking advice from Election Commission. (Recommendation)
- So checking the disqualification on basis of office of profit, conviction, violation of Representation

of Peoples Act, 1951, multiple seats, etc. is quasi-judicial function of Election Commission

② Similarly v/A. 191 and 192 Governor is recommended regarding disqualification of MPs in the States.

Recommendation in above 2 cases is binding on President and Governor respectively.

③ Similarly during elections, the date is 1st decided by Election Commission and finally notified by President.

④ During National Emergency, EC advises the Parliament that elections are not possible to be conducted. This advisory function allows extension of National Emergency, similar is case of extension of State Emergency.

Election Commission [powers need to look]

- MCC should be recognised and penalised by law.

- High level Committee should choose it.

- Salary to be changed from consolidated Fund of India. EC strengthens democracy.

12. Asymmetry as an important characteristic of the Indian federalism has helped cater to the specific needs and requirements of some sub-units. (250 words) 15 Explain.

भारतीय संघवाद की एक महत्वपूर्ण विशेषता के रूप में असममिति ने कुछ उप-इकाइयों की विशिष्ट जरूरतों और आवश्यकताओं को पूरा करने में सहायता की है। व्याख्या कीजिए।

KC Wheare has called Indian Federalism as 'Quasi-Federal' structure, as it is tilted towards Centre. This has dual function → ensures federalism
→ ensures Integrity and Unity of Nation

Federal Features are - written constitution, division of powers in 3 separate list (Art. 246 & w/ Schedule 7, List I, II, III), Independent Judiciary (Art. 131), Proper structure of State legislatures as per constitution and bicameral legislature at centre, etc.

Asymmetry because Centre has :-
① Control over more subjects in Union List than State list (100, 61)
② Residuary Power with centre (248)
③ Indestructible Union of destructible States. Boundaries of States can be changed by Parliament by law. (Art. 3)

- ④ Power over State list subjects during-National Emergency, (Art 250),
-International Treaty Enforcement (Art 253)
-Rajya Resolution in National Interest (Art. 249)
-President's Rule (Art. 356) is with
Centre. (4A) States depended on Union for Funds.

- ⑤ Emergency in States (Art 356)
⑥ Position of Governor, nominated by Centre.
⑦ Art. 256-257 - Execution of laws in accordance with central laws and Centre can give direction to states.
⑧ President's Power to declare Scheduled Areas in States (Schedule 5)
⑨ Similarly Schedule 6 Areas as Autonomous Districts & Councils created by Centre (Presⁿ controlled by Governor who is nominated by Centre).

Positive Effects of this asymmetry.

- ① India is -crusible of diversities with separating tendencies in few sects of Country. Art. 3, 356 and 355.

ensures their integration with country.

② Promotion of Welfare of Tribal People under scheduled Areas (Sch. 5 & 6) is taken up by centre for their welfare.

③ Important subject with centre like Defence, International Relations, Communication promotes uniformity throughout the country.

④ Emergency Provisions are just to be used in emergency, they are not permanent in nature.

⑤ Fiscal Federalism of Indian Constitution caters to the need of all states as per lawful principles. This gives justice.

Such asymmetric division of Power ensures Unity and Integrity as well as Federalism. Federalism is basic structure of Constitution as held by SR Bommai Case. Indian Constitution strives for Cooperative Federalism.

13. District Planning Committees (DPCs) have been envisaged as a vital link in the process of bottom-up planning. In this context, highlight the factors that are hampering the bottom up planning process through DPCs. What measures can be taken to strengthen the DPCs? (250 words) 15

जिला योजना समितियों (DPCs) की परिकल्पना ऊर्ध्वगामी नियोजन की प्रक्रिया में एक महत्वपूर्ण कड़ी के रूप में की गई है। इस संदर्भ में, DPCs के माध्यम से ऊर्ध्वगामी नियोजन की प्रक्रिया को वाधित करने वाले कारकों पर प्रकाश डालिए। DPCs को सुदृढ़ बनाने हेतु क्या उपाय किए जा सकते हैं?

District Planning Committees are mandatorily to be made as per 73rd and 74th Constitutional Amendment 1993 which is part of Part IX-A of Constitution. It promotes grass-root level democratic-decentralisation.

District Planning Committees promote bottom up planning because they comprise of Panchayat representatives, Zila Zonal level Representatives, Zila Parishad Representatives, along with District bureaucracy and MLAs and MPs (as the law of States may provide).

Issues :- (1) DPCs are mostly hijacked by state-bureaucracy.

- (ii) The representatives of Panchayats Raj Institution are not that educated or liberate to have active participation in district planning.
- (iii) Funding is basically controlled by States, and, bureaucracy if funds are released by States.
- (iv) Devolution of Power to Panchayats as per Schedule 1 and to municipalities as per Schedule 12 ^{of Constitution} have not been made properly with regard to funds and collection of taxes.

So planning without power, funds and structural linkages cannot bring outcome, hence it is not effective.

Measures to strengthened DPC :-

- ① Head of DPC should be from Zila Panchayat Representative, elected by members.

- ② Bureaucracy should act as Sectariat to the District Planning Committee. Its area of working should be limited and well defined.
- ③ District Collector should be executive-head of DPC and to execute the plans properly.
- ④ Law should devolve mandatorily ~~power~~ as mentioned in Schedule 11 and 12 of Constitution.
- ⑤ States should devolve proper funding as decided by state finance commission.
- ⑥ Taxing Power to be given and some mandatory taxes to be implied (by State laws) by Panchayat.

If Panchayati Raj Institutions have proper power, funds and well-defined functions, with least bureaucratic interference, they can make and implement plans effectively and efficiently at grass root level.

14. The philosophical underpinnings of the Indian constitution can be best understood through its preamble inspired by the Objectives Resolution in the constituent assembly. Elaborate. (250 words) 15

भारतीय संविधान के दार्शनिक आधारों को संविधान सभा में प्रस्तुत उद्देश्य प्रस्ताव से प्रेरित इसकी प्रस्तावना के माध्यम से सर्वोत्तम तरीके से समझा जा सकता है। सविस्तार वर्णन कीजिए।

Preamble is the Preface to the Indian Constitution, which as enshrined in it the principles, faiths and aspirations of. 'We the People' of India.

In Constituent Assembly, Pt. Jawaharlal Nehru moved objective Resolution and was adopted in January 1947 by the Assembly. Later on, this inspired to form Preamble on 26th November 1948 when Constitution was adopted.

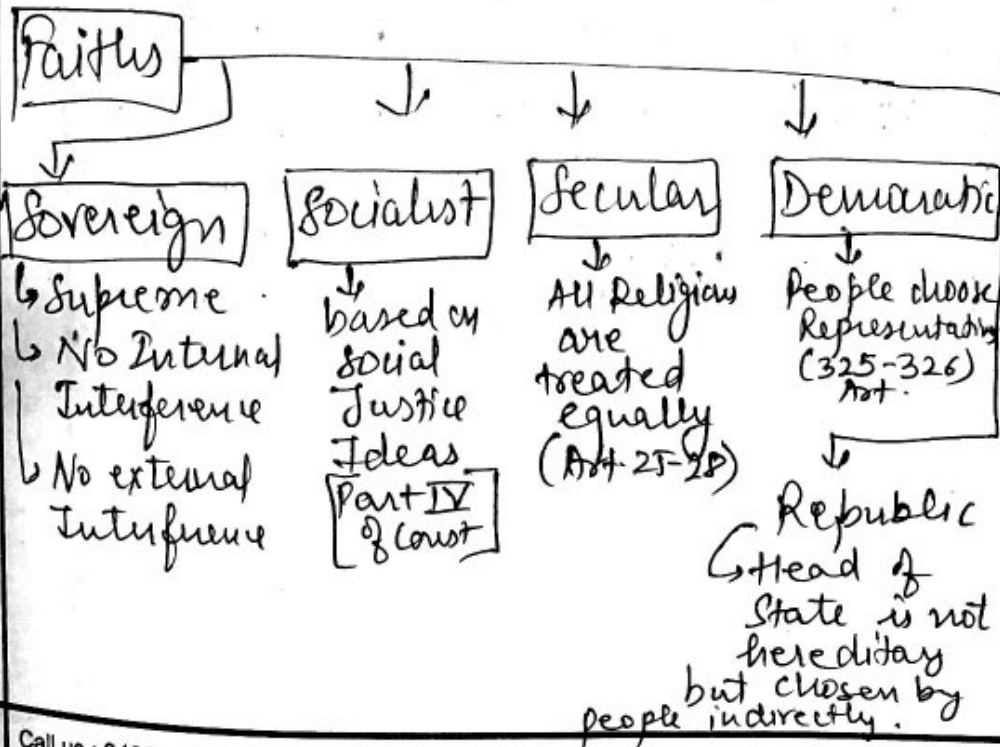
It contains Philosophy of Constitution. Supreme Court in Re-Bombard Case 1960 held, that Preamble is the key to open the intentions and principles that guided the Constitution makers.

Similarly Mani Palkiwala, the jurist called Preamble as Identity Card of Constitution.

It helps understand Constitution better as it was decided in case of Keshavnanda Bharti vs Union of India as it helps in interpretation of Constitution, if there is in conflict in the provisions. Also, it decided that Preamble is part of Constitution & hence it can be amended.

Philosophy of Indian Constitution :-

based on Faiths & Aspirations of people of India (the People) which means Indian People are supreme.



Aspirations → Equality of opportunities & treatment (Art. 14-18)

→ Freedom of speech, thought, expression, belief and faith (Art. 19 & 25)

→ Justice - Social, Equal, Political & Economic (Part IV - Directive Principles along with Part III)

→ Unity, Integrity, Fraternity

↓
This shows India is Union of States, based on Unity in Diversity, where all treat each other with Respect and Dignity - Part IV-A - (fundamental duties)

Inspired by Objective Resolution of the Constituent Assembly, the philosophy of Constitution is very well narrated in the Preamble of Constitution, which ^{almost} has all the principles which are part of basic structure of Indian Constitution.

15. How is structure and electoral process of Rajya Sabha different from Lok Sabha? Do you think Rajya Sabha has been able to perform its envisaged role in recent times?

(250 words) 15

राज्यसभा की संरचना और निर्वाचन प्रक्रिया लोकसभा से किस प्रकार भिन्न है? क्या आप मानते हैं कि हाल के दिनों में राज्यसभा अपनी परिकल्पित भूमिका के निर्वहन में सक्षम रही है?

Indian Polity has Bicameralism as Federal Feature, which came into existence with The Government of India Act of 1919. It means 2 houses at Centre, Lok Sabha and Rajya Sabha.
Lok Sabha → directly elected by people
Rajya Sabha → representatives from of States (Indirectly elected).

Structural Difference of Rajya Sabha and Lok Sabha

Rajya Sabha

- It has 245 members
- It is Permanent house - Not dissolved at all.
- Tenure of Members is 6 years
- Speaker is Presiding Officer. (One of MPs) (Elected among them)
- It is lower house

Lok Sabha

- It has 543 members
- Temporary house - Dissolved after 5 years (mostly)
- Tenure of Members is 5 years.
- Chairman is Ex-officio Vice-President of India
- It is upper

Rajya Sabha

- Vice President is ex-officio chairman. (Not elected by members)

- It is ~~Lower~~ ^{Upper} house where MPs are indirectly elected by people (House of Elders)

- Only 2 VTs represent themselves

Lok Sabha

- Speaker, elected by MPs of Lok Sabha is the presiding officer

- It is ~~Upper~~ ^{Lower} house or house of Elders - MPs are ~~indirectly~~ ^{directly} elected by state people

- All VTs have their representatives

Difference in Electoral ProcessRajya Sabha :

- Indirect Election

- Proportionate Representation by Single transferable vote

- Each State has to send fixed no. of MPs as per State's population (Schedule-IV of Constitution)

Lok Sabha

- Direct Election

- First Past the Post system of Election

- Each State is divided into Constituencies, allotted seats as per proportion of population as decided by Delimitation Commission

- | | |
|---|--|
| <ul style="list-style-type: none"> - No Reservation of SC/STs - MLAs of respective States vote to send their representatives to Rajya Sabha - Minimum age to Contest Election - 30 yrs | <ul style="list-style-type: none"> - Reservation of SC/ST as per proportion of their population - People above 18 years whose name is on Electoral Roll send their representative by direct election - Minimum age to Contest Election - 25 years |
|---|--|

Performance of Rajya Sabha :-

- ① It represents interest of States, and this role has been played well.
 - ② proper deliberation of laws. Unjust laws are sent back to Lok Sabha.
 - ③ Nomination from arts, language, literature, social sciences and science has given proper representation to specific areas be it Cable TV laws or Film Certification laws.
 - ④ Creation of Indian Forest Service as all India service in 1966
- Overall, it has done its job; but recently due to Ruling party majority in Rajya Sabha, certain Acts are passed in haste. This must be checked. Rajya Sabha should play role of effective deliberator.

Don't write anything in margin
(इस भाग में कुछ न लिखें)

16. A sound legal framework / robust institutional mechanism for establishing rule of law / competent and dedicated workforce and decentralization / and delegation are some of the necessary preconditions for good governance. Elaborate. (250 words) 15

एक सुदृढ़ विधिक ढांचा, विधि के शासन को स्थापित करने के लिए मजबूत संस्थागत तंत्र, मक्षम और समर्पित कार्यबल तथा विकेंद्रीकरण एवं प्रत्यायोजन सुशासन हेतु कुछ आवश्यक पूर्वपेक्षाएं हैं। सविस्तार वर्णन कीजिए।

Good Governance means transparency, accountability, answerability and fair-decision making, while allocating resources for welfare of people.

This can be ensured by :-

① Sound legal frame work :- Checks and Balances on Executives and legislature (Art-32, 14, 226).

- Justice to all with equality and Equity as per procedure Established by law & due process of law (Art-21 and Mandika Gandhi Case)

② Robust Institutional Mechanisms for Establishing Rule of Law :- Rule of law means no one is punished by courts without authority of law.

- It ensures there is no discrimination on basis of caste, colour, creed, sex, etc

Judicial Review (Art. 13 & w-32) ensures
there is no arbitrariness (Art. 14
read with Art. 32 and Art. 226)

- RTIs also ensure Rule of Law.
- Art. 15, 16, 17, 18 promote Rule of Law
- Higher Court, Supreme Court,
Subordinate Courts (233), Indian
Penal Code, (IPC (1976)), Legal
Services Authority Act, 1987 provide
proper mechanism to enhance
Rule of Law in India

③ Competent and dedicated Workforce

- Civil Services to be recruited by
UPSC and State PSC (315-319)
- This will ensure merit and
capability to run the Country.
- Dedication will ensure proper
division of Labour for effective
allocation of Resources.

Competent Bureaucracy along
with proper Legislatures and
Executive Branch has to ensure
this

① Decentralisation and delegation ensure participative decision making - eg - Panchayati Raj Institutions.

Absence of Above ④ mechanisms :-

- ① Absence of Sound Legal Framework will lead to arbitrariness and totalitarianism (Nazi Germany)
- ② Robust Institutional Mechanism to promote rule of law if Absent, then law will just be in letter, with anarchy and corruption all around.
- ③ Without Competent and dedicated work force - There will be no proper division of labour - More corruption will prevail - nepotism will be the rule. - No welfare State
- ④ Effective decentralisation and delegation if absent, then absolute power will corrupt absolutely. Discretion without involvement of people will again lead to Anarchy.

So the above components together ensure Justice, transparency, welfare, rule of law, participation and checks and balances, which helps in Good Governance.

17. Highlight the need of citizen engagement in e-governance projects in India. In this context, mention the framework adopted by NeGP for citizen engagement.

(250 words) 15

भारत में ई-गवर्नेंस परियोजनाओं में नागरिक सहभागिता की आवश्यकता पर प्रकाश डालिए। इस संदर्भ में, नागरिक सहभागिता के लिए NeGP द्वारा अपनाए गए ढांचे का उल्लेख कीजिए।

Citizen Engagement in governance ensure participation in decision making process i.e. it strengthens democratic ideals as enshrined in Constitution of India.

E-governance means incorporation of electronic technology in ways of governance.

① Ensures Participatory Democracy

① It ensures better Targeting of Programmes e.g. DBT Schemes

② Citizen Empowerment

Need of
Citizen
Engagement
in
E-Governance

② Increases Awareness among Citizenry

③ Makes E-Governance Citizen Friendly

④ Citizens play role of checking and this ensures efficiency

⑤ Effective Governance as it will be based on outcomes

If there is no citizen's involvement in E-governance :-

- ① Citizens and governance will have gap/divide
- ② E-governance will not be citizen friendly and not based on outcomes
- ③ Citizens' role if passive - will lead to dissatisfaction among citizen
- ④ Cease of Governance will be lacking if citizens are not involved.

NeGP i.e. Nation e-Governance Policy chalked out by Ministry of ~~Electronic~~ Information and Communication Technology in 2006 to strengthen e-governance. It has various schemes like Digital India, Common Service Centres part of it.

NeGP's framework on Citizen Engagement talks about engaging citizens so as to have 2-ways communication with citizen by asking what are their demands.

- ② Consulting Citizens for improving e-services
- ③ Taking reviews of Citizens
- ④ Checking their grievances.

This is to be done by :-

① E-Consultation :- Feedback to be taken

② Citizenship Engagement Fund to enhance Citizenship Engagement tools like Social Audit, Citizen Charters, etc.

③ Pilot-services like Suvidha Centres, then improving and then Pan India level launch of such services

④ Time-to-time Review taking and Capacity Building.

This will empower the citizens and enhance democracy of our country by engaging citizens. Also the e-governance will get more efficient.

18. Identify the different issues associated with the design and implementation of MGNREGA. What reforms have been taken in recent times to address the above-identified issues? (250 words) 15

मनरेगा (MGNREGA) की अभिकल्पना और कार्यान्वयन से जुड़े विभिन्न मुद्दों की पहचान कीजिए। उपर्युक्त चिन्हित समस्याओं का समाधान करने के लिए हाल के दिनों में क्या सुधार किए गए हैं?

MGNREGA - It is a statute based welfare unemployment Generation and Employment Guarantee. ~~It~~ programme of India, started in 2005 after suggestions by Economist Jean Drere.

Issues Associated with Design of MGNREGA :-

- ① It provide employment ^{guarantee} only for 100 days in year.
- ② It is only for Rural areas.
- ③ Only one person of Rural-household is employed as per guarantee
- ④ Not in Urban areas.
- ⑤ Funds come from District Authority are delayed.

Issues in Implementation

- ① Above poverty line people, who are well off - Siphon off the money

- which is meant for poor households. (2) Work to be approved by District Collector.
- (2) Area of work is unproductive
 - (3) 60% fund is for Employment wages only 40% is used for creating Infrastructure.
 - (4) Procedure to register is cumbersome and not so easy.
 - (5) Corruption - as funds are misused by powerful bureaucracy or leaders.

Reforms :-

- (1) Muster Rolls to keep check
- (2) Social audits to be done
- (3) Muster Rolls to be laid before Gram Sabha of Village
- (4) Works should be productive
- (5) Tying up MGNREGA with other policies like Swatch Bharat Scheme, National Water Mission, Jal Shakti Abhiyan. So funds for Infrastructure can be taken care of.

- ⑥ Easy Registration Process
- ⑦ Direct benefit Transfer of the wages into accounts.

Above reforms are good but not sufficient :-

- ① More power & funds to be given to village Panchayat
- ② District Collector rather than approving work, should keep a check and act as a guide.
- ③ Better Targetting should be done.
- ④ Rather Urban poor should be targetted as well.

MGNREGA provides employment and development at grassroot level. Money in hand of poor will increase demand and hence boost village economy & consequently national economy.

19. Explain how the linkage between banks, NGOs and SHGs helps in facilitating access to microfinance and contributes to the development of rural areas.

(250 words) 15

स्पष्ट कीजिए कि बैंकों, NGOs और SHGs के मध्य संपर्क किस प्रकार सूक्ष्म वित्त तक पहुँच को सुविधाजनक बनाने में सहायता करता है तथा ग्रामीण क्षेत्रों के विकास में योगदान देता है।

Self Help Groups are created under Swarnajayanti Gram / Shehar Swarojgar Yojna, now called Deen Dayal Upadhyaya Employment Generation Scheme. They help in creating Self-Employment.

Group of people join, come together, pool money, invest and lend and invest. They become financially independent.

Role of NGOs : ① They guide and make people aware of / for SHGs.

② NGOs guide SHGs to make proper investment.

③ NGOs take people to bank if they are not aware.

④ NGOs monitor and does hand-holding of SHGs.

Role of Banks - Banks give collateral free loans to SHGs

② Banks give this loan at cheap rates (part of their priority sector lending)

③ Interest Subvention Schemes.

Role of SHGs - Now, these SHGs which are made by people will lend money to people who are part of SHGs.

- They can use this loan for private purposes & investment
- Group ensures that loan is paid back within time
- They ensure further that loan of bank is also returned on time.

In this way Banks, NGOs and SHGs together facilitate micro finances and make money available to people at cheap rates. This

economic development of rural people.
Eg. Bangladesh Cooperative Bank
for SHGs - esp. women. Such
SHGs helped in empowerment
of marginals esp. women and
~~SHGs~~ ST/SCs.

20. There is no strict separation of powers under the Indian Constitution, with the executive, legislature and judiciary empowered to carry out functions, which may be considered within the purview of the other. Discuss.

(250 words) 15

भारतीय संविधान के अंतर्गत शक्तियों का कोई कठोर पृथक्करण मौजूद नहीं है, जिसमें कार्यपालिका, विधायिका और न्यायपालिका को उन कार्यों को संपादित करने हेतु सशक्त किया गया है जिन्हें दूसरे के क्षेत्राधिकार में शामिल माना जा सकता है। चर्चा कीजिए।

Separation of Powers is basic feature of basic structure of Indian Constitution. But Indian Separation of Power is not strict compartmentalisation into water-tight pockets, as envisaged by Montesque (as seen in USA); rather our Parliamentary system is based on checks & balances and slight overlaps.

- Separation of Power in Indian Constitution
- ① Division of Power b/w Legislature, Executive and Judiciary is seen throughout Constitution:-
- Legislature - Law making Power (107/18)
 - Executive - Law Enforcement (53-54, 256 257)
 - Judiciary - Adjudication Power (Art. 32/226)
- ② This is based on division of Labour of Max Weber

Slight Overlaps - ensure checks

- ① Judiciary Role of Legislatures :-
 - Impeachment of President (A61)
 - Removal of Judges of SC/HC (124)
- ② Executive Role of Legislatures :-
 - ① Collective Responsibility of Council of Ministers to Lok Sabha (A-75)
 - ② Revoking National Emergency (352)
 - ③ Approving promulgation of emergency (352, 356, 360)
- ③ Judicial Role of Executives :-
 - ① Appointment of HC & SC Judges (124A)
 - ② President disqualifying MPs & MLAs.
- ④ Legislative Role Executives :
 - ① Ordinance making power of Governor / President (123 Art)
 - ② Sub-delegation of law making powers.
 - ③ Good Governance Regulations in UTs.
- ⑤ Legislature Role of Judiciary:
 - ① Forming Rules of SC/HCs.
 - ② Checking Constitutionality of Laws.
- ⑥ Executive Role of Judiciary
 - ① Checking Constitutionality of Executive Orders.

Above given are few instances from Indian Constitution, where 3 organs have overlapping functions.

Benefits of this system:- Suitable for Indian Politico-Administration. As in India, Constitution is supreme, neither the parliament, nor the judiciary; this is fine balance ensures Constitutional sovereignty.

Caution: Excessive Interference in other organ's domain amounts to overreach which is not permissible as per Constitution. Judicial Activism is fine, but not judicial overreach. Similar is the case with other 2 organs.

Indian Separation of power ensures Constitutional sovereignty, making working of Indian - Politico-Administration more efficient, effective and strong.