



VISION IAS

www.visionias.in

VISION IAS

R

N

26 MAR 2016

SUBMITTED IN 3 HOURS
RECEIVED

GENERAL STUDIES (TEST CODE : 766)

Name of Candidate	Dr. Bilal Mohi ud din Bhat		
Medium Hindi/Eng.	English	Registration Number	21654
Center	Rajender Nagar	Date	26/03/16

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 HINDI and ENGLISH.
इसमें बीस प्रश्न हैं तथा हिन्दी और अंग्रेजी दोनों 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।

75, 3rd Floor, Old Rajinder Nagar Market, Near Axis Bank, New Delhi – 110060

103, 1st Floor, B/1-2, Ansal Building, Behind UCO Bank, Dr. Mukherjee Nagar, Delhi – 110009

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. Legislative Councils in states are expensive and otherwise superfluous legislative appendages. Examine the utility of legislative councils in this context. Also, comment on the procedural aspect of setting up and abolishing them.

राज्य विधान परिषदें महंगी और अनावश्यक विधायी उपांग हैं। इस संदर्भ में विधान परिषदों की उपयोगिता की जांच करें। इसके अतिरिक्त इनके सृजन व उत्सादन के प्रक्रियात्मक पहलुओं पर टिप्पणी करें।

Legislative Councils are created by the State governments by the Central govt.'s approval. The formation of Legislative Councils are are not uniform throughout the country. Only 8 States have formed Legislative Councils.

Legislative Councils are membered with indirect and nominated people and all the bills pass through this house. But it does have any power over all kinds of bills to withhold its assent. It acts as a Superfluous appendages to delay the course of action started by the Legislative assemblies.

on the other hand it is a burden on the consolidated fund of the state. It sucks resources (Scarce) without yielding legislative benefits. Hence it is a functional paralysed body whose overall benefits for the state is less.

Only utility one can see with legislative councils is they act as a medium of "blessed delay". The hurry of legislative assemblies can lead to errors and hence legislative Councils can delay the action. In the meantime a "rethink" outlet can be sought out.

legislative council can also suggest the inputs in the bill because of its members, which are

from all aspects of the society.
(local bodies, municipalities, teachers etc)
It gives a stable sanctity to the
already wielded powerful legislative
assemblies.

Legislative assemblies can pass
a resolution which is sent to the
parliament. It is the discretion of the
parliament to pass or reject the bill,
for the creation of legislative councils.
No such act should be considered as
the amendment of the constitution
under 368.

2. While some argue that Article 3 provides usurping powers to the center at the cost of states, according to others it enables the Parliament to maintain and preserve federalism as enshrined in the constitution. Discuss. Is it time to have a relook at Article 3 in the spirit of co-operative federalism?

जहाँ कुछ लोगों का तर्क है कि संविधान का अनुच्छेद 3 राज्यों की कीमत पर केंद्र को अनन्य शक्तियां प्रदान करता है, वहीं दूसरों के अनुसार, यह संविधान में निहित संघवाद को बनाए रखने तथा संरक्षित करने के लिए संसद को सक्षम बनाता है। चर्चा कीजिए। क्या सहकारी-संघवाद की भावना के अनुरूप अनुच्छेद 3 पर पुनः विचार करने का समय आ गया है?

Article - 3 of Constitution deals with the

- 1) creation of new States,
- 2) alteration of the borders
- 3) changing the name of the State.

It can be exercised by the parliament of the India, with inputs from the States, but that is not binding on the Lok Sabha.

Since India is "Indestructable Union of destructable States". The union of India is federal (as per the B. R. Ambedkar) in nature but this federation is not formal agreement

between states. It may be called as Qualified Federal, Quasi-federal or Federal with centralizing features. The nature of our union has led parliament to exercise its discretion in creation, alteration and changing names of the state under article 3. States have no role or limited role in the decision. This is a strong central feature.

on the one hand it may look harsh and violation of federal features but at the same time it has brought the stability and cohesion in the diversity of this unique federal nation. The creation of new states, altering boundaries have assured the unity of India as

Strong federal nation. It allowed to vent out the feelings of a section of community who are culturally, linguistically different the state as a whole. eg. creation of Andhra Pradesh, Uttarakhand etc. Also administrative arrangement (NE States).

But in the era of cooperative federalism and competitive federalism, the role of state government cannot be overlooked. Thus time has come to a stage where article - 3 would assure a "Consensus" approach rather "compulsive". The amendment of article-3 can be done where the role of state can be increased in the era of neo-federalism.

3. While the British Parliament is a sovereign legislature, the Parliaments of India and USA are non-sovereign legislatures. Explain. Also, compare the organisation and powers of the Indian Lok Sabha with the British House of Commons.

जहाँ ब्रिटिश संसद एक संप्रभु विधायिका है, वहीं भारत और अमरीका की संसदें गैर-संप्रभु विधायिकाएं हैं। स्पष्ट करें। इसके अतिरिक्त, हाउस ऑफ कॉमन्स और भारतीय लोक सभा के गठन की प्रक्रिया और शक्तियों की तुलना करें।

British parliament is Sovereign legislature because it has unwritten constitution and is the supreme law of the land. No other organ of state can override the British parliament. on the other hand the legislature of USA and India are non-sovereign because there have written constitution and the law passed by the legislature is subjected to the judicial scrutiny. The judicial review is the feature of constitution which allows judiciary to see the law under the focus of

Constitution of India (ultra vires if).

The Written Constitution of USA & India is Supreme and not the parliament.

There is not much of difference between British House of Commons and the Lok Sabha in terms of power & Structure

4. While Fundamental Rights are crucial to the survival of a vibrant democracy, Fundamental Duties are equally important. While enumerating the Fundamental Duties, discuss the statement.

जहाँ एक जीवंत लोकतंत्र के अस्तित्व के लिए मौलिक अधिकार अत्यंत महत्वपूर्ण होते हैं, वहीं मौलिक कर्तव्य भी समान रूप से महत्वपूर्ण होते हैं। मौलिक कर्तव्यों को चिन्हित करते हुए प्रस्तुत कथन पर चर्चा कीजिए।

Fundamental Rights are part-III of the constitution. They are justiciable and enforceable in the nature. Fundamental Rights are mostly the negative obligation on the state (to do or not to do).

Fundamental rights are at the core of democracy. The evolution of democratic setup started with recognition of some human rights as basic rights which state have to give to its citizens (Bill of Rights) (Magna Carta 1615).

It led to the recognition

of a citizen and build a relationship between the state and citizen. The aspiration of freedom and liberty was assured which led to the evolution of a citizen. The faith ~~of~~ⁱⁿ democracy grew firm in the form of Rule of law, Equality, freedom, Religious freedom etc. The consequence of enjoying the fundamental right comes with the duties. Rights & duties are two faces of the same coin.

Fundamental duties evolution came only after 42nd amended. act of 1976 (borrowed from Soviet Russian Constitution) which includes "Respect for the national symbols, flag etc",

cherish the noble ideas of Indian Struggle, protection of environment, Right to free education, etc.

Fundamental duties ensures that the obligation is also on the part of the citizen. Since he/she is enjoying the rights, she/he shall also perform some duties. It makes democracy a two-way affair, reinforcing each other, strengthening each other. It leads to the situation of vibrant democracy where each of us knows our right and duty.

5. Several constitutional experts have found the process of appointment and removal of governor to be against the very grain of democratic traditions and constitutional propriety. Do you think that this process warrants a fresh look in context of recent controversies surrounding the post?

कई संवैधानिक विशेषज्ञों ने राज्यपाल की नियुक्ति व इसे हटाने की प्रक्रिया को लोकतांत्रिक परंपराओं की मूलभावना और संवैधानिक मर्यादा के विरुद्ध पाया है। इस पद से जुड़े हाल के विवादों को देखते हुए क्या आप इस प्रक्रिया की समीक्षा की आवश्यकता महसूस करते हैं?

Governor is appointed by the president of India on the aid & advice of the Council of ministers. He works under the warrant and seal of president.

Removal of Governor is done by the president. On both these events state government has no role. They are just watchers of the whole event.

Supreme Court of India held that "Governor is a Constitutional authority and not mere agent of center". Hence the removal of Governor should be done ^{in such a way} to maintain dignity of the Constitutional office.

It has been seen that when a new government is formed at the centre, the previous appointments of government regarding governors are quashed. Governors are asked to step down. This has led to the degradation of this constitutional authority.

On the other hand Governor works for the state with chief minister and Council of ministers. The irony is that state governments are not consulted at all leading to frequent clashes between centre and state.

In the light of the Sarkaria Commission which recommended that

- 1) Governor of state should be appointed with consultation of state.

2) The person appointed as Governor shall ~~be~~ should be from outside (i.e. not a resident of the state)

3) . Thus there is immediate need for the change in the way the Governor is appointed and removed. In this tide of Cooperative federalism, the Governor is Key and Interface between the centre and state. Thus we need to augment the relationship between the Governor and Council of Minister for the betterment of the state. This can only be done by changing the way Governor (a Constitutional authority) is removed and appointed.

6. Repeated violations of the Model Code of Conduct (MCC) have raised questions on its effectiveness. In this light, discuss the idea of making MCC a part of Representation of Peoples Act, 1951.

आदर्श आचार संहिता (एम.सी.सी.) के बार-बार होने वाले उल्लंघन ने इसकी प्रभावशीलता पर प्रश्न खड़े किये हैं। इस आलोक में, आदर्श आचार संहिता को लोक प्रतिनिधित्व अधिनियम, 1951 का हिस्सा बनाने के विचार पर चर्चा करें।

Model code of Conduct is declared
by the Election Commission of India.
Just before the polling dates, ideally
2 weeks before polling dates. Model
Code of conduct ensures

- 1) Free and fair election.
- 2) Removal of bias.
- 3) Equal footing of all candidates
contesting for the elections.
- 4) preventing unethical practices
in ~~winning~~ attracting votes.
- 5) prevent the using of abusive,
inflammatory language against a
Community, Culture, Religion.

- 6) Avoid polarization of votes.
- 7) control the money buying of votes
- 8) Control muscle power of the candidates in fetching votes.

But in the recent past what we seen the violation of Model Code Code of Conduct. The examples are

- ① using money (distributing money) gifts etc
- ② Hate Speeches.

This have created a situation where the conduct of elections in a free & fair manner, has been undermined.

Fear among the minority community has led to polarization of votes. on the other hand Election Commission has failed to act in the direction to book these people under special laws,

Thus there is dire need of making model code of conduct "Statutory" in nature. This can be done by making it part of RPA, 1951 and ensuring that people are booked for the violation of it. It can also be a ground for the disqualification. This way the people will be deterred to violate it and help in ensuring the free and fair election.

7. The government cannot condition receipt of public benefits on waiver of fundamental rights. Discuss this statement in context of the recent issues raised in the Aadhaar petitions.

सरकार, जनता के समक्ष कल्याणकारी लाभों को प्राप्त करने के लिए, मौलिक अधिकारों के परित्याग की शर्त नहीं रख सकती। हाल ही में आधार कार्ड से सम्बंधित याचिका में उठाए गए मुद्दों के संदर्भ में इस कथन पर चर्चा करें।

Aadhaar platform which involves Identification of people (details and biometric) for the public benefits like PDS, DTB, Kerosene Subsidy, LPG Subsidy etc. Aadhaar is project under Ministry of IT (earlier PC & then with Ayog). It will ensure there is no leakage of subsidy and benefits reach to the beneficiary. Recently Aadhaar bill was passed as money bill, hence it got "statutory status".

It must be noted that Aadhaar platform generates essential data of a person only for the public benefits he get. The misuse of

Information by the security agencies and a mass surveillance can undermine the privacy of the individual. There are weak clauses related to the protection of information.

It is typical case of Right to privacy and Right to get benefits (public). Public benefits via Aadhar should not jeopardize his privacy.

The platform of Aadhaar should not make him vulnerable and which itself is violation of his fundamental right in Article 21 and 19(1)(a)

Thus government need to balance the issue of public benefit and

privacy issues. Public benefits to the citizen should be given in way he likes, not dictated by the single platform and principle of exclusion.

In this context, Fundamental rights violation will undermine the confidence of citizen. This platform can be a "mass violative" move of fundamental rights. Hence safeguarded mechanism should be placed in the Aadhar act.

8. Though the institutions protecting human rights and rights of the vulnerable sections are meant to act as watchdogs, they are treated as subordinate departments with scant regard for their autonomy or statutory character. Discuss the issues which these institutions are facing related to appointment, structure and functioning.

यद्यपि मानवाधिकारों और समाज के कमजोर वर्गों के अधिकारों की रक्षा करने वाले संस्थानों से इन अधिकारों के प्रहरी के रूप में कार्य करने की अपेक्षा की जाती है, लेकिन इन विभागों की स्वायत्तता या वैधानिक चरित्र के प्रति महज औपचारिक सम्मान प्रदर्शित करते हुए अधीनस्थ विभागों जैसा व्यवहार किया जाता है। इन संस्थाओं द्वारा नियुक्ति, गठन और कामकाज से संबंधित सामना की जा रही चुनौतियों पर चर्चा करें।

Protecting Human Rights and rights
of vulnerable in India is done by

- 1) National Human Rights Commission (NHRC)
- 2) National Commission for Women.
- 3) National Commission for STs
- 4) " " for SCs
- 5) " " minorities, etc.

All these Institutions except NC for SCs & STs, Linguistic Commissioners are Statutory bodies while as others are Constitutional bodies.

They act as watchdog and act if there is any violation of rights related to

SCs, STs, OBC, , Women , minorities etc.
They can act suo moto or on a
complaint.

But in the recent past there has been
deterioration of these Institution either
due lack of power, lack of funds
or Insufficient human Resource.

Appointment of chairman and members
are not done regularly hence creating
vacume in the functioning. This has
resulted in the less output to the
Service delivery of these Institutions.

on the otherhand these
Institutions lack the power to act
and bring justice to the affected
people. These Institution are advising
and recommendatory and hence the
onus lies on the govt. to accept or
reject the advises.

Interference in the functioning and influence over the appointment has led to the undermined the autonomy of these Institutions.

Hence there is a need to strengthen these Institutions which make them autonomous, free from the shackles of the executive so that they become champion of the down trodden and vulnerable section of society. Their strengthening would mean a strong democratic India with a strong social inclusion and where all sections of society have rights which cannot be violated.

9. Equality of seats among states in Rajya Sabha could not be adopted after independence because of the circumstances prevailing at that time. However, there is a need to take a fresh look at this. Evaluate.

स्वतंत्रता पश्चात् राज्यसभा में राज्यों के बीच सीटों की समानता की संकल्पना तत्कालीन परिस्थितियों के कारण नहीं अपनाई जा सकी। हालांकि इस पर नए सिरे से विचार करने की आवश्यकता है। मूल्यांकन करें।

Rajya Sabha elections take place indirectly by means of proportional representation, by means of single transferable vote. It is federal house where all states are represented.

Unlike the Federal house of USA where irrespective of area and population of the state, two members are elected. Thus it acts as a true federal house.

This system could not be followed in ~~the~~ India because of our different nature of prevailing socio-cultural and political equalisms.

The following are reasons -

- ① India is not true federal. It is "union of diversity" held together from generations.
- ② There was no agreement between the states to join federation.
- ③ Different aspiration, different groups ... all have to given representation which would not been possible if we followed equality principle.
- ④ Social disparity and was high.
- ⑤ the case of princely states.

Thus at the time of Independence, it was possible to make Raja Sabha a true representative of a federal nation.

In the present times where nation has moved forward unleashing its potential to grow. Inclusive and reducing social disparity, economic disparity among people throughout length & breadth of country, time has come to review the election of Rajya Sabha as a federal house. The equality principle should guide the future to make it more relevant and strong.

10. It is contended that the implementation of One-Rank-One-Pension (OROP) for the armed forces would create a severe strain on government finances. Explain the principles underlying the OROP and arguments that have been cited in its support as well as opposition.

यह दृढ़तापूर्वक कहा जा रहा है कि सशस्त्र बलों के लिए वन रैंक-वन पेंशन (ओ.आर.ओ.पी.) का कार्यान्वयन सरकार के वित्त पर एक गंभीर दबाव उत्पन्न करेगा। ओ.आर.ओ.पी. के अन्तर्निहित सिद्धांतों तथा इसके समर्थन एवं विपक्ष में दिए गए तर्कों की व्याख्या कीजिए।

One-Rank-one-Pension means the army person who have same rank and retired would have same pension irrespective of when he retired, when compared with other army person of same rank. If 'A' retired in 1998 as "captain"/major and gets 5000 pension. While as 'B' retired in 2015 as same rank (captain/major) and gets 40000 as pension. Then 'A' also should get 40000. This is the crux of OROP. It will be applicable to Army, Navy and Airforce.

It will bring extra burden on govt. exchequer of 8000

to 10000 crore and will increase in the future. It will further deteriorate the fiscal condition of the government.

on the hand the people who served nation in harsh conditions and huge disparity in the pension among the same ranks, makes us emotion to support the OROP. But the irrationality in its make up makes us "rethink" that a middle path could be made so that there is balance in the 'economic shock' and 'political shock'.

Rather than pushing all the people in the same slab with respect to same pension would create a huge burden. There must have been

lump sum money given to the people who retired earlier, rather than an equal footing.

With the increase in the average life expectancy, it is going to ruin the ~~public~~ money a govt. expenditure.

11. Article 311 of the Constitution has been a matter of much debate. Arguments range from its retention in its present form, or even strengthening it, to its total deletion. Comment.

संविधान का अनुच्छेद 311 बहस का महत्वपूर्ण विषय रहा है। इस विमर्श में इसे वर्तमान रूप में ही बनाए रखने, अधिक सशक्त करने से लेकर इसके विलोपन तक के मुद्दे शामिल हैं टिप्पणी करें।

Article 311 deals with the protection of civil servants in matter of their public working. It deals with the protection of AIS officers (IAS, IPS & IFS) and group - A Central Service officers from the arbitrary action of the department or govt. It says

- 1) Cannot be suspended by a authority subordinate to it.
- 2) to be informed within 30 days
- 3) Suspension cannot be done without the consent of the central govt.

on the one hand it—

- 1) brings confidence among the officers and they work freely without any pressure
- 2) efficient decision making.
- 3) Achievement of goals and the welfare of people.

on the other hand

- 1) it leads to the breeding of corruption
- 2) delays in the action to be taken in corrupt officers.
- 3) Used as a shield by the unscrupulous officers.

Some people who believe that "in the good faith" and

delivery of services, the article should be further strengthened so that no officer who is honest will suffer at the hands of politicians. This will bring officer to level playing field to work for betterment of society without fears and political biasism.

But more power to shield officers will breed corruption & unethical practices. One cannot seal off the working of officers from the transparency and accountability. There should be enough checks and balances, so to evolve a good fearless civil service in the evolution of democratic society.

12. While Public Interest Litigations have provided access to justice for the poor and the marginalized sections of the society but many vested interests have also misused it. In this context, examine the utility of PILs as a tool of social justice.

यद्यपि जन हित याचिकाओं ने समाज के निर्धन एवं अधिकार विहीन वर्गों को न्याय तक पहुंच प्रदान किया है, लेकिन कुछ निहित स्वार्थों के कारण इसका दुरुपयोग भी हुआ है। इस संदर्भ में, सामाजिक न्याय के साधन के रूप में जन हित याचिकाओं की उपयोगिता का परिक्षण करें।

Public Interest Litigation (PIL) is a means of getting Speedier Justice.

It started during 1970's and got evolved in the guidelines. It assured a new era of social justice.

PIL started in a case called Hussainara vs Home Minister Bihar
Khatoun

during 1970s. (led to release of 40000 undertrials).

PIL has used in

- ① getting social justice for the poor & marginalized who cannot go to courts because they have

no money to hire a lawyer.

② It is cheap source of justice
and no need of "locus standi" in
PIL.

③ "Amicus curae" has to play a
good role in PIL.

④ Environmental Conservation
eg. M.C. Mehta case
Vellore society case.

It must be noted that PIL
should be filed in case which
are

1) of great social / Large
mass social impact.

2) not in personal violation

• PIL is sourced from the

DPSP in 39A. (Speed legal
justice)

It must be noted that PIL have filed frivolously by certain NGOs, backed by the corporates. The only motive to "Corporate Conflict". SC has taken strong notice of these frivolous PIL and even asked for the compensation and damage suits.

Thus PIL is a sacred source of "cheap and wanted justice" for the poor and marginalized class. It is justice for the masses and hence should be followed with the guidelines notified by the SC of India. Proper inspection by the Screening Committee is done by the SC before accepting it.

13. What do you understand by alternate dispute redressal mechanism? Discuss the various tools of ADR. In light of the problems faced by the Indian judiciary enumerate the advantages of Lok Adalats.

वैकल्पिक विवाद निवारण तंत्र से आप क्या समझते हैं? वैकल्पिक विवाद निवारण तंत्र (ए.डी.आर.) के विभिन्न साधनों पर चर्चा करें। भारतीय न्यायपालिका के समक्ष पेश आ रही समस्याओं के आलोक में लोक अदालतों के लाभों का वर्णन करें।

Alternate Dispute Redressal mechanism are source of legal justice which is done in way different from the normal court works. They don't follow the Indian evidence act, CrPc, IPC etc. ADR is a broad term encompassing tools of

- 1) Arbitration.

- 2) Good will etc

It act as a cheap source of justice at the door steps of people. ADR are mechanism of giving justice to the petty matters involving with people.

Both the parties are ready for the arbitration. There is no lawyer. The case is heard by a judge and an local eminent person. The verdict is mutually respected and followed.

Lok adalats are one of the mechanism of ADR. Presently Indian judiciary is ~~as~~ faced with the ^{huge} litigation and because of less Judge - people ratio, the condition has worsened. The role of Lok adalat in this situation is tremendous.

Lok adalat

- ① works in a district
- ② mutual consent of the decision.

- ③ Quick and fast verdicts.
- ④ Large disposal of cases

Hence in the era of liberalised justice where more and more are knowing their rights and want justice, the role of Lok adalat has increased helping to reduce the pressure on already burdened higher judiciary.

14. Bringing political parties under the ambit of RTI will not only usher accountability and transparency in governance but will also be a major step towards electoral reforms. Discuss.

राजनीतिक दलों को सूचना के अधिकार अधिनियम (आर.टी.आई.) के दायरे में लाने से न केवल पारदर्शी एवं उत्तरदायी शासन की शुरुआत होगी बल्कि यह चुनाव संबंधी सुधारों की दिशा में एक बड़ा कदम होगा। चर्चा करें।

RTI as a tool of good governance
helps in bringing

- 1) Transparency + Accountability
- 2) Citizen oriented actions
- 3) Corruption free environment
- 4) Strength in the representative governance

After RTI act. 2005 the country
citizens ~~have~~ ^{are} already empowered
with knowing what is happening
in the govt. depts, what decisions
are affecting them etc. It has
made citizen more empowered & have
checked the arbitrary decision

making of the govt & administration.
political parties are still
opaque in their working. On the
race of electoral makeshift, there is
huge corruption and unethical
practices. Since political parties are
outside ^{RTI} ~~its~~ preview, citizen cannot
know the

- 1) Source of funds.
- 2) ways of utilization
- 3) other issues.

It becomes imperative on the
part of govt. to amend the RTI
act 2005 and bring political
parties under its preview so that
the transparency and accountability
can be maintained. The people

have right to know and this
will ensure —

- 1) funds are utilized for the
betterment of society (by P.P)
- 2) corruption free practices.

15. A generational shift in railway operations is required. In light of this, discuss the need for an independent tariff and safety regulatory authority of India.

रेलवे के संचालन में आमूलचूल परिवर्तन की आवश्यकता है। इस तथ्य के प्रकाश में, भारत के लिए एक स्वतंत्र प्रशुल्क टैरिफ एवं सुरक्षा नियामक प्राधिकरण की आवश्यकता पर चर्चा करें।

Railway sector is a public enterprise and largest public sector in India.

It has got huge multiplier effects and generate huge employment.

Right from the British era of "Guarantee system" to the complete control of state in its working after independence, railway sector has grown leaps and bounds. It must be noted that,

1) after independence till now the growth in rail sector is less.

2) operating ratio was best during 1964-65 (78%)

and now hovering around
(90-92%) .

③ Too much of burden on the
Railway board (act as a
regulator and service delivery)

In the event of different Committee
like kakodhkar Committee on
Safety, Sam prabha Committee on
modernization, D K Mittal Committee
and Arora Committee following
overhaul is required.

① Core activities should be
dealt by the Railways only.
Other non-core areas private
participation is most

- ② Independent tariff authority is needed (because of Railway board conflict of interest). The rationalization of price is required.
- ③ Cross-subsidy should be partially removed.
Freight should be privatized.
- ④ safety Regulation authority as per the Kakodhkar Committee should be placed in to —
- 1) Completed convert unmanned Railway pass to manned
 - 2) Ceb System of signalling
 - 3) Continuous Rail track monitoring.

16. It has been argued that the 'First past the post' system fails to represent the will of the majority and encourages vote-bank politics. In this context, examine whether India should adopt Proportional Representation System to reform our electoral process.

यह तर्क दिया जाता है कि 'फर्स्ट पास्ट द पोस्ट' प्रणाली बहुमत की इच्छा का प्रतिनिधित्व करने के स्थान पर वोट बैंक की राजनीति को प्रोत्साहित करती है। इस संदर्भ में, इस बात का परीक्षण करें कि क्या भारत को अपनी चुनावी प्रक्रिया में सुधार करने हेतु आनुपातिक प्रतिनिधित्व प्रणाली अपनाना चाहिए?

First past the post System

- 1) prevalent in India.
 - 2) No need to get majority of votes to get elected
 - 3) All one needs is to get pass others.
 - 4) vote for Person / Party
- ### Proportional Representation System
- ① present in Israel, Netherlands
 - ② voting done for party.
 - ③ ~~The votes~~ when a party gets its votes from an area, in

proportion to the votes, it elects its candidate.

④ Every Party represents in the cabinet.

Issues

- ① Proportional Representation system cannot be possible for the India
- ② Diversity of opinion in India
- ③ PR is complex and difficult to understand by a common voter
- ④ people vote only for Party but in India people can decide and balance between candidate and party, so to come out with

best option.

- ⑤ India is a huge Country
and PR is difficult to follow.
- ⑥ For Representative Democracy
PR will not work.

17. Independence of judiciary and separation of powers, both are part of the basic structure of the constitution. In this context, discuss the recent Supreme Court judgment on the constitutional validity of the National Judicial Appointments Commission.

न्यायपालिका की स्वतंत्रता एवं शक्तियों का विभाजन, दोनों संविधान के मूल ढांचे का हिस्सा हैं। इस संदर्भ में, हाल ही में सुप्रीम कोर्ट द्वारा राष्ट्रीय न्यायिक नियुक्ति आयोग (एन.जे.ए.सी.) की संवैधानिक वैधता पर दिए गए निर्णय पर चर्चा करें।

Separation of Power deals with Concept where power of distributed between Executive, Judiciary and legislature. Article 50 of Indian Constitution provides for the Separation of Power, with modification of executive and Judiciary are linked. Separation of Powers is not water tight compartmentalization of the powers but there are Checks and balances in it, by which organ of State checks the power of other so that

There is no misuse of power

Recently NJAA was held unconstitutional and void by the SC of India with relation to violation of basic feature of constitution (Indep judiciary + Sep. of Power) on the one hand it was massacre of a will of the country (LS + RS) by the judiciary whereas on the other hand the flaws in the bills lead the court to take its decision. The following are observed

- ① Law member as a member of NJAB. This is conflict of interest.

- ② ~~Executive~~ part was more.
- ③ Reduced Judiciary Involvement
- ④ Veto with the government.
- ⑤ Thus it infringes in the separation of power and makes Judiciary depend on the executive for its functioning.

While Court stated that problem is not appointment by the govt but with the ~~bill~~. act. Thus reiterated that Collegium System should be changed for appointment of judge in fair manner.

18. AMRUT gives state governments the flexibility in designing schemes and eases central monitoring. Explain. How far can it recast the urban landscape of India?

अमृत (AMRUT) राज्य सरकारों को योजनाओं के प्रारूप निर्धारण के सन्दर्भ में लचीलापन प्रदान करता है तथा केंद्र द्वारा की जाने वाली मॉनीटरिंग को आसान बनाता है। वर्णन करें। भारत के शहरी परिदृश्य को यह किस हद तक पुनर्निर्मित कर सकता है?

JNRUM's new avatar AMRUT for the urban rejuvenation is a grand plan urban restructuring of India.

- ① It has not "one size fits all phenomena"
- ② States local factors, socio-economic conditions are given importance.
- ③ prompt work and time bound disposal.

- ④ Incentives for the states
which can do work in time.
- ⑤ It is the integrated model
in the present context of
technology and smart governance

19. There has been a tendency to resolve specialized cases faster through the means of Tribunals. In light of this, discuss the issue of increasing "tribunalisation" of courts in India.

न्यायाधिकरण जैसे साधनों के माध्यम से विशेष मामलों को तेजी से हल करने की प्रवृत्ति देखी जा रही है। इसके सन्दर्भ में, भारत में न्यायालयों को न्यायाधिकरणीकृत करने की बढ़ती प्रवृत्ति के मुद्दे पर चर्चा करें।

20. While the 73rd and 74th constitutional amendments provided for representation to women in local governance, much work remains to be done to ensure their true participation, given their present socio-economic conditions. Comment.

यद्यपि 73वें और 74वें संविधान संशोधन ने महिलाओं को स्थानीय शासन में प्रतिनिधित्व प्रदान किया है, लेकिन उनकी वर्तमान सामाजिक-आर्थिक स्थिति को देखते हुए, महिलाओं की वास्तविक भागीदारी सुनिश्चित करने के लिए बहुत कुछ किया जाना शेष है। टिप्पणी करें।

73rd + 74th ammd. gives provision
(compulsory provisions) for the
reservation of women in the local
governance. The issues are

- ① Empowerment is lacking. They
have participated but not
empowered.
- ② Patriarchy have ruled the
election
- ③ Burden of work at
home.

- ④ Dependency on the men folk.
- ⑤ participation in the meeting is less.
- ⑥ illiteracy
- ⑦ children dependency on the mother is more.
- ⑧ Domestic violence.

