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GENERAL STUDIES (TEST CODE : 853)

Name of Candidate	Rahul Jain		
Medium Hindi/Eng.	English Medium	Registration Number	24773
Center	Rajinder Nagar, Karolbagh	Date	16/08/2017

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

Answer all the questions in NOT MORE THAN 200 WORDS each. Content of the answers is more important than its length. All questions carry equal marks.

12.5X20=250

1. Discuss the issues relating to surrogacy that have been arising in India. To what extent does the Surrogacy (Regulation) Bill, 2016 addresses these issues?

भारत में सरोगेसी के संबंध में अब तक उठने वाले विभिन्न मुद्दों पर चर्चा कीजिए। सरोगेसी (विनियमन) विधेयक, 2016 इन मुद्दों को कहां तक संबोधित करता है?

Over the years, India has been becoming a commercial surrogacy hub amounting to a \$ 2 billion industry. It had following issues

- * Women were forced & exploited into such practices.
- * issues of adoption in case twin child are born
- * Amounting to sale of womb, which is ethically corrupt practice
- * lack of proper care & compensation to surrogate mother.
- * Child may be exploited later & his rights in case parents are divorced.
- * Growing illegal & underground activities & rising criminals middlemen further leading to issues of sex trade, health issues etc.

To curb such illegal practices & protect the interests of mother & child. Surrogacy (regulation) Bill, 2016 has been introduced.

- * It completely bans commercial surrogacy & allows altruistic surrogacy.
- * Surrogate mother can be only close relative ~~with~~ while adopting parents can be married couple for 5 years.
- * Further couple has to produce a certificate of issues in natural birth.
- * Women can surrogate only one time that too after birth of her own child.
- * Only compensation for her health & nutrition to be provided & no money trade to be done to render such services.
- * It bans unmarried couple, lesbian, gay couple & unmarried or divorced singles to adopt.

The bill tries to ban & regulate the surrogacy market. However, some of its provisions are too harsh & violates personal individual choice to choose his/her own life.

* The law may lead to increasing underground activities which may further lead to exploitation.

* Also, the law makes the potential market loss for livelihood & medical research.

However, if the issues are resolved this law carries a potential to stop corrupt & unethical practices & regulate the market ~~swiftly~~ swiftly. & thus in the long term is appreciated.

2. It has been argued that many civil servants rise to higher levels of incompetence as their career advances. Examine the statement and discuss how far lateral entry and premature retirement can address the inadequacies of the bureaucracy.

यह तर्क दिया जाता रहा है कि अधिकतर सिविल सेवकों का करियर जैसे-जैसे आगे बढ़ता है, वैसे-वैसे वे अधमता के उच्च स्तरों पर पहुंच जाते हैं। इस कथन का परीक्षण कीजिए और चर्चा कीजिए कि पार्श्व प्रवेश (लैटरल एंट्री) और समय पूर्व सेवानिवृत्ति कहाँ तक नौकरशाही की इन कमियों का समाधान कर सकती है?

As the career advances, the nature of civil servants becomes complacent & often "Squirrel nut syndrome" is seen as they tried to gain money for post retirement security & thus indulges in corruption & illegitimate activities. This is due to -:

- * Stability in services (Security)
- * Promotions based on hierarchy instead of merit.
- * lack of managerial ethos & work culture
- * lax implementation of laws
- * too much discretionary powers in hands at ~~the~~ higher levels.
- * ~~will bring~~ → Resistant to change due to privileges

Thus with career advancement a disappointing trend is seen.

The stability of tenure is the biggest issues & thus "lateral Entry" & ~~"Post"~~ "retirement Premature" can help in solving such issues.

Benefits of lateral entry & premature retirement

- It will bring fresh zeal, enthusiasm in department
- will make meritocracy over hierarchy
- will bring private work culture :-
Bureaucratic work culture will be replaced by Managerial work culture
thereby increasing efficiency
- will bring competitiveness & expertise
- Perform or Perish criteria will act as deterrent to servants & will evade away complacency.
- Work Culture change will revive the ethics & norms

However there are few drawbacks

- Issue of continuity & service motive may get hampered.
- lateral entry may face opposition & isolation from prevailing bureaucracy
- vested interests in lateral entry may lead to more scams. {nepotism & Spoils system}

Thus, the lateral entry & premature retirements are viable solutions only when the civil service reforms are taken prior. ~~to their end~~

The prevailing eternal factor of elitist attitude will defeat the purpose of lateral entry & Premature retirement. Both ways lateral entry can be a better solution in this regard

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 बीच सहयोग को बढ़ावा देने के लिए भारत में विभिन्न संस्थागत व्यवस्थाएं कौन-सी हैं? भारत में सहकारी संघवाद को बढ़ावा देने में अंतर्राज्यीय परिषद की भूमिका का आलोचनात्मक विश्लेषण कीजिए।

In a federation, the relations between Centre & States plays a vital role in functioning of democracy & many institutional arrangements has been made in this regard.

- Inter state council (Art. 262)
- National Development Council, Planning Commission
- All India Services
- Governing council of Chief Ministers, Niti Aayog
- Zonal Councils
- Empowered Committee of Finance Minister, Chief Ministers etc.
- Inter-State council for trade & commerce (Art. 304)
 - Rajya Sabha as council of states
 - GST Council et al..

Inter State Council (ISC) was setup in 1990 by recommendations of Sarkaria Commission is a constitutional body to safeguard interest of states & promote cooperative federalism.

It has played a role in

- fiscal transfers
- Deployment of security in states
- on discussion @ on Panchai Commission recommendation for centre-state relations

However Niti Aayog & Planning Commission has overshadowed its role :-

- * Since 1990, only it has met ^{only} 11 times
- * It has not been given power to adjudicate disputes
- * Its recommendations are advisory not binding
- * It only solves Interstate disputes & not Centre-State disputes

Thus ISC has not been used to the potential. 🖊

Punchi Commission has made following recommendations in this regard:-

- ISC should meet thrice in a year
- It should have separate secretariat to discuss & coordinate its functioning & issues
- It should be given powers to adjudicate disputes

ISC being a constitutional body has far more potential than Niti Aayog & Planning Commission & thus should be used more frequently to promote cooperative federalism

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 विधान सभाओं का चुनाव एक साथ कराने के विचार के आलोक में, इसके कार्यान्वयन से होने वाले लाभों और इससे उपजने वाली समस्याओं पर चर्चा कीजिए।

Recently, Prime Minister & President have on multiple occasions endorsed the idea of simultaneous elections at Lok Sabha & State Legislative Assemblies level.

Advantages of Simultaneous Election

- * Indian System always in election mode
this leads to
 - (Model Code of Conduct)
MCC enforceable most of the time
 - Government machinery involved in election round the year
 - Voters apathy.

Thus simultaneous election will lead to

- Proper use of Government machinery for desired purpose
- MCC will not hinder developmental work.

- Government will not take populist moves to lure voters rather real issues will be legislated
- Will cost less to exchequer
- will reduce voter apathy & general disruptions due to elections will get reduced

However there are concerns to its implementation

- * It will require a constitutional amendment as tenure of assemblies will be shortened or extended

↳ lack of political will hinders such development

- * Issues of dissolution of assembly or lok sabha midway

- * Huge machinery is required for single go elections
 - Security
 - logistics
 - manpower.

- * Voters may get confuse & may not identify local issues & national issues leading

- to same party at both places.
- * Present system keeps the democracy alive between two elections. (5 years)
- * May lead to winning of ruling party perpetually.

Thus, though simultaneous elections are desirable, due to its implementation complexity & lack of political consensus it is uncertain in near future.

Instead electoral reforms are recommended to keep the faith of voters alive in the system & democracy.

Law Commission reports & Parliamentary Standing Committee ^{recommendations} are way forward in this regard

5. Proliferation of Ministries and Departments in the government not only leads to weak coordination and integration but also fragmentation of functions. Comment in the context of India.

सरकार में मंत्रालयों और विभागों का प्रसार न केवल समन्वय और समेकन को कमजोर करता है, बल्कि प्रकार्यों के विखंडन का भी मार्ग प्रशस्त करता है। भारत के संदर्भ में टिप्पणी कीजिए।

Since 1st Lok Sabha to 16th Lok Sabha the number of posts of ministers has increased vividly in coherence with increasing Ministries & departments.

Need for ministries & departments

- Increasing technicalities & work pressure on single ministries; - need for specialisation & welfare
- Global counterparts to have international representation at global level.
- to satisfy coalition partners to form stable government.

However there are many drawbacks

- Conflicts due to overlapping powers/domain
- lack of coordination & integration across ministries (Institute Jungle)
- Over centralisation & increasing entrenchment on concurrent & state subjects

- blame game leading to poor govern
-ance.

- economic development gets hindered.

for instance, transportation ministry
divided into Water, Civil Aviation, Railways
etc. has led to lack of integration
leading to delay in infrastructure projects

Thus, it has created many drawbacks
While on other hand increasing new
developments such as pollution, river cleaning
etc. & sanitation had led to new
ministry of Ganga rejuvenation & Sanitation
which is desired.

Thus in a nutshell proliferation of
Ministries & Department has both its
pros & cons & thus rationalisation
is required. Some of suggestions way

forward are -

- those ministries which are of not much relevance today should be integrated or subsumed.
- Some ministries where decentralisation is required should be decentralised to state level.
- Where individual ministries are required as well as integrated approach is required say transport ministry, there should be one Cabinet Minister overlooking Ministers of State who are in charge of such ministries.

Thus rationalisation & Principle of Subsidiarity is recommended for efficient work of ministries & department.

6. The judiciary has been actively encroaching on the powers of legislative and executive authorities in India and in doing so has been doing a disservice to governance in the country. Discuss with examples.

भारत में न्यायपालिका सक्रिय रूप से में विधायी और कार्यकारी प्राधिकरणों की शक्तियों का अतिक्रमण करती रही है और ऐसा करते हुए यह देश में गवर्नेंस (शासन) को क्षति पहुंचाती रही है। उदाहरण सहित चर्चा कीजिए।

Recent issues of compulsory national anthem in cinema halls & ban on liquor shops near highway has cited the cases of Judicial Overreach

Issues related to Overreach

- against principle of separation of power
- leads to legislative dependency on Judiciary ("Let the court decide" attitude prevails)
- Lack of expertise of Judiciary on Policy issues → leads to bad legislation
- leads to conflict between legislature & Judiciary
 - ↳ vacancy in courts are offshoots of such issues
- Increasing pendency of cases in courts.

All these hampers image of legislature
in eye of citizens which hampers its day
to day working & thus governance in
the country.

Recent events of liquor ban & declaring
rivers as living entities have even made
people critical of Judiciary, which hampers
Judiciary own image which is in long term
a case of concern.

Thus Judiciary should try to restrain
himself. There is a fine line between
overreach & activism & Judiciary should
restrain itself.

Rather than giving such Judgements
Judiciary should ask legislature to make
legislations on such issues & use
overreach & encroachment as matter
of last resort. (Principle of deference)

On the other hand, Government should behave responsible and should be proactive in legislation making activity.

"Stability without change leads to disintegration. Change without stability leads to Chaos" thus both Change & Stability are required & thus both legislature & Judiciary should work in tandem to avoid conflicts & maintain separation of power.

7. Examine the reasons behind the government's decision to dismantle the plan-non-plan classification of expenditure. How will the new classification of schemes into 'core of the core', 'core' and 'Optional' address the shortcomings of the earlier classification?
- सरकार द्वारा व्यय के योजनागत और गैर-योजनागत वर्गीकरण को समाप्त करने के निर्णय के पीछे के कारणों का परीक्षण कीजिए। योजनाओं का 'कोर ऑफ द कोर', 'कोर' और 'वैकल्पिक (Optional)' के रूप में नया वर्गीकरण किस प्रकार पूर्ववर्ती वर्गीकरण की कमियों को दूर करेगा?

In Annual financial Statement, 2016-17 Government has dismantled the age-old practice of plan & non-plan expenditure.

Reasons for such change

- Planning subsumed huge expenditure & much of the fund was used in non-planned activities
↳ This was flawed diversion.
- With annulment of Planning Commission & end of five-year plans, this division seemed redundant
- Will provide more autonomy to government to spend as per the needs

① Further, a Committee of Chief Ministers formed by Niti-Aayog recommended a new scheme for classification of Centrally Sponsored schemes into "Core of the core, Core & Optional schemes"

- It led to rationalisation of schemes
- many schemes are subsumed under umbrella schemes.
- States have been given autonomy to utilise funds as per their plans & convenience, thus more financial autonomy
- "Core of the Core" schemes are given more central assistance thus identifies grey areas of utmost importance & better targeting.
- the expenditure saved through rationalisation will be used in better implementation of schemes → thus better targeting

The new classification aptly addresses the shortcomings of previous classifications.

- The functional & financial autonomy provided by gradation of schemes was desired for cooperative federalism.
- It gives the agendas to State governments & centre to focus on core of the core areas first.
- It clarifies the clear mark of centre & states share, thus better & planned use of expenditure.

The new interventions & classifications came from Chief Ministers committee & further strengthens the cooperative federalism in the country.

8. The amendment to do away with the domicile requirement for elections to the Rajya Sabha has militated against the very purpose that guided the Constituent Assembly to create the Council of States and reduced it to a mere revising chamber. Critically analyse.

राज्य सभा में निर्वाचन हेतु अधिवास (डोमिसाइल) की अर्हता हटाने वाला संशोधन राज्यसभा बनाने के लिए संविधान सभा को निर्देशित करने वाले मूल उद्देश्यों के प्रतिकूल है और ऐसा करके इसे मात्र पुनरीक्षण सदन बना दिया गया है। आलोचनात्मक विश्लेषण कीजिए।

Supreme Court in 2003 amended Section 3 of RPA, 1951 to do away with domicile requirement for membership of Rajya Sabha. It has created widespread issues:-

- Used and abused to park defeated, burnt politicians
- Council of States no longer a states representative rather a party representative.
- Thus a house of unfederal character
- Used widely by opposition to put leaders often disrupting the functioning & defeating bills from Lok Sabha.

- Recent trends shows the use of Rajya Sabha by parties to park corporates etc. for getting political funding
- Also, used by parties to satisfy Coalition partners.

All this has led to degradation in membership of Rajya Sabha where members are absent or are disrupting the proceedings

& thus rather than advisory chamber has turned into delaying chamber.

Purkhi Commission has made following recommendations in this regard :-

- Domicile requirement should be restored back
- Equal representation to all states.

Rajya Sabha being the upper house has a very reputed image where elderly, senior politicians & experts

participate in policy making. Also, as a representative of states at centre it has huge potential to serve "cooperative federalism". Thus the recommendations of Punchi Commission should be adhered & implemented to strengthen the upper house.

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। यह लंबे समय से विवादों में क्यों बना रहा है? इस संबंध में न्यायपालिका द्वारा निभाई गई भूमिका का विश्लेषण कीजिए।

Article 102 & 191 of Indian Constitution states the word "Office of Profit" & debar members of Parliament & State legislatures occupying or falling in the criteria to become a member & ministers.

Significance

- Prevents independence of members
- Prevent "Conflict of interest" the minister may face while decision making
- Prevent such people from membership of the house who may make profit because of the position in the house
- It maintains the uncorruptiveness in democratic decision making.

Controversies & issues with Office of Profit

- Posts of Parliamentary Secretary in Haryana & Delhi Government, quashed by High Court as it overruled 15% norm of 10th Schedule.
- The term is not defined explicitly anywhere in Constitution.
- The positions are vaguely introduced as an exception to the term, thereby diluting the law.
- Many Chief Ministers have accused this provision hinders effective governance.

Judiciary's role

Judiciary has played an activist role in "Office of Profit" Cases. It has stated that an position.

- appointed by government
- regulated by government
- paid salary & expenses by government.

— removed by government et al.
fall under "Office of Profit"

— Staying the Post of Parliamentary Secretary
in Delhi legislative assembly case

The issue of "Office of Profit" needs detailed
law stating the norms to include or
exclude the officer. Some of viable

Suggestions are .

— "Purely advisory bodies" & those bodies
headed by minister but needed to
work in tandem with ministry can
be exempted.

— Rest of the bodies can be put under
the clause

• The legislation of "Office of Profit" is
desired.

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 जनजाति समुदायों की आवश्यकताएं पूरा करने हेतु निचले स्तर पर कुछ आवश्यक शक्तियां प्रत्यायोजित करते हैं। छठी अनुसूची के अंतर्गत स्थापित संस्थाओं द्वारा सामना की जा रही आधुनिक समय की चुनौतियों की जांच करते हुए चर्चा कीजिए।

Sixth Schedule of Constitution provides special status for tribal areas of Assam, Meghalaya, Tripura & Mizoram & thus Tribal Autonomous Councils are formed.

Powers devolved to Autonomous Councils

- To regulate land activities
- Extended power to adjudicate by permission of governor
- regulate forest activities etc.
- regulate the local practices in tandem with tribal culture
- regulate health, education, sanitation & other local issues etc.

The powers are devolved to self-regulate so as to protect their ethnic interests

However the Councils today faces lots
of Challenges

- ~~Overstaff~~
- Overlapping Jurisdiction with district councils
- lack of expertise with modern amenities
- Corruption in Councils, used to seek power.
- interference by state governments
- PRI institutions are devolved more autonomy & finances as compared to councils
- Increasing jurisdiction due to increasing size & population → lack of resources to cater needs
- Issues of out migration & internal develop - mental activities in conflict with traditional norms
- Development & Democratic decentralisation - n versus customary laws.
- lack of women representation.

Thus huge challenges are faced by the autonomous councils in day-to-day work. Government should try to strengthen the institutes.

- They should be bought under finance commissions jurisdiction & should be given parity in finances with PRI's
- Women's representation should increase
- encroachment in the functional domain should be curbed
- regular elections should happen, so as to make them accountable
- Capacity building of members
 - ↳ external bureaucratic support can be provided in due course of time
- reform customary laws.

A conciliatory & capacity development approach is required in strengthening governance in sixth schedule areas.

11. The political empowerment of Panchayati Raj Institutions (PRIs) has not been accompanied by empowerment in other spheres. Comment. Also examine whether devolving functional autonomy, administrative support and financial resources to the PRIs can help in overcoming the issues related to PRIs.

पंचायती राज संस्थाओं (PRIs) के राजनीतिक सशक्तिकरण को अन्य क्षेत्रों के सशक्तिकरण से संबद्ध नहीं किया गया है। टिप्पणी कीजिए। इसके साथ ही परीक्षण कीजिए कि क्या PRIs को प्रकार्यात्मक स्वायत्तता, प्रशासनिक सहायता और वित्तीय संसाधन सौंपने से PRIs से संबंधित मुद्दों को संबोधित करने में सहायता मिल सकती है?

Though 73rd & 74th Amendment Act has given Constitutional status to Panchayati Raj Institutions, apart from Political empowerment, Social, economic & cultural empowerment remains weak.

reasons for lacunae

- Prevalence of Patriarchy, Casteism, Communism
 - Panchayat works in lines of Caste & communities
 - Concept of "Sarpanch Pati" has evolved
 - Dummy Candidates are made to dilute the compulsory reservation clause

- Lack of devolution of 4F's
 - Framework, finances, functions & functionaries
- Involvement of MLA's & MP's in Panchay
- at meeting
- Lack of financial autonomy by states
(Abuse of Article-243(G))
- Increasing corruption in gram panchayats

Thus lack of autonomy & lax implementation of law leads to lack of desired results in PRI's.

2nd ARC & finance Commission recommen

- ds functional autonomy, administrative supports & financial resources should be devolved to achieve democratic decentralisation.

↳ Developing Capacity of masses to self-govern themselves will lead to real democracy.

Some recommendations are

- Amend Art. 243(G) → word "may" to be replaced by "shall"
- financial resources such as land tax, advertisement tax, local resources & comm-unit resource tax. et al. should be appropriated by PRI's
- Administrative infrastructure to be overhauled.
PRI's may ~~have~~ build their own administrative machinery.
- Apart from this, Use of NGO's, Civil Society to conduct Gram Sabha Proceedings & developing capacity of members are due evolutions to strengthen the institutions & attain empowerment.

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 जहां यह तर्क दिया जाता रहा है कि न्यायपालिका को RTI के दायरे में लाया जाना चाहिए, वहीं दूसरी ओर न्यायपालिका की स्वतंत्रता और लोगों के 'जानने के अधिकारों' के बीच संतुलन बनाए रखे जाने की भी आवश्यकता है। इस संदर्भ में, न्यायपालिका को RTI के दायरे में लाए जाने के पक्ष और विपक्ष पर चर्चा कीजिए।

Right to Information Act, 2005 is hailed as water-shed moment in democracy as it increased accountability of administrative machinery. However Judiciary, the biggest supporter of RTI has kept itself away from its domain.

Pros of bringing Judiciary under RTI

- Will bring accountability & transparency in Judiciary (appointments & decision making & use of contempt power)
- Judges will become more sincere, disciplined in decision making → effective decisions will be made
- Will be exemplary to bring more bodies under its ambit in future.

- will imbibe citizens trust in judiciary.

Cons. of bringing judiciary

- will undermine the Judiciary's independence in decision making
- RTI's will be mainly on nitty gritty's of Judges decision making. thus will affect Judges independence
- will be used by ~~ad~~ administration to curtail judiciary.
- will increase pendency of cases as resources have to be diverted in answering RTI's

Independence of Judiciary is foremost requirement in federation & democracy.

Thus anything compromising independence should be curtailed.

The present system of RTI in Judiciary where administrative part

Comes under RTI which Judiciary remains exempted prevents Judges independence & is righteous. However, opacity with reference to appointment, promotions & transfers are critical. Thus rather than RTI, a fixed memorandum of procedure should be developed. & the proceedings should be in written rather than oral discussions. The minutes of meeting's of collegium should be made open.

The recent initiative of video recording by Judiciary is good step & a progressive step to promote transparency & is appreciated, & in future RTI can be gradually imposed.

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 बीच अंतर बताईए। प्रायः यह कहा जाता है कि दबाव समूह मुख्य रूप से भारत में राजनीतिक दलों की अयोग्यता का परिणाम हैं। पर्यावरण संरक्षण समूहों की बढ़ती संख्या के संदर्भ में ऊपर्युक्त कथन पर चर्चा कीजिए।

Both Pressure groups & Political Parties has wide representation & determines Public Policy & decision making, they are widely different in structure, ideology et al.

- * Political Parties try to seek power while Pressure group doesn't
- * Political Parties has wide membership as compared to pressure group
- * Political Parties has multiple dimensions of agenda while Pressure groups has specific sector related agendas.
- * Political Parties majorly uses constitutional means pressure groups uses both constitutional & disruptive means.
- * Political Parties have ideologies but Pressure group may not have it.

The rise of Pressure groups in environmental governance is majorly due to inadequacies of political parties.

- Parties announces river cleaning projects, dam rehabilitation projects but often do not adhere to it or takes long time to implement this.

↳ to cater people's demand NGOs & Pressure groups play decisive & emerging role.

- Corporates are funding partners of Political Parties & thus parties have limited say & nexus with Corporates, thereby hampering environmental governance.
↳ Pressure groups disclose the gaps & nexus & pressurise government to take action

- Political Parties lack expertise & people's connect to solve environmental issues where Pressure groups yet again play emergent role.

Thus, it is majorly due to fallouts of governments policies & lack of proper implementation Pressure groups emerge to protect environment and play a decisive role in preserving it.

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 कारणों का विवरण दीजिए। लोक अदालतें प्रभावी विवाद निवारण तंत्र के रूप में कार्य करें, इसे सुनिश्चित करने के लिए क्या उपाय किये जाने आवश्यक हैं?

Lok Adalats are Alternate Dispute Resolution mechanism established after Legal Service Act, 1987. Though it has helped in reducing pendency of cases, the success has been limited

Reasons for limited success

- Conciliatory Mechanism : Both parties need to make consensus → often not possible
- lack of presence of lok adalats at district level.
- lack of awareness among people about the existence of such mechanisms
- Supreme Court taking up cases via. special leave petition despite its binding nature
- lack of infrastructure, judges & lawyers to impart free legal services.
- Higher cases cannot be solved by conciliation & thus has its own limitation.

Measures required to reform Lok Adalats

- Establish Lok Adalats at district level courts with proper infrastructure
- Dedicated Jury & mediators to be identified & registered.
- Awareness should be created.
- Staff should be trained for efficient work
- Apex Court should restrain itself from taking up cases via. SLP.
- Technical intervention to link lawyers to rural & poor people should be made.

Providing free legal services to the poor has been envisaged as duty of State in Art. 39-A of constitution & thus efforts should be made to strengthen Lok Adalats.

Other institutions of Alternate Dispute Redressal should also be strengthened on similar lines so as to reduce the load of Lok Adalats in future.

15. What do you understand by Inner Line Permit (ILP)? Critically examine the demand of Manipuri people for the implementation of ILP in the state. What possible measures can be taken to resolve the deadlock over this issue?

आप इनर लाइन परमिट (ILP) से क्या समझते हैं? राज्य में ILP लागू करने की मणिपुरी लोगों की मांग का आलोचनात्मक परीक्षण कीजिए। इस मुद्दे पर गतिरोध का समाधान करने के लिए क्या संभव उपाय किए जा सकते हैं?

Inner Line Permit was introduced by Britishers in pre-Independence India in hilly areas of North-East to preserve the local interests from external population. Presently, it exists in some parts of Arunachal Pradesh, Nagaland etc.

Demands for extension for ILP has been made by Manipuri People & Manipur Legislative Assembly even sent three bill in this regard for President Assent.

Implications of demand

- Violative of Article-19 i.e. freedom to freely roam around any part of country.
- Will make Manipur isolated & thus against national integration.

- Not a demands of entire manipuri community but on Meiti Community.
Nagas & Kukas are against such permit.
- Will create a domino effect, as every state will then try to seek such permits to prevent their interests
- Against the ethos of democracy.

The tribal culture of the Manipuri People is important to be preserved but Inner Line Permit will make them more isolated & will be undoing the work done post-independence to bring them under democracy.
& federal structure.

Thus, ILP is not a solution in this regard. ~~But~~ Rather, mechanisms existing in constitution to provide autonomous Councils etc should be extended, more economic integration should be done

lastly, the measures should be in consonance with the interests of all communities so as to prevent & curb the insurgency.

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 recent 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 का महिमामंडन करने के लिए करदाताओं के पैसे के दुरुपयोग के रूप में देखा जाता है। सर्वोच्च न्यायालय के नवीनतम निर्णयों के आलोक में इस पर चर्चा कीजिए। इसके साथ ही पेड न्यूज और राजनीतिक विज्ञापनों के मुद्दे का समाधान करने के लिए 20वें विधि आयोग द्वारा की गई अनुशंसाओं का उल्लेख कीजिए।

→ Increasing use of Government Advertisements
to enhance the image of political parties
& self by citing consumer awareness has
been restricted & criticised by Apex Court
in Common Cause Case, 2015.

Apex Court has banned the use of
Party Symbol, the photos of minister
& leaders except President, Vice President
& CJI (though later broadened) to
curb such issues.

Issues of Government Advertisements

- Misuse of taxpayers money for personal benefits
- May lead to "Fake News", "Paid News"

- Distorts level playing field during elections in favour of ruling party
- Keeps working of Government in election mode perennially as they try to take populist measures to sway voters
- The correlation of increasing awareness with advertisements is not seen, thus it is a wasteful use of resources.

Thus, SC interventions are justified in this regard.

Twentieth Law Commission has made recommendations to address issues of Paid News & Political Advertisement

- ~~Include~~ Include "Paid News" as electoral offence in section of corrupt practices of RPA
- Define the terms "Paid News", "Advertisements" & prescribe standards in RPA so as to give binding guidelines to Parties.

- Monitor the finances & transactions
between political party & media so
as to keep a vigil on the corrupt
practices. ECI should take steps in
this regard.

The recommendations are at par to
check the issues of paid news & should
be followed in letter & spirit.

17. In a paradigmatic shift from the command and control approach of the past, NITI Aayog accommodates diverse points of view in a collaborative, rather than confrontationist setting. Comment.

प्रतिमानी परिवर्तन (paradigmatic shift) के तहत, पूर्ववर्ती कमांड एंड कंट्रोल (कमान और नियंत्रण) के दृष्टिकोण से परे नीति आयोग अब टकराव की बजाय सहयोगी विचार के साथ विभिन्न दृष्टिकोणों का समायोजन करता है। टिप्पणी कीजिए।

National Institute ~~for~~ for Transforming India

(NITI) Aayog replaced Planning Commission & has been seen as paradigm shift from previous approach.

- Planning Commission rather than think-tank became more of a ministry & controlled the financial autonomy by planned expenditure

- use
↳ NITI Aayog is a Policy based Think tank & has been done away with the Planned Expenditure & financial powers

- Planning Commission was seen with working primarily with the centre & involved in policy making part. Niti Aayog on other hand is working on policy making & policy implementation part so as to make the policy successful.

Thus there is a shift from command & control approach.

Niti Aayog works on principles of Cooperative federalism

- Governing Council of Cms plays a crucial role
- Sub committees are formed under Cms to give interest to demands of states
- Interventions are made via hand-holding approach, so as to strengthen the infrastructure at grass root levels in states

It also works on principle of competitive federalism. It has introduced indexes in Health, Education so as to have a healthy competition between the states so as to have a prosperous economic growth & an inclusive one.

- It also has wide representation from industries, agriculture etc. as sectorwise experts are made members into it.
- The inclusion of intellectual & academicians brings global best practices on table.
- Thus in a nutshell all stakeholders are given due representation & voice & the collaborative setting is desired & appropriate for policy making.

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.

लोक सभा के अध्यक्ष को व्यापक शक्तियां वस्तुतः संसदीय प्रणाली की लोकतांत्रिक संस्थाओं को मजबूत बनाने के लिए निहित की गई हैं, न कि सदन में असहमति या विरोध को दबाने के लिए। भारत के संदर्भ में टिप्पणी कीजिए।

Article 93 of Indian Constitution describes the position & role of ~~Asp~~ Speaker of Lok Sabha as presiding officer of the house.

Powers of Speaker

- He presides over Parliamentary meetings.
- Conducts disciplined & smooth functioning
- Decides on daily agendas etc. as head of Business advisory committee
- He/she has the power to declare ordinary bill as money bill
- He/she is the deciding authority in case of Anti-defection / defection cases (X Schedule)
- Presides in Joint meeting of both the houses.

To conduct efficient & smooth functioning of house, Speaker should be impartial & non-~~part~~ partisoned.

However, by convention the position of Speaker is always for ruling party & thus the person nominated is inclined towards ruling majority.

Issues with Position of ~~Ex~~ Speaker

- Abuse of Power in cases of money bill
- Not a competent authority to decide on cases of Defection { Ex. Speaker's have themselves stated the same }
- Disruptions in the houses, shows inability of speakers in controlling the house.
- favoured bias towards ruling party, maligns the image of post.

The impartiality & non-partisanship of Speaker is desired & following suggestions can work in this regard -:

- Power to adjudicate on Defection issues should be transferred to President who would act on advice of ECJ

- On lines of UK Constitution -!
- A committee of three members should be made to decide on issues of money bill
- Speaker should resign from the party post election
- "Code of Ethics" should be made & preached to Parliamentarians so as to curb disruptions.

Thus, regulations & broad based committee to aid speaker will strengthen the accountability & prevent misuse of power by ruling parties.

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 और पश्चातवर्ती संशोधन दलबदल और अवसरवादी राजनीति की समस्या को हल करने में विफल रहे हैं। आलोचनात्मक विश्लेषण कीजिए।

Tenth Schedule of Constitution was enacted by 52nd Amendment Act, 1985 to ~~sub~~ curb defections in the polity. It was further strengthened by 91st Amendment Act, 2003.

Success of the Act

- Helped in curbing defections as compared to 1975-85 era.
- Curb arbitrary allocation of ministerial post by applying 15% Norm.
- has strengthened democracy along party lines

However despite successes, it is evident as failure in recent issues of defection in Arunachal Pradesh etc...

Failure of Act

- It fails to check mass defections
- It fails to differentiate between defection & dissent
- Position of Speaker as deciding authority is abused.
 - ↳ no time frame mentioned to take decisions
 - ↳ speaker takes decision along his ex-party lines
- Judiciary has no role in pre-judgement phase.
- Coalition defection are not addressed
- Posts like Parliamentary Secretary etc are created violating the act.

Thus, it has partly succeeded but majorly failed in curbing opportunistic defection in rising era of coalition politics.

Tenth Schedule has to be strengthened to reduce the defections.

Some recommendations

- Power to decide cases should be transferred to "President" who is to be advised by SCJ.
- Bring "Coalition defection" cases under the purview of law.
- Prescribe a time line to solve the issue.
- Strengthen the position of speaker to keep it neutral & non-partisane.

Curbng defection will reform democratic decision making & will reduce money power in politics & thus reforms are required.

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.

निरंतर जवाबदेही, समायोजन और समावेश पर आधारित संसदीय प्रणाली ही देश की आवश्यकताओं की सर्वोत्तम तरीके से पूर्ति कर सकती है। भारत में समय-समय पर राष्ट्रपति प्रणाली अपनाने हेतु प्रस्तुत किये जाने वाले तर्कों को ध्यान में रखते हुए परीक्षण कीजिए।

Constitution forefathers in Constitution has mentioned the Parliamentary System instead of Presidential system.

Reasons for Parliamentary System

- It is more accountable
- It is more inclusive & accommodative to all sections of society
- Historically we had familiarity with Parliamentary system - Act of 1919, 1935, Nehru Committee report 1928..

However, often a debate to switch over to Presidential form emerges:-

Advantages of Presidential system over Parliamentary System

- It is more stable
- It provides more wider choice to Choose ministers

- The candidate is true & direct representative of people
- Political parties has to reform themselves to put their best candidate
- it is in true spirit with doctrine of separation of powers.
- it is much efficient system than the latter

However there are certain drawbacks

- Often there is conflict between executive & legislature
- not representative to minorities
- may lead to authoritarian government
- less accountable as compared to parliamentary system.

In a country with wide social, religious, linguistic & ethnic diversity & as a developing nation accountability & inclusivity is preferred over stability

& gridlock.

The prevalent issues of Corruption, efficiency, criminalisation of polity rather needs to be reformed instead of switching to Presidential system.

The electoral reforms, Internal Party democracy & increasing Parliamentary democracy & strengthening existing mechanism will yield better results than a switch.