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GENERAL STUDIES (TEST CODE : 1020)

Name of Candidate	AKHIL PILANI		
Medium Eng./Hindi	ENGLISH	Registration Number	26515
Center	ORN	Date	22/09/2017

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

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EVALUATION INDICATORS

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

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the Best

All the questions are compulsory and carry 12.5 marks each.

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

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

The office of Governor is a Constitutional position. Governor is the head of the State. Though the position is ceremonial, like that of the President, but the Governor enjoys some discretionary powers.

- a) Article 163 states that there shall be a Council of ministers, headed by the Chief Minister to advise the Governor, except that when he is required to act in his own discretion. Also, the decision of the Governor, acting in his discretion, is final and not questionable.
- b) With regard to assent of bills passed by the state legislature,

the Governor can reserve the bill for the assent of the President

- c) The Governor appoints the Chief Minister, based on the party with single largest majority. He acts in his discretion, in cases of hung assembly or when no confidence motion is passed against the assembly
- d) Governor possesses veto power with respect to bills given to him for his assent.

As the Governor is appointed by the President, based on the advice of the Union government, he acts as an agent of the Centre. It is said that post of the Governor has become highly politicized :

- a) Misuse and over use of Article 356 related to President's Rule

- b) Interference of Governor in states when Centre and State have different political parties in power
- c) Governor acting in a partisan manner to pursue interests of Central government, as in the recent cases of Uttarakhand, Jharkhand, Arunachal Pradesh etc
- d) Political appointees to the post.

Governor needs to act as a coordination mechanism between Centre and States. His primary duty is to uphold, protect and defend the Constitution. The recommendations of Punchhi Commission related to ~~post~~ appointment of Governor should be implemented in letter and spirit.

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

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

CAG - Comptroller and Accountant General - is a Constitutional Body which is instrumental in securing financial accountability of the executive to the Parliament.

It achieves it through the following instruments :

- a) Performance Audit
- b) Discretionary Audit
- c) Audit of Consolidated Fund, Contingency fund, Public Account
- d) Check the wisdom, faithfulness, and economy of the expenditure.
- e) Act as guide, friend and philosopher of Public Accounts Committee

- b) Financial audit
- g) Compliance audit

Provisions to ensure independence

- a) Security of tenure : 65 yrs or 6 years
whichever is earlier
- b) Expenses charged on Consolidated
Fund of India
- c) Conditions of employment
cannot be changed to the
disadvantage
- d) Appointed by the President
- e) Removal not at the discretion
of executive

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

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

India is a Union of States.

The quasi federal structure adopted by India requires effective Cooperation between the Centre and States.

The various institutional arrangements for the same are:

- a) Article 263 - Inter-State Council
Can be established by the President to promote coordination among states and between Centre and States.
- b) Article - 280 : Finance Commission,
for horizontal and vertical
devolution of finances between
among States and between Centre
and States.
- c) The office of Governor, appointed
by the ~~first~~ President and is Head of State.

- d) Article 262 : through which Parliament has enacted Inter-State Water Disputes Act and River Boards Act
- e) Grants from Centre to States, in form of Statutory and Discretionary Grants
- f) Zonal Councils, established through the States Reorganization Act, 1956.
- g) Following the principle of Cooperative and Competitive federalism

Role of Inter State Council in promoting Cooperative Federalism

POSITIVE ROLE : a) It is a Constitutional body, which can act as a medium of cooperation

- b) Resolve differences among states e.g. water disputes
- c) A tool of competitive federalism

where states can learn and adapt
best practices

CHALLENGES : a) It does not meet
frequently .
b) It does not have a ^{professional} secretariat
or experts

WAY FORWARD : To act as tool to
promote cooperation among States
and between Centre and States ,
Inter State Council needs : .

- a) Meet at least thrice a year
- b) Engage experts and professionals
in law, management, political
science
- c) Have a professional secretariat
- d) Have powers to mediate in
disputes between States .

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

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

Elections to the Parliament, the State legislative assembly, Panchayats and local body means that frequency of elections is high. In light of this, simultaneous elections have been proposed to the Lok Sabha and State Legislative Assemblies:

Advantages / NEED

- a) GOVERNANCE :
- i) Administrative staff diverted for election duty frequently, which affects daily governance.
 - (ii) Model Code of Conduct means that new policies and welfare programs get delayed.
 - (iii) Political parties ^{and governments} will focus on performance and governance for

4 years of simultaneous elections take place

b) ECONOMIC : i) Spending on frequent elections will be averted.

(ii) Economic growth progress due to focus on performance, accountability etc

c) Legislative : i) Due to frequent elections and model code of conduct, legislative functions get delayed.

ii) Legislators belonging to political parties get busy in campaigning for different elections

CONCERNS : a) National and regional issues may get mixed up in the mind of electorate.

b) Frequent elections ensure that legislators remain accountable to the electorate.

c) Huge amount of economic and administrative resources required

- for simultaneous elections.
- d) Coordinating the different schedule of elections of Lok Sabha and ~~diff~~ legislative assemblies of various states.
- e) Uncertainties when legislative assembly is dissolved before completion of its term. It would require re elections for all.

WAY FORWARD : Due to the drastic nature of such a change, developing political will and feasibility of simultaneous elections is a concern. Instead, political and electoral reforms like decriminalization of politics, curbing election spending, intra-party democracy, audit of political parties should be the way forward.

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

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

Competition Commission of India is a statutory body to ensure fair competition, protect the interests of consumers, ensure that absolute monopoly or unfair practices are not being used.

Sector specific regulators like TRAI, SEBI, RBI are used to regulate various sectors like Telecom, markets banks respectively,

Conflict between the two

- a) Overlapping jurisdiction :
CCI is overall regulator, conflicts with sector specific regulators

b) CCI V/s RBI : Merger of banks

c) CCI V/s TRAI : telecom policies by TRAI

Cooperation and Complementary function can ensure better regulation of markets.

a) Professionals from various sector regulators should work with CCI

b) Awareness about rules, standard operating Procedures etc.

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

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

Contempt of Court is a power given to the judiciary to punish those who violate the authority of the Court. It can be civil or Criminal Contempt of Court

- a) CIVIL : When order of Court is wilfully disobeyed
- b) Criminal Contempt : impugning on the dignity of the Court, obstruction in judicial proceedings or administration of justice etc.

Judiciary, as an organ of the government, is the guardian of the Constitution and protector of Fundamental Rights. Thus

protecting its dignity and authority is essential.

Contempt power limits freedom?

- a) It restricts freedom of ^{speech and} expression
- b) It is undemocratic in nature
- c) Misuse of the contempt power for justified criticism, which does not necessarily hamper administration of justice.
- d) It erodes the trust between the public and the judiciary.
- e) It shows the lack of transparency and the difference in ideals and reality of the judiciary.

Contempt power is justified?

- a) Freedom of speech and expression is not absolute and subject to reasonable restrictions
- b) It is needed to maintain authority and dignity of court.

- c) It is needed for effective enforcement of the Court's orders.

In order to protect the authority of the Courts and ensure rights of speech and expression, the judiciary should use its power of Contempt wisely. It should accept justified criticism, while improving its transparency in issues like performance, appointments.

Improve in performance of the Courts which ensure justice and protect the rights, while punishing those who actually hamper administration of justice can reconcile the difference between the two.

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

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

In its powers given by Article 262, Parliament enacted Inter State Water Disputes (Amendment) Act, 2017 for resolution of disputes relation relating to sharing of waters of inter-state rivers. It is a welcome step because of the following

- a) Permanent Tribunal ~~for~~ with different benches, alleviates the need for a separate tribunal each time a dispute occurred
- b) Dispute Resolution Committees for resolving the differences between states
- c) Appointment and Service Rules for members of tribunal
- d) Fixed timelines for timely resolution of disputes by the Tribunal (4 1/2 years)

- e) Data bank for maintaining the data related to the river and valley valleys basin at the national level.

However, the effectiveness of legislation to resolve the ^{issue of} overlapping of jurisdiction between legislature and judiciary is doubtful.

- a) Executive ^{and legislature} will decide the membership criteria, appointment of tribunals, which is against separation of power and independence of judiciary.
- b) The award to the tribunals is challenged by the states in the Supreme Court.
- c) No mechanism for enforcement of the award.
- d) excessive tribunalisation by creating tribunals for various disputes.

which implies entry of legislature into the domain of judiciary.

To make resolution of water disputes effective, following needs to be done

- a) Depoliticization of river disputes
- b) Supply side management of water:
e.g. irrigation, rational use.
- c) River Boards for management of river waters and enforcement of award of tribunal.
- d) Inter State Council could act as a medium to resolve disputes and monitor implementation.

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

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

According to data by Association of Democratic Reforms, around 70% funding of political parties between 2004/05 - 2014/15 came from anonymous sources. Excessive use of money in elections erodes the free and fair nature of elections and promotes black money and corruption.

To curb such effects, reforms were introduced in area of electoral funding in Union Budget 2017

- a) ~~Same~~ Maximum of 2000/- cash can be donated by an individual
- b) Electoral Bonds : It can be purchased from bank, by cheque/online, and donated to political party in

a given bank account. The bonds are anonymous.

- c) Political parties need to file annual financial statements.
- d) Political parties can receive donations online or cheque etc., discouraging cash usage.
- e) The 7.5% limit on donations by Corporates has been done away with. Also companies don't need to mention name of party in their accounts.

CRITICISM : a) Such measures will not be effective.

- b) More anonymous sources and more data will need to be maintained to bypass such reforms. e.g. multiple donations less than 2000 in cash.
- c) Encourages anonymity.

State funding of elections is suggested by various committees to check misuse of money power.

Advantages : a) Limits to spending.

- b) Check corruption and crony capitalism
- c) Ensure free and fair elections
- Challenges : a) Public will ^{finance} support those candidates also, who they don't support and ~~£~~ vote for.
- b) It will erode the link between party and citizens.

WAY FORWARD : a) strict implementation of the various laws

- b) Audit of ^{accounts of} political parties
- c) Banning cash donations and anonymous donation completely.

Such step can be a step forward to ensure clean elections

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.

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

^{Definition of}
Office of Profit is not mentioned in the Constitution. However, various judgements, conventions, EC define it as following

- whether government makes the appointment
- whether government holds the right to dismiss the appointee
- who pays remuneration
- what^{are} the functions.

According to Representation of People Act, a legislator will be disqualified if he holds an office of profit outside his duties as a legislator.

Controversies regarding Office of Profit

- Against separation of power.

Executive of the government which enjoys majority in the legislature, creates posts like Parliamentary secretaries for the legislature to get their support. This is against separation of power and negates the resp accountability of the executive to the legislature.

- b) It is used to bypass the 15% limit on the ~~Co~~ strength of Council of Ministers.

Arguments for posts like Parliament-ary secretaries that they should not be considered as Office of Profit

- a) They are not appointed by the President, as ministers are.
- b) They do not sign the oath of secrecy.
- c) Exemptions from disqualification of such posts from Office of Profit Clause have been made in the past.

The role of the judiciary in deciding disqualification for the same should be:

- a) Posts in an advisory role should not be considered office of profit
- b) Post which involve executive decision making and allocation of resources should be considered office of profit
- c) Posts which are required for effective coordination between different departments should not be considered office of profit.

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

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

Sixth Schedule of the Constitution is related to the scheduled and tribal areas of Assam, Meghalaya, Tripura and Mizoram.

Some provisions are :

- a) Autonomous district councils and regional councils, for administration of tribal areas.
- b) The laws of Parliament or State legislature do not apply to such areas or apply with some exception
- c) Legislative powers to councils to make laws on issues like land, inheritance, marriage, divorce
- d) Judicial powers to resolve cases among tribals.

- e) The regional councils can ^{establish and} regulate schools, dispensary, local markets, money lending activities in such areas

Thus, the 6th schedule caters to the special needs of tribals, ensuring autonomy to such areas while safeguarding their local laws, customs and culture. The wide ranging powers have made the implementation of 6th schedule considerably successful compared to the 5th schedule.

Challenges :

- a) Discretion of the Governor in creation ~~at~~ and establishment of Autonomous district Councils, application of outside laws etc
- b) The powers of the Councils are

Subject to approval from the Governor.

- c) Unwillingness of the State to effectively devolve powers, funds ~~of the~~ to such councils.
- d) Poor implementation of various acts for welfare of tribals e.g. PESA, Forest Rights Act etc.
- e) Insurgency activities by non state actors in such areas, which hinders development.

WAY FORWARD : Development of tribal areas needs to be looked by a holistic perspective. Effective implementation of 6th schedule, while complemented with other measures like PESA, FRA can ensure inclusive development.

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

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

Unity in diversity is a unique feature of India. This is possible only because every minority, whether on basis of language, religion, culture etc is ensured special rights to preserve their identity, culture and traditions.

Some of the special rights are
a) Article 25-28: Freedom of religion ensures an individual or community to propagate, practice, profess their religion.

b) Article 29, 30: Every group or minority has the right to preserve, protect their culture, establish institutions and administer the same.

- c) Secularism is a basic feature of the Constitution
- d) National Commission for minorities has been established to protect the interests of minorities.
- e) Special provisions to States like Nagaland, Mizoram etc under Article 371 to protect their customary law and traditions.
- f) Prohibition of discrimination on the basis of religion, language, caste ~~etc~~ under Article 15.
- g) Duty of the State to provide instruction in mother tongue to children
- h) ⁹² Official languages enshrined in the 8th schedule.

Such special rights are not
privileges, but are needed in
order to protect the plural
character of the country.

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

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

RTI or Right to Information has been regarded as the master key to good governance by the 2nd Administrative Reforms Commission. It enables citizens to seek information from public authorities and government departments regarding their functioning, resource allocation etc. It increases transparency, accountability, deters corruption and leads to improvement in governance.

The judiciary while following the ideals of transparency, has ordered government to implement RTI.

but is itself against Comb
coming under its ambit.
Many high courts have not appointed
Public Information Officers,
high fee to seek information (500/-)
compared to normal fee of 10/-,
binding decision of Registrar General
of the Court are some examples
that highlight unwillingness of
the judiciary to come under RTI.
PROS of judiciary under RTI

- a) Increases transparency and accountability
- b) Increases public trust in the judicial system
- c) The judiciary should lead by example
- d) It is in favour of democratic principles. People have a right to know.
- e) Sufficient safeguards available under the act to ensure independence of the judiciary.

- CONS :
- a) Independence of the judiciary may be threatened
 - b) Judicial discussions concern with highly confidential meetings and data relating to various organs of government. Bringing under RTI may not be in interest of national security
 - c) Already burdened judiciary.
 - d) Dignity and respect of judges, which is essential may be impacted

WAY FORWARD : Bringing judiciary under RTI does not threaten the balance b/w independence of judiciary and right to people to know. Adequate safeguards are available under RTI act to ensure the same. Hence judiciary should be brought under RTI.

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

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

Pressure Groups are an organized group of people with similar interests, who put pressure on the government, in pursuance of such interest.

Political parties also represent a group of people, who run for elections to form government.

The main difference b/w the two is that while ~~the~~ Pressure group do not aim to capture power, political parties aim for power.

Both are a part of civil society in democracy and use different means to achieve their goals. Pressure groups remain outside the government, while

political parties aim to become part of the government.

Rise of Pressure Groups

Pressure groups can be protective or promotional, depending on the range of interests that they try to protect. They can be associational, non associational, institutional and amorphous.

The rise of political pressure groups can be partly attributed to inadequacies of political parties in India.

- a) Environment ^{protection groups} ~~movements~~ care for the wider range of interests like tribals, environment, climate change, exploitation of resources, which are neglected by political parties.

- b) Political parties favour big Corporations for support and donations, while most environment ~~movements~~ ^{protection groups} are against them.
e.g. mining corporations, big dams (Sardar Sarovar dam).
- c) Environment protection groups voice the concerns and interests of the voiceless, which are often neglected by political parties who use them merely as vote banks.

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

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

Lok Adalats are a form of alternate dispute redressal mechanism, which was given statutory status by Legal Services Authority Act. They enable speedier resolution in a cost effective way, reduce burden on courts and help maintain amicable relationship between opposing parties.

However success of Lok Adalats has been limited :-

- a) Limited awareness of its use as a means of dispute resolution
- b) Its decision is final and binding. No appeals are allowed against its decisions, which acts as an

impediment for its use.

- c) Already ^{over}burdened judges not available to reside over Lok Adalats
- d) Lok Adalats not constituted frequently.
- e) Biased arbitrators, leading to dissatisfactory resolution.

Measures needed:

- a) Awareness generation for Lok Adalats at National, State, local (Panchayat level)
- b) Lok Adalats should be frequently constituted by National Legal Services authority, State Legal Services authority and also at the Taluk level.
- c) Fairness and transparency in proceedings.

Given the huge backlog of cases,
Lok Adalats need to be promoted
along with other reforms in
lower judiciary.

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

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

The provision of Article 243T which allows for 33% reservation of seats for women in urban local body elections has been opposed in Nagaland on the premise that it goes against Article 371A which states that all laws should be consistent with Naga Customary law and traditions.

The Nagas consider ^{it a} violation of their customary law.

Arguments given by Nagas

a) Article 243T is against Article 371A and is unconstitutional

- b) They are against elections of women, but not against appointment. They are willing to nominate women in ULB.

Arguments against Nagas

- a) Denying women to fight elections is against the constitutional provisions, also against Article 14, 15.
- b) Women already fight elections for village development boards, so opposing for ULB does not make sense.

The issue also reflects the social realities in the state:

- a) Highlights the discrimination against women.
- b) Despite high literacy, women are still not represented adequately. (Only 1 woman parliamentarian so far)

- c) Ideology of patriarchy prevalent, denying rights and dignity of women.

WAY FORWARD : a) Provision of Article 243T should be implemented.

b) Customary laws should be made gender neutral.

c) Naga civil society should be involved in generating awareness of the issue.

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

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

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

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

The 73rd and 74th Constitutional Amendments provided for constitutional status for third tier of government at the local level in the form of Panchayat and Municipalities. It contained some mandatory provisions and some discretionary provisions, with the power to state government to regulate the same. Though ^{areas of} functions of Panchayats and ULB's have been mentioned in 11th and 12th Schedules, yet the functions have not been effectively devolved by the States to the local level.

Challenges for effective decentralisation

- a) Lack of political will of States to empower local bodies and let go of power.
- b) Lack of 3F's - funds, functions, functionaries to the local bodies
- c) Lack of effective capacity and capability of local bodies and unavailability of skilled workforce
- d) Lack of transparency and accountability.
- e) Ineffective Coordination among various departments
- f) Lack of Community engagement and top down approach.

Reforms needed : a) Devolve more powers, funds, functions to local bodies

- b) Regular meetings of Gram Sabha, Community involvement by creating

awareness, more transparency etc

- c) Financial ~~indep~~ self sufficiency,
e.g. municipal bonds, credit
rating of municipal corporation
- d) Professionalisation of local bodies
- e) Institutionalisation of functions of
local bodies.
- f) Training, capacity building etc
of ULB's and Panchayats.

Following a bottom up approach
~~which~~ will strengthen the principle
of subsidiarity and lead to good
Governance.

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

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

The office of Speaker is a highly dignified office which enjoys Constitutional status and high rank in the order of preference.

Powers of speaker

- a) Speaker is the Head of Lok Sabha
- b) Speaker appoints the members of various Committees; Also presides over General Purpose Committee, Rules Committee, Business Advisory Committee
- c) It ^(office of speaker) certifies a bill as money bill
- d) It presides over joint sitting of Parliament.
- e) It has a casting vote in case of tie
- f) Regulates the proceedings of the House

- g) Can Conduct secret sitting of the House.
- h) Its decisions regarding various rules, procedures, Constitutional provisions within the House are final.
- i) It decides on disqualification of members on basis of Defection.

Thus, office of Speaker has wide powers to strengthen the democratic institutions of Parliamentary system.

However, the powers of Speaker have also been used to stifle dissent or protest in the House.

- a) ~~Disqualifying~~ ^{Suspending} members for criticism of government policies for unruly behaviour.
- b) Partisan behaviour while deciding certification of money bills, or disqualification on basis of defection.

- c) Stifling criticism of government or even criticism.

WAY FORWARD : Speaker can resign from the political party to remain neutral. He/She can join it later. Also powers like those of defection can be vested in a committee instead of single individual. Thus Speaker should ensure effective functioning of the Parliament and not engage in political affiliations or partisan behaviour.

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

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

10th schedule is related to anti defection provision. 52nd amendment added 10th schedule to provide for disqualification of members of legislature on basis of defection.

- Any member who voluntarily resigns from the political party or does not follow instructions of the party
- Independent members will be disqualified if they join a political party
- Nominated members can join a party within 6 months. After that, they will be disqualified.

91st amendment strengthened the law by banning group defections and limiting strength of Council of ministers to 15%.

Also disqualified members were banned from holding office of profit.

However, the law has ~~been~~

failed due to the following

- a) Members shifting ^{to different} political parties
- b) Partisan role played by Governor and Speaker.
- c) Shifting alliances of legislators
- d) Politics of interest rather than politics of ideology.

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

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

Parliamentary System features

- a) Harmony between Legislature and executive
- b) Responsible government
- c) Presence of dual executive
- d) Leadership of Prime Minister
- e) Dissolution of lower house
- f) Wide representation
- g) Double membership of ministers

Advantages :

- a) Familiarity with the system when India gained independence
- b) Accountability of the executive & the Council of Ministers to the Parliament

- Disadvantage :
- a) Against separation of power
 - b) Unstable government due to passage of no confidence motion
 - c) Government by amateurs

Thus Parliamentary System with its features ; promote constant accountability , accommodation and inclusion of wide variety of interest is suitable for the needs of the Country.

Advantages of Presidential System

- a) Stable government
- b) Focus on performance
- c) Separation of powers
- d) Government by experts
- e) Single executive i.e. rule of the President.

Given the instabilities of Parliamentary system, talks of shifting to Presidential system gain ground. However Presidential system comes with its own set of problems. Besides, changing the Parliamentary form would be a drastic measure and alter the basic structure of the Constitution -