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GENERAL STUDIES (TEST CODE : 1020)

Name of Candidate	SHIVANI GOYAL		
Medium Eng./Hindi	English	Registration Number	30302
Center	RN + (home)	Date	18 Sep 17

INDEX TABLE			INSTRUCTIONS
Q. No.	Maximum Marks	Marks Obtained	1. 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)। 2. There are TWENTY questions printed in ENGLISH & HINDI इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं। 3. All questions are compulsory. सभी प्रश्न अनिवार्य हैं। 4. The number of marks carried by a question/part is indicated against it. प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं। 5. Answers must be written in the medium authorized in the Admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one. 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। 6. Word limit in questions, if specified, should be adhered to. प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए। 7. 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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20	12.5		
Total Marks Obtained:			
Remarks:			

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

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

Governor is the active link between the centre and the states and is the executive head of the state. Discretionary powers of governor:-

- ① Under Art 163, governor is supposed to act as per the aid and advice of the state council of ministers except where he acts in discretion.
- ② U/a 200, he can reserve the bill for centre's consideration passed by state legislature.
- ③ Report to the president when feels that state not working as per constitutional machinery.

- ④ after election result,
inviting the leader whom
he thinks can form a stable
government
- ⑤ In few states such as Assam,
Manipur, Karnataka, &
administration of few areas

It's been said that post of
the governor is becoming
politicised :

- ① misuse of governor's office
by the Union to style state
eg: imposition of President
rule u/a 356.
- ② Arbitrary appointment,
removal or transfer of
governor

③ Reservation of bills and
centre taking undue time
for consideration.

In order to avoid this and
promote the spirit of cooperative
federalism, Sarkaria / Commission
Punchi
recommendations
need to be followed

eg: appointment of eminent
person outside state, detached
from local politics, allowing
him/her to continue the
term of. Centre needs to
act with restraint, uphold
the spirit of federalism
while governors also needs
to act with ~~imp~~ objectivity
and impartiality to
uphold the dignity of the office

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

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

Comptroller and Auditor general is one of the four watchdogs in Indian democracy to ensure financial accountability of the executive.

Its functions include:

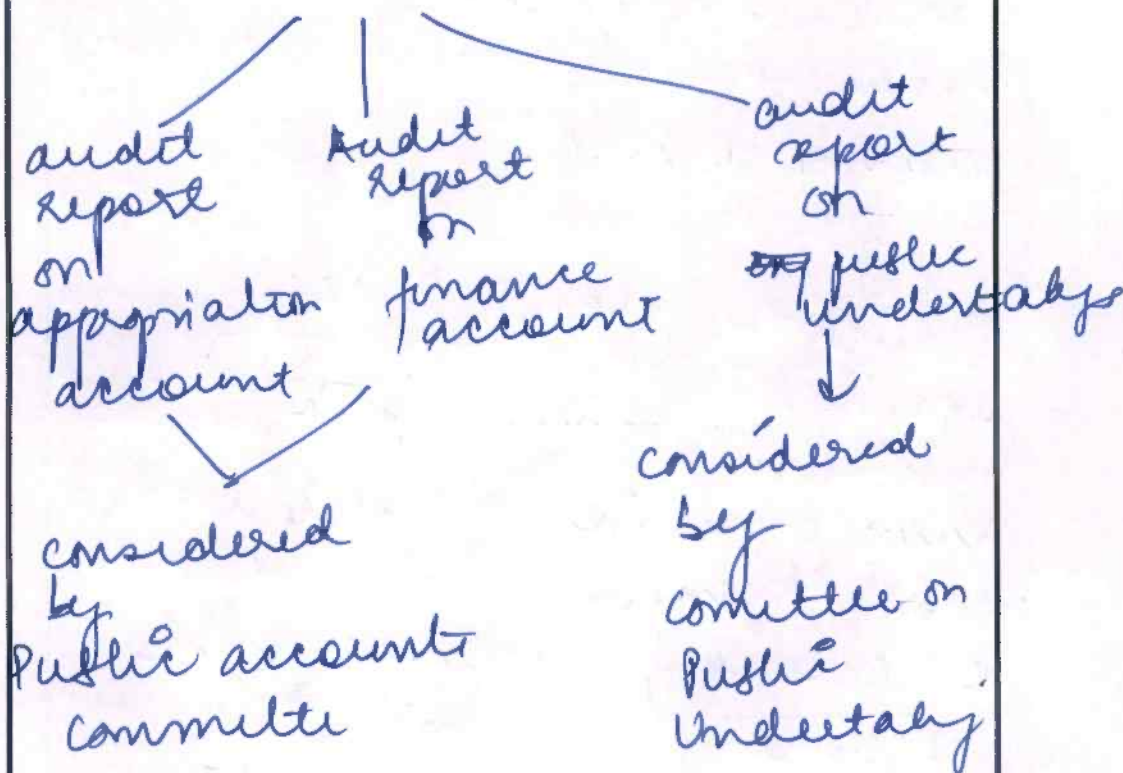
REGULATORY AUDIT: to ensure whether the expenditure made is legally available for

PROPRIETARY AUDIT: to ensure wisdom and fairness of expenditure

PERFORMANCE AUDIT: to ensure efficiency, effectiveness and

autonomy of the expenditure

It audits the receipts and expenditures of the central and state executive, government controlled companies and organisations substantially funded by the government. It comes out with.



Provisions for independence

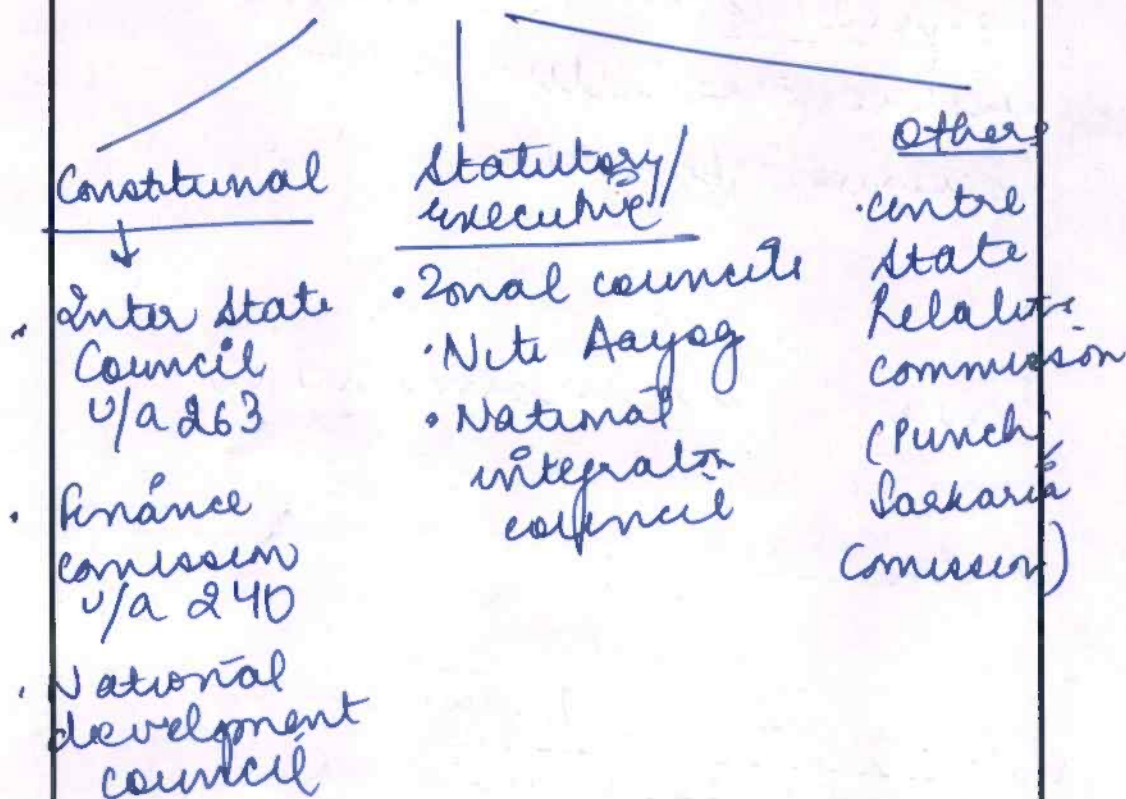
- ① Expenditure of CAG is charged from Consolidated fund of India
- ② Removal of CAG only through process of removal of a SC judge (by president after recommendation of parliament)
- ③ Parliament/executive cannot change the terms of service adversely during tenure.

Through the actions of CAG, scandals like GWG, 2G spectrum scam, Adarsh scam have come into light and hence it enforces accountability to ensure effectiveness and efficiency in expenditure.

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।

Different institutional
arrangements can be
divided into



Inter State Council^(ISC) was formed
for the first time after
SARKARIA COMMISSION recommend.

U/a 263, President can form inter state council as and when deems necessary.

The purpose of inter state council is to facilitate cooperation platform for dispute resolution and consensus building.

However, the performance of ISC is has been less than satisfactory because:-

- ① Irregular meetings : only 12 in ~~last~~ more than ten years
- ② Overlapping functions with bodies like NITI aayog

③ Role is only recommendatory/
advisory

The Inter State Council can
act as a vibrant platform
for consensus building, dispute
resolution and cooperative federalism.

Rew good initiatives: eg: discussion
on reservation of title by governor, etc
were done.

To strengthen ISC recommendations
of Sarkaria and Punchi
commission can be followed

- ① 3 meetings in a year
- ② agenda should be
jointly formulated by centre
and states >
- ③ Inclusion of functional expert
from outside.
- ④ Allowing to look into inter
state dispute eg, Cauvery
dispute.

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।

Recently Prime Minister Modi suggested conducting of simultaneous elections.

Advantages

- ① Focus on governance than winning elections
- ② New welfare schemes/developmental projects cannot be announced due to frequent implementation of the Model Code of Conduct
- ③ Legislative lag as each party tries to be in limelight
- ④ Heavy election expenditure - economic burden.

Concerns :

① Practical difficulties if any assembly is dissolved prematurely

(as per constitution, elections need to take place within 6 months of dissolution of assembly).

② Mixing of national and local issues

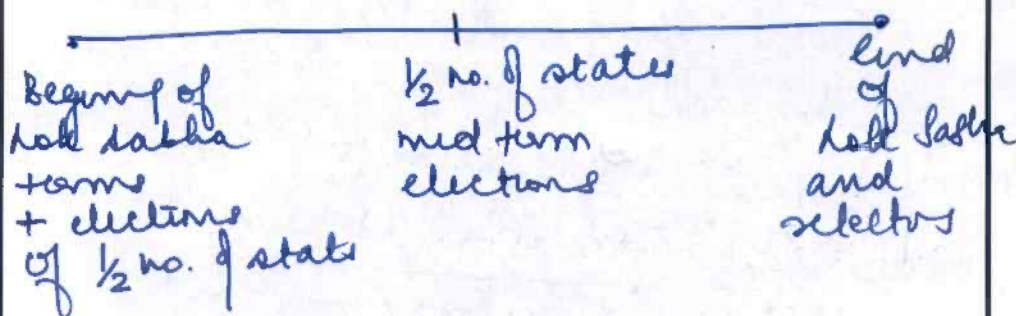
③ Logistical challenges of shortage of security, administrative personnel

④ Continuous elections forces politicians to return back to citizens regularly, enhancing accountability

Way forward :

Though the advantages of simultaneous elections are desirable, but it can be practically infeasible. Rather other feasible reforms like

- German model of constructive no confidence motion -
- Parliamentary panel recommends elections in 2 phases:



• Curbing money power through strict implementation of election ceilings, state funding of elections and enhanced transparency by inclusion in RTI.

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।

MANDATE :

Competition Commission of India
created to implement Competition
Commission of India act 2002
to ensure maintenance of free
and fair competition, protection
of consumer interest and
level playing field.

Other sector specific regulators:
TRAI, RBI, SEBI deal with
specific sectors and regulation
and development of telecom,
Banking and capital markets.

Recently, overlapping jurisdiction
and friction seen in cases
like

① TRAI V/S CCI :

dominant position, predatory
pricing with launch of T10

② CCI V/S Sebi

in issues of mergers and acquisitions

③ CCI V/S RBI

mergers and acquisitions
in banking sector.

conflict arises due to in
issues like dominant position, predatory
pricing, monopoly issues,
mergers and acquisitions due
to following reasons :

- Generalist v/s Technical:
~~CC~~ CCI deals with maintenance
of competition while sector
specific regulator deal with
specific issues -

Way forward:

Both need to complement one
other for which clarity on
roles and responsibilities,
learning from global best
practices: MoU signed in
London to ensure complementarity,
and avoidance of turf wars
to ensure a robust
overarching regulatory
infrastructure for development
of economy and society.

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।

As per the Constitution and the
parliament law enacted -
Contempt of Courts Act 1971

allows the Supreme Court and
high court to take action
against contempt towards
higher judiciary.

Reasons for granting contempt
powers

- (i) judges can deliver judgement
without fear or favour,
entrances of public opinion/
media
- (ii) maintain supremacy of
courts and law

- (ii) prevent lowering of authority of courts
- (iii) prevent any obstruction to justice

However,
the contempt powers have been criticized lately due to:—

- Against freedom of expression - U/a 19(1)(a) to stifle legitimate criticism, media
- Against democratic rights
- Pandit Bhakurdas in constitutional committee debates has said that these powers could lead to misuse and are not needed as wilful disobedience of court orders is already a punishable infraction.

Way forward :

There is a need to balance both contempt of court, (AUTHORITY and INDEPENDENCE of judiciary) along with freedom of expression.

Therefore the courts need to act liberally and respect expression u/a 19(1)(a) rather than styling legitimate criticism which is permissible even as per the contempt of court act 1971.

Also the media and public need to show restraint and discipline to ensure the sanctity of judicial process

this can uphold rule of law as well as democratic rights as enshrined in constitution

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

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

Inter state water disputes (Amendment) Bill 2017 aims to cover shortfalls in the present system of adjudication of disputes.

DRAWBACKS of present system:

huge delays: matters remain subsudice for more than 2 decades

Eg: Cauvery - Beas dispute remained pending for more than 25 years

No finality: parties are quick to appeal in supreme court delaying the process

lack of implementation mechanism

The new amendment act aims to :

- ① Before adjudication, referring matter to Dispute Resolution committee
- ② Rather than multiple tribunals, 1 tribunal with multiple benches
- ③ collating technical data
- ④ Service conditions, age and tenure of judges
- ⑤ Fixing time limit of 4.5 years

Despite few desirable measures, the loopholes remain,

that

Supreme court can still be involved in adjudication of disputes as aggrieved parties could appeal but as

per the Inter State Water
disputes Act 1956 and
Article 262:

The provision clearly bars the
jurisdiction of Supreme court
in adjudication of these
disputes.

Recommendations :

- Greater clarity on role of
Supreme Court in these
matters
- Designing a robust architecture
for timely and effective
settlement of cases
- Mediation needs to be
promoted and
finally supply side management
measures such as reduction
in water use, agroclimatic
planning will go long way in
addressing these disputes -

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?

Reforms in Union Budget 2017 :

- ① Limiting cash ~~trans~~ donations to 2000 ₹ from earlier 20,000 ₹.
- ② New electoral bond scheme
- ③ Limit on 7.5% funding from companies removed
- ④ FERA to be amended to allow foreign companies of specific type to donate money.

DRAWBACKS of reforms:

- ① Reducing cash limit to 2000 ₹ only means MORE PAPERWORK and finding

more names to be lent.

(ADR reports that 75% of funds comes from anonymous cash donations to the parties).

• electoral bonds scheme will maintain anonymity as these are bearer cheques and can act as conduit for opaque corporate funding leading to CRONY CAPITALISM.

STATE FUNDING: refers to assistance by the government to political parties in form of cash or kind to contest elections. This has been recommended by Danish Goswami committee and Indrajit Gupta committee.

MERITS

- Reduce money power in elections
- curb crony capitalism
- greater transparency

DEMERITS

- Against fight to equality and discrimination towards independent and non recognised parties
- hinders level playing field
- Taxpayer forced to contribute for party he doesn't support

As the consensus on state funding of elections fails to form, more practical measures such as transparency in corporate funding (on lines of USA), inclusion in RTI and strict adherence to election expenditure ceilings can help reduce money power and ensure free and fair 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.

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

Office of profit, though not statutorily legally defined is generally referred to as position where:

5 tests by ECJ for determining Office of profit:

- ① where executive makes appointment
- ② executive controls the remuneration
- ③ executive can dismiss the position holder
- ④ exercises significant influence on the appointment process

Therefore ministers, public servants, bureaucrats working in the executive as office of profit.

Significance:

① As per Constitution and RPA act,

if any member of parliament or member of state legislative assembly holds office of profit - he will be deemed disqualified. (TSOI)

(This is to ensure The Separation of Powers concept as legislature holds the executive responsible and should be separation to enforce accountability)

② As per 91st Constitutional amendment act, limit on size of council of Ministers to be 15% of size of legislature

Controversy:

Nomination of MP/MLA as
parliamentary secretaries/
chairman of corporation
which breaches the concept
of TSP and hinders the
process of legislature holding
the executive accountable

Role of judiciary

• Recently Punjab high court
declared the appointment of
parliament secretaries in
Punjab assembly as
unconstitutional.

• Similar cases in Delhi,
Tamil Nadu have been
stayed by the judiciary

Recommendations:

election commission should lay
down clear rule regarding

for the purpose to ensure
no violation takes
place.

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 deals with administration of areas in the tribal areas of states of ~~Assam~~, Meghalaya, Mizoram, Assam and Tripura for protection of customary traditions of tribals and providing autonomy in administration.

Notable provisions:

- Formation of district council or regional council.
- Will have 30 members which will be directly elected (excluding 4 to be nominated by the governor)
- Will have legislative powers e.g. on markets, courts,

prohibition, money lending
 • Judicial powers as can
 organise trial court for
 administration of justice

Challenges faced by 6th schedule

• Lack of democratic decentralisation

Ex: In Bodoland territorial
 admin area, power is only
 with few members hindering
 democratic participation

• Poor financial empowerment
 as not included in
 state finance commission

• Engagement in elect
 activities: North Cachar
 hill council on radar of CB/

• States not implementing the
 law in full spirit

way forward:

strict implementation of
constitutional provisions to
grant real autonomy and
prevent alienation including

- Allowing multistakeholder participation including women
- Inclusion of 6th schedule areas in State finance commission
- Allowing them to implement centrally funded schemes
- And setting up a permanent empowered committee to ensure implementation of act.

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।

Indian constitution recognises following minorities -
Muslims, Buddhists, Christians, Sikhs, Zoroastrians and Jains.
Along with them, state minorities are granted the following rights:

1. Art 29-30: Cultural and Educational Rights.

These fundamental rights allow minorities to protect, promote, preserve their culture.

- Setting up educational institutions to promote their language
- In granting aid by government, right to not be discriminated.

- Setting up of Special officer
of linguistic minorities.
- Promoting education at
primary level to be in
mother tongue.

Significance :

The granting of fundamental rights which are protected by writ jurisdiction ensures that our polity believes in concept of UNITY IN DIVERSITY and enriching the composite culture of India by promoting and integration of minority culture into the mainstream. As per this, many minorities have established schools eg: madrasas, anglo schools

to protect their language.
Similarly state endeavours
to protect their culture
by launching the mission—
HUMARI DHAROHAR to ensure
continued survival and
promotion of the minority
culture.

Way forward:

Along with culture promotion,
active steps for social
and economic empowerment
to bring the minorities to
the level of ~~the~~ natural
society as recommended by
Sachar committee report and
Ranganath Mishra.

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।

As per the RTI act 2009, under section 2(h) of the act, the judiciary is included in the definition of public authorities and hence bound to give information as per the act.

However many high courts have still not appointed public information officers due to the the debate whether judiciary should be included in RTI.

Merits of bringing judiciary:

- More transparency in the functioning of the OPAQUE

collegium system regarding
appointments of judges.

- Better record regarding the status of cases and average time taken to dispose off the case leading to 'working judges' [245th law commission head Balbir Singh Chauhan talked about working judges and faster rate of disposal of cases]
- Curb illegal, ^{unethical} practices such as nepotism, corruption, Uncle judge syndrome
- greater trust amongst common citizenry.

HOWEVER, the demerits of bringing judiciary:

① Disclosure of collegium minutes

can affect the credibility of the judge ~~and~~ appointed in case of adverse comment.

- As per the Contempt of Court Act, misuse of RTI can hinder the functioning of judges without fear or favour.
- Can hamper the independence/authority of judiciary by frivolous complaints.
- decrease efficiency.

Way forward

To maintain the rule of law, judiciary needs to be effective, independent and free from outside pressure. Specific exemptions can be laid regarding non disclosure of collegium and efforts to increase overall transparency through laying a more robust mechanism for appointment

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।

*Not much
understand*

PRESSURE GROUPS

① Objective is to promote the group's specific cause or agenda by influencing government and society

② Methods of operation: lobbying, advocacy, demonstration, creating awareness in society.

③ END GOAL: achievement of purpose

POLITICAL PARTIES

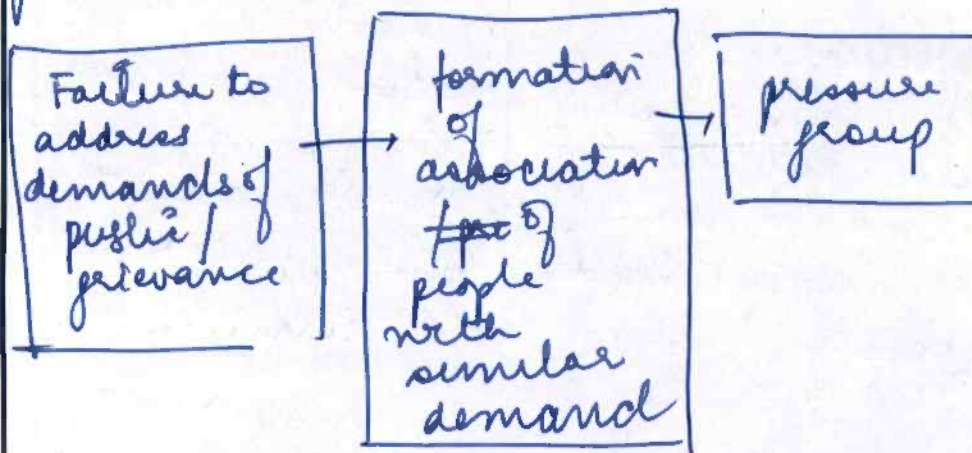
① Objective is to ~~contest~~ win power and form government to implement their socio-economic agenda in governance

Method: contesting elections

power.

pressure groups due to inadequacies of political parties.

It is been said as pressure groups often raise the concerns being ignored by the political parties.



For example:

Narmada Bachao Andolan was formed to increase awareness in society and stop the construction of Sardar Sarovar dam after the grievances and concerns of the farmers, scientists, environment was unaddressed.

often we see pressure groups
in the field of environment
as generally environmental
concerns/ nital concerns take
a backseat in the name of
development.

eg: Posco plant in Odisha

Pressure groups

POSITIVES

• Policy advocacy
• Less effort
in Protection
of domestic
violence

• Checks abuse
of power

• RTI due to
growth of
Mazdoor Kisan
sangathan

Way forward is to engage with
pressure groups to address their
grievances and also efforts

NEGATIVES

• Have authority
without responsibility

• Could lead to
tyranny of minority

• Liberal mentality

• IB report where
reported India
losing 1-2% GDP
due to engineering
dissent

to instill transparency in
functioning

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 were an outcome of National Legal Services Authority act which provided for alternate dispute resolution (ADR) mechanism for speedy and inexpensive justice to the weak and marginalised community.

Increasing number of case in judiciary and backlog of cases amounting to 3 crore indicate that ADR as a concept has not sprouted in Indian society.

Factors for limited success of Lok Adalats

- Low awareness amongst people

- Attitude that not a good substitute of traditional judiciary
- Parties to the case often not accept the decision due to the opinion of not being final and binding
- Informal procedure employed [Indian evidence act, common procedure code ~~for~~ not implemented] -

How to increase effectiveness:

- Generating greater awareness regarding alternative dispute resolution through media, radio, information and education campaign.
- Publicising the benefits over traditional judiciary - lower cost.

· Increasing capacity, proper resources and setting more lok adalats in every district for easy access and visibility

· Law enforcement agencies should ensure that the decision given by lok adalat is duly followed by all parties.

Therefore, lok adalats can ensure speedy and equal access of justice as per the Constitutional directive and also deburden the 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 दौब पर लगे संवैधानिक प्रावधानों के आलोक में अंतर्निहित मुद्दों पर चर्चा कीजिए।

~~On~~ In Nagaland, Urban local bodies elections have not been taken place since 2011 due to the opposition to Art 243T of 74th Constitutional amendment act which mandates 33% reservation for women.

WHY?

The opposition comes from the fact that Nagaland has few special provisions related to the state under Art 371 where an act of parliament will not be implemented in state if it is against the social and customary practices.

Why reservation should be allowed?

- Art 371 gives protection against acts of parliament and not constitutional provisions (the 33% reservation is a constitutional obligation)
- help in gender parity - social reality that despite more than 75% literacy rate in women, only 1 elected MP from state women
- promote women empowerment through her political empowerment.

However, this is opposed by the Naga Hoho group stating that it is against their social practices. They accept

woman participation through
nomination, not election.

Way forward:

In the present times, many
social and customary practices
are being reviewed [eg: triple
talac] and consensus is being
reached that customary laws
needs to be reformed to
ensure gender parity and
right to equality as enshrined
under Art 14 irrespective
of sex. Therefore societal
awareness needs to be increased
to counter such notions and
more progressive reforms such
as bringing 50% reservation
in local bodies are welcome.

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।

Recently the Supreme Court has ruled that government advertisements can only have the images of Prime Minister, President or Chief Minister and ads by other political members is disallowed.

Rationale for judgement:

- Taxpayer's money will be more effectively utilised if spent for developmental activities than for creating favourable image.
- Hinders level playing field between the ruling party and opposition ~~at~~ - hindering free and

fair nature of elections.

PAID NEWS refers to propaganda by a political party / candidate if masquerading as a news content.

EVILS OF PAID NEWS :

- Hinders the ability of voters to form a correct opinion
- Breach of journalistic ethics
- Surpassing election expenditure ceilings
- source of black money for the media house.
- Unfair for smaller parties, independent candidates.

Recommendations of 12th law commission :

- Paid news should be declared as election offence under

the ~~Right~~ Representation in
Parliament Act.

- Strict penalties and criminal prosecution of media house and political candidate allowed
- Disqualification of candidate
- Press Control of India can be given statutory responsibility for dealing with paid news menace.

Way forward:

for increasing the awareness about various government initiatives rather than spending money, reaching out to the people locally and innovations like Mann ki Baat should be used. Menace of paid news needs to be handled both legally by stringent punishment and also increasing societal awareness to ensure free and fair elections and informed citizens

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।

Through 73rd and 74th Constitutional amendment act, the local governments at rural and urban level were given constitutional status aiming at democratic decentralisation. However the spirit of grassroot level empowerment is still missing as the local governments suffer from challenge of 3 Fs - Finance, functionaries and functions.

FUNCTIONS

Challenges

① At rural level, overlapping of functions with various parastatal.
eg: DRDA,
District health
society

Recommendations (2nd Arc committee)

Dissolution of Parastatals with consensus of local government or merging them with Zila Parishad.

At urban level,
multiplicity of
authorities lead
to overlapping
gaps and conflicts
eg: sewerage
facilities constructed
with Delhi Tal
Board but
~~not~~ maintained
by municipal
corporation.

• lack of proper clarity
in functions between
gram panchayat,
samiti and
zila parishad

FUNDS

As per Ahluwalia
committee report,
ULB only earn

clear delineation
of functions
and authority,
dissolution of
unnecessary
bodies
and ensure
unity of command

greater clarity
on their functions
upper levels
need to ensure
authority of
lower is not
stifled.

Formulabased
devolution,
tapping MUNICIPAL

17% of their
urban gdp
leading to
strained
infrastructure

BONDS and
revision of
property tax,
professional tax,
institutional
of various
~~schemes and~~
fines and
penalties.

Way forward

ensuring empowerment on these
3 fronts - ensuring adequate
funds, capacity building and
accountability of functionaries
and clear delineation of
functions would lead to
better flow of governance and
services at the grassroots level.

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।

Speaker is one of the highest constitutional offices in India to ensure proper rule based proceedings in the parliament and maintenance of order.

However in the past few years, the exercise of these powers in wrong way has raised many concerns such as :

POWER

- To maintain order and discipline, power to suspend members

CONCERNS

In Gujarat state legislative assembly the principal opposition members were suspended, hence diluting proper debate and discussion during passage of bill.

POWER

• Power to
disqualify
as per
anti defection
law

• In Uttarakhand
assembly seen
that speaker was
trying to change
the composition
of office by
disqualifying members
from opposition
to enable the
government to stay

• delays in disqualify
members even
when they defect
to ruling party

• Power to
ratify bill
as MONEY BILL
U/a 110.
eg: Aadhar
bill

eliminates the
system of checks
and balances

as deprives
Rajya Sabha of
its ~~power~~
legislative powers
as Rajya
Sabha only has
recommendatory

Way ahead:

Effective functioning of parliament requires participation and critical debate, discussion and questioning by members from opposition to ensure accountability towards executive.

For this, recommendations of Pinish Goswami committee such as giving power to decide on defection cases to ECI, setting time limit for ~~decision~~ decision can be done. Most importantly, speaker needs to act with perceivable neutrality and objectivity in the spirit of constitution to maintain dignity of house.

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

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

Tenth schedule, brought in by the 52nd Constitutional amendment act 1985 aimed at disqualifying members of parliament or state legislative assembly if they defect from their respective parties or disobey their whip.

Contribution of anti defection law towards effective govern

- ① Curbed the 'Aaya Go Ram Gaya Ram' feature of opportunistic politics through floor crossing.
- ② Stability in government formation and extended terms in coalition government (as earlier threat of losing

majority always loomed large)

③ Reduced black money and
corruption in politics

However concerns regarding
10th schedule are raised:

① Subsequent amendment
which prohibited split of
party but allowed merger
in case 2/3rd members of
party go for merger is criticised
for promoting wholesale defection.

② Due to the prerogative of
following whip, freedom of
conscience of individual
legislator diluted and
increased centralisation of internal
party dynamics.

- ③ Weakened parliamentary debate and discussion
- ④ Individual MP/MLA has to
 • vote as per the high command rather than representing the wish/needs of his constituency.
- ⑤ The ~~new~~ vesting of powers in speaker is also criticised on grounds of neutrality
- ⑥ No difference between dissent and defection.

Way forward

Balance needs to be maintained between curbing opportunistic politics and freedom of legislator to promote independent thinking

Following the recommendations of
Dinesh Goswami committee and
rationalisation of whip to only
 restrict to stability issues like
 no confidence motion, etc can
 be done to ensure quality of
legislative thinking

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।

Indic opted for parliamentary system where the executive is a member/part of the legislative and is accountable to the legislative due to historical, social and political reasons in comparison to presidential system ~~where~~ (as in US) where president is the real executive head and executive is relatively independent of the legislative.

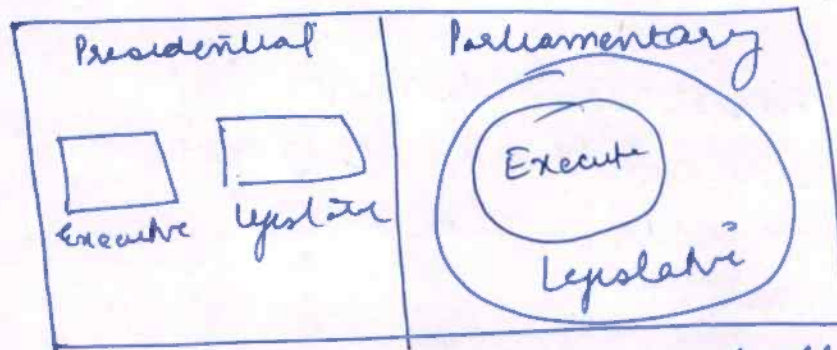
Merits of adopting ~~parliamentary~~ presidential system :

- ① Focus on governance rather than ensuring survival as the executive is confident that it will continue its

term in most circumstances
unaffected by coalition politics

② Government by experts:
as possibility of induction of
members outside the legislature

③ The separation of powers



ensures ~~at~~ stricter accountability
of the executive to and
by legislature.

However, the Constitution founder
father found parliamentary
system more suitable

① Historical reasons of
already experience during
colonial rule.

- ② Emphasis on accountability over stability
- ③ Avoiding centralisation of power in 1 person i.e. the president and giving power to collective multi member council of minister
- ④ Smoother coordination between the executive and legislature to avoid deadlock.

Way forward :

To eliminate the ills of parliamentary system, reforms like cleaning politics, reducing money and muscle power, reforming anti defection law can be taken to improve the functioning of parliamentary government.