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GENERAL STUDIES (TEST CODE : 1820)

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Medium Eng./Hindi	ENGLISH	Registration Number	664228
Center	ORN	Date	24/12/2021

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
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20	15	

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

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

1. What do you understand by 'constitutionalism'? Highlight various ways in which the Indian Constitution underscores this principle. (150 words) 10

'संविधानवाद' से आप क्या समझते हैं? भारतीय संविधान में इस सिद्धांत को रेखांकित करने वाले विभिन्न उपबंधों पर प्रकाश डालिए।

Constitutionalism refers to the application of constitutionalism which acts more as a limitation in spirit to prevent transgression of authority.

<u>Constitution</u>	<u>Constitutionalism</u>
① Right to equality	→ to treat equals equally & unequals unequally.
② Economic & Social justice	ex → Reservation + EWS → equality of wages → Abolition of untouchability.

Thus, Constitutionalism is more of a practical application depending upon circumstances upholding values behind its formation.

Various ways to apply constitutionalism principles-

① Legislative actions & laws -

- ↳ Civil Rights Acts - abolish untouchability
- ↳ Indian Honours Act - to uphold the values of National anthem, flag etc.
- ↳ PRT - 73rd / 74th Act - decentralization of authority

② Executive -

- ↳ FR & DPSP - Prevents transgression of authority.
- ↳ Article 74 - Collective responsibility & individual responsibility

③ Judiciary → Judicial Review (Art 13)

- ↳ Writs (Art 32) & (Art 226)
- ↳ Judicial orders / decrees

Thus, Constitutionalism enables the document to become the free will of its citizens & work towards the spirit of democracy & just society.

2. Mention various initiatives taken for online delivery of judicial services in India. Also, discuss the challenges faced in their implementation.

(150 words) 10

भारत में न्यायिक सेवाओं की ऑनलाइन प्रदायगी के लिए प्रारंभ विभिन्न पहलों का उल्लेख कीजिए। साथ ही, उनके कार्यान्वयन में आने वाली चुनौतियों पर चर्चा कीजिए।

Growing role of ICT has mandated upgradation of judicial infrastructure in order to minimize dependency & fast track proceeding of cases to improve efficiency & justice delivery.

Initiatives of Online delivery of judicial services

- ① e Court - to start online proceedings
- ↳ reduce physical presence in times of pandemic.
 - ↳ online filing cases
 - ↳ Status update / orders are available online.

- ② Live Streaming - on youtube (initiative of Gujarat HC & Allahabad HC)
- ↳ increase transparency & accountability.
 - ↳ people awareness about judicial proceeding.

- ③ Application System - faster registration, application, appeal, judicial orders available.
- ④ Judicial eLibrary → find case reference
 ↳ previous court orders
 ↳ archives
 Case studies to learners
 ↳ practitioners.

Challenges -

- ↳ Infrastructure for ICT
 - ↳ Budgetary allocation
 - ↳ High cost of service
 - ↳ poor trained employees
- ↳ Demand & Supply gap -
 - ↳ Resources for all courts
 - ↳ Human resources for maintenance & management
 - ↳ Skill & [ICT literacy]
 - ↳ Status quo by judiciary

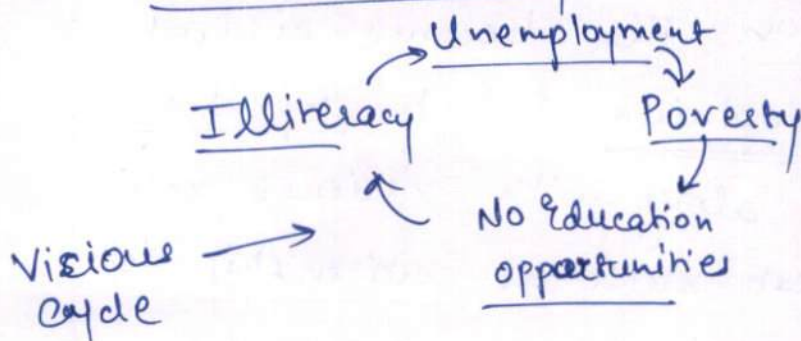
Thus, A comprehensive set of reforms required to tackle Online System which is a step towards e-governance & better justice delivery.

3. Illiteracy and poverty are hindrances in the formation of healthy public opinion on public policies. Discuss with suitable examples. (150 words) 10
निरक्षरता और निर्धनता सार्वजनिक नीतियों के संबंध में स्वस्थ जनमत के निर्माण में बाधक हैं।
उपयुक्त उदाहरणों के साथ विवेचना कीजिए।

Illiteracy & poverty are biggest challenge to country's development restricting rational decisions & holistic development of individual & society.

Absence of literacy & poverty results in:-

- ↳ less leaders & more followers
- ↳ less innovation & development
- ↳ rising unemployment & increasing poverty.
- ↳ vulnerable society, population growth.
- ↳ resource scarcity & wastage.



Considering current New Education policy & various initiatives

- ① People are unawareness & hence could not reap benefits of it.

- ↳ Vocational training
- ↳ language training in mother tongue
- ↳ online promotion

↳ people unaware due to poverty ridden society & illiteracy.

② Skill development program -

- ↳ provide employment opportunities
- ↳ skill inculcation & training
- ↳ Apprenticeship programs

⇒ Non availability & poor participation

This ultimately brings inefficiency in policy formulation & building healthy opinion. This became evident where poor opinion led to repeal of farm laws along with various acts under protest such as citizenship Act & ~~repeal~~ increasing marriage age Act.

4. Why did Dr. B.R. Ambedkar see the CAG as "probably the most important officer in the Constitution of India"? Discuss the issues faced in the functioning of CAG. (150 words) 10

डॉ. बी. आर. अम्बेडकर ने कैग (CAG) को "संभवतः भारत के संविधान में सबसे महत्वपूर्ण अधिकारी" के रूप में क्यों माना है? कैग के कामकाज के समक्ष उत्पन्न होने वाले मुद्दों पर चर्चा कीजिए।

Comptroller & Auditor General is formed under Article 148 & considered as guardian of public purse.

It is the most important office because-

- ① Auditor of public spending - of Consolidated & Contingency funds.

↳ Accountant general of States along with auditor.

↳ check & balance - counter unnecessary spending & identity corruption.

- ② Independent & constitutional body

↳ provides authority & autonomy
↳ less political interference.

↳ security of tenure & salary

↳ Adviser to president & PAC &

Estimates committee.

- ③ Reports → provide reports of expenditure to president to be laid
↳ in parliament

↳ Carry out work as requested by president.

It has been effective in identifying scams such as 2G, Coalgate scam & Commonwealth games.

Yet it faces various challenges in functioning. such as -

① Political Appointment - executive appoint CAG who in turn audits executive accounts

↳ reduce accountability.

② Resources & information - delay in accounting led to more post mortem activity - need to be proactive.

③ No Jurisdiction on Private or PPP projects

↳ Reliance project in KG Basin project → reliance did not allowed it to be audited.

↳ led to less transparency & less authority.

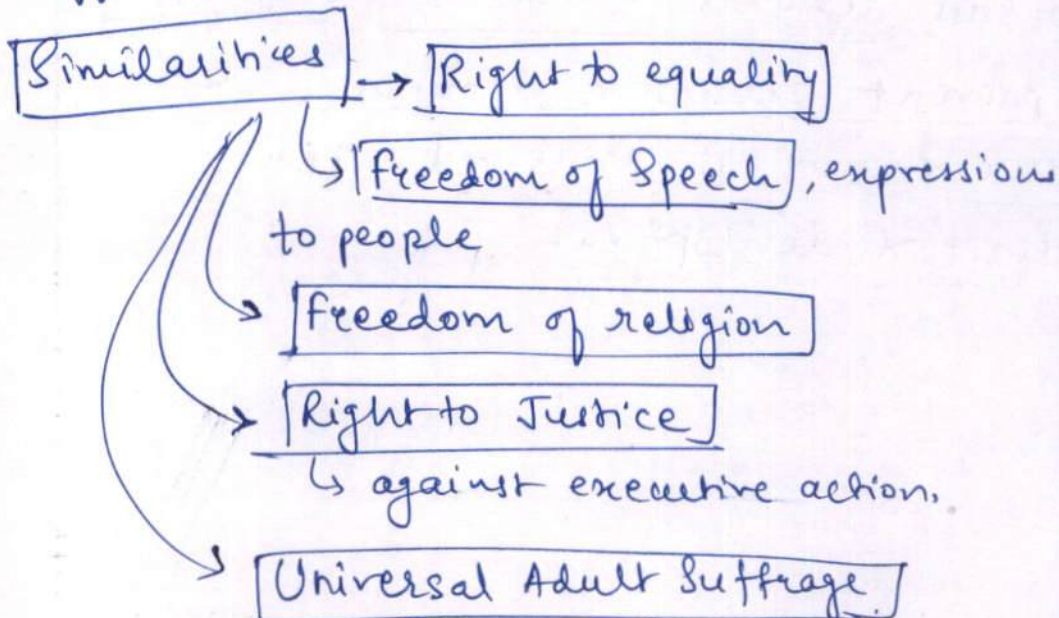
Thus, CAG needs to more autonomous & accountable, with increase jurisdiction it can act as guardian of funds of public in true sense

5. Bring out the similarities and differences in the Bill of Rights in the Constitution of the United States and Fundamental Rights in the Constitution of India. (150 words) 10

संयुक्त राज्य अमेरिका के संविधान में उपबंधित बिल ऑफ राइट्स और भारत के संविधान में मूल अधिकारों के मध्य समानताओं और भिन्नताओं को रेखांकित कीजिए।

Indian constitution adopted fundamental rights under Part III (Art 12-35) which are adopted from USA's Bill of Rights.

Yet they share certain similarities & differences such as.-



Differences

Bill of Rights	fundamental Rights
① Absolute	① Qualified
② due process of law.	② Procedure estb by law

③ Provides equality
in all aspects

③ Provides equality
along with preserving
equity.

④ Strict separation
from religion &
negative Secularism

④ Positive Secularism
↳ interference to
preserve human
rights.

Thus, Rights have been adopted but
to suit regional aspiration & geography
to prevent executive dominance &
peace & unity is preserved for
welfare & development.

6. There are various issues related to appointments in higher judiciary in India that need urgent attention. Discuss in context of the recent report by the Parliamentary Standing Committee for the Ministry of Law and Justice.

(150 words) 10

भारत में उच्चतर न्यायपालिका में की जाने वाली नियुक्तियों से संदर्भ में विभिन्न मुद्दे विद्यमान हैं जिन पर तत्काल ध्यान दिए जाने की आवश्यकता है। विधि और न्याय विभाग संबंधी संसदीय स्थायी समिति की हालिया रिपोर्ट के संदर्भ में चर्चा कीजिए।

Appointment to higher Judiciary in HC & SC is done by president on recommendation of collegium system evolved under [2nd Judge Case] which involve CTJ & 4 senior most Judges of SC.

Issues in Appointment -

- ① Less transparency & Accountability - Collegium does not disclose reason for appointment.
 - ↳ led to increase nepotism, favoritism.
 - ↳ less merit based appointment
 - ↳ restrict vocal & strong representation
- ② Frequent transfers *
 - ↳ Inconsistency in appointment & transfers → Recent transfer Chief Justice Sanjib Banerjee to Meghalaya undermines neutrality
- ③ Struck down NJAC by SC - SC ordered NJAC bill as null & void which prevented political & executive

interference.

- ④ Seniority → Not always followed
Issue → Women Judges less in count.
→ delay in govt. appointment &
elevation.

Recent report of parliamentary Standing committee to Ministry of Law & Justice highlighted -

- ① Streamlining appointment & elevation.
→ creation of National Judicial Service
for appointment of staff & employees.
- ② Bring transparency in collegium decisions
based upon merit.
- ③ Consultation needs to be more broader
with President & HC Judges.
- ④ Minimum interference by executive &
legislature except during impeachment.

Thus, DPSP highlights separation of
executive from judiciary (Art 50) which
needs to be upheld but also
Judiciary needs to responsible &
accountable in action.

7. The Competition Commission of India (CCI) effectively reflects a shift from the era of Licence Raj to a conducive regulatory ambience for enhancing consumer welfare by encouraging competition in the market. Discuss.

(150 words) 10

भारतीय प्रतिस्पर्धा आयोग (CCI) बाजार में प्रतिस्पर्धा को प्रोत्साहित करके उपभोक्ता कल्याण को बढ़ाने के लिए लाइसेंस राज के युग से एक अनुकूल नियामकीय परिवेश में स्थानांतरण को प्रभावी ढंग से प्रदर्शित करता है। चर्चा कीजिए।

Competition Commission of India (CCI) was formed with CCA Act, 2003 replacing MRTP (Monopoly & ~~the~~ restrictive trade practices) Act to promote effective & just competition.

Purpose of Formation -

- ① Rise of post LPG reforms
- ② Deregulation & privatisation - led to more private players
- ③ Need to regulate level playing field for all stakeholders
- ④ Approval & Rejection of mergers, validate takeover, agreement, competitive pricing.
↳ CCI recently imposed 100 crore fine on ~~Relia~~ Amazon - future Retail mergers.

It reflects shift from era of licence Raj to enhancing welfare by -

- ① Ensuring fair prices of services in accordance to SEBI, RBI, TRAI guidelines.

- ② Prevent predatory pricing
- ③ Encourage multiple private entities
 - ↳ lead to better quality of service delivery
 - ↳ increase performance & scale services
 - ↳ bring welfare to society.

Way Forward

- ↳ Need to be more vigilant.
- ↳ Welfare motive not to be undermined over profit motive & competition
- ↳ Excess competition should not impact service delivery.
- ↳ fair competition promotion.
ex → Jio pricing policies led to Airtel & Vodafone approaching CCI.

Thus, CCI has been more of a watchdog & vigilance commission to ensure conducive regulatory ambience is maintained along with just competition.

8. Enumerate the various kinds of writs in the Indian judicial framework and state the remedial significance of writs. (150 words) 10

भारतीय न्यायिक ढांचे में विद्यमान विभिन्न प्रकार के रिटों को सूचीबद्ध कीजिए और इसके उपचारात्मक महत्व को स्पष्ट कीजिए।

Writs are tools of Judiciary which acts as instruction & order upon issuing authority. Writ petition is provided under Art 32 for Supreme court & Art 226 for High Court (more wider than SC) & adopted from British legal system.

Available writs in Indian Judicial framework are -

① Habeas Corpus - "To have body of"

↳ to bring illegally detained person before court

Remedies → Against police excesses

↳ illegally detained under preventive detention Act or UAPA.

↳ find & bring missing persons.

② Mandamus - "To order or do the work"

↳ mandates authority to do their duty as per order

↳ Not applicable to President & Governor

Remedy → if govt. authority not functioning

↳ Judicial order ignored or government action is delayed impacting functioning & Justice delivery.

ex → SC issued mandamus to BCCI to hand over authority to SC instituted panel.

③ Prohibition → to restrict jurisdiction.

↳ issued by higher court to lower court transgressing jurisdiction.

- applicable to judicial authority & administrative tribunals

Remedy → issuing stay order

↳ appeal in higher court

↳ prevent from issuing orders

↳ constitutional interpretation required in matter.

④ Certiorari → to take matter by higher court
↳ both during trial or post judgement

Remedy → to rectify injustice & judicial misinterpretation.

↳ Appeal against lower courts.

↳ for administrative tribunals as well.

⑤ Quo Warranto - "By What Authority"

↳ if office occupied illegally or beyond duration.

↳ Against unnecessary process or transgression

ex → Delhi HC against parliamentary secretary appointments by CM.

Thus, writs provide tool of Justice to carry out actions & judicial decrees/orders

9. Giving the rationale behind the formation of a separate Ministry of Cooperation, discuss the ways to deepen Co-operatives as a true people centric movement in India. (150 words) 10

एक पृथक सहकारिता मंत्रालय के गठन के पीछे निहित तर्क प्रस्तुत करते हुए, भारत में एक वास्तविक जन केंद्रित आंदोलन के रूप में सहकारिता को सुदृढ़ करने के तरीकों पर चर्चा कीजिए।

Recently constituted Ministry of Co-operation to bring integration in multiple projects & reduce time & cost impacting decision making along with effective resource utilization.

Reason for Formation -

- ① Bring co-ordination among centre-state, inter state & various ministries.
- ② Reduce resource wastage along with time & cost -
 ex → interstate valley project co-ordination
 ↳ Ken-Betwa river linking
 MP State \ / UP State → State subject - river
 Centre → Central Subject - interstate valley & river
- ③ Streamline project & process -
 ↳ reduce duplication
 ↳ Reduce → Reuse → infrastructure
 ↳ co-ordination through ministries
 ex → forest, water, electricity, transport etc.
- ④ Promote formation of Co-operatives -

- ↳ Increase co-operatives in farming, tribal produce etc
- ↳ Women empowerment & employment generation.
- ↳ Effective people participation.

Ways to deepen co-operatives

- ↳ Awareness & people participation in decision making
- ↳ Knowledge & educating youth in co-operative movement
- ↳ Schemes & programmes to facilitate people centric co-operatives
- ↳ Co-operative centres with Common Service Centre in every village.
- ↳ Co-operative Sewa Mitra - to guide people about rules, programmes, schemes in various fields

Thus, co-operative have potential to create revolution in citizen centric governance which is evident itself from government forming a dedicated ministry to co-operate & regulate co-ordination in development. as highlighted in DPSP.

10. Highlighting the key provisions of The Tribunals Reforms Bill, 2021, discuss whether it can help in addressing the issues pertaining to tribunals in India.

(150 words) 10

अधिकरण सुधार अधिनियम, 2021 के प्रमुख प्रावधानों को रेखांकित करते हुए, चर्चा कीजिए कि क्या यह भारत में अधिकरणों से संबंधित मुद्दों को संबोधित करने में सहायता कर सकता है।

Tribunals are administrative bodies established for grievance redressal mechanism created under Article 323 A & 323 B of Indian constitution.

Recently introduced Tribunal Reforms Bill, 2021 had following provisions -

- ① Creation of National Tribunal Commission at central level & various benches.
- ② Reduce multiple tribunals leading to delays & resource wastage.
- ③ Time bound redressal & expert panel involving judicial members of HC (retired) or serving along with secretary in government.
- ④ Expedite to Generalist → to provide effective & fast decisions & reduce appeals in higher court.
- ⑤ transfer pending cases to NTC → provide financial provision & budgetary allocation for effective functioning.

Impact of Tribunal Reforms

① Reduction in appeals to higher courts -

- ↳ decrease pendency
- ↳ faster & effective resolution to cases
- ↳ Expertise of panel on subjects - both
judicial & administrative

② Not bound by Procedures - such as Evidence Act but need to follow principle of Natural Justice

- ↳ reduce delays & pendency
- ↳ improve administrative efficiency & project clearances
- ↳ improve Rate of Doing Business.

③ Decision Neutrality - As government appointed tribunals. & cases/grievances are against government

- ↳ chances of biasness
- ↳ Not following laws & procedures
- ↳ bureaucratic attitude

Thus, Tribunal Reforms are must to ensure effective grievance redressal but needs to comprehensively address current issues of expertise, neutrality, infrastructure, autonomy to fulfill purpose of efficiency.

11. Asymmetry is not only an important characteristic of federalism in India, it has also helped in the accommodation of diverse demands inherent in our democracy. Discuss. (250 words) 15

असममिति न केवल भारत में संघवाद की एक महत्वपूर्ण विशेषता है, अपितु इसने हमारे लोकतंत्र में निहित विविध मांगों के समायोजन में भी सहायता प्रदान की है। चर्चा कीजिए।

Asymmetry is an important characteristics of Indian Federalism which both horizontal & vertical highlighted through various provisions of constitution such as

- ↳ Article 371 → 371 H
- ↳ Statutory & Discretionary grants Art(275)
- ↳ 5th & 6th Schedule.
- ↳ Budgetary Allocation & Special States.

Asymmetry has an important characteristics

- ↳ ① Creates unity among various states [providing equity] & level playing field
- ② Importance to regional aspirations & geographical restrictions
- ③ Cultural values are preserved alongs with unity & diversity of region. → 6th Schedule
- ④ promote all regional development & effective service delivery.
ex → One nation one ration card.

It accomodate diverse demands such as

① Geographical development × Cultural diversity -

- ↳ Seperate ministry for Northeast (MDMER)
- ↳ interstate council.
- ↳ funds to Northeast in ratio of 90:10 while for other states in 60:40

② [6th Schedule × Inner line permit] - to protect cultural traditions × prevent external influence.

③ [Statutory Grants] × [Fund Devolution] - by Finance Commission (Art 280) in various parameters such as literary, population, Forest Area.

④ Article 371-371H - for development of Vidarbha, Saurashtra, Andhrapradesh × various region based on language, poverty, development.

Assymetry ensures symmetrical development yet it has also others factors such as employment, literary, natural resources, population, opportunities for growth.

otherwise it will lead to skewed development, extreme dependence for funds, less innovation.

Thus, uniting diversity through asymmetry should be ~~through~~ conscious otherwise it might further lead to secessionist tendency & naaxalite movement.

12. Identifying the designated role of Parliament, discuss the consequences of inefficiency in parliamentary functioning in India. Also, suggest some measures for improving the functioning of Parliament. (250 words) 15

संसद की निर्दिष्ट भूमिका की पहचान करते हुए, भारत में संसद के कामकाज में अक्षमता के परिणामों पर चर्चा कीजिए। साथ ही, संसद के कामकाज में सुधार के लिए कुछ उपायों का सुझाव दीजिए।

Parliament is constituted by President along with two houses. whose purpose is to administer government of countries by forming laws, administering & implementation of laws etc.

Designated Role of Parliament -

- ① Elect president & Vice president along with Executive (PM) & council of ministers.
- ② Passage of Budget, Bills & monitoring the same.
- ③ Act as check & balance on executive through deliberative discussions, questions, & motions.
- ④ Upheld democratic values by abiding to principles of constitution.
- ⑤ Scrutinize reports & government expenditure along with performance evaluation.

Consequences of inefficiency in parliamentary functioning -

- ① Poor & inefficient laws - led to people's protest, repeal by Judiciary.
↳ Not as per basic structure.
- ② Delay & Wastage of Parliamentary resources
↳ Salaries, emoluments, rising inefficiency
↳ passage by guillotine, voice vote
↳ Ignoring critical bills ex → Medical abortion bill, surrogacy bill which require discussion.
- ③ Frequent Adjournment - poor performance & executive dominance due to single party rule.
- ④ Bypassing Parliamentary Standing Committee - causing bills appropriating excess budget & budget maximization!

Measures for improving the functioning

- ① Increasing Session time - to provide long sitting hours so that debate & discussions can be carried out.
- ② Compulsory PSC scrutiny - to prevent misuse & executive dominance.

- ③ Model Code of Conduct - to be adopted & strict penal measures in case of disruption.
- ④ Speaker Neutrality - Should not be ~~from~~ member of largest party & resign on being elected.
- ⑤ Budget Passage only after discussion - to prevent excess appropriation.
- ⑥ Performance based salary to legislators to induce responsibility & values of efficiency & accountability.

Thus, parliament need reforms to ensure democracy does not turn into autocracy & efficiency is ensured to bring welfare reforms.

13. Despite awarding constitutional status to the National Commission for Backward Classes, there still remain issues with regard to inclusion/exclusion of communities in the OBC list. Discuss. (250 words) 15

राष्ट्रीय पिछड़ा वर्ग आयोग को संवैधानिक दर्जा देने के बावजूद, ओ.बी.सी. सूची में समुदायों के समावेशन/बहिष्करण के संबंध में अभी भी विभिन्न मुद्दे विद्यमान हैं। चर्चा कीजिए।

National Commission for Backward Classes (NCBC) was accorded constitutional status by 102nd Amendment Act to ensure autonomy & effective functioning.

functioning of NCBC] -

- ① To inquire into issues of development of OBC classes in terms of education, employment opportunities.
- ② Advise government on policy matters pertaining to backward classes.
- ③ Summon & inquire into cases related to OBC & submit report to president regarding status of OBCs.
- ④ power of civil court with tenure of 3 years & members belonging to backward classes

Issues wrt to NCBC

- ① Lack of Data & Information - Post
Mandel Commission report. NCBC does not
have effective data on backward classes &
population.
- ② Regional diversity & inaccuracy on population
data → numerous subcastes, caste, languages.
 ↳ duplicity of data
 ↳ inefficient Census Data, 2011.
 ↳ SECC data not complete & inefficient
 ↳ SC order on invalidity of data.
- ③ Division based upon Creamy layer
concept -
 ↳ NCBC yet to identify CL/NCL population
based upon income criteria.
 ↳ SC questioning SLRA limit for NCL &
OBC.
- ④ Some caste Population segregation based
upon existing data challenged -
 ↳ NCBC lacks -
 ↳ data, resources to identify people.
 ↳ infrastructure to reduce duplicacy
 & redundancy
 ↳ co-operation with various ministries
such as finance, home & state
ministries.

Yet, NCBC has been able to start working based upon SC guidelines to identify castes based upon Indra Sawhney Case Judgement to garner quantifiable data.

Constitutional status itself justifies the need of NCBC to bring equity & equality in India & strive for same.

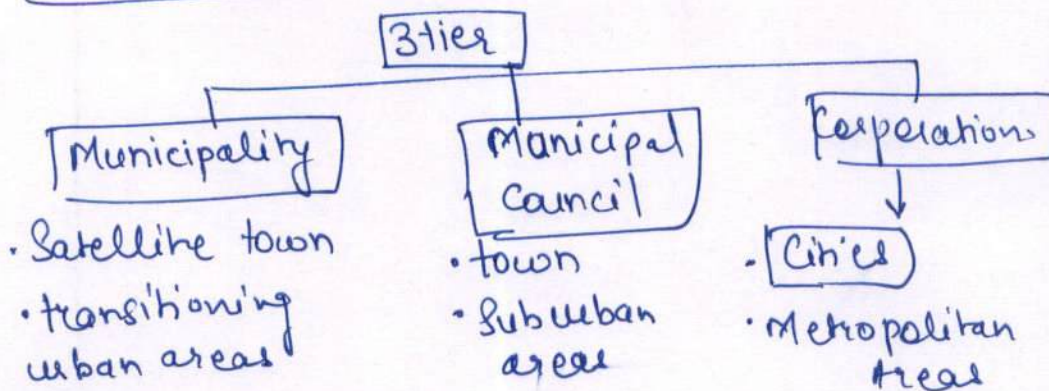
14. A critical appraisal of the outcomes of the 74th Constitutional Amendment Act underlines the need for second generation reforms to strengthen decentralisation of Urban Local Governance in India. Discuss.

(250 words) 15

74वें संविधान संशोधन अधिनियम के परिणामों का आलोचनात्मक मूल्यांकन भारत में शहरी स्थानीय शासन के विकेंद्रीकरण को सुदृढ़ करने हेतु दूसरी पीढ़ी के सुधारों की आवश्यकता को रेखांकित करता है। चर्चा कीजिए।

74th Constitutional Amendment Act, 1992

led to creation of Urban local government
for development & autonomy of
urban areas (Article 243 ~~OP~~ - 243 2G)



Outcome of 74th Amendment

- ① Autonomy in governance
- ② Effective plan formation - District Planning Committee.
- ③ people's representation - in council & corporation
- ④ implementation of projects - smart city, hygiene, sanitation, park development.

- ⑤ Development of region wholistically.
 ↳ prevent skewed development
 ↳ cities - leaving other regions underdeveloped.

- ⑥ Direct elections → to post based upon population. women reservation ($\frac{1}{3}$ rd seats)

It has also provided for 2nd generation reforms such as -

- ① Voluntary provisions need to become mandatory
 ↳ constitution of ULBs.
- ② Prevent frequent dissolution -
- ③ Effective devolution of funds
 ↳ SFC to provide more % percentage of funds.
- ④ Appointment of Mayor need to be through election → Td appointment is through State
 ↳ while maharashtra has through election.
- ⑤ Security of tenure - to increase for efficient functioning.

Although, challenges exist, ULB have been successful in development
ex → Indore becoming cleanest city for 3 consecutive year under SBM 2.0

Thus, providing reforms might result in more effective development & autonomy resulting in better governance, more decentralization & people participation.

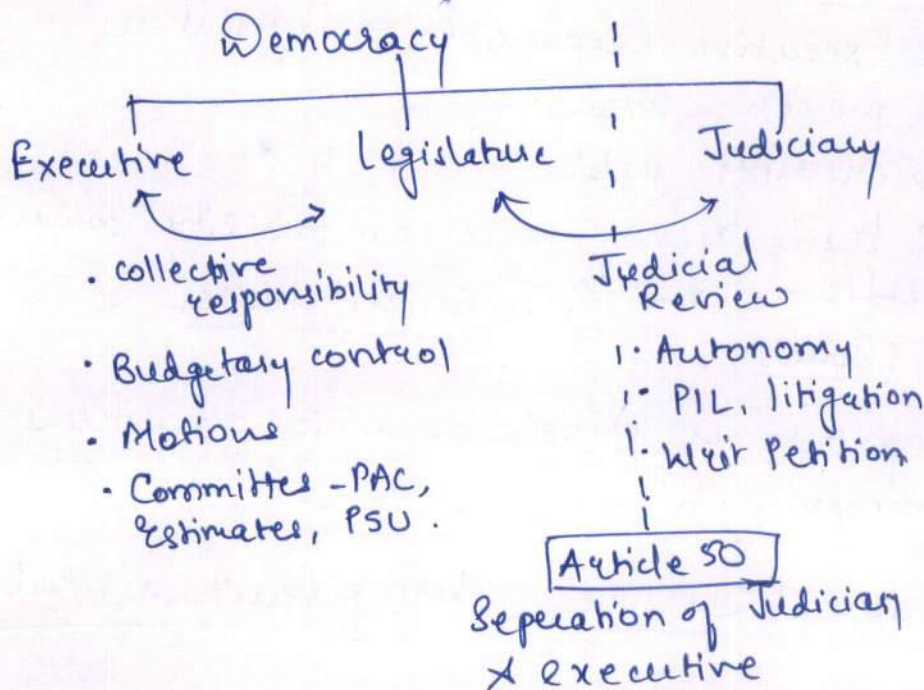
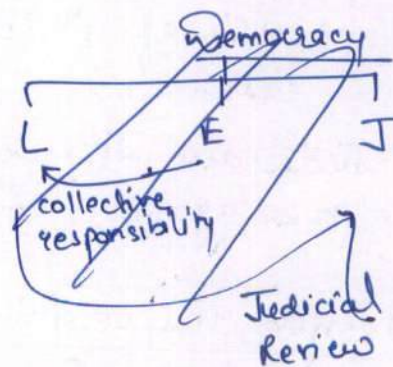
15. Checks and balances as well as separation of powers are not mere intellectual ideas, but principles which strengthen a democracy in real ways. Discuss in the context of India. (250 words) 15

नियंत्रण और संतुलन के साथ-साथ शक्तियों का पृथक्करण न केवल बौद्धिक विचार हैं, अपितु ये ऐसे सिद्धांत हैं जो वास्तव में लोकतंत्र को मजबूत बनाते हैं। भारत के संदर्भ में चर्चा कीजिए।

Legislature, Executive & Judiciary are three organs of democracy with ultimate purpose to ensure welfare state & development.

To ensure effective governance, they need to have checks & balance & separation for -

- ① Minimal interference
- ② Effective functioning
- ③ Reduce Corruption & Politicization.



Impact of Separation & Check & Balance -① Functional autonomy

- ↳ Executive functioning in policy implementation
- ↳ Judicial independence - neutrality in decisions.

② Prevent transgression of authority

- ↳ Politicization of Criminals &
- ↳ Criminalization of politics
 - ↳ 43% of 17th Lok Sabha have criminal cases.
- ↳ Judiciary struck down NJAC bill as it goes against Article 50 of constitution.

③ Collective responsibility & upholding democracy -

- ↳ Executive responsible to legislature
- ↳ prevent corruption
- ↳ ensuring public welfare &
- ↳ transparency & accountability towards public - ex → RTI, Citizen charter & eCourts.

They Acts as principles which strengthens democracy in ways such as -

① Social Justice - bring equity & equality

within society.

② Economic & Political participation - people participation in governance & policy formulation - eg - Mygov.in.

③ Uphold liberty - people's right to worship, freedoms, occupation are safeguarded by Judiciary against executive action.
Lex → SC ordered released of illegal detainees.

Thus, separation & independence helps each organ to perform with efficiency & counter check each others actions with might be against democratic & constitutional values.

16. In the Lok Sabha and the Vidhan Sabhas, the Speaker has vast powers and extensive functions. Elaborating on it, highlight the grounds on which the Office of the Speaker has been criticised and the reforms required in this regard. (250 words) 15

लोक सभा और विधान सभाओं में, अध्यक्ष के पास विशाल शक्तियां और व्यापक कार्य होते हैं। इसे सविस्तार वर्णित करते हुए, उन आधारों को रेखांकित कीजिए जिन पर अध्यक्ष के पद की आलोचना की जाती है और इस संबंध में आवश्यक सुधारों पर प्रकाश डालिए।

Speaker is an important role within house premises to carry out functioning of house & for same has been entrusted with vast powers & functions.

Functions of Speaker

- ① Interpreter of Constitution within house
provisions of constitutions are interpreted based upon speaker's discretion.
- ② Carry out business of house as per rule of transaction of business rules, 1961
 - ↳ Constitution of Committees
 - ↳ passage of bills
 - ↳ set agenda of house
 - ↳ adjournment of house
 - ↳ certifying money bills
 - ↳ vote in case of tie.
- ③ Ensure house decorum is maintained
 - ↳ quorum & attendance before starting sitting
 - ↳ Refer bills to PSCs

- ↳ issue warning for unruly behaviour
- ↳ Suspension for contempt of house.

Also, Recently the ~~House~~ institution of speaker is being criticised because of -

① Biasness towards government

- ↳ ex → listing Aadhar as Money bill
- ↳ frequent discretion to pass bill by voice vote.

② Non referral of bills to scrutiny

- ↳ shows executive dominance
- ↳ one party rule.
- ↳ Neutrality is questioned.

ex → Recent parliamentary session
↳ only 3 bills out of 18 has been referred to standing committee.

③ Frequent adjournment leading to poor efficiency in functioning of parliament.

④ Suspension of MP with not chance to voice dissent.

Reforms Required

① Political Neutrality - Speaker not to be member of any party - based upon

british parliament practice.

② Power need to reduced & justified -

- ↳ Suspension powers
- ↳ certifying bill only based upon criteria.

③ Reduction of discretion

- ↳ in constitutional & rules interpretation.
- ↳ ~~cons~~ unruly behaviour needs to checked by ~~conducted~~ by ethics committee.
- ↳ need to be nonpolitical background.

Thus, speaker as an institution need reforms by scaling down unnecessary discretion which might undermine values of democracy & neutrality.

17. In India, the Finance Commissions are established pursuant to the constitutional mandate. In this context, do you think the State Finance Commissions have been effective in promoting fiscal federalism? Substantiate with arguments. (250 words) 15

भारत में वित्त आयोगों की स्थापना संवैधानिक अधिदेश के अनुसार की जाती है। इस संदर्भ में, क्या आपको लगता है कि राज्य वित्त आयोग राजकोषीय संघवाद को बढ़ावा देने में प्रभावी रहे हैं? तर्कों के साथ पुष्टि कीजिए।

Finance Commission is established under Art. 280 of constitution to perform constitutional mandate of financial devolution such as -

- ① Devolution of funds, grant in aides to states based upon formula.
- ② preparation of criteria for devolution.
ex → 42% recommended by 15th FC.
- ③ Statutory or special grants for specific states
- ④ Any other task as entrusted by president.

Similar function is carried out by State Finance Commission created by 73rd / 74th Act ~~led~~ led to 243 I & 243Y.
constituted by Governor of State.

Performance of State Finance Commission.

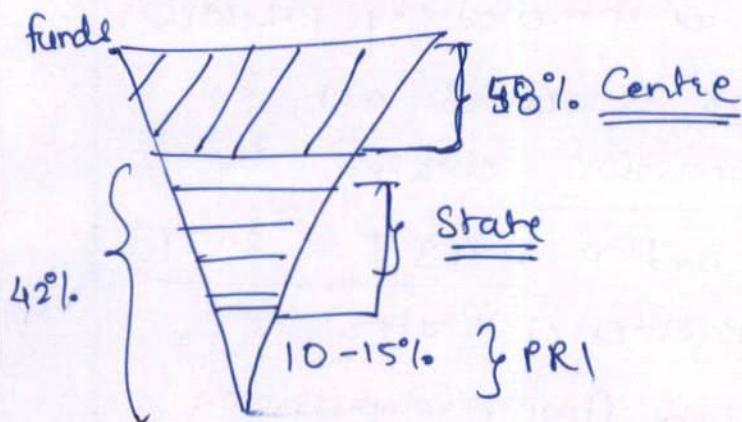
- ① Delayed Constitution & poor resources
↳ many states constitute SFC with delay which undermines mandate.
↳ Also no infrastructure & resources

to carry out duties.

② Discretion of States - Due to PRI being discretionary in functioning. devolution of funds are not been effective.

③ Non Binding Report - SFC report is non binding creating state's discretion
ex → States such as Maharashtra, Karnataka, Kerala have effective implementation against states such as UP, Gujarat & Jharkhand.

④ Skewed devolution - PRI does not have self sufficient funds & thus has to depend upon states who ultimately depend upon centre.



Thus, fiscal federalism although present in letters but not in spirit due to voluntary provisions

X not mandatory resulting in states
adopting discretionary measures which
significantly impacted local self government
X democracy at whole making it
more "top-down approach"

18. It is argued that unchecked and rampant exercise of the power to insert laws in the Ninth Schedule results in undermining of constitutional supremacy and creation of parliamentary hegemony. Do you agree? Justify your stand with logical arguments. (250 words) 15

यह तर्क दिया जाता है कि नौवीं अनुसूची में विधियों को सम्मिलित करने की शक्ति के अनियंत्रित और व्यापक स्तर पर प्रयोग से संवैधानिक सर्वोच्चता में कमी और संसदीय आधिपत्य का सृजन होता है। क्या आप सहमत हैं? उचित तर्कों के साथ अपने मत की पुष्टि कीजिए।

Ninth Schedule was added by 1st Amendment of 1951 which sought to protect laws from Judicial review which intended to bring land reforms among region post independence to promote equity & tenancy rights.

But it has been used as a tool to prohibit Judiciary from executive & legislative transgression. & over FR & DPSP.

- ↳ Prevents Judiciary from review
- ↳ provides immunity to bills.
- ↳ makes DPSP priority over FR in 31A & 31C to give effect to land reforms.

Misuse → Centre adopting measures such as - 69% reservation to Tamils Nadu for backward class for employment & education placed in 9th schedule.

This ultimately shows parliamentary hegemony
 & should be prevented by Supreme court
 by opening 9th Schedule to review for
 cases only after 24th April, 1973.

Reason being -

- Previous laws were aimed to ensure welfare
- bring equality & equity of society as enshrined in DPSP.

But Current laws - used as tools to escape wrong doing
 ↳ become autocratic & dominant
 ↳ spread unequality & social injustice.

Thus, 9th Schedule need to used
cautiously & not for Rampant exercise
 of authority. & Judiciary need to
 step up in providing effective justice
 & democracy need to be upheld by
transparency & accountability

19. Though the antecedents of the Indian Constitution can be traced to a series of British colonial legislation and other constitutions of the world, in spirit and practice it has been completely Indian. Discuss. (250 words) 15

यद्यपि भारतीय संविधान की पृष्ठभूमि ब्रिटिश औपनिवेशिक कानूनों की श्रृंखलाओं और विश्व के अन्य संविधानों में देखी जा सकती है, तथापि सिद्धांत और व्यवहार में यह पूर्णतः भारतीय है। चर्चा कीजिए।

Although Indian Constitution has been adopted majorly from British Constitution & Colonial legislation such as Government of India Act, 1935, it has been made to suit Indianess by then Constituent Assembly

Provisions Adopted from GOI Act, 1935

- ↳ Instrument of Instructions
- ↳ Parliamentary form of government
- ↳ All India Service & Provincial Service
- ↳ Reserve Bank of India
- ↳ Federal Court → became Supreme Court
- ↳ Reservation system
- ↳ Emergency Provision

Factor which led to adoption was

- ① Colonial legislation already suited Indian geography, psychology & people's view of government
- ② tried & tested in Indian environment & suited Indian environment of governance

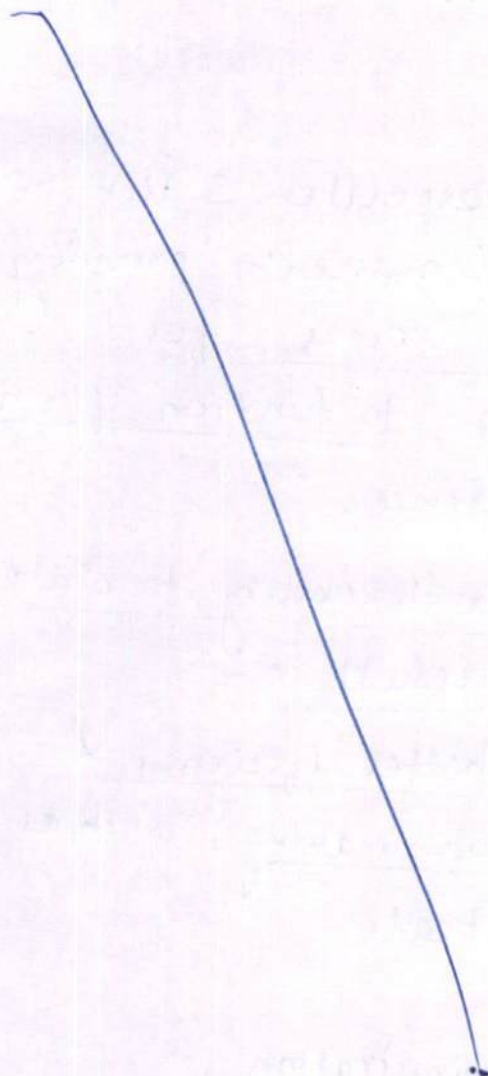
③ Constituent Assembly deliberated that instead of adopting random provisions of other democracies. reforming existing provisions would suit Indian democracy.

④ This led to reforms which were visible in today's constitution which ~~where~~ were filtered through cultural lens

ex → All India Service
 ↳ DPSP
 ↳ Emergency provisions

Thus, it was not complete adaptation but reformed adaptation which has made India largest democracy without being failed compared to regional neighbours such as ~~China~~, Nepal, Bangladesh.

Hence, it is more Indian in spirit than in letter evident from Judicial interpretation of Doctrine of Basic Structure which adopts features based upon India's time & demand
 ex → welfare, responsible govt.



20. Providing greater flexibility to states in relation to subjects in the state list and 'transferred items' in the concurrent list can pave the way for better Centre-State relations in India. Examine. (250 words) 15

राज्य सूची के विषयों और समवर्ती सूची में 'हस्तांतरित विषयों' के संबंध में राज्यों को अधिक लचीलापन प्रदान करना भारत में बेहतर केंद्र-राज्य संबंधों का मार्ग प्रशस्त कर सकता है। परीक्षण कीजिए।

7th Schedule incorporates 3 list such as Centre, State & Concurrent providing division of legislative power for federal government to function effectively & with less interference.

Providing greater flexibility to states in subjects will result in-

- ① State providing better efficiency & autonomy in decision making such as

- ↳ inter state ~~and~~ trade
- ↳ health services
- ↳ law & order administration
- ↳ Education & family planning.

- ② Prevent Centre law dominance on State law leading to power tussle

- ↳ State law suits regional aspiration
- ↳ better adaptability
- ↳ incorporate regional diversity

- ③ Better policy formation related to governance & preserve cultural homogeneity -
- ↳ Tribal autonomy → regional council.
 - ↳ Management of resources
 - ↳ tackle disasters - ex → pandemics, cyclones ↳ depend upon NDRF & central funds.

But, more autonomy can create issues such as -

① Secessionist tendency North South divide, - regional autonomy as in case of North East.

② Danger to Country's unity - language, cultural, geography can divide people based upon communal lines.

③ Reduce Central control in emergency times such as war, pandemic, disasters. due to

- ↳ State inefficiency
- ↳ central interest over state interest
- ↳ preserve unity.

Thus, Concurrent list needs to effective yet states should be provided autonomy where federalism & unity is not compromised while other subjects needs to be retained in public interest to preserve unity & peace.