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GENERAL STUDIES (TEST CODE : 766)

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Medium Hindi/Eng.	ENGLISH	Registration Number	29253
Center	OLD RAJINDER NAGAR	Date	24/9/2016

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

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

EVALUATION INDICATORS

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

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the Best

All the questions are compulsory and carry 12.5 marks each.

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

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

Ans 1.) Legislative Councils are the upper houses in state legislatures. Presently, 7 Indian states have legislative council. Article 169 provides for the creation and abolition of legislative councils. Legislative Councils come into recent debate on accounts of its utility as the upper house.

The following are the Drawbacks of having legislative councils →

1. Power - Legislative Councils have very less power vis-a-vis Rajya sabha & it is evident that only thing it can do is to delay a bill by four months.

2. Superflous Legislative Appendages - Recently, it has been noted that legislative Councils are only created for political reasons and do not have a significant role in the legislative working of the state.

3. It provides backdoor entry to defeated candidates & corportate elites into the Government.

4. Legislative Council also are a huge burden on the State exchequer. It does not make sense to put an Extra - burden on a Country where almost 20% people are forced to live in poverty.

Advantages of having a Legislative Council →

1. It can provide entry to meritorious & talented people to be a part of the System.
2. It can provide a balanced policy & somehow it can oppose the monopoly of the Elected Government via Debate, Disscussion & dialogue.

Therefore, we can say that in the present political context, the cost - benefit analysis infer that have Legislative Councils have not offered any significant improvement in the Indian Polity.

PROCEDURE →

Art 169 of the Constitution - states that - for the creation or abolition of a Legislative Council, the State Assemble has to pass a resolution and forward it to the Union Parliament. If, the Union Parliament also passed a resolution in this effect, then a

Legislative Council can be created in a state.

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

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

Ans 2.) Article 3 of the Indian Constitution provides that the Union parliament will have the power to create, abolish or alter the boundaries of a State.

Apprehension of States in respect of Article 3 →

(a) Insecurity: State Governments feel very insecure and bounded by the powers enshrined in Article 3.

(b) Independence: India is a federal country, where ideally the States should be free & sovereign to run their Government under the larger Union of India.

(c) Raises - The Govt of India may have a bais against the Opposition Party ruled states & thus it may take the revenge by tinkering with Article 3.

Positives of Articles 3 →

(a) India is a Union of States & hence the Union needs to be stronger to control & coordinate with the States.

(b) Diversity - India being a vast & diverse country, is prone to conflicts at the regional level. But, a powerful Centre has the capability the ensure peace and stability.

(c.) Inter-State Coordination - Many states are not able to solve land disputes, river disputes & other disputes bilaterally, so Centre has to be powerful to intervene in order to restore peace in the States.

According to me, the time is apt to take a relook at Article 3 and make it more liberal as it is very important in a federal polity for both the Centre & States to stand equally on the same page.

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

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

Ans 3.) The concept of "Sovereignty of Parliament" is a British concept, wherein the British parliament is the Statutes of the law of the land & is above everything.
This because →

1. Britain has an unwritten Constitution & all the laws passed by the Parliament are the only Constitution

2. The British Court are only there to protect and uphold the laws of the British Parliament.

3. There is no mechanism for Judicial review in Britain.

India & the U.S. Parliament are non-sovereign Legislatures, because —

(a) In Indian & U.S. Parliament are created by the Constitution. Therefore, the Constitution is the more Powerful and Supreme.

(b) In Indian & U.S Parliament — effect Checks and balances are there in the form of Executive and Judiciary.

(c) Written Constitution – In both U.S. & India, the Constitution must be upheld in letter and spirit, so even the Parliament cannot violate the provisions of the Constitution.

(d) Judicial Review – This instrument ensures that Courts have the power to suo-motu strike down any law or Act which is against the Constitution.

	British House of Commons	Lok Sabha
1.) Organisation	It has total 650 seats & is more representative than the Indian Lower Birth House.	It has only 545 seats & is less representative according to the vast population.
2.) Powers	It the Sovereign Legislature	The powers of Lok Sabha are checked by Executive, Judiciary, Rajya Sabha & other organisations created by the Constitution

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

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

Ans 4.) The fundamental rights are the very basic & natural rights which constitute the soul of the constitution. The fundamental Rights are there since the Inception of the constitution. These are incorporated in Part III of the constitution & range from Right to Equality to Cultural & Educational Rights. If any right is violated, the victim can move the SC directly.

~~On the other hand, Directive Principles of State policy (DPSP)~~

On the other hand Fundamental Duties were inserted into the constitution by 42th Amendment Act, 1976. These include a list of Duties which the citizen need to follow. These are non-enforceable but moral. These are ~~incorp~~ incorporated in Article 51 A of the Constitution. Some of the fundamental Duties are as follows —

1. To respect the National flag & National Anthem.
2. To preserve & protect the cultural monuments, lakes & rivers.
3. To provide National service when asked to do so.

4. To develop scientific temper & work for the progress of the nation.

By the very wording, it is clear that the Fundamental Duties are just a moral obligation on the Individual & has no legal relevance.

In the present day, both Fundamental Rights & Fundamental Duties have to given equal emphasis, because, since it is the duty of the State to protect the fundamental rights of its citizens, it is also important the citizens also perform their fundamental duty for a peaceful & progressive nation.

Way forward —

1. Fundamental Duties should become the basis of some laws so as to strengthen the nation from within.

2. In an era of Participative Governance, citizens should be taken into the mainstream for nation building.

3. Awareness campaigns — In general, the people of India are less aware of their fundamental duties vis-a-vis the fundamental rights. So, NGO & Civil society organisations can play a strong role to disseminate the fundamental

duties to the citizens.

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

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

Ans 5.)

In recent times, the post of Governor has been in controversy due to its politicisation by the Ruling Government at the centre.

According to the constitution, the Governor has to be appointed by the President & he remains in office on the pleasure of the president. No process of removal of the Governor has been prescribed in the Constitution.

Issues with the appointment and removal of the Governor →

1. Political appointments - The Union Government, more often than not, appoints its party persons or persons supporting the party on the post - to have some control of the States ruled the other parties.

2. Mass appointment & removal of Governors - when the Government at the centre changes. It affects the stability of the State Governments.

3. No procedure or criteria for appointment & removal & it can be any x, y, z person to hold the post, provided he enjoys the patronage of the political party ruling at the Centre.

4. Against democratic traditions – The Governor when compared to the President does not represent the people of the State. This system of Elected governor is there in U.S.A.

WAY FORWARD →

The Sarkaria Commission has recommended to have a definite criteria for the appointment & removal of Governor. It also recommended the only – non political persons to be appointed.

Also, the Supreme Court has held that the Ruling Government can not remove the Governor on its whims and fancies without any bona fide reasons.

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

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

Ans 6) The Model Code of Conduct (MCC) is a protocol, released by the Election commission, which is to be followed by all the political parties contesting Election. It is enforceable right from the day of announcement of Elections to the day of Election.

Recently, in the State elections of Tamil Nadu, West Bengal, Kerala & Assam, there were frequent news regarding the violation of MCC by political parties.

Reasons for the violation of MCC →

(a) Its Non-enforceable nature - MCC being non-enforceable in the court of law does not deter the political parties to follow it.

(b) Political gains - Nowadays, Political parties, as seen in Bihar & Tamil Nadu, are more dependent on caste politics & distributing freebies, in order to gain votes. It could potentially disrupt social harmony & also bring a huge toll

on the State exchequer.

(c) Social media - It is used by an instrument by political parties to mobilise voters & reach out to the voters. In election period, social media is also used by political parties to strengthen their caste & religious propaganda.

Making MCC a part of RPA, 1951 →

1. This can be counterproductive as it will lead to biases by the ruling Government in prosecuting the offenders.

2. A large ~~not~~ no. of petitions & cases in the Courts could delay the Election process.

3. This could be against free and fair elections. The EC can be coerced by the ruling Govt to charge frivolous cases on the opposition parties.

Suggestions -

1. The MCC can be made enforceable by strengthening the IPC & CrPC to prevent improper activities during elections.

2. ~~MCC~~ Political parties could be trained about following the provisions of the MCC by EC.

3. Awareness in people can also play a bigger role to stop the malpractices in Elections.

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

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

Ans 7.) Aadhar card is an Identity card launched by the UIDAI to enroll all the citizens by taking their biometric data into their details. If used efficiently, Aadhar card can play a pivotal role in strengthening the public service delivery in India →

(a) Aadhar card prevents duplication & is effective in plugging loopholes & leakages in public service delivery.

(b) It can lead to simplicity - as it can be useful in providing the subsidy directly to the Bank Accounts of the citizens linked with Aadhar card. Eg: LPG subsidy.

(c) Aadhar card can lead to effective targeting & empowering the weaker sections of the society.

But, the provision of collection of Biometric data in the Aadhar card provides a threat to the privacy of an individual as his/her personal information can be misused by anyone.

The Supreme Court has also allowed the use of Aadhar card in PDS, LPG

subsidy & kerosene subsidy only - provided no one will be denied services for not having an Aadhar card.

The following issues have propped up in recent times →

(a) The Aadhaar bill passed by the Govt does not contain any solution for the issue of Privacy.

(b) Sec 7 of the Aadhar bill allow the Govt to impose the need of Aadhar card to avail any Govt service.

(c) Due to weak IT infrastructure of India, the biometric information can be misused.

(d) It comes into direct conflict with Right to Privacy as implicit in Article 21 of the Constitution.

Aadhar card is definitely an useful instrument to provide public services to the ~~poor~~ people in a very efficient manner, but sufficient safeguard should be there to protect the citizen's fundamental right to Privacy.

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Don't write anything this margin (इस भाग में कुछ ना लिखें)

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

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

Ans 8.) The main institutions protecting Human Rights & rights of vulnerable sections is the NHRC & the State Human Rights Commission & National Commission for SC & ST and other State institutions.

Recently, the former CJI - H.L. Dattu said - "NHRC has become a toothless tiger". This emphasises that these organisations are ~~no~~ only mere constitutional bodies and have no significant powers to serve their purpose.

PROBLEMS faced by these organisation -

(a) APPOINTMENT -

(i) Most of the appointments are political appointments & these Appointees only serve the purpose the ruling Party.

(ii) Poor staffing - the staff of such organisations are not domain experts but are only transfered from some other organisation.

(b) STRUCTURE - These organisations have a very centralised structure, which most of the Authority lies at the Top level, which leaves the ground worker with effectively no power.

(c) FUNCTIONING - (i) The functioning of these organisation is directly influence by the Government in power. If, any ~~of~~ person tries to act against the will of the Government, he is removed.

(ii) Even being Quasi-Judicial organisations, these organisations does not have the power to punish any convict.

(iii) The recommendations of these organisation are non-binding in nature.

SUGGESTION →

If India has to truly move a the path of a progressive & ~~equal~~ egalitarian society, ~~the~~ social justice have to be delivered to the weaker sections of the society. Therefore, there is an urgent need to review these Act's, eg: NHRC Act, SC/ST Act, etc. - to provide these institutions with more powers to enforce rule of law & promote social equity.

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

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

Ans 9.) Presently, the allocations of seats in the Rajya sabha is based on the principle of proportional representation. Accordingly, the state of Uttar Pradesh has 34 states & Sikkim left with only ~~only~~ one.

Reasons for not providing equality of seat in Rajya Sabha during the adoption of the Constitution —

(1.) Unequal strength of all states — on the account of population. There were huge differences.

(2.) The division of states in 4 categories further diminished the idea of equal seats.

(3.) Also, it was foreseen ~~by~~ by the Constitution-makers ~~that~~ that the country will undergo a major change in the coming days & the political map of India will incur huge changes.

Problems with the present system →

1. The smaller states have the apprehension of being ignored by the National Parties & Representatives of larger states.
2. This system has led to rise in level of discontentment among the leaders of smaller states.
3. The country has also witnessed rise in rebellion & demand of Seperate State in the North-Eastern region where the representation is much less.

In Present circumstances, there is a need to review this system of Proportional system, as it is equally necessary to take the smaller ~~the~~ states & their representatives into the mainstream politics. Further, Lok Sabha being a fully representative House, the Rajya Sabha can be made more accomodative.

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

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

Ans (10.)

Under the OROP (One Rank, One Pension) scheme, the personnels of Armed forces with equal rank & equal year of service, will be given equal Pension. This has come after widespread protests by the Retired Army personnel. Acc. to this Scheme, the pension amount of Ex-Army personnels are bound to rise. This has a major consequence in respect of the subsequent rise in Inflation.

Principles underlying the OROP →

(1.) It promote equality between the old & the new Ex-Army personnels in terms of pay & pension.

(2.) This will provide financial stability to the families of Ex-Army personnel – as the retirement Age is very less in the Army.

(3.) The pay scales ~~based~~ once fixed – under the OROP – will be revised after a period of 5 years.

Arguments in support of OROP →

1.) This will empower old ex-army officials & make them financially self dependent.

2.) It will set a good precedent. The life in Army is full of threats & dangers & the ex-soldiers & officers truly deserve an equal pay.

Argument against the OROP →

1.) Suddenly, an increase in pay, will lead to rise in Inflation.

2.) It will bring a huge burden on the exchequer & compromise Govt' priority towards the social sector schemes.

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

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

Ans 11)

Article 311 contains the provisions of appointment, removal & promotion of Civil Servants. This Article, in today's context, has become a security for civil servants who are involved in corrupt practices.

Arguments for retaining & strengthening of Article 311 →

(1.) Civil servants work under close interface with both public & politicians & for for them to work efficiently, sufficient safeguards have to be their for their security of services.

(2.) Some Honest civil servants work for the betterment of the society & people. Sometimes, they have take harsh actions against corrupt officials & politicians. Art. 311 makes them do their job seriously.

Arguments against retaining of Art. 311 -

(1.) In many cases, Art 311 acts as a safety valve for corrupt civil servants.

(2.) Art 311 provides them with the required Coverage to do malafide services.

(3.) Article 311 ~~[illegible]~~ make the Civil Servants redundant & self-serving.

(4.) Article 311 also protect those officials who serve their political masters, instead to the public.

In the current situation, there is a greater scope of review Art 311 & make it more effective against corrupt officials & more support for honest civil servants. Also, a comprehensive change in the Civil services conduct rules is also due since long, to make the Civil servants more responsible & accountable to ~~[illegible]~~ the public in large.

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

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

Ans. 12) PIL is an innovation of the Indian Judiciary itself. It provides the right to any citizen or organisation to file a petition in "Public Interest" for any other individual or organisation. In this way, nowadays, the NGOs has become a "proxy - litigant" - for other vested interests. This defeat the actual purpose of PIL to deliver justice to the poor & weaker people.

PIL as a tool of Social Justice →

(1.) It provides justice and voice to the disabled ones who do not have the money & resources to approach the Courts.

(2.) It addresses quick & strong action to various social ills in the Country. Eg: Rape, Dowry, Domestic violence, etc.

(3.) Judicial Activism - It provides the Judiciary to uphold the law & further strengthen the law by releasing guidelines

eg: Vishakha guidelines - for sexual harassment at workplace,

(4.) It ~~makes~~ served as an instrument to uphold the rule of law.

Challenges with PIL →

(1.) Many vested interests are using this instrument to ~~file~~ file frivolous cases against merit organisations.

(2.) It overloads the already stressed Judiciary with a large no. of pending cases.

(3.) ~~It~~ A large no. of PILs - slows proceedings on the useful PILs - which require urgent attention.

Suggestions →

(a) Economic disincentives can be posed for frivolous PILs

(b) Accepting only those PILs where Justice is not served due to some serious issues.

(c) Accepting PILs only on the behalf of persons with some disability.

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

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

Ans 13.)

In the current scenario, the India's Judiciary is overburdened with a huge no. of pending cases. In such a situation ADRs become pivotal in delivery of speedy justice.

~~Tools of ADRs~~

(i) What are ADRs?

ADRs are those mechanisms, whereby justice can be delivered via means alternate to the Traditional Judiciary. In other words, a compromise or a settlement, or a verdict is reached outside the Courts in the presence of some other people.

Tools of ADR →

(1.) Settlement & Compromise — wherein both parties settle for a condition agreed by both.

(2.) Family Courts — Cases in which 2 families or family members are involved, the member of the families

organise & solve the issue by their own.

(3.) Lok Adalats – In some towns & villages, where access to Judiciary is not easy, lok adalats play a very important role in resolving the disputes in their area.

Advantages of Lok Adalats →

(1.) Saving of time & money → In Indian Courts, money power plays a big role in getting Justice delivered. So, for poor & middle class people it is beneficial to try their case in Lok adalats – for quick & speed justice.

(2.) As the prosecutors are people themselves chances of a biased verdict are too less.

(3.) It promotes social harmony – In cases tried by the Lok Adalats, generally, both the parties are satisfied.

(4.) It promote Rule of Law to the gras root level.

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

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

Ans 14.) It has been a matter a long debate since time unknown to demand transparency & accountability from political parties. RTI, if could cover political parties, could strengthen the Democracy from within.

Advantages of Bringing Political Parties under RTI →

(a) It will check the flow of illegal funds & black money during Elections.

(b) It will promote more probity in public life.

(c) Corporate - Politics nexus can be exposed. Hence, Crony capitalism could be checked.

(d) It will facilitate the social auditing people ~~of the main parties~~ to their the political parties.

(e) Most importantly, citizens would be able to do the Cost - benefit analysis - of ~~whom~~ ~~to~~ which Party to vote and which not to vote?

Disadvantages (as argued by Political parties themselves) —

(1.) They argue that political parties do not come under "public office" under the RTI Act, 2005.

(2.) A large no. of RTI Application may divert the attention of political parties from public welfare.

To bring Political parties under RTI, there is a need of a strong political will to become more transparent & accountable to people. But, given the system of Indian politics & the Corporate - Political party nexus - such a reform is very difficult to come.

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

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

Ans 15.) From a long period of time, the Indian railways is incurring huge losses, beides the fact that it huge potential to make profitable business. But, the Railway, being under the sole control of Government, has lead to populist policies to further crumble the Railway infrastructure.

Need for a Generational shift in Railway operations →

1. Railways have incurred huge losses in the past, due to populist policies of the Government.

2. Railways in India has huge potential to make profit on the account its network, no. of passenger & freight transport.

3. Acc.. to Business Environment in India, a huge no. of Investors are ready to Invest into Railways to make it more efficient.

Role of an Independent tariff & Safety Regulatory authority →

(1.) Acc. to estimates, the Railway fares in India are too low, when compared to the Global average.

(2.) Safety has also become an important issue as Indian railways has been criticised for its poor attention on Safety of passengers & subsequently, a huge no. of passengers have died in Rail accident.

(3.) An Independent Authority, will work towards making profits & imbibing efficiency in Railways.

(4.) It will also remove rampant corruption & help in modernisation of Rail Infrastructure in India.

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

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

Ans 16.) In Indian Political system, Elections at all the three levels of Government are held according to "First past the post" system - acc. to which the one who get more no. of votes as compared to other candidates, wins the elections, even if, only 30% people vote for him.

Problems with first past the Post system →

(1.) It is not fully representative - as a person with only, say, 20% votes can also win the election, even if the rest 80% voters never wanted him to be elected.

(2.) It encourages Criminals to contest elections -

The criminals get maximum advantage from such a system, as they can get the required votes by threatening the people of the constituency.

Advantages of Proportional Representation System →

1.) Such a system is maximum representative of the people, as the least wanted candidate by a majority has no chances to win.

2.) By-Elections - can be done away with, as - in case of a vacancy, the candidate who secured 2nd position could replace him.

Disadvantages of Proportional representation →

(1.) In India, still many people are illiterate & this system being complex ~~only~~ one may not be understood by many people.

(2.) In India, still many people live in Rural Areas (about 80%) - who are accustomed with first past the post system. So, a radical change like this may not be easily acceptable.

Suggestion →

In the present context, to make our Democracy more representative, Elections with proportional representation can be held in some urban towns on a pilot basis & then it can be spread to the entire country.

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

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

Ans 17.) Recently, a constitutional bench of SC, struck down the NJAC Act with 4-1 majority. The supreme struck down the constitutional amendment on the argument of Independence of Judiciary & seperation of power.

The NJAC ~~Act~~, was setup ~~too~~ by the 99th Constitutional Amendment Act, which would be responsible ~~for~~ the appointment of Judges in the SC & High Court of India. The NJAC would make recommendations to the president, which would be binding, ~~the~~ for the appointment of Judges.

Composition of NJAC →

1. CJI (Chairman)
2. 2 SC Judges
3. Union Law Minister
4. 2 Eminent Jurists.

Subsequesquently, under Judicial review of the 99th Constitutional Amendment Act, the NJAC was struck down on the following Grounds →

(1) Independency of Judiciary → It is a feature of the basic structure of the Constitution. In the NJAC, 3 member (including law minister) were to be appointed by the Govt, which could compromise the Independence of Judiciary.

(2) Seperation of Power – It is always important in a Democratic Polity for Constitutional institutions like Legislature & Judiciary to not have any overlaps – in order to ensure smooth function of such Institutions.

Further, the SC has also acknowledged the fact that there need to be a reform in the opaque Collegium system. On this line, a Memorandum of Procedure is being dissussed between the Government & Judiciary, which could resolve the issues regarding Judicial appointments.

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

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

Ans 18.)

AMRUT is a Centrally Sponsored Scheme with huge ambition of Transforming Urban areas in the Country. The 2 major provisions of the scheme are →

(1.) Flexibility in designing schemes by the State - Government →

In this scheme, the State Government are required to submit their City plans to the centre. The most important aspect of this provision is that it is a bottom-up scheme & would strengthen Cooperative Federalism in the Country.

It is also consistent with the local complexities & realities of the Urban areas in the State, which State Governments are much aware of.

(2.) Central monitoring -

Monitoring will also become very easy in AMRUT scheme as centre will monitor a State plan & design - which has been prepared by the State. In this, the cooperation of State will also

help in better monitoring the scheme.

AMRUT being a bottom up scheme, has a huge potential to recast the Urban landscape. The major problem with other CSS has been the Centre State conflict. But, in AMRUL, the Central & State ~~work~~ government will have to work in tandem to transform the Urban Landscape of India.

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

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

Ans 19.)

Part 14A of the Indian Constitution provides for setting up Tribunals at Central & State levels for Administrative & various other purposes. There has been increasing tribunalisation of the Courts in recent past.

There has been a tendency to resolve specialised cases faster through the means of tribunals. The following reasons accrue to this →

(a) Overburdened Judiciary – Due to a huge no. of cases already pending, many cases of genuine urgency end up being in the list of pending cases. Thus, ~~since Tribunals~~ are

(b) Specialised Tribunals – To to specialised nature of Tribunals, the cases are deposed off very fast.

(c) Tribunals are comparitively less burdened with cases, so Justice is delivered fast.

(d) The Govt itself has opened up a lot of Tribunal for varied purposes to de-burden the Judiciary.

Demerits of Increasing Tribunalisation →

1. Due to lack of Public exposure some Tribunals are a place for corrupt practices.

2. In Administrative Tribunals, many Judicial posts are also held by Administrators. This is a breach of Seperation of power.

3. Burden on Exchequer — A large no. of Specialised Tribunals have put a heavy toll on the Exchequer.

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

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

Ans.20) –

The 73rd & 74th Amendment Acts have provided 1/3rd seat reserved for women Candidates at both Rural & Urban Local-Self Government. But, still work needs to be done to ensure their true participation.

The following causes hinder active participation of women in Governance in India →

(a) Women as "Proxy" for their husband & fathers –

In elections to PRIs in India, it has been noted that many influencial men rule from behind – by projecting their spouse or daughter in the Elections.

(b) Mainly women from already established families contest elections & become office bearers. The weaker women, do not get any chance to get elected & work for further empowerment of women.

(c) Women as only have "idols" in Governance.
It is very important to note that women having no knowledge of Governance or administration, doesn't serve the purpose of women empowerment, even if they get elected.

The following reforms must be done to ensure their true participation →

(a) Awareness: Many rural & uneducated women are even not aware of the law.

(b) Training: Women organisations & NGOs can be pooled in to provide training to women about the nuances of Governance & administration.

(c) Education: Government needs to lay more emphasis on girl child education. Eg: "Beti Bachao, Beti Padho" abhiyan of Union Govt is a right step in this direction.

(d) Also, the husbands & father's of women have to be encourged to promote their spouse / Daughter to fight elections.

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