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GENERAL STUDIES (TEST CODE : 2071)

Name of Candidate	Nehaa K		
Medium Eng./Hindi	English	Registration Number	892821
Center	Online	Date	15/08/2023

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 HINDI & ENGLISH. इसमें बीस प्रश्न हैं हिन्दी और अंग्रेजी 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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Total Marks Obtained:				
Remarks:				

16-B, 2nd Floor, Above National Trust Building, Bada Bazar Marg, Old Rajinder Nagar, Delhi-110060

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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.

All the Best

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2.

3.

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6.

All the Best

1. There are arguments that bills of national importance should be placed before the Inter-State Council prior to their introduction in the Parliament. Discuss in light of the issues that have been observed in the passage of bills in the Parliament in recent times. (150 words) 10

यह तर्क दिया जाता है कि राष्ट्रीय महत्व के विधेयकों को संसद में पुरःस्थापित किए जाने से पहले अंतर-राज्य परिषद के समक्ष रखा जाना चाहिए। हाल के दिनों में संसद में विधेयकों के पारित होने के दौरान अवलोकित मुद्दों के संदर्भ में चर्चा की जाए।

The Legislative houses- Temples of democracy are involved in passage of bills to make them laws of the land.

Issues observed in Recent Times

- ① Lack of Debate and Discussion on the bills. In Rajya Sabha → state opinion expressed.
eg → 3 farm laws passed in less than 10 minutes in Rajya Sabha

- ② Use of Ordinances to make lawful

changes

eg Reforms of Tribunal

- ③ Lack of Consensus with States

eg Multi State Cooperatives Act was declared applicable only in interstate cooperatives by Supreme Court due to lack of states voting

The Advantages of these bills could have been better realised with state consensus.

Hence there is call for bills of National Importance to be placed in Inter State Council.

Interstate Council / ISC

- ① Article 263 - President establishes ISC with Prime Minister as head and all Chief Ministers of all states.
- ② Place of Debate, Discussion and Deliberation

Advantages of Placing

- ① Consensus with States with scaffolding according to states needs
- ② Grievances of the state can be aired in Pre draft stage.

In draft stage and passing stage this way bills can be more effective and federally friendly.

2. Discuss the role played by the Directorate of Enforcement in the investigation of offence of money laundering and violations of foreign exchange laws. (150 words) 10

मनी लॉन्ड्रिंग के अपराध और विदेशी मुद्रा कानूनों के उल्लंघन की जांच में प्रवर्तन निदेशालय द्वारा निभाई गई भूमिका पर चर्चा कीजिए।

Directorate of Enforcement is a non statutory body with mandate of preventing money laundering and foreign exchange laws

Laws empowers
ED

Prevention of (PMCA)
Money Laundering Act
Foreign Exchange
Regulation Act.
Fugitive Economic
Offenders Act

Role Played by ED

- ① Search and Seizure of property with PMCA backing the act.
- ② No filing of FIR - The Information Report of ED is different and does not have to be made public
- ③ Monitoring of the crimes through Economic intelligence Unit.

- ④ Special Courts to try and find the truth within the chambers.
- ⑤ All India level of influence and power with no exclusion or state's consent.
- ⑥ Cooperation with other organs like Department of Revenue Intelligence for helpful interference

However, the unit lack in following regard

- ① 0.5% conviction rate (NCRB)
- ② Used as pawn of the centre
- ③ Pight investigations.

To ensure economic and strategic security of India, ED plays a crucial role.

3. The Indian Constitution has been successful in providing a framework for liberal democracy to flourish in India. Analyse. (150 words) 10
- भारतीय संविधान भारत में उदार लोकतंत्र के विकास हेतु एक ढांचा प्रदान करने में सफल रहा है। विश्लेषण कीजिए।

The Indian Constitution provides for Liberty of Thought, expression, belief faith and worship in the Preamble, envisaging a liberal democracy across its parts.

Provisions of Liberty in the Constitution

- ① Article 19 - Freedom of Citizens
 - ↳ (a) - Freedom of speech and expression
 - ↳ (b) - Freedom of assembly
 - ↳ (c) - Freedom of association and cooperatives
 - ↳ (d) - Freedom of movement
 - ↳ (e) - Freedom of residence
 - ↳ (g) - Freedom of occupation
- ② Article 21 - Right to Life and Liberty
- ③ Article 25-28 - Freedom of religion

- ④ Article 51 A - duty to cultivate scientific and liberal thoughts.

However, the Constitution provides restrictions for the same

- ① Article 19 (2) - Freedom of speech is subject to sovereignty, unity, integrity, friendly relations etc.
- ② Similar provisions for 19(1)(b), (c), (d), (e), (f).
- ③ Article 22 - Preventive Detention to curb unlawful activities from occurring.
- ④ Article 25 - Restrictions like Public order, health etc.

Thus Indian Constitution is a balance of freedom and constraints which makes it able to realise liberty in a democracy

4. The Central Information Commission plays a key role in empowering people through information. In this context, discuss the issues faced by it and suggest measures that are required to strengthen the institution.

(150 words) 10

केंद्रीय सूचना आयोग सूचना के माध्यम से लोगों को सशक्त बनाने में महत्वपूर्ण भूमिका निभाता है। इस संदर्भ में, इसके द्वारा सामना किए जाने वाले मुद्दों पर चर्चा कीजिए और इस संस्था को मजबूत करने के लिए आवश्यक उपायों का सुझाव दीजिए।

The Central Information Commission
is created under the Sunshine
law - Right to Information Act, 2005,
to ensure transparency and curb
corruption.

Issues faced by CIC

① Dilution by 2019 Amendment

→ Chief Information Commissioner's
tenure reduced to 3 years
→ equality of provisions to
Chief election commissioners
diluted.

② Lack of Skilled Work force to
ensure proper documentation and

preservance of data.

- ③ Lack of Timely Implementation
leading to more vacancies.

Measures to be taken

- ① Strengthening the office of Chief Information Commissioners.
 - security of service conditions and tenure
 - giving contempt powers on non obedience to orders.
- ② Skilling of Workforce for proactive disclosure as per section (4) of the act.
- ③ Fast Tracking digitisation to reduce loss of information.

This way CIC can function as per mandates to curb corruption by "Shining sulight" as Woodrow Wilson envisaged.

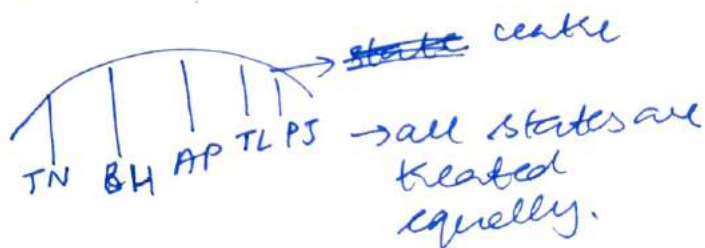
5. What do you understand by the "principle of subsidiarity"? Discuss its importance in the context of India. (150 words) 10

"समनुषंगिता के सिद्धांत" से आप क्या समझते हैं? भारत के संदर्भ में इसके महत्व की विवेचना कीजिए।

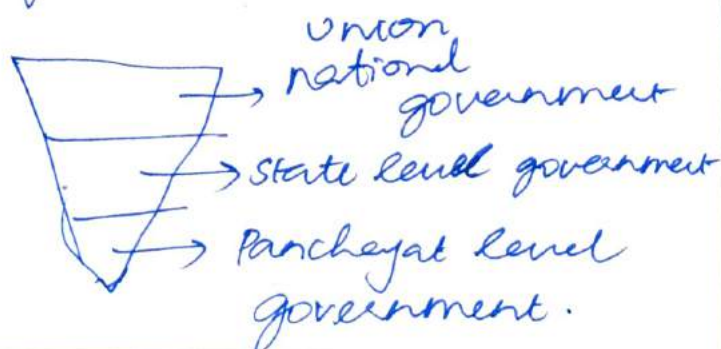
Principle of Subsidiarity means the ideal of creating various organs under the umbrella of an organisation with equality in functions.

Importance in India

① Federal Equality



② Duplication of Mechanism for effective functions of democracy.



- ③ Encouraging Devolution of powers
- ④ Enhanced Distribution of powers
between organs.

6. Bringing out the differences between political parties and pressure groups, discuss how pressure groups play an important role in improving governance and democratic processes in India. (150 words) 10

राजनीतिक दलों और दबाव समूहों के बीच विद्यमान अंतरों को स्पष्ट करते हुए, चर्चा कीजिए कि भारत में शासन (गवर्नेंस) और लोकतांत्रिक प्रक्रियाओं को बेहतर बनाने में दबाव समूह कैसे महत्वपूर्ण भूमिका निभाते हैं।

The Pressure groups are homogeneous group of people with similar interest who aim to influence laws and policies without taking political power.

Difference between Political Parties and Pressure group:

S No	Political Parties	Pressure Groups
1.	Aim to hold Political Power	Aim to influence decision
2.	Diverse background and interests	Similar interest and aspirations
3.	Mobilize people for vote bank	Mobilize people to get their views heard.
4.	eg Bharatiya Janata Party	eg All India Kisan Sabha, FICCI etc.

Role of Pressure Group

① In Improving Governance

①.1 Grievance Redressal and understanding of people's aspirations

eg → Aruna Roy's Organisation in Rajasthan working for Right to Information, that later became a part Indian law.

①.2 Data based Operation

eg → FICCI-Indices on trade and commerce of India.

② In Democratic Process

②.1 Reflecting People's View

eg → All India Kisan Sabha against Farm Bill, 2010.

②.2 Advocating for Sections - Minorities

eg → Tribal Pressure groups.

This way the Pressure groups become crucial aspect of Good Governance in Democracy.

7. The practice of separation of powers in the Constitutional scheme of India and USA is distinct in its own way. Examine. (150 words) 10
भारत और यू.एस.ए. की संवैधानिक योजना में शक्तियों के पृथक्करण का कार्य अपनी व्यवस्था के अनुसार भिन्न है। परीक्षण कीजिए।

Separation of Power was given by Voltaire in his ^(SOP) book Spirit of Laws, to differentiate functions and functionaries between 3 arms of Democracy: Legislature, Executive and Judiciary.

However its adoption is different in different Nations - India & USA

S.No	SoP in India	SoP in USA
①	It is fluid and overlapping at times	It is water tight with strict separation
②	<u>In Executive</u>	
②i	Executive is accountable to the Legislature (Article 77).	The Executive - President is not accountable to legislation.

S.No	SoP in India	SoP in USA
2.2	The Minister of Council are from the Parliament	The President selects his/her secretaries
3	<u>In Judiciary</u>	
3.1	Judges are selected by Collegium	Judges are recommended by President, voted by Congress.
4	<u>In Legislature</u>	
4.1	The Legislature can check accountability of executive by No confidence motion.	The legislature can't call for accountability
4.2	Vice President is Head of Rajya Sabha	

Impeachment is common for both Presidents, However the presidential Democracy's Separation of power is different from the Parliamentary Democracy of India's.

8. "The moral value of fundamental duties would not be to smother rights, but to establish a democratic balance by making the people conscious of their duties equally as they are conscious of their rights" Discuss.

(150 words) 10

"मूल कर्तव्यों का नैतिक मूल्य अधिकारों का दमन करना नहीं होगा, बल्कि लोगों को अपने कर्तव्यों के प्रति उसी रूप में जागरूक बनाकर एक लोकतांत्रिक संतुलन स्थापित करना है, जिस प्रकार से वे अपने अधिकारों के प्रति जागरूक हैं।" चर्चा कीजिए।

The Fundamental duties are enshrined in Article 51A of Part IV of the constitution, by the 42nd Amendment Act.

Need for Duties

① To Make people conscious of duties

↳ Respecting national anthem and flag
↳ To ensure scientific thinking that contributes to development of the nation.

② To better realise the rights

↳ It is duty of every guardian to send their wards to school

⇓

This ensures Article 24-A - Right to Education.

③ To ensure Unity, Integrity and Nationhood
 ↳ that can facilitate public order
 ↳ achievement of goals.

④ Make Citizen Conscious of Rights
 ↳ Cultivating knowledge among all.
 ↳ Dignifying women. → Article 15
 Equality of religion, race, caste, sex and descent.

Grandhiji says,

"If one does their duties,
 The rights are not far".

Thus as Swaran Singh Committee has pointed out there is need to expand the duties further to ensure rights are fulfilled → Voting, taxation etc.

9. Discuss the Impact of the proclamation of National Emergency on Fundamental Rights in India. Also, highlight the various Supreme Court judgments in this context. (150 words) 10

भारत में मूल अधिकारों पर राष्ट्रीय आपात की उद्घोषणा के प्रभाव की विवेचना कीजिए। साथ ही, इस संदर्भ में उच्चतम न्यायालय के विभिन्न निर्णयों को रेखांकित कीजिए।

Article 352 allows the president to proclaim National Emergency in case of - armed rebellion, war or external aggression, in a part or whole of the country.

Impact of National Emergency on Fundamental Rights

① Article 358 states that Fundamental Right 19 will be suspended when National emergency is declared on
 → war
 → External aggression.

② Article 359 allows for President to issue by Presidential Order to suspend other Fundamental Rights.

- ③ However, Fundamental Rights
of Article 20 - Criminal rights and
Article 21 - Right to life and liberty
can't be suspended.

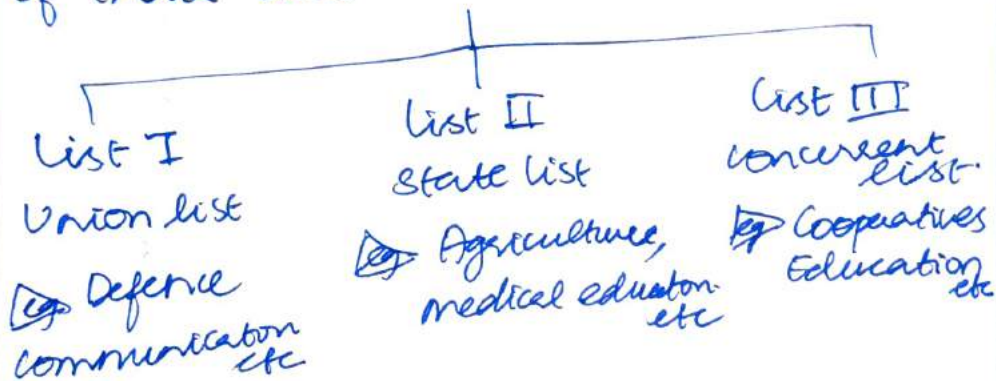
Supreme Court Judgements in this
context

- ① Minerva Mills case -
② Mehrke Gandhi Case - Article 20 and
21 can't be suspended
③

10. The Seventh Schedule is a relic from the colonial past inherited from the Government of India Act, 1935 which needs to be revisited for improving Centre-state relations. Discuss. (150 words) 10

सातवीं अनुसूची भारत सरकार अधिनियम, 1935 से विरासत में मिले औपनिवेशिक अतीत का एक ऐसा अवशेष है, जिसका केंद्र-राज्य संबंधों में सुधार के लिए पुनरीक्षण किये जाने की आवश्यकता है। विवेचना कीजिए।

Schedule VII has inherited the Division of powers from Government of India act



This has recently caused ~~Inter~~ state and Centre State Conflicts.

- ↳ Disaster Management in state
- ↳ COVID19-management etc.
- ↳ NEET Bill of Tamil Nadu.

Need to Revisit Schedule VII

① Changed Dynamics between the centre and state with high fiscal strength.

Ability of states to provide better energy and communication services.

② To ensure further cooperation in the concurrent list.

③ Sarkaria and Punchi Commission have recommended enlarging state list and shrinking concurrent list.

④ Avenues of Cooperation → NITI Aayog's Governing Council
can be better utilised → Inter State Council etc.
in concurrent list.

⑤ To avoid conflict → Between states
→ ~~Water~~ Water disputes

⑥ Residuary list of Article 247.

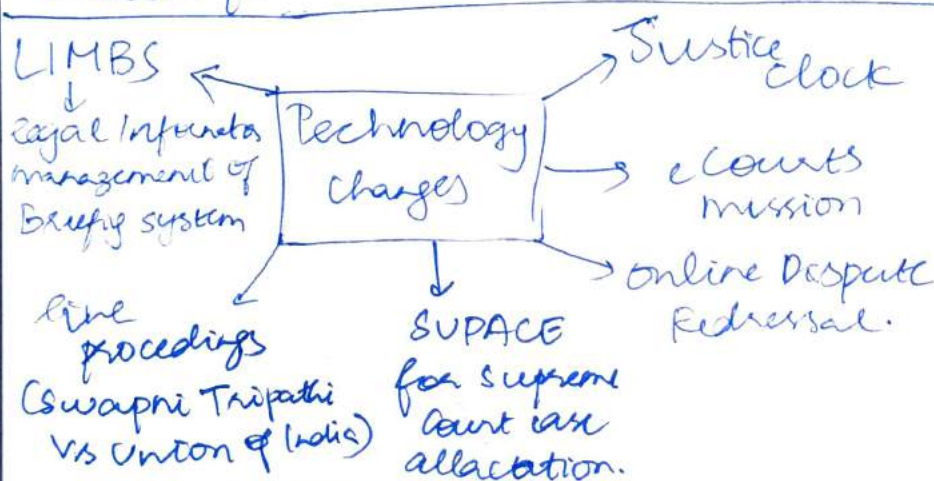
→ Between centre and state
centre 60% revenue
state 60% expenses.

Thus there is a need to revisit the Schedule VII for effective cooperative federalism → Granville Austin

11. Technology has the potential to bring drastic changes in the field of law and transform the court system. In this context discuss the need for digitization of Indian judiciary and challenges faced in this regard. (250 words) 15

प्रौद्योगिकी में कानून के क्षेत्र में व्यापक बदलाव लाने और न्यायिक प्रणाली को रूपांतरित करने की क्षमता विद्यमान है। इस संदर्भ में, भारतीय न्यायपालिका के डिजिटलीकरण की आवश्यकता और इस संबंध में सामना की जाने वाली चुनौतियों पर चर्चा की जाए।

The recent technology changes adopted by Court system of India has transformed the system and shows potential for revolution



Need for Digitisation

- ① High Pendency of cases due to frequent adjudication
 ↳ low level of monitoring and feedback.

② Infrastructural Overhaul

- safety of documents.
- Reduction of paper usage to reduce felling of trees.

The Chief Justice of India had highlighted need to switch to laptops and tablets than use of files.

③ Faster Processing and Data Management

to ensure efficiency.

- ↳ SUPACE for allocating cases has reduced judge's time in full court meetings.

However there are few Challenges to the switch.

Challenges in Digitisation

- ① Low Budgetary Allocation - 0.08 to 0.09% of GDP for Judiciary.

② Inertia among judges and office personnel.

③ Lack of Hardware availability
↳ High cost due to imports.

④ Lack of Technological Innovation
to ensure ease and smooth functioning

⑤ Lack of Political Will to ensure
policy level changes

Steps taken → Judiciary Hackathon.
→ Reusing Technology like digital projectors
→ Persuasion to change
eg CTI points to lawyers to change to laptops from files in Supriyo
Vs Union of India

The Chief Justice of India - Dr DY Chandrachud,
says This way Judiciary will become

more efficient by transforming
Court System by adoption National Judicial Infrastructure.

12. Even after three decades of constitutional amendments, India is yet to decentralise power to local self-government institutions in the true sense.

Discuss: Do you agree with the view that Rashtriya Gram Swaraj Abhiyaan will be able to develop the governance capabilities of the Panchayati Raj Institutions (PRIs)? (250 words) 15

संवैधानिक संशोधनों के तीन दशकों के बावजूद, भारत में अभी भी स्थानीय स्व-शासन की संस्थाओं का वास्तविक अर्थों में शक्तियों का विकेंद्रीकरण किया जाना शेष है। चर्चा कीजिए। क्या आप इस विचार से सहमत हैं कि राष्ट्रीय ग्राम स्वराज अभियान पंचायती राज संस्थाओं (PRIs) की शासन (गवर्नेंस) क्षमताओं को विकसित करने में सक्षम होगा?

G V R Rao who headed Committee on Panchayats called them Grass roots.

Even after 3 decades of 73rd and 74th Amendment Act, 1992, India is yet to decentralise.

Central Tendencies

① Lack of functions due to low functional devolution According to article 243G. by the states.

② Lack of funds due to low taxation powers limited to 11th Schedule.

- ③ Low Collection Efficiency at 40 to 46.1. increasing dependence of fund devolution from the centre and state.

Rashtriya Gram Swaraj Abhiyan aims to combat these central tendencies through:

- ① Capacity Building in the Panchayati Raj Institutions
- ② Digitizing on lines of eGram Swaraj
- ③ Increased cooperation between centre, state and Panchayats.

However, the scheme fails in the following ways:

- ① Increasing Functionaries - The human resource needs augmentation in

numbers

- ② Capital Resource generation and building
- ③ Private Partnership in Gram Sabha functioning is not yet addressed.

Hence there is need to implement changes on lines of Mysore declaration to ensure Decentralisation and Grass Root level Democracy in true sense.

13. With 98% coverage in rural India, cooperatives are the mainstay of rural economy ensuring sustainable livelihoods and income for people. Discuss. Also, state the recent initiatives taken by the government to improve the functioning of cooperative societies and make them more effective.

(250 words) 15

ग्रामीण भारत में 98% कवरेज के साथ, सहकारी समितियां ग्रामीण अर्थव्यवस्था का मुख्य आधार हैं जो लोगों के लिए स्थायी आजीविका और आय सुनिश्चित करती हैं। चर्चा कीजिए। साथ ही, सहकारी समितियों के कामकाज में सुधार तथा उन्हें और अधिक प्रभावी बनाने के लिए सरकार द्वारा हाल ही में प्रारंभ की गई पहलों का उल्लेख कीजिए।

The success story of cooperatives like AMUL are evident in sustainable livelihood and income of rural economy.

Recent Initiatives to Improve function of Cooperatives

- ① 92nd Amendment act that gave constitutional status to cooperatives
- ② Article 19(1)(c) - Right to form associations and cooperatives.
- ③ Article 43 B - State should make policy changes to form more cooperatives
- ④ Part IX B - Article 243ZH to ensure provisions like

- ④① Reservation for women, SC, ST.
- ④② Frequent elections ~~after~~ before 6 months
- ④③ Accounting and auditing practices etc.
- ⑤ Multi State Cooperatives Act to ensure cooperation and uniformity across state with regard to cooperatives

Challenges faced by cooperatives

- ① Skewed Regionally towards Northwest and South.
- ② Successful only in some fields like agriculture
↳ lack of diversity into manufacturing.

- ③ Supreme Court Verdict on limited applicability of the Multi State Cooperatives Act.

Other Benefits of Cooperatives

- ① Economy of Scale in major rural occupations.
- ② Shift towards Value Addition
eg sugar mills by sugar farmers of Maharashtra
- ③ Credit facilities by cooperative banks at low interest.

To realise these benefits, the challenges must be addressed by State - sector cooperation and promotion of Farmer Producer Organisations

14. Governance of inter-state rivers in India suffers from various issues due to conflictual federalism. Discuss. Also, highlight the mechanisms which can be utilised to resolve inter-state river water disputes in India.

(250 words) 15

भारत में अंतरराज्यीय नदियों का प्रबंधन परस्पर विरोधी संघर्ष के कारण विभिन्न समस्याओं से ग्रस्त है। चर्चा कीजिए। साथ ही, उन तंत्रों को रेखांकित कीजिए जिनका उपयोग भारत में अंतर-राज्यीय नदी जल विवादों को हल करने के लिए किया जा सकता है।

The Inter State Water Disputes have led to conflictual Federalism
eg Recent feud between Tamil Nadu and Karnataka on Kaveri River water.

Issues in Interstate River Governance

- ① Weak Mechanisms and limited choices

↳ Inter State Water Disputes Act
↳ River Water Tribunal Act, 1954.

- ② Long Delays in delivery of verdict

eg 1990 to 2007 - Kaveri Dispute.

- ③ High Appeal Ration to the Supreme

Court under Article 136 - Special leave petition.

④ Non Compliance by states to the commitment under the tribunals.

⑤ Geographical Challenges
↓ ↓ ↓
low Rainfall low flow flooding.

Mechanisms that can be Utilised to solve River Water Disputes

① Current Mechanism

└ Inter State River Water Disputes Act.
└ River Water Tribunal Act.

② Special leave petition to Supreme Court under Article 136.

↳ Despite exclusion of River Water Dispute from original Jurisdiction.

③ Inter State Councils constituted
under Article 263 where states
and centre meet

↳ centre can mediate.

④ Zonal Councils under States
Reorganisations Act.

↳ Home Minister can mediate

⑤ Governing Council of NITI

Aayog for data based analysis
and peaceful debate

↳ centre and NITI Aayog can
mediate.

The Committee however call
for Permanent Tribunal and
enforcing authority → Punchhi
Commission. for Amicable Power Water
Dispute Redressal

15. A dysfunctional criminal justice system, absence of well-considered legislation and need for domain expertise, are being seen as the new challenges for the Indian judiciary. Discuss (250 words) 15

एक दोषपूर्ण आपराधिक न्याय प्रणाली, सुविचारित कानून की अनुपस्थिति और डोमेन विशेषज्ञता की कमी को भारतीय न्यायपालिका के लिए नई चुनौतियों के रूप में देखा जा रहा है। चर्चा कीजिए।

The Indian Judiciary with 50 Year high Pendency and colonial structure of legislations and criminal system dilapidate the system.

Challenges faced by Judiciary

① Dysfunctional Criminal ^{Justice} System

①.1 High Pendency and under trial prisoners.

↳ under trial prisoners constitute more than 60% of total prisoners.

①.2 Low Conviction Rate - 45-50%. as per NCRB

①.3 Low Maintenance of Jails ↳ more as restorative than rehabilitative system

② Absence of Well Consider Legislation

- CrPC, IPC and CPC are largely colonial laws. of 19th century.
- finer and punishments are unadjusted to inflation and severity.
- Low Amendment rate and research

③ Lack of Domain Expertise

- New Technology based laws that need technical expertise
~~eg~~ Twitter Vs Union of India on banning of certain people and messages.
- New forms of Business
Gig economy, IPR and Innovation etc.
- LGBTQIA+ and other new identities.

Thus there is a need for major Overhaul in the following ways

① Malimath Committee recommends

- All India Judicial Services for unity and uniformity
- Revision of CrPC, IPC and CPC
- Online Dispute Resolution

② Law Commission of India recommends

fast track courts especially at grassroot levels.

③ Expert Tribunals

The initiatives like Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita are appreciated.

On this line more reforms can make the Indian Judiciary efficient.

16. To what extent has the anti-defection law been able to address the issue of political instability in India? Discuss with suitable arguments.

(250 words) 15

दल-बदल विरोधी कानून भारत में राजनीतिक अस्थिरता के मुद्दे को किस हद तक हल करने में सक्षम रहा है? उपयुक्त तर्कों के साथ चर्चा कीजिए।

Anti Defection law was added as the 8th schedule by 52nd Constitution Amendment with vision of "Cleansing Public Life" - Rajiv Gandhi.

Success of the law

① Curbing defections with specified conditions:

(i) Independent candidate choosing party

(ii) Nominated joining party after 6 months

(iii) Voting in contrary to the party.

(iv) Split with $\frac{1}{3}$ rd members of party joining other party.

② It curbed horse trading of MPs.

③ It has brought in stability in most places → Centre government without premature dissolution for about 30 years.

④ Discipline in the party politics.

Limitations of the law

① Curbed only Partial Defection

↳ Whole sale Defection → 2/3rd party splitting to form new party is allowed.

② Speaker's role has become crucial

↳ Zachillhu Case → SC calls for Tribunal as impartial mode of decision

↳ Meghnaad case → SC calls for time limit for speaker to decide on.

③ Criminalisation of Politics increased to 43-1.

- ④ Individual MP's role is restricted due to Whip's instruction to be followed while voting.

Though the law saw Amendments as part of 92nd constitutional Amendment
 ↳ limiting to 15% of size of houses for council of Ministers.

There is still need for changes.

Way Forward

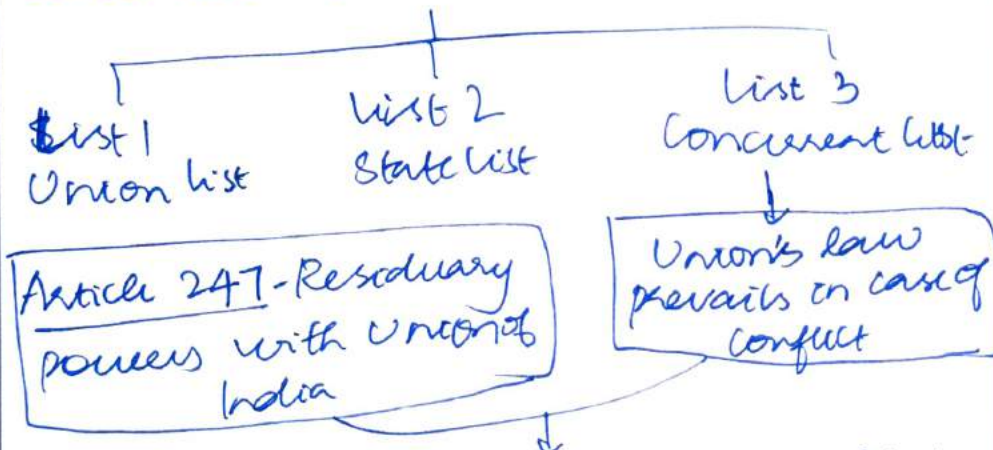
- Whip's role to be decreased
- Rationalise difference between Independent and Nominated.
- Inner Party Democracy
 - 245th Law Commission report

This can ensure complete clarity of the Public life in India

17. Though the Indian Constitution provides a clear division of legislative powers between the Union and states with each being supreme within the spheres allotted to them, this division is tilted towards the Union. In this context, discuss the powers of the Parliament to legislate on subjects in the State List. (250 words) 15

यद्यपि, भारतीय संविधान संघ और राज्यों के बीच विधायी शक्तियों के स्पष्ट विभाजन का प्रावधान करता है, जिनमें से प्रत्येक उन्हें आवंटित क्षेत्रों में सर्वोच्च हैं, तथापि यह विभाजन संघ की ओर झुका हुआ है। इस संदर्भ में, राज्य सूची के विषयों पर कानून बनाने की संसद की शक्तियों की विवेचना कीजिए।

The Indian Constitution clearly shows Division of power between Centre and State.



This shows the division is tilted towards the Union.

There are provisions which empower parliament to legislate on subjects in the State list.

The provisions are:

① Rajya Sabha's Special Majority
When $\frac{2}{3}$ rd of the Rajya Sabha
favours an act, then the parliament
can legislate on state list

② To Implement International Conventions
eg Lokpal and Lokayukta act to
comply with Convention against
corruption.

Wildlife Protection Act 1972 after
UN Convention of Bio Diversity Conference
UN Environment Assembly.

③ During National Emergency the
parliament can make laws in
state matters and give instruction
to states.

④ When 2/more states Request for
making a law for uniformity.

⑤ When the Governor delegates the function to the centre with consent of the states.

This way the Parliament can make laws on state list.

This shows Indian democracy is Quasi Federal as EC Wheare points out.

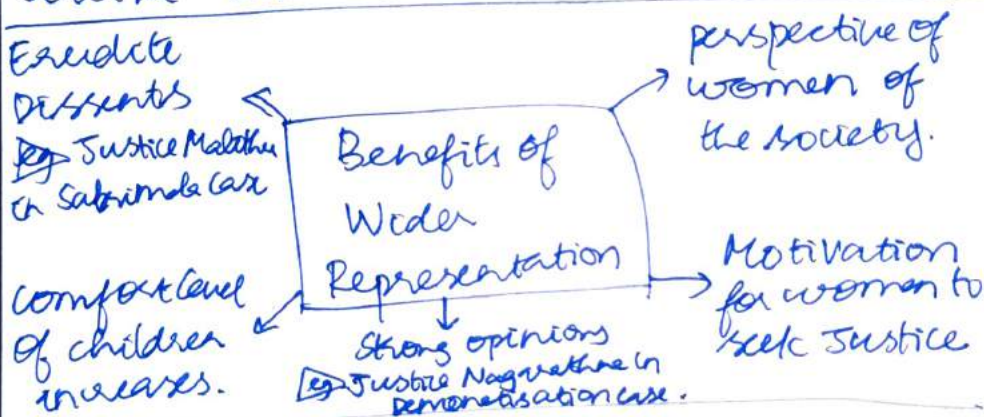
This ensures - uniformity, unity, integrity across the Union, that the constitution facilitates

18. Despite the benefits of wider representation of women in the judiciary, Indian courts have significantly fewer women as compared to men. Discuss.
Also, suggest some measures to bridge the gender gap in Indian judiciary.

(250 words) 15

न्यायपालिका में महिलाओं के व्यापक प्रतिनिधित्व के लाभों के बावजूद, भारतीय न्यायालयों में पुरुषों की तुलना में महिलाओं की संख्या काफी कम है। चर्चा कीजिए। साथ ही, भारतीय न्यायपालिका में लैंगिक अंतराल को कम करने के लिए कुछ उपायों का सुझाव दीजिए।

There are only 3 Supreme Court Judges (Female) in India.
India will have First Female Chief Justice in 2027.



Reasons for low Representation

① Infrastructural Barriers

- lack of female washrooms and toilets.
- lack of creche facilities.

- ② Low Graduation rate ~ 45% in women.
- ③ Low Choice of Law by women more towards Medicine and arts.

Measure to Bridge gap

- ① Infrastructural Overhaul
↳ Toilets, bathrooms, cèches cabins etc.
- ② Reservation in law colleges
- ③ Motivation by Justices and Chief Justices.
- ④ More Stipend by Subordinate Judiciary Women Jurists to reach higher rung.
- ⑤ Behavioural change among parents by projecting law as lucrative, Safe profession for women.

⑥ Promoting Women friendly laws
and service conditions

↳ Maternity leave
↳ Work from home options
etc.

⑦ Taking law to schools

↳ Most courts at schools.
can be conducted.

This way wider representation
in judiciary among women will
be possible.

This will ensure faster Justice
and Gender Justice by Gender Equality
SDG- 5.

19. Elaborate on the fundamental aspects in which the Indian Constitution differed from its contemporaries despite being a post-colonial document

(250 words) 15

उत्तर-औपनिवेशिक दस्तावेज होने के बावजूद भारतीय संविधान के उन मूलभूत पहलुओं का सविस्तार वर्णन कीजिए, जिनके संदर्भ में यह अपने समकालीन संविधानों से भिन्न था।

Indian Constituent Assembly was formed in 1946 even before Independence in 1947. The process lasted till 1950 - 26th January. → Post Colonial.

But still India differed from its contemporaries like Nepal, South Africa, China etc.

Foundational Aspects of Difference in the Indian Constitution

- ① Republican Democracy than monarchical constitution like Nepal.
- ② Parliamentary Democracy with Multi party system unlike Cohabitative Presidential Government of Sri Lanka.

- ③ Socialistic ideals over liberal welfare ideals of South Africa.
↳ Addressed Untouchability while Africa addressed Apartheid.
- ④ Multi Party Democracy unlike One Party democracy of China
- ⑤ Secular Country respecting unity in diversity unlike Pakistan a theocratic state.
- ⑥ Strong Military controlled by President over other countries phases of military coups
↳ Pakistan's Deep State and coup.
- ⑦ Federal Government with centralising tendency unlike other unitary governments of China, Vietnam etc.

- ③ Strong Judiciary with secular laws unlike Pakistan, Iran etc.
- ⑨ More emphasis on Rights than more documentation of functioning
 ↳ Principles of Governance
 ↓
 Conscience of Constitution - Granville Austin
 ↓
 Directive Principles of State Policies
- ⑩ Tribal Rights in the Constitution and Caste Based Protective Equality

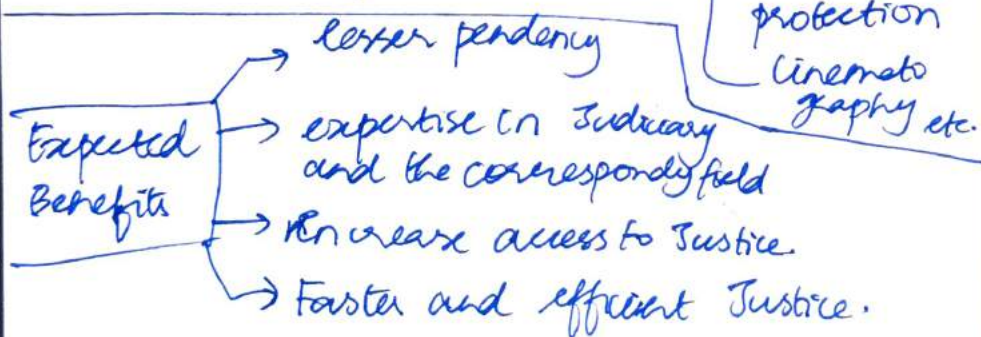
This ensured India survived tests of democracy like Cold War, National Emergency and remained Strategically Autonomous.

20. The tribunalisation of justice though considered to be an effective step is fraught with several challenges. Discuss in light of the Law Commission of India's report on the working of tribunals in India. (250 words) 15

हालांकि, न्याय के ट्रिब्यूनलीकरण को एक प्रभावी कदम माना जाता है, लेकिन इसमें कई चुनौतियां भी विद्यमान हैं। भारत में अधिकरणों की कार्यपद्धति पर भारत के विधि आयोग की रिपोर्ट के आलोक में चर्चा कीजिए।

Article 323 A, 323 B of the 42nd Amendment Act introduced Tribunals to India.

323 A - Central Administrative Tribunal,
323 B - State Administrative Tribunal
and series of Tribunals for



However the challenges highlighted by law Commission of India's report rendered the realization of these benefits.

Challenges to Tribunals

① High Vacancy - about 27/39

seats are vacant.

② Low Presence and activity leading

to higher Pendency of the cases
in courts.

③ Bureaucratisation of the tribunals

with increased appointments
from bureaucracy

↳ The Reforms of Tribunal Act 2021
manages a search cum selection
committee with

Secretary of Home Affairs Secretary of Personnel of India Chief Justice of India
with Secretary of corresponding
Department.

④ Low Infrastructural Facilities with
few branches

⑤ High Rate of Appeal after Verdict of L Chandra Kumar Case where the Supreme court opined that the Verdict of Tribunals are liable by High Courts.

⑥ Merger of Tribunals and transfer of tribunals to departments by the Reforms of Tribunals Act 2021.

Thus there is a need to reform tribunals based on recommendations of Law Commission of India

filing vacancies ↙
 fast track cases ↓
 Balance of Judiciary and Bureaucracy members →

The National Green Tribunal has cleared about 29,000 cases out of 36,000 new cases. Similar approach by other Tribunals can ensure fulfillment of the mandate