

GENERAL STUDIES (TEST CODE : 927)

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Center	DIST. LEARNING (CHANDIGARH)	Date	18 JULY 2017

INDEX TABLE			INSTRUCTIONS
Q. No.	Maximum Marks	Marks Obtained	
1	12.5		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	12.5		2. There are TWENTY questions printed in ENGLISH & HINDI इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
3	12.5		3. All questions are compulsory. सभी प्रश्न अनिवार्य हैं।
4	12.5		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	12.5		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	12.5		6. Word limit in questions, if specified, should be adhered to. प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
7	12.5		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।
8	12.5		
9	12.5		
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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:			

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.

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6.

All the Best

Answer all the questions in NOT MORE THAN 200 WORDS each. Content of the answers is more important than its length. All questions carry equal marks.

12.5X20=250

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

भारतीय संविधान में उल्लिखित राज्यपाल की विवेकाधीन शक्तियों की गणना कीजिए। ऐसा क्यों कहा जाता है कि राज्यपाल का पद अत्यधिक राजनीतिक हो गया है?

Unlike the President, the discretionary powers of the Governor are wider and explicitly mentioned in the constitution.

DISCRETIONARY POWERS

- (1) Under Art. 163(1), the Governor of a state shall discharge his executive functions on aid and advice of Council of Ministers (COM), except when he is to act in his discretion on such matters.
- (2) Under Art. 163(2), the power to decide which matters are discretionary is in itself a discretion of the Governor, which is final.
- (3) Thus he can exist even without COM unlike President.
- (4) Under Art. 200 Governor can reserve any state bill (except money bill) for the consideration of President.
- (5) Under Art. 356 Governor can ask ^{invite} the President to take over the state administration on the ground that it cannot be carried out in accordance with

the constitution.

- (6) He submits fortnightly report to centre regarding affairs of the state.
- (7) He enjoys suspensive and pocket veto over state bills.
- (8) When after election no party/coalition enjoys majority he may invite that party/coalition which in his opinion can form a stable govt.

Post of Governor has become highly politicized as:

- (1) It is often used as a tool by centre to impose President's rule in states ruled by opposition party.
- (2) He is often used against state governments to stall their developmental works and gain political mileage.
- (3) Whenever govt. at centre changes, all governors appointed by previous govt. are replaced
- (4) Active politicians, civil servants, judges after retirement are appointed as governors to ensure their loyalty towards the centre.

Thus there is need to follow the recommendations of Sarkaria & Lunchi commission regarding appointment of politically inactive persons as Governor and that too to promote cooperation between centre and states.

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

वित्तीय प्रशासन के क्षेत्र में संसद के प्रति कार्यपालिका की जवाबदेहिता सुनिश्चित करने में CAG की भूमिका महत्वपूर्ण है। विस्तारपूर्वक बताइए। CAG की स्वतंत्रता सुनिश्चित करने हेतु संविधान में वर्णित प्रावधानों का उल्लेख कीजिए।

CAG is an independent constitutional office which ensures financial accountability of the executive to legislature both at the central and state level as provides under Art. 148.

CAG performs this function through:

- (1) maintaining account of all the state finances.
- (2) Auditing the revenue and expenditure accounts of centre and states and presenting the reports on:
 - i) Appropriation
 - ii) Finance
 - iii) Public sector undertakings (PSUs)to the Parliament and state legislatures for scrutiny.
- (3) It provides the form in which the accounts of the centre and states are to be maintained.
- (4) It helps the Parliamentary committees like Public Accounts committee, committee on PSUs etc. in analysing the revenue and expenditure records of govt.

But still it is criticised that:

- (1) CAG performs post-mortem role i.e. auditing the accounts after the expenditure has been made and not at the time of appropriation like in U.K.
- (2) CAG has no power to penalize extravagance or misappropriation of funds.
- (3) CAG can't audit PPP projects or other bodies not funded from govt. funds.

PROVISIONS FOR INDEPENDENCE OF CAG

- (1) CAG's salary, pension and other expenses of his office shall be charged upon consolidated fund of India which is not subject to vote of Parliament.
- (2) His conditions of service shall not be changed to his disadvantage during his term of office.
- (3) He enjoys security of tenure and can only be removed in a manner as a judge of Supreme Court is removed.
- (4) He is not eligible for any appointment under the Govt. of India or of any other state after retirement.

Thus CAG acts as one of the bulwarks of Indian democracy and a permanent financial watchdog over the executive.

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

केंद्र और राज्यों के बीच सहयोग को बढ़ावा देने के लिए भारत में विभिन्न संस्थागत व्यवस्थाएं कौन-सी हैं? भारत में सहकारी संघवाद को बढ़ावा देने में अंतर्राज्यीय परिषद की भूमिका का आलोचनात्मक विश्लेषण कीजिए।

Centre-state relations has assumed greater importance especially after 1967 and is seen as the breeding ground of cooperative as well as competitive federalism in India.

INSTITUTIONAL ARRANGEMENTS

(1) INTER-state river water disputes (ISRWD)

Under A-162 Parliament may by law provide for ISRWD tribunal to resolve conflict between 2 or more states over sharing of river water and river valleys and bar other courts from interfering.

(2) INTER STATE COUNCIL (ISC)

under Art. 163 President may constitute an ISC, if in his opinion public interest would be served.

ISC can be constituted for different purposes like health, education, security etc.

Pros:

- (i) since an ISC consists of P.M., cabinet ministers as well as chief ministers of states and UTs it provides platforms to discuss common issues.

- (ii) ISC help resolve common conflicts and prepare plans for common growth agenda.
- (iii) ISC is beneficial on issues affecting across border like terrorism, money laundering.
- (iv) Provides mechanism for decentralised planning.

CONS:

- (i) Failure of the existing ISCs in delivering anything substantial which is further compounded by irregular meetings, funds etc.
- (ii) replication of agenda in other platforms like NITI Aayog.
- (iii) Lack of trust and interest among states about it.

(3) NITI AAYOG:

It is set up as a body to develop bottom up approach towards developmental planning involving states as partners.

(4) ZONAL COUNCILS

They are statutory bodies established to take up the regional issues to solve them. They are headed by home minister and consists of CMs in that zone. eg: North eastern Zonal council.

(5) NATIONAL INTEGRATION COUNCIL

It consists of not only govt. representatives but also media, civil society, NGOs representatives taking cooperative

federalism to grassroot level.

- (6) UGC promoting such spirit in education sector.

Thus all these mechanisms aims to develop a
TEAM INDIA working towards development of states
as well as Union in a concurrent manner.

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

लोकसभा और राज्य विधान सभाओं का चुनाव एक साथ कराने के विचार के आलोक में, इसके कार्यान्वयन से होने वाले लाभों और इससे उपजने वाली समस्याओं पर चर्चा कीजिए।

Since 1967, India lost the concurrence between state elections and central elections due to a multitude of reasons ranging from President rules, emergency, people's movements etc. As a result every year 4-5 general elections are held in India. It is suggested to simultaneously hold elections to Lok^{Sabha} and state legislative assemblies.

ADVANTAGES

- (1) It will reduce the number of elections over every year and hence reduce cost of holding elections both in terms of arrangements and manpower.
- (2) It will reduce election siring time and hence there will be application of model code of conduct once only. Thus ^{allowing} ~~preventing~~ the government to continue its policies and programmes.
- (3) It will prevent govt. from going populist in approach and enable them to take firm decisions in national and public interest.
- (4) Legislators and political parties will not be over-

concerned about their political survival and hence work towards public welfare.

(5) It will also reduce the expenditure made by those contesting elections and hence save public money.

(6) It is argued that it may substantially increase voter turnout due to single election.

CONCERNS:

(1) It may create confusion among the electorate about which party to vote in state and central elections and separate analyse both manifestos.

(2) Huge infrastructure, manpower etc. is required at the disposal of Election Commission of India.

(3) If due to reasons like President's rule, ^{early} dissolution of assembly, no-confidence motion etc. the state or central govt. is dissolved prematurely, then bye-elections are required, which has 2 issues:

- (i) If newly elected govt. is allowed full 5-year term, again the synchronisation will be lost
- (ii) If not, then the govt. is not allowed to enjoy its public and constitutional mandate for full term.

(4) It reduces the concept of concurrent and continuous responsibility to only a periodic accountability of 5 years.

Thus careful analysis to address above concerns
is required so that the ethos of public
accountability and democratic representation
are balanced.

5. Proliferation of Ministries and Departments in the government not only leads to weak coordination and integration but also fragmentation of functions. Comment in the context of India.

सरकार में मंत्रालयों और विभागों का प्रसार न केवल समन्वय और समेकन को कमजोर करता है, बल्कि प्रकार्यों के विखंडन का भी मार्ग प्रशस्त करता है। भारत के संदर्भ में टिप्पणी कीजिए।

The domain of public policy and governance is becoming increasingly complex and specialised which at many times resulted in creation of more ministries and government departments.

Sometimes such moves are also aimed at accommodating the coalition partners and other demanding groups and leaders. But such proliferation leads to many problems.

- (1) It makes the policy formulation more difficult and canalised as a department makes policies with narrow considerations which may not be acceptable to other ministry.
- (2) Such differences and complexities in policy formulation leads to poor and populist policies.
- (3) Such weak coordination also results in different departments formulating policies on same issues and thus wasting resources and time.

- (4) An arena like defence or environment, if divided into different departments leads to fragmented policies with no eclectic or comprehensive approach.
- (5) The policies formulated may be overlapping, conflicting, and thus may divide the already limited funds and resources.
- (6) Decision making and implementation is also delayed through such fragmentation.
- (7) It creates multiple points of references and thus dilutes the accountability principles of democratically elected govt.

The 91st constitutional amendment Act, 2002 though limited the council of ministers to not more than 15% of strength of House of people but no such limit is there for ministries.

Thus it is time to revisit such multiple division of governmental institutions of policy making as it will promote cooperation and integration, thus preventing policy paralysis.

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6. Though judicial activism has made the judiciary more people friendly, there is also a negative side to the idea of a pro-active judiciary in the form of judicial overreach. Discuss with examples.

यद्यपि न्यायिक सक्रियता ने न्यायपालिका को अधिक लोक-अनुकूल (पीपल फ्रेंडली) बना दिया है, किन्तु अति-सक्रिय न्यायपालिका की अवधारणा का एक नकारात्मक पक्ष न्यायिक अतिक्रमण (जुडिशल ओवररीच) भी है। उदाहरण सहित चर्चा कीजिए।

Judicial activism refers to the scenario when judiciary ventures into the domain of policy/ law making^{& implementation}, when the executive and legislature fails to perform their constitutionally assigned roles and duties.

ADVANTAGES

- (1) It forces the Executive and legislature to wake up from slumber and perform their duties.
eg: In Vishakha v/s UOI case, 1997 the Supreme court framed guidelines for prevention of sexual harassment at workplace until govt. enacted as a law in this regard.
- (2) It fills in the void in govt. policies and make them relevant to contemporary needs.
- (3) It promotes^{legal} awareness among the citizens and they hold their representatives accountable in elections.
- (4) It is a part of doctrine of checks and balances whereby Judiciary monitors the working of other

two organs.

But many a times such pro-active judiciary oversteps its constitutional mandate which results in Judicial over-reach and adventurism.

DISADVANTAGES:

- (1) It disturbs the balance between 3 organs and violates doctrine of separation of power which is a part of basic structure of constitution.

eg: Judiciary should limit itself to checking constitutional validity of law and not provide amendments to it.

Like Supreme court said that disqualification period for convicted legislator under RPA, 1950 be increased from 6 months to 1 year. This is judicial overreach.

- (2) It creates confusion among those executing policies due to multiplicity of command authorities.
- (3) It doesn't allow Executive and legislature to work freely as all their actions are scrutinised by courts.
- (4) It will lead to judicial tyranny and thus defeating the purpose of democratic and parliamentary form of govt. in India.

Thus a balance needs to be maintained
between 2 sides of same coin ie- judicial
activism and judicial restraint.

7. Examine the reasons behind the government's decision to dismantle the plan-non-plan classification of expenditure. How will the new classification of schemes into 'core of the core', 'core' and 'Optional' address the shortcomings of the earlier classification?

सरकार द्वारा व्यय के योजनागत और गैर-योजनागत वर्गीकरण को समाप्त करने के निर्णय के पीछे के कारणों का परीक्षण कीजिए। योजनाओं का 'कोर ऑफ द कोर', 'कोर' और 'वैकल्पिक (Optional)' के रूप में नया वर्गीकरण किस प्रकार पूर्ववर्ती वर्गीकरण की कमियों को दूर करेगा?

Govt. has done away with the plan and non-plan expenditure in the budget 2017-18. Such recommendation was also given by G. Rangarajan panel on expenditure in 2011.

REASONS

- (1) Since the Planning Commission has been scrapped along with the 5 year plans, there is no purpose of demarcating any planned expenditure. Short, medium and long term vision has replaced the plans, last being 12th FYP (2012-2017).
- (2) Also the funds allocated under planned expenditure were often shifted to non-plan after the plan period was over, thus merely incrementing the funds under this category.
- (3) Such classification was serving no purpose as non-plan expenditure was increasing at more rapid rate than plan expenditure.

(4) Most plan expenditure covered centrally sponsored schemes (CSS) which have now been rationalised as explained below.

On the recommendations of the sub-group of CMs under NITI Aayog the govt. has tried to reduce the CSSs from presently 66 schemes to 30 schemes and classified them as follows:

- (1) Core of core schemes: which are for social inclusion and development; will be funded by centre.
eg: National social Assistance program, MGNREGA etc.
- (2) Core schemes: which will be carried on in cooperation by centre and states for national development agenda.
eg: Pradhan Mantri Kishi Sinchai Yojana
- (3) Optional schemes: which will be opted by states as per their own priorities.
eg: Border Area development programme.

Such classification will enable:

- (1) Better allocation of sector wise funds
- (2) Promote cooperative federalism by giving choices to states
- (3) Reduce fund rush as seen in earlier classification.

thus this move is in consonance with the

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recommendations of the 14th Finance Commission
and promotes spirit of cooperative federalism.

8. The amendment to do away with the domicile requirement for elections to the Rajya Sabha has militated against the very purpose that guided the Constituent Assembly to create the Council of States and reduced it to a mere revising chamber. Critically analyse.

राज्य सभा में निर्वाचन हेतु अधिवास (डोमिसाइल) की अर्हता हटाने वाला संशोधन राज्यसभा बनाने के लिए संविधान सभा को निर्देशित करने वाले मूल उद्देश्यों के प्रतिकूल है और ऐसा करके इसे मात्र पुनरीक्षण सदन बना दिया गया है। अलोचनात्मक विश्लेषण कीजिए।

Rajya Sabha ^(RS) is not a secondary House like legislative councils in state, rather a second House. It was envisaged on the principle of equality of Houses.

But in recent change, the domicile requirement for Rajya Sabha (RS) elections has been dispensed with. Now, any registered voter of any constituency can contest RS polls from any state.

ADVANTAGES

- (1) This has reduced the chances of state parties electing only their failed candidates to RS to get some political clout at centre.
- (2) It has given opportunity to eminent and expert people to contest elections from other states subject to non-availability of seats in their own state.
- (3) This has promoted the cause of national integration, fraternity and unity in diversity as a whole.

- (4) It has reduced the effects of regionalism, "sons of the soil" doctrine and hence limited the growth of multiple-subnationalism.

DISADVANTAGES

- (1) The very purpose of having proportionate representation from all states in RS is defeated as leaders from one state may have seats more than what is allotted to their state.
- (2) The federal character of RS is diluted and it has become only a revising chamber, not truly representing state interests as envisaged.
- (3) Big states are able to further reduce the clout of small states by winning the meagre number of seats they have.
- (4) It creates psychic fear among state leaders over not being able to represent their own leaders at central level.
- (5) It has made RS a backdoor entry for leaders not able to win Lok Sabha elections.

Thus though an amendment which eased administration and promoted integration it has somewhat diluted the federal credentials, ^{present} in minds of our constitution makers.

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9. Discuss the significance of the concept of Office of Profit as enshrined in the Indian Constitution. Why has it been embroiled in controversies for a long time? Analyse the role played by judiciary in this regard.

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

Office of Profit has been used in the constitution to prescribe that persons occupying office of President, Vice President, Governor or members of Parliament or state legislature, shall not hold any such office under union or state govt.

It means an office / authority whereby the occupant is deriving any material or other benefits from the state and thus amounting to conflict of interest if any such person occupies above constitutional roles.

eg: If a minister or MLA becomes the director of a PSU, then he will derive profit of that PSU, thus will distort policies of govt. to favour his PSU.

Hence constitution has banned such an occupation as-

- (1) It affects neutrality of those in govt.
- (2) It amounts to conflict of interest
- (3) It is violative of public interest & national interest

(4) It has adverse affect on competition and thus fair play is not ensured.

It has been embroiled in controversies because -

(1) There is no clear definition between office of profit in the constitution or any law.

(2) Parliament and state legislatures has made attempts to bar many offices from the purview of office of profit.

eg: Delhi govt. has appointed 21 MLAs as parliamentary secretaries and later on passed a law exempting them disqualification on grounds of occupying office of profit.

(3) Judiciary has played an important role in this regard by declaring many such appointments as void.

eg: Appointment of 11 parliamentary secretaries has been nullified by Supreme court on ground of them being office of profit.

(4) Further supreme court has framed some guidelines to determine which posts come under the ambit of office of profit until a law is enacted.

Therefore it is high time for Parliament to enact a detailed and comprehensive law defining the

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ambit and scope of office of profit and thus
curbing its misuse by various authorities.

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

संविधान की छठी अनुसूची के प्रावधान जनजाति समुदायों की आवश्यकताएं पूरा करने हेतु निचले स्तर पर कुछ आवश्यक शक्तियां प्रत्यायोजित करते हैं। छठी अनुसूची के अंतर्गत स्थापित संस्थाओं द्वारा सामना की जा रही आधुनिक समय की चुनौतियों की जांच करते हुए चर्चा कीजिए।

6th schedule deals with the administration of tribal areas in the states of Assam, Meghalaya, Mizoram and Tripura.

- (1) It provides for the establishment of District autonomous council in such districts and they can be divided into regional councils if more than one tribes are present.
- (2) such councils have executive as well as legislative powers. They can make laws on subjects like forests, marriage, divorce, customs, shifting cultivation etc., subject to the approval of Governor.
- (3) They can also establish village courts / councils for settlement of disputes on a range of civil and criminal cases like marriage etc.
- (4) Appeals to the decisions / orders of village courts lie before regional and district council and then to High court & Supreme court. District courts have no jurisdiction here.

- (5) such councils can advise the governor on making rules for the peace and socio-economic development of the region.
- (6) Any law of Parliament does not automatically apply to these areas but governor can notify that they apply after the required modifications.
- (7) majority of the members are elected in these councils and few nominated by the governor.
- (8) they have power to collect and assess tax eg. land revenue

CHALLENGES

- (1) Village courts are often inefficient to resolve complex matters of law
- (2) The elected members are merely the leaders of state parties, thus providing no effective representation to local grassroot leaders.
- (3) such autonomous councils often create false statehood consciousness and later turning into demand of statehood.
eg: Darjeeling Gorkhaland council demand of Jharkhand in Tripura's autonomous district
- (4) states don't devolve much subjects and power to such councils, thus no effective decentralisation.
- (5) There are no guaranteed sources of funds, added by the laxity of state to grant them finances.

Hence they experience a plethora of challenges which requires effective decentralisation to make them truly democratic models of grassroots participation.

11. The political empowerment of Panchayati Raj Institutions (PRIs) has not been accompanied by empowerment in other spheres. Comment. Also examine whether devolving functional autonomy, administrative support and financial resources to the PRIs can help in overcoming the issues related to PRIs.

पंचायती राज संस्थाओं (PRIs) के राजनीतिक सशक्तिकरण को अन्य क्षेत्रों के सशक्तिकरण से संबद्ध नहीं किया गया है। टिप्पणी कीजिए। इसके साथ ही परीक्षण कीजिए कि क्या PRIs को प्रकार्यात्मक स्वायत्तता, प्रशासनिक सहायता और वित्तीय संसाधन मौंपने से PRIs से संबंधित मुद्दों को संबोधित करने में सहायता मिल सकती है?

The 73rd and 74th constitutional amendment acts, 1992 gave constitutional status to PRIs and municipalities, thereby giving them political empowerment.

But such political empowerment has not fully been fully replicated at ground level due to lack of-

(1) Functional empowerment:

The subjects mentioned under 11th and 12th schedules have not yet been fully granted to PRIs by the state govts.

(2) Administrative empowerment:

There is no dedicated administrative workforce for local governance. state and central civil servants are employed which creates administrative hurdles in decentralisation of power.

(3) Financial empowerment:

Lack of adequate avenues to tax, low grants in aid,

and abysmally low collection of non tax revenues has paralysed these PRIs.

(4) Public empowerment:

Lack of will among the public to participate in local govt. avenues; compounded further by lack of such forums and skills among public.

WAY FORWARD

(1) Functional autonomy by granting them jurisdiction over all subjects mentioned in 11th & 12th schedules
eg: Kerala and Haryana has granted all 29 subjects to Panchayats.

(2) Administrative support via dedicated cadre for local levels either through examination or creating separate local cadre to cater to local needs.

(3) earmarking funds from state fund, allowing them to tax more subjects like entertainment especially cable TV etc.

(4) creating will, avenues and skill among people to take local governance to grassroot level.

Thus PRIs can be realised to their full potential if all three Fs - Funds, Functions & Functionaries are fulfilled in true sense.

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

एक ओर जहां यह तर्क दिया जाता रहा है कि न्यायपालिका को RTI के दायरे में लाया जाना चाहिए, वहीं दूसरी ओर न्यायपालिका की स्वतंत्रता और लोगों के 'जानने के अधिकारों' के बीच संतुलन बनाए रखे जाने की भी आवश्यकता है। इस संदर्भ में, न्यायपालिका को RTI के दायरे में लाए जाने के पक्ष और विपक्ष पर चर्चा कीजिए।

RTI is one of the most progressive pieces of legislation which our country has experienced in 21st century. But still many dimensions are not covered by it - among which foremost is the Judiciary.

PROS -

- (1) Numerous cases of accountability of judges have arisen in past necessitating their coverage under ambit of RTI to ensure they are not engaged in corrupt practices.
- (2) Transparency in judicial processes will ensure judges are not succumbing to political pressures and personal interests. This will further the cause of independence of Judiciary.
- (3) Information is crucial and it will help pin point the issues affecting judiciary and provide necessary remedial measures.

- (4) It will reduce corruption at lower levels of Judiciary especially in commercial and property cases.
- (5) It will be a step towards good governance as justice delivery is also a part of it.
- (6) Information regarding cases, their status etc. will help petitioners, accused and even other stakeholders to critically analyse the justice delivery mechanism.

CONS:

- (1) It may affect the working of Judiciary due to continuous public oversight, thus compelling it to go populist in nature of judgements.
- (2) Judges may race up to build better public image thereby defeating basic ethos of neutral justice delivery.
- (3) As per one argument it may cause blackmailing of judges under the garb of RTI.
- (4) The judges may not be able to innovate new judicial doctrines due to fear of critical review.
- (5) It may lead to conflict with provision of coten contempt of court, which may be invoked more often.

Thus no doubt that information is the precious

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resource of this century but it should not
be allowed to damage the balance of power
and independence of Judiciary.

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

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

Pressure groups are a groups of people organised actively to promote and defend their common interest. They are often called interest / vested groups as they exert pressure on govt. to get desired modifications in public policy.

- while political parties are organised group of people having common ideology and vision and it aims to capture power through elections and form government or be a part of it.

- Pressure groups are often informal associations while political parties are formally set up groups.

eg: Trade unions, human rights associations etc. are pressure groups.

while BJP, INC etc. are political parties.

(ii) - Pressure groups primarily originate to fill in the voids or inadequacies of political parties as they aim to fill the gap in policies by

matching them with ground realities and fighting for appropriate changes therein.

ENVIRONMENT PROTECTION GROUPS

There is increasing conflict between environment and development priorities.

- (i) the increasing focus of political parties towards infrastructure, economic development etc. have come at the expense of environment.
- (ii) environmental clearances are granted just to fulfill legal obligations and not in spirit of good environment. Similar is case with EIAs.
- (iii) Their manifestos lack dedicated schemes for protection of wildlife, forest etc.

Thus to fill these visible loopholes, pressure groups are born like environment NGOs, Narmada Bachao Andolan etc. to bring democracy to this arena. They are forced to mobilise people for cause of environment and ecosystem.

Hence such pressure groups are necessary as they provide accountability mechanism through which political parties can be focused to issues affecting society and country.

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

लोक अदालतों की सीमित सफलता के लिए उत्तरदायी कारणों का विवरण दीजिए। लोक अदालतें प्रभावी विवाद निवारण तंत्र के रूप में कार्य करें, इसे सुनिश्चित करने के लिए क्या उपाय किये जाने आवश्यक हैं?

Lok Adalats are organised under the Legal Services Authority Act, 1987 as an alternate dispute resolution mechanism working on the principle of consensus.

FACTORS LIMITING THEIR SUCCESS

- (1) Lok Adalats can take up cases only when both parties agree to it, which is not always the case especially in criminal cases.
- (2) They resolve cases which are mostly limited to areas like challans, traffic violations, fees, dues, late compensation etc.
- (3) Scarcity of infrastructure and manpower pose a serious problem in effective functioning of the Lok Adalats.
- (4) Consensus building between parties takes time.
- (5) Most of such Lok Adalats are not permanent and are organised temporarily, thus not available to litigants everytime.

- (6) Limited jurisdiction as various non-cognizable cases are not covered under its ambit.
- (7) Many states have not been organising such Lok Adalats on regular basis.

MEASURES REQUIRED

- (1) Law should clearly prescribe their organisation timing as they should be made permanent in all states.
- (2) Investment in infrastructure will help in faster disposal. eg e-courts initiative should be extended to Lok Adalats.
- (3) Additional and dedicated workforce to cater to the needs of the Lok Adalats should be created.
- (4) Their decision shall not be allowed to be challenged / appealed further (though still present but still there are some exceptions to it).
- (5) More redressal mechanisms like mediation and conciliation shall be brought within its ambit.

Thus it is a novel mechanism to foster judicial proceeding and reduce load on Judiciary but structural reforms are needed to maintain its relevance.

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15. Part IV of the Indian Constitution has great value as it provides for social and economic democracy. In light of the above statement, discuss the importance and limitations of this part of the constitution.

भारतीय संविधान के भाग IV का अत्यधिक महत्व है क्योंकि यह राजनीतिक लोकतंत्र से भिन्न सामाजिक तथा आर्थिक लोकतंत्र हेतु प्रावधान करता है। उपर्युक्त कथन के आलोक में, संविधान के इस भाग के महत्व तथा सीमाओं पर चर्चा कीजिए।

Part-IV enshrines the directive principles of state policy (DPSP) which epitomize the ideals of the people of India.

IMPORTANCE

- (1) They have emerged alongwith the concept of welfare state and has replaced a regulatory state with a welfare state, aimed at both day to day administration as well as socio-economic development of country.
- (2) Though they are non-justiciable, nonetheless they are fundamental in the governance of the country and it shall be the duty of the state to enforce them by enacting laws.
- (3) They seek to supplement the fundamental rights, which promote political democracy, by aiming at providing distributive justice (social and economic democracy).
- (4) They present a unique blend of ^{principles of} socialistic pattern,

Gandhian ideology, western liberalism and ideals of the freedom struggle.

- (5) They seek to promote equal distribution of resources, prevention of concentration of wealth etc and adds to dignity of individual, thus supplementing Art. 21.

LIMITATIONS

- (1) They are not enforceable in court of law.
- (2) They are totally at the discretion of state to implement them and no remedy is available to citizens for their non-implementation.
- (3) Only 2 of directive principles A. 39 (b) and (c) can override over only 2 fundamental rights A. 14 and A. 19, thus considered as somewhat inferior to the fundamental rights.
- (4) Unlike fundamental rights which are negative obligations, DPSPs are positive obligations of state. They are non-justiciable because they require time and resources at the disposal of the state. Thus though not legally enforceable they are politically enforceable through public accountability during elections.

- DPSPs acts as beacon constantly reminding of the welfaristic goals to the gout. of the day.
- Supreme court has reiterated that there should be harmonization between Part-III and IV of the constitution.

even as first CJI HJ Kania said - "Inclusion of DPSPs in the constitution is not the result of temporary majority in constituent Assembly but the considered wisdom of people of India expressed through the Assembly.""

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

सरकारी विज्ञापनों को प्रायः राजनीतिक दलों की छवि का महिमामंडन करने के लिए करदाताओं के पैसे के दुरुपयोग के रूप में देखा जाता है। सर्वोच्च न्यायालय के नवीनतम निर्णयों के आलोक में इस पर चर्चा कीजिए। इसके साथ ही पेड न्यूज और राजनीतिक विज्ञापनों के मुद्दे का समाधान करने के लिए 20वें विधि आयोग द्वारा की गई अनुशंसाओं का उल्लेख कीजिए।

Full page advertisements showing images of political leaders, parties, their schemes have become a daily phenomena in newspapers. Even other forms of media like TV, radio, internet are no far behind.

such multitude of govt. ads are viewed as misuse of taxpayer's money -

- (1) It is often done to enhance image of political parties and their ideologies.
- (2) It is a platform to glorify political leaders
- (3) such ads by govt. during election time violates the principle of equality, as govt. machinery and public money is used by ruling party to its electoral advantage.

Supreme court in a no. of cases have given following guidelines:

- (1) govt. ads shall not contain the photographs of any leader / govt. servant except President, Prime

Minister and Chief Justice of India at Union and Governor and C.M. at state level; as such images amount to personality glorification which is not the purpose of gout. ads.

- (2) The gout. ads shall be limited to information dissemination about gout. schemes and programs. It should not become a party mouthpiece.
- (3) It should be done on rational basis as and when required and extravagance should be avoided.

20th LAW COMMISSION RECOMMENDATIONS

- (1) Political advertisements should not be allowed to use public money as they are not mandated by public to do so.
 - (2) Paid news need to be dealt strongly through adequate laws, covering platforms like social media also.
 - (3) Comprehensive policy on cyber media to regulate instances of paid and fake news.
 - (4) Establishment of a regulatory authority to oversee and control these two aspects - paid news and gout. ads.
- thus though information dissemination is

crucial for public awareness but care needs
to be taken that such data is not fake and
not aimed at mere political glorification,
wasting taxpayers' money.

17. In a paradigmatic shift from the command and control approach of the past, NITI Aayog accommodates diverse points of view in a collaborative, rather than confrontationist setting. Comment.

प्रतिमानी परिवर्तन (paradigmatic shift) के तहत, पूर्ववर्ती कमांड एंड कंट्रोल (कमान और नियंत्रण) के दृष्टिकोण से परे नीति आयोग अब टकराव की बजाय सहयोगी विचार के साथ विभिन्न दृष्टिकोणों का समायोजन करता है। टिप्पणी कीजिए।

In 2014 the erstwhile Planning Commission was replaced by NITI Aayog (National Institution for Transforming India), changing the planning approach from top-to-bottom to bottom-up approach.

- (1) Planning commission was a centralised body of planning having no state representation.
while the governing council of NITI Aayog consists of all state CMs and UTs' administrator.
It ensures true cooperative federalism.
- (2) Earlier plan used to be prepared by centre and has to followed by states. But in present setting this command and control approach has given way to collaborative development of plans involving states as per their local needs.
- (3) Such a setting has reduced the confrontations between union and states and promote coordination and cooperation.

- (4) 5-year plans have been replaced by 7 year, 15-year and 30 years long; short and medium term goals and long term vision.
- (5) Sub groups have been created within the NITI Aayog on various programmes like Swachh Bharat, financial decentralisation etc. which dwell into local issues faced by states in their implementation.
- (6) Such a cooperative setting have also enabled in easy planning and implementation of GST, providing a platform for consensus building between centre and states.
- (7) It might reduce litigations between centre and states and thus sustain our model of quasi-federalism.

Hence, such a setting for planning has reduced conflict and promoted the concept of unity in diversity alongwith national integration and greater bonhomie in centre-state relations.

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

लोक सभा के अध्यक्ष को व्यापक शक्तियां वस्तुतः संसदीय प्रणाली की लोकतांत्रिक संस्थाओं को मजबूत बनाने के लिए निहित की गई हैं, न कि सदन में असहमति या विरोध को दबाने के लिए। भारत के संदर्भ में टिप्पणी कीजिए।

The Office of speaker of Lok Sabha (LS) is an "office of trust". He/she is the symbol of parliamentary democracy and guardian of democratic traditions in the country.

- Office of speaker is vested with huge powers like-
- (1) sole authority to certify that a bill is a money bill, thereby limiting power of Rajya Sabha on it
 - (2) Presides over joint sitting
 - (3) Decides disqualification in case of anti-defection law
 - (4) Deciding authority on parliamentary privileges. etc.

But such vast powers are given to strengthen representative democracy and not to stifle dissent or protest in the House.

- (1) Nowadays govt. is misusing the office of speaker by certifying many bills as money bills and trying to bypass Rajya Sabha.
- (2) Joint sitting is another way to bypass the revising chamber of Parliament.

- (3) The decision of speaker on issues like money bill, defection is assumed final. Though Supreme court in Kihoto Hollohan v/s Zachillu, 1992 held that it is subject to judicial review.
- (4) It is often argued that speaker discriminates in time allocation among ruling and opposition party members.
- (5) Lack of codification of Parliamentary privileges under Art. 105 have left the speaker with undefined reservoir of plenary powers.

WAY FORWARD

- (1) Immediate codification of Parliamentary privileges by enacting a law.
- (2) Framing detailed guidelines regarding certification of money bill.
- (3) Lower of disqualification under Anti-defection law to be exercised by President in consultation with election commission of India.
- (4) Speaker to detach itself from its parent party and deliver neutral judgements and carry on the proceedings in a non-partisan manner.
- (5) Formulation of a code of ethics for office of speaker.

Thus Speaker needs to maintain high standards
of political neutrality and morality to ensure
that this office of dignity acts as a beacon
of our parliamentary democracy.

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

संविधान की दसवीं अनुसूची और पश्चातवर्ती संशोधन दलबदल और अवसरवादी राजनीति की समस्या को हल करने में विफल रहे हैं। आलोचनात्मक विश्लेषण कीजिए।

10th schedule was added by the 52nd constitutional amendment act, 1985 and it deals with the provisions of anti-defection law.

It aims at preventing defections at the floor of the House and thus providing stability to govt.

SUCCESS

- (1) It has been greatly helpful in preventing defection of independent and nominated members to ruling / opposition party, thus preventing frequent testing of govt.'s strength in House.
- (2) With it has emerged collective voting along party lines and whip directions, thus ensuring 100% loyalty toward party since opportunistic politics and voting leads to disqualification.
- (3) After 91st constitutional amendment act, 2002, splits in political parties are not valid and such splitted groups are subject to disqualification, thus preventing creation of multiple power centres within single party.

- (4) Since after Supreme court ruling in Kihoto Holoohan v/s Zachillu case 1992, the Speaker's decision regarding disqualification under 10th schedule is subject to judicial review, hence preventing ruling party to use office of speaker for political play.

FAILURES

- (1) It does not cover pre-poll alliances and hence defections among such alliances after elections is a common phenomena.
- (2) Office of speaker is manipulated many times to benefit the ruling party.
- (3) Even after 91st amendment, 2002 mergers are allowed (2/3rd of party merging with another party). Thus it is alleged that 10th schedule only prevents retail defection but allows wholesale defection.
- (4) Legislators involved in anti-party activities, outside the House are not disqualified under 10th schedule. Thus promoting opportunistic politics.

Hence it is time to revisit the schedule and make more necessary amendments like the one

recommended by law commission as well as
Dinesh Goswami committee on electoral reforms
that disqualification under 10th schedule shall
be decided by President in consultation with
election commission; and extending it to
cover political defections as well.

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

निरंतर जवाबदेही, समायोजन और समावेश पर आधारित संसदीय प्रणाली ही देश की आवश्यकताओं की सर्वोत्तम तरीके से पूर्ति कर सकती है। भारत में समय-समय पर राष्ट्रपति प्रणाली अपनाने हेतु प्रस्तुत किये जाने वाले तर्कों को ध्यान में रखते हुए परीक्षण कीजिए।

Indian constitution adopted the Westminster model of parliamentary democracy where there is no complete separation between Executive and Legislature unlike the Presidential system and Council of Ministers are collectively responsible to Lok Sabha.

ADVANTAGES

- (1) For a vast and diverse country like India, such system ensure all sections of population are well represented through Parliament which is a miniature nation in assembly.
- (2) It provides for continuous and concurrent accountability and responsibility to public rather than periodic accountability of Presidential system.
- (3) People of India are familiar with this system since Morley-Minto reforms of 1909 and given that vast population is still illiterate, this familiarity is essential for effective voter participation.
- (4) There is ^{no} deadlock between Executive and Legislature as they are not fully separated and Council of Ministers some from Legislature being collectively responsible to it.

- (5) Huge cost will be involved in Presidential system due to direct elections for President as well as Parliament. Given the diversity of India no candidate may get required majority thus increasing election time, thus subsequent corruption.

DISADVANTAGES

- (1) It often leads to hung Parliament and political instability which is not the case in Presidential system
- (2) Political defections are common affecting govt. stability; while they have no value in Presidential system.
- (3) Parliament's control over Executive is a myth as Executive enjoys majority in Parliament and thus manoeuvres it accordingly. eg: FRBM Act, 2003 failed due to this.
- (4) President is also free to recruit talent and expertise into CoM which is restricted in Parliamentary system.
- (5) Synchronisation between national and state elections is not possible in this system leading to huge election expenditure and thus leaders are focused on their political survival and victories rather than administration.
- (6) This system forces Executive to go populist in policies and is unable to take bold decisions like in Presidential system.

WAY
FORWARD

But still the advantages can be made to override the fallouts by simple reforms like -

- (i) Introducing german model of constructive no-confidence motion
- (ii) Extending 10th schedule to cover political defection as well

Thus emergence of healthy coalition culture in the country is key to the success of this system in India.