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GENERAL STUDIES (TEST CODE : 2349)

Name of Candidate	Anju		
Medium Eng./Hindi	English	Registration Number	1188680
Center	Jaipur	Date	12-07-2024

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
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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 & 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 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।

Is student recommended for One-to-One mentoring?	
Recommended	Strongly Recommended

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

1. भारत और संयुक्त राज्य अमेरिका में सकारात्मक कार्रवाई के बीच मौजूद अंतर की विवेचना कीजिए।

Discuss the differences between affirmative action in India and the United States. (Answer in 150 words) 10

Both India and USA had a history of systemic discrimination and deprivation of a significant section of society. The victims were blacks in USA and so called people belonging to lower caste in India.

As a result, affirmative action followed in both places after independence.

Differences between Affirmative action of India and USA

① India provided reservations in employment for proper representation (Article 335, Article 16)

While USA focused more on socio-economic measures like wealth redistribution, educational attainment.

② Indian affirmative action based on positive discrimination in favour of women, SC's, ST's by the hands of ruling class (man, upper caste)

while USA provided political representation and focused on emic approach

③ Big social campaigns seen in USA eg> Recent 'Black Lives Matter' while limited number of such campaigns are seen in India to end caste

Similarities

① Both countries followed the principle of - equal protection of law i.e likes should be treated alike

② Both countries provided various provisions in their constitution itself to provide equality and punish any form of discrimination

Despite, those efforts, much need to be done in the sphere of social equality and to end prejudices to attain the SDG-5 and universal human right of equality

2. राज्यों में लोकायुक्तों को उनकी निर्धारित भूमिकाओं को पूरा करने हेतु सक्षम बनाने के लिए अधिक अधिकार देने की मांग की गई है। टिप्पणी कीजिए।

There has been a demand to give more teeth to the Lokayuktas in states to enable them to fulfill their envisaged roles. Comment. (Answer in 150 words) 10

The Lokpal and Lokayukta acts were enacted after much long efforts of 'India against corruption campaign' in 2013.

However Lokayuktas in states are not upto the standard envisaged in Lokpal Act

Issues with Lokayuktas

① Under the executive as in many states executive is final authority to appoint

② In many states position of Lokayukta is vacant (report of Satark Nagrik Sangathan)

③ No investigative agency of its own (dependent on state police)

④ Work is only recommendatory, cannot take action or punish without executive permission

Thus demands are being made for

- standardised structure of Lokayukta in all states
- Indepent authority to appoint officials in Lokayukta
- should have powers to punish and independent human resource to investigate

Purpose of the demands for Lokayukta

- ① Ensure Accountability from executive
- ② Enhance transparency
- ③ Ensure democratic values and allow public scrutiny in ~~day to day~~ govt. functioning

Only when reforms are brought to the institution of Lokayukta, will it be able to fulfill its mandate of prevention of corruption

3. भारत में ट्रेड यूनियनों के विकास पर चर्चा कीजिए। वर्तमान समय में उनकी भूमिका किस प्रकार बदल रही है?

Discuss the evolution of trade unions in India. How is their role changing in the present times? (Answer in 150 words) 10

Trade Unions are voluntary organisations of stakeholders in the trading activities ongoing in the country and also with other countries

eg > FICCI, Assocham
AITUC

Evolution ⇒

From 1870's modern industries were set up by British in India at centers like Bombay, Calcutta → Evolution of working class and Indian capitalist class in early 20th century

↓

Formation of AITUC, and FICCI in 1920's → Pressurizing colonial govt. to protect Indian industries from foreign competition (~~by strikes~~, demonstrations), lobbying

→ Post independence
→ Article 19 - gives fundamental right to form trade unions and other such organisations
→ Mode of conversation changed to strikes, bands, collective boycott, legal means to pressurize government

Changing Role in present times

- In present times, trade Unions focus on backdoor lobbying and electioneering as a means of policy formulation in their interest.
- Productive channels have also been built to discuss measures for more Atmanirbhar production and make in India.

Thus, Trade Unions are playing an active role in current times to further Indian economy and polity to a more equal and competitive space.

4. "भारत में न्याय वितरण को बेहतर बनाने के लिए न्यायपालिका के निचले स्तर पर न्याय प्रशासन में सुधार करना महत्वपूर्ण है।" विवेचना कीजिए।

"Improving the administration of justice at the lower level of the judiciary is crucial for enhancing justice delivery in India." Discuss. (Answer in 150 words) 10

Min. of Law and Justice in 2023 answered in parliament that ≈ 4.3 crore cases are pending at subordinate courts in all over India

Importance of Improving administration at lower courts

① Most of the people who are vulnerable are able to visit only lower judiciary for justice

② Improved administration of justice at lower levels would result in lesser appeals at high court & S.C. → more time for important constitutional cases

③ Lesser appeals would result in reduced pendency in overall justice system.

(4) Will lead to greater belief on justice system and on democratic values among common people.

Issues of lower judiciary

- Poor infrastructure
- lower number of judges to population ratio (21 per million
- Increasing population and increasing litigations
- frequent adjournments
- High cost for common man, lawyers fees, paperwork etc.

Way forward

(1) Dedicated authority and funds in every state for infrastructural improvements

(2) Use of e-court hearings to reduce adjournment

(3) Use of Alternative dispute resolution Mechanisms (ADR)

(4) Recruitment through AIJS

Only when lower judiciary is able to deliver its mandate, we will be able to realise Article 21 and Article 39A in effect

5. भारत में भाषाई अल्पसंख्यक-वर्गों के संवैधानिक अधिकारों की सुरक्षा में भाषाई अल्पसंख्यक आयुक्त की भूमिका की विवेचना कीजिए।

Discuss the role of the Commissioner for Linguistic Minorities in safeguarding the constitutional rights of linguistic minorities in India. (Answer in 150 words) 10

Article 350 B of the constitution provide for Commissioner of linguistic Minorities in India.

Role of the Commissioner

① To look into the working of the safeguards provided by constitution and the laws to the linguistic minorities

② Investigate into specific complaints regarding any violation of right or deprivation

③ Develop a plan for inclusion and better socio-economic development of linguistic minorities and their language

④ Report to the president regarding his mandate.

(5) Advise and recommend the government regarding the measures that could be taken for advancement of linguistic minorities

However, despite of all the provisions and existence of the office, many Indian languages especially tribal languages are not able to thrive.

✓ According to people's linguistic survey 2013 -
- 220 languages are endangered in India
- 120 languages already extinct

✓ linguistic minorities are facing a pressure to assimilate into dominant languages such as Hindi, Tamil, Telugu etc.

To ensure diversity thrives in our country, we need to make use of technology and affirmative action together to develop scripts, build curriculum etc. Government's efforts like NEP 2020, provision of govt-services in multiple languages is a step in right direction

6. आपके विचार में भारत के संघवाद में विषमता किस हद तक अनिवार्य है?

To what extent, do you think, asymmetry in India's federalism is a necessity? (Answer in 150 words) 10

According to Morris Jones, Indian federalism is a bargaining federalism and an assymetric one. Which means greater autonomy or special provisions for some regions.

Proof of Assymetry
- → Article 244 - V^th & VIth schedule areas
- → Article 371 - Special provisions for some states
- → Inner line permit
- → Special category status (SCS) to hilly states
- → Some ~~stat~~ regions are UT's, some are states

Need of Assymetry in Indian context

① Historical factors:

Eg) Jammu & Kashmir was a separate region during independence with distinct culture, thus demanded separate system to come into Indian ~~fed~~ union.

② Geographical factors

Eg) like hilly areas - Himachal, Uttarakhand, North-east, → scattered population, limited trade routes → require more funds

③ Cultural factors

Eg) tribal dominated pockets - require special attention to protect their distinct culture - V^{th} & VIth schedule areas

④ ~~Dd~~ Administrative factors

Eg) Delhi, Chandigarh, Puducherry → carrying mixed heritage as well as important places for seat of government → require special security etc.

However, it is necessary that these areas slowly and steadily being brought into mainstream and made independent in terms of economy eg. tribal areas and hilly states.

Need of locally adaptable solutions in near future rather than separate constitutional provisions could be a possibility

7. यद्यपि अधिकरणों का गठन न्यायपालिका के बोझ को कम करने के लिए किया गया है तथापि भारत में उनके समक्ष अलग तरह की चुनौतियां विद्यमान हैं। विवेचना कीजिए।

Although created to de-burden the judiciary, tribunals in India have evolved with their own set of challenges. Discuss. (Answer in 150 words) 10

Tribunals in India were created under the Article 323 A and 323 B which were added to the constitution by 42nd Amendment act.

Premises of Creation of tribunals

① De burden judiciary by reducing direct litigation

② Providing specialised experts for particular problems rather than judges who are generalists

③ Work with more flexibility and relaxed procedures

However, Many challenges emerged with tribunals

① Appeals made to High Courts and Supreme courts in almost all of the cases

(Chandra kumar-Case)

② Vacancy of officials at tribunals

In 2022 and 2023, judiciary (supreme court) and executive (govt.) was at loggerheads to fill vacancies at several posts.

③ Serving as a retire home for bureaucrats ~~for~~ with political affiliations

④ Limited power to enforce its decisions and judgements

Way forward

① Filling vacancy at the earliest

② Judiciary should restrain to accept all appeals coming through tribunals as a stop

③ Separate courses should be provided in law institutes for engagement in tribunals

The judiciary and justice system could work best only when all the wheels of the system are doing their work efficiently

8. भारत में भ्रष्टाचार से निपटने के लिए गठित एक संगठन के रूप में केंद्रीय सतर्कता आयोग (CVC) की प्रभावशीलता का आकलन कीजिए।

Assess the effectiveness of the Central Vigilance Commission (CVC) as an organization mandated for tackling corruption in India. (Answer in 150 words) 10

Central Vigilance Commission initially established as an executive body on Santhanam Committee recommendation, got a statutory status through CVC Act, 2003

Effectiveness of CVC for tackling corruption

① Direct supervision over the working of CBI in corruption cases.

② Has its own directorate of prosecution in cases of violation of financial propriety

③ Has mandate of overlooking working of officers of all classes - A, B, C and D, central as well as state services

Limitations of CVC in tackling Corruption

① Service conditions, salary, allowances are to be determined by the government thus limits independence of CVC

② Multiplicity of agencies Eg) CBI, Lokpal, ED, Lokayuktas in states have created a situation of confusion among the officials

③ often officials appointed to CVC are profe of political affiliation to present regime thus resulting in biased action.

Way forward
- → Removal should be like in manner of CIC
- → administrative expenses and salaries must be changed on consolidated fund of India

For effective working of CVC, a strong political will is sacrosanct. Only then will it be able to fulfill its mandate.

9. केंद्रीय अन्वेषण ब्यूरों (CBI) की प्रस्थिति, शक्तियों और कार्यों को संवर्धित एवं पुनर्परिभाषित करने की आवश्यकता है। संसदीय पैनल की हालिया अनुशंसाओं के आलोक में चर्चा कीजिए।

The institution of CBI needs revitalisation and redefining of its status, powers and functions. Discuss in the light of the recent parliamentary panel recommendations. (Answer in 150 words) 10

CBI (Central Bureau of Investigation) established on recommendation of Santhanam Committee in 1960's and draws its powers from Delhi Special Police Establishment (DSPE) Act.

Need of Revitalisation & redefining of role, status powers & functioning of CBI

① Popular perception of CBI working under the pressure of central government

② Many states have removed their general consent from CBI reducing its status

③ Seen as an impediment ~~of~~ on federal structure of our country

(4) Comments of judiciary saying CBI as a 'caged parrot' in the past.

(5) Recent amendment of CVC act and DSPE Act by central government increased tenure of CBI director by 1 year at a time till 5 years

↳ carrot and stick policy → will gravely endanger independence of the office

As a results parliamentary committee recommendations:

(1) Fix tenure of director and other officials with no criteria of extension

(2) Bar from any government service after retirement

(3) Removal on lines of UPSC members & chairman

(4) Any partisan action if proved must be punished strictly

Only when integrity institutions of our country will fulfill their mandate, we will be able to achieve ideals such as social, political & economic justice

10. "प्रभावी काम-काज का अभाव संसद को विचारशील विधि निर्माण करने और कार्यपालिका को जवाबदेह ठहराने की उसकी भूमिका को पूरा करने से रोकता है।" विवेचना कीजिए।

"Lack of effective functioning prevents the Parliament from fulfilling its role of deliberative lawmaking and holding the executive accountable." Discuss. (Answer in 150 words) 10

Parliament has been described as a temple of democracy. It works to make people realise the ideals enshrined in our constitution.

However, Lack of effective functioning in Indian parliament

PRS Legislative research data:

① Reduced no. of sittings
17th Lok Sabha = avg. 55 days/year

② Not referring bills to standing committee : only 25% bills referred (17th L.S)
(15th L.S - 60% bill referred
14th L.S - 71% " ")

③ Use of Ordinance routes increased
2014-2021 - 82 ordinances (8 years)
2004-2014 - 61 ordinances (10 years)

(4) Suspension of MP's – In winter session 2023
↓
141 opposition MP's suspended

(5) Increased use of Guillotine
17th L.S. – budget discussed only 33 hours
80% passed by guillotine.

(6) Mis behaviour by MP's in parliaments frequent disruptions, lack of debate
↓
58% bills passed in less than 2 weeks in 17th L.S

As a result
- (1) Ill prepared legislation
  ↳ ↑ litigation
- (2) Courts unable to understand purpose of the acts
- (3) Lacks inclusive spirit, detailed scrutiny absent
- (4) People unable to hear views and intent of their representatives on their interest

To enable fruits of democracy reach people, it is necessary that parliamentarians take their roles seriously and work diligently for citizens and collective progress

11. "गरीबी, अभाव का एक यथेष्ट संकेतक है जिसका समाधान राज्य आरक्षण के माध्यम से कर सकता है, ताकि समानता एवं सशक्तीकरण के संवैधानिक लोकाचार को प्रभावी बनाया जा सके।" इसके आलोक में, आलोचनात्मक परीक्षण कीजिए कि क्या 103वां संविधान संशोधन अधिनियम भारत में कल्याण को पुनः परिभाषित कर सकता है।

"Poverty is an adequate marker of deprivation that the state can address through reservations to give effect to the constitutional ethos of equality and empowerment." In light of this, critically examine whether the 103rd Constitutional Amendment Act can redefine welfare in India. (Answer in 250 words) 15

Poverty is the state of deprivation from basic needs of human meaningful existence, such as nutritious food, clothes, basic education, health and shelter.

In India,

NITI Aayog: 15.5 % people living below poverty line

UNDP – 16.4 % are facing multidimensional poverty.

~~As an~~ Government has taken various measures to tackle poverty – like Jan Awas Yojana,

food allocation under NFSA, public education etc. In this light.

103rd Constitutional Amendment Act provide reservations to economically weaker section (EWS) of society in jobs and educational institutes.

Benfits of the Act

1. Will provide representation to economically weaker sections into administration
2. Help uplift whole family above poverty
3. Address consequences of income & resource inequality in India
4. Will benefit vulnerable people of upper caste ~~and~~

Limitation of the act

1. No provisions for people of so called lower caste who are poor as the reservation benefits for SC, ST, OBC's

are cornered by certain sections among them

→ ② only 10% reservation might be inadequate as a large number of people fall into the criteria provided by the government

→ ③ More focus for providing jobs rather than building human resource.

→ ④ challenged in judiciary on basis that poor people of upper caste does not ~~come~~ come under socially and educationally backward criteria

→ ⑤ Might compromise with merit.

Although helpful, welfare measures must be targeted to build human resource by availabling quality education (on par with riches), quality healthcare and appropriate skilling rather than providing reservations

12. आपकी राय में, किस हद तक भारत के संघीय अंतर-सरकारी संस्थान गवर्नेंस संबंधी शेष मुद्दों से निपटने के लिए केंद्र और राज्यों हेतु संचार एवं संवाद का एक महत्वपूर्ण मंच प्रदान करते हैं?

To what extent, in your opinion, do India's federal inter-governmental institutions provide a crucial platform of communication and dialogue for the Center and states to address the outstanding issues of governance? (Answer in 250 words) 15

Federalism is a part of basic structure of the constitution. Due to diversity and vastness of the country, various issues arise among the central and states government and administrations

To resolve the issues various institutions are in place

- NITI Aayog - to foster cooperative federalism
- Inter state Council (Article 263)
  - to discuss, resolve issue, confidence building
- Zonal Council

- National development council
- GST council
- Finance Commission etc.

Working of the inter-governmental institution

① Inter-state council has served as an important institution to resolve and work on issues of concurrent list
(eg.) GST (101st amendment Act)

② NITI aayog coordinating work on socio-economic measures and bringing out various indexes and scores statewise to foster cooperative and competitive federalism

③ Devolution of finances ~~by states~~ to states by Finance commission more or less satisfied states

④ GST council working has resulted in

enhanced tax revenues for the governments

Limitations, Despite their existence,

① Not able to amicably solve various issues like – water sharing dispute
Eg> Karnatka, Tamil Nadu on Cauvery water

② Lack of trust
Eg> states removing general consent to CBI

③ Insufficient fiscal devolution
Eg> West Bengal, karnatka government ministers protesting in Delhi to release funds

④ States passing resolution against central acts
Eg> against CAA, farm laws.

The potential of the inter-governmental institutions has been unrealised yet. They should be used actively to discuss on important matters. An mechanism of down to top approach by taking feedback and evaluating its working is important

13. "1996 के पेसा अधिनियम के द्वारा ग्राम सभा को अनुसूचित क्षेत्रों में स्थानीय शासन के प्राथमिक साधन के रूप में स्थापित किया गया था।" अनुसूचित क्षेत्रों में ग्राम सभाओं के सामने आने वाली चुनौतियों पर चर्चा कीजिए। उनकी कार्यप्रणाली में सुधार के लिए क्या कदम उठाने की आवश्यकता है?

"The PESA Act of 1996 established the Gram Sabha as the primary vehicle of local governance in Scheduled Areas." Discuss the challenges faced by Gram Sabhas in Scheduled Areas. What steps need to be taken to improve their functioning? (Answer in 250 words) 15

To make democratic institution reach the grassroots and to the marginalised, vulnerable, isolated sections of our society, parliament enacted PESA Act, 1996 for Schedule V (Article 244(1)) areas of our country

Salient features
- Gram Sabha empowered to regulate various activities
- officials need to consult Gram Sabhas for local development plans
- control of tribals over their resources
- Prevent land alienation and effective rehabilitation in case displaced.

Challenges faced by Gram sabhas

① Conflicting laws

Eg> FRA, PESA conflict with wildlife conservation acts

② High rejection rates

Eg> U.P – 81% rejection rate
W.B – 60% " " } of rights certificates provided by gram sabhas.

③ Dual institutions existing often at loggerheads confusing people – traditional institutes of tribals are parallely existing

④ Bureaucracy often found hand in gloves with the government and private companies to build pressure on gram sabhas.

⑤ Insufficient coordination b/w Ministry of Tribal Affairs and Ministry of Panchayati Raj

⑥ Tribals lack awareness of their rights.

Eg) Study in Chattisgarh villages
only 45% know existence of gram sabhas
only 25% ever attended a meeting.

Steps to be taken for their effective functioning

① Build Awareness and capacity by partnering with NGOs and voluntary sector

② Wildlife Protection acts and PESA must be in consonance with each other

③ Grievance redressal Mechanism
if Gram Sabha is not being heard or if PESA violated, there should be provisions of punishment

④ encouraging traditional leaders to take part in democratic exercises

Presence of several proofs that involvement of tribals in development plans has led to mutual benefits. Increased political awareness and consciousness among the people could result in adequate representation and real inclusion in development story

14. "उच्चतम न्यायालय ने इंटरनेट तक पहुंच को मूल अधिकार घोषित किया है लेकिन सरकार अभी भी लोक व्यवस्था बनाए रखने के लिए इंटरनेट पर लगातार प्रतिबंध लगा रही है।" टिप्पणी कीजिए।

"The Supreme Court has declared access to Internet as a fundamental right but the government still imposes frequent Internet bans to maintain public order." Comment. (Answer in 250 words) 15

Article 19 provides fundamental right to freedom of speech and expression.

Expansing upon the fundamental rights (Part III) of constitution, supreme court has declared access to internet as a fundamental right.

Benefits

① Provide access to information in an unhindered manner

② Smooth earning of living by means of online marketing, distribution and payments

③ Connecting with loved ones

④ Accessing online education and other consumer goods and services

⑤ Accessing healthcare

However, despite of this, government imposes frequent bans -

Eg 1) Ban on internet in Manipur since a year.

Eg 2) Ban during farmers protest in Punjab hindering their capacity to organise and demonstrate together

Eg 3) Ban on internet in Jammu and Kashmir for several months after repeal of Article 370

Internet freedom foundation gave tag of 'World's Internet ban capital' to India in 2022.

As a result → violation of Article 19, right to livelihood, violation of right to equality etc.

Rationale behind internet ban → To ensure security of citizens and prevent the misuse of internet by miscreants
eg) (during farmers' protest)

↓

to prevent radicalization and terrorism
(eg) during internet ban in J&K.

Internet has proven itself as a double edged sword. Therefore government had took severe actions several times.

However, the action must be balanced. The action must be guided by the latest supreme court judgement in Eletoral Bond case (2024) which ~~shows~~ says that action taken must be 'least restrictive' and government must prove that there is not other equivalent effective action to achieve the goal.

15. "दल-बदल विरोधी कानून की मौजूदगी ने विधायकों की अपनी पसंद से और स्वतंत्र रूप से कार्य करने की क्षमता को प्रतिबंधित कर लोकतंत्र को कमजोर कर दिया है तथा विधानमंडलों में निर्णय लेने की प्रक्रिया को राजनीतिक दलों पर नियंत्रण रखने वाले कुछ लोगों तक ही सीमित कर दिया है।" आलोचनात्मक परीक्षण कीजिए।

"The presence of the anti-defection law has undermined democracy by inhibiting legislators from exercising their choice and ability to function independently, and restricted decision making in legislatures to a few who control political parties." Critically examine. (Answer in 250 words) 15

52nd amendment Act added Xth schedule to the constitution pertaining to the antidefection law

Rationale behind anti-defection law
- → prevent corruption and horse trading
- → Ensuring stability of the government.
- → Making polity free of the degeneration that creeped in (The Aya Ram Gaya Ram phenomenon)

But in time it has proven to be serious limitation to the idea of representations of people in parliament.

Limitations

① Puts party bossism as priority rather than independent thinking

② legitimised whole sale defections (by way of mergers)

③ has led to ruling parties making use of speaker position to engineer defections from political opposition (eg. Maharashtra)

④ No time frame for the speaker to decide on defections.

⑤ legislators forced to follow the stand of party rather than expressing interest of their region

⑥ only penalize actions within parliament, not outside it.

What happened in Maharashtra in recent months is a prime example of the vagaries.

of the anti defection law.

Benefits served by the law

1. Reduced corruption in parliamentary conduct of MP's
2. Has largely served to provide stability of government

Way Forward

1. Kihoto Hollohan judgement minority judges viewed the power of speaker susceptible to biasness. → power should be in an independent authority
2. Time frame must be provided for deciding on the disqualification petition
3. Whip of the party must be restricted to confidence and No confidence motions but not for every act
4. Inner party democracy must be encouraged.

Although brought for a noble cause, anti-defection law needs urgent reforms to serve its true purpose while not hindering MP's & MLA's to serve their mandate.

16. भारत में वाक् एवं अभिव्यक्ति की स्वतंत्रता के अधिकार की व्याख्या यू.एस.ए. में की गई व्याख्या से किस प्रकार भिन्न है? वाद-विधियों की सहायता से विवेचना कीजिए।

In what ways does the interpretation of the right to freedom of speech and expression in India differ from that in the USA? Discuss with the help of case laws. (Answer in 250 words) 15

Article 19 of Part III of Indian constitution provides for the freedom of speech and expression to its citizens. USA also provides for freedom of speech to its citizens

Difference of interpretations in both countries:

① In India, freedom of speech not available to foreign citizens and enemy aliens while in USA. no such distinction is being made

② In India, freedom of speech is qualified i.e limitations like - security of state, contempt of court, defamation, public order,

etc. but in USA, minimum restrictions exist on freedom of speech and expression.

③ In India, various other rights were interpreted by judiciary as as part of Article 19 eg) Right to know, right to publish true reports etc. while no such interpretation has been given by judiciary in USA

Similarities

① Both countries have a vibrant culture of free speech mandated by the constitution

② Both countries have a fierce judiciary to protect the right of the citizens.

Thus Right to freedom of speech and expression is an important part of the democratic ethos of both India and USA.

17. भारत में स्थानीय सरकारों को सशक्त बनाने में राज्य वित्त आयोगों (SFCs) द्वारा निभाई जाने वाली भूमिका की विवेचना कीजिए। इन्हें और अधिक प्रभावी बनाने के लिए किन सुधारों की आवश्यकता है?

Discuss the role played by the State Finance Commissions (SFCs) in empowering the local governments in India. What reforms are needed to make them more effective? (Answer in 250 words) 15

State Finance Commissions (SFC's) are established by the state every 5 years or earlier (as required) under Article 243 of Indian constitution. They were provided by the 73rd amendment act, 1993.

Role of SFC's in empowering local governments

① Taxes and powers of financial levying which has to be provided to local bodies are provided by State Finance Commissions

② Grant-in-aids that has to be made

by state governments to local bodies are determined

(3) To find alternative viable sources of finance for local bodies

Despite of existence of SFC's, local bodies are suffering from extreme financial crunch

Eg) RBI report 2021-22
↳ 70% ↓ in local bodies revenues
71.4% ↑ in expenditure.

Eg) Post GST -
only 9% revenue of local urban bodies contributed by tax
(Pre GST - 23% revenue)

Eg) Many Sarpanchs in Andhra Pradesh and Telangana committed suicides due to pending bills of developmental work conducted by them.

Thus, need of several Reforms, to make them effective such as, -

① Recommendations of SFC's must be binding on State legislature, and in case violated, appropriate reason must be placed in state assembly

② Formation of SFC's must involve representation of sarpanchs, municipality commissioner for their views (on rotation basis)

③ Bottom-up feedback approach by sharing plans of SFC's with local bodies before finalisation.

Reforms in SFC's will help realise self governance in true sense. 'People's Plan Model of Kerala' could be used as a guiding document, case to achieve 'Article 40' directive of the constitution.

18. लोकतंत्र में चुनी हुई सरकार द्वारा सत्ता के मनमाने इस्तेमाल को रोकने के लिए नियंत्रण और संतुलन की प्रणाली की आवश्यकता होती है। इस आलोक में, भारत के नियंत्रक एवं महालेखा परीक्षक (CAG) द्वारा निभाई जाने वाली भूमिका की विवेचना कीजिए। ऐसे किन सुधारों की आवश्यकता है जिनसे CAG को ज़िम्मेदारियां निभाने में और अधिक प्रभावी बनाया जा सके?

A democracy requires a system of checks and balances to prevent the arbitrary use of power by the elected government of the day. In this light, discuss the role played by the Comptroller and Auditor General of India. What reforms are needed to make the CAG more effective in carrying out its responsibilities? (Answer in 250 words) 15

CAG (Comptroller and Auditor general) is the constitutional office provided under Article 148 of the constitution.

Role played by the CAG

① CAG is the guardian of public purse and uphold constitutional principles in the matter of financial sector of the government.

② He audit and control and audit the accounts of central and state governments respectively.

③ He ensures that money withdrawn from the consolidated, contingency funds or the

public account of India is in accordance with the law of the land.

(4) He presents 3 reports to the president which are laid down before parliament, on the basis of which opposition ensure accountability of the executive

(5) He is the friend and philosopher of public account Committee (PAC) → which leads to closer monitoring of spendings of government.

(6) He also performs proprietary audit of the government at times.

CAG report has led to uncovering of various scams in past such as CWG scam, coal scam etc.

— Recent report of CAG on working of PM Jan Arogya Yojana reveals the leakages and corruption in the scheme

However limitations

- like no control over secret service expenditure details
- post partum auditing, does not control issue of money as in ~~USA~~. UK

Former CAG, - Rajiv Mahrishi has commented that CAG in India has little accountability and does not even match standards of CA of a private company.

Thus, Reforms Needed :

1. Use of technology to digitise records and make them publically available for larger scrutiny
2. CAG should have control while issuing money to different departments (eg. as in UK)
3. Larger trained team under CAG must work seamlessly to audit all PSUs.

Recent initiative of OIOS to digitise public accounts will lead to greater accountability and transparency and is a step in the right direction

19. आलोचनात्मक परीक्षण कीजिए कि क्या शहरी स्थानीय निकायों (ULBs) की कार्यप्रणाली को बेहतर बनाने के उपाय भारत में स्थानीय शासन में सुधार लाने में प्रभावी रहे हैं।

Critically examine whether the measures to enhance the functioning of the Urban Local Bodies (ULBs) have been effective in improving local governance in India. (Answer in 250 words) 15

Article 243O - 243ZG of the Indian constitution provide for working of Urban Local bodies in India.

Measures to enhance functioning of ULB's

- → Schedule XII - for devolving functions to ULB's
- → Constitutional status (74th Act
- → Finance Commission grants recommended
- → 5 year fixed term to elected urban bodies
- → State finance commission
  - → devolve tax heads to local governments
- → Capacity building through workshops, conferences etc.

Effectiveness of the Measures

① Existence of local bodies to demand accountability of general day to day issues

② Enhanced provision of civic facilities like traffic management, water, sanitation, town planning etc.

③ adaptable planning in context of local requirements.

Despite of the measures, several Issues are existing

① ASICS report 2024 :

→ limited control of municipality over appointment of staff

→ only 11/35 states/UT's have made publically available details of funds hindering social audit and transparency.

② RBI report 2021-22
- → Post GST - octroi tax reduced to zero which formed 53% of revenues pre GST of ULB's
- → 70% ↓ in revenues
  71.4% ↑ in expenses of ULB's

③ Periodic elections have just become like a ritual for people

Result is visible in flooded cities of India especially during Monsoon and various other issues

Way forward
- → Scandinavian cities model of finance must be adopted
- → Clear devolution of functions (6th ARC)
- → strict adherence to recommendations of Finance Commission

16th FC has one of its import ToR as the funding of ULB's & PRI's. It must be strictly adhered to maintain the notion of cities as engine of growth

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

20. आपके अनुसार 15वें वित्त आयोग की अनुशंसाएं भारत में जमीनी स्तर पर जवाबदेही में वृद्धि करने और प्रभावी शासन को बढ़ावा देने में किस हद तक योगदान दे सकती हैं?

To what extent, in your opinion, can the recommendations of the 15th Finance Commission contribute to fostering accountability and promoting effective governance at the grassroots level in India? (Answer in 250 words)15

15th finance commission set up in 2018-19. to provide recommendations for upcoming 5 years

Recommendations of 15th FC in fostering accountability & effective governance

① devolution of 41% of funds to states as a share of tax revenue promotes effective fiscal federalism and immediate accountability

② Use of Criteria of population of 2011 rather than of 1972, provides equitable resources to all regions leading to inclusive and balanced growth

(3) Use of criteria of tax efforts of states will provide incentives to states to generate revenues overall of the governments.

(4) Criteria of weightage of 10% to forest and ecology follow the principle of growth v/s conservation fostering sustainable development.