



GENERAL STUDIES (Test Code : 436), 7 September

Name of Candidate	AYUSH PRASAD.	Registration No.	7110.		
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Place		Time		Date	13-Sep-14
Classroom		Distance Learning		Classroom & Distance Learning	

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
11	10	
12	10	
13	10	
14	10	
15	10	
16	10	
17	10	
18	10	
19	10	
20	10	
21	10	
22	10	
23	10	
24	10	
25	10	

Total Marks Obtained

Remarks:

Signature of Examiner

INSTRUCTIONS

- Do furnish the appropriate details in the answer sheet (viz. Name, ID Number and Test Code).
उत्तर-पुस्तिका में सूचनाएं भरना आवश्यक है (नाम, प्रश्न-पत्र कोड, विद्यार्थी क्रमांक नम्बर आदि।)
- There are TWENTY-FIVE questions printed both in HINDI and in ENGLISH.
इसमें पच्चीस प्रश्न हैं तथा हिन्दी और अंग्रेजी दोनों में छपे हैं।
- All questions are compulsory.
सभी प्रश्न अनिवार्य हैं।
- The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
- Answers must be written in the medium authorized in the Admission Certificate, which must be stated clearly on the cover of this Question-cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए जिसका उल्लेख आपके प्रवेश-पत्र में किया गया है और उस माध्यम का स्पष्ट उल्लेख प्रश्न-सह-उत्तर (क्यू.सी.ए.) पुस्तिका के मुख-पृष्ठ पर अंकित निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिए गए उत्तर पर कोई अंक नहीं मिलेंगे।
- Word limit in questions, if specified, should be adhered to.
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
- Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
उत्तर-पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।

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GENERAL STUDIES (Test Code : 436)

Overall Macro comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

All The Best

All questions are compulsory and carry equal marks. Answer the questions in NOT MORE than 200 words each. Content of the answer is more important than its length.

1. What institutional changes would be required if the Finance Commission were to undertake Planning Commission's functions and the latter discontinued? Do you think such a move would be correct? 10
यदि वित्त आयोग योजना आयोग के कार्यों को करना प्रारंभ कर दे और बाद में योजना आयोग को समाप्त कर दिया जाय तो कौन से संस्थागत परिवर्तनों की आवश्यकता होगी ? क्या आपको लगता है कि इस प्रकार का कदम सही होगा?

The Finance Commission is a Constitutional Authority, formed ~~to be~~ under Article 280 of India's Constitution to recommend to the President, the division of resources between the Union and State Government. It is not a planning institution but a body whose recommendations are binding.

The Planning Commission was formed by the resolution of the PMO in 1950 to recommend and advice the Government to carry out planned development activities.

For the Finance Commission to carry out planning several changes would have to be

introduced in its structure & character.

Firstly, the Composition of the Finance Commission would have to be changed. The legal members would have to be removed & they would have to be replaced ~~by~~ with Economists and Development planners.

Secondly, the Term of office of the Finance Commission would have to be replaced ~~with~~ & would have to be made co-terminus with the Government.

Though the plans go beyond Lok Sabha Terms & government, like the Finance Commission, the members of the Finance Commission continue to hold office beyond the term of the Government. This would require Constitutional Amendment.

with ratification of states as it affects the federal nature of India. Also the report would have to be placed before NDC. I do not believe that such a move would be correct as making Planning a Constitutional Activity would be against the ethos of Freedom. From being a recommendation, the plan would begin to carry a Constitutional Sanction, which restricts the freedom of the Govt.

2. 'Provision of negative voting would be in the interests of promoting democracy' (Supreme Court of India). In this context, discuss how 'None of the Above' option can be helpful in improving the electoral process in India.

10

नकारात्मक मतदान का उपबंध लोकतान्त्रिक हितों को बढ़ाने में सहायक होगा (भारत का उच्चतम न्यायालय)। इस सन्दर्भ में उपरोक्त में से कोई नहीं (NOTA) विकल्प किस प्रकार से भारत में चुनावी प्रक्रिया में सुधार लाने में सहायक हो सकता है। चर्चा कीजिये।

'None of the Above' or NOTA was introduced in the year 2013. It was an option provided to the voters to reject all the candidates who contested the election.

The process of NOTA is futile in two ways in Indian Electoral Process. Firstly, if NOTA wins more votes than all the candidates

the 'first past the post system' followed in India would still elect the candidate who has won most votes.

Secondly, ~~the~~ voting is not compulsory in India. In case the voter does not wish to vote in favour of any candidate ~~at~~ he/she could simply not vote. The electoral system in India is based on the concept of 'voting in favour' of the candidate & not against a candidate. One is asked to select the most preferred candidate. Such negative voting is against the democratic practice in India.

Negative voting in India does not promote democracy by sending a wrong message ~~that~~ of cynicism. It is not only a vote against the ~~PSD~~

Candidates - independent or from political parties, instead the vote is against the process of Electoral Democracy followed in India.

The negative vote, apart from being a 'waste vote' also harms the logistics of Elections. Voters may be dissuaded from voting due to the long lines & several votes may be wasted due to NOTA. Furthermore it increases the expenditure of elections in providing voter slips etc.

NOTA, hence is against the principles of democracy in India & in practice harms the electoral process.

3. (a) Is there a need for giving states a greater say while finalizing the terms of reference of the Finance Commission? 5

वित्त आयोग को किन विषयों पर सिफारिश देना चाहिए, इसको अंतिम रूप देते समय क्या राज्यों को अधिक शक्ति देने की आवश्यकता है?

India follows a Federal System with a Unitary Bias. In matters of Union's Finance, the states have no say. The representatives of the states - the Members of Rajya Sabha, can discuss & pass recommendations on Finance Bill, but cannot withhold it or vote on it. The Finance Commission recommends on the transfer of ~~states~~ Union Government's financial resources & with the underlying principle (discussed above) the states have no role in its processes.

These resources that are allocated to the state mark a major component in the States Revenues. They allow the states to carry out its activities with the debate around the

implementation of Goods & Services Taxes, it is essential that States have a voice in the allocation of resources to it. ~~The~~ After the GST, the states would be entirely dependent on Union Government's revenue & the states ought to get a voice in the interest of the Federal system of Government.

(b) Discuss the effectiveness of the safeguards provided in the Constitution in curbing the misuse of Ordinance making power by the Executive. 5
कार्यकारिणी द्वारा अध्यादेश बनाने की शक्ति के दुरुपयोग को रोकने हेतु संविधान द्वारा प्रदत्त सुरक्षा उपायों की प्रभावशीलता पर चर्चा कीजिए।

The Constitution provides that the Ordinance cannot be in operation for beyond 6 months or within the End of next session of Parliament. Furthermore, the Ordinance cannot be promulgated when the Parliament is in session. The President has the powers to return the ordinance and also 'pocket-veto' the ordinance.

In the States Governments,
the Governor can reserve
the Ordinance for the President

In theory these are adequate
safeguards against the misuse
of Ordinance making powers,
but usually the Governors &
President do not challenge
the wisdom of the Governments
on the ordinance.

The urgent requirement of the
Law, being promulgated is
often never checked. Also, there
is no check if the ordinance
enjoys the confidence or the
support of all political parties.

The challenge to the Ordinance
is also not adequately verified.

Ordinance ~~are~~ ^{have} being promulgated
to benefit one individual
instead of being a matter of
policy. And they have been
approved nonetheless.

4. If the political class intends to uphold the position of Governor, as was envisaged by the Constitution, then significant reforms will have to be introduced with respect to the appointment and removal of this important constitutional dignitary. Comment. 10

यदि राजनीतिक वर्ग राज्यपाल की स्थिति को उसी रूप में बनाये रखने का इरादा रखता है जैसा कि संविधान में परिकल्पित/उल्लिखित था, तो इस महत्वपूर्ण संविधानिक पदाधिकारी की नियुक्ति और पदच्युति के संदर्भ में अर्थपूर्ण सुधार प्रस्तुत करने पड़ेंगे। टिपण्णी कीजिये।

The Governor is appointed by the President on the recommendation of the Union Cabinet. The Governor holds office until the pleasure of the President and hence can be removed at will. The Office of the Governor is a political entity, often treated like the Ambassador of India with regard to its appointment & removal.

Qualifications to be a Governor.

There are no qualifications required to be a Governor and anybody can be appointed one. ~~If~~ Taking the conventions and the recommendations of various Commissions of Center State relations, the Governor should

have certain qualifications. ~~It~~
 Firstly, the Governor should not have been active in politics for over 2 years.
 Secondly, he should not had political interest of a state to which he is appointed the Governor. Thirdly, the Governor should be appointed after consulting the Chief Minister of the state concerned.

I would further add that the Governor should have been a person of high social standing with a distinction of work. Also, the Governor should be above any political ambitions.

Removal & Terms of Office.

The Governor should have a fixed term of office and should be removed only after a proven misconduct. An impeachment / resolution method

in Parliament should be introduced by the virtue that he holds ~~office~~ a Constitutional Office. The State Government / Legislature may also be ~~contact~~ consulted by the President ~~try~~ for the removal of the Governor.

5. Elaborate on the issue regarding the procedure to recognize the Leader of Opposition in Lok Sabha. Also discuss the criticality of this post for the functioning of the Parliament. 10

लोकसभा में विपक्ष के नेता के पहचान की नियुक्ति की प्रक्रिया के मुद्दे को विस्तार से बताइए | संसद के कामकाज के संदर्भ में इस पद की भूमिका पर आलोचनात्मक चर्चा कीजिये |

The Constitution of India does not mention any position as the Leader of Opposition, but the rules and procedures of the Lok Sabha has ~~substantiated~~ ~~that~~ created and recognized the position of the Leader of Opposition & accorded the leader the rank of a Union Cabinet Minister.

Internal Contradiction

According to the Leader of Opposition a ~~low~~ rank of the Cabinet Minister is incorrect as the ~~low~~ 'Cabinet Minister' is responsible for the actions of the Government and is answerable. While the Leader of Opposition has no such accountability & neither can a vote of No Confidence or Censure motion be passed against the Leader.

The Leader of Opposition has no role in allocating speaking timing for members of different opposition parties neither does he have to initiate any no confidence motion.

Secondly, while the Leader of the House can be appointed on being supported by a coalition of ~~two~~ parties, but the leader of opposition has no such election (even among opposition members).

The leader of Opposition is just a recognition given to ~~the~~ a member by the Speaker of the House. Under Convention & by the legal opinion of the Attorney General to the Speaker. The leader of the ~~House~~ Opposition must belong to the party with atleast 10% membership of the House. Under Constitutional provisions only the Government has the right to seek A-G's help & not the Speaker.

Criticality

The leader of Opposition has gained importance under statutory provisions in apperant of various autonomous & semi-autonomous authorities such as Chief Information Commissioners, Chief NHRC members Lokpal etc. The leader of Opposition is a minority member ~~which~~ in the Committee of the PM & usually the Home Minister.

6. Equality of seats among States in the Rajya Sabha is a principle, which found a great deal of acceptance in the Constituent Assembly. However, it could not be adopted because of the circumstances prevailing at that time. Is there a need to look afresh at this? 10

राज्य सभा में राज्यों के मध्य सीटों की समानता एक सिद्धांत है जिसे संविधान सभा ने बहुत महत्ता के साथ स्वीकार किया था। हालांकि तत्कालीन परिस्थितियों में इसको अपनाया नहीं जा सका है। क्या इस पर पुनर्विचार की आवश्यकता है?

The Rajya Sabha was expected to act as the Senate in the US Congress, where each state - regardless of its size, population etc is represented by 2 members. In India, the Rajya Sabha is represented in accordance to Schedule 4 of the Constitution & the Union Territories without legislature have no representation.

Equal Representation

Equal Representation of States within the Rajya Sabha will increase the voice of smaller states which often go unheard at the expense of larger states. Larger states are well represented in the both houses of parliament and govern

greater political might.

Equal representation in the Rajya Sabha will ~~represent~~ result in Equality of the State legislatures, instead of the attempted equality of the ~~State~~ ~~&~~ MLA. This would be a welcome step as it would recognize the importance of each state as a unit, with equal importance.

Feasible →

The equal representation would have a direct bearing on the election of the President and Vice President. The B
MLA of Sikkim has less vote (Both Direct & Indirect) ^{through} with the MLA of UP. The citizens currently (as per 1971 Census) have roughly equal weightage. But the equal representation in RS would result in unequal vote

each citizen.

I believe the process of providing such equal weightage is not politically feasible as larger states would not like to lose their might with the Center. It may be possible after the creation of smaller states, since no states have say more than 10% seats in L.S.

7. When the emphasis is on social justice, there is no escape from realignment of resources in favour of States, because services and programmes, which are at the core of a more equitable social order come within the purview of States under the Constitution. Discuss. 10

जब सामाजिक न्याय पर जोर हो तो राज्यों के पक्ष में संसाधनों के पुनर्निर्धारण से बचा नहीं जा सकता है, क्योंकि सेवाएं एवं कार्यक्रम जो कि एक प्रमुख न्यायसंगत सामाजिक व्यवस्था के मूल में हैं, संविधान के अनुसार राज्य के अंतर्गत आते हैं। चर्चा कीजिये।

The delivery of services to the common citizen is within the purview of the State Government. ~~But, the~~ Due to the nature of our Constitutional Set-up, the practice is that the ~~the~~ Union Government has greater resources. This has been further strengthened by the formation of Planning Commission where

the Union Government could not only direct the allocation of resources but also plan for the states. The states were reduced to delivery institutions.

The State Governments have further being controlled by the the Union Government because of the Centrally funded schemes such as NRHM, MGNREGA, etc.

The Union Government plans the implementation and also releases funds accordingly. It also takes a part of the States financial resources as it insists that the states fund a part of the project which may be 25% ~~in some states~~ or 10% (North Eastern States).

The discussion for GST would create a national market and would further place the financial resources in hands of the State Government.

The main problem with the State Government is the limited capacity to plan and develop policies. The over-arching and strong Union Government has further limited the ability of the State Governments to effectively develop such capabilities.

It is important to maintain ~~such~~ a balance because there needs to be a sense of uniformity in government programs across the country but with the ability to modify the program according to the state / region specific needs.

The Union Government has tried to bypass the States in ~~the~~ the last few years to directly reach the Panchayats, thereby creating an alternate mechanism to implement its programs.

8. Article 145(3) of the Indian Constitution says that any "substantial question of law" relating to the interpretation of the Constitution must be heard by benches of at least five judges. But some of the most important constitutional cases, like Salwa Judum and Naz foundation, were decided by smaller benches. Why is there a need for larger benches? What are the possible reasons for smaller benches hearing such important cases? 10

भारतीय संविधान के अनुच्छेद 145(3) के अनुसार संविधान की व्याख्या से सम्बंधित "कानून के महत्वपूर्ण प्रश्न" पर विचार न्यूनतम पांच न्यायधीशों की पीठ करेगी, परन्तु कुछ महत्वपूर्ण संवैधानिक वादों जैसे- सलवा जुद्धम और नाज़ फाउंडेशन पर निर्णय छोटी पीठों ने दिया है। बड़ी पीठों की आवश्यकता क्यों है? इस तरह के महत्वपूर्ण मामलों की सुनवाई छोटी पीठों द्वारा करने के क्या संभावित कारण हैं?

Salwa Judum & Naz Foundation

The Naz Foundation case related to the decriminalization of Section 377 of the IPC and Salwa Judum was the arising of Tribals in Self Defence. Both these cases were not heard by the original jurisdiction of the Supreme Court, instead were certified as ~~the~~ cases involving important question of Law by the High Courts. These cases related to statutory provisions and did not directly relate to the Constitution.

Hence, the provisions of Article 145(3) did not apply to them.

The Naz Foundation case was not

about the Right to have Homosexual Relationship, as it has been made out by the activist.

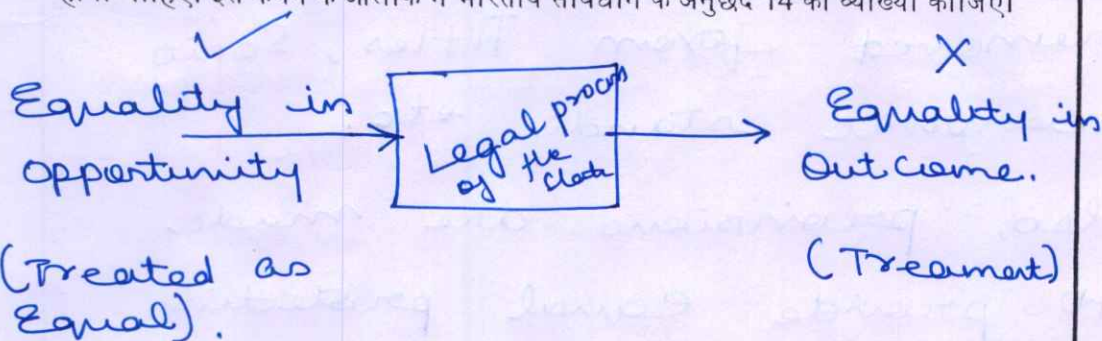
Need for Larger Benches.

The Keshavanda Bharti Case in 1973 was decided by a full Constitutional Bench of 13 Judges which voted in 7:6. The large benches are required because ~~it~~ matters of Constitutional interpretation requires the underlying principle of the Constitution. It requires a wholistic understanding of the application of the Constitution and it has far reaching consequences on ~~legal~~ Laws and legal provisions. Hence, a larger bench would be able to provide a wholistic view of the ~~constit~~ Constitution by eliminating any bias that may creep in due to personal morals and ethics. It would help in resolving different views

and help in the actions of justice. It is also required to eliminate any mistakes by bringing in judges of different regions with different expertise in law.

9. (a) 'It is not necessary that everyone receives equal treatment, but everyone must be treated as equal'. Explain Article 14 of the Indian Constitution in light of the above statement. 5

यह आवश्यक नहीं कि सभी को समान उपचार प्राप्त हो, परन्तु सभी के साथ समान व्यवहार होना चाहिए। इस कथन के आलोक में भारतीय संविधान के अनुच्छेद 14 की व्याख्या कीजिए।



Article 14 of the Indian Constitution can be explained with help of the above diagram where a citizen has to face a process of the state (eg: Exam for public employment)

The Indian Constitution does not guarantee that the outcome of the action of the state would be equal. But, it guarantees that every person would be treated as equal i.e.: get equal opportunity.

In a larger social context such equal opportunity is ensured using provisions for women, children and people belonging to weaker sections.

The signs of inequality are removed from Titles, Socio economic standing etc.

Also, provisions are made to provide equal protection of the Law to all citizens of India.

(b) Empowered Group of Ministers lead to early and effective decision-making on particular issues. Critically analyse. 5

“अधिकार प्राप्त मंत्रियों का समूह” विशेष मुद्दों पर त्वरित और प्रभावी निर्णय लेता है। आलोचनात्मक विवेचना कीजिये।

The system of Empowered Group of Ministers was created in the Union Cabinet by the UPA Government between 2004-2014.

The purpose was that the Group of Cabinet Ministers were empowered to take a decision on behalf of the Cabinet. The decision taken would not have to be ratified by the Cabinet.

Effectiveness

This allowed the Group of Ministers to be concerned with the Subject to meet outside the formal Cabinet Meeting and take decisions ~~also~~ after a focussed, and informed & lengthy discussion.

The concerned Ministries could also closely coordinate and take the decision. This created a sense of ownership over the decision.

with a greater commitment of implementation.

The speediness of the decision could depend upon degree of convergence of the Ministers concerned.

EGOMs, undermine the Cabinet System of collective responsibility and undermined the office of PM as several EGOMs were not chaired by him. The Ministers became responsible for their own subjects only.

10. The Cabinet Secretariat has to play a creative, functional, informative and coordinative role in the Cabinet's functioning. Elaborate. 10

मंत्रिमंडल सचिवालय मंत्रिमंडल के कामकाज में एक रचनात्मक, कार्यात्मक, सूचनात्मक और समन्वित भूमिका निभाता है। विस्तार से बताएं।

The Cabinet Secretariat assists the various organs of the Government to carry out functions. ~~8~~

Coordination

The primary task of the Cabinet Secretariat is to carry out a very coordination role between various organs of the Government.

Information - The Cabinet

Secretariat keeps the Cabinet Ministers, President and Vice President informed of the various decisions & activities of the various organs of the Government.

Functional

The Cabinet Secretariat has the responsibility of developing Cabinet note, setting agenda for the Cabinet and communicating its decisions. It also collects information with regard to the decision taken by the Cabinet and the outcomes.

Creative

The Cabinet Secretariat performs the role of ~~the~~ providing planif assistance to various organs of the Government. It ensures that all organs work in sync with each other.

The nature of the Cabinet Secretariat is that it is the 'back office' that holds all the organs of the Govt together. Its critical to the function of the Government.

Due to the Planning Commission, Office of PM, Finance Ministry & Home Ministry (inter State) the role of the Cabinet Secretariat has diminished especially ~~at~~ while dealing with resource allocation & planning. But still it maintain an important role in reporting & monitoring of Government Activities.

The status of Cabinet Secretary accords him control & oversight authority over all other Secretaries though Principle Secretary to PM also at times plays the role

11. Articles 256 and 257 have been a major bone of contention in the Union-State relationship. Contrast the provisions of the two and propose a framework for the relationship, which is coherent with federal and parliamentary nature of Indian democracy. 10

अनुच्छेद 256 और 257 संघ राज्य संबंध में विवाद की एक प्रमुख जड़ है। दोनों प्रावधानों की तुलना कीजिये और संबंधों की एक ऐसी रूपरेखा प्रस्तावित कीजिये जो भारतीय लोकतंत्र की संघीय एवं संसदीय प्रकृति के साथ सुसंगत हो।

Article 256 is to ensure that the governance of the state is being carried out in accordance to the Constitution. It is a corrective measure that allows the Union Government to bring the Governance of the state to under the Constitutional provision by imposing President's rule in the state.

Article 257 is to ensure that the authority of the Union Government is across India & it is not challenged in any state. The Article is a preventive measure that allows the Union Government to give directions to the concerned State Government with regard to Governance.

In principles, both these measures are important because it allow the ~~Stat~~ Union Government to ensure Constitutionality and the Unity & Integrity of the Country.

It is provision such as these that accord the Unitary Bias to India's federalism which sacrifices regional autonomy for National Unity.

The principles of Federalism in India are secondary to the virtues of Unity of our Country.

Article 356 ensures that the Parliamentary nature of State Legislature is ensured. It provides, in a sense, a state of Parliamentary oversight where President's rule can be imposed to check the unparliamentary practices. It also transfers the law making powers of the State legislature to the Parliament.

Proposed Framework.

The provisions could be looked at in context of the rights of states and there should be a strict adherence. The instructions given to the states must be laid before Parliament and one should evaluate if such a provision/direction was needed.

The Report of the Governor should also be laid before Parliament.

12. (a) Critically appraise the utility of fundamental duties in the Constitution of India.

5

भारत के संविधान में मौलिक कर्तव्यों की उपयोगिता का आलोचनात्मक मूल्यांकन कीजिए।

The Fundamental Duties form Art 51 (A) of India's Constitution and have been inspired by the Constitution of USSR.

~~Firstly, the Fundamental Duties are remind the state.~~

The Constitution of India defines two indestructible entities - State and the Citizen. The Directive Principles of State Policies were

Directions that were given to the State with regard to certain responsibilities towards citizens. These expectations of the citizens listed in DPSP were from the expectation from the National Movement.

The ~~Directive~~ Fundamental Duties have a similar function as they provide directions to the citizens to the expected or basic ideal behaviour.

The citizen is reminded of responsibility.

These Duties are not Constitutional justiciable but certain legal provisions have been incorporated ~~to~~ just like the DPSPs.

The Laws have provided a guidepost to the citizens about their responsibilities.

(b) What are Lok Adalats? Can they serve as an alternative to the regular legal redressal mechanisms available through courts? 5

लोक अदालतें क्या हैं? क्या ये अदालतों के माध्यम से उपलब्ध नियमित कानूनी निवारण तंत्र के एक विकल्प के रूप में काम कर सकती हैं?

Lok Adalats are part of the Alternate Dispute Resolution Mechanism in India that are held to carry out dispute resolution in the following way:

Firstly -

The first method is to bring the parties together where they can reach to a compromise.

Second method is to give the parties a hearing and provide a judgement.

The Lok Adalats are outside the formal judicial system and can be used for Non Criminal cases. The sum of damage involved is usually low. Lok Adalats are ~~formally~~ ^{occasionally} held and it is not a permanent court like entity.

The purpose of Lok Adalats since 1986 was to reduce the number of cases in formal courts. They are also cheap as court fees and the cost of legal aid is absent. They have a limited scope but they can clear large volumes of small & petty cases.

13. Supreme Court judgment on transgender rights is a milestone in transgender people's struggle for identity. Comment. Enumerate steps taken by the government in this regard. 10

“ट्रांसजेंडर लोगों के अधिकारों” पर उच्चतम न्यायालय का निर्णय, इन लोगों के द्वारा अपनी पहचान हेतु किये जा रहे संघर्ष के लिए एक मील का पत्थर है। टिप्पणी कीजिये। इस संबंध में सरकार द्वारा उठाए गए कदमों को सूचीबद्ध कीजिये।

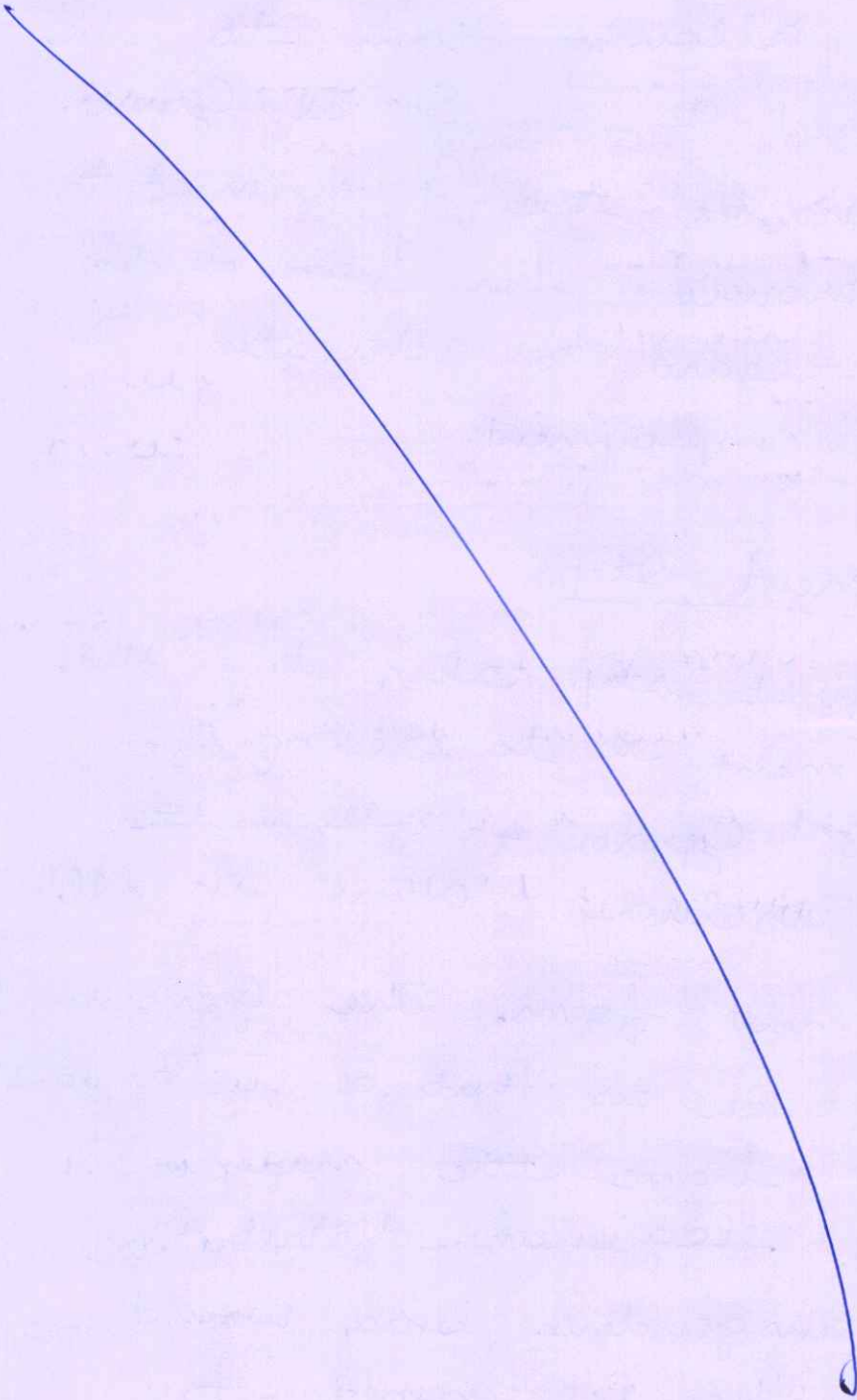
The Supreme Court recognized the 3rd gender in its judgement and provided them equal citizenship as was available to men & women. Trans genders would no longer have to forcibly categorize themselves as a man or a woman, thereby providing a sense of dignity.

The Supreme Court has further recognized Transgenders as a disadvantaged Backward group, thereby allowing them to be recognized as a Social Group. This enables the Government to make provisions for them ~~under~~ with regard to education & public employment.

Government Steps

The first step taken by the Government is to recognize the 3rd Gender & ~~allow the~~ by including 'others' in all Government forms. The Government ~~has~~ (such as that of Telangana) would have the numbers & the regional distribution of Transgenders. This would enable the Government to extend benefits to them.

A law has been proposed
for the welfare of Transgender.



14. Judicial Activism has hurt the separation of power principle in India and is not healthy for Indian polity. With the help of few judgments given by the Supreme Court of India, critically analyse this statement. 10

न्यायिक सक्रियता ने भारत में शक्ति पृथक्करण के सिद्धांत को आघात पहुंचाया है और यह भारतीय राजनीति के लिए स्वस्थ प्रक्रिया नहीं है। भारत के सर्वोच्च न्यायालय द्वारा दिए गए कुछ फैसलों की मदद से इस कथन का आलोचनात्मक विश्लेषण कीजिये।

Judicial Activism began in the 1970s when the Supreme Court of India allowed the Public Interest Litigation. This innovation was to enable people to petition the court by even writing the letter. Several judgements since then have seen the judges playing the populist role of good samaritans and stepping into the Executive Domain.

In 2012, the Supreme Court of India directed the Government to distribute the food grains that were rotting in the godowns of FCI for free to the poor. The judgement drew

drew criticism and rebuke from
 then PM Dr. Manmohan Singh.
 Though the judgment could be
 seen as to benefit the poor,
~~it did not concern the poor~~
 it was not accepted as it
 would destroyed the food
 distribution system & market.
 It would have disincentivised
 agriculture. The judgement was
 made in a narrow sense.

The system of PIL provides ample
 opportunity to be a parallel
~~to~~ executive by being a 'Santa
 Darbar'. It also relies on (at times)
 quick decision. Judgements, apart
 from interpretation of ~~the~~ Constitution,
 have to be specific and the
 aggrieved party must be present
 in court. Judgements cannot be
 made for public at large as
 the concerns for the public
 at large is to be taken up
 by the ~~a~~ political system in

The Parliament.

Judicial Activism destroys the
separation of power that
is an underlying principles
of our democracy & our
Constitution

15. Tribunals are a mechanism that provides an alternative to the regular court machinery. Briefly highlight the salient features of Tribunals. Also enumerate the types of tribunals in India on the basis of their method of creation.

10

न्यायाधिकरण एक ऐसा तंत्र है जो नियमित अदालती मशीनरी के लिए एक विकल्प प्रदान करता है। संक्षेप में न्यायाधिकरण की प्रमुख विशेषताओं को बताइए। इसके अलावा न्यायाधिकरण के गठन की पद्धति के आधार पर भारत में इनके प्रकारों की गणना कीजिए।

Tribunals are set up for
a ^{subject} specific legal remedy
that are created to provide
speedy justice and regulation.
The Tribunals allow the
aggrieved party to represent
his/her case himself without
legal aid and help in providing
speedy justice. Tribunals play the

role of Regulatory Institutions
as well.

Judicial Tribunal

Judicial Tribunal are benches
Created to carry out a
Judicial function. They are
quick and easy mechanism
for grievance redressal. They
usually have both legal
officers & subject matter
experts. The decisions are
taken by the Bench.

eg: Central Administrative
Tribunal has retired
Bureaucrats as well as
Judges. These tribunals are
grievance redressal for the
& Central Govt employees.

Regulatory Tribunal

These tribunals provide a
dual service of being a regulator

As well as an adjudicator,
These tribunals ensure a
~~Balance~~ ~~both~~ provisions of a
Law are followed. These are
Statutory Tribunals.

eg: National Green Tribunal,
provides ~~both~~ both Regulatory
& Legal Remedy.

Appellate Tribunal.

These Tribunals are held on
appeal to certain decisions
that are taken by the
officials or the lower level
Tribunals. These Tribunals have
the authority to remove
or impose penalty. These are
held to reduce Appeals to
High Court & Supreme Court

eg: Income Tax Appellate Tribunal

16. What is the difference between Exit and Opinion Polls? Should Opinion polls be banned on the ground that they influence the voting behaviour of people? 10

एग्जिट पोल और जनमत सर्वेक्षणों के बीच क्या अंतर है? क्या जनमत सर्वेक्षणों पर प्रतिबंध लगा दिया जाना चाहिए, क्योंकि वे लोगों के मतदान व्यवहार को प्रभावित करते हैं?

Opinion Polls are conducted before the Electoral process ~~and~~ with the purpose of ~~to~~ finding answers to various themes that may influence a voters behaviour. Its scope is not only - 'who would you vote for' but it would also have questions like most preferred CM, ~~as~~ biggest issue influencing your voting behaviour. It is conducted among general public and does not necessarily reflect the views of registered voters.

Exit Polls on the other hand are conducted outside polling booths from ~~at~~ among the people who voted. The statistical manipulation with regard to demographics

and other criteria is limited.
The exit poll asks ~~the~~ only question
- 'who did you vote for'.

The Moral Code of Conduct,
bans the publication of
Exit Poll & Opinion Polls
during the electoral process.
(from announcement of election
to the voting in last phase).

Should it be Banned
~~The voting~~ The tendency of voters
is to exhibit group behaviour
during elections. People are naturally
influenced by the prevailing
sentiments in their social
group and their locality. Often
people hold meetings and choose
to vote for a particular
candidate.

⊕ These statistical polls have
a serious implication in
inducing group behaviour as
it provides the answer to the
question of the popularity within
the entire election area & ~~by~~

allocates a number to it.

If the completeness of the polls (conducted in a wide spread of constituency) and the integrity of the pollsters were not in doubt then opinion polls / exit polls were a democratic right. But since, it is open to manipulation, one has to be careful about such polls.

17. What are the current provisions regarding treaty making in the Indian Constitution? What impact did these provisions have on center-state relations? Suggest few measures to introduce the element of accountability in the treaty making process. 10

भारतीय संविधान में संधि करने के बारे में वर्तमान में क्या प्रावधान है? इन प्रावधानों का केन्द्र-राज्य संबंधों पर क्या प्रभाव पड़ा है? संधि करने की प्रक्रिया में जवाबदेहिता सुनिश्चित करने हेतु कुछ उपाय सुझाइए।

Treaty Provisions

The Government of India has the right to negotiate and sign any treaty with any foreign state or a group of states.

The Union Government has ~~to~~ the make right to make laws even on the State Subjects to implement the provisions of the treaty.

These rights have almost unchecked powers until India tries to ratify the treaty with domestic laws.

~~The~~ India can make treaty with any foreign - state or non state actor. India is not bound by the national recognition of the state by the President. Even the recognition of the foreign nation is not to be done by the parliament.

Accountability

It is necessary to bring a degree of Accountability with regard to making a Treaty. For instance, the Parliamentary debates ~~the~~ over the Indo-US Nuclear Deal were not held over the Treaty, but because of the Vote of No-Confidence.

The proposed draft of the treaty must be debated and approved by the Parliament. The President

ought to have signed the Treaty, only if the Parliament ~~it~~ has deemed to have passed a resolution approving of the treaty.

In case a treaty signed by the Government is not fully approved by the Parliament, it should be seen as a ~~loss~~ ~~to~~ loss of Confidence in the Government and it ought to resign.

As per the judgement of the Supreme Court, if the Government gives away territory of India, the ~~Part~~ amendment to the Constitution must include a Presidential Reference to the State concerned.

18. (a) "Prime Minister represents the executive government in a way that no single member of the Council of Ministers (CoM) or even the entire CoM can." Discuss.

5

प्रधानमंत्री कार्यकारी सरकार का इस प्रकार प्रतिनिधित्व करता है कि कोई भी एक सदस्य यहाँ तक कि पूरी मंत्रिपरिषद भी नहीं कर सकती। चर्चा कीजिए।

The Prime Minister is first among equals ~~to~~ in the Union Council of Ministers.

The PM has the critical responsibility of representing the work of the Govt to the President of India.

The PM communicates the decisions of the Cabinet to the President, including money Bills. The President makes appointments & the PM is to keep the President informed.

If the PM resigns or dies, the entire Cabinet is deemed to have resigned.

The PM hence forms a vital link

(b) "The Directive Principles of State Policy are socialistic in their direction and content." Examine. 5

राज्य के नीति निर्देशक सिद्धांत अपने निर्देश एवं विषयवस्तु में समाजवादी हैं। चर्चा कीजिए।

19. 'Candidates should not be allowed to contest election simultaneously for the same office from more than one constituency.' Comment. 10
उम्मीदवारों को एक से अधिक निर्वाचन क्षेत्रों से समान पद के लिए एक साथ चुनाव लड़ने की अनुमति नहीं होनी चाहिए। टिप्पणी कीजिये।

20. District Planning Committees have so far failed in most of the States in emerging as an effective institution. Consequently decentralised planning at the level of Panchayats has not been realized. Critically analyse. 10
- जिला योजना समितियां एक प्रभावी संस्था के रूप में अधिकांश राज्यों में असफल रही हैं, परिणामस्वरूप पंचायत के स्तर पर विकेन्द्रीकृत आयोजना वास्तविकता को प्राप्त नहीं कर पाई है. अलोचनातामक विश्लेषण कीजिए।

21. India has become the first country to ratify the Marrakesh Convention that codifies exemptions to copyrights to benefit the blind and impaired readers. Discuss the importance of this event and the challenges that lie further ahead of it. 10

“माराकेश सम्मलेन” जो कि नेत्रहीन और दृष्टि विकलांग पाठकों के लाभ हेतु कॉपीराइट से छूट को संहिताबद्ध करता है, की पुष्टि करने वाला भारत प्रथम देश बन गया है। इसके महत्व और इसके आगे की चुनौतियों पर चर्चा कीजिये।

22. (a) Compare pressure groups in India with those in the west.
भरतीय और पश्चिमी दबाव समूहों की तुलना कीजिये।

5

(b) Pressure groups ensure that an individual's democratic rights are not confined just to the act of voting. Discuss. 5

दबाव समूह यह सुनिश्चित करता है की एक व्यक्ति का लोकतांत्रिक अधिकार सिर्फ मतदान कार्य तक ही सीमित नहीं है। चर्चा कीजिए।

23. The Election Commission has constantly taken measures to curb and prevent malpractices in elections. Point out few such measures taken by it recently. Also discuss its limitations in putting them into effect. 10
- चुनाव आयोग लगातार चुनावों में अनाचार या गलत गतिविधियों पर अंकुश लगाने और रोकने के लिए कदम उठाए हैं। हाल में इसके द्वारा उठाये गए कुछ कदमों को बताइए। इन कदमों को प्रभावी बनाए जाने की क्या सीमाएं हैं?

24. Well-wishers of the judicial system are more concerned about transparency and accountability of the procedure for appointment of judges of higher courts rather than who appoints them. Discuss. **10**

न्यायिक प्रणाली के शुभचिंतक, उच्चतर न्यायालयों में न्यायाधीशों की नियुक्ति कौन करता है, की अपेक्षा न्यायाधीशों की नियुक्ति -प्रक्रिया में पारदर्शिता और उत्तरदायित्व को लेकर अधिक चिंतित हैं। चर्चा कीजिये।

25. Examine whether audit of CAG should be extended to industrial undertakings carried on by the government through private companies. Elaborate on the challenges that CAG may face in doing the same. 10
- परीक्षण कीजिये कि क्या नियंत्रक महालेखा परीक्षक के लेखांकन को, निजी कंपनियों के माध्यम से सरकार द्वारा किए गए औद्योगिक उपक्रमों, के सन्दर्भ में विस्तारित किया जाना चाहिए? नियंत्रक महालेखा परीक्षक द्वारा ऐसा किया जाने पर आने वाली चुनौतियों पर प्रकाश डालिए।

