



GENERAL STUDIES (Test Code : 436), 7 September

Name of Candidate	MAHIMA SIKAND	Registration No.	6719
Schedule		Module	175
Place	RN	Time	3 pm
Date	07/09/2014		
Classroom	☒	Distance Learning	☐
Classroom & Distance Learning		☒	

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Q. No.	Maximum Marks	Marks Obtained
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Total Marks Obtained

Remarks:

Signature of Examiner

EVALUATION INDICATORS

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

INSTRUCTIONS

1. Do furnish the appropriate details in the answer sheet (viz. Name, ID Number and Test Code).
2. There are TWENTY-FIVE questions printed in ENGLISH.
3. All questions are compulsory.
4. The number of marks carried by a question/part is indicated against it.
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.
6. Word limit in questions, if specified, should be adhered to.
7. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.

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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

The Finance Commission, as envisioned by the constitution, was created to act as the balancing wheel of fiscal federalism for the Indian union and states that it comprised of. It is thus a quasi judicial body created under Article 280. The Planning Commission, on the other hand, is a non-statutory, non-constitutional body created by an executive order that has over the decades come to occupy a paramount position in the distribution of resources and financial management. Its ever expanding role has undermined the position of the Finance Commission and rubbed states the wrong way, giving fuel to their grievances of central ~~to~~ autarchy. Also, there is growing demand that the Planning Commission is an outmoded and outdated body that has outlived itself and must be scrapped. The new government led by Prime Minister Modi finally put to rest speculations on this past Independence day by announcing that the Planning Commission ~~was~~ would be scrapped and replaced with a tighter, crisper and modern body that would be fashioned as on the lines of a think tank and research body.

However, the Planning Commission has come to occupy a major role in social and economic development of the country and is third only to the Parliament and National Development Council

in this respect. Thus, if it is scrapped the greater burden must necessarily fall on the Finance commission.

currently the Finance commission primarily deals with the distribution of statutory grants to states, deciding the principles for division of taxes between the centre and the states as well as suggesting measures to augment the consolidated Fund of India. Hence, it is clear that it is primarily a technical body requiring great subject matter expertise. This reflects in its composition where all its members (1 chairperson + four others) are picked for their strong financial, economic and accounting expertise.

The Planning ~~comp~~ commission, in addition to allocating discretionary grants to states, also outlines plan and vision documents outlining social goals and objectives for the country in addition to economic agenda. Thus, it is a more holistic body and comprises of union ministers, subject matter experts from various fields and also representation from the states.

If Finance commission is to take over the functions of the Planning commission it must

- a) Expand the membership to include experts from across the knowledge, academic and social disciplines to ensure a more holistic approach to financial decisions
- b) Include adequate representation from states

since most social and economic schemes are to ultimately be carried out by the states.

Since the government has already pledged to disband the Planning Commission, the discussion henceforth is purely academic. But, in my assessment the Planning Commission and the Finance Commission were often at odds with each other since they were often competing for the same funds and same role. Infact the FC would repeatedly feel undermined by the PC. The Planning Commission did serve a purpose in outlining a long term vision path for Indian development atleast in the initial years but of late their plans documents had become too open ended and general without focusing on specific objectives and targets. Thus it is best to make a crisper body by disbanding PC.

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.

The hallmark of the Indian system is its democratic¹⁰ system that aims to give representation to all sections of society. However, with each passing election season the quality of candidates seeking to represent the Indian population is constantly declining and thus rendering the election process ineffective. Whether it is criminalization, regionalization, or communalisation of politics, the cancer of parochial and corrupt politics has taken root in Indian polity. The middle class, urban, educated Indian voter is often chastised and mocked for not participating in electoral politics. However, with such limited options it is no wonder that an educated and enlightened voter feels helpless and optionless. It is a classic

case of "into the ocean or the deep blue sea". Thus presented with a list of corrupt, tainted, communal or divisive candidates, a voter often decides to ~~not~~ not vote given the dearth of a good option. It is in this context that a "negative voting" option would be revolutionary in cleaning up the pool of candidates and strengthening the electoral system. If a voter decides that he is dissatisfied with all the candidates, he should be allowed to give a negative vote. The advantage of this is that it will indicate to the parties that they can't put up substandard quality candidates as the voter exercise his option to "Right to Reject". Ultimately, a re-election might be required in order to elect a candidate and it would force the parties to be more judicious about their selection.

Unfortunately, the recent decision to allow for 'NOTA' voting is a half baked exercise that just goes half the distance in electoral reforms. Even as it allows voters to press the option of NOTA and registering a negative vote, its impact remains negligible. This is because the candidate with the maximum votes after NOTA (even if he/she has just got 1 vote) will be declared the winner. Thus, NOTA must be strengthened to ensure that if majority of the voters have voted for none of the above then a re-election with new candidates must be held.

Still such time NOTA will be viewed by voters as ineffective and a mere gimmick and would be unable to strengthen the electoral and democratic process in India

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

The Finance Commission, a statutory body created under Article 280, is the main body responsible for the division of taxes between the centre and state by formulating guiding principles. Also, it is responsible for sanctioning statutory grants to states from the consolidated Fund of India. However, despite playing such a crucial role in Fiscal Federalism of India, the Finance Commission remains a centralized, union agency with negligible representation from states. Thus, its composition is of 1 chairman and 4 other members that are appointed by the President. These members are purely subject matter experts in the areas of finance, accounts, economics etc. They have little interaction with states and their representatives and thus can be tunnel visioned while formulating their policy. Thus, it is imperative for the Finance Commission to expand its membership and allow for greater interaction with the various departments and ministries of state governments.

3. (b) Discuss the effectiveness of the safeguards provided in the Constitution in curbing the misuse of Ordinance making power by the Executive. 5

To prevent excessive and uncontrolled ordinance making by the Executive, which would undermine the legislative process and Parliament (upsetting the delicate balance between the different organs of the state), the Constitution has placed certain limitations on the Executive. These are

- (i) The scope of ordinance making (ie on which subjects it can issue an ordinance) is coterminous with the Parliament in case of the Union Executive and with the state legislatures in case of State Executives

ie division of powers outlined in the VII schedule remains

- (ii) The President can only issue an Ordinance

when either of the 2 houses of Parliament are not in session or when Lok Sabha is adjourned / dissolved / terminated etc. Similarly is true for state executive i.e. Governor.

(iii) The ordinance ~~must~~ ceases to exist within ~~30~~ days of Lok Sabha and Rajya Sabha starting a new session unless approved within that time period.

(iv) For state governments, the Governor must seek assent of President while issuing ordinance on those subjects which would require Presidential assent if being passed as a state bill.

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

The Governor, as envisioned by the constitution is to act as the nominal head of the state government and act as a link between the states and the centre. His role and powers are clearly defined in Part VI of the constitution in Articles 164-167. In addition, he is also bestowed with additional discretionary powers, making his role important for governance.

① Some of the imp functions assigned to the governor are :-

- i) Appointments in case of lower judiciary, state finance commission, state planning commissions, SPSCs etc
- ii) Assess law and order situation and recommend emergency provisions (President's Rule) under Article 356.
- iii) Reserve certain bills for assent of President (especially if they seek to alter status of HCs, on ques of national unity etc)
- iv) Welfare of tribal areas by way of appointment of Tribal affairs minister by governor in certain states.

Thus, the role of the governor is more than just a nominal one. He is However, in the last few decades the ~~office of~~ office of the governor is losing its authority and prestige and becoming highly politicized. He is seen as an outsider, an intruder by states appointed as an agent of the centre. This charge is partially true because the

Union government often appoints its political puppets as governors and then uses them to interfere in internal affairs of the states.

Also, appointments to the post are often seen as rewards for loyalty to the government to retired government officials, judges, political colleagues etc.

Similarly, a violent attempt to dislodge them each time a new government ~~is~~ comes to power and replace them with their own ~~to~~ loyal soldiers is evidence that the office has been diluted to a great extent.

* Some constitutional reforms are ~~the~~ dire need if this office is to be saved from over politicisation and ultimate redundancy.

* currently there are just 2 requirements for the office of the governor. They are

- 1) citizen of India
- 2) above 35 years of age

In addition, 2 additional practises have evolved

-) appointment of an ~~outsider~~ outsider
-) consultation with CM prior to appointment.

However there are no criteria listed for their removal and are hence holding office according to the pleasure of the President. Thus there is no transparency in removal procedure. Thus, new governments often remove old governors (as seen this time as well) simply because of "difference in political ideology". A 1994 supreme court judgement even judged this practise as unethical and unconstitutional but it still continues.

REFORMS

- i) The governor's office must have clear guideline for appointment. A cooling off period for retired judges, bureaucrats, political party members etc must be codified in the constitution
- ii) A clear impeachment process must be enshrined in the constitution (along the lines of Presidential impeachment) as the only valid ground for removal of the governor. This would discourage removal and dismissal on whims and fancies of the government and restore credibility the office of the governor.
- iii) The governor can only recommend President's Rule as last resort measure

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

- a) The leader of opposition is not a Constitutionally recognized position and it gradually grew as a matter of convention in the course of the Parliamentary procedures
- b) As such, the rule devised by the 1st speaker of Lok Sabha, GV Muthu Maavalankar, called the "Maavalankar Formula" still holds good till today. It stipulates that ~~an~~ ^{an} opposition party must win atleast 10% of the Lok Sabha seats (in addition to being the largest opposition party) to get the opportunity to elect from within its members a 'leader of opposition'
- c) Thus, on several occasions such as in 1984 and now in 2014, there was no leader

of opposition since no party was able to secure 10% i.e. atleast 55 seats in Lok Sabha.

This issue has once again been highlighted post the 16th general elections because of the refusal of the speaker to give congress the title of official opposition party and hence a leader of opposition position.

over time, the leader of opposition has come to occupy an important role in Parliamentary politics - both symbolically and in actuality.

- a) He is part of the committee that selects the CVC and CIG. Thus, these ~~constit~~ statutory offices can't be filled without a leader of opposition.
- b) He is the official representative and spokesperson of the opposition parties and is hence awarded the rank and privileges of a cabinet Minister. This highlights his importance in keeping the majority party in check.
- c) He is member of several departmental committees.

In UK, the leader of the opposition is called the alternate PM and often is head of a 'shadow cabinet.' Thus it is clear that it is an important function and allows

for fair and unbiased functioning of Parliament
without giving too much power to the
majority party.

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

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

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

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

•) Article 14 of the constitution is a fundamental right guaranteed to the Indian citizen and gives us the 'right to equality'. Now there are two aspects of this right to Equality namely

- (a) Equality before law → ()
(b) Equal protection of law → (i.e. Due Process)

These are two different approaches to equality and stem from two different judicial and constitutional systems

(a) Equality before law

- comes from the British system.
- 3 elements enshrined by *Av Dicey*
- Basically guarantees that everybody will be treated in the same manner by a court of law i.e. equal punishment for equal crime

→ doesn't allow for any special favours / privileges to be granted to anybody

(b) Equal Protection of Law

This is an American concept and rests on the principle that "equals must be treated equally and unequals unequally". Thus, it recognises that different classes of society may come from different backgrounds and different opportunities. Since starting point is different, the law must treat them differently so that they can receive the same benefits and advantages.

This second aspect of Right to Equality gives credence to the statement mentioned in the question. Hence, our constitution under Article 14 allows for special treatment and advantages to be awarded to socially disadvantaged classes. Thus, they may be treated differently but it is to ensure they are at an equal footing.

The element of social reservations for SC, ST, OBCs etc in schools, colleges, jobs etc is to ensure equal protection of law.

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

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

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

12. (a) Critically appraise the utility of Fundamental Duties in the Constitution of India.

Article 51(A) in Part IV(A) of the constitution was added by the 42nd Amendment Act, 1976 on the recommendations of the Swaran Singh committee.⁵
The basic aim of adding a section on Fundamental duties to the constitution was to instill in the citizenry a sense of pride, belonging and unity in addition to reminding them that rights without duties are meaningless. Although Fundamental duties are not justiciable in a court of law, just like the Directive Principles function as the governing principles for the state, Fundamental duties act as guiding values and aspirations for the citizens of India.

The FD's can be divided into three categories
a) Moral/Ethical

- b) civic duties
- c) Modern/liberal duties

- * Moral duties include respecting the national flag, national symbols, remembering the heroes of the freedom movement etc
- * civic duties include the responsibility towards the environment, towards preserving unity with fellow citizens
- * Modern duties are understood as duty to develop scientific temper, provide education to your ward between the ages of 6-14 etc.

Thus, it is clear that Fundamental Duties act as a reminder to the citizens that being an Indian is a privilege that awards several comforts and luxuries on us. But, no right is complete with a corresponding duty and we must reflect our pride in our country by fulfilling our duty.

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

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

The judgement given by the supreme court recognizing transgenders as a third gender is indeed historic and will go a long way in ensuring a modicum of justice for a marginalized, disempowered and ostracized community of people.

The case, fought by NAAZ foundation, is a victory of social justice and seeks to empower transgenders who have often been marginalized and shunned by society.

- * The government must now issue all forms, identity cards etc with three options for gender
- * This will also be true for the official census

- * Special measures to be implemented to ensure

upliftment of the transgendered community

- ⊗ They can't be denied admission in schools and colleges
- ⊗ They can't be denied jobs in the public sector on account of belonging to the third gender

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

Judicial Activism is the term given to describe the activities of the higher judiciary in dealing with legislative and executive matters by passing judgements that go beyond mere interpretation of the constitutional and legal books. Thus, this has been critiqued by the executive and legislative as well as several intellectuals and civil society bodies that see this overreach as unhealthy and detrimental to the principle of separation of powers between the three organs of state.

In my assessment, however, judicial activism is a mere manifestation of the principle of CHECKS and BALANCES, which is equally important for the healthy functioning of the political system in India. The higher judiciary remains one of the most respected and trusted institutions in independent India at a time when both the Executive and legislative have lost moral authority and credibility with masses due to corruption and inefficiency. Also, judicial activism merely facilitates the executive and legislative to expand its horizon and brings to their attention matters that may have been overlooked.

eg:- ① on the question of Right to Education

- ⊗ It was the liberal interpretation by the Supreme Court in the 1994 Unnikrishnan case of Article 21 that finally paved the way for the revolutionary right to education (Article 21A)

It could ~~to~~ have been viewed as a case of judicial overreach but its effect was positive and beneficial

A liberal and active interpretation of Article 21 by the Supreme court has in fact been extremely useful for passing legislation on environment, wages, sexual rights

② Mishra Judgement, 1997

The Supreme court judgement is a milestone in recognizing the grievances of women in workplaces and called for establishment of anti-sexual harassment bodies

③ Right to Passive Euthanasia

Recognized in the Aruna Shanbhag case, paving the way for possibly a revolutionary legal mandate on the 'Right to die'

④ Recognition of Transgenders as a III gender, 2014

Thus judicial activism has paved the way for positive legislation and social development and justice in India. Recently the SC order to the govt on cleaning up the Ganga may also be viewed as interference and overreach, but it is essential to ensure proper functioning of the government.

The judiciary has been successful by filling in gaps in domestic law by a liberal interpretation and application of international laws and conventions like CEDAW, child rights convention, convention against Torture (CAT) etc.

However, no power is absolute and the judiciary must maintain the basic principles

of division of power and allow the Executive and Legislature to carry out their functions with minimal interference and obstruction. The policy of CHECKS and BALANCES is as important as SEPARATION OF POWERS.

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

* Article 330 of the constitution, added in the 42nd Amendment Act, 1976 allowed for the creation of tribunals as alternate redressal mechanisms for area/issue specific grievances.

Ⓐ constitutionally created Tribunals in India

⊗ central Administrative Tribunal (CAT)

⊗ State level tribunals

→ deals with the appointment, promotion, disciplinary conduct etc of government officials. All disputes regarding administrative functions are first addressed here.

→ If dissatisfied with the verdict, a person can

appeal to the ~~high~~ court first and then the Supreme court

(B) Statutory Tribunals / Appellate Tribunals

They are created for the redressal of specific grievances connected to a certain aspect of law.

Finance related tribunals are very common
eg- Debt Recovery Tribunals (DRTs) created under the SARFAESI act, 2002. Allows the debtor to appeal against the bank for taking over his collateral for non payment of debt

(C) Military Tribunals

- They are officiated, run and administered by the defence forces i.e you have Armed Forces Tribunal (AFT)
- deals with disciplinary, promotion and grievances issues of armed forces

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

- Exit polls are conducted by various organizations including media outlets, research organizations etc. These polls are conducted after the voter has cast his vote and aim to capture the actual voting count instead of just trends.
- Opinion Polls on the other hand are conducted prior to the elections ~~by~~ and are analyzed by psephologists to predict the trends of the forthcoming elections. Thus opinion polls try to get a sense of the voting behaviour BEFORE the actual voting takes place.
- and exit polls get a sense of the voting pattern AFTER the voting takes place.

o) Some of the benefits of the opinion polls are

- i) They activate discussion and debate, generate excitement and encourage the potential voters to seek an active interest in the electoral process.
- ii) They give an idea to the candidates and political parties about the mood and priorities of the electorate giving political parties an opportunity to focus on those particular issues.
- iii) ~~It~~ They help the voters understand the different trends and issues that they should consider while voting.

The drawbacks of opinion polls are

i) They can be doctored / manufactured / manipulated by interested agents to suggest a particular trend

* Very often it is believed that a certain psychological ~~at~~ margin can be created by reinforcing and reemphasising victory / losses trend for a particular candidate / party.

Thus, there is potential (and it happens in reality) that the electorate is influenced to vote just because of repeated emphasis on certain trends

→ A voter may not want to waste his vote on a desired candidate if opinion polls are projecting his ~~loss~~ defeat

ii) certain issues/areas can become all important while others ignored / downplayed depending on the emphasis given by opinion polls.

Thus, in my assessment it may not be advisable to ban opinion polls as they have come to represent a crucial part of the vibrant electoral process and have certain advantages. However, it is crucial to monitor them and critically regulate them. Opinion polls must reveal source of funding so as to be more transparent.

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

currently the Indian constitution has given the complete power of formulating foreign policy, conducting international relations and hence signing treaties with the Union government with absolutely no role envisioned for state participation or feedback.

* currently the Executive can sign treaties on behalf of the Indian government with any country

* the treaty once signed must be approved and passed by the Indian Parliament by a special majority of members present and voting

- * Once received Parliamentary approval, the treaty is considered ratified
- * The centre is then obligated to make domestic legislation to act in accordance with the treaty/convention.
- * The Parliament is empowered to override/violate a state law even if it is on a subject in the state list if so demanded by the provisions of the treaty.

This is one of the bones of contention between the centre and states, with states alleging that such provisions undermine the principles of a Federal polity and give too much of unaccounted power to the centre. The union govt maintains that foreign policy is a central subject and needs uniform and a broad vision rather than narrow interests of states.

- * The result is that several treaties, despite being signed by India, have not been implemented because of unwilling state participation. eg:- several Indo-Bangladesh treaties have failed because of Bengal & Assam not cooperating

In order to include state participation and make the treaty making process more accountable and transparent

<i> centre must consult state representatives before signing a treaty

<ii> require approval of half the states before ratification

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

The Prime Minister is the real head of the ~~council of ministers~~ ^{Executive govt} and is the ultimate authority as well as the repository of responsibility for the executive government. The council of ministers function under his authority and patronage to a large extent.

- i) The PM is the official spokesperson of the Executive government
- ii) He recommends to the President names to be appointed for ministers in the CoM
- iii) He can ask a minister to step down or ask the President to remove a minister
- iv) If he dies/resigns/loses a no-confidence motion, the entire CoM is dissolved. This is not true ~~for any~~ in the case of death of any other CoM.

The PM is thus the real as well as symbolic figurehead of the executive government. The Prime Minister's office has come to occupy a crucial position in the political space and all executive decisions must be issued and carried out only with his approval. He is the head of the cabinet and supervises the functioning of all important ministries and departments.

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

outlined in part IV of the constitution, between Articles 36-51, the Directive Principles of State Policy are the basic governing principles of the Indian government. They were added to act as the guarantors of economic and social liberty just as Fundamental Rights guarantee political liberty.

The Directive Principles are socialistic in the sense that they aim at providing social and economic justice by ensuring certain musts for the government. They include

- i) Right to maternity benefits
- ii) Equal pay for equal work
- iii) Right to education (now a FR)
- iv) Right to livelihood
- v) Right to legal assistance

- vi) Right to form cooperative societies
- vii) environmental justice

Thus, it is clear that the framers of the constitution added DP of state policy to act as a guiding path to a socialist and inclusive pattern of development.

In addition, certain DP of state are Gandhian in character

- Ban on cow slaughter
- village communities, Panchayati Raj
- Prohibition
- small scale industries

others are liberal & modern in outlook

- uniform civil code

but the overall theme repeatedly touches on ensuring social & economic justice, hallmarks of socialist development.

19. 'Candidates should not be allowed to contest election simultaneously for the same office from more than one constituency.' Comment. 10

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

- 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

The Marrakesh convention, put together by the World Intellectual Property Organization (WIPO) is a hallmark for the disability rights movement and India has done well to promptly ratify it.

This treaty calls for the unrestricted and free flow of technology and books and information for the visually impaired without fear of copyright violations. Thus, it seeks to empower and spread knowledge to a thus far marginalized section. On India's part, the challenge lies in the primitiveness of our technology. We need to set up more Braille printing presses urgently so that there is actual dissemination of the knowledge flowing through the network. Also computers for visually ~~aided~~ disabled people must be manufactured domestically at affordable rates so that people can reap the benefits of this treaty.

22. (a) Compare pressure groups in India with those in the west.

5

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

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

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

The procedure for appointment of judges to the SC and HC has come under considerable controversy in the wake of the ~~creation of~~ passing of the bill for creation of a National Judicial Appointment commission (NJAC). The new system seeks to replace the collegium system, which had been functioning since 1993 (II judges case).

The collegium system had replaced an earlier system where executive had overriding powers on the appointment of judges and could override advice of judiciary. With the collegium system, the judiciary got the upper hand and its advice was binding on the executive. In reality, the constitution envisioned a healthy consultative process between the Executive and Judiciary for appointment of judges to higher judiciary.

The new NJAC now seeks to restore the upper hand to the executive by ~~reducing~~ adding members of the executive and legislature to the commission in addition to two eminent persons selected by the executive. (The Chief Justice will remain the only rep of the judiciary)

The question that is being ignored is that despite different permutations and combinations being applied ever since the SP Gupta case (First Judges case) of 1980, there is little improvement in the appointment procedure.

This is because the appointments are conducted

in a completely opaque setting without any scope for public opinion/discussion on the matter. There is no clear documentation about the guidelines that are followed while appointing judges. This lack of transparency remains despite repeated changes in the method of appointment.

It is the how and not the who that requires urgent reform.

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

