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GENERAL STUDIES (TEST CODE : 766)

Name of Candidate	ANUSHI .		
Medium Hindi/Eng.		Registration Number	
Center		Date	

INDEX TABLE		
Q. No.	Maximum Marks	Marks Obtained
1	12.5	
2	12.5	
3	12.5	
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7	12.5	
8	12.5	
9	12.5	
10	12.5	
11	12.5	
12	12.5	
13	12.5	
14	12.5	
15	12.5	
16	12.5	
17	12.5	
18	12.5	
19	12.5	
20	12.5	

Total Marks Obtained:

Remarks:

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 and ENGLISH.
इसमें बीस प्रश्न हैं तथा हिन्दी और अंग्रेजी दोनों में छपे हैं।
3. All questions are compulsory.
सभी प्रश्न अनिवार्य हैं।
4. The number of marks carried by a question/part is indicated against it.
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
5. Answers must be written in the medium authorized in the Admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए जिसका उल्लेख आपके प्रवेश पत्र में किया गया है और उस माध्यम का स्पष्ट उल्लेख प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के मुख्य पृष्ठ पर अंकित निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिए गए उत्तर पर कोई अंक नहीं मिलेंगे।
6. Word limit in questions, if specified, should be adhered to.
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
7. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।

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EVALUATION INDICATORS

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

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

All the questions are compulsory and carry 12.5 marks each.

1. Legislative Councils in states are expensive and otherwise superfluous legislative appendages. Examine the utility of legislative councils in this context. Also, comment on the procedural aspect of setting up and abolishing them.

राज्य विधान परिषदें महंगी और अनावश्यक विधायी उपांग हैं। इस संदर्भ में विधान परिषदों की उपयोगिता की जांच करें। इसके अतिरिक्त इनके सृजन व उत्सादन के प्रक्रियात्मक पहलुओं पर टिप्पणी करें।

Indian state has a bicameral setup at the Centre where there is the directly elected Lok Sabha and permanently, indirectly elected Rajya Sabha.

At the state level, there is the directly elected legislative Assembly. However only few states like UP, Bihar, Maharashtra have a legislative council.

Procedure:

As per the constitution the state legislative council Assembly has to pass a Resolution with special majority

($>50\%$ of total strength and $>2/3$ of present and voting) in order to establish or dis abolish a Council.

For.

Leg Councils

- widen democratic space for debate.
- allow contribution from eminent persons who are distant from rough and tumble of politics.

Against

- The Rajya Sabha represents federal bicameral component. It is representative of states. Leg Council have no such defined role.
- Major expenditure. For ex Raj told a Parliamentary Committee that expenditure on a Council would be about ₹ 100 crores.
- Leg Council is subordinate to Leg Assembly in all respects. Critics perceive it as a white elephant, a backdoor entry for those who could not get elected directly.
- In Tamil Nadu Council has become victim of party politics. Andhra Pradesh established a Council in 1958, abolished in 1985 and established again in 2007. Hence Parliamentary Committee suggested a National Policy for Upper Houses.

In some Councils might be useful for larger states.

2. While some argue that Article 3 provides usurping powers to the center at the cost of states, according to others it enables the Parliament to maintain and preserve federalism as enshrined in the constitution. Discuss. Is it time to have a relook at Article 3 in the spirit of co-operative federalism?

जहाँ कुछ लोगों का तर्क है कि संविधान का अनुच्छेद 3 राज्यों की कीमत पर केंद्र को अनन्य शक्तियां प्रदान करता है, वहीं दूसरों के अनुसार, यह संविधान में निहित संघवाद को बनाए रखने तथा संरक्षित करने के लिए संसद को सक्षम बनाता है। चर्चा कीजिए। क्या सहकारी-संघवाद की भावना के अनुरूप अनुच्छेद 3 पर पुनः विचार करने का समय आ गया है?

Article 3 in essence allows the Parliament to alter the boundaries, name etc of any State without its consent.

Unlike in USA, where states are guaranteed territorial integrity, India is an 'indestructible union of destructible states'.

People have noted that in effect Article 3 leaves the states at the mercy of the Parliament and is violative of federal ethos.

However it does not because.

- Any such bill can only be introduced recommended after the President's recommendation.

- The President in turn has to seek the views of the state concerned. Though the views are not binding, consultation is a safeguard.
- Usually there is entrenched opposition against division from more numerous groups. Ex- if states had been given a veto, the division of Andhra could not have been effected.
- One aspect of federalism is to also grant backward sub-regions autonomy and statehood.
Ex- Jharkhand, Uttarakhand.

Conclusion

Indian model of federalism is different from the 'coming together' model of USA federalism.
Constitution makes it clear that we are a

'Union of States'.

In any case in era of cooperative federalism state Parliament cannot ride roughshod over the will of the states.

Thus Article 3 and others allowing Parliament to change name boundaries etc of state with simple majority actually preserve federal balance.

3. While the British Parliament is a sovereign legislature, the Parliaments of India and USA are non-sovereign legislatures. Explain. Also, compare the organisation and powers of the Indian Lok Sabha with the British House of Commons.

जहाँ ब्रिटिश संसद एक संप्रभु विधायिका है, वहीं भारत और अमरीका की संसदें गैर-संप्रभु विधायिकाएं हैं। स्पष्ट करें। इसके अतिरिक्त, हाउस ऑफ कॉमन्स और भारतीय लोक सभा के गठन की प्रक्रिया और शक्तियों की तुलना करें।

- In Britain, the doctrine of Parliamentary Sovereignty is practised. This implies that the views of the Parliament are supreme and the Parliament is superior to the Courts. Thus the doctrine of Judicial Overview is absent from the British polity. Court cannot oversee Parliamentary legislation.

In India and USA, Judicial Review allows courts to ~~stop~~ strike down legislation it finds violative of the Constitution.

Both British and Indian politics are Bicameral. The House of Lord is comparable with Rajya Sabha. The

House of Commons is comparable with Lok Sabha.
In India, Rajya Sabha ^{has} equal powers and is
subordinate to Lok Sabha only in financial matters
(money bill, voting on the budget etc).

However in Britain, the House of Lords is only a
dilatory house. It can only delay legislation by
the directly elected House of Commons but
nothing more.

This difference is explained by the fact that
India is a federal polity and the Rajya Sabha is
representative of the states.

Britain is a unitary polity with unwritten
constitution. Thus the powers of House of Lords
are very diluted vis-a-vis the Rajya Sabha.

4. While Fundamental Rights are crucial to the survival of a vibrant democracy, Fundamental Duties are equally important. While enumerating the Fundamental Duties, discuss the statement.

जहाँ एक जीवंत लोकतंत्र के अस्तित्व के लिए मौलिक अधिकार अत्यंत महत्वपूर्ण होते हैं, वहीं मौलिक कर्तव्य भी समान रूप से महत्वपूर्ण होते हैं। मौलिक कर्तव्यों को चिन्हित करते हुए प्रस्तुत कथन पर चर्चा कीजिए।

Fundamental Duties were introduced through the 42nd Constitutional Amendment Act based on the Swaran Singh Committee Report.
Article 51A of the Constitution enumerates following duties:-

- abiding by the constitution
- cherish values of the freedom movement
- protect unity and integrity of the country.
- render national service.
- abjure violence and protect public property.
- cherish rich heritage of our composite culture.
- promote scientific thinking
- protect and promote wildlife, forest, lakes

In 2002, a new fundamental Duty of ensuring education for 6-14 year old was added through an amendment.

Grandhiji had for long emphasized that there can be no rights without duties.

Even the United Nations Declaration on Human Rights ^{Universal} Article 29 acknowledges that we all have certain duties.

Verma Committee had noted that Fundamental duties are merely codification of Indian way of life.

The Supreme Court in Ram Prasad v UP noted that these duties are meant to remind us of the tasks of an ideal citizen.

In the recent Jat agitation, we saw much damage to public property and violence. Demanding rights while violating basic duties of a citizen is unethical and unacceptable.

5. Several constitutional experts have found the process of appointment and removal of governor to be against the very grain of democratic traditions and constitutional propriety. Do you think that this process warrants a fresh look in context of recent controversies surrounding the post?

कई संवैधानिक विशेषज्ञों ने राज्यपाल की नियुक्ति व इसे हटाने की प्रक्रिया को लोकतांत्रिक परंपराओं की मूलभावना और संवैधानिक मर्यादा के विरुद्ध पाया है। इस पद से जुड़े हाल के विवादों को देखते हुए क्या आप इस प्रक्रिया की समीक्षा की आवश्यकता महसूस करते हैं?

Article 154 vests Governor with executive power of State
He is 'friend, philosopher, guide' of state governments and 'eyes and ears' of the Centre.
Issues.

As eminent Jurist Soli Sorabjee noted, no constitutional office has been abused like that of the Governor.

- ① Political The office has become parking lot for aged politicians and bureaucrats who further the agenda of central government.
- ② Political appointments lead to abuse of wide discretionary powers afforded to Governor under Article 163(2). History of abuse of Article 356 is a case in point.

③ In the BP Singhal case Supreme Court noted that while Governors have no security of tenure, their removal cannot be arbitrary. However as late as 2014 there were bulk removals and transfers.

Punchhi Commission notes insecurity of tenure compromises ability to act impartially.

④ Appointment of unworthy individuals.

Indeed there is urgent need for re-look. Parties must begin by adopting Sarkaria Commission guidelines for appointment. These were also endorsed by the Court in Rameshwar Prasad case.

Person should be

- detached
- not from the state
- eminent in some walk of life.
- not active in politics in recent years.

In addition, consultation with state govt during appointment and removal should be done.

Also, the Punchhi Commission suggested:-

- ban on appointments after demitting office
- process of impeachment for Governor along the lines of the President
- Narrow interpretation of Article 163 by Governors

These steps could do much to restore dignity.

6. Repeated violations of the Model Code of Conduct (MCC) have raised questions on its effectiveness. In this light, discuss the idea of making MCC a part of Representation of Peoples Act, 1951.

आदर्श आचार संहिता (एम.सी.सी.) के बार-बार होने वाले उल्लंघन ने इसकी प्रभावशीलता पर प्रश्न खड़े किये हैं। इस आलोक में, आदर्श आचार संहिता को लोक प्रतिनिधित्व अधिनियम, 1951 का हिस्सा बनाने के विचार पर चर्चा करें।

- The Model Code of Conduct is set of guidelines consensually adopted by political parties and enforced by the Election Commission. It is meant to ensure free and fair elections and has no statutory backing. It is thus also like a moral 'code', whereby parties promise to refrain from malpractices like distributing liquor for votes.

For:

- upcoming assembly elections in Tamil Nadu, West Bengal, the Commission has seized massive amounts of cash and liquor. Without legal backing it cannot enforce fully.
- Statutory backing would ensure the guilty are punished.

Against.

- Parts of the model code of conduct like on promoting enmity are covered under Representation of People's Act. Thus code is not purely voluntary.
- Cases could be dragged to court or higher courts and remain pending for years.
- The ^{statutory} code would inevitably infringe upon the powers of the Election Commission.
Given the Commission's stellar record, such interference seems unwarranted.
- In India, there is already problem of multiplicity of legislations.
- The Conduct MCOC. is in force for a few days merely. Statutory backing to code cannot radically reform our election system.
The deeper malaise of opaque party funding and lack of internal democracy in parties needs to be targeted before anything else.
Thus despite the fact that a Parliamentary Committee had recommended statutory status in 2013, there does not seem to be a strong case for the same.

7. The government cannot condition receipt of public benefits on waiver of fundamental rights. Discuss this statement in context of the recent issues raised in the Aadhaar petitions.

सरकार, जनता के समक्ष कल्याणकारी लाभों को प्राप्त करने के लिए, मौलिक अधिकारों के परित्याग की शर्त नहीं रख सकती। हाल ही में आधार कार्ड से सम्बंधित याचिका में उठाए गए मुद्दों के संदर्भ में इस कथन पर चर्चा करें।

Recently the Parliament enacted ~~the~~ The Targetted Aadhaar (Delivery of financial subsidies, Benefits and other Services) Act.

Positive features:

- 1) giving statutory backing to Aadhaar cards is a laudable step in itself.
- 2) Section 29 of the Act safeguards the privacy of individuals in strong terms. However Section 33 allows exceptions in the name of 'national interest'.
- 3) Language of consent in the Act. Thus people will be informed about the purpose and other features of the card at the time of enrollment.
- 4) undeniable potential to efficiently deliver subsidies and eliminate ghost beneficiaries etc.

Issues.

- 1) Section 7 of the Act makes it compulsory to enable have the card if one has to avail of government subsidies. This is despite Supreme Court rulings to the contrary.
- 2) Question of Privacy remains a matter of litigation.
- 3) Section 57 allows even private bodies to require Aadhar as a prerequisite for survey.
- 4) The act doesn't explicitly prevent linking of data across platforms and 'profiling of individuals'.
- 5) No explicit provision to regulate which biometric data can be collected. Even biometric intimate info like DNA can thus be collected.
- 6) The Act allows only the UIDAI to approach the court in cases of conflict complaints. There is a clear conflict of interest here.
- 7) Unclear how one can withdraw their name from the Central Identities Data Repository.
- 8) In a ^{govt-led} survey in Andhra Pradesh last year 48% of the respondents were unable to collect ration cards because fingerprint or Aadhar no. did not match. The Jashwanth Sinha Parliamentary Committee also noted that hard labour impacts fingerprints:
with adequate privacy safeguards and effective last mile delivery, Act could be a win-win.

8. Though the institutions protecting human rights and rights of the vulnerable sections are meant to act as watchdogs, they are treated as subordinate departments with scant regard for their autonomy or statutory character. Discuss the issues which these institutions are facing related to appointment, structure and functioning.

यद्यपि मानवाधिकारों और समाज के कमजोर वर्गों के अधिकारों की रक्षा करने वाले संस्थानों से इन अधिकारों के प्रहरी के रूप में कार्य करने की अपेक्षा की जाती है, लेकिन इन विभागों की स्वायत्तता या वैधानिक चरित्र के प्रति महज औपचारिक सम्मान प्रदर्शित करते हुए अधीनस्थ विभागों जैसा व्यवहार किया जाता है। इन संस्थाओं द्वारा नियुक्ति, गठन और कामकाज से संबंधित सामना की जा रही चुनौतियों पर चर्चा करें।

In India, we have a multiplicity of bodies which are meant to safeguard the interests of the vulnerable sections. These are the National Commission Human Rights (NHRC), National Commission for Minorities (NCM), National Commission for Women (NCW) and so on.

Appointments

◦ In the case of NHRC, it is a broad based panel which makes the appointments. Hence this, along with clear judicial majority in the structure of body are laudable. The appointments have not been politically motivated.

However in the case of the NCW, for example, appointments have not always

been apolitical and fair.

Structure

- The NHRC has its own secretariat which has enabled it to act effectively.
- The NCW has been complaining for long that it lacks teeth to implement its decisions.

Functions

- NHRC has done a laudable job of spreading awareness about human rights. It has also forged effective links with civil society.
However NHRC has limited powers with respect to the armed forces.
- The recommendations of bodies like the NCW are not binding though they carry moral weight.
A long pending demand of NCW to criminalise marital rape has been brushed aside by governments for a while now.
- Similarly governments regularly overlook the recommendations of the National and State Commissions for backward classes.
- Due to politicized appointments, spineless leaders have failed to carve a niche in the manner the election Commission did under Mr. Sheshadri.

9. Equality of seats among states in Rajya Sabha could not be adopted after independence because of the circumstances prevailing at that time. However, there is a need to take a fresh look at this. Evaluate.

स्वतंत्रता पश्चात् राज्यसभा में राज्यों के बीच सीटों की समानता की संकल्पना तत्कालीन परिस्थितियों के कारण नहीं अपनाई जा सकी। हालांकि इस पर नए सिरे से विचार करने की आवश्यकता है। मूल्यांकन करें।

Rajya Sabha represents component of federal Bicameralism in our polity. Currently the division of seats in the Rajya Sabha is based on population size. Thus while states like UP have some 80 seats, states like Arunachal have only 1 seat.

There is a case to reset this arrangement

- undue penalization for the smaller states and states with smaller population size.

- The Rajya Sabha represents the states. It is only fair that all states have an equal voice.

The Principle of one person one vote is already embodied at the level of Lok Sabha.

- During the Constituent Assembly debates KT Shah and recently, eminent

Intellectuals like Kuldip Nayyar have pleaded for parity in this respect.

- There is something regressive about punishing states who managed to control population size with a smaller voice.
- There is a clear divide whereby states in North India have failed at population management and South India has done much better. Skewed seat allotment across the two regions could fuel narrow regionalism.
- Even the Punchhi Commission on Centre State Relations recommended parity for states in this respect.

Thus while Indian model of asymmetric federalism has many positive features, the skewed seat division in Rajya Sabha demands urgent relook.

10. It is contended that the implementation of One-Rank-One-Pension (OROP) for the armed forces would create a severe strain on government finances. Explain the principles underlying the OROP and arguments that have been cited in its support as well as opposition.

यह दृढ़तापूर्वक कहा जा रहा है कि सशस्त्र बलों के लिए वन रैंक-वन पेंशन (ओ.आर.ओ.पी.) का कार्यान्वयन सरकार के वित्त पर एक गंभीर दबाव उत्पन्न करेगा। ओ.आर.ओ.पी. के अन्तर्निहित सिद्धांतों तथा इसके समर्थन एवं विपक्ष में दिए गए तर्कों की व्याख्या कीजिए।

One Rank One Pension for the armed forces
implies the following :-

1) It ~~seem~~ demands that people who retire from the same rank should get the same pension irrespective of when they might have retired.

Thus a colonel retiring in 1945 or in 2015 should get the same pension. This demand seems very fair.

2) Military personnel retire at an early age of 35. Thus their civilian counterparts go on to work till 60. The military personnel has more likelihood of retiring with a lower salary base and pension.

3) Moral obligation and question of morale of the forces.

challenges.

- 1) Perhaps the most daunting challenge is that of the financial bill of the OROP.
There is also a fear that others like paramilitary and state police would also place similar demands.
The cost would clearly be unsustainable then.
- 2) legal challenge - One who served as a Colonel for 5 years and other who served for 26 years cannot get the same pension.
Different terms of service are part of the job.
- 3) Administrative challenge - the records of pension are manual. It would be a challenge to go back to till 1940s and rework pensions etc.

Thus OROP continues to be thorny issue despite overwhelming public support.

11. Article 311 of the Constitution has been a matter of much debate. Arguments range from its retention in its present form, or even strengthening it, to its total deletion. Comment.

संविधान का अनुच्छेद 311 बहस का महत्वपूर्ण विषय रहा है। इस विमर्श में इसे वर्तमान रूप में ही बनाए रखने, अधिक सशक्त करने से लेकर इसके विलोपन तक के मुद्दे शामिल हैं टिप्पणी करें।

Article 310 of the Constitution provides that a civil servant shall serve as per the pleasure of the President or Governor. However Article 310 is hemmed in by Article 311 which among other things provides the bureaucrat with the right to be heard.

Article 311 basically:-

- provides a modicum of security of tenure
- safeguards against arbitrary removal.

It seems reasonable that the bureaucracy which is prone to undue influence from political class is provided these securities. It was hoped this will guarantee impartiality of action.

However, over the years the Article 311 has become a handy tool for byz corrupt bureaucrats to avoid penalisation.

This view was endorsed by the National Commission to Review the Working of the Constitution (NCRWC). It noted that Article 311 had led to complex, winding legal challenges and shielded the corrupt from swift action.

Even the Hota Committee noted that certain amendments are due. This will ensure that the corrupt don't have a convenient escape.

Also public trust would be cemented as they will perceive that the guilty are not let off.

There is a need for a balance in Article 311, between independence of bureaucrats and curbing malaise of corruption.

12. While Public Interest Litigations have provided access to justice for the poor and the marginalized sections of the society but many vested interests have also misused it. In this context, examine the utility of PILs as a tool of social justice.

यद्यपि जन हित याचिकाओं ने समाज के निर्धन एवं अधिकार विहीन वर्गों को न्याय तक पहुंच प्रदान किया है, लेकिन कुछ निहित स्वार्थों के कारण इसका दुरुपयोग भी हुआ है। इस संदर्भ में, सामाजिक न्याय के साधन के रूप में जन हित याचिकाओं की उपयोगिता का परिक्षण करें।

The Public Interest Litigations (PILs) are a major judicial innovation in India. In the Hussainar Khatoon case, the Court addressed plight of undertrials. In the Sunil Batra v Delhi case, Court accepted plea on a piece of paper.

Basically in PILs, the rule of Locus standi (only aggrieved can complain) is relaxed.

The Judiciary has proactively used the PILs to expand the ambit of rights available to the Common common man.

Some landmark decisions are associated with PILs. It was a PIL which led to unearthing of

the 2g scam. Again in 2014 a PIL following a CAG report led to landmark decisions on Coal Scam.

Last year, the landmark Shreya Singhal Judgement upholding free speech in cyber realm was based on a PIL.

However, there has been abuse of PILs too. Thus it was branded as 'Private Interest Litigation'. Individuals have resorted to PILs for self-aggrandisement.

Frivolous PILs have lead to a backlog.

Increasingly PILs draw attention to the inadequacies of the legislature and Executive. Critics argue such PILs often lead to undesirable phenomenon of 'Judicial overreach' and 'Judicial legislation'.

Nonetheless, PILs remain a big friends of the poor, illiterate and disempowered who have lost a voice of their own.

They also remain a major tool to seek accountability.

13. What do you understand by alternate dispute redressal mechanism? Discuss the various tools of ADR. In light of the problems faced by the Indian judiciary enumerate the advantages of Lok Adalats.

वैकल्पिक विवाद निवारण तंत्र से आप क्या समझते हैं? वैकल्पिक विवाद निवारण तंत्र (ए.डी.आर.) के विभिन्न साधनों पर चर्चा करें। भारतीय न्यायपालिका के समक्ष पेश आ रही समस्याओं के आलोक में लोक अदालतों के लाभों का वर्णन करें।

Alternate Dispute Redressal means resolution of disputes without a trial. ADR constitutes mechanisms like arbitration, conciliation, mediation and so on.

ADR is known to time-saving, cost-effective. It is also a neeg need, given the massive pendency in our Courts.

ADR adopts a non-adversarial mode and doesn't lead to bitterness.

Recently, the Parliament enacted the Arbitration and Conciliation (Amendment) Act, 2015. It has introduced time bound disposal of cases and will align India with global arbitration standards. The amended act does much to popularize ADR and make India an investor friendly.

destination.

Lok Adalats suffer from lack of acceptance among the public. There is awareness deficit regarding it's benefits.

14. Bringing political parties under the ambit of RTI will not only usher accountability and transparency in governance but will also be a major step towards electoral reforms. Discuss.

राजनीतिक दलों को सूचना के अधिकार अधिनियम (आर.टी.आई.) के दायरे में लाने से न केवल पारदर्शी एवं उत्तरदायी शासन की शुरुआत होगी बल्कि यह चुनाव संबंधी सुधारों की दिशा में एक बड़ा कदम होगा। चर्चा करें।

The Chief Information Commission (CIC) implements the Right to Information Act, 2005.

In 2013 the CIC had held six national parties to be 'public authorities' under the RTI Act as:-

- 1) They execute functions which are public in nature.
- 2) They draw tax exemptions, free air time on AIR, door-darshan and rent-free land etc from public money

Parties across the spectrum

Bringing political parties within the ambit of RTI would lead to reform in

- ① Lack of Internal Democracy - Parties

are run as personal fiefdoms. There is
'dynasty' and 'supremo culture'.

2) Financing - associated with the problem of black money and wrong capitalism.

Parties have openly defied the mandates of the CIC.

- This also underscores the fact that CIC is bereft of tools to enforce its decisions.

- Such open defiance by parties bodes ill for our democracy.

Their reluctance to come under RTI Act remains unexplained. Concerns regarding party strategy, distribution of tickets etc can be safeguarded through exceptions and exemptions.

- Political parties are the engines of representative democracy.

Bringing of RT parties under RTI would be the most pathbreaking electoral reform in recent history.

15. A generational shift in railway operations is required. In light of this, discuss the need for an independent tariff and safety regulatory authority of India.

रेलवे के संचालन में आमूलचूल परिवर्तन की आवश्यकता है। इस तथ्य के प्रकाश में, भारत के लिए एक स्वतंत्र प्रशुल्क टैरिफ एवं सुरक्षा नियामक प्राधिकरण की आवश्यकता पर चर्चा करें।

The urgent need for an independent Railway Tariff and Safety Regulatory Authority can be explained as follows:-

- ① The authority would de-link fares from populist pressures.

Till now, Railway Board has been responsible for setting fares. The Board is susceptible to political pressure.

Commercially unviable tariffs have led to crippled infrastructure, congestion and poor safety and hygiene in our railways.

Also, cross subsidization of passenger tariff with freight tariff has harmed industry and is environmentally damaging.

- ② The authority would seek compensation from the government if its tariff

status etc are overlooked. This is essential for financial health of railways.

③ The authority would ~~act~~ ensure fair play for private investors. It is thus essential to attract fresh investments and create a level playing field.

④ Finally the Authority would set norm norms regarding hygiene, safety etc and generally enforce standards of service delivery.

Railways has been the biggest casualty of populism. It is time to undo the damage.

16. It has been argued that the 'First past the post' system fails to represent the will of the majority and encourages vote-bank politics. In this context, examine whether India should adopt Proportional Representation System to reform our electoral process.

यह तर्क दिया जाता है कि 'फर्स्ट पास्ट द पोस्ट' प्रणाली बहुमत की इच्छा का प्रतिनिधित्व करने के स्थान पर वोट बैंक की राजनीति को प्रोत्साहित करती है। इस संदर्भ में, इस बात का परिक्षण करें कि क्या भारत को अपनी चुनावी प्रक्रिया में सुधार करने हेतु आनुपातिक प्रतिनिधित्व प्रणाली अपनाना चाहिए?

The First Past The Post System was adopted because it was relatively inexpensive, not complex and suitable for our country as a strong government was required to tide over the many challenges of partition and nation building.

However, FPTP often fails to reflect the voice of the people. For example in 2009 the Indian National Congress managed 262 seats with only 37% of the votes.

Similarly in 2014 the BJP managed 282 seats with merely 31% of the votes. These trends clearly indicate fragmented nature of voter base.

Thus FPTP privileges the larger party with more seats and penalizes smaller parties.

However this failure of FPTP does not make a case for Proportional Representation.

Traditionally Proportional Representation is known to generate a proliferation of political parties.

This is any way happening in India as is evident from the rise of regional parties.

FPTP thus has produced the kind of diversity outcomes which are generally seen in Proportional Representation.

Also it is known that Proportional Representation encourages divisiveness and identification with narrow identities and interests.

Finally taking into account the complexity and expensive nature of Proportional Representation, it does not seem appropriate for India.

17. Independence of judiciary and separation of powers, both are part of the basic structure of the constitution. In this context, discuss the recent Supreme Court judgment on the constitutional validity of the National Judicial Appointments Commission.

न्यायपालिका की स्वतंत्रता एवं शक्तियों का विभाजन, दोनों संविधान के मूल ढांचे का हिस्सा हैं। इस संदर्भ में, हाल ही में सुप्रीम कोर्ट द्वारा राष्ट्रीय न्यायिक नियुक्ति आयोग (एन.जे.ए.सी.) की संवैधानिक वैधता पर दिए गए निर्णय पर चर्चा करें।

French political philosopher Montesquieu laid down the doctrine of 'separation of powers'. It demands separation of powers and internal checks and balances between three organs of the state - legislative, executive and judiciary.

The 99th Constitutional Amendment Act provided for the National Judicial Appointments Commission (NJAC). The NJAC was supposed to supersede the Collegium system for appointments and transfers in higher judiciary.

The Basic Structure Doctrine espoused in the Keshavananda Bharti Case (1973) had identified separation of powers as a basic feature of our constitution.

Against this background, the Court held the NOAC to be unconstitutional and void. This was primarily because the NOAC, owing to its composition lacked clear judicial primacy and there was a chance that it might come under the control of the Executive.

Given the fact that it is the Central and State governments which are litigants in most cases before the court, the need for impartial and independent appointments, based on merit alone is clear.

Court recognized the danger that a corrupt quid pro quo could be between self-seeking judges and political class could emerge.

The Court's decision also recognizes its responsibility to a of Judiciary to act as a check on the Executive and Legislature.

It bolstered the already bright perception of Judiciary in the eyes of the people.

However the agenda remains unfinished as the opaque ~~at~~ Collegium System with no Constitutional sanction is in dire need of Reform.

18. AMRUT gives state governments the flexibility in designing schemes and eases central monitoring. Explain. How far can it recast the urban landscape of India?

अमृत (AMRUT) राज्य सरकारों को योजनाओं के प्रारूप निर्धारण के सन्दर्भ में लचीलापन प्रदान करता है तथा केंद्र द्वारा की जाने वाली मॉनीटरिंग को आसान बनाता है। वर्णन करें। भारत के शहरी परिदृश्य को यह किस हद तक पुनर्निर्मित कर सकता है?

The AMRUT mission is meant to revive urban infrastructure. It is meant to transform the transport infrastructure and the like in Urban India.

The recent Chennai flood underscores the need of the AMRUT to facilitate planned urban growth.

Along with the Smart Cities and Digital India mission, it is a step towards re-vitalisation of Urban India.

In keeping with the idea of cooperative federalism AMRUT allows states flexibility in planning and implementing. This is only given since the one

size fits all model is unsuitable for
diverse regional needs.

19. There has been a tendency to resolve specialized cases faster through the means of Tribunals. In light of this, discuss the issue of increasing "tribunalisation" of courts in India.

न्यायाधिकरण जैसे साधनों के माध्यम से विशेष मामलों को तेजी से हल करने की प्रवृत्ति देखी जा रही है। इसके सन्दर्भ में, भारत में न्यायालयों को न्यायाधिकरणीकृत करने की बढ़ती प्रवृत्ति के मुद्दे पर चर्चा करें।

In 2014 the Court struck down the National Tax Tribunal for encroaching upon powers of the Higher Judiciary.

The Court has recognized that the Parliament is entitled to establish Tribunals under Article 323A and 323B of the Constitution. However, the central issue has been that packing these tribunals with bureaucrats undermines judicial supremacy and the independence of Judiciary.

The Court noted that it cannot be argued that matters like taxation don't require contemplation on any substantial question of law. For ex., taxation might need deliberation on

the Undivided Hindu Family law.

In the Chandra Kumar and National Company Law Tribunal (NCLT) cases court laid down clear guidelines for Tribunals. It held that persons in Tribunals replacing the Court should be as competent as the Judges.

A Vidhi Centre for Legal Policy Research Report has identified as many as 29 Tribunals.

Given their reach, it is important that the Court's guidelines are adhered.

For Justice from an incompetent and unjust trial is only a injustice.

The Parliament must ensure that questions requiring deliberation from trained judicial minds are treated so.

20. While the 73rd and 74th constitutional amendments provided for representation to women in local governance, much work remains to be done to ensure their true participation, given their present socio-economic conditions. Comment.

यद्यपि 73वें और 74वें संविधान संशोधन ने महिलाओं को स्थानीय शासन में प्रतिनिधित्व प्रदान किया है, लेकिन उनकी वर्तमान सामाजिक-आर्थिक स्थिति को देखते हुए, महिलाओं की वास्तविक भागीदारी सुनिश्चित करने के लिए बहुत कुछ किया जाना शेष है। टिप्पणी करें।

The 73rd Constitutional Amendment Act gave Constitutional space to Panchayati Raj Institutions (PRIs) and made India a multi-layered federation.

The act mandates 33% reservation for women in all layers of PRIs.

Impact:

- 1) myth that women are disinterested or incapable of serious political engagement busted.
- 2) regressive practices like accompanied mobility for women challenged.
- 3) open a web of discrimination, across caste, gender, class operates in rural hinterland. All these false premises of subversion challenged.
- 4) enhanced self-esteem for women.

Benefits

- 1) more willingness to send girls to school.
- 2) Elected Women Representatives raise women-centric issues like water, firewood, domestic violence.
- 3) In states like UP and Bihar, marked improvement in demographic indicators.
Forex - Bihar hiked reservation for women to 50% in 2006.
Infant mortality Rate (IMR) fell from 64 to 43 b/w 2002 to 2012.
- 4) better awareness in women folk regarding rights.

Challenges:

- 1) women's participation dependent on family approval
- 2) problem of proxy-pradhans and empowerment only in name.
- 3) education and training deficit.
- 4) elite capture of PRIs.
- 5) violence which often scares away women
- 6) inadequate devolution of funds and functionalities leads to disappointment from women representatives who ride to power on much hope.

Both Gandhian ideal of Gram Swaraj and women empowerment remain work under progress.