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GENERAL STUDIES (TEST CODE : 766)

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Medium Hindi/Eng.	ENGLISH	Registration Number	9704
Center	(ONLINE)	Date	26/08/2016

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	12.5	
2	12.5	
3	12.5	
4	12.5	
5	12.5	
6	12.5	
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 Best

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।

Article 169 of Constitution of India provides for legislative council in states. Some states like U.P., A.P., Karnataka etc. have bicameral legislatures.

Although these councils have very less powers regarding to even ordinary legislation as they can only halt the legislation for maximum of four months, but despite these constraints they have many utilities :-

- ① To prevent lower house from enacting hasty legislation.
- ② Providing representation in state level legislature to groups like teachers, local governments and graduates etc.
- ③ Harnessing energies of various experts from fields like science, art etc. for Public benefit.
- ④ For providing much need continuity for legislatures, as they are permanent and

not subject to dissolution.

Procedure for setting up and abolishing Councils:
Constitution has prescribed following procedure:

① First, Concerned state will have to pass the resolution for creating / abolishing Councils by $\frac{2}{3}$ rd majority.

② Then parliament will have to pass the bill with simple majority. It will not be considered an constitutional amendment.

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?

यहाँ कुछ लोगों का तर्क है कि संविधान का अनुच्छेद 3 राज्यों की कीमत पर केंद्र को अतन्त्र शक्तियाँ 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 empowers the parliament to change boundaries, names etc. of existing states and forming new states with merger or redrawing. Virtually it empowers the parliament to redraw the political map of India on it's will.

Although, there are two requirements in this regard, prescribed by the Constitution:-

- ① Such a bill should only be introduced with the prior consent of president.
- ② Parliament should consult concerned States.

But the Supreme court has ruled that states consent are is not ~~max~~ binding on parliament, it can proceed anyway. And such a bill can be passed by only with simple majority and it would not be considered a constitutional amendment as far as article 368 is considered.

So we have seen that in this scheme balance is tilted on union side. But if we see the constitutional history of India, Article has never been used in an arbitrary manner. Whether it be Maharashtra (Gujarat) Punjab (Haryana or more recently A-P) Telangana. This power is used only when peoples themselves have wanted it.

Now, as far as the co-operative spirit is considered, It has to be balanced with overall national interest and Article 3 has served its purpose till now and served it well. There can be small modifications like discussion in Interstate Council should be mandatory and states view should be taken into consideration but there is hardly any need to overhaul the whole provision.

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 करो। इनके अतिरिक्त, हाउस ऑफ कॉमन्स और भारतीय लोक सभा के गठन की प्रक्रिया और शक्तियों की तुलना करें।

In Britain, Parliament is Sovereign and Supreme and in India and USA Legislatures are not supreme but peoples are.

This is well established by USA's 'declaration of Independence' and India's 'Preamble'. Both of the countries are republic while Britain is constitutional monarchy.

In most matters British ~~parliament~~ House of commons is more powerful than our 'Lok Sabha'. Following reasons are responsible for it:-

- ① Republican nature of Indian state.
- ② Federalism also puts some restriction on power of Lok Sabha while Britain is a 'Unitary' nation.
- ③ India has independent Judiciary while in Britain House of commons is final interpreter of Constitution.

- ④ Rajya Sabha being Council of states restricts some powers of Lok Sabha, This is not the case in Britain.
- ⑤ Lok Sabha can't amend the Basic structure of India's constitution but there is no such restriction in Britain.
- ⑥ Rajya Sabha being more powerful than British House of Lords restricts the power of Lok Sabha more effectively.
- ⑦ Institution of President in India is more effective and powerful than king's also restricts the powers.

As regards to the organisation both are elected houses of Parliament. But in Britain only a member of house of Commons can become P.M., this is not the case in India.

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 inserted in constitution of India by 42nd amendment. Article 51-A provides for fundamental duty, they are enumerated below:-

- ① Respecting the ideals and institutions of constitution of India.
- ② Honouring National symbols.
- ③ Preserving the composite heritage of our country.
- ④ Cherish the ideals developed in our freedom struggle.
- ⑤ Protect and improve natural environment
- ⑥ Promoting unity and harmony transcending the regional and religious barrier.
- ⑦ Safeguarding public property and abjure violence.
- ⑧ To strive for excellence in all spheres.
- ⑨ To send school, the children between 6-14 years

Now, without fundamental rights it is not possible to lay the foundations of a genuine democracy but citizens while enjoying these rights should also adhere to some duties necessary for national and social betterment and progress. but this must be stated here that compulsory fundamental duties may lead to subversion of fundamental rights and democracy itself. So, while they are a very good instrument for national policy they should be very carefully prepared and implemented.

The balance between them is 'sine qua non' for progress of the society and the nation.

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?

The question of appointment and removal of governor in our country is indeed a very important one. Both Sarkaria Commission and Punchhi Commission have recommended a fresh look and procedure for this purpose.

- As of now governor enjoys the office on the pleasure of the president.
 - We have seen governors been treated as political footballs after the change of government at centre.
 - Governors hold considerable discretionary powers with regards to affairs of state.
 - We have followed the Canadian model for appointment of governor by Centre.
 - In the scheme of co-operative federalism this issue must be looked with a fresh viewpoint.
- following measures are recommended by Centre-State Relation's Commission in 2006

to rectify the process :-

- ① Governor should be appointed by a 3 member Committee - PM, Leader of opposition and Chief minister of state.
- ② His removal process should be made similar to that of a SC Judge.
- ③ He should be given fixed tenure.
- ④ He should be a person from non-political background.
- ⑤ He should be from other state.
- ⑥ He should be an eminent person in some walk of life.
- ⑦ His discretionary powers should be decreased in the light of co-operative federalism.

So, Yes we need to look this with a fresh view as we embark on the path of co-op federalism.

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।

Model code of conduct was a voluntary code by the political parties themselves which was enforced by then election commissioner T.N. sheshan. MCC contains various Do's and Don't's as regards to the campaign and conduct of elections. It comes into force with the announcement of elections. We have seen that many times political parties flout these regulations as there is hardly any penal action. Commission serves them a show cause notice, which they are required to answer. but as of now there is no concrete penal provision. Making

MCC a part of RPA 1951 is a much needed step which will give it a solid legislative backing. On the basis of properly framed law election commission will be able to take appropriate action against offenders and it will make

democracy in our country more effective.
It will have long long term effects on
Indian election process.

The legislation should
also contain the matters regarding the use
of money power to influence elections,
which is a dire need.

So, Yes Mcc should
be incorporated into RPA 1951 with a more
concrete and solid framework to make the
election process more transparent and efficient.

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।

Waiver of fundamental rights is not a necessary condition for disbursing public benefits. Alternate ways must be ~~found out~~ devised.

Now, As the parliament passed the Aadhar Bill. these are the issues raised:-

- ① Right to privacy is violated through pooling and using the public data.
- ② They are concerns regarding security of such database.
- ③ An individual's biometric and other details can be disclosed to security agency either by a court order or by the order of officer of joint secretary or above rank in the interest of national security.
- ④ People can not go to courts regarding any of the matters unless application is forwarded by UIDAI.

The counter of these concerns are that :-

- ① Right to privacy is not a fundamental right and beneficiary is informed about the usage of his data.
- ② Government says that database is secure.
- ③ provisions regarding use of data for national security :- such provisions exists in major democratic countries.
- ④ It will increase the efficiency of government programmes and transfers.

So, in general fundamental rights should not be damaged in order to gain some temporary profit. as this will be detrimental in the long run. But we as we have seen there is no fundamental rights violation as far as Aadhar bill is considered. there are some issues but they are hardly related to FRs.

All in all we should make efficient procedures for receipt of public benefits but fundamental rights should be respected supremely.

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।

India is a signatory to the UN declaration
Convention of human rights and has established
National human rights commission and state
human rights commissions. These commissions
are backed by parliamentary statutes. Various
issues related to them are listed below:-

(members of NHRC)

- ① They are appointed by 6 member committee
headed by PM and it consists of leader of opposition
in ~~both~~ both houses, speaker, deputy chairman
and home minister.

We have seen that many
times there are delays in appointments. So
a permanent secretariat should be formed
to scrutinize applications. ~~for broader~~ It
will be helpful to eliminate the delays.

② They consists of a chairman (retired CJJ) 2 more judicial members and two members with practical experience in human rights. ^{this number} is very smaller considering the no. of cases they are getting so it must be expanded and it's composition should be made broader.

③ Although it has a wing dedicated to investigation there is a need to strengthen it.

④ It should be empowered to not only recommend but direct compensation for victims.

⑤ The 1 year period restriction which binds the commission to take account only of 1 year old events should be modified.

⑥ More budget should be allocated to NHR for better information and awareness campaign.

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।

This issue is an important and relevant question of today's Indian polity. The arguments for equal representation are given below:-

① 'Lok Sabha' that is house of peoples is already giving representations based on population. So, 'Rajya Sabha' which is essentially 'Council of States' should represent the states.

② there is extreme inequalities in seats allocated to various states in Rajya Sabha it varies from 1 of Tripura to 31 of U.P.

③ 'Rajya Sabha' has special powers as per article ²⁵³~~249~~ and 312 which are related to states. So equal representation will make sure that some states will not be able to ignore majority of smaller states.

④ It will also lead to increased political participation from relatively smaller states and disparity between them will be lessened.

But there are various arguments such as MP's vote on party lines and not on regional line so this will be pointless etc.

But this is a good and necessary step for strengthening india's federalism and will ensure sort of equitability between states

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 वृद्धतापूर्वक 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।

The OROP issue is ~~long~~ a demand from Ex army-men that men with same years of service and same rank at retirement should get same pension benefits. This issue is lingering on from very long time. and govt has come out with plan to implement OROP but service men are not much supportive of it.

→ arguments for OROP

- ① It is a logical ~~stre~~ scheme as the pensioners with same years of service and same rank will get same pension
- ② It is already being given to civil servants so no reasons for excluding army-men.
- ③ This is also an issue of social consideration as younger people are getting more pension with ~~more~~ ~~it~~ even less years of service or rank.

④ there are two points of contention in govt plan :-

① revision of pension every 5 years. Servicemen want it every year.

② Pre-mature retirement will not fetch these benefits.

⑤ many decorated soldiers are agitating for OROP.

arguments against:-

① It will increase govt. expenditure.

② It can increase Fiscal deficit.

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।

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।

'Public Interest Litigation' is a Judicial Innovation started mainly by Justice P.N. Bhagwati.

Since the PIL have been introduced we have seen many decisions which have had marked impact on poors and marginalized section of society. some examples may include:-

- ① Vishalcha Case - for guidelines against sexual harassment at work place.
- ② Shreya singhal Case - for preventing the misuse of a section in IT act.
- ③ Lily thomas Case - strict norms against criminalization of politics
- ④ RTI movement and sc decision on food entitlement.

there are many other cases related to general matters and matters of immediate relief.

But, we have also seen the use of PZL to settle corporate or political rivalry. These are also used by corporates and political classes to damage their competitors. In recent times, there have been a marked increase in such cases.

But PZL as a tool of social Justice has done exceptionally well and it should be continued in general ~~the~~ interest of people. Various Ngo's and individuals who are using PZL's for ensuring social justice and welfare of poor and marginalized sections of society. However we have seen many times that although Judicial pronouncements have been done executive action has often been lacklustre this should be rectified and PZL's should continue with even more vigour to ensure social justice.

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 mechanisms means other ways other than Courts to settle disputes. Some examples of ADR are.

- ① Arbitration and conciliation
- ② Plea bargaining
- ③ Other compromise mechanisms.

Indian Courts, as of now has millions of cases pending in high courts and more than 50,000 in the supreme court.

the courts are understaffed, overburden and they have inadequate infrastructure. So on the one hand we should reform and strengthen the judiciary and on the other hand we should promote ADR.

Lok adalats are a brilliant innovation in ADR. If implemented efficiently they will deburden the judiciary.

They have following advantages:-

- ① They generally work at block level so they are easily accessible.
- ② They ~~are~~ concentrate on ~~comprom~~
Compromise and conciliation.
- ③ They have both criminal and civil jurisdiction and their award is binding so they can de burden the higher courts.
- ④ They are less costly (or even cost less) and this will increase access to justice.
- ⑤ It also involves social workers etc. so there are added advantages.

So Lok Adalats can solve many problems related to judiciary like access, cost etc. but it has to be kept in mind that while these need to be promoted higher judiciary must be strengthened in order to make judicial functioning smoother and convenient to peoples.

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।

Bringing political parties under RTI is a major issue currently faced by our country. Arguments in favour of bringing them under the ambit of RTI is:-

- ① They receive substantial funds from general public.
- ② Political parties being leader of people should take lead in transparency and accountability.
- ③ Their nature is public, although they are not a govt body but there are intimately connected with the public.
- ④ It will curb illicit money flow in politics and curb criminalization of politics.
- ⑤ It is citizen's right to know about political parties and their functioning in a democracy.
- ⑥ This will bring more transparency in the governance also.

- ① These reforms will go a long way to better the electoral process.
- ② It will make accountable parties and lead to accountable governance.

But most of the political parties are opposed to it for one or other reasons. They should be taken on board and this should be discussed thoroughly with all the stakeholders and then after consensus public building should be implemented on a priority basis.

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।

In line of developmental and other requirements faced by India there is a big leap required in the railways to make it more efficient and advance.

absolutely and there is a need for an independent tariff and safety regulatory body. this has also been proposed by Railway ministry itself. following are the issues involved:-

- ① there is a need to balance the skew between passenger and freight rates for developments of railways. for this we need an independent tariff setter which should recommend the govt. compensation to the railways for subsidised passenger fares.
- ② need of independent regulator is also important in the light of private sector entry, it is needed to provide them a level playing field.

- ③ As of now safety audit of Railways is done by Aviation ministry. In light of increased derailling cases and other problems a professional and independent safety regulator is needed.
- ④ Currently there are huge infrastructural needs of railway which 'need the private sector investment which will come with ease if independent regulator exist.
- ⑤ As we have seen in the case of container operators these steps will bring much needed efficiency. and independent regulator will also help settling disputes between various bodies -

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?

First past the post system :- In this system elections ~~are~~ take place in territorial constituencies and if candidate of a party wins the seat goes to that candidate and party. Proportion of votes does not matter.

Proportional representation :- parties get seats in proportion to their share of total votes.

⇒ arguments for First past the post :-

- ① more suitable for a ~~so~~ diverse country like India
- ② simple to understand
- ③ Better Voter - representative contact.
- ④ Proportional representation promotes group interest.
- ⑤ We have experienced this system during British rule.

arguments against FPTP :-

- ① minor differences in vote share leads to major changes in seat share.
- ② does not effectively represent minorities.
- ③ many votes find no presentation.

So, in light of these arguments we see that our founding fathers clearly made better decision. although there are some problems of FPTP but despite that it is more suitable to Indian conditions. Because Pro. rep. will lead to group thinking and impersonal voting system will dilute accountability of the elected.

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।

In many cases followed by 'Keshavananda' Supreme Court defined Judiciary and Separation of powers as basic structure of Constitution.

Recently the NJAC act passed by parliament was declared Null and void by a Constitutional bench of SC.

NJAC

sought to end the collegium system of appointing judges. Collegium system was marked by secrecy and there were some allegations of inconsistencies. this system was developed by itself in 2nd and 3rd Judhis case.

NJAC sought to replace Collegium with a permanent commission to scrutinize the applications and appoint the judges.

The Commission consisted of 6 members. ~~So~~
CJI was to be the head of commission and
members were also to be nominated by govt.
One member was to be nominated by committee
consisting of CJI, PM and leader of opposition.

Overall constitution of commission
was such that it was possible for
non-judicial members to stall the will of
judicial members although they by themselves
could not appoint anybody.

This was
treated by SC as encroachment of
executive into judiciary which is
against separation of powers and
independence of judiciary and this
led to quashing of whole NJAC
act.

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 मन्दर्भ 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?

AMRUT is a renovation of erstwhile JNNURM with some major and minor changes. This plan have provided flexibility to states in order to design and implement these schemes according to their need. It can change the urban landscape in following way:-

- ① Coupled with Swachh Bharat (Urban) It can lead to cleaner urban landscapes.
- ② It can help clear transportation problems in cities. with effective planning and implementation traffic congestion can be handled.
- ③ PM Awas Yojana (Urban) along with Amrut can lead to better and livable places.

① States can plan and implement infrastructural projects according to their need.

But there are some constraints also in implementing the scheme, like:-

- ① Paucity of funds.
- ② Lack of expertise in Urban local governments.
- ③ Lack of planning on the parts of some state govt.

So a milestone linked incentive based scheme will go a long way to address these issues and lead to a sustainable and better urban landscapes.

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।

Reasons for 'tribunalisation' :-

- ① Some tribunals were provided by Constitution like article 262 - Inter State water disputes tribunal.
- ② Due to increased pendency in Judiciary tribunals became necessary for resolution of specialised cases.
- ③ Some cases required specialised knowledge and are more suited for tribunals.
- ④ need of speedy disposal of some cases.
- ⑤ Some examples :- Central/ State administrative tribunal, Company law tribunal, Commercial courts, courts set up under SC/ST act etc.

Most of these tribunals came as a result of Judiciary's inability to dispose off cases speedily.

However increasing tribunals above a threshold could be detrimental and can be seen as an encroachment upon the authority of higher constitutional courts.

Such ~~tribunals~~ tribunals can also ~~not~~ suffer from narrow sectoral view instead of a comprehensive and constitutional view.

So Tribunals should be maintained in some limited cases when they are absolutely necessary and their numbers should not be inflated above a limit. and at the same time there is dire need to solve the problem of pendency so that regular courts can dispose off cases more speedily.

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 and 74th Constitutional amendments which inserted Schedules 11 and 12 to Constitution of India provided for $\frac{1}{3}$ reservation for women in local govts at all levels.

But as now this representation is not wholly utilized in true sense. As it can not be expected that women can be politically equal with while at same time being weaker in social and economic dimensions.

It is seen that many women candidates are proxies for their husbands or fathers. They are merely a face in the election and actual affairs are run by their male relatives.

However it has been seen that election of a woman in the area makes women ~~not~~ more

frank in advancing their demands. But the dividends are very low considering the magnitude of reservation to women.

So it is necessary to ~~make~~ empower women socially and ~~not~~ economically so that they can develop independent approach towards things.

Women education and their labour force participation should be increased to achieve this goal so that they can avail full benefits from these provisions and empower themselves.

Training of women representatives and encouragement for taking part in various developmental activities should also be considered to ensure their true participation.