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T-6

GENERAL STUDIES (TEST CODE : 2071)

Name of Candidate	Dev Vrat Joshi		
Medium Eng./Hindi	English	Registration Number	505389
Center	Online	Date	27/07/23

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	10	
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16	15	
17	15	
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20	15	

Total Marks Obtained:

Remarks:

INSTRUCTIONS

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

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EVALUATION INDICATORS

1. Contextual Competence
2. Content Competence
3. Language Competence
4. Introduction Competence
5. Structure - Presentation Competence
6. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

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All the Best

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1. There are arguments that bills of national importance should be placed before the Inter-State Council prior to their introduction in the Parliament. Discuss in light of the issues that have been observed in the passage of bills in the Parliament in recent times.

(150 words) 10

यह तर्क दिया जाता है कि राष्ट्रीय महत्व के विधेयकों को संसद में पुरःस्थापित किए जाने से पहले अंतर-राज्य परिषद के समक्ष रखा जाना चाहिए। हाल के दिनों में संसद में विधेयकों के पारित होने के दौरान अवलोकित मुद्दों के संदर्भ में चर्चा कीजिए।

The constitution provides for an Interstate Council under Article - 262. These are set up by president and must meet frequently to provide consultative federalism.

Issues observed in recent times in passage of bills -

① Rasty passage of bills without proper debates.

↳ As per ADR, per bill discussion time has reduced significantly.

② Circumventing the committee scrutiny. → not referring for committee stage.

③ Misuse of money bill provision to pass bills circumventing Rajya Sabha. (eg) Adilhan Case.

④ Not following proper state ratification. (eg) As was seen in Multi State Cooperatives Bill

Thus, prior to parliament, bills can be put on interstate council.

① Will help allay federal concerns

② Aligned with recommendations of Sarkaria Commission (1988).

③ Cooptive federalism as per Punchhi Commission.

④ Will build better consensus. Thus, Interstate council can help provide a more democratic approach to national legislatures

2. Discuss the role played by the Directorate of Enforcement in the investigation of offence of money laundering and violations of foreign exchange laws. (150 words) 10

मनी लॉन्ड्रिंग के अपराध और विदेशी मुद्रा कानूनों के उल्लंघन की जांच में प्रवर्तन निदेशालय द्वारा निभाई गई भूमिका पर चर्चा कीजिए।

Enforcement of money laundering laws and foreign law are handled by statutory body of Enforcement Directorate. It works under the Department of Revenue in Ministry of Finance.

Role Played by ED in investigation of offences.

① Works under laws like FEMA, 1999, PMLA, 2002, Fugitive Economic Offenders Act, 2018, COFEPOBA, etc.

② It is a multidisciplinary body that investigates money land-

- ring, tax evasion manipulation, etc.
- ③ Files an Enforcement Case Information Report (ECIR) to book for offences.
 - ④ As per Supreme Court, it's members are not part of police when enforcing such laws.
 ↳ Thus, self incrimination clause is taken away.
 - ⑤ Has expertise in cross border financial crimes.
 - ⑥ Helps to align Indian laws with FATF guidelines.

Thus, Cd is ensuring the probity in country. It must also ensure that it is equipped to deal with modern crimes

like use of crypto for money laundering

3. The Indian Constitution has been successful in providing a framework for liberal democracy to flourish in India. Analyse. (150 words) 10
भारतीय संविधान भारत में उदार लोकतंत्र के विकास हेतु एक ढांचा प्रदान करने में सफल रहा है। विश्लेषण कीजिए।

The Indian Constitution has ensured that liberal democracy flourishes and at the same time democratic institutions are safeguarded.

Constitutional framework for liberal democracy.

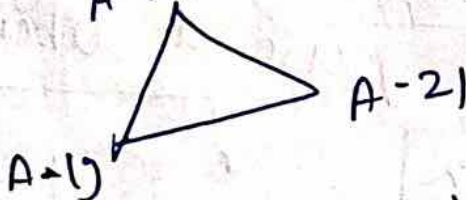
- ① Article-15 - ensures freedom of speech and expression.
↳ foundation of a liberal democracy.
- ② Article-21 ensures right to life and personal liberty.
- ③ Article-32 - The very soul of the constitution and the very heart of it - as per Dr Ambedkar.

↳ Also, ensures liberty is maintained via Writs @ Mandamus.

④ Article-17 have ensured that civil rights are not violated.

⑤ Strong constitutional bodies like CAG, Election Commission, UPSC, etc. that are fiercely independent.
 ↳ protect democratic institutions.

⑥ Article-14 completes the golden trio of liberty



Thus, Indian constitution provided a robust and liberal democracy with sufficient checks & balances.

4. The Central Information Commission plays a key role in empowering people through information. In this context, discuss the issues faced by it and suggest measures that are required to strengthen the institution.

(150 words) 10

केंद्रीय सूचना आयोग सूचना के माध्यम से लोगों को सशक्त बनाने में महत्वपूर्ण भूमिका निभाता है। इस संदर्भ में, इसके द्वारा सामना किए जाने वाले मुद्दों पर चर्चा कीजिए और इस संस्था को मजबूत करने के लिए आवश्यक उपायों का सुझाव दीजिए।

Central Information Commission is a statutory body established under the Right to Information Act, 2005. It is the highest appellate body at center level for appeals.

Issues faced by CIC.

- ① The recent amendments to CIC in 2019 have diluted the safeguards and independence of CIC.
- ② It has reduced the tenure from 5 to 3 years.
- ③ Salaries and terms of conditions are now as per

centers discretion.

- ④ Huge backlog of appeals that are unresolved.
 - ⑤ Large number of vacancies.
 - ⑥ It still does not have an oversight over State Information Commissioners (SICs).
 - ⑦ Since, government appoints its members, it can dilute independence.
- Way Forward.
- ① Can be given a Constitutional status.
 - ② A more diverse collegium for appointment.
 - currently dominated by center.
 - ③ Working conditions must be fixed and not changeable after appointment.
- Thus, CEC can be overhauled by providing more independence and powers as were there

5. What do you understand by the "principle of subsidiarity"? Discuss its importance in the context of India. (150 words) 10

"समनुषंगिता के सिद्धांत" से आप क्या समझते हैं? भारत के संदर्भ में इसके महत्व की विवेचना कीजिए।

Principle of subsidiarity involves providing as much autonomy to the lower levels of governance as possible. It ensures that higher levels take up cases only when lower levels cannot handle them.

Importance in Indian Context:-

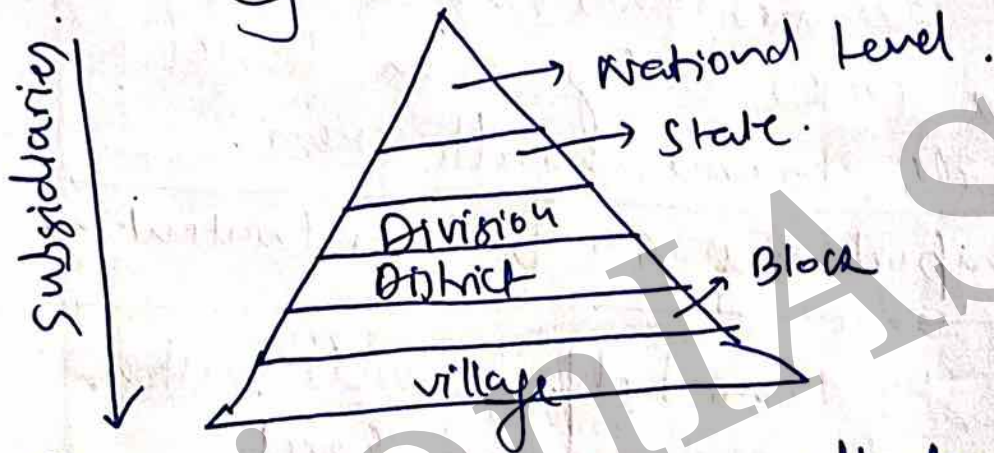
① It can help provide autonomy to grass root level governance institutions.

eg) Taxation powers to Panchayats.

② Ensures that higher levels manage overall framework while lower levels implement them.

③ Effective in creation of participative democracy that is decentralized.

④ Very effective for Indian federation
eg In multi-level planning.



⑤ However, it requires effective delegation of resources, funds, human capital, etc.

Thus, principle of subsidiarity can help fulfil goals of Gram Swaraj and a more granular governance.

6. Bringing out the differences between political parties and pressure groups, discuss how pressure groups play an important role in improving governance and democratic processes in India. (150 words) 10

राजनीतिक दलों और दबाव समूहों के बीच विद्यमान अंतरों को स्पष्ट करते हुए, चर्चा कीजिए कि भारत में शासन (गवर्नेंस) और लोकतांत्रिक प्रक्रियाओं को बेहतर बनाने में दबाव समूह कैसे महत्वपूर्ण भूमिका निभाते हैं।

Political parties are associations that directly participate in democratic processes while pressure groups aim to influence policy from outside.

Political parties	Pressure groups.
① Contest elections	① Do not contest elections.
② Wider social base	② <u>Narrow base</u> (only promote interest of members).
③ Influence policy by coming to power	③ Influence policy by influencing the political makers.

④ Methods used like election campaigning and legislative (law).

④ Methods used include protests, lobbying, advocacy, think tanks, etc.

Importance in democratic processes & governance

① Give voice to marginalized sections.

eg Caste Organizations like DCCCI.

② Influence policy and make government aware about sectoral issues.

eg FICCI, CII taking up business issues.

③ Create awareness & educate public. eg Campaigns.

④ Non-violent way to influence policy.

Thus, Pressure groups have deepened democratic roots of India.

7. The practice of separation of powers in the Constitutional scheme of India and USA is distinct in its own way. Examine. (150 words) 10
भारत और यू.एस.ए. की संवैधानिक योजना में शक्तियों के पृथक्करण का कार्य अपनी व्यवस्था के अनुसार भिन्न है। परीक्षण कीजिए।

The concept of separation of powers was propounded by Montesquieu in his book, "The Spirit of Laws". Now, concept of separation of powers have taken up distinct forms as per polity of a country.

* Differences in constitutional schemes of USA & India regarding separation of powers.

USA

India.

① Strict separation between all the 3 organs.

① Not strict separation between executive & legislature (Rather fusion of powers).

② President not responsible to legislature.

③ Strong judiciary with judicial review. (due process of law).

② Executive is responsible to lower house.

③ Strong judiciary but follows procedure established by law (Article - 21) but, changed after Mandika Case 1978.

④ Legislature impeaches president

④ Legislature withdraws the confidence (eg) No confidence motion.

Thus, both nations have evolved their own respective Checks and balances as per political traditions and polity systems. (eg) Article - 50

talks about separation of judiciary and executive only.

8. "The moral value of fundamental duties would not be to smother rights but to establish a democratic balance by making the people conscious of their duties equally as they are conscious of their rights". Discuss.

(150 words) 10

"मूल कर्तव्यों का नैतिक मूल्य अधिकारों का दमन करना नहीं होगा, बल्कि लोगों को अपने कर्तव्यों के प्रति उसी रूप में जागरूक बनाकर एक लोकतांत्रिक संतुलन स्थापित करना है, जिस प्रकार से वे अपने अधिकारों के प्रति जागरूक हैं।" चर्चा कीजिए।

As per Gandhiji, we must respect our duties as much as we care for our rights. Thus, Indian constitution has fundamental duties not to smother rights but to make people active participants (not passive recipients).

Importance of Fundamental Duties

- ① Ensure that people are aware of their constitutional obligations
- ② Being non-justiciable, they do not coerce the people

but are rather just gentle reminders.

- ③ Contain high moral and ethical principles that are aligned with Indian values and traditions.

⊗ Respecting dignity of women, protecting forest and wildlife.

- ④ Help bring about the best in Indian citizens → can help in personal growth.

⊗ Developing scientific temper.

Thus, more importance can be established from the fact that even though the Morarji Desai government amended many changes of previous

Government, ^{Page 16 of 50} it did not touch fundamental duties.

9. Discuss the impact of the proclamation of National Emergency on Fundamental Rights in India. Also, highlight the various Supreme Court judgments in this context. (150 words) 10

भारत में मूल अधिकारों पर राष्ट्रीय आपात की उद्घोषणा के प्रभाव की विवेचना कीजिए। साथ ही, इस संदर्भ में उच्चतम न्यायालय के विभिन्न निर्णयों को रेखांकित कीजिए।

National Emergency can be found in Article-352 of Indian Constitution. As per Dr Ambedkar, it is an extraordinary device to handle contingencies by turning the nation unitary at one go.

Circumstances → War
→ External Aggression.
→ Armed Rebellion.
(Amended in 44th Constitution Amendment)

Impact on Fundamental Rights

① During External Emergency

- Take away all articles as per presidential order under Article-350 except Article-20 & 21.

- Do not affect Article-19.

② During Armed Rebellion affects internal stability.

- Thus, as per Article-358, Article-19 is also restricted.

- Only two grounds suppress Article-19 as are mentioned in it.

Important Supreme Court Judgements.

① ADM Jabalpur Case - took a narrow view of Fundamental Rights.

② Krishna Mills Case (1980) - National Emergency can be

Challenged in court of law on grounds of Malafide.

10. The Seventh Schedule is a relic from the colonial past inherited from the Government of India Act, 1935 which needs to be revisited for improving Centre-state relations. Discuss. (150 words) 10

सातवीं अनुसूची भारत सरकार अधिनियम, 1935 से विरासत में मिले औपनिवेशिक अतीत का एक ऐसा अवशेष है, जिसका केंद्र-राज्य संबंधों में सुधार के लिए पुनरीक्षण किये जाने की आवश्यकता है। विवेचना कीजिए।

Seventh Schedule provides for the 3 lists of Center, State and concurrent subjects.

(Article - 246). These, are rigid but can be flexible during contingencies like emergency etc.

Need for a revisit.

- ① Dominated by Center
- ↳ Most important subjects.
 - ↳ more number of items.
 - ↳ Residuary power with center (Article - 248).

- ② Center can legislate over state list. during 5 grounds.

- (i) National Emergency
- (ii) State emergency etc.

③ Center can unilaterally alter the composition of the 3 lists.
 (4) 42nd Constitutional Amendment brought education, environment, etc on Concurrent list.

④ Center overpowers the state even in concurrent subjects.

⑤ Rajya Sabha can empower center by legislation ^{resolutions}

Way forward ① Sarkaria Commission

has supported current distribution.

② Also, as per Sarkaria Commission, states must be consulted on concurrent list.

③ Extensive use of Interstate Councils for consultation. Thus, seventh schedule can help minimize conflicts &

ways when decisions are exercised by way of cooperative federalism.

11. Technology has the potential to bring drastic changes in the field of law and transform the court system. In this context, discuss the need for digitization of Indian judiciary and challenges faced in this regard. (250 words) 15

प्रौद्योगिकी में कानून के क्षेत्र में व्यापक बदलाव लाने और न्यायिक प्रणाली को रूपांतरित करने की क्षमता विद्यमान है। इस संदर्भ में, भारतीय न्यायपालिका के डिजिटलीकरण की आवश्यकता और इस संबंध में सामना की जाने वाली चुनौतियों पर चर्चा कीजिए।

As per CJI Dy Chandrachud
Indian Judiciary must be
inclusive and accessible. In
this regard, technology can
be a great enabler.
(eg) Live Proceedings of the
Supreme Court initiated by
the e-committee of Supreme
Court.

Need for Digitization of Indian
Judiciary.

- ① Can help increase the
accountability of Judiciary.
(eg) National Judicial Data
Grid keeps track on
Judicial pendency.

- ② Accessibility can be increased
defying geographical barriers.
eg) e-courts through the
Common Service Centers.
- ③ Use in assistance of judges
for better decision making.
eg) Use of AI platforms
like SUPACG.
- ④ Reach the last mile by
vernacular languages
eg) AI tool of SUVAS for
translations.
- ⑤ Brings transparency and increase
people's trust on judiciary.
eg) Voluntary line proceeding
by Patna High Court.
- ⑥ Use of efficient and speedy

justice
eg)

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justices.

④ FASTER portal for electronic transfer of jail release orders.

Challenges faced.

- ① Digital Divide in rural areas.
- ② Low digital literacy among masses.
- ③ Lack of resources with judiciary
- ④ lower judiciary has poor infrastructure
↳ due to lack of funds from state.
- ⑤ Apathy from government side in complying with judiciary's needs.
- ⑥ Lack of capacity building among judicial staff

Thus, e-technology can help in wider dissemination of justice and make the process quick, smooth and efficient.

12. Even after three decades of constitutional amendments, India is yet to decentralise power to local self-government institutions in the true sense. Discuss. Do you agree with the view that Rashtriya Gram Swaraj Abhiyaan will be able to develop the governance capabilities of the Panchayati Raj Institutions (PRIs)? (250 words) 15

संवैधानिक संशोधनों के तीन दशकों के बावजूद, भारत में अभी भी स्थानीय स्व-शासन की संस्थाओं का वास्तविक अर्थ में शक्तियों का विकेंद्रीकरण किया जाना अपेक्षित है। चर्चा कीजिए। क्या आप इस विचार से सहमत हैं कि राष्ट्रीय ग्राम स्वराज अभियान पंचायती राज संस्थाओं (PRIs) की शासन (गवर्नेंस) क्षमताओं को विकसित करने में सक्षम होगा?

The local governments were given constitutional status through the 73rd & 74th Constitutional Amendment Acts. But, the essence of decentralization remains to be fulfilled due to issues of fund, function & functionaries.

Causes of Lack of complete decentralization.

- ① Finances are the root cause due to limited resources of state and low own resource generation by PRIs.

- ② Overlap of functions between state government and local bodies.
- eg) Irrigation, water and sanitation, etc.
- ③ Some states have not allowed local bodies to collect their own taxes.
- ↳ Non-compulsory functions
- ④ The state governments see local body politicians as rivals
hence, lack of coordination.
- ⑤ Bureaucratic bundles like the Block level officers cause slowdown of process.
- ↳ Local functionaries have to continuously visit them for everything.
- ⑥ Poor capacity building of local functionaries.
- ⑦ Low resources with the other 2 tiers
i.e. intermediate

Potential of Rastriya Gram Swaraj Abhiyan (RCISA)

RCISA has aimed to increase the local potential as -

- ① Capacity building of local functionaries.
- ② Use of e-technology in developing Gram Panchayat Development Program (GPDP).

↳ using tools like - e-Gram Swaraj

- ③ E-technology using tools like Audit Online for social audit.

- ④ Awareness generation and use of local resources like taxation, levies, etc promoted.

Thus, RCISA has the potential to truly fulfil the Gandhian ideals of Gram Swaraj & DPSP Article-40.

13. With 98% coverage in rural India, cooperatives are the mainstay of rural economy ensuring sustainable livelihoods and income for people. Discuss. Also, state the recent initiatives taken by the government to improve the functioning of cooperative societies and make them more effective.

(250 words) 15

ग्रामीण भारत में 98% कवरेज के साथ, सहकारी समितियां ग्रामीण अर्थव्यवस्था का मुख्य आधार हैं जो लोगों के लिए स्थायी आजीविका और आय सुनिश्चित करती हैं। चर्चा कीजिए। साथ ही, सहकारी समितियों के कामकाज में सुधार तथा उन्हें और अधिक प्रभावी बनाने के लिए सरकार द्वारा हाल ही में प्रारंभ की गई पहलों का उल्लेख कीजिए।

The constitution was amended (97th Constitutional Amendment Act, 2011) to provide constitutional status for cooperative societies. (Article-43B).

Contributions and importance in livelihoods and incomes.

- ① Cooperative societies have been the basic tool to mobilize resources and skills.
- ② They have helped in promoting entrepreneurship at rural levels and have helped in capacity building.

(e) Lijat Papad → successful women's cooperative.

③ Provide diverse participation from all sections.

(eg) seats are reserved for women and vulnerable sections in the Boards.

Case Study - AMUL has attained success by utilizing the cooperative model. It had mobilized farmers with expertise of enterprise to become a market leader. Thus ensuring better incomes & livelihoods.

④ Women become empowered

- ↳ financial independence
- ↳ social upliftment.

⑤ Work on the principle of benefit sharing and sub

promote equitable growth.

But, they also faced challenges like

- Corruption in management
- lack of autonomy due to political interference
- Lack of democratic functioning due to domination by some sections

Thus, Government had taken steps like.

- ① New Ministry of Cooperation.
- ② Lowered barriers on new cooperatives.
- ③ Overhaul of GeM portal.
- ④ Eased the working regulations for PACS.
- ⑤ Promoted 10 crore FPOs under PACS.

Thus, cooperatives can be an effective tool for rural poverty alleviation and job growth.

14. Governance of inter-state rivers in India suffers from various issues due to conflictual federalism. Discuss. Also, highlight the mechanisms which can be utilised to resolve inter-state river water disputes in India. (250 words) 15

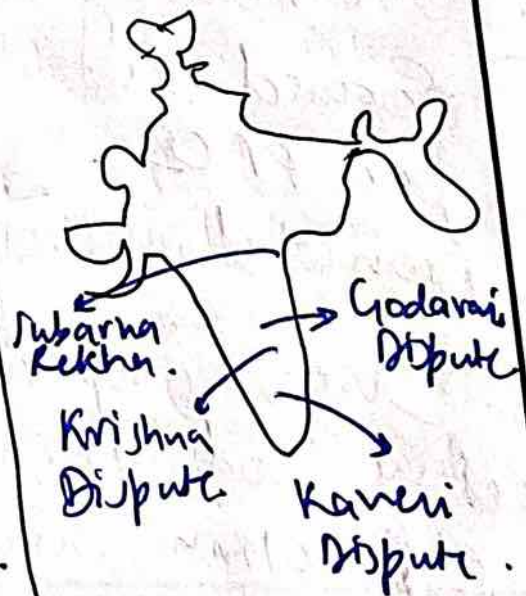
भारत में अंतरराज्यीय नदियों का प्रबंधन परस्पर विरोधी संघवाद के कारण विभिन्न समस्याओं से ग्रस्त है। चर्चा कीजिए। साथ ही, उन तंत्रों को रेखांकित कीजिए जिनका उपयोग भारत में अंतर-राज्यीय नदी जल विवादों को हल करने के लिए किया जा सकता है।

Inter State water disputes occur due to limited capacity of river but conflicting requirements by different riparian states. Thus, constitution had provided for Article-262 to resolve inter-state water disputes.

Issues in Governance of Inter-State Rivers.

① Poor functioning of River Boards.

② Increased demand for water during summer in states.



- ③ Upper Riparian states act without consulting lower riparian states
- ↳ (a) Cauvery River in Mettur Dam between Karnataka & ~~Tamil~~ Tamil Nadu
- ④ failure of tribunals set up under Inter-state Water Dispute Act, 1956
- ↳ long Delays.
 - ↳ Judgements not acceptable to states.
- ⑤ Rising population in upper riparian states further causes reduction of water share for lower riparian states.
- ⑥ Lack of proper data collection on river flow affecting scientific distribution and litigation.

Mechanism to solve disputes.

① Overhaul the River Boards Act, 1956.

Case Study - Tenuse Valley Authority has been successful in cooperative management of rivers in all riparian states.

② Give strict time frames to tribunals under Inter State Water Disputes Act, 1956.

③ Utilize Mechanism of Inter State Councils (A-263) and zonal councils.

④ Use newer mechanisms like NITI Aayog for a technologically sound solution. (Governance & Regional Council).

Thus, with cooperative federalism interstate disputes can be resolved.

15. A dysfunctional criminal justice system, absence of well-considered legislation and need for domain expertise, are being seen as the new challenges for the Indian judiciary. Discuss.

(250 words) 15

एक दोषपूर्ण आपराधिक न्याय प्रणाली, सुविचारित कानून की अनुपस्थिति और डोमेन विशेषज्ञता की कमी को भारतीय न्यायपालिका के लिए नई चुनौतियों के रूप में देखा जा रहा है। चर्चा कीजिए।

The state of dysfunctional criminal justice system can be highlighted from the fact that 77% of prisoners in the prisons are undertrials (As per NCRB). This needs resolution to prevent travesty of justice.

Cause of Dysfunctional System & Challenges to Judiciary

- ① Misuse of police power of power.
- ② Slow judicial proceedings due to overburdened judiciary
↳ 4.4 crore cases pending in lower judiciary (NBSA)
- ③ lower capacity of prisons

↳ As per NCRB, average occupation is about 150%

④ Colonial era laws like IPC, CrPC, etc.

↳ provision that are vague and unjust

↳ section- 124A & 153A.

⑤ Judicial vacancy. are high.

⑥ Lack of representation in Judiciary (only around 14% females).

⑦ Poor investigation and forensic capabilities of police and investigation agencies.

⑧ Overlap of crime control, law and order and forensic investigation work.

⑨ Judicial tortures & custodial deaths.

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Way Forward.

- ① Use of innovative and techn-
-ological solutions
(e) Body Cams on Police.
- ② Filling up judicial vacancies.
- ③ Use of Alternate Dispute Resoluti-
-on (e) Gram Nyayalaya,
Family Courts.
- ④ Separating investigation functions
from law and order.
↳ Prakash Singh Case.
- ⑤ Implementing Mallam Committee
-re recommendation on
reform of criminal justice
system

Thus, government has recently
taken up overhaul of colonial
legislation, like IPC, CrPC. More

Proactiveness can help make a
just society.

16. To what extent has the anti-defection law been able to address the issue of political instability in India? Discuss with suitable arguments.

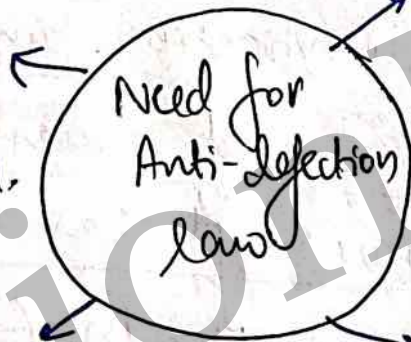
(250 words) 15

दल-बदल विरोधी कानून भारत में राजनीतिक अस्थिरता के मुद्दे को किस हद तक हल करने में सक्षम रहा है? उपयुक्त तर्कों के साथ चर्चा कीजिए।

Anti-Defection law was introduced through the 52nd Constitutional Amendment Act, 1985

adding the 10th Schedule to the Indian constitution.

Check money power & corruption.



Caused political instability
↓
water run majorities.

Unethical and a fraud against public's faith.

Curb floor crossing.

Extent of success of anti-defection law.

① Law has provided stability in

governments during coalition era.

② Provided a legal mechanism to punish unethical behaviour & breaking trust of voters.

③ Curbed the influence of money and post in cabinet as ministers.

④ But we also find that it has created issues by exploiting loopholes.

⑤ (eg) Instead of retail defection we find mass defection.

(eg) Recently in Maharashtra.
⑥ Also, as the speaker/chairman decides on defection, he can delay the disqualification if it suits his political party.

⑨ As seen in previous Karnataka Assembly.

⑦ It also affects independent voices because a whip can call for disqualification if a member goes against party line.
↳ Breach of freedom of Speech.

⑧ Mature democracies do not penalize floor crossing. (eg USA & UK). It only shows laws are needed to enforce ethics.

Way forward

- ① Amendment to curb mass defections
- ② Clause on vote against party can be removed.
- ③ Discretion of speaker must be removed and decision must be given by

17. Though the Indian Constitution provides a clear division of legislative powers between the Union and states with each being supreme within the spheres allotted to them, this division is tilted towards the Union. In this context, discuss the powers of the Parliament to legislate on subjects in the State List. (250 words) 15

यद्यपि, भारतीय संविधान संघ और राज्यों के बीच विधायी शक्तियों के स्पष्ट विभाजन का प्रावधान करता है, जिनमें से प्रत्येक उन्हें आवंटित क्षेत्रों में सर्वोच्च हैं, तथापि यह विभाजन संघ की ओर झुका हुआ है। इस संदर्भ में, राज्य सूची के विषयों पर कानून बनाने की संसद की शक्तियों की विवेचना कीजिए।

The constitution provides for a clear division of legislative power under Article-246 and 7th schedule of the constitution. But, constitution also maintains a tilt towards the Union.

(g) - [Article-248] - Residuary Powers with Union.

Powers of Parliament to legislate on State list.

The constitution has provided [5 grounds] for Union to exercise legislation on State list.

① During National Emergency.

- though state legislature is not dissolved, parliament can still legislate on state list.
- State comes under the full directional control of the center.

② During State Emergency.

- though the state legislature may not be dissolved (suspended animation).
- Executive is dismissed.
- Parliament legislates on state list.

③ On the Request of 2 or more States.

- Only when 2 or more states request the parliament.

- Only parliament can then
revoke / revoke such a
legislation.

④ When Rajya Sabha Passes a
resolution to that effect -

- Rajya Sabha may pass a
resolution to legislate on
state list.
- It could also be used to
meet any unforeseen circum-
-stances

⑤ To meet any Constitutional
International
Commitment

eg) Giving force to issues like
water sharing via rivers.

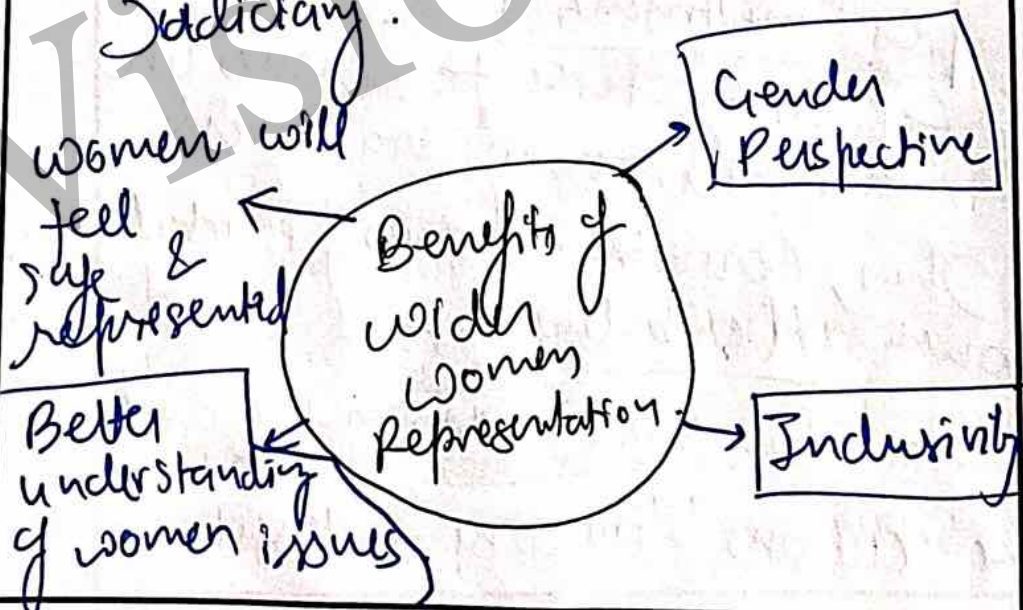
Thus, Constitution has provided
enough flexibility to the
center to meet emergencies and
take actions in the interest

of Indian Federalism. Also,
Punchhi Commission suggest a
Consultative & Cooperative Federalism.

18. Despite the benefits of wider representation of women in the judiciary, Indian courts have significantly fewer women as compared to men. Discuss. Also, suggest some measures to bridge the gender gap in Indian judiciary. (250 words) 15

न्यायपालिका में महिलाओं के व्यापक प्रतिनिधित्व के लाभों के बावजूद, भारतीय न्यायालयों में पुरुषों की तुलना में महिलाओं की संख्या काफी कम है। चर्चा कीजिए। साथ ही, भारतीय न्यायपालिका में लैंगिक अंतराल को कम करने के लिए कुछ उपायों का सुझाव दीजिए।

As per National Judicial Data Grid (NJDG) only around 11% women in district courts are judges. Similarly, women make-up hardly 8-10% of high court judges. This shows the dismal position of women representation in the judiciary.



Causes of fewer women in Judiciary.

- ① Strict criteria to be selected for state judicial service
 - ↳ minimum 7 years of experience & within 35 years.
 - ↳ Difficult for women during pregnancy & child birth.
- ② In higher judiciary, lack of women representation in the collegium
- ③ As per Supreme Court, in lower judiciary women do not even have separate toilets.
- ④ Poor women representation at the Bar.
- ⑤ Poor infrastructure and unsafe working conditions.
- ⑥ Lack of protection to judges at lower levels.

Measures to bridge the gaps in Indian Judiciary.

- ① Modifying the minimum experi-
-ence and age criteria.
- ② Promoting better infrastructure
like separate toilets, separate
Chambers, etc as per the
Supreme court.
- ③ Ensure protection to lower
courts judges.
- ④ Collegium must recruit more
women.
(e) As was done by
the CJI NV Ramanna.
- ⑤ Ensure a women to be represen-
ted at collegium.
- ⑥ Affirmative Action policies.
Thus, an inclusive and
diverse judiciary would ensure

a more just and humane
criminal justice system.

19. Elaborate on the fundamental aspects in which the Indian Constitution differed from its contemporaries despite being a post-colonial document. (250 words) 15

उत्तर-औपनिवेशिक दस्तावेज होने के बावजूद भारतीय संविधान के उन मूलभूत पहलुओं का सविस्तर वर्णन कीजिए, जिनके संदर्भ में यह अपने समकालीन संविधानों से भिन्न था।

Indian Constitution was ransacked from all the world's constitutions but was accordingly modified for unique Indian conditions as per Dr Ambedkar.
Despite being post-colonial document it had progressive ideals.

Differences in Fundamental Aspects from its contemporaries-

- ① Adopted a secular approach while contemporaries took up religious basis.
(e.g) Pakistan became an Islamic Republic.
- ② Adopted Republicanism while our colonizers were constitutional

monarchies.

③ Adopted universal adult
suffrage despite high illiteracy
and poverty. (Article-326)
while other nations gave
women representation even

later. (eg) In UK.

④ Focussed on planned economic
model.

⑤ Affirmative Action policies im-
posed to correct historical
injustices.

⑥ Provided a federal character
and tilt towards further
decentralization.

↳ (eg) DPSP Article-40 on
Panchayats.

⑦ Protection of minorities and

unique cultural practices.

⊙ Article - 25 to 28.

⑧ Enshrined protection to vulnerable
and marginalized groups.

⊙ Schedule - 6th & Schedule 5th
to protect tribal autonomy
and culture.

while other contemporaries
like Brazil discarded them.

⑨ Adopted a culture of Unity & Diversity

⊙ No national language
while contemporaries like
Pakistan imposed Urdu. & led
to its disintegration.

Thus, Indian Constitution is
the most robust yet flexible
document that has protected
the rights of people and at
the same time allowed

progressive actions ⊙ Land Reforms.
(5th Schedule).

20. The tribunalisation of justice though considered to be an effective step is fraught with several challenges. Discuss in light of the Law Commission of India's report on the working of tribunals in India. (250 words) 15

हालांकि, न्याय के ट्रिब्यूनलीकरण को एक प्रभावी कदम माना जाता है, लेकिन इसमें कई चुनौतियां भी विद्यमान हैं। भारत में अधिकरणों की कार्यपद्धति पर भारत के विधि आयोग की रिपोर्ट के आलोक में चर्चा कीजिए।

Tribunals ensure that justice is done by subject experts as well as helps reduce burden on courts. They are provided in the Constitution under Article - 323A & 323B from the 42nd constitutional Amendment.

Benefits and Effectiveness of Tribunals.

① Based on flexible procedures like principles of natural justice and not strict laws like IPC, Indian Evidence Act, 1872, etc.

② Provide the insights and

decision making by subject experts. (eg) NCT.

③ how fees and burden.

④ Provide for binding decisions to ensure justice & closure

(eg) Central Administrative Tribunal.

⑤ Provide for appeals to high court & supreme court.

(L Chandra Kumar Case, 1997)

⑥ Can be set up as per needs and demands by center (323A) & States (323B).

But, Law Commission had highlighted multiple issues in its recent reports that have affected tribunals. as

① Non-uniform structure of tribunals.

- ② Non-uniform service conditions of members.
 - ③ Expert members are usually retired bureaucrats.
 - ↳ parking lot for retired bureaucrats.
 - ④ Lack of proper diversity of members.
 - ↳ Should be found by search cum selection committee headed by Cabinet Secretary.
 - ⑤ High number of vacancies.
 - ⑥ Large number of pending cases.
 - ⑦ Appeals to higher courts defeat their purpose.
- Thus, government has decided to overhaul tribunals and close down redundant

tribunals. ⑧ FCAT. Also, it is planned to bring out a bill in this regard.