



GENERAL STUDIES (TEST CODE : 1228)

Name of Candidate	SHRUTI SRIVASTAVA		
Medium Eng./Hindi	ENGLISH	Registration Number	30591
Center	ONLINE	Date	29/7/19

INDEX TABLE		
Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
11	15	
12	15	
13	15	
14	15	
15	15	
16	15	
17	15	
18	15	
19	15	
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।

16-B, 2nd Floor, Above National Trust Building, Bada Bazar Marg, Old Rajinder Nagar, Delhi-110060

Plot No. 857, 1st Floor, Banda Bahadur Marg (Opp Punjab & Sindh Bank), Dr. Mukherjee Nagar
Delhi- 110009

1. Explain the importance of departmentally related standing committees in improving the overall effectiveness of Parliament. Also, discuss the issues that they currently face. (150 Words) 10 Marks

संसद की समग्र प्रभावकारिता में सुधार लाने में विभागों से संबद्ध स्थायी समितियों के महत्व की व्याख्या कीजिए। साथ ही, वर्तमान में उनके द्वारा सामना की जा रही समस्याओं पर भी चर्चा कीजिए।

Departmentally Related Standing Committees (DRSCs) scrutinize the budget - looking at provisions specific to each department eg. health, defence, human resource development, etc.

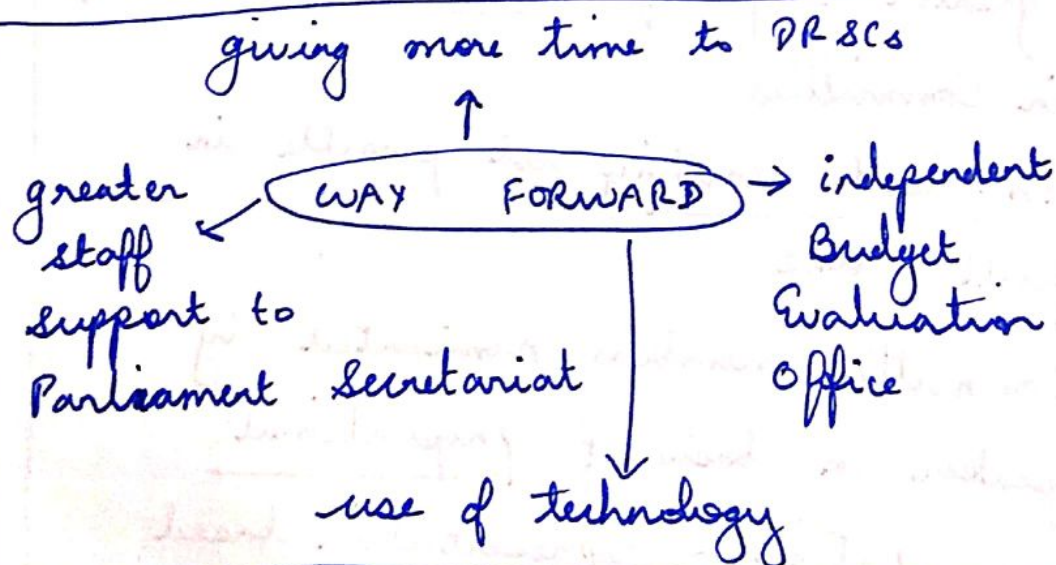
Importance

- Save Parliamentary time
- greater scope of debate and discussion in Committees
- in-depth scrutiny not possible in full house
- Committee members nominated by Speaker on basis of proportional representation → representation based on party strength in House → inclusive nature

→ both Rajya Sabha and Lok Sabha participate in DRSCs

Issues

- Paucity of time given to DRSCs → preparing of Budget has further reduced time
- lack of technical expertise
- Advisory in nature → recommendations are not binding
- Certain money bills are not sent to DRSCs

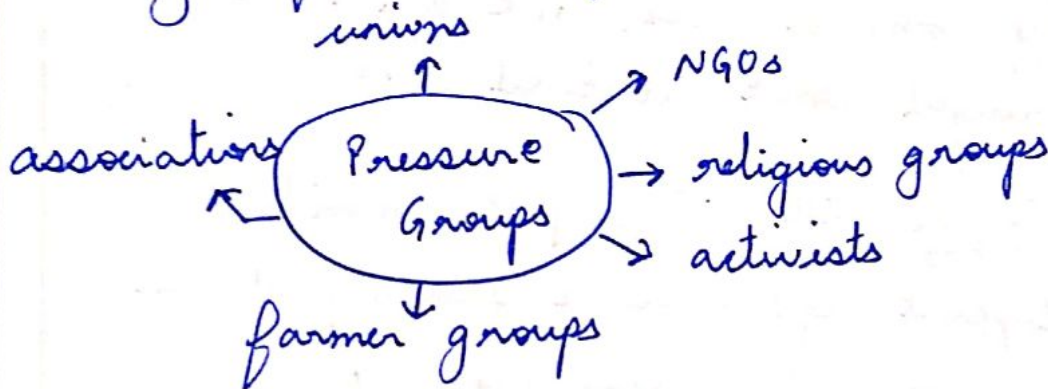


Improving functioning of DRSCs will increase accountability of executive.

2. Illustrate how pressure groups have emerged as a strong mechanism for making democracy participatory and responsive. (150 Words) 10 Marks

उदाहरण प्रस्तुत करते हुए समझाइए कि किस प्रकार दबाव समूह, लोकतंत्र को सहभागी और अनुक्रियाशील बनाने हेतु एक सुदृढ़ तंत्र के रूप में उभरे हैं।

Pressure groups are non-political groups that do not participate in elections but nevertheless exercise a strong influence on politics.



Role in Democracy

→ Spread of Awareness - support specific causes; distribute pamphlets, stage street plays, hold demonstrations, etc... Eg: Greenpeace has informed people of environment rights

→ Participation in Popular Movements - role of activists in Narmada Bachao

Andolan attracted media attention

- Attempt to influence policy-making
eg. business groups lobby for tax reforms, farmer groups for loan waiver
- Engage with judiciary eg. PILs filed by Common Cause, ADR and PUCL have brought about electoral reforms
- Engage with citizenry to mobilize support eg: pressure groups protested against Delhi Gang Rape, 2012

Pressure groups have broadened people's role in democracy to make it more participative. Party leaders can no longer ignore vocal groups making them more accountable & responsive.

3. Explain the structure and functions of the National Human Rights Commission. In view of its functioning since its inception, suggest measures for further improvement. (150 Words) 10 Marks

राष्ट्रीय मानव अधिकार आयोग की संरचना और कार्यों की व्याख्या कीजिए। इसकी स्थापना के बाद से इसके कार्य पद्धति के आलोक में, आगे और सुधार हेतु उपायों का सुझाव दीजिए।

National Human Rights Commission (NHRC) is a statutory body that upholds various human rights conventions to which India is signatory as well Constitutional values.

STRUCTURE - judicial members (including retired Chief Justice of Supreme Court as chairperson)

- experts in the field of human rights / activists
- chairperson of National Commission of Women, SCs and STs as ex-officio members

FUNCTIONS

- looks into complaints of human rights violations (has suo-moto powers)
- power of civil court; operates on

principles of natural justice

- regular inspections of prisons
- research into improving guidelines & protecting human rights in India

MEASURES FOR IMPROVEMENT

- advice can be made binding
 - separate secretarial + investigative staff
 - should be allowed to look at complaints even after 1 yr of its occurrence
 - conducting review of implementation of recommendations
 - international collaboration with UN Human Rights Commission
 - support to organizations promoting human rights protection in India
- As Supreme Court has said, NHRC cannot remain a "toothless tiger."

4. Highlight the ordinance-making powers of the Governor. Also enumerate the range of steps open to him when a Bill is presented after its passage by the state legislature. (150 Words) 10 Marks

राज्यपाल की अध्यादेश जारी करने की शक्तियों पर प्रकाश डालिए। साथ ही, राज्य विधायिका द्वारा पारित कोई विधेयक जब उसे प्रस्तुत किया जाता है तब उसके पास उपलब्ध विभिन्न विकल्पों को भी सूचीबद्ध कीजिए।

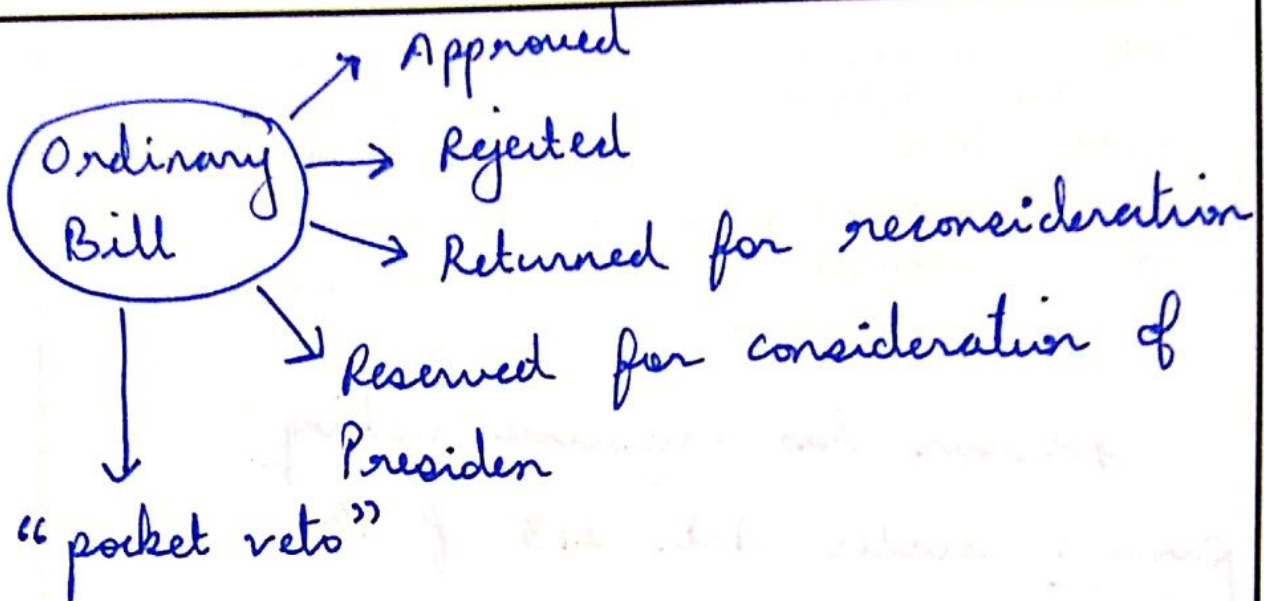
Governor has ordinance making powers under Art. 213 of the Constitution as follows :-

- co-extensive with powers of state legislature
- can only be exercised when either house is not in session
- based on advice of state Council of Ministers (CoM)

Ordinances aim to deal with administrative exigencies when house is not in session.

ON PASSAGE OF BILL

- MUST be approved in case of money bill



Although the Governor is the symbolic head of state, he plays important role in law-making at state level.

5. Discuss the issue of 'office of profit' as it has featured in the recent practices and debates in Indian polity. (150 Words) 10 Marks

हालिया परिपाटियों और वाद-विवादों के आलोक में भारतीय राजव्यवस्था में 'लाभ के पद' के मुद्दे पर चर्चा कीजिए।

Office of profit is not defined in the Constitution, but according to Supreme Court involves:

- remuneration by executive
- post where executive wields influence (eg. in appointment)
- post involving position of power/status

According to the Constitution, an MP/MLA stands disqualified on holding an office of Profit. The Committee on office of Profit in Parliament decides which posts are exempted from being office of Profit eg: Minister is not an office of profit.

Recent Debates

Appointment of Delhi MLAs as legislative secretary lead to disqualification, even though post did not involve remuneration. However, appointment blurred boundary between legislature and executive, going against separation of powers under Art 51.

Deciding on scope and definition of office of profit is must to bring clarity in appointments.

6. Highlight the importance of State Finance Commission in strengthening fiscal federalism in India. Do you agree with the view that they have not been provided with the necessary environment to play their rightful role?

(150 Words) 10 Marks

भारत में राजकोपीय संघवाद को सुदृढ़ करने में राज्य वित्त आयोग के महत्व पर प्रकाश डालिए। क्या आप इस विचार से सहमत हैं कि इन्हें अपनी यथोचित भूमिका के निर्वहण हेतु आवश्यक वातावरण प्रदान नहीं किया गया है?

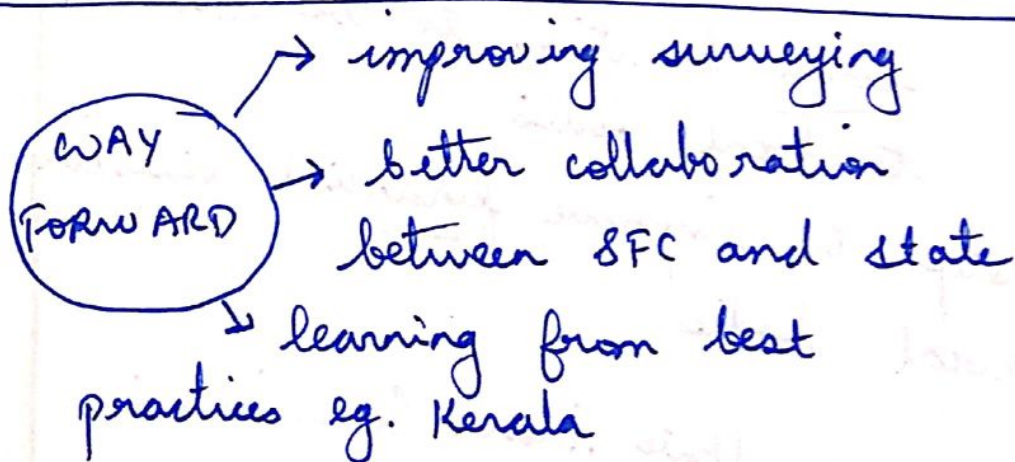
State Finance Commissions are Constitutional bodies as per 73rd and 74th Constitutional Amendment Acts.

ROLE

- recommending allocation of state funds to local bodies
- recommending powers of local taxation to be devolved to local bodies
- Steps to improve financial viability of local bodies

However, State Finance Commissions have not been provided necessary environment as :-

- Low attitude by states - many states have not constituted SFC
- Low percentage of recommendation acceptance with few exceptions like Kerala and West Bengal
- Lack of financial data at local level → makes recommendations vague in nature
- No review of implementation records on fiscal performance



Improving SFC performance is key to fulfilling goal of Art 40.

7. Explain the significance and controversies, if any, associated with the Article 35A of the Indian constitution. (150 Words) 10 Marks

भारतीय संविधान के अनुच्छेद 35A के महत्व और उससे संबद्ध विवादों, यदि कोई हो, की व्याख्या कीजिए।

Art 35A of the Constitution allows the state of Jammu and Kashmir to define "permanent residency" in state.

ISSUES

→ It was introduced by Presidential Order under Art 370, not by Parliament

→ limits property rights/residence to people within state → goes against Art 19

→ If Kashmiri women marry anyone who is not a permanent resident, her children lose residency/property rights

→ scholarships, job opportunities
in state services limited to
permanent resident

→ denies permanent residency rights
to certain groups including refugees
and certain scheduled castes

Art 35A is part of special,
autonomous status enjoyed by
the state of Jammu & Kashmir.

8. Independent India adopted a modified version of the Westminster model of government. In this context discuss the commonalities and differences between the political system of India and UK. **(150 Words) 10 Marks**

स्वतंत्र भारत ने सरकार की वेस्टमिंस्टर प्रणाली का एक संशोधित संस्करण अपनाया। इस संदर्भ में भारत और UK की राजनीतिक व्यवस्था के मध्य समानताओं और विभेदों पर चर्चा कीजिए।

Due to colonial history and diverse nature of country, India adopted Westminster model of government.

Commonalities

- collective responsibility of Council of Ministers (CoM)
- CoM headed by Prime Minister
- universal adult suffrage
- bicameralism and direct elections
- presence of Parliamentary Committees
- party-system based on First Past the Post Voting

Differences

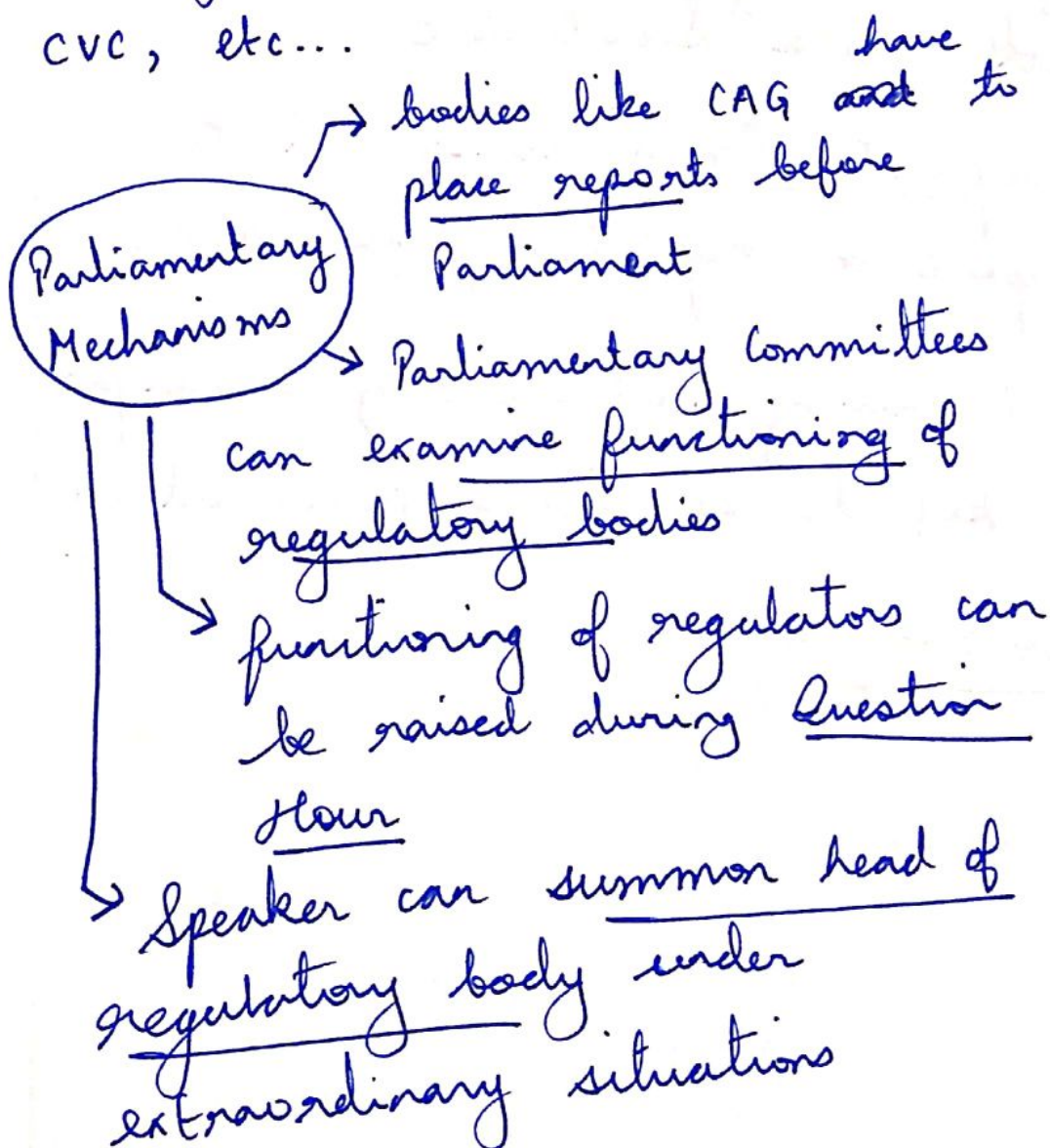
- in Britain, PM must belong to lower house
- President is unelected unlike India where indirect elections are practiced i.e. India is a republic
- unlike Britain, India does not have absolute Parliamentary sovereignty
- India has written Constitution
- Britain has flexible procedure of amendment

Both political systems have adapted to the demands of each country's polity.

9. List the parliamentary mechanisms available for the scrutiny of regulators. Also, discuss major steps through which parliamentary oversight of regulators can be strengthened. (150 Words) 10 Marks

नियामकों की संवीक्षा के लिए उपलब्ध संसदीय प्रणालियों को सूचीबद्ध कीजिए। साथ ही, उन प्रमुख कदमों की चर्चा कीजिए जिनके माध्यम से नियामकों की संसदीय निगरानी को सुदृढ़ किया जा सकता है।

Parliamentary oversight extends to regulators such as CAG, TRAI, CVC, etc...



Improving Parliamentary Oversight

- computerization of proceedings
of scrutiny
- increasing technical expertise of
Lok Sabha Secretariat
- separate Committee formed to
report on regulator performance

Improving Parliamentary Oversight
is key to establishing Parliamentary
Sovereignty.

10. Political parties are an integral part of the democratic set up of India. In the context, discuss the need for strengthening the process of institutionalization of intra-party democracy in political parties in India.

(150 Words) 10 Marks

राजनीतिक दल भारत की लोकतांत्रिक व्यवस्था के अभिन्न अंग हैं। इस संदर्भ में, भारत में राजनीतिक दलों में अंतः दलीय लोकतंत्र को संस्थागत किये जाने की प्रक्रिया को सुदृढ़ करने की आवश्यकता पर चर्चा कीजिए।

Growth of negotiation and centralization of power within political parties have raised demand to institutionalize intra-party democracy.

[MEASURES TO DO SO]

- mandatory party meetings among all members on monthly basis
- mandatory election of Party President
- bringing political parties under Right to Information Act (RTI)
- feedback mechanism to stay connected with field level functionaries

IMPACT

- Party democracy will lead to participative democracy → increasing likelihood of 'ordinary citizens' to obtain party ticket
- Reduce role of black money in politics
- Reduces cult based / dynasty based politics → bringing back focus on issues, government performance and ideology.
- Reduce criminalization of political parties

In a Parliamentary democracy like India, reforms in political parties are must.

11. Explain why it is argued that India is a sui generis case of federalism.

(250 Words) 15 Marks

ब्याख्या कीजिए कि यह तर्क क्यों दिया जाता है कि भारत संघवाद का एक अद्वितीय उदाहरण है।

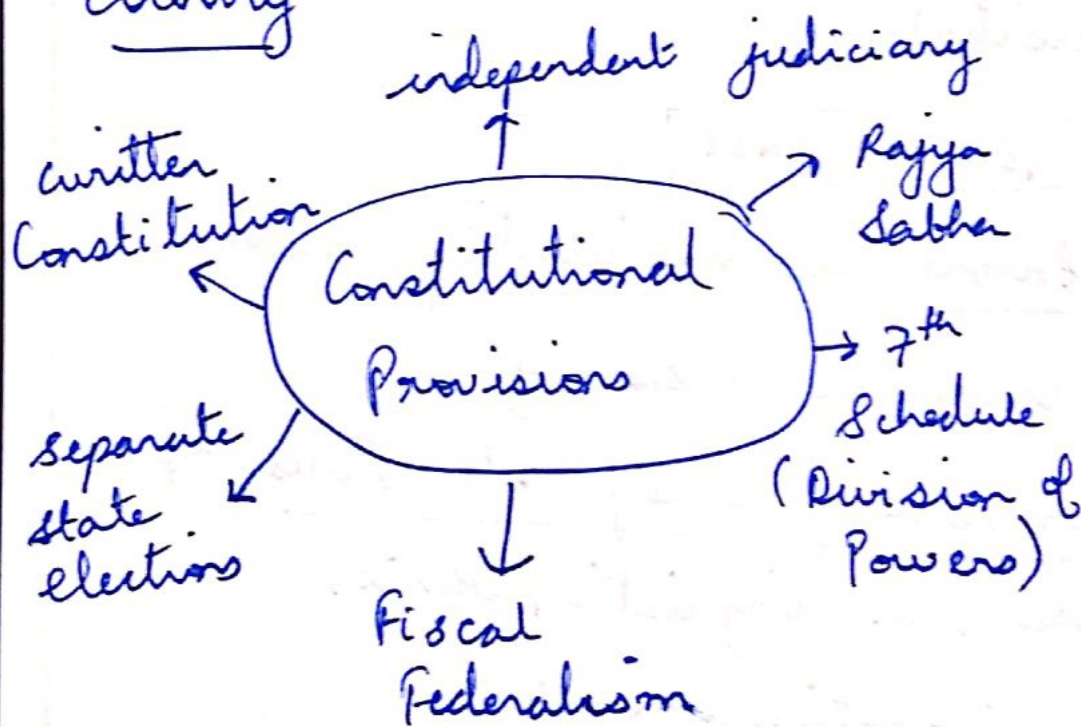
“Federalism” is part of the basic structure of the Indian Constitution. India is a 'holding together' federalism which brings together diverse units (unity among diversity).

SUI GENERIS CASE

- strong regional identity makes federalism necessary
- demand for separate states by people (on linguistic, ethnic, administrative grounds)
- colonial history esp. Government of India Act, 1935 lay federal structure

→ large size of country made
unitary government ~~administrative~~
~~almost~~ impossible from adminis-
trative point of view

→ federal structure allows
managing of diversity within
country



Mechanisms like Inter-State
Council (Art 263), Regional and

Zonal Councils, GST Council, NITI
Aayog's Team India Hub, etc...
strengthen idea of cooperative
federalism.

Hence, federalism is
an integral part of India
and has helped it stay
united as a geo-political
entity since Independence.

12. Indian Constitution displays multiple features adopted from the practices around the world. Explain. How did the Government of India Act 1935 influence the constitution of independent India? (250 Words) 15 Marks

भारतीय संविधान विश्व भर की परिपाटियों से अंगीकृत किए गए कई लक्षणों को प्रदर्शित करता है। व्याख्या कीजिए। भारत सरकार अधिनियम, 1935 ने किस प्रकार स्वतंत्र भारत के संविधान को प्रभावित किया?

Indian Constitution is said to be a "ransacking of all the Constitutions of the world." Borrowed Features:

America - idea of judicial supremacy

Britain - Westminster Parliament

France - liberty, fraternity, equality

Ireland - Directive Principles of State Policy (DPSP)

Germany - National Emergency

USSR - concept of welfare state & Fundamental Duties

Canada - federalism with unitary bias

The structure of Indian Constitution is also based on the Government of India Act, 1935 as follows:-

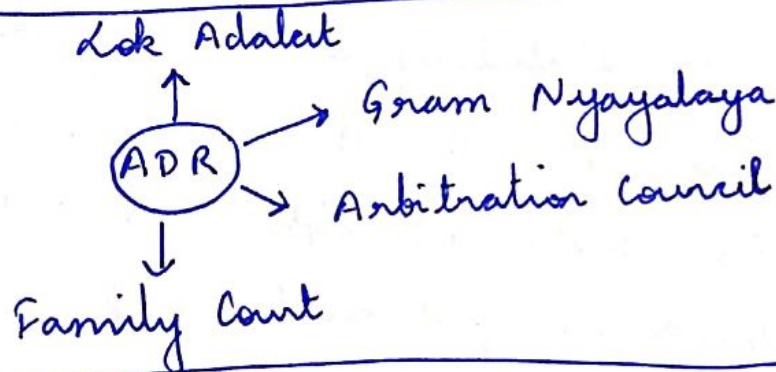
- federal structure - three-tier democracy
- separation of powers between Central and state governments (Central, Province, Residual dists led to 7th Schedule)
- separate legislature, judiciary and executive
- Act establish Federal Public Services Commission for recruitment of officers → this became UPSC post-Independence
- provision of reservations for Depressed Classes
- Presence of governors at provincial level acting on aid and advice of Council of Ministers
- expansion of electorate → ultimately led to universal adult suffrage in Indian Constitution

The GoI Act, 1935 lay the structure of responsible government in India and familiarized people with elections. Hence, it is at bedrock of Constitution.

13. Highlighting different Alternate Dispute Resolution (ADR) mechanisms available in India, explain their importance. Also, mention different measures that have been adopted to further improve the framework of ADR in India.
(250 Words) 15 Marks

भारत में उपलब्ध विभिन्न वैकल्पिक विवाद समाधान (ADR) तंत्रों पर प्रकाश डालते हुए, उनके महत्व की व्याख्या कीजिए। साथ ही, भारत में ADR के ढांचे में आगे और सुधार लाने के लिए अपनाए गए विभिन्न उपायों का भी उल्लेख कीजिए।

Alternate Dispute Resolution (ADR)
or out of court settlements are popular
in India and include:



- Importance
- judicial delay → high pendency
 - judicial expenses (court fees, lawyer fees, stamp duty, etc.); fulfills Art 39A
 - lack of formalities in proceedings
 - focus on reconciliation (in court, focus is on justice) + compromise
 - proceedings easier to understand

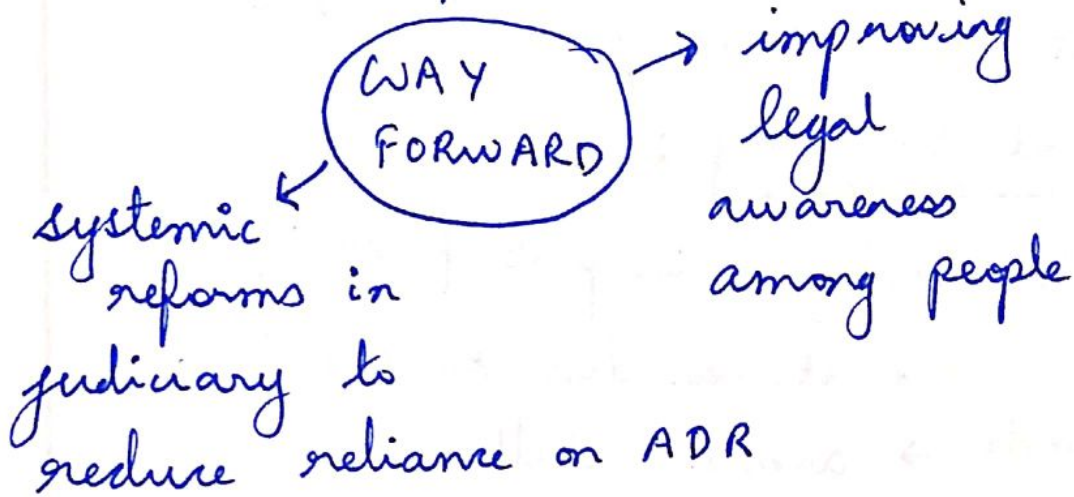
- courts have small reach in rural/remote areas; ADR has potential to reach every village
- arbitration promotes ease of doing business

MEASURES TAKEN

- giving statutory status to Lok Adalats;
setting up NALSA (National Legal Services Authority) with Chief Justice of India as patron in chief
- Gram Nyayalayas Act
- pro bono services part of criteria for appointment of senior advocates
- binding status given to Lok Adalat judgments → increasing public faith in institution
- B.N. Srikrishna Committee set up to make India a hub of international

arbitration

improving reach of ADR



ADR brings a new idea of justice
bringing both parties together to
an acceptable agreement.

14. Compare and contrast the National Emergency and President's Rule in terms of their declaration and effects on fundamental rights as well as centre-state relations. (250 Words) 15 Marks

उद् घोषणा और मूल अधिकारों एवं केंद्र-राज्य संबंधों पर पड़ने वाले प्रभावों के संदर्भ में राष्ट्रीय आपातकाल और राष्ट्रपति शासन में तुलना कीजिए और अंतर बताइए।

Art 350 contains provisions for
National Emergency :-

- applies wholly or in part of India
- grounds → external disturbance / war
→ armed rebellion
- declared by President after Cabinet approval; must be approved by both Houses (by special majority) with 1 month
- effect on Central-State Relations :
 - Centre can give directions to state but State Council of Ministers is not dismissed
 - Parliament can legislate on state subjects overruling state law

→ effect on FRs:

- Art 14, 19 immediately suspended (on grounds of external emergency)
- right to constitutional remedies suspended by Presidential order (except Art 20, 21)

Art 356 contains provisions for President's Rule :-

- applies to a state
- grounds → ~~constitutional~~ breakdown of constitutional machinery
- declared by President on consultation with governor; must be approved by Parliament within 1 month
- effect on Central-State Relations :
 - State Council of Ministers is dismissed
 - State Legislative Assembly may be suspended
 - Parliament can legislate on state

Subjects overriding state law

→ Parliament can delegate executive power to Governor

→ Money Bills can be passed by Parliament

However, President's Rule does not affect Fundamental Rights of citizens.

Hence, both Art 356 and 356 are deviations from the norm and should be used sparingly.

15. Right to freedom of religion cannot be allowed to deny right to equality and individual dignity. Discuss in the light of constitutional provisions and recent judicial pronouncements.

(250 Words) 15 Marks

धर्म की स्वतंत्रता के अधिकार को समानता और व्यक्तिगत गरिमा के अधिकार को नकारने की अनुमति नहीं दी जा सकती है। संवैधानिक प्रावधानों और हाल की न्यायिक घोषणाओं के आलोक में चर्चा कीजिए।

Art 25-28 guarantee freedom of religion under Part III of Constitution.

However, they cannot deny right to equality (Art 14) and individual dignity (Art 21).

Constitutional Provisions

Restrictions to freedom of conscience, to ~~person~~ profess, propagate & practice religious beliefs include :

- public health
- morality
- other provisions of Part III of Constitution.

State can also regulate secular aspects of religious management and make attempts to open up religious institutes of Hindus to all sections of Hindu society.

Hence, the idea of Indian secularism includes attempts at social reforms in religion by state.

Judicial Pronouncements

- in Sabarimala case, court stated Constitutional morality triumphs over religious morality
- prohibiting women ~~to~~ ~~ent~~ of menstruating age to enter Sabarimala temple (of Lord Ayappa) goes against:

Art 14 - right to equality
Art 19 - right to freedom
Art 17 - prohibition of untouchability
Art 25 - freedom of religion

Customs cannot violate FRs, especially if they do not constitute an "essential practice" in religion.

This was also corroborated by Court in Shayara Bano case where Triple Talag (instantaneous talag) was held to be :

- arbitrary - against Art 14
- un-Islamic in nature

Equality is part of the "basic structure" of the Constitution and cannot be violated based on religious customs.

16. Identify the key areas of reforms required in the judicial system in India. In this context, examine the significance of the idea of putting in place an All-India Judicial Service. (250 Words) 15 Marks

भारत में न्यायिक प्रणाली में आवश्यक सुधारों के प्रमुख क्षेत्रों की पहचान कीजिए। इस संदर्भ में, एक अखिल भारतीय न्यायिक सेवा स्थापित करने के विचार के महत्व का परीक्षण कीजिए।

The judicial system in India suffers from problems like :-

- backlog of cases - especially in lower courts
- judicial delays - more than 40% of cases are >10 yrs old according to DAKSH survey
- high number of vacancies
- dilution of judicial talent
- hasty, ill thought judgments leads to increase in review petitions ; lack of judicial assessment
- corruption among judges
- justice becoming inaccessible to poor - contrary to Art 39A

→ no mechanism to enforce judicial accountability

→ opacity in appointments ; growth of nepotism

An All India Judicial Services - AIJS
(under Art 312) can help in following
ways:-

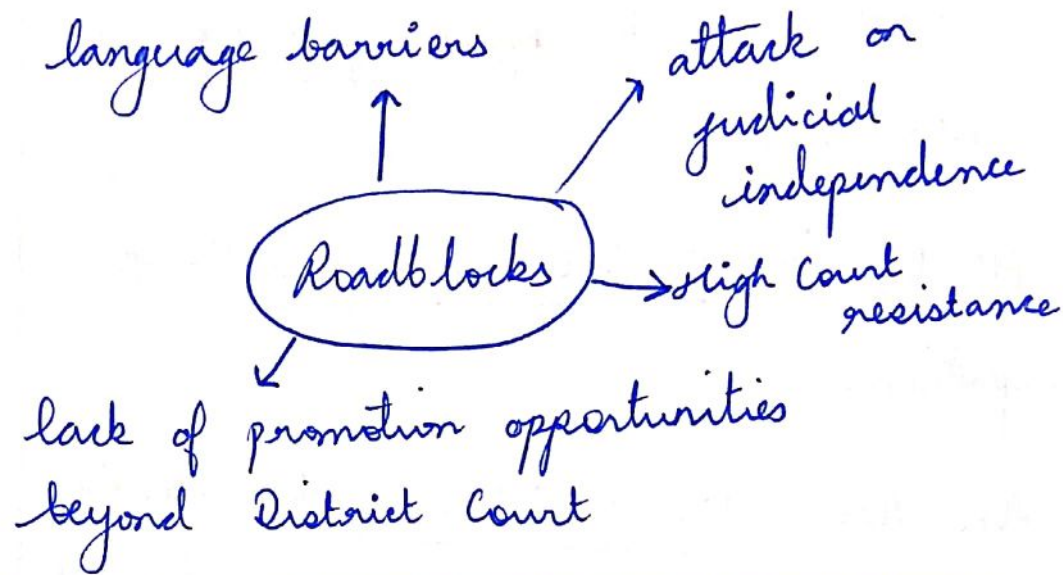
→ attracting best legal talent ; merit based appointments

→ solution to filling up vacancies

→ reduction of corruption/nepotism
in judiciary

→ increases accountability in appoint.
ment procedure

→ help improve judgment quality.

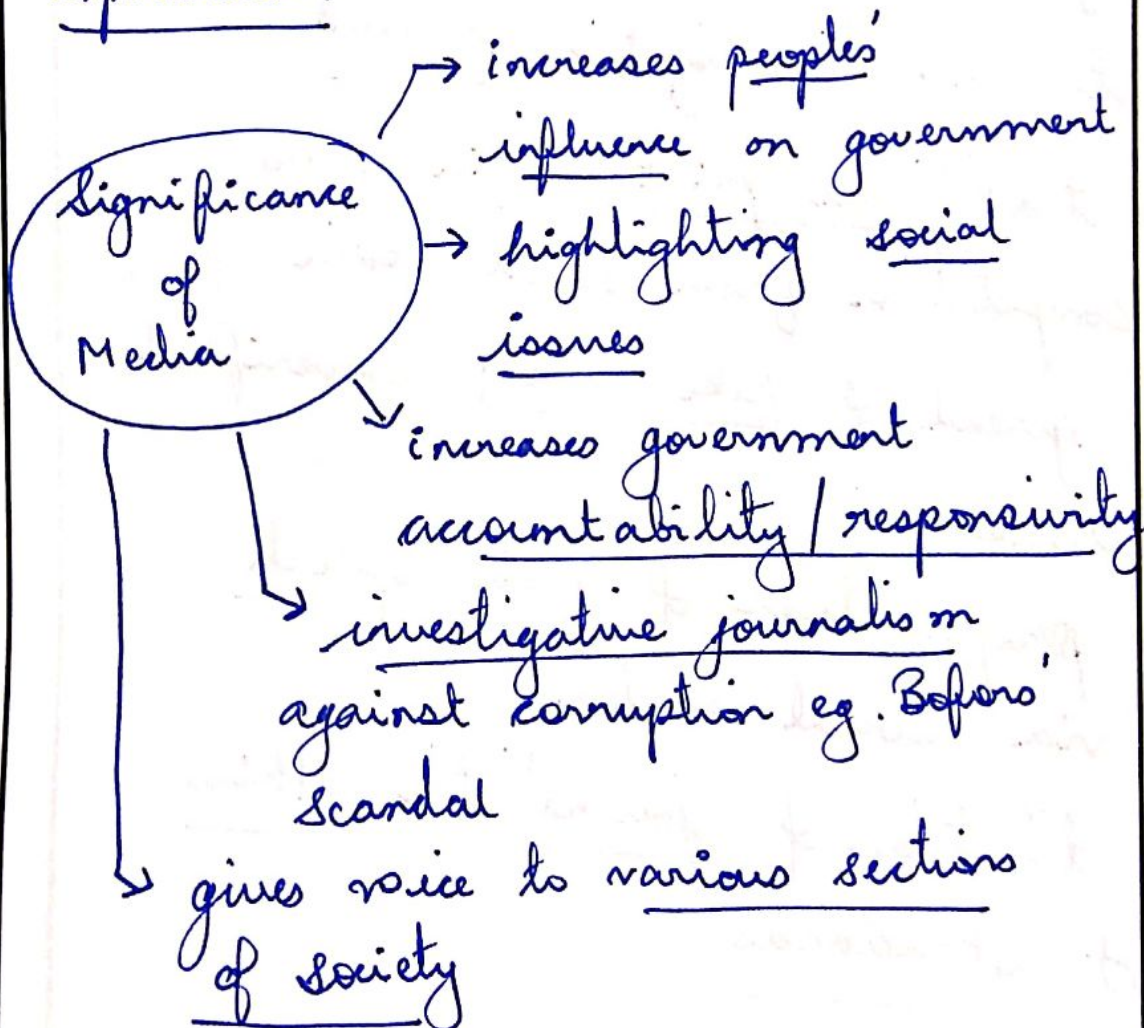


Supreme Court has mooted idea of AJS in past. Building consensus among High Courts will be a step in right direction.

17. On the recent World Press Freedom Index (WPI) India ranks 138. Elucidate the significance of media in a democracy like India. Identify the major issues affecting the media in contemporary times. In this context, enumerate the measures to address these issues. (250 Words) 15 Marks

हाल ही के विश्व प्रेस स्वतंत्रता सूचकांक (WPI) में भारत 138वें स्थान पर है। भारत जैसे लोकतंत्र में मीडिया के महत्व को स्पष्ट कीजिए। समकालीन समय में मीडिया को प्रभावित करने वाले प्रमुख मुद्दों की पहचान कीजिए। इस संदर्भ में, इन मुद्दों का समाधान करने हेतु उपायों को सूचीबद्ध कीजिए।

Freedom of the press and media
openness is a key part of Art 19 (a)
right to freedom of speech and
expression.



MAJOR ISSUES

- majoritarian government can lead to one-sided representation of events
- corruption among media-houses
- countering censorship
- focus on increasing TRPs leads to sensationalization of news
- traditional print media faces competition from social media
- spread of fake news; unverified stories
- propagation of hate speech via social media
- dilution of journalistic ethics & standards

MEASURES TO ADDRESS ISSUE

- comprehensive law addressing fake news
- citizen support to independent media houses, regional news outlets, vernacular news
- reforms to Press Council of India

Upholding Supreme Court's verdict in Shreya Singhal case supporting Art 19 is a must. As SC has stated: censorship has a "chilling effect" on democracy.

18. What are the issues plaguing tribunals in India? Examine whether an independent autonomous body such as a National Tribunals Commission (NTC) can help in remedying these issues. (250 Words) 15 Marks

भारत में न्यायाधिकरणों को बाधित करने वाले मुद्दे क्या हैं? परीक्षण कीजिए कि क्या राष्ट्रीय न्यायाधिकरण आयोग (NTC) जैसा एक स्वतंत्र और स्वायत्त निकाय इन मुद्दों का निवारण करने में सहायता कर सकता है।

The Constitution permits setting up of tribunals under Art 323 A and 323 B. Tribunals are also set up by various laws (eg. NGT Act, TRAI Act, etc.)

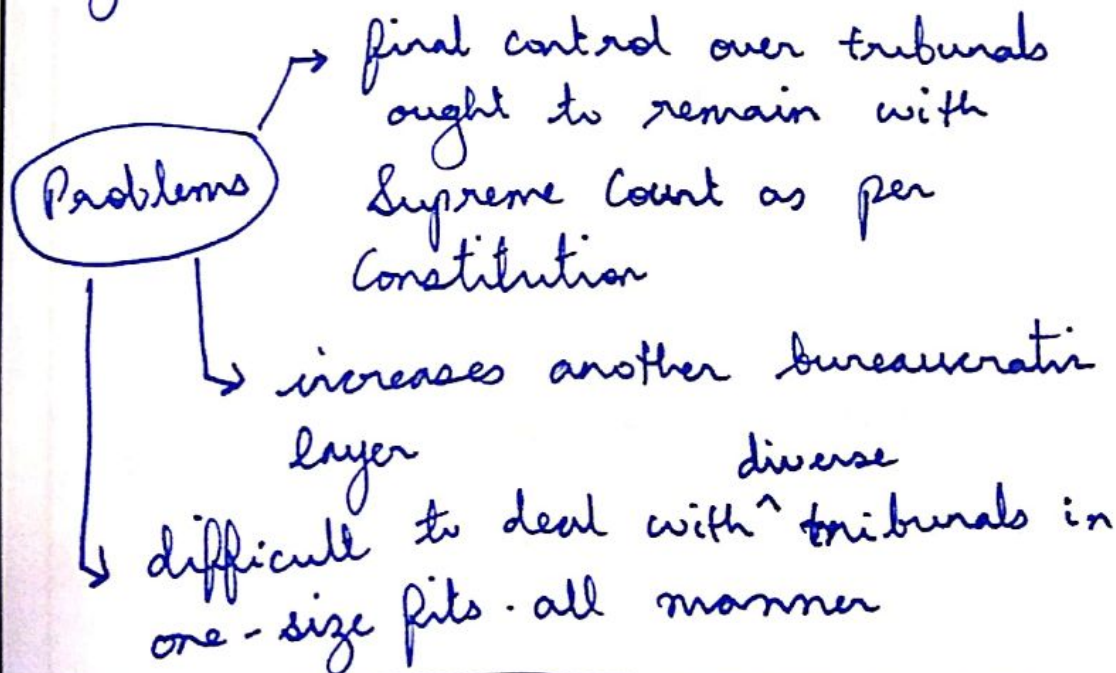
Issues Plaguing Tribunals

- backlog of cases - defeating very purpose of ending judicial backlog in court
- delays in judgment
- inadequate staff support
- recent amendments to Finance Act, 2018:
 - give executive control over tribunal member appointments & service conditions

- this attacks judicial independence
- merger of tribunals has increased burden of National Company Law Tribunal

How can National Tribunals Commission help?

- overarching regulatory body can:
 - streamline appointments
 - provide funding
 - maintain distance from elected government



The goal is to:

- improve functioning of tribunals
via increasing strength + e. court
system
- increase court capacity to avoid
'tribunalization of justice'
- avoid executive interference as
per Art. 51

19. What are the different rights available to the consumers under the Consumer Protection Act, 1986? Explaining the three layered quasi-judicial mechanism put in place under the Act, mention the measures that can be taken to improve the functioning of these forums. (250 Words) 15 Marks

उपभोक्ता संरक्षण अधिनियम, 1986 के अंतर्गत उपभोक्ताओं के लिए उपलब्ध विभिन्न अधिकार क्या हैं? इस अधिनियम के अंतर्गत स्थापित त्रिस्तरीय अर्ध-न्यायिक न्याय की व्याख्या करते हुए, इन मंचों के कार्य-प्रदर्शन में सुधार लाने के लिए किए जा सकते वाले उपायों का उल्लेख कीजिए।

Consumer Protection Act, 1986 protects the following rights of consumers :-

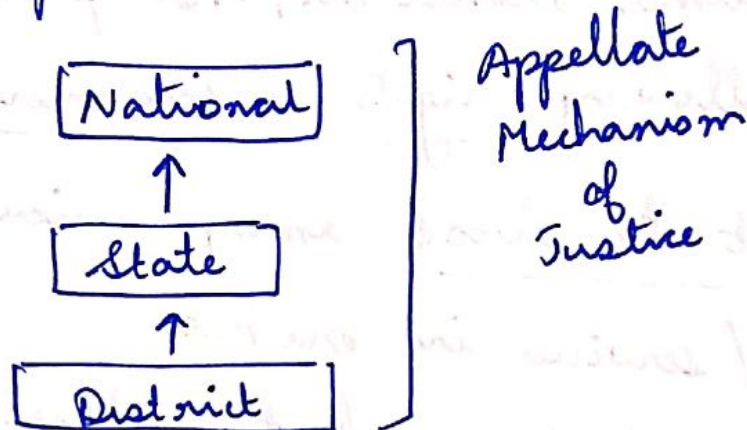
- right to choose among various goods/services in market
- right to know about good/service being purchased
- right to redressal - consumer can file complaint in case of faulty/spurious good/service

THREE LAYER MECHANISM

- 1) District Consumer Rights Forum
- 2) State Consumer Rights Forum

3) National Consumer Rights Forum

The fora are distinguished on basis of price of good/service in dispute.



- there is fees to file complaint
- complaint can be filed online
- fine for frivolous complaints
- principles of natural justice apply

MEASURES TO IMPROVE FUNCTIONING

→ implementing Consumer Protection (Amendment) Bill providing for

recall of defective goods/ services
from market

- improving scope of refund mechanism
- reducing delays to increase consumer confidence
- campaigns like "Taago Grahak Taago" (awake, consumer, awake) to increase citizen awareness
- addressing fake online ads

Improving consumer rights within market economy is a must for every democracy.

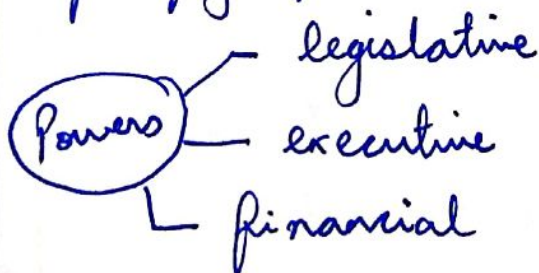
20. Success of the institutions of local self-governance depends largely on the attitude of state governments. Discuss in the context of constitutional provisions and recent experience of the working of these institutions in India. (250 Words) 15 Marks

स्थानीय स्व-शासन के संस्थानों की सफलता मुख्य रूप से राज्य सरकारों की प्रवृत्ति पर निर्भर करती है। संवैधानिक प्रावधानों और भारत में इन संस्थानों के कामकाज संबंधी हालिया अनुभव के संदर्भ में चर्चा कीजिए।

The 73rd and 74th Constitutional Amendment Acts bringing in Panchayat Raj Institutions (PRI) and municipalities were aimed to bring "democratic decentralization" in India.

However, success of these bodies depends on attitude of state government :-

Art 243 → gives state right to specify powers of local bodies



→ recommendations of State Finance Commission are implemented by state government eg: Kerala has accepted all of SFC recommendations; some states have not yet constituted SFC

→ collaboration between state bureaucracy and elected local body leaders

Experience with local Bodies

- Lack of function - states have not yet devolved powers
- Lack of funds - this has worsened after GST (loss of local taxes)
- centralization of power with bureaucrats & top-down policy making

- social audit by gram sabha
is missing in many areas
- lack of citizen awareness about
role of grassroots democracy

State - local body interaction
is key to cooperative federalism
and living up to spirit of
Art 40 of Constitution