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GENERAL STUDIES (TEST CODE : 927)

Name of Candidate	Kartik Jivani	Registration Number	13245
Medium Eng./Hindi	English	Date	05-10-17
Center			

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 ENGLISH & HINDI
इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी 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.

Answer all the questions in NOT MORE THAN 200 WORDS each. Content of the answers is more important than its length. All questions carry equal marks.

12.5X20=250

1. Enumerate the discretionary powers of the Governor mentioned in the Indian Constitution. Why is it said that the post of governor has become highly politicised?

भारतीय संविधान में उल्लिखित राज्यपाल की विवेकाधीन शक्तियों की गणना कीजिए। ऐसा क्यों कहा जाता है कि राज्यपाल का पद अत्यधिक राजनीतिक हो गया है?

Office of Governor has been created under Indian Constitution to perform several important roles including as 'Head of State', lynchpin between Centre and State as well as to ensure that government of State runs in accordance with Constitution.

Constitution has provided certain explicit discretionary power to Governor. Some of which are:

- to appoint Chief Minister in case of Hung Assembly
- to dissolve Legislative Assembly on advice of 'Council of Ministers' when it has lost majority
- to ask 'Council of Ministers' to prove majority on floor of House

- to administer and make Regulations for 5th and 6th Schedule Areas in state
- to reserve bill passed by state legislature for ~~recommendation~~ Presidential assent
- to recommend imposition of Emergency under Art. 356
- special powers under Art. 371
- to govern adjoining UTs

However, despite giving these explicit discretionary powers, plain reading of Art. 163 ~~stating~~ that 'discretionary power of Governor is in itself his discretion and his decision will be final' reveals as if vast discretionary powers have been given. This has created ~~in~~ a tussle between Governor and CoM many a times, giving it a political colour.

Other constitutional issues are:

- appointing CM in case of Hing Assembly based on political bias, as was witnessed recently in Goa & Manipur.
- Frequent resort to reserving Bills for Presidential assent
- Recommending 'President's Rule' as was witnessed in Arunachal Pradesh and Uttarakhand recently

Politicisation is of the past is happening majorly due to present manner of Appointment and Removal of Governor, at the 'pleasure of President'. Thereby, need of hour is to go for changing it in the manner prescribed by 'Punchhi Commission' to depoliticise it.

2. CAG is instrumental in securing accountability of the executive to the Parliament in the sphere of financial administration. Elaborate. Enumerate the provisions made in the Constitution to ensure the independence of the CAG.

वित्तीय प्रशासन के क्षेत्र में संसद के प्रति कार्यपालिका की जवाबदेहिता सुनिश्चित करने में CAG की भूमिका महत्वपूर्ण है। विस्तारपूर्वक बताइए। CAG की स्वतंत्रता सुनिश्चित करने हेतु संविधान में वर्णित प्रावधानों का उल्लेख कीजिए।

Office of CAG has been created under Art. 148 to 151 of Indian Constitution. It's envisaged as one of the 'Democratic Bulwark' as held by Dr. Ambedkar.

CAG has been entrusted with the function of ensuring accountability of executive towards Parliament in the sphere of finance. It performs these function through various means like:

- It audits the receipts and expenditure of Union ~~the~~ 'Consolidated Fund of India', 'Contingency Fund of India' as well as 'Public Accounts'.
- It audits the accounts of each Ministry and Department of Govt.
- It also audits PSUs, bodies and

Union Govt.

- It prepares 3 reports namely, - Appropriation, Finance and Public Undertaking - and submit it to President to lay before Parliament
- It also assists and acts as friend, philosopher and Guide to 'Public Accounts Committee' to make Executive Accountable.

All these roles of Ensuring Executive Accountability requires Office of CAG to be independent. Constitution contains following provisions to ensure it :

- CAG ~~has been~~ ^{provi} is appointed by President for fixed term, thereby providing 'Security of tenure'
- strict removal procedure, ~~be or same~~ as judge of Supreme Court on grounds of 'proved misbehaviour' and 'Incapacity'
- Expenditure of CAG is charged on Consolidated Fund, thereby making it

non-votable

- CAG can't be appointed to any office under Union/State post retirement
- Service condition of employees of IAS is determined by President after consultation with CAG
- Service condition, salary etc. can't be varied to disadvantage of CAG

3. What are the different institutional arrangements in India to promote cooperation between the Centre and States? Critically analyse the role of Inter-State Council to enhance cooperative federalism in India.

केंद्र और राज्यों के बीच सहयोग को बढ़ावा देने के लिए भारत में विभिन्न संस्थागत व्यवस्थाएं कौन-सी हैं? भारत में सहकारी संघवाद को बढ़ावा देने में अंतर्राज्यीय परिषद की भूमिका का आलोचनात्मक विश्लेषण कीजिए।

Indian Constitution envisages 'Cooperative Federalism' - i.e., cooperation among Centre and States on Executive, Legislative and Financial spheres - as opposed to 'Pure Federalism' in USA, providing for strict separation, thereby making cooperation essential for development of Nation at large.

Different Institutional Arrangement for Centre-State Cooperation:

- 'Inter State Council' as provided under Art. 263 of Constitution
- 5 Zonal Councils created under 'States Reorganisation Act, 1956' for Regional as well as Centre-State cooperation
- NITI Aayog, having 'Governing Council' and 'Regional Councils'
- conferences of Chief Ministers, Finance Ministers etc. meeting from time to time

- Recent meeting discussed ~~the~~ range of issues including cooperation on Internal Security, DBT, Aadhar etc.

However there are certain ~~to~~ challenges confronting ISC, making it unable to realise full potential of cooperation like:

- There's is regular meeting of it - last meeting was held after ~12 years
- ~~For~~ Reference of 'engaging into Inter State issues and making suggestion' provided under Constitution has ~~been~~ not been included under ISC's mandate
- It has been criticised as being merely a talk-show

~~ISC~~ Given ISC's huge potential, there's a need to reform it on the lines given by 'Punchhi Commission'.

4. In view of the idea of holding simultaneous elections to the Lok Sabha and State Legislative Assemblies, discuss the advantages that its implementation would lead to and the concerns that it raises.

लोकसभा और राज्य विधान सभाओं का चुनाव एक साथ कराने के विचार के आलोक में, इसके कार्यान्वयन से होने वाले लाभों और इससे उपजने वाली समस्याओं पर चर्चा कीजिए।

Simultaneous Election refers to holding Election of Lok Sabha and all state Assemblies together as opposed to the present practice of holding it differently. This idea has been mooted recently by Hon'ble President, vice-president as well as PM, on different occasions.

Advantages:

- It would help save lot of money spent today in conducting many elections
- Government would be able to focus on Governance ~~and less~~ more as today its priority becomes winning Election, taking place in different states
- Developmental work would progress smoothly as opposed to today's situation whereby frequent ~~in~~ enforce

during elections prevent announcement of new schemes and programs

- Parliament and state legislatures would be able to function better as opposed to frequent disruptions happening today by politicians to come to limelight.

Challenges and Concerns:

Undesirability:

- It would loosen the contact between political class and citizens as they would only take care of it once in 5 years.
- mixing up of local, regional and National issues
- Disadvantage to smaller Political parties

Implementation Issues:

- Indian Constitution provides for dual polity at Centre and State based on Parliamentary model. Given that it's an Unstable form of ~~current~~ political system by nature, co-ordinating the strict simultaneous election schedule becomes nearly impossible

- It requires huge election machinery including Administrative personnel, security forces etc., which India doesn't have today as clear from multi-phase election taking place today.

Though it being a novel idea, there are many challenges before it which needs to be overcome before we think of it.

5. Proliferation of Ministries and Departments in the government not only leads to weak coordination and integration but also fragmentation of functions. Comment in the context of India.

सरकार में मंत्रालयों और विभागों का प्रसार न केवल समन्वय और समेकन को कमजोर करता है, बल्कि प्रकार्यों के विखंडन का भी मार्ग प्रशस्त करता है। भारत के संदर्भ में टिप्पणी कीजिए।

Indian State, envisaged as a 'Welfare State' by Constitution, has immense number of roles and functions to perform. As opposed to pre-independence time, its responsibilities have increased to cover various spheres including Security, Defence, socio-economic upliftment through welfare measures, Disaster management, Environmental protection etc.

All these naturally call out for more number of Ministries and Departments to achieve Division of labour and thereby achieve specialisation, to effectively and efficiently perform given role.

However, apart from this necessity, India has witnessed rising Ministries and Departments to accommodate elected representative out of political compulsion, especially in the time of Coalition Era.

This has resulted in ~~leading~~ co-ordination problem among different departments. ~~any~~ policy / scheme ~~not~~ encompasses host of Ministries and not a single one. e.g. rooting out Black Money requires cooperation among PMO, Finance Ministry, Ministry of Corporate Affairs and many others. However, this isn't getting materialised effectively.

Similarly, apart from coordination, high no. of departments also lead to fragmentation of functions, thereby making it difficult to take holistic view of an issue. e.g. Home Ministry oversees Foreign contribution to NGOs under FCRA, whereas Finance Ministry ~~too~~ oversees it received under FEMA, 2002, ~~the~~

Need of the hour is to rationalise the number of Ministries in line with 'Minimum Government, Maximum

Ministry of Overseas Indians with that
of Ministry of External Affairs is a
welcome move and more such steps
are need of hour.

6. Though judicial activism has made the judiciary more people friendly, there is also a negative side to the idea of a pro-active judiciary in the form of judicial overreach. Discuss with examples.

यद्यपि न्यायिक सक्रियता ने न्यायपालिका को अधिक लोक-अनुकूल (पीपल फ्रेंडली) बना दिया है, किन्तु अति-सक्रिय न्यायपालिका की अवधारणा का एक नकारात्मक पक्ष न्यायिक अतिक्रमण (जुडिशल ओवररीच) भी है। उदाहरण सहित चर्चा कीजिए।

Judicial Activism refers to Judiciary being in 'Active State' i.e., it refers to ~~rebalancing~~ power equation ~~between~~ Judiciary vis-a-vis Executive and Legislature, to keep other two Organ on their toes to function on a time bound manner effectively.

Judiciary, ~~it~~ since 1970s has become more proactive in its stance, to come to the rescue of common people and to address governance deficit.

Some of the Instances of Judicial Activism are:

- Doctrine of 'Basic Structure' in Keshevanand Bharti case to provide for Basic features
- Loosening its principle of 'Locus standi' into PIL revolution, thereby

making Justice available to the hitherto Marginalised and vulnerable sections of society.

- Expanding the scope ~~form~~ of 'Art 21' relating to 'Right to Life and Personal Liberty' - thereby including many like Social and Economic Rights ~~including~~ like Right to Health, Education etc.

Though it's a welcome move by Judiciary, there are also some concerns raised by many, criticising it of 'Judicial Overreach' i.e. Judicial interference in the Domain of Executive and Legislature.

Few of the Instances of Judicial Overreach are:

- providing for ~~At~~ 'NEET' as an Entrance Exam for Medical Education
- Banning ^{old} Diesel Vehicles in Delhi
- BCCI case
- Prohibiting Liquor along National and State Highways etc.

Judicial Overreach disturbs the delicate power balance among 3 Organs of State. It goes against the principles of 'Separation of Power'. ~~and results in~~ There's a need for Judiciary of 'self restraint' and not to cross its own Domain.

7. Examine the reasons behind the government's decision to dismantle the plan-non-plan classification of expenditure. How will the new classification of schemes into 'core of the core', 'core' and 'Optional' address the shortcomings of the earlier classification?

सरकार द्वारा व्यय के योजनागत और गैर-योजनागत वर्गीकरण को समाप्त करने के निर्णय के पीछे के कारणों का परीक्षण कीजिए। योजनाओं का 'कोर ऑफ द कोर', 'कोर' और 'वैकल्पिक (Optional)' के रूप में नया वर्गीकरण किस प्रकार पूर्ववर्ती वर्गीकरण की कमियों को दूर करेगा?

Government, ~~used~~ ~~to~~ traditionally since independence, used to divide all expenditure into Plan-Non plan while budget making exercise. Plan expenditure ~~refers~~ refers to expenditure made as a part of an activity / project mentioned under five-year plans, whereas all other expenditures fall into Non-plan category.

Reasons behind dismantling Classification:

- Govt. ~~to~~ scrapped the practice of 'Five year plans' and has adopted '3 year Action Agenda', thereby making it irrelevant.

- There had been an impression created that Plan expenditure is 'good and productive Expenditure', whereas Non-Plan being 'Unproductive Expenditure'.

It created a situation whereby schools were created but without teachers, hospital w/o doctors and so on.

- There's no Constitutional or legal requirement to present it separately

Govt. had set up 'Shivraj Singh Chauhan Committee on Nationalising CSS' and has accordingly divided all schemes into 'core', 'core of the core', and 'optional' based on its recommendations.

It seeks to give flexibility to states in terms of implementation of CSS, as opposed to earlier condition whereby they had to compulsorily match Central contribution, with no flexibility.

Now, ~~the~~ 'optional' scheme's implementation is totally dependent on the requirement and need of states. In case of 'core' schemes, it has nationalised contribution of Centre-State to 60:40

as opposed to earlier practice whereby each scheme had different funding pattern creating confusion.

8. The amendment to do away with the domicile requirement for elections to the Rajya Sabha has militated against the very purpose that guided the Constituent Assembly to create the Council of States and reduced it to a mere revising chamber. Critically analyse.

राज्य सभा में निर्वाचन हेतु अधिवास (डोमिसाइल) की अर्हता हटाने वाला संशोधन राज्यसभा बनाने के लिए संविधान सभा को निर्देशित करने वाले मूल उद्देश्यों के प्रतिकूल है और ऐसा करके इसे मात्र पुनरीक्षण सदन बना दिया गया है। आलोचनात्मक विश्लेषण कीजिए।

~~Partiamend~~

Rajya Sabha is a permanent House of Parliament. It was created ~~out~~ to perform several important roles including protecting the interest of States, revising chamber, Expert representation and quality debate, stability of legislature etc.

Originally, Representation of People Act, 1951 provided for a Candidate for Rajya Sabha Election to be 'Resident' of that particular state to contest election. However, Parliament in 2003 amended it and deleted this 'Domicile requirement' for Rajya Sabha Election.

This has led to persons from other states getting elected to Rajya Sabha, thereby defeating the very purpose of protecting the interest of

that particular state against actions of Union Government. Since, a person is not attached to that state, he can't be expected to do so.

However, this ~~is~~ ^{change} ~~provision~~ was upheld by SC in 'Kulip Nayar case 2006' ~~and~~, holding that representatives of the state themselves have elected a person to Rajya Sabha and hence, he can't be termed as non-representative of the interest of state.

Rajya Sabha is unable to perform its duty of being 'Council of states' due to many other reasons as well like:

- Anti Defection Law preventing a person from freely expressing the interest of state
- ~~Free~~ vote by MPs on party lines and not in a block representing a particular state

All these factors have reduced Rajya Sabha to merely being a revising chamber. There's an urgent need to restore

it to its original state envisaged
by Constitution makers by reforming
it like:

- ~~Doing away~~ restoring Domicile require-
ment
- ~~Issuing 'Party whip' only on 'cases~~
~~of stability of Govt~~
- Rationalising 'Anti Defection Law' to
let MP freely express etc.

9. Discuss the significance of the concept of Office of Profit as enshrined in the Indian Constitution. Why has it been embroiled in controversies for a long time? Analyse the role played by judiciary in this regard.

भारतीय संविधान में यथा प्रतिष्ठापित लाभ के पद की अवधारणा के महत्व पर चर्चा कीजिए। यह लंबे समय से विवादों में क्यों बना रहा है? इस संबंध में न्यायपालिका द्वारा निभाई गई भूमिका का विश्लेषण कीजिए।

Constitution provides for 'Office of Profit' as a disqualification for MLA/MP in state legislature / Parliament. ~~It~~ However, term 'Office of Profit' hasn't been defined by Constitution, making it a point of controversy, as was seen recently in case of Delhi.

Constitution establishes 'separation of power' and 'system of checks and Balances' for 3 Organs of State. 'Office of Profit' is an office falling under the control of Executive, which has often been misused by Government by means of appointing legislator to this office to keep him on good ~~not~~ terms with government, who is otherwise expected to perform the role of ensuring accountability of government towards legislature.

~~Con~~ However, Constitution provides for Parliament / State Legislature to exempt certain Executive offices from purview of 'Office of Profit', thereby it not attracting disqualification of Legislator.

However, Judiciary has on many instances nullified it on various grounds.

10. The provisions of the Sixth Schedule of the Constitution devolve some essential powers to the lower levels in order to cater to the needs of the tribal community. Discuss, while examining the modern day challenges faced by the institutions set up under the Sixth Schedule.

संविधान की छठी अनुसूची के प्रावधान जनजाति समुदायों की आवश्यकताएं पूरा करने हेतु निचले स्तर पर कुछ आवश्यक शक्तियां प्रत्यायोजित करते हैं। छठी अनुसूची के अंतर्गत स्थापित संस्थाओं द्वारा सामना की जा रही आधुनिक समय की चुनौतियों की जांच करते हुए चर्चा कीजिए।

Sixth Schedule of Constitution provides for Administration of Tribal Areas in the four states of Assam, Meghalaya, Tripura and Mizoram. It was incorporated to provide limited self-Rule to tribals to develop in their own way, respecting their cultural norms and traditions.

Several essential powers have been given to 'Tribal Areas' under Sixth Schedule like :

Legislative Power:

- they can make laws regarding health, education, sanitation, market regulation, land transfer etc.

Executive Power:

and administration

schools, dispensaries, market, money lending activities, minor water body management etc.

Financial Power:

- Power to levy land taxes and other local taxes

Judicial Power:

- Power to establish Village Councils to try suits and dispense justice in their own way.

However, despite giving many powers to cater to their needs of developing in their own way, there are many lacunae in its functioning like:

- Power to approve rules and laws passed by them lies with Governor, who many a times delays or simply refuses to pass
- definition of 'minor water bodies', 'minor minerals' are not provided, thereby limiting their power
- Fund crunch as state govt. not devolving adequate financial resources

- corruption and diversion of resources to Extremist groups
- ~~Power~~ Several power devolution is optional for state govt., which they have not devolved to tribal areas.

11. The political empowerment of Panchayati Raj Institutions (PRIs) has not been accompanied by empowerment in other spheres. Comment. Also examine whether devolving functional autonomy, administrative support and financial resources to the PRIs can help in overcoming the issues related to PRIs.

पंचायती राज संस्थाओं (PRIs) के राजनीतिक सशक्तिकरण को अन्य क्षेत्रों के सशक्तिकरण से संबद्ध नहीं किया गया है। टिप्पणी कीजिए। इसके साथ ही परीक्षण कीजिए कि क्या PRIs को प्रकार्यात्मक स्वायत्तता, प्रशासनिक सहायता और वित्तीय संसाधन सौंपने से PRIs से संबंधित मुद्दों को संबोधित करने में सहायता मिल सकती है?

PRIs were set up under 73rd Constitutional Amendment Act as a tool of political decentralisation. It has the potential to bring about rapid development of rural areas with direct participation of the people.

However, there are certain issues which have prevented its full realisation. Some of which are:

- Though political Institutions of Gram Sabha and 3-tier structure have been created, but it's not been devolved functions mentioned under Schedule XI by state governments
- PRIs are also short of adequate financial power to carry out their

whatever limited functions they have

- They don't have adequate functionaries to carry out these tasks, ~~thereby~~

These 'fund-function-functionaries' non-empowerment has resulted in limited impact on political empowerment.

If PRIs are provided with these three things, it could definitely result in realising the potential of rapid rural development.

However, these three alone are not sufficient to ensure it, as PRIs also face several other issues also like:

- caste differences of members hijacking effective functioning of PRIs
- Corruption by elected members
- Patriarchal mindset resulting in

lack of autonomy of elected women

- govt. official like Block Development officer, District Development Officer etc.

overpowering elected candidates

- Reluctance by elected members to collect taxes due to fear of political backlash

So, there's a need to go for comprehensive reorganisation and redefining the institution of PRI to make it effective addressing not only the 'fund - function - functionary' aspect, but also other challenges.

12. While it has been argued that the judiciary should be brought under RTI, a balance also needs to be maintained between independence of the judiciary and the right of people to know. In this context, discuss the pros and cons of bringing the judiciary under the ambit of RTI.

एक ओर जहां यह तर्क दिया जाता रहा है कि न्यायपालिका को RTI के दायरे में लाया जाना चाहिए, वहीं दूसरी ओर न्यायपालिका की स्वतंत्रता और लोगों के 'जानने के अधिकारों' के बीच संतुलन बनाए रखे जाने की भी आवश्यकता है। इस संदर्भ में, न्यायपालिका को RTI के दायरे में लाए जाने के पक्ष और विपक्ष पर चर्चा कीजिए।

RTI Act, 2005 makes it mandatory for Record keeping and disclosing information for all 'Public Authorities'. In its literal sense, even Judiciary fits into this definition.

CIC had ~~se~~ recently asked HC Courts to disclose information under RTI. However, HCs and SC are opposing it, contending that they don't fall within the definition of 'public authority'.

It's in this light, it's important to analyse pros and cons of bringing Judiciary under RTI.

Pros:

- Judiciary today is ~~one of~~ the least accountable and transparent Organ of the State. Bringing it under

- In a Democracy, no institution can decide to be opaque and unaccountable.
- It would help check the wide-ranging allegations of corruption and Judge-lawyer nexus
- It would make 'Collegium System' transparent, which has today been marred by opaqueness and Npotism. Recent, Justice Karman episode point to this fact of unworthy judges being appointed to Higher Judiciary

Cons:

- It ~~would~~ go may go against the principle of 'Judicial Independence'
- Personal information obtained through RTI may be misused to blackmail judge to get favourable judgement
- ~~Disclosure~~ of 'sensitive information' might ~~be~~ ~~threaten~~

Given these Pros and Cons,
~~Judicial~~ question isn't whether Judiciary

should be brought within the ambit of RTI, but ~~also~~ is about how a balance of Right to Information of people and Independence of Judiciary be achieved by bringing it under RTI to check 'misuse of power' and enhance transparency.

13. Differentiate between pressure groups and political parties. It is often said that pressure groups are primarily a consequence of inadequacies of the political parties in India. Discuss the above statement in the context of rising environmental protection groups.

दबाव समूहों और राजनीतिक दलों के बीच अंतर बताईए। प्रायः यह कहा जाता है कि दबाव समूह मुख्य रूप से भारत में राजनीतिक दलों की अयोग्यता का परिणाम हैं। पर्यावरण संरक्षण समूहों की बढ़ती संख्या के संदर्भ में ऊपर्युक्त कथन पर चर्चा कीजिए।

Pressure Group

Political Party

- | | |
|---|---|
| <ul style="list-style-type: none"> - It doesn't get itself directly involved in coming to power and hence don't fight Elections - It's usually confined only to few issues e.g. 'Association of Democratic Reform' is involved to make governance clean - It's composed of people having similar interest identity i.e. it's a Homogenous group of people | <ul style="list-style-type: none"> - It aims to come to power by fighting Election - It's involved in range of issues confronting common man - It's composed of people having Divergent interests since they want to win election, thereby requires popular support from heterogeneous group |
|---|---|

There are many pressure groups active in Environment Protection, like Air, water, land pollution, deforestation, biodiversity loss etc. Some of the notable such ~~Environmental~~ Pressure groups are IUCN, World Wide Fund for Nature, 'Save Tiger' campaign group etc.

Political parties are interested in winning elections and coming to power. Therefore they are not raising issues ~~the~~ relating to environment as people of India largely are not aware of such 'Environmental Activism'. This ~~gap~~ ~~has~~ neglect of Environment Issue has resulted in ~~the~~ constant Environmental degradation for Urbanisation and Industrialisation needs.

It's to fill this gap of neglect, Pressure groups have come to the fore and pressurised govt. of the day to look for Environmental protection and go for 'Sustainable

Need of how is awareness among the people at large about Environment Issue to adequately and meaningfully address the problem through normal political process itself as pressure groups have inherent limitation on the impact, it could have.

14. Give an account of the factors responsible for the limited success of Lok Adalats. What measures are required to ensure that Lok Adalats function as an effective dispute redressal mechanism?

लोक अदालतों की सीमित सफलता के लिए उत्तरदायी कारणों का विवरण दीजिए। लोक अदालतें प्रभावी विवाद निवारण तंत्र के रूप में कार्य करें, इसे सुनिश्चित करने के लिए क्या उपाय किये जाने आवश्यक हैं?

Lok Adalats is an 'Alternative Dispute Resolution' platform, organised on a regular basis to try several cases relating to civil, criminal, land related, matrimonial disputes etc. ~~It~~ ~~is~~

Lok Adalat has been given statutory status under 'Legal Services Authority Act, 1987'. ~~Over the years~~, It was done with the purpose to make justice accessible to common man at low cost ~~and~~ ~~in~~ and timely manner. ~~It~~

However, its success has not yet been fully achieved due to number of reasons like:

- low awareness among the people about existence of ~~such~~ 'Lok Adalat'
- Mandate of 'Lok Adalat' is narrow in the sense that it can try limited matters only. — i.e. it can't try

- There's no permanent 'Lok Adalat'. Rather it's held periodically on an ad-hoc basis, thereby limiting its use to a common people
- Award of Lok Adalat is ~~to~~ find and binding. It can't be challenged in any court of law. Hence, disputing parties often refrain from approaching Lok Adalats as it closes door for further appeal

Measures Required to make it Effective:

- Its mandate should be increased to cover more matters
- Awareness campaign needs to be undertaken to make people aware about existence of Lok Adalat
- ~~Quality of~~ conciliation/mediation hearing disputes need to be well accepted among the people and should be thorough with legal knowledge to improve effectiveness of Lok Adalat
- Permanent Lok Adalats should be established.

'Lok Adalat' is an effective ADR mechanism to decongest courts and to provide speedy, inexpensive justice. It must be strengthened to realise its full potential.

15. Part IV of the Indian Constitution has great value as it provides for social and economic democracy. In light of the above statement, discuss the importance and limitations of this part of the constitution.

भारतीय संविधान के भाग IV का अत्यधिक महत्व है क्योंकि यह राजनीतिक लोकतंत्र से भिन्न सामाजिक तथा आर्थिक लोकतंत्र हेतु प्रावधान करता है। उपर्युक्त कथन के आलोक में, संविधान के इस भाग के महत्व तथा सीमाओं पर चर्चा कीजिए।

Part IV of Indian Constitution provides a set of principles to Central and State governments to incorporate them into their planning and policy making, to realise the goal of social and Economic Justice enshrined in Constitution.

Importance of Part IV:

Part IV establishes a 'Welfare State' - giving primary role of Welfare of the people to 'State'. It seeks to ~~complement~~ Part III of Indian Constitution providing for Fundamental Rights to the people, by establishing social and Economic Democracy.

India has a vast inequality in both social as well as Economic spheres. Number of vulnerable sections like Children, Women, Old Age people, Disabled etc. require the support of state for upliftment.

Similarly, caste inequality, unemployment, poverty, malnutrition etc. call for proactive role to be played by State to achieve Paramount values of 'Liberty, Equality, ~~and~~ Fraternity and Justice'.

Part IV of Constitution, by providing set of directives like welfare of Old age people, children, disabled etc., provision of Maternity relief, checking concentration of wealth, right to work, upliftment of SC/ST, organising Agriculture on Scientific lines, promoting Cottage Industry etc. seek to establish social as well as ~~political~~ economic democracy, which is essential to achieve political democracy.

Limitations of Part IV:

- Part IV ~~is~~ merely a guidelines and provides isn't enforceable in a court of law
- Though it provides for progressive measures, but its implementation hinges on Economic capability of 'State' thereby limiting its realisation

16. Government advertisements have often been viewed as misuse of taxpayer's money for enhancing the image of political parties. Discuss in the light of relevant SC rulings. Also enumerate the recommendations made by the Twentieth Law Commission to address the issue of paid news and political advertisements.

सरकारी विज्ञापनों को प्रायः राजनीतिक दलों की छवि का महिमामंडन करने के लिए करदाताओं के पैसे के दुरुपयोग के रूप में देखा जाता है। सर्वोच्च न्यायालय के नवीनतम निर्णयों के आलोक में इस पर चर्चा कीजिए। इसके साथ ही पेड न्यूज और राजनीतिक विज्ञापनों के मुद्दे का समाधान करने के लिए 20वें विधि आयोग द्वारा की गई अनुशंसाओं का उल्लेख कीजिए।

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17. In a paradigmatic shift from the command and control approach of the past, NITI Aayog accommodates diverse points of view in a collaborative, rather than confrontationist setting. Comment.

प्रतिमानी परिवर्तन (paradigmatic shift) के तहत, पूर्ववर्ती कमांड एंड कंट्रोल (कमान और नियंत्रण) के दृष्टिकोण से परे नीति आयोग अब टकराव की बजाय सहयोगी विचार के साथ विभिन्न दृष्टिकोणों का समायोजन करता है। टिप्पणी कीजिए।

NITI Aayog replaced the erstwhile 'Planning Commission' in 2015, thereby heralding into a new Era of 'Competitive cooperative federalism' as opposed to erstwhile 'command and control approach' of Centre towards states.

Difference b/w Planning Commission and NITI Aayog

- While the former had majosly representatives from the Centre, NITI Aayog has wider representation of not only Centre but equally that of states in its 'Governing Council' as well as 'Regional Councils', thereby giving greater say to states.
- Earlier 'Planning Commission' is role of unilaterally preparing five-year plans as well as allocating resources for plan expenditure has been done away with.

and NITI Aayog has the role ~~only~~ of preparing '3 year Action Agenda' through wider participation of states as well as to act as 'policy think-tank'

- NITI Aayog ~~provides~~ seeks to infuse competitive spirit among states by providing them greater autonomy ~~to~~ in various social-economic-financial spheres, as opposed to Planning Commission's role ~~of~~ of effectively making states merely implementing Agencies of Centrally decided plans and programs
- ~~The~~ ~~3~~ ~~Eng~~ Various committees of Chief Ministers established for ~~var~~ several issues like nationalising CSS, skill India, Swachha Bharat Mission etc. point to the fact of greater role of states in National Development

Doing away with ~~Planning~~ ~~Commission~~
Planning Commission marked by 'command
and control' and herding into a
'cooperative approach' of NITI Aayog is a
welcome step to make states equal
partners in developmental issues.

18. Vast powers have been vested in the office of the Speaker to strengthen the democratic institutions of the parliamentary system, and not to stifle dissent or protest in the House. Comment in the context of India.

लोक सभा के अध्यक्ष को व्यापक शक्तियां वस्तुतः संसदीय प्रणाली की लोकतांत्रिक संस्थाओं को मजबूत बनाने के लिए निहित की गई हैं, न कि सदन में असहमति या विरोध को दबाने के लिए। भारत के संदर्भ में टिप्पणी कीजिए।

Office of Speaker has been one of the offices enjoying high Dignity and Authority. It has been conferred with wide ranging powers to ensure smooth functioning of Legislature. It's clear from various powers vested in Speaker like :

- to maintain decorum in the house
- to protect privilege of ~~House~~ Parliamentarian as well as of House at a whole
- to ensure smooth functioning of House
- to appoint various committees and its members to ensure demo-
cratic functioning of legislature through participation of all.

However, recently many of the concerns being raised against the 'Chair of Speaker', alleging it to stifle dissent and protest in the House. Recent cases of expulsion of members of opposition party in Gujarat and Tamil Nadu raised the allegation of political biasness of Speaker.

Speaker has often disqualified members of Opposition protesting against policies or actions of Government. e.g. Speaker of Lok Sabha disqualified protesting MPs post Demonetisation. This biasness of Speaker defeats the very purpose of holding government accountable to the Legislature. ~~as~~ Through tools of Question Hour, Zero Hour, motions and Resolutions, functioning of Parliamentary Committees etc

Need of the hour is to welcome and not suppress the dissent as it provides valuable constructive criticism of Government's actions, thereby ensuring effective Governance.

19. Tenth Schedule of the Constitution and the subsequent amendments have failed at solving the problem of defections and opportunistic politics. Critically analyse.

संविधान की दसवीं अनुसूची और पश्चातवर्ती संशोधन दलबदल और अवसरवादी राजनीति की समस्या को हल करने में विफल रहे हैं। आलोचनात्मक विश्लेषण कीजिए।

Post 1967, India witnessed a decline of 'Congress System' and ascendancy of Regional parties in Indian political system. This resulting Era of Coalition politics subsequently witnessed large scale Defections i.e. political changing party.

To check this rising tide of Defection, prevent use of money power and providing of stability of Govt., Parliament amended Constitution and inserted 'Tenth Schedule' providing Anti-Defection law i.e. disqualification on the grounds of Defection through 52nd Constitutional Amendment Act, 1985. It provides for disqualification of legislator for voluntarily resigning from a party / violating 'party whip'. It was further amended to prohibit 'split' i.e. $\frac{1}{3}$ rd members splitting from a party.

However, recent events of Defections witnessed in Tamil Nadu, Andhra

Pradesh, Goa etc. point to the limitations in curbing Defection, by Anti-Defection Law.

Some of the problems in present 'Anti-Defection Law' are:

- It ~~doesn't provide~~ vests the power of investigation and disqualification on 'Speaker', which is a political office in India
- It doesn't provide a time line within which investigation needs to be completed, making it prone to misuse by speaker who often doesn't act against Defectors joining Ruling Party
- It doesn't provide ~~for~~ elaborate guidelines and manner of investigation.

There's a need for reforming 'Anti-Defection Law' to make it more effective. Some of these amendments could be:

- Providing for elaborate and transparent

time bound manner

- Powers of Disqualifications could be vested in President on recommendation of ECJ like that in case of other disqualifications
- Institution of Speaker could be made 'neutral and impartial' on the lines of UK

20. It is the Parliamentary system, with its basis on constant accountability, accommodation and inclusion, which can best serve the needs of the country. Examine, keeping in mind the arguments that are periodically put forward for adopting the Presidential system in India.

निरंतर जवाबदेही, समायोजन और समावेश पर आधारित संसदीय प्रणाली ही देश की आवश्यकताओं की सर्वोत्तम तरीके से पूर्ति कर सकती है। भारत में समय-समय पर राष्ट्रपति प्रणाली अपनाने हेतु प्रस्तुत किये जाने वाले तर्कों को ध्यान में रखते हुए परीक्षण कीजिए।

~~At~~ ~~Tan~~

- Migrating to 'Presidential form of Government' from present 'Parliamentary form of Government' has been a long standing demand put forward by many critics on various grounds like:
- Recent elections in India are not fought on party lines, rather they are fought with 'Prime Ministerial Face', akin to that present in 'Presidential form of Government'
 - Presidential system provides for strict 'separation of power' and 'checks and balances' system thereby making Misuse of power difficult
 - It involves 'governance by Experts' unlike 'governance by amateurs' as it happens in Parliamentary system
 - It provides for stability of

Legislature has fixed tenure.

However, ~~Parti~~ despite these pros of 'Presidential form of Government', 'Parliamentary form' is suited to Indian conditions due to number of factors like:

- Executive, being directly accountable to Legislature provides for highest form of Accountability of Govt. towards Representatives of people, unlike 'Presidential' form where two Organs are completely separate & doesn't provide for such accountability.
- India being a diverse country, Parliamentary form allows for representation of all diversity as power lies with 'Council of Ministers' representing diverse section as opposed to single individual in 'Presidential system'.
- Moreover, power with 'CoM' also checks Despotic tendency of President.
- India has a long standing experience of working with 'Parliamentary form of Government', ~~and~~ and it has worked well till date.

Given that 'Parliamentary Form of Govt' has been declared one of the Basic features by SC, migrating to 'Presidential form' is neither feasible, nor desirable.