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GENERAL STUDIES (TEST CODE : 1228)

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Medium Eng./Hindi	English	Registration Number	295520
Center	Karol Bagh.	Date	27/7/19

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।

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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.

2.

3.

4.

5.

6.

All the Best

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) are mechanisms to ensure the executive responsibility and accountability in a Parliamentary democracy.

Formed in 1993, they are 24 in number with 21 + 10 (Lok Sabha and Rajya Sabha) members.

Importance

- Executive Accountability
- In-depth analysis of the policies
- Consider the demand for the grants in budget and their economic use.
- Executive oversight having legislative
- Delegated Legislation

- Examine annual reports of the ministries and departments
- Technical expertise
- closed-doors analysis away from the political interference
- Opposition effective involvement.

Issues

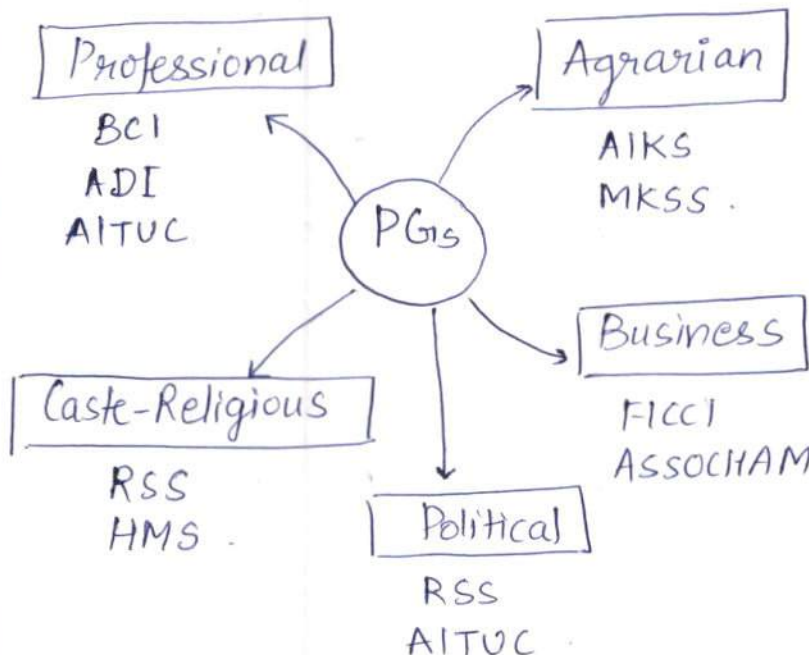
- Recently constituted Lok Sabha failed to constitute DRSCs ^(17th) full date.
- Bypassing the legislative scrutiny (ex:- Passing of Aadhar as Money Bill and not constitution of committee for referral)
- Post-mortem exercise
- Advisory nature of recommendations

Thus, there should be a constructive deliberative mechanism, legislative impact assessment and technical scrutiny for an effective law making through these DRSCs.

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 the extra-parliamentary formal associations which perform the function of the interest articulation outside the political mainstream arena.



Significance

- Interest articulation of the targetted group.
- formulation of demands, welfare of the vulnerable sections.

- Act as junior partners of the political parties for effective proliferation of targetted schemes
- Employs methods like Lobbying, profiteering, influencing the major policy decisions.
- Deepening of the democracy where demands of ethnic, linguistic, political and socio-economic sectors reach the decision-making body
- Even Right to Protest (CPI Bharat Kumar case : Right to protest is legal for interest articulation)

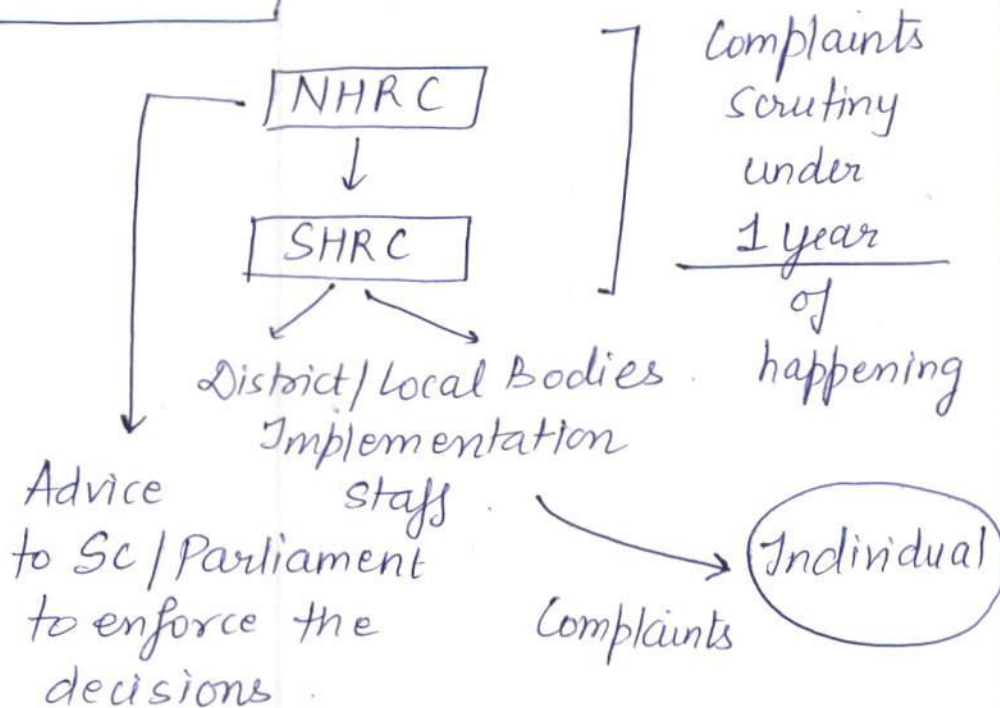
The recent case of the Agrarian March of AIKS to New Delhi symbolises the demouratic upsurge and inclusive, participatory and responsive democracy in India.

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।

NHRC is the watchdog of the human Rights in India. The enactment of NHRC Act 1993 was the watershed moment in India.

Structure



Functions

- Take up suo-motu cases of violation of human rights
- Adjudicate the measures to

Improve the dignified life .

- Scrutinise the complaints
- Survey Jails to ensure humane conditions
- Recommendatory in nature .

Measures

for improvement include -

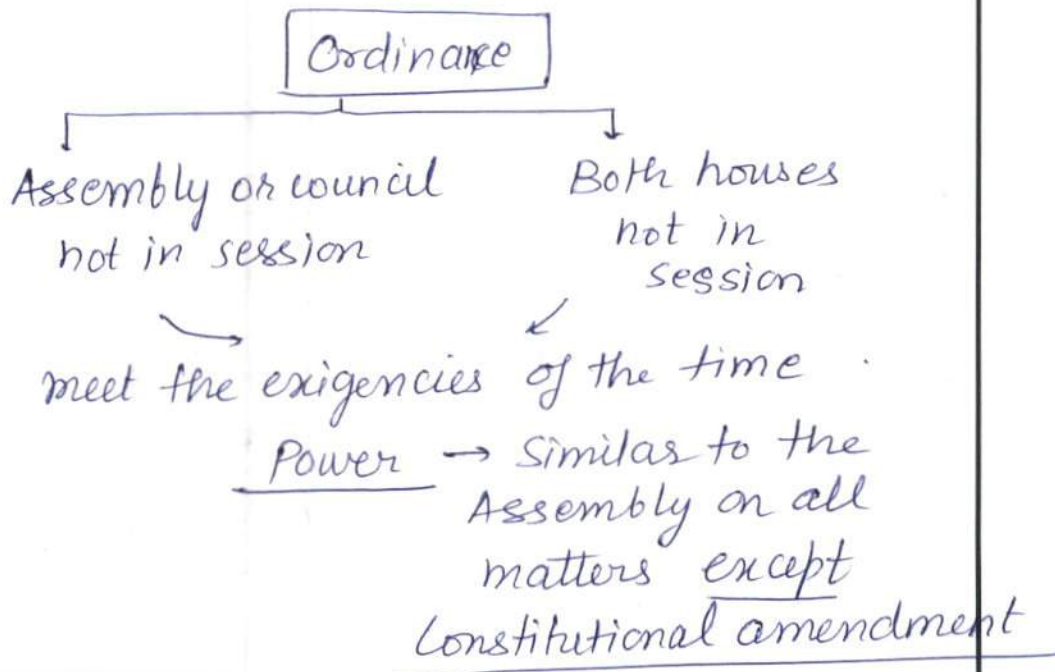
- Giving penal provisions in some cases including gross violation .
- Extend the timeline to more than one year of offence
- Reduced political interference .
- Binding action on the detailed plan of action on the recommendations
- Power to inquire HRs violation by AFSPA members (Recent case of Rape in Manipur-Mizoram Border)

NHRC has been successful in various areas such as labour Regulations, prison trials and the commendable effort should continue .

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।

Art 213 of the Constitution empowers Governor to issue ordinances in case of absence of Assembly / Council of the State Government.



Options

When a Bill is presented to the Governor he has the option —

- Return the Bill - mandatory to accept after reconsideration (suspensive veto) → Like 42nd CAA

- Preserve the Bill for President's Consideration
 - Accept
 - Reject
 - Reconsideration (within 6 months For Assembly)
- Reject the Bill .
- Keep the Bill indefinitely .

Sc in Cooper Case held that the Governor's power of the ordinance making is subject to the Judicial review on grounds of the malfeasance, malafide or error

Thus, Governor occupies a special place in the constitutional scheme of state as de-jure head but powerful and more discretion than President.

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' encompasses the removal of the conflict of interest from the executive, legislative and the institutional authority of power.

It has not been described anywhere in the constitution but finds mention in the Art 102 corresponding to the disqualification grounds in the Parliament.

There has been controversies such as Delhi AAP MLAs Parliamentary Secretaries which has renewed the debate on the concept.

SC in [Pradyut Bordoloi vs UOI] case defined office of profit in following grounds —

- Remuneration by Govt.
- Provision of Land, power, allowances by Govt.

• Removal and appointment
under the Govt.

later In [Taya Bachhan vs UO]

Case SC clarified that the office
capable of yielding any pecuniary or
non-pecuniary ie- non-financial
profits too comes under the definition
thereby disqualifying her from post
of R.S. MP.

The Parliament has also
enacted a Parliament (Exemption
of offices under office of Profit) Act
which provides a list of offices
exempted.

There is a need of a comprehensive
legal framework taking guidelines
from SC Judgements to evolve a
new paradigm clearly enlisting
the posts and securing ethical
responsibility and integrity of
legislators

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 राजकोषीय 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?

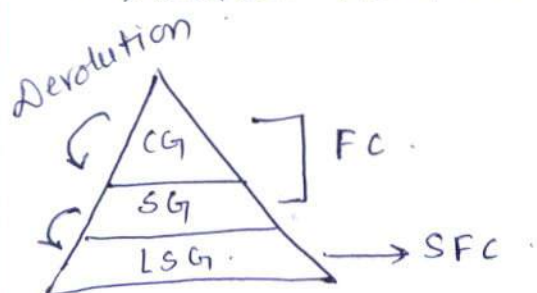
SFC Article 243H represents the vertical axis of the fiscal federalism in India.

Importance

- Represent the fiscal institutional structure of the III tier grass root democracy.
- Decides on the ^{principles of} proceeds of the sharing between ^{net} the state Govt and the Panchayats.
- Helps in regulating the plans of the socio-economic development of various levels of the Govt on the pyramid.
- Principles governing the proceeds from Consolidated fund of state to the Panchayats and Municipalities.

Concerns

- The regulatory environment and lack of the financial autonomy
- Untimely constitution of the SFC.
- weak institutional structure
- Dependent on the political will of the state Govt.
- Weaker vis-a-vis FC of India.



Thus, measures such as strengthening the SFC in fiscal and administrative matters, timely constitution and devolution of powers (A-243 G) can be effective in the democratic decentralisation of country.

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।

A-35A was included through an executive order in 1954 to the J&K constitution

Significance : It provides special status to the residents of J&K in terms of acquisition of property and the employment and educational opportunities.

- It forms the bedrock of the spirit of A-370 granting special and autonomous status to the J&K, signed during Instrument of Accession 1952.

Controversies :-

- Central Govt has been alleged to encroach upon the state's autonomy granted under the A-370 by wanting to repeal it.

- It comes in violation of A14 A15 of the Constitution
- Discriminatory to the women since their rights suffer due to marriage outside the state
- Rising menace of the extremism, terrorism, border integration, incursions violence and national in the valley.
- Increasing alienation of the people rising home grown terrorism (Burhan Wani case, Pulwama Attack)
- Concern of Pak's Proxy war.

Central Govt has already included many provisions of the constitutions to the J&K constitution, there is a need of harmonious construction of interests with multi stakeholder conferences in line with Atal Ji's 'healing touch policy'.

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।

Westminster Model of Govt. i.e. British Parliamentary form of Govt establishes the Parliamentary supremacy in the system.

India being a colonial legacy country, borrowed the same system with modifications:—

- Synthesis of the Parliamentary Democracy and Judicial independency (USA vis-avis Britain)
- Republic not a Constitutional monarchy where we've an elected President—Head of the State, embodiment of popular sovereignty.
- Supremacy of the Constitution written Constitution and the spirit of constitutionalism guiding our processes and structures

- No legal accountability of the minister - Laws not counter - signed by them.

However, along with G.O.I Act 1935 based on British political system we have several common features such as -

- Rule of Law (AV Dicey)
- Parliamentary form of Govt
- Federal Parliament (Bicameral)
- British Conventions and
- Cabinet form of Govt

Thus, we can say that although British pol system provided the Skeleton to our Constitution, India has modified to evolve a "sui generis case" of Parliamentary Governance.

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।

The Parliamentary oversight over the executive is maintained through a number of methods.

- Standing Committees (DRSCs, financial, adhoc, joint, etc)
- Motions (cut, economy and policy motion)
- Audit (CAG reports tabled annually by the President)
- financial accountability and scrutiny through Public Accounts Committee, Estimates committee
- Zero-Hour discussion, Question Hour, etc parliamentary mechanisms
- No confidence Motion and the Censure motion against the executive and the minister of the department

Recently we see the decline of the Parliament as mentioned by V.P in his speech. So, measures listed are :—

- Culture of deliberations, discussions and constructive criticism
- Independent functioning of the regulators with adequate safeguards
- Preserve institutional autonomy & legal safeguards to the chairman
- Executive to be held responsible through use of select, joint committee.
- Public consultation and feedback (eg: TRAI regulation on Net Neutrality and draft educational policy)

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।

Political Parties perform a very important function of the interest aggregation in the democratic society.

There has been mushrooming of the political parties with the rise of regional parties and deepening of the democracy.

Significance of the Intra-party Democracy

- Big parties (7 National Parties) constitute more than 87% of the electorates (ADR)
- Prevent the strands of the authoritarian measures (eg:- Emergency regime under India Gandhi)

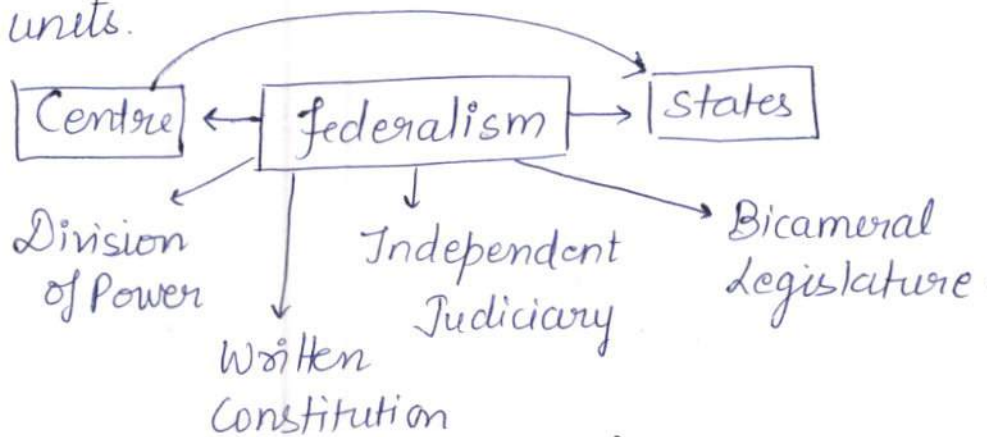
- To provide an effective demand articulation from grassroot to the top of the pyramid.
- Freedom of speech and expression within the party stream
- Pull up a constructive opposition against the incumbent government.
- Prevent internal subversion and fractures within the party functioning (eg: The recent Karnataka debacle, T.N. Gort crisis after Jayalalitha's death)
- Inspire and attract the rising youth energy into politics.
- More inclusive, transparent and open political system.

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

(250 Words) 15 Marks

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

Federalism is the bedrock of the democratic edifice of Indian Parliamentary Governance. It can be defined as the arrangement where there is a division of power between the centre and the constituent units.



K C Wheare, the ^{famous} ~~authority on the~~ scholar did an extensive research and called Indian constitutional scheme as 'sui generis' case of federalism.

This implies it has features of both Parliamentary form and the

Presidential type along with unitary and federal features

Federal form

- Parliamentary Government with Bicameral Legislature (L.S and R.S) at both levels.
- Independent Judiciary (Seperation of powers between three organs, original Jurisdiction under SC)
- Division of power (VII schedule three lists : Union, State and Concurrent)
- Written Constitution (Synthesis of flexibility and rigidity to meet the exigencies of time)

Unitary form

- Presence of AIS (Art 312)
- Integrated Judiciary (Single System of courts)
- Institution of appointed Governor
- Emergency Provisions (A-360, A-352)

- President's rule under A-356 over states
- Centre to have power to legislate on State subjects in some circumstances. (A-249, A-250)
- Fiscal Balance tilted in favour of the Center
- Use of Martial Law or AFSPA encroaching the autonomy of the states.

Thus, despite being a federation with strong Centre, India presents a strong case of 'cooperative federalism' as envisaged by Granville Austin.

More than 70 years of successful democratic functioning shows that India was able to protect the nascent democracy with strong Centre against emergencies situations.

Thus, Ambedkar rightly called Indian federation as 'union of states'.

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 the bulkiest and most extensive document in the world. It has the synthesis of various provisions borrowed from different constitutional schemes across the world.

Some of the features adopted are as follows :-

- 1) Britain : Rule of Law, (AV Dicey)
Parliamentary form,
Equality before the Law
Federal Govt.
- 2) US : Culture of the Strong
Judiciary, Judicial independence,
seperation of powers between
three organs.
- 3) Irish : DPSP ensuring the
Socio-economic goals.

- 4) Germany : Weimar Constitution has strong emergency provisions through historic lessons.
- 5) South Africa : freedom of Trade and Commerce, the selection of Rajya Sabha members.
- 6) USSR : fundamental duties and the socialistic pattern of Govt.
- 7) France : Ideals of Liberty, Equality and fraternity – the triple gospels of human life.

G.O.I Act 1935

was propounded in the backdrop of colonial rule. It contained provisions under the White paper on Constitutional Reforms, the Nehru Report 1928 and the report of Simon Commission 1927.

Various features such as :-

- Ordinance making power of the Governor (A.213)

- federal scheme of the Govt. (erstwhile princely states to the states integrated with Union)
- Emergency provisions such as the Sedition Act (S.124A - IPC)
- Division of the subjects in the three lists of state, union and the concurrent.
- Extensive provisions of the law-making process by the Govt.
- Division of the finances and the revenue sharing between the Center and the States

Govt Act 1935 formed the basis of our constitution which ultimately transformed our backward ⁱⁿ egalitarian society to modern egalitarian society.

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 mechanisms are usually informal and extra-judicial measures to bring a dispute to the resolution.

Different mechanisms such as -

- (A) Mediation : By a third party (neutral) between two contesting parties.
- (B) Arbitration : Appointed by the parties to reach a common consensus outside the courts.
- (C) Reconciliation : Where both parties accept the common plan of action proposed with due deliberations.

Importance of ADR in India

- ES 2018-19 highlights the 'docket explosion' of the cases pendency

in Judiciary – 3.5 crores.

- Not time consuming and efficient outside the long dragged cases.
(case clearance rate is 4-5 years)
(civil)
- Usually the property, land acquisition or personal laws related issues which can be resolved through mediation
- Reduced financial burden specially on the vulnerable section.
- Accessibility of the Justice.
- Preserving the social fabric of the society and harmonious resolution in general.

Measures adopted in India

- (A) Landmark being the NALSA act which provided free legal aid to the vulnerable sections
- (B) Gram Nyalayaya Act which penetrated the justice deep into

the social system.

- (c) Lokadalats organised under the MAISA act by State or central agencies whose award is final and Binding
- (d) Family Courts which cover the personal spheres of the citizen's life constituted by State whose appeal lies to the HC.
- (e) Para legal Volunteers
- (f) Pro-Bono Services
- (g) Mediation through Tele-Law Initiative of the ministry of Law.

Given the huge backlog of cases in the overburdened Judiciary ADR provides a viable and efficient solution which can be made better through leveraging of digital technology and data base management to ensure Justice in society.

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।

National Emergency	President's Rule
- The situation under which the state is in <u>threat</u> of the <u>external</u> or <u>internal</u> aggression <u>Art 352</u> of the Constitution defines the NE on three grounds :- - External Aggression - War - Internal disturbance ie- <u>Armed Rebellion</u>.	- Condition where the state's governance <u>can't</u> be carried out as per the <u>Constitutional scheme</u> <u>A 356</u> empowers the Governor of the state to send report to <u>president</u> wherein the rule of President is enforced in the state.

- Dedclaration of the NE can be on the above 3 grounds. Further with 44th CAA 1978 there needs to be a written recommendation from the cabinet to President for imposition.

- It can be in effect for an year with six monthly extension by the houses of Parliament

- Lok Sabha can put an end by issuing a notice

- No grounds in the constitution but in [SR Bommai] case SC laid down guidelines ensuring the floor test of the Govt and not mere administrative disorder in the state.

- After one year. it needs -

- ECI approval to continue the President's rule or situations satisfied otherwise

- President can remove the rule as and when the

within 14 days. or
the President himself
can remove.

• Effects on FRs:-

A-352 (A-19 and

A-14 suspended
immediately - war
aggression.

A-359 (FRs under Pres.
order except A20 A21)
on all three grounds.

• [Centre State] relations
become unitary in

- financial (propriety) the President's
- Administrative
- Executive

and Assembly isn't
suspended but under
the control of Centre.

• Unitary character

Govt is functioning
again.

• FRs of the
Citizens aren't
impacted.

• State Govt
comes under
rule completely
exercised through
Governor. Assembly
can be suspended
or dissolved.

• This also entails
unitary character

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।

Freedom of religion forms an integral and insegregable part of the human existence. Indian constitution under Art 25-28 provides this explicitly to individuals and the organisation both.

The recent cases of the temple entry of women in Sabrimala, Shani Shignapur temple in Maharashtra, Haji Ali Dargah Bombay has brought the renewed debate between the gender equality, individual dignity and the freedom of religion.

Sabrimala

• SC in Indian Young Lawyers Association (IYLA) case 2018 stated that 'Hegemonic religious patriarchy

can't triumph over the constitutional morality and the individual right to freedom.

- Thus, overturning the Kerala HC Judgement and allowing women of 15-40 years of menstrual age to enter the temple

Arguments in favour

- Discrimination based on biological and gender.
- Violation of A-14, A-17, A-25, A-15, A-21 of the constitution
- Aiyappa not a separate denomination
- Gender Injustice
- Right to worship incommensurable part of human dignity under A-21.
- FRs are for the individuals and not the deities. Not an essential practice.

Arguments Against

- Indu Malhotra's dissent • It is not upto Judiciary to enter the

realm of theology except for eradication of social evils like Sati.

- Naishik Brahmachari (celibacy oath) part of essential practices as defined in the Shirur Matt case and the Narasappa Mali case (Judiciary not to decide essential practice doctrine).
- Physiological hardship for women in 41 day penance.
- Geographical difficulties in the hilly area of the temple.

Our Constitution is an organic, living and transformative document which inculcates the exigencies of time to commit to social revolution.

However, there should always be a fine balance between the religion and society in a multi culture and diverse country such as India.

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।

Indian Judiciary is ^{one of} the most powerful in the world. It transforms and interprets the abstract demands and principles to concrete legal requirements essential to commitment of a we are state with effective checks & Balances.

Judiciary is marred with several challenges where reforms are required :-

Appointment / Removal

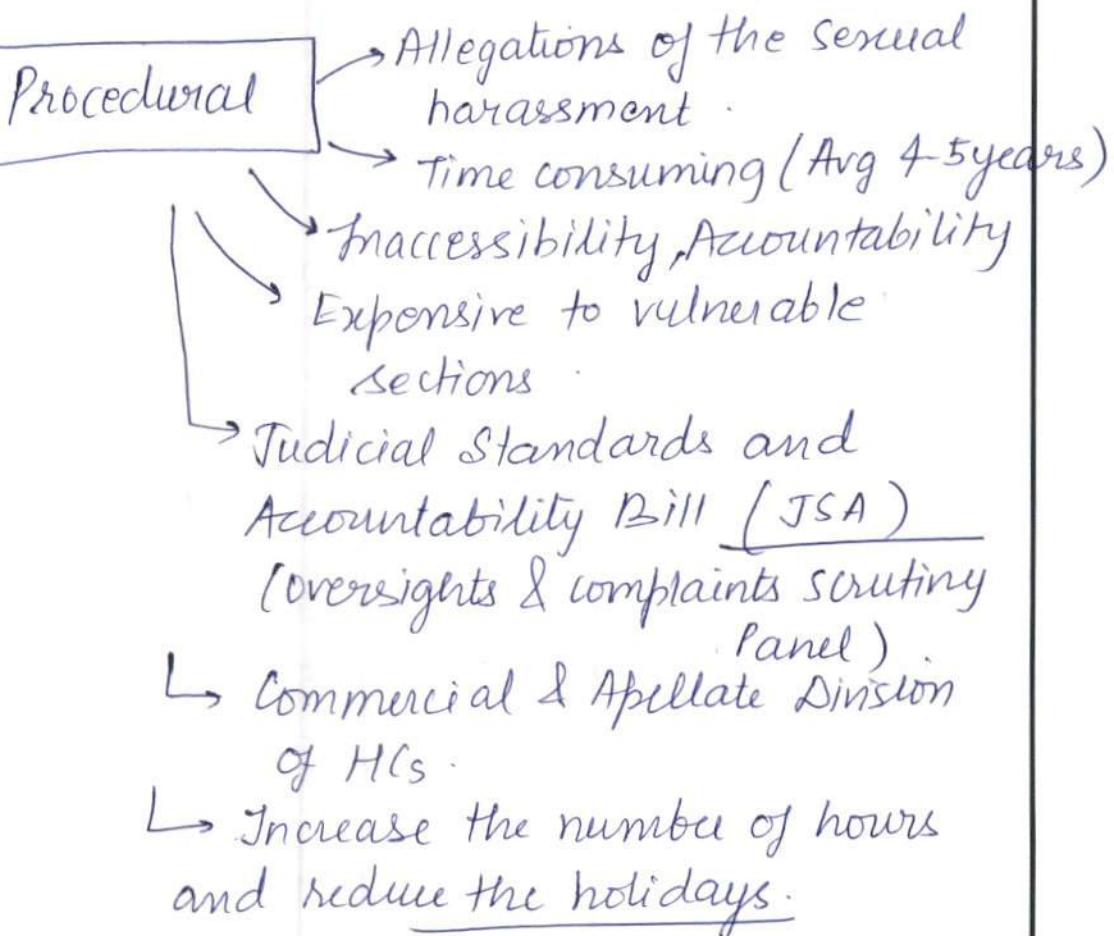
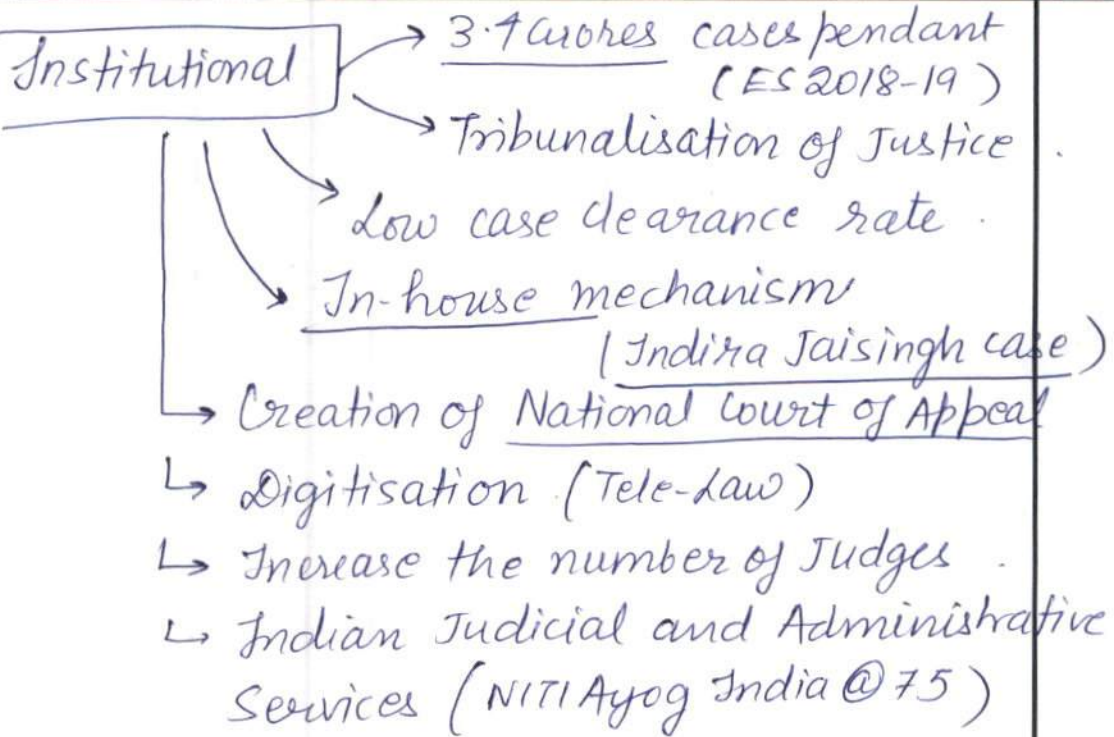
ES 2018-19 states 4600 vacancies in the system.

Opaque collegium system

Arbitrary transfers and removal

2nd ARC suggests the collegium of PM, LOO and CJI and a MOP for appointment.

AJIS (NITI Ayog).



→ Live proceedings

AIJS

NITI Ayog has proposed the creation of a special cadre of Judicial services at & below the district court. through a merit based exam.

for

- Expertise
- Transparency and Accountability in appointment
- Diverse Talents
- Declogging the case management system
- Breaking the norm of Judiciary being a monolithic entity.
- UPSC to conduct a professional merit based exam acquiring best candidates.

To conclude, AIJS is an appreciable idea which can with adequate safeguards, training and technology help restore the problems in the Judiciary.

17. On the recent World Press Freedom Index (WPFI) 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 (WPFI) 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।

Media can be called as the 'fourth pillar' of the Indian democracy. Its freedom postulates the principle of freedom of speech and expression granted explicitly under A 19(1) of the constitution with reasonable restrictions. A 19(2)

Recently we see proliferation of Issues in the backdrop of Elections 2019 :-

- Paid News - Addressed by ECI under APA 1951 sec 49 but not explicit mandate.
- Irresponsible reporting :- Such as Pulwama attack coverage - (NDTV one day ban)

- Investigative Journalism
(Rajale News controversy) wherein the confidential documents were stolen in a sting operation.
- Killing :- Gauri Lankesh, Dadabholkar, etc were killed due to threats by anti-social elements.
- Unethical conduct and Biasness.
(Polarisation)

Significance of media

- Enables the vigilance and the strengthening of the FR of Right to know
- Eyes and ears of the general public → participative civic action
- Knowledge dissemination
- Accountability, checks on the populist and unfair means of the Govt

Abraham Lincoln said "It is better to have a strong media and weak state than no media and strong state"

Measures

- Self Regulation of the media and voluntary code of ethics by PCI and NBA
- Paid News to be made a legal offence
- Responsible Journalism — anti-defamatory arguments
- Promote inclusive, secular and sensitive reporting
- A comprehensive Law covering the regulation of digital and print media

Recent reports of Mullers, Panama Papers globally shows the strengthening of the freedom of speech promotes an inclusive, participatory and strong civic culture with proper checks on the authoritarian streaks.

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।

(Central Govt)

Tribunals under Art 323A and

(Both Central and State Govt) ← Art 323B find place in our Indian constitution. They were added as part of the 42nd CAA 1976 to

- ensure -
- Speedy disposal of cases
 - Departmentalisation and
 - compartmentalisation of cases
 - Speedy Justice delivery
 - Impart expertise and the legal know how of specific cases
 - Not Bound by the Principles of Natural Justice, ^{not CPC} and CrPC which enables them to ensure effective Justice

Issues

- Tribunalisation of the Justice System : Proliferation of a number of tribunals with overlapping Jurisdictions
- Min of Law data states the presence of more than 1100 tribunals all over country.
- Appeals to the SC and HC (L. Chandra Kumar case) which opened floodgates to the overburdened Judiciary
- No independent secretariat.
- financial dependence on the ministry
- Scope of political interference.
(eg: Elec. Tribunal → Judgement to the BSES recently)
- Lack of the training and expertise
- Rising global challenges of the climate change, economic growth turbulence, the knowledge economy—4th IR and the digital era requirements.

National Tribunal Commission proposed by the LCI consultation paper and the NITI Ayog comprehends an overarching institutional system which —

- Independent legal framework
- Oversee functioning of the tribunals
- Rationalisation of the number of Tribunals (Recent merger of the Airport and elec. tribunal)
- Secretariat and final court of appeal delogging the SC-HCs
- Graded appeal system.
- Devoid of political interference.

To conclude, Justice is the first virtue of a Governance system and effective dispensation is the bedrock of the democratic edifice

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**

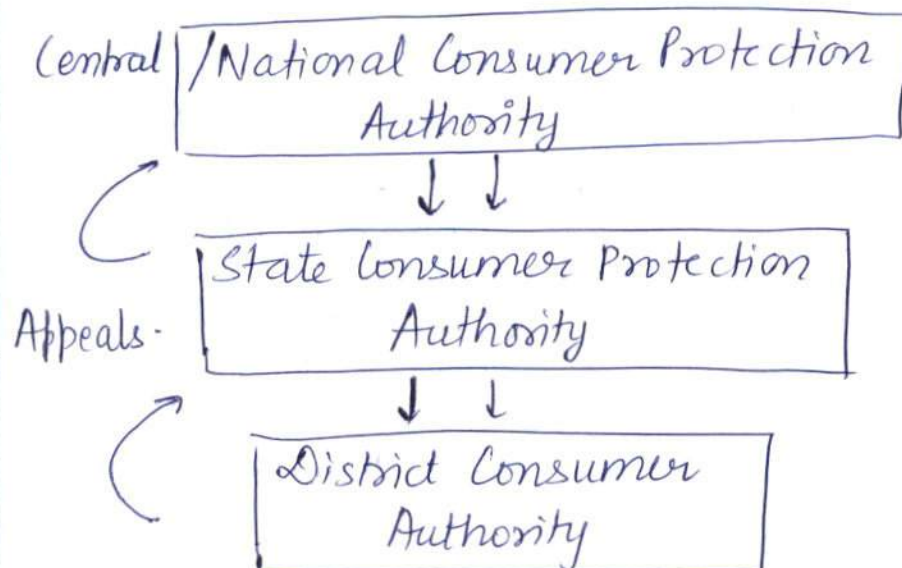
उपभोक्ता संरक्षण अधिनियम, 1986 के अंतर्गत उपभोक्ताओं के लिए उपलब्ध विभिन्न अधिकार क्या हैं? इस अधिनियम के अंतर्गत स्थापित त्रिस्तरीय अर्ध-न्यायिक तंत्र की व्याख्या करते हुए, इन मंचों के कार्य-पद्धति में सुधार लाने के लिए किए जा सकने वाले उपायों का उल्लेख कीजिए।

Consumer Protection Act 1986 ensures the rights of the consumer in the growing and ever-expanding market.

Various rights such as —

- Right to know the product
- Right to complaint - in case of the grievances.
- Right to choice - there should not be any monopoly or the unfair collusions
- Right to discard - the product in case it doesn't present the true description.
- Right to compensation - In case of any injury (eg. cosmetic, pharmaceuticals)

To ensure these rights a three layered mechanism has been provided under the act.



The three layers ensure the proper grievance redressal with complaint scrutiny and enforcement of the laws.

- It provides compensation and deals with cases based on economic limits (20 lakhs, 1 crore and above)
- Refer the cases to the SC, HC or the district courts for the penal provisions.

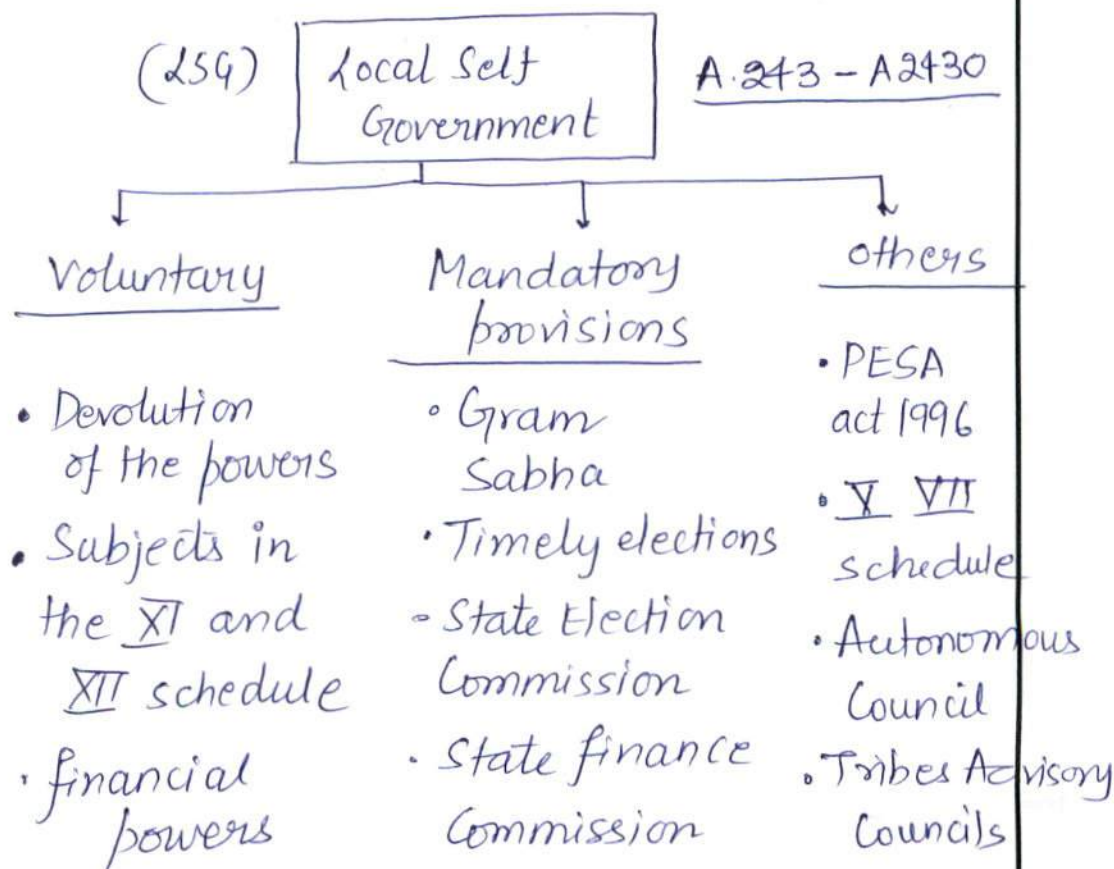
Measures to improve

- Proper delineation of the functions.
- Independent and strong institutional framework.
- Timely regulatory oversight mechanism
- Customer feedback.
- Digitisation of the services and e-filing of the complaints on the lines of e-Sewa portal.
- Accessibility, Affordability and Equity - the three pillars which should drive a consumer-centric public delivery of services.

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।

73rd and 74th constitutional (1993)
amendment enforced the principle
of subsidiarity by granting constitutional
status to the III tier of the government.
The landmark legislation empowered
a citizen centric grassroot democracy.



Thus, States play a very big role in ensuring the plans of the socio-economic justice and the political functioning of the LSG.

Concerns

The recent cases show a gloomy picture —

- No elections in Vishakhapatnam metro council since 2007
- Rajasthan Panchayat putting educational qualification for the election (Struck down by SC)
- Tribal Advisory councils in North-east failing to constitute the timely elections.
- States are reluctant to devolve the financial powers. Already the enforcement of GST encroached the Octroi tax of the councils.
- Absence of tax revenues and devolution from FC.

- Horizontal and Vertical Imbalance
- Presence of the MPs MLAs in the councils

Measures

Lokniti Survey stated that only 17 states have effectively conducted elections in 2016-17. Thus, there is need

- to enhance political will
- Devolution from the Finance Commission
- Bringing SFC at par with FC
- SEC to be independent and under ECI.
- Delineation of powers and functions with statutory backing

The Kerala Model of Governance and Karnataka Municipal Admin along with global example of Malaysia could be a guiding light to us.